

ORDINANCE 2021-2221

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR THE VACATION OF THE RIGHT-OF-WAY RUNNING BETWEEN OLEANDER AVENUE AND THE PITHLACHASCOTEE RIVER, AND LYING BETWEEN AND ADJACENT TO LOTS 5, 7, 26, 27 OLD GROVE CO. SUDIVISION NO. 1, RECORDED IN PLAT BOOK 2, PAGE 37 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA AND COMMONLY REFERRED TO AS TASMIN LANE; PROVIDING FOR RESERVATION OF AN EASEMENT IN THE SUBJECT RIGHT-OF-WAY; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 1923, Old Grove CO. Subdivision No. 1 Plat was recorded in Plat Book 2, Page 37, of the Public Records of Pasco County, Florida;

WHEREAS, a certain public street right-of-way located between Lots 5, 7, 26, 27 and between Oleander Avenue and the Pithlachascotee River, also known as “Tasmin Lane” is depicted on the Old Grove CO. Subdivision No. 1 Plat recorded in Plat Book 2, Page 37 of the Public Records of Pasco County, Florida;

WHEREAS, an application was received from Elizabeth Colligan, who is the owner of Lots 7 and 26 of the Old Grove CO. Subdivision No. 1 Plat, requesting the vacation and abandonment of the public street right-of-way located between Lots 7, 26, 5, 27 and between Oleander Avenue and the Pithlachascotee River as depicted on the Old Grove CO. Subdivision No. 1 Plat;

WHEREAS, the application for vacation of the public street right-of-way was reviewed by the City’s Development Review Committee on December 3, 2020, which recommended denial of the request to vacate the public street right-of-way;

WHEREAS, on December 17, 2020, the City’s Land Development Review Board reviewed the application of vacation of the public street right-of-way and recommended denial of the request to vacate the public street right-of-way;

WHEREAS, the City’s Public Works Department and Duke Energy request that a general public utility easement be maintained within the vacated public street right-of-way.

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

Section 1. Vacation. The City of New Port Richey, Florida, hereby vacates the right-of-way lying generally between and adjacent to Lots 5, 7, 26, 27 OLD GROVE CO. SUDIVISION NO. 1, as recorded in Plat Book 2, Page 37 of the public records of Pasco County, Florida, commonly referred

to as Tasmin Lane, and running between Oleander Avenue and the Pithlachascotee River, as shown on that certain survey prepared for this vacation request and more particularly described in the Legal Description attached hereto and made a part hereof as Exhibit “A”.

Section 2. **Title.** It is the City's intention that the City's interest in said right-of-way pass to the owners of the properties adjacent to said right-of-way to the centerline of said right-of-way (hereinafter “Applicants”), as shown on the survey prepared for this vacation request. 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. **Easement Retained.** The City of New Port Richey hereby reserves and retains, for itself and for any private utility, a general utility, access and drainage easement in and along the entire right-of-way vacated, to allow for any existing or future installed cables, pipes, poles, wires, transmission facilities, support structures, ditches or other equipment deemed necessary by any public or private utility or other provider of telephone, cable, internet, wireless, gas, electricity, water, sewer, storm-sewer or other service, including the full right of access to and from said easement area for the maintenance, installation, repair and removal of any structures or equipment therein, and the Applicants shall execute such documents as the City of New Port Richey deems advisable to acknowledge such easement upon request. The aforesaid easement is created by this Ordinance and reservation as set forth herein.

Section 4. **Re-parcel.** The Applicants shall re-plat or re-parcel, as appropriate, the properties lying adjacent to the vacated right-of-way, to combine each said lot or parcel, together with the portion of the right-of-way adjacent thereto, as a single parcel, and any subdividing, re-parceling or re-platting 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.

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 19th day of January, 2021, 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 _____, 2021.

ATTEST:

By: _____
Judy Meyers, CMC, City Clerk

By: _____
Robert Marlowe, 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 Form 1-5-21

ATTACHMENT “A”

Tasmin Lane is generally described as a fifteen (15) foot public Right-of-Way located between Lots 5, 7, 26, 27 as depicted on The Old Grove CO. Subdivision No. 1 Plat recorded in Plat Book 2, Page 37 of the Public Records of Pasco County, Florida and between Oleander Avenue and the Pithlachascotee River.