

**RESOLUTION NO. 2021-197**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, VACATING, RELEASING, AND ABANDONING A 12-FOOT WIDE WATER AND UTILITY EASEMENT FOR THE PROJECT KNOWN AS MAZDA, GENERALLY LOCATED AT THE NORTHWEST CORNER OF SAMPLE ROAD AND CORAL TREE CIRCLE, 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, Pompano Autoplex, LLC ("Applicant"), seeks to vacate and abandon a water and utility easement, 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**, the easement was dedicated solely to the City and no other utility companies have a right to utilize the easement, therefore, letters of no objection are not required by other utilities; 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 the 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or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.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 28<sup>th</sup> day of October, 2021.

\_\_\_\_\_  
Rebecca A. Tooley, Mayor

Attest:

\_\_\_\_\_  
Marianne Bowers, Interim City Clerk

Tooley	<u>Aye</u>
Rydell	<u>Aye</u>
Sarbone	<u>Aye</u>
Welch	<u>Aye</u>
Railey	<u>Aye</u>

JP:ae

\\pdc\data\Development Services\Common\Documents\PLANNING & ZONING\Project Coordinator\Resolutions\2021\RES 2021-197 Mazda Vac Easement 10 28 21.docx