

ORDINANCE NO. 9202-18

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING ORDINANCE NO. 9130-18 WHICH VACATED PUBLIC RIGHT-OF-WAY OF DAMASCUS ROAD, FORMERLY KNOWN AS BOSTROM ROAD, CLEARWATER, FLORIDA, ACQUIRED BY THE CITY OF CLEARWATER, FLORIDA PER RESOLUTION NO. 64-90 OF THE CITY OF CLEARWATER, FLORIDA, AS RECORDED IN OFFICIAL RECORDS BOOK 1936, PAGE 522 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AFFECTED BY THE NAME CHANGE IN RESOLUTION NO. 80-29 OF THE CITY OF CLEARWATER, FLORIDA, AS RECORDED IN OFFICIAL RECORDS BOOK 5043, PAGE 479 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND VACATING AN INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 9551, PAGE 1433 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SUBJECT TO CERTAIN CONDITIONS AS PROVIDED FOR THEREIN, TO CORRECT A SCRIVENER'S ERROR; PROVIDING THAT THE ORDINANCE SHALL BE NULL AND VOID IF SECTION 1, CONDITION 3 IS NOT MET WITHIN FORTY-FIVE (45) CALENDAR DAYS AFTER THE CONVEYANCE OF THE SUBJECT PROPERTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Kiran Patel & Pallavi Family Foundation, Inc. ("Property Owner"), the owner in fee title of real property abutting the right-of-way described and depicted in **Exhibit "A"** (attached hereto and incorporated herein), and upon which that certain Ingress and Egress Easement lies, as described and depicted in **Exhibit "B"** (attached hereto and incorporated herein), has requested that the City vacate said right-of-way and Ingress and Egress Easement; and

WHEREAS, after proper public notice and public hearing thereon, the City Council of the City of Clearwater, Florida found that said right-of-way and easement are not necessary for municipal use and it is deemed to be in the best interest of the City and the general public that the same be vacated by adoption of Ordinance 9130-18 on May 17, 2018; and

WHEREAS, a scrivener's error was made in Section 1, condition 3, which is hereby being corrected for the record; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF CLEARWATER, FLORIDA:

Section 1. The following:

The right-of-way described as follows:

See Exhibit "A"

and the easement described as follows:

See Exhibit "B"

are hereby vacated, closed and released, and the City of Clearwater releases all of its right, title and interest thereto, contingent upon, and subject to, the following conditions precedent:

1. The Property Owner will grant to the City of Clearwater, Florida, ("City") and Pinellas County, Florida ("County") an easement for ingress and egress access over a new access road connecting to that certain property to the North of Property Owner's parcel which is co-owned by the City and the County, and which will be a minimum of 24' in width and meet or exceed the City of Clearwater's Construction Standards Index No. 102 and the 700 Series of Section IV of the City of Clearwater's Construction Contract Specifications which are incorporated herein by reference and may be located at the myclearwater.com, Engineering Department page. This vacation ordinance shall be null and void if this condition is not met by July 1, 2019.
2. The Property Owner will grant to the City of Clearwater, Florida, a general blanket utility easement over, under and across the real property described in **Exhibit "C"**, (attached hereto and incorporated herein) for the installation and maintenance of any and all utilities therein by the City of Clearwater.
3. The Property Owner shall grant individual easements to Duke Energy Florida, Inc. (doing business as "Duke Energy"), Bright House Networks, LLC, Verizon Florida, Inc. and Knology of Central Florida (doing business as WOW!), as may be requested by said providers and the location and terms of which are acceptable to the respective utility providers. This vacation ordinance shall be null and void if this condition is not met within forty-five (45) calendar days after the conveyance of the subject property pursuant to the contract referred to in condition 7.

4. Property Owner shall grant the City of Clearwater, Florida and Pinellas County, Florida a Blanket Temporary Ingress Egress Access Easement connecting to that certain property to the North of Property Owner's parcel which is co-owned by the City and the County, for ingress and egress access during construction, until such time as the permanent ingress egress access easement contemplated in section 1 above is granted and accepted.
5. The vacation as contemplated hereunder by the City of Clearwater as to the City of Clearwater's interest as conveyed in that certain Easement Deed as recorded in Official Records Book 9551, Page 1433 of the Public Records of Pinellas County, Florida, in no way affects the interest conveyed to Pinellas County, Florida in the same instrument.
6. The declaration as surplus of the City-owned portions of real property described in **Exhibit "D"** (attached hereto and incorporated herein) by the Clearwater City Council in accordance with the City of Clearwater Code of Ordinances and City policies and procedures; and
7. Clearwater City Council approval of that certain Contact for the Purchase and Sale of Real Property as set forth in its entirety in **Exhibit "E"** (attached hereto and incorporated herein) and the closing on, and conveyance of, the property as described therein.

Section 2. This ordinance amends and revises Ordinance 9130-18, Section 1, condition 3, to correct a scrivener's error and reflect the original intent to provide that Ordinance 9130-18 shall be null and void if the Property Owner does not grant easements as may be required by condition 3 within forty-five (45) days of the conveyance of the subject property.

Section 3. The City Clerk shall record this ordinance in the Public Records of Pinellas County, Florida, following adoption.

Section 4. This ordinance shall take effect immediately upon adoption and will be effective *nunc pro tunc* to May 17, 2018.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

George N. Cretekos
Mayor

Approved as to form:

Attest:

Laura Lipowski Mahony
Assistant City Attorney

Rosemarie Call
City Clerk