

ORDINANCE NO. 9431-20

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, VACATING PORTIONS OF A 15 FOOT DRAINAGE AND UTILITY EASEMENT AND A 10 FOOT DRAINAGE AND UTILITY EASEMENT DESCRIBED AS THE EAST 15' OF THE WEST 545' OF THE SW ¼ OF THE NW ¼ OF SECTION 17, TOWNSHIP 29 S, RANGE 16 E, LESS THE SOUTH 285' AND THE EAST 10' OF THE WEST 730' OF THE SW ¼ OF THE NE ¼ OF SECTION 17, TOWNSHIP 29 S, RANGE 16 E, LESS THE SOUTH 330', AS RECORDED IN O.R. BOOK 4082, PAGE 117 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater ("City") and Creative Contractors, Inc. (Creative") entered into that certain Contract for Exchange of Real Property dated January 21, 2020 and that certain First Amendment to Contract for Exchange of Real Property dated April 20, 2020, (collectively the "Contract", a copy of which is on file and available in the City of Clearwater Official Records and Legislative Department) which provides for the subject vacation; and

WHEREAS, the Contract also provides for three (3) additional full vacations, (all four (4) vacations collectively referred to as the "Vacations") which will be considered by Council of even date herewith; and

WHEREAS, the Contract also provides that in its deed to Creative, the City will reserve five (5) new easements to fulfill the needs of the City created as a result of Vacations (the "Reservations"); and

WHEREAS, the Vacations and Reservations are conditioned upon the closing of the Contract and the related conveyances of real property as provided for therein; and

WHEREAS, the City, owner in fee title of real property described and depicted in Exhibit "A", attached hereto, and incorporated herein, finds it appropriate to vacate said portions of the drainage and utility easements; and

WHEREAS, the City Council of the City of Clearwater, Florida finds that said drainage and utility easements 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; now, therefore,

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

Section 1. The following:

The drainage and utility easements described as follows:

See Exhibit "A" (represented as Exhibit "C-3" in the Contract)

are hereby vacated, closed and released, subject to the City of Clearwater's fee interest in the underlying land, which is expressly reserved and unaffected by this vacation. Further, the City of Clearwater releases all of its right, title, and interest to the drainage and utility easements, contingent upon, and subject to, the following conditions precedent:

1. This vacation ordinance shall be rendered null and void and the vacation not effective if for any reason the closing on the Contract and the exchange of real property as provided for therein do not occur.
2. This vacation ordinance shall be null and void and the vacation not effective if for any reason the City does not reserve the new easements as provided for in the Contract.

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

Frank Hibbard
Mayor

Approved as to form:

Attest:

Laura Lipowski Mahony
Senior Assistant City Attorney

Rosemarie Call
City Clerk