

ORDINANCE NO. 2006 - 11

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, VACATING AND ABANDONING THAT CERTAIN UNIMPROVED RIGHT-OF-WAY FOR S.W. 69TH STREET LYING BETWEEN TRACTS 45 AND 52, ACCORDING TO THE PLAT OF THE EVERGLADES LAND COMPANY'S SUBDIVISION OF SECTION 1, TOWNSHIP 51 SOUTH, RANGE 39 EAST, AS RECORDED IN PLAT BOOK 2, PAGE 1 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, SAID LAND SITIAE AND LYING IN BROWARD COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AUTHORIZING THE PREPARATION AND EXECUTION OF THE EFFECTING DOCUMENTS; PROVIDING INSTRUCTIONS TO THE TOWN CLERK; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town is the legal owner of the right-of-way lying between Tracts 45 and 52, more particularly described in Exhibit "A", which said right-of-way is located within the Town of Southwest Ranches; and

WHEREAS, the portion of the right-of-way, as more particularly described in Exhibit "A", fails to serve a public purpose; and

WHEREAS, the School Board of Broward County, Florida, is the record title holder of the property which abuts and is adjacent to the portion of the unimproved right-or-way to be vacated; and

WHEREAS, to insure the health, safety and welfare of the Town's residents residing within the area, the Town has been requested to vacate said portion of the right-of-way.

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

Section 1: The above referenced recitals are true and correct and are incorporated herein by reference. All exhibits referenced herein and attached hereto are hereby incorporated herein.

Section 2: It is hereby determined that the right-of-way is no longer useful or needed as a right-of-way, and is in the public's best interest that the right-of-way be abandoned and vacated 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 right-of-way is hereby vacated and abandoned as a right-of-way, and the right-of-way 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 right-of-way.

Section 3: The Town Council and the Town of Southwest Ranches, Florida, hereby authorize the vacation of the portion of the right-of-way as legally described in Exhibit "A", attached hereto.

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 6th day of April, 2006 on a motion made by Council Member Aster Knight and seconded by Vice Mayor Don Maines.

PASSED ON SECOND READING this 20th day of April, 2006 on a motion made by Council Member Aster Knight and a second by Council Member Forest Blanton.

Fink	<u>Y</u>	Ayes	<u>5</u>
Maines	<u>Y</u>	Nays	<u>0</u>
Blanton	<u>Y</u>	Absent	<u>0</u>
Knight	<u>Y</u>	Abstaining	<u>0</u>
Nelson	<u>Y</u>		

[Signatures on Following Page]

Mecca Fink, Mayor

Attest:

Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

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