

ORDINANCE NO. 2024-2313

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR THE VACATION OF A PORTION OF THE RIGHT-OF-WAY KNOWN AS HIGH STREET, RUNNING BETWEEN ASPEN STREET AND GRAND BOULEVARD, AND SHOWN ON THE PLAT OF RUSH BROTHERS PALM HAVEN ADDITION TO NEW PORT RICHEY, RECORDED IN PLAT BOOK 2 PAGE 11 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA AND C E CRAFTS SUBDIVISION NO 5, RECORDED IN PLAT BOOK 2 PAGE 62 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the contract vendee of properties lying along and adjacent to the portion of the City right-of-way known as High Street, running between Grand Boulevard and Aspen Street, dedicated in the plats of Rush Brothers Palm Haven Addition to New Port Richey, recorded in plat book 2 page 11 of the public records of Pasco County, Florida and C E Crafts Subdivision No 5, recorded in plat book 2 page 62 of the public records of Pasco County, Florida, has requested the vacation of said right-of-way, as shown on the survey map and as legally described in Exhibit “A” attached hereto and incorporated herein (hereinafter “Right-of-Way”);

WHEREAS, the owner of the Properties is currently HCA Squared, LLC, a Delaware limited liability company, and the Properties are under a bona fide real estate contract for conveyance to Applicant;

WHEREAS, the City Council has found that the subject application filed by or on behalf of NPR Grand 1, LLC., a Florida limited liability company (herein referred to as “Applicant”) meets all of the criteria for approval of the vacation request, and that it would be in the best interest of the citizens of the City for the application to be granted;

WHEREAS, the Right-of-Way will no longer serve a public purpose upon the development of the Properties and Right-of-Way;

WHEREAS, this vacation is conditioned upon the Applicant obtaining title to all properties lying adjacent to and touching the Right-of-Way and developing the said properties and all others described in Ordinance Number 2024-2311 (herein referred to collectively as “Properties”), in accordance with the site plan and provisions of said ordinance, providing for the relocation of all utilities lying under, over or on the Right-of-Way at Applicant’s sole expense, and conveying to the City the property currently subject to an ingress/egress easement in the City’s favor providing access to City’s proposed fire station lying adjacent to the Properties; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and

promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

**NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA
HEREBY ORDAINS:**

Section 1. **Vacation.** The City of New Port Richey, Florida, hereby vacates the portion of the right-of-way known as High Street dedicated in the plats of Rush Brothers Palm Haven Addition to New Port Richey, recorded in plat book 2 page 11 of the public records of Pasco County, Florida and C E Crafts Subdivision No 5, recorded in plat book 2 page 62 of the public records of Pasco County, Florida, and running between Aspen Street and Grand Boulevard, as shown on that certain survey prepared for this vacation request and more particularly described in the Legal Description and survey map attached hereto and made a part hereof as Exhibit "A" ("Right-of-Way").

Section 2. **Title.** It is the City's intention that the City's interest in said Right-of-Way pass to the Applicant as owner of the properties adjacent to said right-of-way to the platted line of said right-of-way, as shown on the survey prepared for this vacation request and more particularly described in the Legal Description and survey map attached hereto and made a part hereof as Exhibit "A". The City of New Port Richey makes no warranties of any kind as to the title or ownership of the property being vacated, or as to the existence of any liens, easements or encumbrances against the same. This Ordinance shall only be construed to release any legal or equitable interest the City may have in the subject property. Nothing contained herein shall be construed to affect the rights of parties having an interest in the subject property prior to its becoming a City right-of-way.

Section 3. **Conditions.** This vacation is hereby conditioned upon the following:

- A. Applicant obtaining title to all properties lying adjacent to and touching the Right-of-Way and all others described in Ordinance Number 2024-2311 (herein referred to collectively as "Properties");
- B. Applicant developing the Properties, in accordance with the site plan and provisions of Ordinance Number 2024-2311 and all regulations, ordinances and laws as determined by City (herein referred to as the "Development");

- C. Applicant obtaining Certificates of Occupancy from City for all structures and improvements in the Development;
- D. Applicant providing for the relocation of all utilities lying under, over or on the Right-of-Way at Applicant's sole expense in a manner approved by the owner the utility infrastructure therein; and
- E. Applicant conveying to the City all right, title and interest it may have in the property currently subject to an ingress/egress easement in the City's favor providing access to City's proposed fire station under construction and lying adjacent to the Properties, in the form and manner provided by City.

Section 4. **Reparcel.** The applicants shall replat or reparcel, as appropriate, the properties lying adjacent to the vacated right-of-way, to combine each said lot or parcel, together the portion of the right-of-way adjacent thereto, as a single parcel, and any subdividing, reparcelling or replatting of said parcel shall hereafter be prohibited without approval of the City of New Port Richey.

Section 5. **Laws Applicable.** Nothing contained herein shall be construed to alter the application of all City laws, regulations and ordinances to the subject property.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon final passage as required by law and Applicant's completion of all conditions set forth in Section 3 hereof to the satisfaction of City as certified by City's city manager. This ordinance shall not be recorded until the city manager has certified completion of the conditions as set forth hereafter.

Section 7. **Conflict with Other Ordinances and Codes.** All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

Section 8. **Severability.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this ____ day of _____, 2024, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this ____ day of _____, 2025.

ATTEST:

By: _____
Judy Meyers, MMC, City Clerk

By: _____
Alfred C. Davis, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE
SOLE USE AND RELIANCE OF THE CITY OF NEW
PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney CA Approved 12-13-24

CERTIFICATION

I HEREBY CERTIFY that all conditions of this Ordinance have been met and satisfied as set forth herein and this Ordinance is in full force and effect this ____ day of _____, _____.

Debbie L. Manns, City Manager

GENERAL NOTES

1. THIS SKETCH IS NOT A SURVEY.
2. BEARINGS SHOWN HEREON ARE BASED UPON THE GRID BEARING OF SOUTH 89°49'52" EAST, FOR THE SOUTH BOUNDARY LINE OF BLOCK 1, RUSH BROS. PALM HAVEN ADDITION TO NEW PORT RICHEY AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 2, PAGE 11 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA.
3. THIS DESCRIPTION IS NOT COMPLETE WITHOUT THE SKETCH.

RIGHT-OF-WAY VACATION DESCRIPTION

HIGH STREET RIGHT-OF-WAY VACATION

A PORTION OF HIGH STREET LOCATED BETWEEN THE EASTERLY RIGHT-OF-WAY LINE OF GRAND BOULEVARD AND THE WEST RIGHT-OF-WAY LINE OF ASPEN STREET LYING IN SECTION 8, TOWNSHIP 26 SOUTH, RANGE 16 EAST, PASCO COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 13, BLOCK 3, RUSH BROS. PALM HAVEN ADDITION TO NEW PORT RICHEY AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 2, PAGE 11 OF THE PUBLIC RECORDS OF SAID PASCO COUNTY FOR A POINT OF BEGINNING; THENCE ALONG THE SOUTH BOUNDARY LINE OF SAID BLOCK 3 SOUTH 89°49' 52" EAST, A DISTANCE OF 400.00 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 3, SAID POINT BEING ON THE WEST RIGHT-OF-WAY LINE OF ASPEN STREET; THENCE SOUTH 00°10' 08" WEST, A DISTANCE OF 35.00 FEET TO THE NORTHEAST CORNER OF LOT 16, BLOCK 1, C.E. CRAFTS SUBDIVISION NO. 5 AS SHOWN ON THE PLAT RECORDED IN PLAT BOOK 2, PAGE 62 OF SAID PUBLIC RECORDS; THENCE ALONG THE NORTH BOUNDARY LINE OF SAID BLOCK 1, NORTH 89°49' 52" WEST, A DISTANCE OF 400.00 FEET TO THE NORTHWEST CORNER OF LOT 23 OF SAID BLOCK 1; THENCE NORTH 00°10' 08" EAST, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

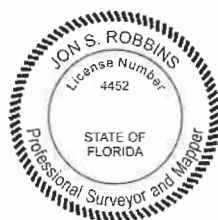
THE ABOVE DESCRIBED PARCEL CONTAINS 0.32 ACRES MORE OR LESS.

(CLOSES 0.000' J.M.M.)

PRECISION SURVEYING & MAPPING, INC.

CERTIFICATE OF AUTHORIZATION NO. LB-6734

7080 RED OAK LOOP
NEW PORT RICHEY, FLORIDA 34654
727-841-8414



Jon S Robbins

Digitally signed by Jon S Robbins
DN: cn=Jon S Robbins,
dnQualifier=A01410C00001922AB49810000001E, o=Unaffiliated, c=US
Location: 7080 Red Oak Loop, New Port Richey, Florida 34654
Reason: I am the author of this document
Contact info: 727-841-8414
Date: 2024.12.10 09:22:50-05'00'

JON S. ROBBINS _____ DATE
PROFESSIONAL SURVEYOR AND MAPPER NO. 4452
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

WORK ORDER NO: 240070
FOR: CITY OF NEW PORT RICHEY
DATE OF SKETCH: DECEMBER 9, 2024

SHEET 1 OF 2

F.B. N/A
P.G. N/A

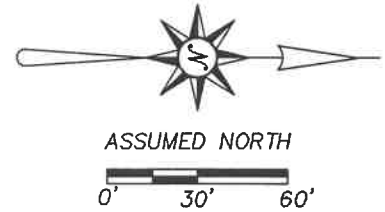
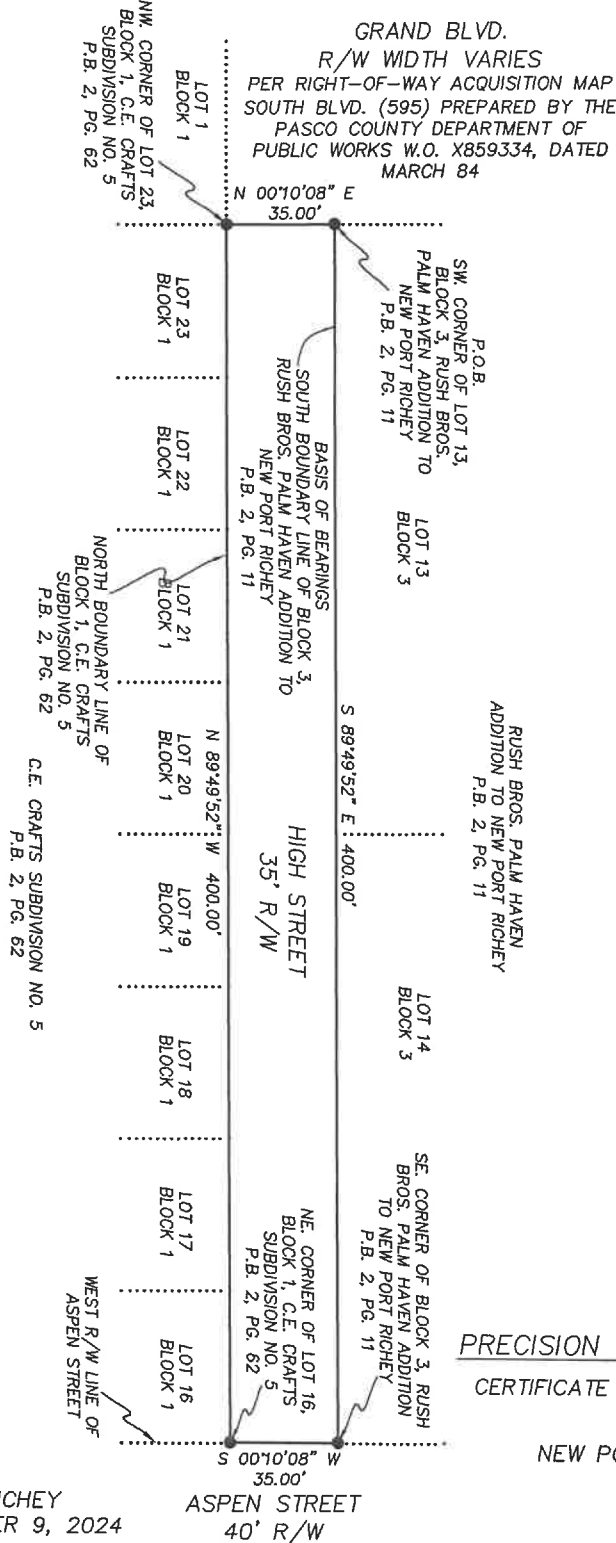
DRAWN BY: J.M.M.
CHK'D BY: J.S.R.

SEC. 8, TWP. 26 S., RNG. 16 E.

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3. THIS SKETCH IS NOT COMPLETE WITHOUT THE DESCRIPTION

SKETCH OF DESCRIPTION
HIGH STREET R/W VACATION



LEGEND

- P.G. = PAGE
- RNG. = RANGE
- SEC. = SECTION
- TWP. = TOWNSHIP
- P.B. = PLAT BOOK
- R/W = RIGHT-OF-WAY
- P.O.B. = POINT OF BEGINNING

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NEW PORT RICHEY, FLORIDA 34654
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WORK ORDER NO: 240070
FOR: CITY OF NEW PORT RICHEY
DATE OF SKETCH: DECEMBER 9, 2024