

ORDINANCE NO. 2018-_____

**CITY OF POMPANO BEACH
Broward County, Florida**

**AN ORDINANCE OF THE CITY OF POMPANO BEACH,
FLORIDA, ABANDONING PORTIONS OF THE RIGHT-OF-
WAY ON NW 12TH AVENUE ADJACENT TO 1751 NW 12TH
AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, the City Commission has received a request for the abandonment of portions of the right-of-way on NW 12th Avenue adjacent to 1751 NW 12th Avenue; and

WHEREAS, the City reserves the right to retain a public access easement over the above described property; and

WHEREAS, the Planning and Zoning Board has made its recommendation upon said request; and

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. It is hereby found and determined by the City Commission that the public health, welfare, safety and necessity no longer require retention of any interest by the public in that certain portion of the right-of-way as more fully described below.

SECTION 2. It is hereby further found and determined that abandonment and vacation of that certain portion of the right-of-way will not have a detrimental effect upon the surrounding property or area.

SECTION 3. That the City of Pompano Beach does hereby abandon and vacate the following described right-of-way:

See Exhibit "A" attached hereto and incorporated herein as if set forth in full.

SECTION 4. The City of Pompano Beach reserves a public access easement over the above-referenced property forever for use by the public to allow for pedestrian and vehicular ingress and egress over the property as more particularly described in Exhibit "A", as set forth above; and further reserves to the fullest extent, the right and power to grant, if at all, the rights herein granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

SECTION 5. That the City Clerk is hereby instructed to record this Ordinance in the Public Records of Broward County, Florida.

SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 7. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2018.

PASSED SECOND READING this _____ day of _____, 2018.

LAMAR FISHER, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

MEB/jrm
6/22/18
L:ord/2018-245