

ORDINANCE NO. 9129-18

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, VACATING PUBLIC RIGHT-OF-WAY DESCRIBED AS THAT CERTAIN PORTION OF HAVEN STREET RIGHT-OF-WAY OF COURT SQUARE, AS RECORDED IN PLAT BOOK 5, PAGE 53 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND A PORTION OF CERTAIN REAL PROPERTY DEDICATED AS RIGHT-OF-WAY IN RESOLUTION NO. 79-50 OF THE CITY OF CLEARWATER, FLORIDA, AS RECORDED IN OFFICIAL RECORDS BOOK 4867, PAGE 1478 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BOTH BEING BOUND BY FRANKLIN STREET TO THE NORTH, SOUTH GARDEN AVENUE TO THE EAST, COURT STREET TO THE SOUTH, AND SOUTH FORT HARRISON AVENUE TO THE WEST; SUBJECT TO, AMONG OTHER THINGS, A BLANKET GENERAL UTILITY, DRAINAGE AND GAS EASEMENT TO BE RESERVED OVER THE ENTIRE RIGHT-OF-WAY TO BE VACATED HEREIN; SUBJECT TO THE GRANTING OF CERTAIN PRIVATE UTILITY EASEMENTS AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner in fee title of real property adjoining the right-of-way described and depicted in Exhibit "A" (attached hereto and incorporated herein) ("Platted Right-of-way"), has requested that the City vacate said right-of-way; and

WHEREAS, the City, as owner in fee title of real property described and depicted in Exhibit "B" (attached hereto and incorporated herein) ("Dedicated Right-of-way"), which is adjacent to the property described in Exhibit "A" and which was dedicated as right-of-way by Resolution 79-50 of the City of Clearwater, Florida, finds it appropriate to vacate said right-of-way; and

WHEREAS, the Platted Right-of-way and Dedicated Right-of-way shall be referred to collectively herein as "Entire Right-of-way" (Exhibit "C"); and

WHEREAS, the City Council of the City of Clearwater, Florida finds that said right-of-way is 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; 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:

That certain portion of Platted Right-of-way of Haven Street as more particularly described in Exhibit "A" and that certain portion of Dedicated Right-of-way as more particularly described in Exhibit "B"

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

1. The declaration as surplus of the City-owned portions of the real property described in Exhibits "A" and "B" in accordance with the City of Clearwater Code of Ordinances and City policies and procedures; and

2. Clearwater City Council approval of that certain Contract for Exchange of Real Property (as set forth in full in Exhibit "D" attached hereto and incorporated herein) and the closing on, and conveyance of, the property as contemplated therein; and

3. The City hereby reserves and retains a Blanket Utility, Drainage and Gas Easement over the Entire Right-of-way vacated parcel for the installation, maintenance and replacement of any and all utilities thereon by the City of Clearwater and for ingress and egress across the entire parcel for said purposes; and

4. As a pre-requisite to the vacation becoming effective, all property owners abutting the Entire Right-of-way vacated hereby shall grant 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 requested by each entity, 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 from the adoption of this ordinance.

Section 2. The City Clerk shall record this ordinance in the Public Records of Pinellas County, Florida, following adoption.

Section 3. This ordinance shall take effect immediately upon adoption.

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