

ORDINANCE NO. 2007 - 11

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, VACATING, CLOSING AND ABANDONING A CERTAIN PORTION OF UNIMPROVED RIGHT-OF-WAY FOR S.W. 136TH AVENUE RECORDED IN O.R.B. 3876, PAGE 292 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS THAT PORTION LYING WITHIN 53 FEET OF THE WEST BOUNDARY OF SECTION 26, TOWNSHIP 50 SOUTH, RANGE 40 EAST, BEGINNING 988.56 FEET TO THE NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 26 AND CONTINUING NORTH FOR 457.01 FEET; 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, as part of the processing of the Layla Estates and Brittney Estates plats, the owner is seeking to vacate a portion of SW 136th Avenue that begins approximately 150 feet south of Griffin Road right-of-way and extends approximately 600 feet south of Griffin Road right-of-way; and

WHEREAS, the total amount of right-of-way seeking to be vacated is fifty-three (53) feet; and

WHEREAS, this unimproved right-of-way is a remnant of the original right-of-way for SW 136th Avenue; and

WHEREAS, the other portion was vacated by the adjacent property owner to the west; and

WHEREAS, vacation of the subject right-of-way will allow the owner to continue platting the property, which abuts the east edge of SW 136th Avenue; and

WHEREAS, vacation of the right-of-way will not affect access to properties adjacent to it, since alternative access points will be established as part of the platting process for the Layla Estates and Brittney Estates plats; and

WHEREAS, notice of this request has been provided in accordance with the Florida Statutes and the Town's Unified Land Development Code; and

WHEREAS, the area to be vacated fails to serve a public purpose; and

WHEREAS, to insure the health, safety and welfare of the Town's residents residing within the area, the Town has been requested to process this vacation.

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, as specifically delineated in Composite Exhibit "A", is no longer useful or needed, and it is in the public interest that it be abandoned and vacated, 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 and the right-of-way area is hereby released and discharged of any and every public right, use, title and interest of the Town of Southwest Ranches.

Section 3: The Town Council and the Town of Southwest Ranches, Florida, hereby authorizes the vacation of the right-of-way as specifically delineated on the attached sketch and description attached hereto as Composite 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 upon the recordation of the Brittney Estates Plat (PL-034-06) and the Layla Estates Plat

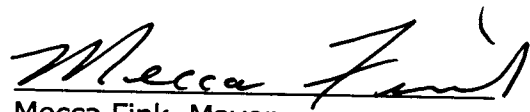
(PL-038-07) or upon the conveyance of twenty-five (25) feet from each property by separate instrument for ingress/egress, in a form approved by the Town Attorney, plus the dedication of a turn-around at the terminus of the Britney Estate Plat in conformity with Section 90-1(f) of the Town's Unified Land Development Code.

PASSED ON FIRST READING this 19th day of July, 2007 on a motion made by Council Member Jeff Nelson and seconded by Council Member Aster Knight.

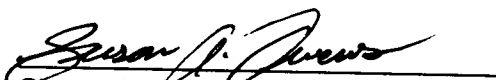
PASSED ON SECOND READING this 6th day of September, 2007 on a motion made by Vice Mayor Don Maines and a second by Council Member Steve Breitkreuz.

Fink	<u>Y</u>
Maines	<u>Y</u>
Breitkreuz	<u>Y</u>
Knight	<u>N</u>
Nelson	<u>Y</u>


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


Mecca Fink, Mayor

Attest:


Susan A. Owens, Town Clerk

Approved as to Form and Correctness:


Gary A. Poliakov, J.D., Town Attorney
FTL_DB: 1060346_1



SKETCH AND LEGAL DESCRIPTION

BY
PULICE LAND SURVEYORS, INC.
5381 NOB HILL ROAD
SUNRISE, FLORIDA 33351



TELEPHONE: (954) 572-1777 • FAX: (954) 572-1778
E-MAIL: surveys@pulicelandsurveyors.com CERTIFICATE OF AUTHORIZATION #LB3870

LEGAL DESCRIPTION: RIGHT-OF-WAY VACATION

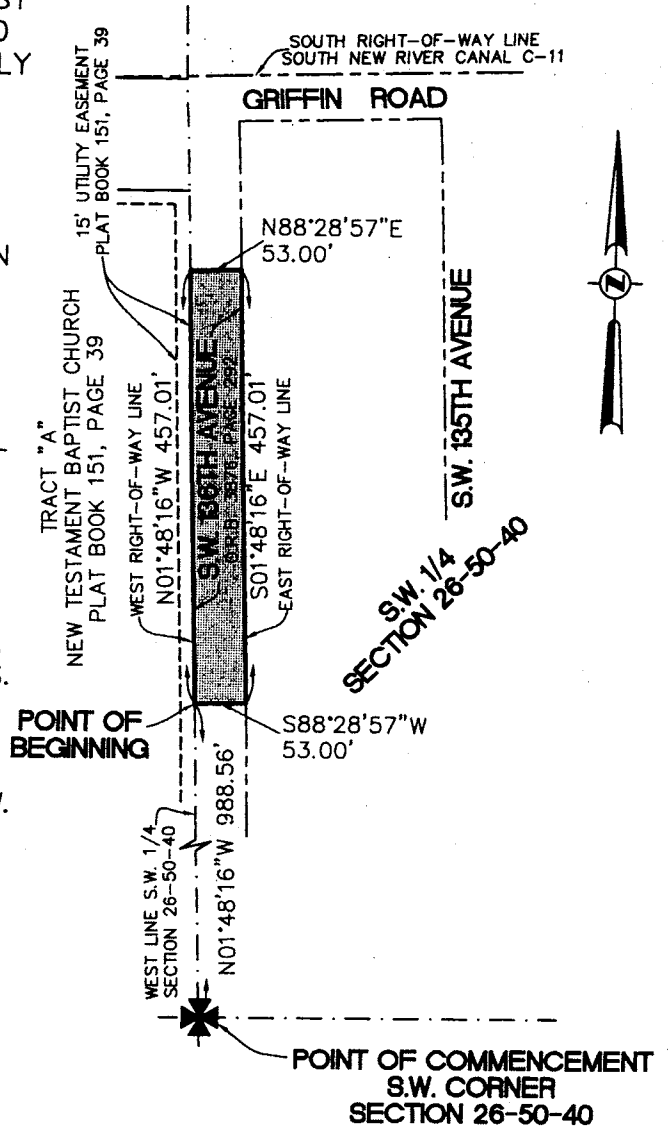
A PORTION OF THE SOUTHWEST 136TH AVENUE RIGHT-OF-WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 3876, PAGE 292 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING IN THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 50 SOUTH, RANGE 40 EAST IN SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE NORTH 01°48'16" WEST ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 26 FOR 988.56 FEET TO THE POINT OF BEGINNING ON THE WEST RIGHT-OF-WAY LINE OF SAID SOUTHWEST 136TH AVENUE; THENCE CONTINUE NORTH 01°48'16" WEST ON SAID WEST LINE AND ON SAID WEST RIGHT-OF-WAY LINE 457.01 FEET; THENCE NORTH 88°28'57" EAST 53.00 FEET TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID SOUTHWEST 136TH AVENUE; THENCE SOUTH 01°48'16" EAST ON SAID EAST RIGHT-OF-WAY LINE 457.01 FEET; THENCE SOUTH 88°28'57" WEST 53.00 FEET TO THE POINT OF BEGINNING.


SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING 24,221 SQUARE FEET, 0.5560 ACRES.

NOTES:

- 1) BEARINGS ARE BASED ON THE WEST LINE OF THE S.W. 1/4 OF SECTION 26-50-40 BEING N01°48'16"W.
- 2) THIS IS NOT A SKETCH OF SURVEY AND DOES NOT REPRESENT A FIELD SURVEY.
- 3) THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 4) O.R.B. DENOTES: OFFICIAL RECORDS BOOK



FILE: R J DEVELOPERS, INC.
SCALE: 1"=200'
ORDER NO.: 50477
DATE: 12/28/06
RIGHT-OF-WAY VACATION
SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA
FOR: LAYLA ESTATES


 John F. Pulice, Professional Surveyor and Mapper LS2691
 Beth Burns, Professional Surveyor and Mapper LS6136
 State of Florida