

**ORDINANCE NO. 2017-\_\_\_\_\_**

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

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING A PORTION OF THE RIGHT-OF-WAY CONSISTING OF VARIOUS WIDTHS ADJACENT TO SW 9<sup>TH</sup> AVENUE, LYING EAST OF I-95 AND NORTH OF THE INTERSECTION OF SW 9<sup>TH</sup> AVENUE AND SW 8<sup>TH</sup> 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 City Commission has received a request for the abandonment of a portion of the right-of-way consisting of various widths adjacent to SW 9<sup>th</sup> Avenue lying east of I-95 and north of the intersection of SW 9<sup>th</sup> Avenue and SW 8<sup>th</sup> Street; and

**WHEREAS**, the Planning and Zoning Board has made its recommendation upon said request; 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.** That the City Clerk is hereby instructed to record this Ordinance in the Public Records of Broward County, Florida.

**SECTION 5.** The City of Pompano Beach retains for its own purposes, and for the purposes of all recognized public utility companies offering public utility services in the City to its customers including, but not limited to, Florida Power & Light Company, AT&T, TECO Peoples Gas, and Comcast Cable, its reservation of the existing utility easement forever for the construction, operation and maintenance of overhead and underground electric facilities (including wires, poles, guys, cables, conduits, buried cables, cable terminals, markers, splicing boxes and pedestals, manholes, amplifier boxes, pipes, gas transmission lines, water and sewer lines and all appurtenant devices and equipment) to be installed from time to time; with the right to construct, reconstruct, improve, add to, enlarge, change the voltage, change pressure, as well as the size of, and to remove such facilities or any of them, together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communication purposes, the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and obstructions within the easement area; the right to trim and cut and keep trimmed and cut, all dead, weak, leaning or dangerous trees or limbs outside of the

easement area which might interfere with or fall upon the lines of systems of communication or power or telephone or gas transmission or distribution; 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. The easement is described on Exhibit “B” attached hereto and incorporated herein by reference as if set forth in full.

**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 \_\_\_\_\_, 2017.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
7/6/17  
L:ord/2017-273