

ORDINANCE# 2017-2110

AN ORDINANCE VACATING TWO 0.071-ACRE PORTIONS OF CENTRAL AVENUE, BETWEEN CIRCLE BOULEVARD AND ADAMS STREET, MORE FULLY DESCRIBED HEREIN AND IN EXHIBIT A, AND RESERVING UNTO THE CITY OF NEW PORT RICHEY FLORIDA, A UTILITY EASEMENT IN, UNDER, ON, OVER AND ABOVE SAID RIGHT OF WAY; MORE FULLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, a request has been made to the City Council of the City of New Port Richey, Florida concerning the petition to vacate two portions of Central Avenue situated between Circle Boulevard and Adams Street, being more particularly described as follows:

THE NORTH 15 FEET OF CENTRAL AVENUE RIGHT-OF-WAY (80' RIGHT-OF-WAY), AS SHOW ON THE PLAT OF CITY OF NEW PORT RICHEY, AS RECORDED IN PLAT BOOK 4, PAGE 49, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA. BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF CIRCLE BOULEVARD. BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF ADAMS STREET AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 49, OF SAID PLAT OF CITY OF NEW PORT RICHEY, THENCE S.89°50'57"E., A DISTANCE OF 207.88 FEET ALONG THE SOUTH BOUNDARY OF SAID LOT 1, ALSO BEING THE NORTH RIGHT-OF-WAY LINE OF SAID CENTRAL AVENUE TO THE WEST RIGHT-OF-WAY LINE OF SAID ADAMS STREET; THENCE LEAVING SAID SOUTH BOUNDARY, ALONG THE SOUTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF SAID ADAMS STREET S.00°34'20"W., A DISTANCE OF 15.00 FEET; THENCE N.89°50'57"W., A DISTANCE OF 206.47 FEET TO THE SOUTHERLY EXTENSION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID CIRCLE BOULEVARD; THENCE ALONG SAID SOUTHERLY EXTENSION, NORTHERLY, 15.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 355.00 FEET AND A CENTRAL ANGLE OF 02°25'48" (CHORD BEARING N.04°46'31"W., 15.06 FEET) TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 3,107 SUARE FEET – 0.071 ACRES, MORE OR LESS.

THE SOUTH 15 FEET OF CENTRAL AVENUE RIGHT-OF-WAY (80' RIGHT-OF-WAY), AS SHOW ON THE PLAT OF CITY OF NEW PORT RICHEY, AS RECORDED IN PLAT BOOK 4, PAGE 49, OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA. BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF CIRCLE BOULEVARD. BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF ADAMS STREET AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 1, BLOCK 75, OF SAID PLAT OF CITY OF NEW PORT RICHEY; THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 1, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF CENTRAL AVENUE, N.89°50'57"W., A DISTANCE OF 208.63 FEET TO THE NORTHWEST CORNER OF SAID LOT 1; THENCE LEAVING SAID NORTH BOUNDARY, ALONG THE NORTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF SAID CIRCLE BOULEVARD, NORTHERLY, 15.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 02°52'38" (CHORD BEARING N.05°23'51"E., 15.06 FEET); THENCE S.89°50'57"E., A DISTANCE OF 207.36 FEET; THENCE ALONG THE NORTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF SAID ADAMS STREET, S.00°34'20"W., A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 3,119 SQUARE FEET, 0.071 ACRES, MORE OR LESS.

WHEREAS, a public hearing was held and all comments in support of and opposition to the proposed vacation of the above-described right-of-way were heard; and

WHEREAS, the City Council has determined that no person or other entity will be prejudiced by the vacation of said right-of-way; provided, however, that a utility easement is reserved in, under, on, over and above said right-of-way and includes all usage of subsurface areas, surface areas and air rights for municipal utility purposes.

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

SECTION I. That the hereinabove described portions of right-of-way be and the same are hereby vacated and henceforth from the time of the adoption of this Ordinance, the portions of said right-of-way be and the same are hereby permanently closed and vacated; provided, however, that there is hereby reserved unto the City of New Port Richey, Florida, and to any person, firm, or corporation which has heretofore been, or in the future may be granted a franchise by the said City, a utility easement in, on, and over the property and that a right of public access is reserved over the full easement.

SECTION II. No fence or structure may be erected on, over or across the utility easement.

SECTION III. This Ordinance shall become effective in the time provided by law and upon the full execution of the easement provided herein, in the form provided by the City.

The above and foregoing Ordinance was read and approved on first reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2017.

The above and foregoing Ordinance was read and approved on second reading at duly convened meeting of the City Council of the City of New Port Richey, Florida this _____ day of _____, 2017.

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA

(SEAL)

Judy Meyers, City Clerk

Rob Marlowe, Mayor– Councilmember

APPROVED AS TO LEGAL FORM AND CONTENT

Timothy P. Driscoll, City Attorney

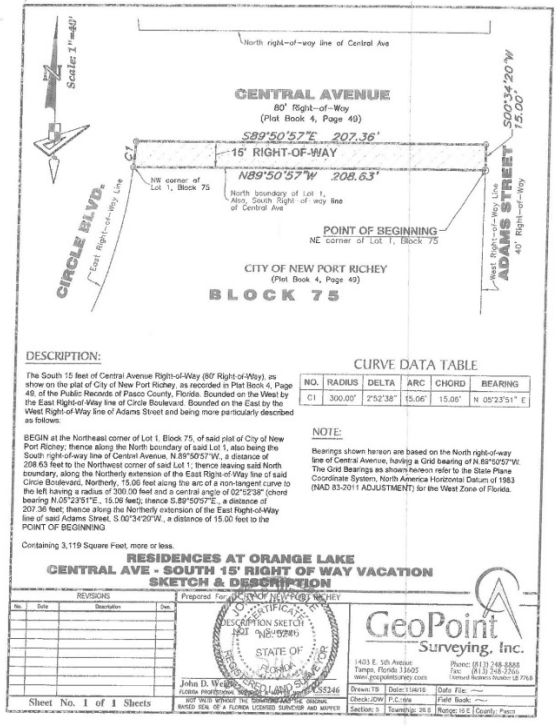
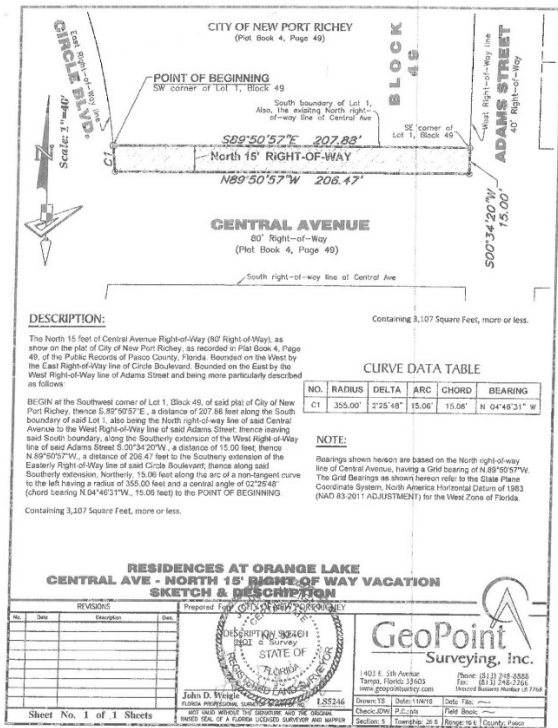


Exhibit A