

ORDINANCE NO. 2021-027

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, ACCEPTING THE CONVEYANCE OF TITLE TO PORTIONS OF THE RIGHT-OF-WAY OF NW 15TH STREET AND NW 44TH AVENUE FROM BROWARD COUNTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Broward County was the owner of portions of the right-of-way for NW 15th Street (from Lyons Road to NW 44th Avenue) and NW 44th Avenue (from NW 15th Street to Coconut Creek Parkway) on the north and east sides of Coconut Creek High School, which had been deeded to Broward County in 1971 by two separate right-of-way deeds; and

WHEREAS, the City owns and has continually maintained the entirety of this local road; and

WHEREAS, on December 3, 2020, the City Commission approved Resolution No. 2020-244, requesting the conveyance of these right-of-ways from Broward County to the City of Coconut Creek; and

WHEREAS, on June 15, 2021, the Broward County Board of County Commissioners approved Resolution No. 2021-331 authorizing the execution of two quit claim deeds conveying the parcels of right-of-way to the City of Coconut Creek, which have been recorded as Instrument Nos. 117376412 and 117376413 in the Broward County Public Records (the “Deeds”), copies of which are attached as Exhibit “A;” and

WHEREAS, Section 310 of the City Charter requires that where the City acquires a fee simple interest in real property by purchase, dedication or condemnation, it shall do so by ordinance; and

WHEREAS, the City Commission has determined that it is in the best interest of the City to accept the Deeds.

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: Acceptance. That the City Commission hereby accepts the NW 15th Street and NW 44th Avenue right-of-ways as conveyed in the Deeds, attached hereto and made a part hereof as 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or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4: 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 14TH DAY OF OCTOBER, 2021.

PASSED SECOND READING THIS 28TH DAY OF OCTOBER, 2021.

Rebecca A. Tooley, Mayor

Attest:

Marianne Bowers, Interim 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>Aye</u>
Welch	<u>Aye</u>	<u>Aye</u>
Railey	<u>Aye</u>	<u>Aye</u>