

ORDINANCE NO. _____

(VA-15-02)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, VACATING A 50' WIDE UNDEVELOPED PUBLIC RIGHT OF WAY ADJACENT TO THE SOUTH RIGHT OF WAY LINE OF SHERIDAN STREET BETWEEN NORTH 29TH AVENUE AND THE CSX RAILWAY WITHIN PROPERTY KNOWN AS THE SHERIDAN STATION PARK AND RIDE SITE, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, the applicant, the Florida Department of Transportation (FDOT), has re-applied for the vacation of a 50' wide undeveloped portion of right of way within their property, as more particularly described in Exhibit "A" attached hereto, which was created as public right of way in 1958 as recorded in Official Records Book 1212, Page 568-569 and Official Records Book 1212, Pages 570-571 of the Public Records of Broward County, Florida; and

WHEREAS, the vacation request lesses out the developed portion of the right of way provided for under separate deed in 1965 and recorded in Officials Records Book 3029, Page 895-897; and

WHEREAS, the FDOT previously obtained approval for the vacation of the subject undeveloped portion of the right of way parcel via Ordinance O-2008-26 on December 17, 2008, with the condition the vacation would become null and void if recordation of the "Sheridan Station" Plat did not occur within three (3) years from the date of adoption of the said Ordinance; and

WHEREAS, recordation of the "Sheridan Station" Plat was not timely achieved, and consequently, Ordinance O-2008-26 became null and void; and

WHEREAS, recordation of the "Sheridan Station" Plat has since been obtained and is recorded in Official Records Book 181, Page 51-55 of the Public Records of Broward County, Florida; and

WHEREAS, in consideration of this vacation request, the applicant has also provided the required combined 6' wide and 15' wide utility easement for existing public utilities as recorded in Official Records Book 45882, Page 1825-1829 of the Public Records of Broward County; and

WHEREAS, following analysis of the application, approval of said vacation is determined to be generally consistent with the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Hollywood, after review of the recommendations of staff and consideration of this issue, has determined that the subject right of way is not required for public use and the proposed vacation and replacement easement bears a reasonable relationship to the health, safety and welfare of the citizens of Hollywood; and

WHEREAS, the City Commission has determined that the proposed vacation would be consistent with the interests of the citizens of Hollywood;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That it hereby vacates the 50' wide undeveloped portion of right of way adjacent to the south right of way line of Sheridan Street between North 29th Avenue and the CSX Railway, as more particularly described in Exhibit "A" attached hereto.

Section 2: That if any word, phrase, clause, subsection or section of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 3: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed to the extent of such conflict.

Section 4: That this Ordinance shall be in full force and effect immediately upon adoption.

Advertised _____, 2015.

PASSED on first reading this _____ day of _____, 2015.

VACATION OF A 50 WIDE RIGHT OF WAY ADJACENT TO THE SOUTH SIDE OF
SHERIDAN STREET BETWEEN NORTH 29TH AVENUE AND THE CSX RAILWAY.

PASSED AND ADOPTED on second reading this _____ day of _____, 2015.

PETER BOBER, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY
for the use and reliance of the
City of Hollywood, Florida, only.

JEFFREY P. SHEFFEL, CITY ATTORNEY