

ORDINANCE NO. \_\_\_\_\_

(VA-17-02)

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, VACATING AN APPROXIMATE 471 FOOT PORTION OF HARDING STREET IMMEDIATELY EAST OF SR-7 WITHIN THE PLAT OF HOLLYWOOD ACRES, GENERALLY LOCATED NORTH OF TAFT STREET AND EAST OF SR-7, ~~CONVEYING~~ ACCEPTING A PUBLIC UTILITY EASEMENT OVER THE LANDS BEING VACATED; PROVIDING FOR A SEVERABILITY CLAUSE, A REPEALER PROVISION, AND AN EFFECTIVE DATE.

WHEREAS, the Owner, Craig Zinn Automotive Group, operator of Toyota of Hollywood, has requested to vacate a portion of Harding Street that is between the parking lots and the service area for the dealership in order to close off the east end and remove dealership traffic from the residential properties to the east; and

WHEREAS, this petition could not be a part of the Toyota of Hollywood Plat, as the Owner did not have control of all the properties along the north side of Harding Street at the time of plat submittal, and thus, Pulice Land Surveyors, on behalf of the Owner, has submitted application VA-17-02, requesting that an approximate 471 foot portion of the above-described 50' foot wide roadway located in Hollywood Acres Plat be vacated, as more specifically described in the attached Exhibit "A"; and

WHEREAS, the portion of the public roadway that is requested for vacation does have existing public utility infrastructure in place to remain active; and

WHEREAS, an adequate public utility easement, roadway and other improvements are needed to accommodate continued roadway service to the east of the proposed closure and to provide access to utility providers, and the Owner will be required to execute a maintenance agreement for all improvements under this roadway closure, including landscape installed immediately east of the closure, prior to the vacation becoming effective; and

WHEREAS, the location/area of the vacation obligations to provide for an adequate easement and improvements are described in the attached Exhibit "B"; and

WHEREAS, the City's Engineering Division has processed the appropriate roadway vacation application, and as a part of that process, has sent written requests to other affected utility agencies for their review of the application and written submission of any objections they may have to the requested vacation; and

WHEREAS, the written request expressly states that if the agency does not respond within the specified time in the request, the City will assume that the agency has no objections to the requested vacation; and

WHEREAS, all affected agencies and utility providers have reviewed the request and have no objection to the requested vacation with the above conditions; and

WHEREAS, following analysis of the application, staff has determined that the vacation to be consistent with the City's Code and Comprehensive Plan objectives; and

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

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

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Resolution.

Section 2: That it vacates, subject to conditions specified above, an approximate 471 foot portion of the existing 50-foot Harding Street roadway right of way located north of Taft Street, east of S.R. -7, running east north from the east right-of-way line of said S.R.-7 Road, as more particularly described in the attached Exhibit "A".

Section 3: 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 4: 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 are repealed to the extent of such conflict.

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Section 5: That this Ordinance shall be in full force and effect upon the City receiving a fully executed maintenance agreement for all improvements under this roadway closure, including landscape installed immediately east of closure and receipt of the required easement.

ADVERTISED on \_\_\_\_\_, 2018.

PASSED on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

PASSED AND ADOPTED on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
JOSH LEVY, MAYOR

ATTEST:

\_\_\_\_\_  
PATRICIA A. CERNY, MMC  
CITY CLERK

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

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DOUGLAS R. GONZALES, CITY ATTORNEY