

**ORDINANCE NO. 19-012**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ABANDONING A PORTION OF THE DELAWARE AVENUE RIGHT-OF-WAY, LYING EAST OF SOUTH INDIAN RIVER DRIVE FRONTING THE WEST BANK OF THE INDIAN RIVER; BEING APPROXIMATELY 25.00 FEET WIDE;** 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 to the Charter and City Code of the City of Fort Pierce, has been requested to vacate and abandon a portion of an existing unimproved right-of-way known as Delaware Avenue, lying East of South Indian River Drive fronting the West bank of the Indian River; being approximately 25.00 feet wide within the City of Fort Pierce, Florida as recorded in Plat Book 1, Page 191, 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, 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 unimproved right-of-way generally known as Delaware Avenue, lying East of South Indian River Drive fronting the West bank of the Indian River within the City of Fort Pierce, Florida (more particularly described as follows), be and hereby is vacated and abandoned, subject to the conditions set forth in this Ordinance, said right-of-way legally described as:

**ALL OF DELAWARE AVENUE LAYING EAST OF SOUTH INDIAN RIVER DRIVE RIGHT OF WAY AS RECORDED IN PLAT BOOK 23, PAGE 22 AND AS SHOWN ON THE PLAT OF RICHARDS + ANDREWS ADDITION TO FORT PIERCE ACORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 01, PAGE 191 OF THE PUBLIC RECORDS OF ST. LUCIE CO., FLORIDA. SAID LANDS LYING IN ST. LUCIE CO., FLORIDA.**

**CONTAINING (3,437S.F.) 0.08 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. Payment of the appraisal value of said right-of-way.
2. The recording of a 25 foot utility easement and a 12 foot drainage easement with the St. Lucie County Clerk of Courts thirty (30) days after the adoption of the abandonment by the City Commission of the City of Fort Pierce, Florida.

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 all conditions precedent heretofore described being met and fulfilled.

**APPROVED AS TO FORM & CORRECTNESS:**

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Peter J. Sweeney  
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. 19-012 was duly advertised by title only in the St. Lucie News Tribune on March 3rd, 2019; 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 March 18th, 2019; and was duly introduced, read by title only, and passed on second and final reading April 1st, 2019 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 1st day of April, 2019.

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Linda Hudson  
MAYOR COMMISSIONER

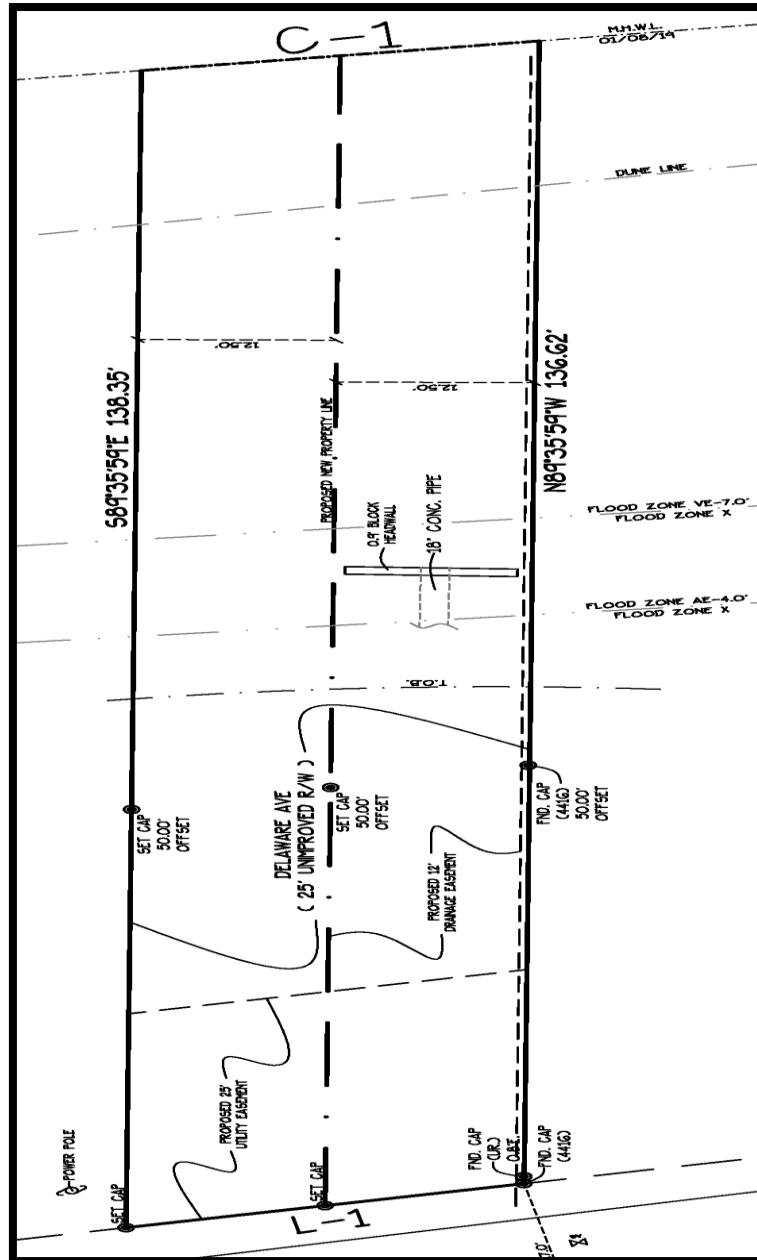
ATTEST:

(CITY SEAL)

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Linda W. Cox  
CITY CLERK

**EXHIBIT A**  
Sketch & Legal Description of Subject Property & Proposed Easements



ALL OF DELAWARE AVENUE LAYING EAST OF SOUTH INDIAN RIVER DRIVE RIGHT OF WAY AS RECORDED IN PLAT BOOK 23, PAGE 22-A AND AS SHOWN ON THE PLAT OF RICHARDS + ANDREWS ADDITION TO FORT PIERCE ACORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 01, PAGE 191 OF THE PUBLIC RECORDS OF ST. LUCIE CO., FLORIDA. SAID LANDS LYING IN ST. LUCIE CO., FLORIDA.

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