

RESOLUTION NO. 2021-165

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, VACATING, RELEASING, AND ABANDONING A PORTION OF A 12-FOOT WIDE WATER EASEMENT FOR THE PROJECT KNOWN AS HILLSBORO MARKETPLACE, GENERALLY LOCATED AT THE NORTHEAST CORNER OF HILLSBORO BOULEVARD AND LYONS ROAD, WITH SAID EASEMENT LEGALLY DESCRIBED IN EXHIBIT "A," ATTACHED HERETO AND MADE A PART HEREOF; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicant, Hillsboro Marketplace Investments, LLC ("Applicant"), seeks to vacate and abandon a portion of a water easement (vacation of easement No. 4), more particularly described in Exhibit "A," attached hereto and made a part of 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, the City Commission finds and determines that this action is in the best interest of the public welfare based upon all the evidence presented at public hearing, 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, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

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 resolution. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

Section 2: Approval. That the City Commission, finding that the above described easement vacation is in the best interest of the public welfare, hereby approves the vacation of easement, as described in Exhibit "A."

Section 3: 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or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 4: Severability. That should any section or provision of this resolution, 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 5: Effective Date. That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 14th day of October, 2021.

Rebecca A. Tooley, Mayor

Attest:

Marianne Bowers, Interim City Clerk

Tooley Aye
Rydell Aye
Sarbone Aye
Welch Aye
Railey Aye

JP:ae