

ORDINANCE NO. 17-014

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ABANDONING A PORTION OF NORTH TENTH STREET RIGHT-OF-WAY, LYING SOUTH OF AVENUE O WITHIN THE CITY OF FORT PIERCE, FLORIDA;** PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fort Pierce, pursuant the Charter and City Code of the City of Fort Pierce, has been requested to vacate and abandon a portion of an existing right-of-way known as North 10th Street, lying south of Avenue O, and north of Avenue M, within the City of Fort Pierce, Florida; and

WHEREAS, the City of Fort Pierce has a certain right-of-way or thoroughfare as hereinafter described, which is not needed for roadway, thoroughfare purposes, or for location and maintenance of any and all utilities by the City of Fort Pierce; and

WHEREAS, in consideration of the above, it is in the best interest of the general welfare of the City of Fort Pierce to vacate and abandon said right-of-way;

NOW BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA;

SECTION 1. That the right-of-way, more particularly described as follows, be and it is hereby vacated and abandoned upon payment of \$ 3,144, a prorated valuation, by the applicant Blue Water LLC.:

A PORTION OF NORTH TENTH STREET RIGHT-OF-WAY, LYING SOUTH OF AVENUE O WITHIN THE CITY OF FORT PIERCE, FLORIDA, WITHIN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST LUCIE COUNTY , FLORIDA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS: A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF LOT 14 OF MELTONS RIVERVIEW SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 43, PUBLIC RECORDS OF ST LUCIE COUNTY, FLORIDA AND RUNNING THENCE NORTH 89°47'23" WEST ALONG A WESTERLY EXTENSION OF THE NORTH LINE OF SAID PLAT A DISTANCE OF 25.45' TO A POINT ON THE WEST LINE OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 40 EAST; THENCE NORTH 00°03'05" WEST ALONG SAID SECTION LINE A DISTANCE OF 198.43' TO THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1882 AT PAGE 478, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA; THENCE NORTH 00°03'05" WEST ALONG THE EASTERLY BOUNDS OF SAID CONVEYANCE, BEING ALSO THE WEST LINE OF SAID SECTION 3, A DISTANCE OF 186.31 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF AVENUE "O"; THENCE EASTERLY ALONG A CURVE TO THE LEFT OF RADIUS 602.96', CENTRAL ANGLE 02°28'39", AN ARC LENGTH OF 26.07' TO A POINT LOCATED SOUTH 77°32'36" EAST (CHORD BEARING) A CHORD DISTANCE OF 26.07' FROM THE PREVIOUSLY DESCRIBED POINT; THENCE SOUTH 00°03'05" EAST A DISTANCE OF 18.75' TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED BY

DEED RECORDED IN OFFICIAL RECORDS BOOK 1848 AT PAGE 2087, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA; THENCE SOUTH 00"03'05" EAST ALONG THE WESTERLY BOUNDS OF THE CONVEYANCE LAST ABOVE MENTIONED A DISTANCE OF 360.46' TO THE POINT OF BEGINNING.

CONTAINING 0.223 ACRE OF LAND, MORE OR LESS.

As depicted on Exhibit "A", attached hereto and incorporated herein.

SECTION 3. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 5. This ordinance shall be and become effective upon final passage.

APPROVED AS TO FORM & CORRECTNESS:

James M. Messer, Esq.
City Attorney

STATE OF FLORIDA
COUNTY OF ST. LUCIE

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 17-014 was duly advertised by title only in the St. Lucie News Tribune on March 19th, 2017; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on April 3rd, 2017; and was duly introduced, read by title only, and passed on second and final reading on April 17th, 2017, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 15th day of April, 2017.

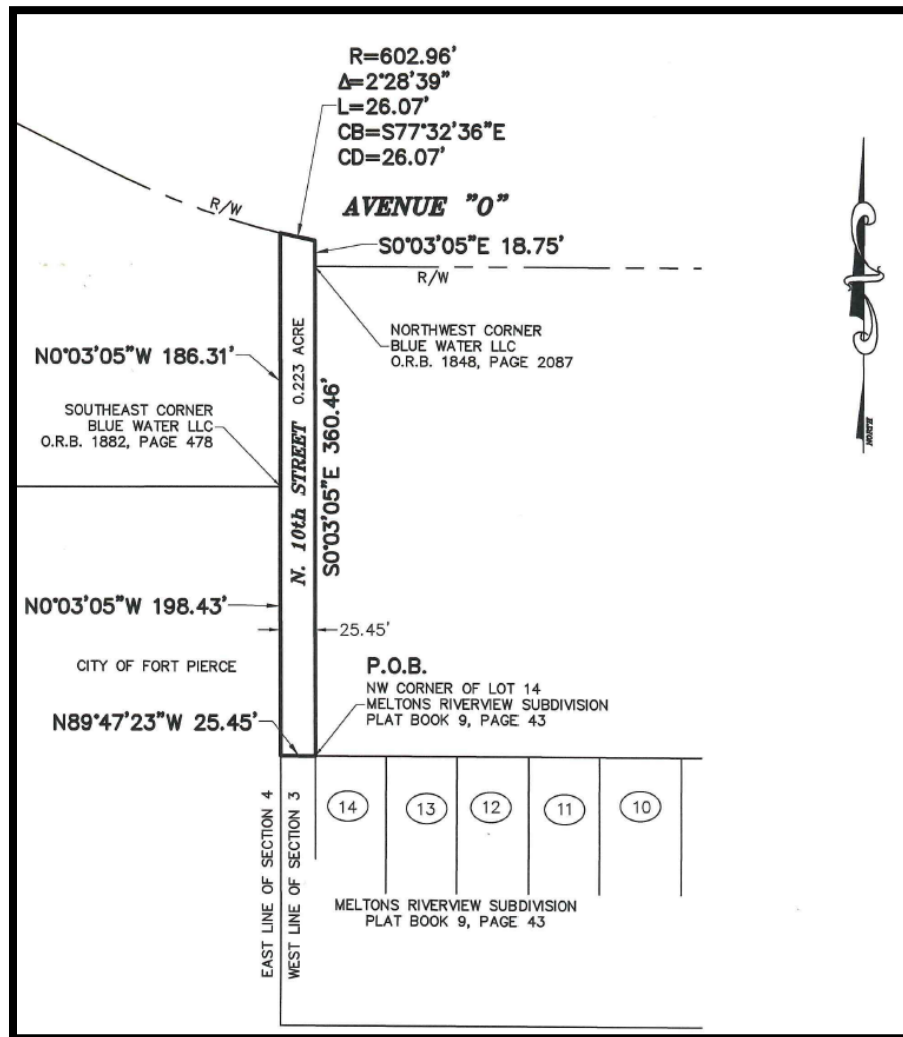
Linda Hudson,
Mayor Commissioner

ATTEST:

Linda W. Cox,
City Clerk

(City Seal)

EXHIBIT A
Right-of-way for Abandonment
Sketch & Legal Description



A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHWEST CORNER OF LOT 14 OF MELTONS RIVERVIEW SUBDIVISION AS RECORDED IN PLAT BOOK 9 AT PAGE 43, PUBLIC RECORDS OF ST LUCIE COUNTY, FLORIDA AND RUNNING THENCE NORTH $89^{\circ}47'23''$ WEST ALONG A WESTERLY EXTENSION OF THE NORTH LINE OF SAID PLAT A DISTANCE OF $25.45'$ TO A POINT ON THE WEST LINE OF SECTION 3, TOWNSHIP 35 SOUTH, RANGE 40 EAST; THENCE NORTH $00^{\circ}03'05''$ WEST ALONG SAID SECTION LINE A DISTANCE OF $198.43'$ TO THE SOUTHEAST CORNER OF A PARCEL OF LAND DESCRIBED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1882 AT PAGE 478, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA; THENCE NORTH $00^{\circ}03'05''$ WEST ALONG THE EASTERLY BOUNDS OF SAID CONVEYANCE, BEING ALSO THE WEST LINE OF SAID SECTION 3, A DISTANCE OF 186.31 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF AVENUE "O"; THENCE EASTERLY ALONG A CURVE TO THE LEFT OF RADIUS $602.96'$, CENTRAL ANGLE $02^{\circ}28'39''$, AN ARC LENGTH OF $26.07'$ TO A POINT LOCATED SOUTH $77^{\circ}32'36''$ EAST (CHORD BEARING) A CHORD DISTANCE OF $26.07'$ FROM THE PREVIOUSLY DESCRIBED POINT; THENCE SOUTH $00^{\circ}03'05''$ EAST A DISTANCE OF $18.75'$ TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED BY DEED RECORDED IN OFFICIAL RECORDS BOOK 1848 AT PAGE 2087, PUBLIC RECORDS OF SAID ST. LUCIE COUNTY, FLORIDA; THENCE SOUTH $00^{\circ}03'05''$ EAST ALONG THE WESTERLY BOUNDS OF THE CONVEYANCE LAST ABOVE MENTIONED A DISTANCE OF $360.46'$ TO THE POINT OF BEGINNING.

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