

ORDINANCE 2005 - 007

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, VACATING AND ABANDONING A THE EAST TWENTY-FIVE (25) FEET OF LOT 8 AND THE SOUTH TWENTY-FIVE (25) FEET OF LOT 7 OF "THE HOMELAND PLAT," GENERALLY KNOWN AS 4701 LUPO LANE/ SW 135 LANE, AND THE WEST TWENTY-FIVE (25) FEET OF LOT 7 OF THE "WEST BROWARD CHRISTIAN CENTER PLAT," GENERALLY KNOWN AS 4820 SW 134 AVENUE, AS MORE PARTICULARLY DEPICTED IN EXHIBIT "A;" PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town is the legal owner of a fifty foot unimproved roadway easement, generally described as the east twenty-five feet of Lot 8 and the south twenty-five feet of Lot 7 of "The Homeland Plat," (Lot 8 with an address of 4701 Lupo Lane/ SE 135 Lane), and the west twenty-five feet of Lot 7 of "West Broward Christian Center Plat," with an address of 4820 SW 134th Avenue (the "Property"); and

WHEREAS, the roadway easement is generally located south of Griffin Road, east of Holatee Trail; and

WHEREAS, the roadway easement was originally dedicated through the platting process to connect Lupo Lane (SW 135 Lane) and SW 134 Avenue with an unimproved section of SW 49th Street, which is directly south of the Country Glen subdivision in Cooper City; and

WHEREAS, since Country Glen accesses its community through Country Glen Road, and because this roadway easement is not needed to access the abutting properties, the road easement no longer serves a valid public purpose;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council. All exhibits referenced herein and attached hereto are hereby incorporated herein.

Section 2: It is hereby determined that the Property is no longer useful or needed as a right-of-way, and it is in the public interest that the Property be abandoned, vacated and closed as a right-of-way, and as a public property and that it be released from any and every public right, use, title and interest, except as hereinafter provided. The Property is hereby vacated, closed and abandoned as a right-

of-way, and the Property is hereby released and discharged of any and every public right, use, title and interest of the Town of Southwest Ranches, for right-of-way purposes and that the Property shall revert to the adjoining and abutting owners who have reversionary interest, except and subject to any easements of record, over, under and across the Property.

Section 3: The Town Council and the Town of Southwest Ranches, Florida, hereby authorizes the vacation of the fifty foot unimproved roadway easement, generally described as the east twenty-five feet of Lot 8 and the south twenty-five feet of Lot 7 of "The Homeland Plat," (Lot 8 with an address of 4701 Lupo Lane/ SE 135 Lane), and the west twenty-five feet of Lot 7 of "West Broward Christian Center Plat," with an address of 4820 SW 134th Avenue as further described in Exhibit "A":

Section 4. The Town Attorney is hereby authorized to prepare any and all documents necessary to effectuate the intent of this Ordinance and the appropriate Town officials are hereby authorized to execute said documents.

Section 5. The Town Clerk is hereby directed to record a copy of this Ordinance in the Public Records of Broward County, Florida.

Section 6. Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 7. Severability. If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 8. Effective Date. This Ordinance shall be effective immediately upon its adoption.

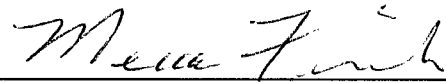
PASSED ON FIRST READING this 14th day of April, 2005 on a motion made by Council Member Maines and seconded by Council Member Knight.

PASSED AND ADOPTED ON SECOND READING this 19th day of May, 2005, on a motion made by Council Member Maines and seconded by Vice Mayor Blanton.

Fink	<u>Y</u>
Knight	<u>A</u>
Blanton	<u>Y</u>
Maines	<u>Y</u>
Nelson	<u>Y</u>

Ayes	<u>4</u>
Nays	<u>0</u>
Absent or Abstaining	<u>1</u>

[Signatures on Following Page]



Mecca Fink, Mayor

Attest:



Shari Canada, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney

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