

ORDINANCE NO. 2005- 45

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

**AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, ABANDONING THOSE CERTAIN UTILITY EASEMENTS AND RIGHTS-OF-WAY WITHIN THE FERNANDER/WRIGHT SUBDIVISION RECORDED IN PLAT BOOK 159, PAGE 6 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, LYING NORTH OF NORTHWEST 15<sup>TH</sup> STREET AND WEST OF ROBERT MARKHAM ELEMENTARY SCHOOL; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to law, fifteen (15) 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 that certain easements and rights-of-way within the Fernander/Wright Subdivision recorded in Plat Book 159, Page 6 of the Public Records of Broward County, Florida, lying north of Northwest 15<sup>th</sup> Street and west of Robert Markham Elementary School; 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 rights-of-way and easements as more fully described below.

**SECTION 2.** It is hereby further found and determined that abandonment and vacation of those certain rights-of-way and easements 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 rights-of-way and easements:

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.** 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 6.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this 12<sup>th</sup> day of April, 2005.

**PASSED SECOND READING** this 26<sup>th</sup> day of April, 2005.

  
\_\_\_\_\_  
JOHN C. RAYSON, MAYOR

ATTEST:  
  
\_\_\_\_\_  
MARY L. CHAMBERS, CITY CLERK

GBL/jrm  
2/8/05  
L:ord/2005-59

Exhibit A

**LEGAL DESCRIPTION****Legal description of Road Right-of Way and Utility Easements to be vacated/ abandoned within the "Fernander/ Wright Subdivision" Plat:**

All that road right-of-way being 50 feet in width and as shown on the "Fernander/Wright Subdivision" Plat recorded in Plat Book 159 page 6 of the Broward County Public Record Division's Office, containing an area of 47,452 square feet more or less and which roadway is more fully described as follows:

Commencing at the southeast corner of the "Fernander/ Wright Subdivision" (PB 159 page 6 of Broward County Public Records), thence proceeding N 00° 02' 46" E for 0.69 feet; thence N 90° 00' 00" W for 125.00 feet; to a point called "A" and being the Point of Beginning (POB) of the centerline of the roadway right-of-way; thence from point "A" proceeding N 00° 02' 46" E for 232.94 feet to a point called "B"; thence N 00° 02' 46" E for 207.73 feet to a point called "C" being the commencement of a curve to the left having a radius of 50 feet, deflection angle of 90° 05' 07", tangent of 50.07 feet and an arc distance of 78.61 feet to a point of tangency called "D"; thence S89° 57' 39" W for 124.37 feet to a point called "E" the termination of this centerline. The road right-of-way is 25 feet wide on both sides of the said centerline joining points "A", "B", "C", "D", making the full road right-of-way to be 50.00 feet wide; and

The area enclosed by portion of a circle described as follows: point "E" is the center of a circle having a radius of 35 feet, a central angle of 247° 06' 52" and an arc distance of 151.01 feet, the surface area described by that portion of the circle which subtends the central angle of 247° 06' 52" with the radius of 35 feet comprises part of the road right-of-way.

From point "B" proceeding N 89° 57' 14" W for 134.41 feet to a point of curve called "F"; thence in a curve to the left having a radius of 55.00 feet, deflection angle of 90° 00' 19", tangent of 50.00 feet and an arc distance of 78.54 feet to the point of tangent or ending of the curve is a point called "G"; thence S 00° 02' 27" W for 36.00 feet to a point called "H"; thence S89° 57' 33" E for 10 feet to a point called "I". The road right-of-way lies 25 feet on both sides of the centerline joining points "B", "F", "G", "H" making the full road right-of-way to be 50.00 feet in width; and

The area enclosed by a portion of a circle described as follows: point "I" being the center point of the circle having a radius of 35.00 feet, a central angle of 216° 51' 48" and an arc distance of 132.48 feet by plat (132.53 calculated), the surface area described by that portion of the circle which subtends the central angle of 216° 51' 48" with the radius of 35 feet comprises part of the road right-of-way.

The full road right-of-way as described above and shown on the plat contains a total area of 47,452 square feet more or less.

Also to be vacated are all those Utility Easements which are 10 and 12 feet in width and which are shown delineated on the said "Fernander/Wright

**Subdivision" Plat recorded in Plat book 159 Page 6 of the Public Records of Broward County.**

**Note: All proposed utilities within the property are to be private. If any utility easements are required by any governmental agency then such easement will be given by easement deed.**

**Roadway legal descript. /word**