**ORDINANCE NO. 18-005**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ABANDONING A PORTION OF FRANCIS AVENUE RIGHT-OF-WAY, LYING ADJACENT TO LOT 12, BLOCK 7 AND LOT 2, BLOCK 8 OF THE PALM HAVEN - UNIT 1 SUBDIVISION 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 Francis (aka Frances) Avenue, lying adjacent to Lot 12, Block 7 and Lot 2, Block 8 of the Palm Haven – Unit 1 Subdivision within the City of Fort Pierce, Florida as recorded in Plat Book 8, Page 44, public records of St. Lucie County, 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 $58,000, an appraised valuation, by the applicant Christopher Sante:

**A PORTION OF FRANCIS AVENUE (A PLATTED 60 FOOT RIGHT OF WAY) AS SHOWN ON THE REVISED PLAT OF PALM HAVEN SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 44 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE SOUTH LINE OF LOT 12, BLOCK 7 OF SAID REVISED PLAT OF PALM HAVEN SUBDIVISION TO THE NORTH; BOUNDED ON THE SOUTH BY THE NORTH LINE OF SAID LOT 2, BLOCK 8; BOUNDED BY THE WEST RIGHT OF WAY LINE OF HERNANDO STREET (PLATTED NINTH STREET, A PLATTED 50' RIGHT OF WAY) TO THE EAST; AND BOUNDED BY THE NORTHERLY PROJECTION OF THE WEST LINE OF LOT 2, BLOCK 8 TO SAID SOUTH LINE OF SAID LOT 12, BLOCK 7 TO THE WEST.**

**CONTAINING 0.1802 ACRES OF LAND, MORE OR LESS.**

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

**SECTION 2.** 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 3.** 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 4.** 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. 18-00 was duly advertised by title only in the St. Lucie News Tribune on February 9th, 2018; 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 February 20th, 2018; and was duly introduced, read by title only, and passed on second and final reading on March 5th, 2018, 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 6th day of March, 2018

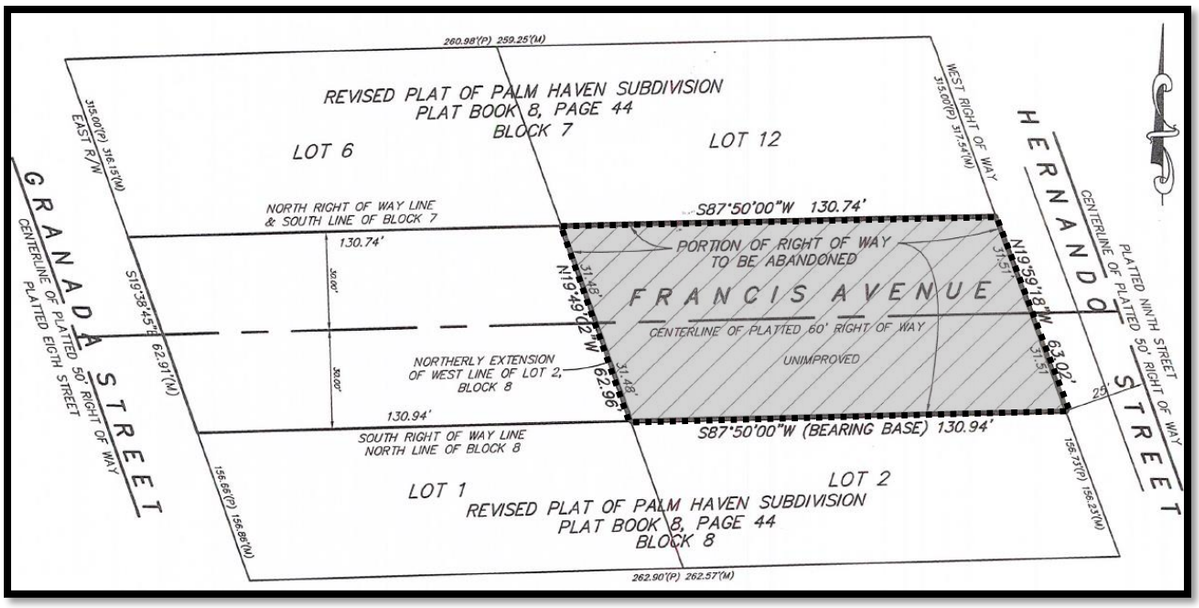
_____
Linda Hudson,
Mayor Commissioner

**ATTEST:**

_____
Linda W. Cox,
City Clerk

**(City Seal)**

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

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