

ORDINANCE NO. 2018-001

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, VACATING, RELEASING, AND ABANDONING A PORTION OF A 15-FOOT UTILITY EASEMENT FOR THE PROJECT KNOWN AS GUNTHER MOTORS GENERALLY LYING OVER AND ACROSS A PORTION OF THE WHITWORTH PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 164, PAGE 1, OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "A;" 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 portion of a 15-foot utility easement for water service, more particularly described in Exhibit "A," attached hereto and made a part hereof; and

WHEREAS, the existing utilities shall be relocated; and

WHEREAS, any required replacement utility easements shall be dedicated to serve the development; and

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

WHEREAS, the Planning and Zoning Board has recommended approval of this vacation of water utility easement at its December 13, 2017, meeting; 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, BE IT ORDAINED 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 Ordinance.

Section 2: Public Purpose. That the City Commission finds and determines that the above described vacation of easement is in the best interest of the residents of the City of Coconut Creek and serves a public purpose.

Section 3: That the City Commission hereby accepts the recommendation of the Planning and Zoning Board of December 13, 2017, which recommended approval of said vacation of utility easement for water service for the property 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 5: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 11TH DAY OF JANUARY, 2018.

PASSED SECOND READING THIS 25TH DAY OF JANUARY, 2018.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

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

WSS:jw

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