

ORDINANCE NO. 2019-019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, VACATING, RELEASING, AND ABANDONING A UTILITY EASEMENT FOR THE PROJECT KNOWN AS LYONS EXCHANGE CENTER, GENERALLY LOCATED ON THE WEST SIDE OF LYONS ROAD AND NORTH OF THE SAWGRASS EXPRESSWAY, WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO; PROVIDING FOR A PUBLIC PURPOSE; PROVIDING FOR CONDITIONS TO VACATE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Coconut Creek seeks to vacate and abandon a 12-foot utility easement located on the Western portion for utility service, more particularly described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the existing utilities shall be relocated; and

WHEREAS, replacement utility easements shall be dedicated to serve the development if necessary; and

WHEREAS, all affected utility companies have submitted written waivers of objection; and

WHEREAS, at its public hearing held on June 12, 2019, the Planning and Zoning Board heard, reviewed, and duly considered the reports, findings, and recommendations of the City staff, together with the opinions and testimony stated at the public hearing, and has recommended approval of this item to the City Commission subject to the following condition:

- a. Outstanding DRC comments remain effective throughout the development review process and must be addressed prior to issuance of a building permit; and

WHEREAS, the City Commission finds and determines that this action is in the best interest of the City based upon all the Development Review Committee comments and minutes, Planning and Zoning Board minutes, City staff reports, and findings of fact pertaining to this project located within the official City Development/Project file kept within the Department of Sustainable Development.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance. All exhibits attached hereto are incorporated herein and made a specific part of this ordinance.

Section 2: Finding. That the City Commission finds and determines that the above described easement vacation is in the best interest of the residents of the City of Coconut Creek.

Section 3: That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of June 12, 2019, which recommended approval of said vacation of utility easement for sewer service as legally described in Exhibit “A,” attached hereto and made a part hereof, and hereby vacates, releases, and abandons said easement.

Section 4: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 5: Severability. That should any section or provision of this ordinance, or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 6: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 11TH DAY OF JULY , 2019.

PASSED SECOND READING THIS 8TH DAY OF AUGUST ,2019.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Welch	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Absent</u>
Rydell	<u>Aye</u>	<u>Aye</u>

WSS:ae

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