

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF THE FIFTEEN FOOT WATERLINE UTILITY EASEMENT LOCATED WITHIN THE MACY'S PARCEL OF THE POMPANO CITI CENTRE PLAT, COMMONLY KNOWN AS 1190 – 1200 N.E. 23RD STREET; 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 Property Owner, Burdines Real Estate, Inc., intends to redevelop the parcel as a multi-family residential project and has asked the City of Pompano Beach for an abandonment of a portion of the fifteen-foot utility easement located within the Macy's Parcel of the Pompano Citi Centre Plat, commonly known as 1190 – 1200 N.E. 23rd Street; and

WHEREAS, in City Resolution No. 2009-219, the City approved and authorized the execution of a utility easement between the City and Macy's Florida Stores, LLC n/k/a Burdines Real Estate, Inc., which utility easement was later executed and recorded in Official Records Book 46390, Pages 1187 – 1197, of the public records of Broward County, Florida; and

WHEREAS, amendment to the Easement requires written consent of the City; now, therefore,

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

SECTION 1. It is found and determined by the City Commission that the public health, welfare, safety and necessity no longer require retention of this interest by the public in that certain utility easement to the extent described below.

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

SECTION 3. That the City of Pompano Beach abandons and vacates the following described utility easement:

See Exhibit “A” attached and incorporated as if set forth in full.

SECTION 4. That the City Clerk is instructed to record this Ordinance in the Public Records of Broward County, Florida.

SECTION 5. If any provision of this Ordinance or its application 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 6. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2022.

PASSED SECOND READING this _____ day of _____, 2022.

REX HARDIN, MAYOR

ATTEST:

ASCELETA HAMMOND, CITY CLERK

JES
9/8/22
L:ord/2022-262