

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2008-16

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR THE VACATION OF THE RIGHT-OF-WAY LOCATED ADJACENT TO THE LOTS 1 AND 2, BLOCK 6, MOREY BEACH, AS DETAILED IN ATTACHED SURVEY, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the record owners of real property located at 102 8TH Avenue has requested the City vacate the right-of-way located adjacent to the subject property; and

WHEREAS, the City Commission has found that the subject application meets all of the criteria for approval of the vacation request, and

WHEREAS, the City Commission has made a legislative determination that it would be in the best interest of the citizens of the City of St. Pete Beach to approve the vacation request;

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 that portion of the right-of-way adjacent to Lots 1 and 2, Block 6, Morey Beach Plat as recorded in Plat Book 0H1, Page 102, of the public records of Pinellas County, Florida, as shown and depicted on the 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 applicants 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 by 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 of the required easements are not delivered and recorded within thirty (30) days of adoption of this Ordinance, the vacation approved by this Ordinance shall be null and void and of no further force or effect

KEN BURKE, CLERK OF COURT
PINELLAS COUNTY FLORIDA
INST# 2008156515 06/09/2008 at 03:00 PM
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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 section, paragraph, provision or term of this Ordinance, or any portion thereof, shall be determined by a Court of competent jurisdiction to be invalid, such decision shall not otherwise affect the validity of the remaining portions of this Ordinance that were not declared to invalid.

Section 6. This Ordinance shall become effective immediately upon final passage or as otherwise provided by law.

Mike Fennerly
MAYOR

FIRST READING:	<u>4/8/08</u>
PUBLISHED:	<u>4/12/08</u>
SECOND READING:	<u>4/22/08</u>
PUBLIC HEARING:	<u>4/22/08</u>

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 22nd of April 2008

Theresa McMaster
CITY CLERK

