

ORDINANCE NO. 2020-_____

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

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF NE 23RD AVENUE, SOUTH OF NE 16TH STREET, AND ABANDONING TWO REMNANT TRIANGULAR AREAS WITHIN THE PREVIOUSLY ABANDONED NE 15TH STREET RIGHT-OF-WAY; PROVIDING CONDITIONS FOR ABANDONMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

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; and

WHEREAS, the City Commission has received a request from AMP IV HIDDEN HARBOUR, LLC ("Applicant") for the abandonment of a portion of NE 23rd Avenue, south of NE 16th Street, containing sidewalks and other improvements in the right-of-way, and the abandonment of two remnant triangular areas within the previously abandoned NE 15th Street right-of-way, more particularly described in Exhibit "A," attached and made a part of this Ordinance; and

WHEREAS, the Planning and Zoning Board has recommended approval of this request; now, therefore,

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

SECTION 1. That the City Commission finds and determines that the public health, welfare, safety and necessity no longer require retention of an ownership interest in portions of the rights-of-way as more fully described in Exhibit A.

SECTION 2. That the City Commission further finds and determines that abandonment and vacation of ownership in certain portions of the rights-of-way will not have a detrimental effect upon the surrounding property or area.

SECTION 3. That approval is conditioned upon the Applicant obtaining all other applicable state or federal permits before commencement of its desired development.

SECTION 4. That this Ordinance shall be in full force and effect upon recordation in the public records of Broward County, Florida, of a certificate executed by the City Engineer evidencing that all conditions listed on Exhibit “B,” attached and incorporated in this Ordinance, have been met. The Applicant shall provide a copy of the recorded certificate to the City.

SECTION 5. The Applicant has stipulated, and the City Commission conditions its approval, that if within thirty (30) years of this Ordinance’s enactment at second reading the Applicant, its successors or assigns abandons the vacated areas, fails to develop the vacated areas or uses such vacated areas not as represented to the City, the Applicant, its successors or assigns shall dedicate the previously vacated areas to the City at no cost to City and the City’s prior abandonment shall be null and void.

SECTION 6. That the City Clerk is instructed to record this Ordinance in the Public Records of Broward County, Florida.

SECTION 7. 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 8. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2019.

PASSED SECOND READING this _____ day of _____, 2020.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

JES/jrm
11/27/19
L:ord/2020-68