

Date Adopted as 2008-16

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE 2008-07

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR THE VACATION OF THE RIGHT-OF-WAY LOCATED ADJACENT TO 102 8TH AVENUE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the record owner of real property located at 102 8th Avenue has requested the City to vacate the right-of-way located adjacent to said property; and

WHEREAS, the subject right-of-way does not provide any access to properties not owned by the requesting parties; and

WHEREAS, the City Commission has found that the subject application meets all of the criteria for approval of the vacation request, and that it would be in the best interest of the citizens of the City of St. Pete Beach for the application to be granted;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section 1. The City of St. Pete Beach, Florida hereby vacates the right-of-way lying between Lot 1 Block 6 and Lot 2 Block 6 of the Morey Beach Plat as recorded in Plat Book 1, Page 102, of the public records of Pinellas County, Florida, located south of 8th Avenue, as shown on that certain survey filed with the City by the applicant for such vacation, as more particularly described in the legal description set forth in exhibit "A" attached hereto.

Section 2. The City of St. Pete Beach makes no warranties of any kind as to the title or ownership of the property being vacated, or as to the existence of any liens, easements or encumbrances against the same. This Ordinance shall only be construed to release any legal or equitable interest the City may have in the subject property. Nothing contained herein shall be construed to affect the rights of parties having an interest in the subject property prior to its becoming a City right-of-way, except to the extent provided in this Ordinance and allowed by law.

Section 3. The City of St. Pete Beach hereby reserves and retains a public utility easement in the right-of-way vacated, and the applicant shall execute such documents as the City of St. Pete Beach deems advisable to provide for such easement. Said easement agreements shall be delivered to the City of all recipients of the property vacated hereby, in the form provided by the City, within thirty (30) days of adoption of this Ordinance. This Ordinance shall be conditioned upon the receipt of all said fully executed easement agreements by the City, and payment of the applicable fees for this application. If all the required easements are not delivered and recorded within the time provided, this Ordinance shall be of no further force or effect.

Section 4. Nothing contained herein shall be construed to alter the application of all City laws, regulations and Ordinances to the subject property.

Section 5. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 6. This Ordinance shall become effective immediately upon final passage as required by law.

Mayor

FIRST READING : _____
PUBLISHED : _____
SECOND READING: _____
PUBLIC HEARING : _____

I, Theresa McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this ____ day of _____, ____.

City Clerk