

ORDINANCE NO. 20-018

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, **ABANDONING A PORTION OF THE AVENUE B RIGHT-OF-WAY, BOUND BY A.E. BACKUS AVENUE TO THE NORTH; NORTH 2ND STREET TO THE EAST, AVENUE A TO THE SOUTH, AND THE FEC RAILROAD TO THE WEST; BEING APPROXIMATELY 65.00 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 Avenue B, bound by A.E. Backus Avenue to the north, North 2nd Street to the east, Avenue A to the south, and the FEC Railroad to the west, being approximately 65.00 feet wide within the City of Fort Pierce, Florida as recorded in Plat Book 1, Page 189, 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 Avenue B, bound by A.E. Backus Avenue to the north, North 2nd Street to the east, Avenue A to the south, and the FEC Railroad to the west 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:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 8, BLOCK F, PROCEED SOUTH 71°37'47" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF AVENUE A (FORMERLY KNOWN AS PALMETTO AVENUE AS SHOWN ON SAID AARON LEE'S MAP OF FORT PIERCE) (A 65 FOOT WIDE RIGHT-OF-WAY), AND ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF BLOCK E, AND ALONG WITH THE SOUTH LINE OF BLOCK E, A DISTANCE OF 310.00 FEET TO THE SOUTHWEST CORNER OF LOT 9, BLOCK E AND A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILROAD AS SHOWN ON THE STATION MAP, SOUTHERN DIVISION FLORIDA EAST COAST RAILWAY COMPANY; THENCE NORTH 18°25'13" WEST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, AND THE SOUTH LINE OF SAID BLOCK E, AND ALONG SAID EAST RIGHT-OF-WAY LINE, AND THE WEST LINE OF SAID BLOCK E, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

THENCE CONTINUE SOUTH 71°37'47" WEST, ALONG SOUTH RIGHT-OF-WAY LINE OF AVENUE B (FORMERLY KNOWN AS TROPICAL AVENUE) A DISTANCE OF 48.76 FEET; THENCE NORTH 18°30'03" WEST, A DISTANCE OF 65.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF AVENUE B; THENCE NORTH 71°37'47" EAST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF AVENUE B, A DISTANCE OF 273.28 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF NORTH 2ND STREET (FORMERLY KNOWN AS PINE STREET); THENCE SOUTH 31°58'17" EAST ALONG SAID WEST RIGHT-OF-WAY LINE OF 2ND STREET, A DISTANCE OF 66.88 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK E; THENCE SOUTH 71°37'47" WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF AVENUE B, A DISTANCE OF 240.09 FEET TO THE POINT OF BEGINNING AND THE NORTHWEST CORNER OF LOT 6, BLOCK E.

CONTAINING APPROXIMATELY (16,927 S.F.) 0.04 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 recording of a 65 foot by 55 foot utility easement with the St. Lucie County Clerk of Courts ninety (90) days after the adoption of the abandonment by the City Commission of the City of Fort Pierce, Florida.

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:

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. 20-018 was duly advertised by title only in the St. Lucie News Tribune on July 19, 2020; 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 August 3, 2020; and was duly introduced, read by title only, and passed on second and final reading August 17, 2020 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 17th day of August, 2020.

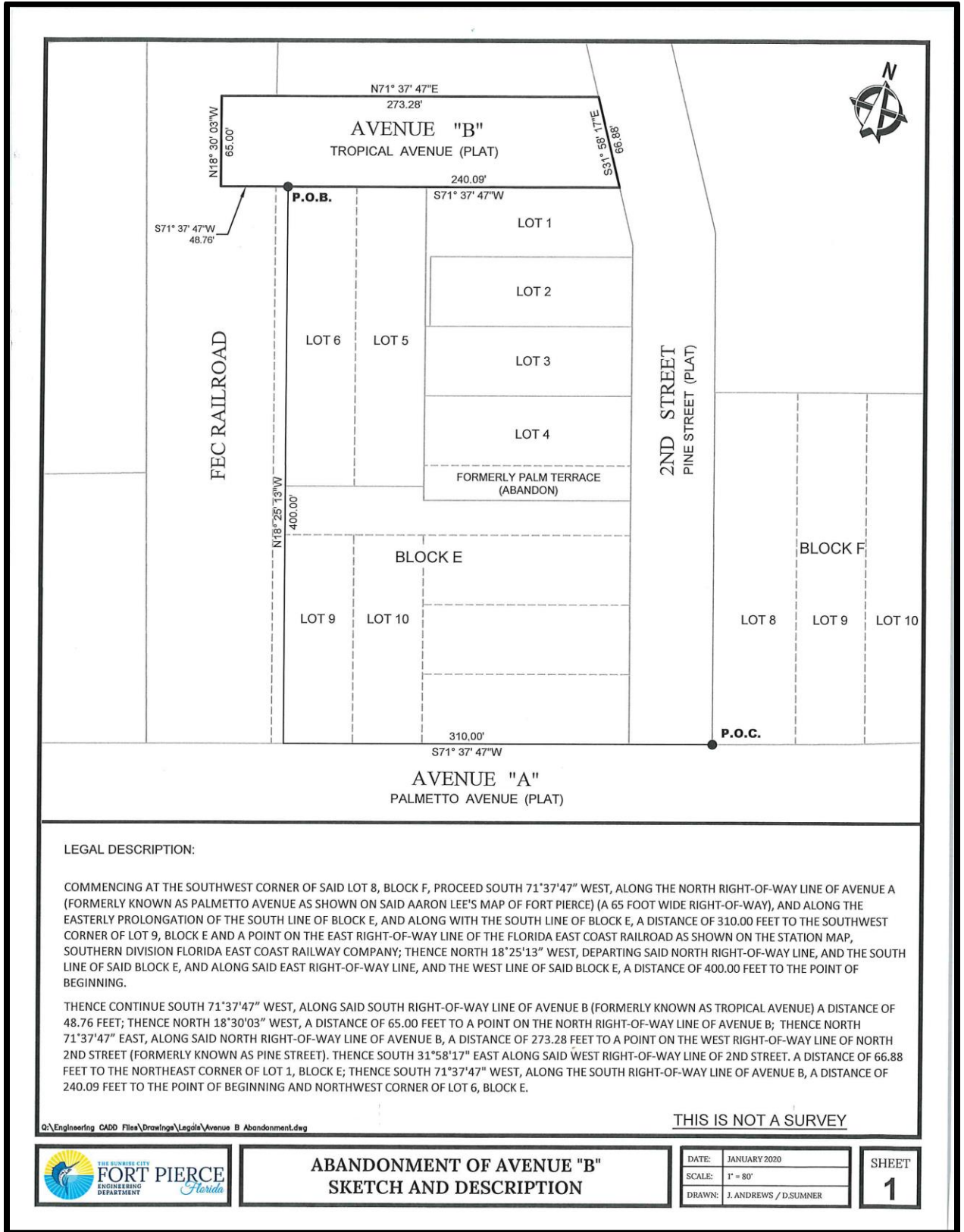
Linda Hudson
MAYOR COMMISSIONER

ATTEST:

(CITY SEAL)

Linda W. Cox
CITY CLERK

EXHIBIT A
Sketch & Legal Description of Subject Property



LEGAL DESCRIPTION:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 8, BLOCK F, PROCEED SOUTH 71°37'47" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF AVENUE A (FORMERLY KNOWN AS PALMETTO AVENUE AS SHOWN ON SAID AARON LEE'S MAP OF FORT PIERCE) (A 65 FOOT WIDE RIGHT-OF-WAY), AND ALONG THE EASTERLY PROLONGATION OF THE SOUTH LINE OF BLOCK E, AND ALONG WITH THE SOUTH LINE OF BLOCK E, A DISTANCE OF 310.00 FEET TO THE SOUTHWEST CORNER OF LOT 9, BLOCK E AND A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILROAD AS SHOWN ON THE STATION MAP, SOUTHERN DIVISION FLORIDA EAST COAST RAILWAY COMPANY; THENCE NORTH 18°25'13" WEST, DEPARTING SAID NORTH RIGHT-OF-WAY LINE, AND THE SOUTH LINE OF SAID BLOCK E, AND ALONG SAID EAST RIGHT-OF-WAY LINE, AND THE WEST LINE OF SAID BLOCK E, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

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Q:\Engineering CADD Files\Drawings\Legals\Avenue B Abandonment.dwg

THIS IS NOT A SURVEY



**ABANDONMENT OF AVENUE "B"
SKETCH AND DESCRIPTION**

DATE:	JANUARY 2020
SCALE:	1" = 80'
DRAWN:	J. ANDREWS / D. SUMNER

SHEET
1

