

ORDINANCE NO. 18-021

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; **ABANDONING A PORTION OF GEORGIA AVENUE (NOW KNOWN AS AVENUE C) RIGHT-OF-WAY, LYING BETWEEN NORTH 25TH STREET AND NORTH 26TH STREET; BEING 50.00 FEET WIDE (PER PLAT), OF THE FORT PIERCE HEIGHTS SUBDIVISION WITHIN THE CITY OF FORT PIERCE, FLORIDA; PROVIDING FOR A REPLACEMENT EASEMENT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS THEREOF IN CONFLICT; 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 Georgia Avenue (Now known as Avenue C), lying between North 25th Street and North 26th Street; being 50.00 feet wide (per plat), of The Fort Pierce Heights Subdivision within The City of Fort Pierce, Florida as recorded in Plat Book 1, Page 39, 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; and

WHEREAS, the City of Fort Pierce, in consideration of future development proposed by Fresh Wind Fresh Fire Church of God, Inc., and subject to the conditions precedent set out in this Ordinance as hereafter provided, has agreed to abandon the subject right-of-way upon the performance and happening of said conditions prior to said abandonment becoming effective.

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

SECTION 1. That portion of right-of-way generally known as Georgia Avenue (now known as Avenue C) right-of-way, Lying between North 25TH Street AND North 26TH Street within the City of Fort Pierce, Florida (more particularly described as follows), be and it is hereby vacated and abandoned, subject to the conditions set forth in this Ordinance, said right-of-way legally described as:

ONE 50.00 FEET WIDE RIGHT OF WAY SITUATED IN PART OF GEORGIA AVENUE (NOW KNOWN AS AVENUE C), PER FORT PIERCE HEIGHTS SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

SAID RIGHT OF WAY LYING BETWEEN NORTH 25TH STREET AND NORTH 26TH STREET; SAID RIGHT OF WAY BEING 50.00 FEET WIDE (PER PLAT):

COMMENCING AT THE NORTHWEST CORNER OF LOT 10, BLOCK 11, OF THE AFORESAID "FORT PIERCE HEIGHTS SUBDIVISION", ALSO BEING THE POINT OF BEGINNING; THENCE RUN NORTH 90 DEGREES 00'00" EAST, ALONG THE NORTH LINE OF BLOCK 11, A DISTANCE OF 270.00 FEET, TO A POINT; THENCE NORTH NORTH 00 DEGREES 00'00" EAST, A DISTANCE OF 50.00 FEET, TO A POINT ON THE SOUTH LINE OF BLOCK 11, OF THE AFORESAID FORT PIERCE HEIGHTS SUBDIVISION; THENCE NORTH 90 DEGREES

00'00" WEST, ALONG THE SOUTH LINE OF THE AFORESAID BLOCK 11, A DISTANCE OF 270.00 FEET; THENCE SOUTH 00 DEGREES 00'00" WEST, ALONG THE EAST RIGHT OF WAY OF NORTH 26TH STREET, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED RIGHT OF WAY CONTAINING 13,500.00 SQUARE FEET OR 0.31 ACRES MORE OR LESS.

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

SECTION 2. Abandonment of said right-of-way shall be conditioned upon the happening and fulfillment of the following conditions precedent:

1. The provision of a replacement utility easement, more particularly described as follows, be and it is hereby provided:

ONE 10.00 FEET WIDE UTILITY EASEMENTS SITUATED IN PART OF GEORGIA AVENUE, PER FORT PIERCE HEIGHTS SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 39, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

SAID UTILITY EASEMENTS BEING COMPRISED OF A 10.00 FEET WIDE STRIP OF LAND; SAID STRIP OF LAND BEING 5.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF LOT 10, BLOCK 11, OF THE AFORESAID "FORT PIERCE HEIGHTS SUBDIVISION", RUN NORTH 00 DEGREES 00' 00" EAST, A DISTANCE OF 12.00 FEET, TO THE POINT OF BEGINNING OF THE HEREIN FOLLOWING DESCRIBED CENTERLINE:

FROM SAID POINT OF BEGINNING NORTH 90 DEGREES 00' 00" EAST THROUGH AFORESAID GEORGIA AVENUE, A DISTANCE OF 270.00 FEET TO THE POINT OF TERMINUS;

THE SIDE LINES OF THE ABOVE DESCRIBED EASEMENTS TO BE SHORTENED OR PROLONGED TO MEET AT ANGLE POINTS AND RIGHT OF WAY LINES.

THE ABOVE DESCRIBED EASEMENTS CONTAINING 2,700.00 SQUARE FEET OR 0.06 ACRES MORE OR LESS.

As depicted on Exhibit "B", 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 all conditions precedent heretofore described being met and fulfilled.

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. 18-021 was duly advertised by title only in the St. Lucie News Tribune on May 20th, 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 June 4th, 2018; and was duly introduced, read by title only, and passed on second and final reading June 18th, 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 19th day of June, 2018.

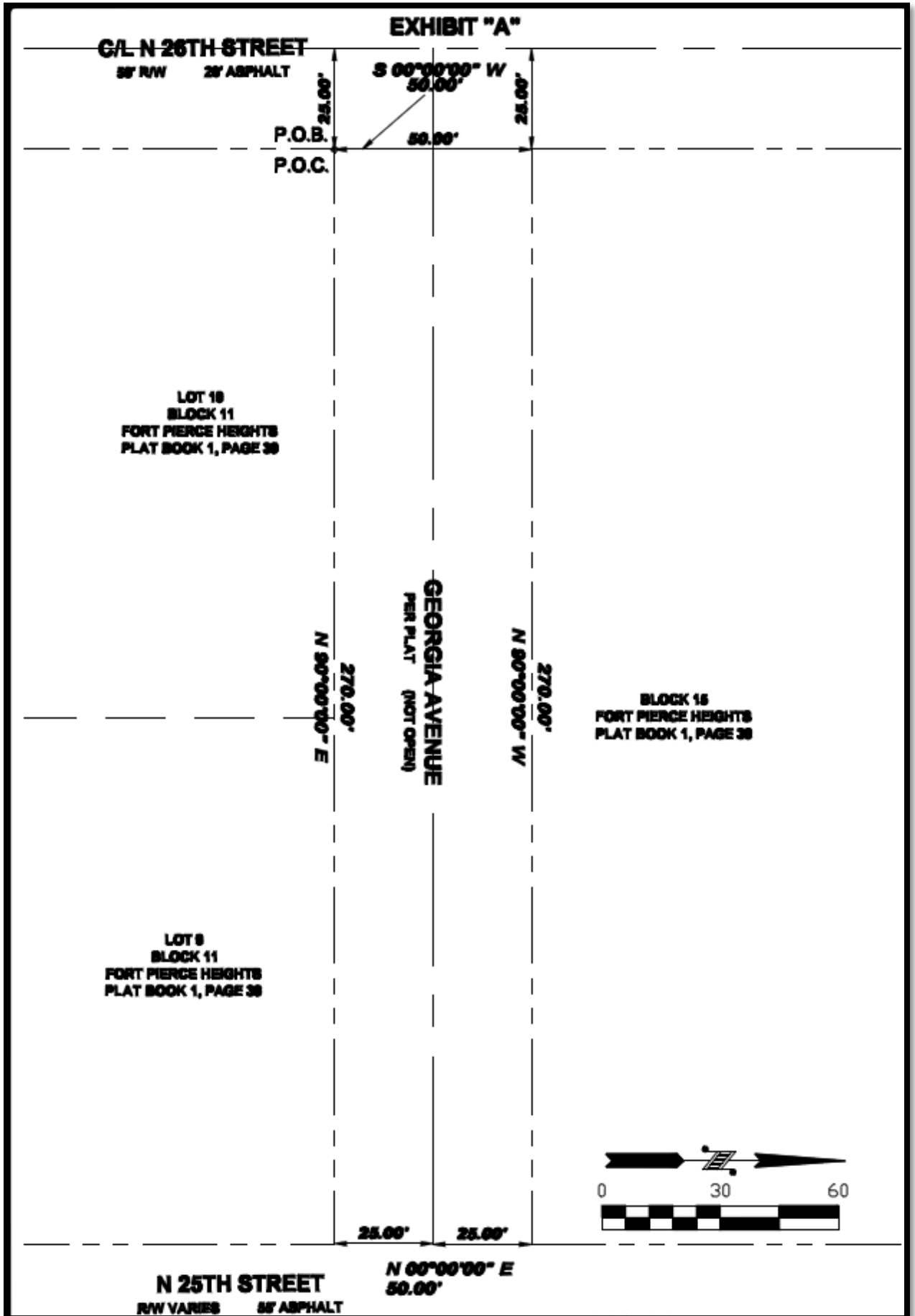
Linda Hudson
MAYOR COMMISSIONER

ATTEST:

(CITY SEAL)

Linda W. Cox
CITY CLERK

EXHIBIT A
Sketch & Legal Description of Subject Property



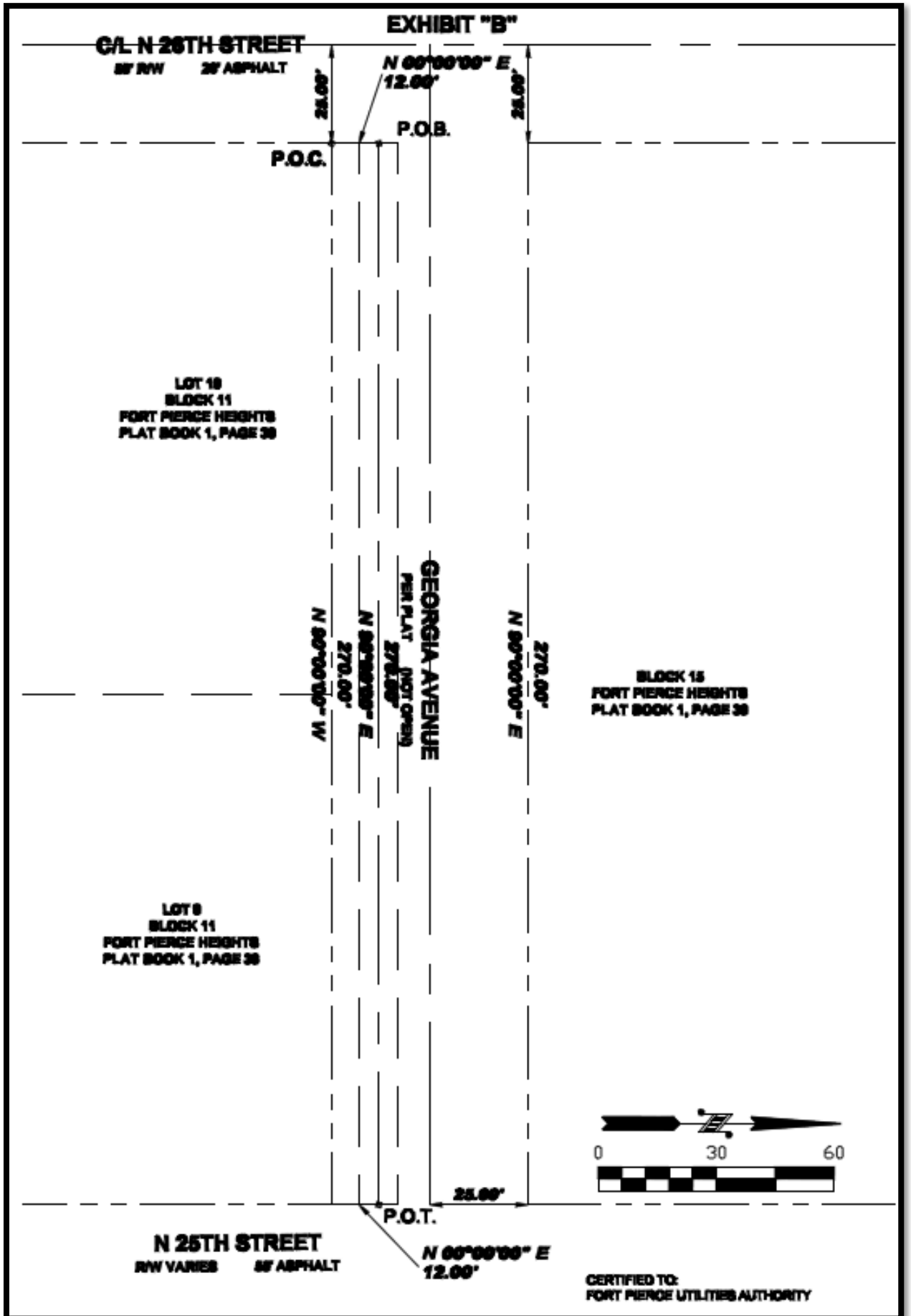
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TO THE POINT OF BEGINNING.**

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ACRES MORE OR LESS.**

EXHIBIT B
 Sketch & Legal Description of Subject Easement



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