

ORDINANCE NO. 2008 - 09

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, VACATING, CLOSING AND ABANDONING A PORTION OF UNIMPROVED RIGHT-OF-WAY RECORDED AS THE WEST TWENTY (20) FEET OF THE WEST THREE HUNDRED AND THIRTY (330) FEET OF TRACT 2, SECTION 34, TOWNSHIP 50 SOUTH, RANGE 40 EAST, OF "EVERGLADES SUGAR AND LAND CO. SUBDIVISION", AS RECORDED IN PLAT BOOK 1, PAGE 152 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, GENERALLY LOCATED AT THE INTERSECTION OF SW 50th STREET (EAST PALOMINO DRIVE) 1,250 FEET WEST OF SW 136th AVENUE AND 1,275 FEET EAST OF SW 142nd AVENUE; AUTHORIZING THE PREPARATION AND EXECUTION OF THE EFFECTING DOCUMENTS; PROVIDING FOR COST RECOVERY; PROVIDING INSTRUCTIONS TO THE TOWN CLERK; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the applicants seek to vacate the east twenty (20) foot portion of a forty (40) foot unimproved and unnamed right-of-way generally intersecting SW 50th Street (E. Palomino Drive), 1,250 feet west of SW 136th Avenue and 1,275 feet east of SW 142nd Avenue, as delineated in Exhibit "A"; and

WHEREAS, the location of the twenty (20) foot unimproved right-of-way is legally described as:

The West twenty (20) feet of the West three hundred and thirty (330) feet of Tract 2, Section 34, Township 50 South, Range 40 East, of "Everglades Sugar and Land Co. Subdivision", as recorded in Plat Book 1, Page 152 of the Public Records of Miami-Dade County, Florida (the "Property"); and

WHEREAS, the Town Council finds that this vacation does not affect access to the adjoining properties; and

WHEREAS, the Town Council finds that this Property fails to serve a legitimate public purpose; and

WHEREAS, the Town Council finds that this vacation is not in conflict with the health, safety and welfare of its residents.

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 above referenced twenty (20) foot portion of a forty (40) foot unimproved and unnamed right-of way intersecting with SW 50th Street (E. Palomino Drive), 1,250 feet west of SW 136th Avenue and 1,275 east of SW 142nd, as delineated in 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 Property is hereby vacated and abandoned, and the Property 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 Easement Area as specifically delineated on the attached sketch and description attached hereto as 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: Cost Recovery. That the applicant shall pay to the Town and amount equal to the total expense incurred by the Town in processing this vacation. This is to include expenses for engineering, planning, legal, and advertising, a five (5) percent administrative fee, and any related expenses that the Town has or will incur as a direct cost of this vacation.

Section 6: The Town Clerk is hereby directed to record a copy of this Ordinance in the Public Records of Broward County, Florida.

Section 7: 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 8: 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.

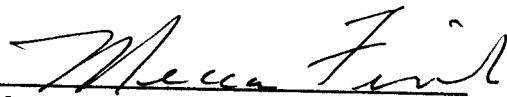
Section 9: Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 5th day of June, 2008 on a motion made by Council Member Aster Knight and seconded by Council Member Steve Breitkreuz.

PASSED ON SECOND READING this 10th day of July, 2008 on a motion made by Vice Mayor Jeff Nelson and a second by Council Member Don Maines.

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


Ayes	<u>5</u>
Nays	<u>0</u>
Absent	<u>0</u>
Abstaining	<u>0</u>

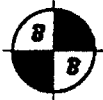

Mecca Fink, Mayor

Attest:


Susan A. Owens, CMC, Town Clerk

Approved as to Form and Correctness:


Gary A. Poljakoff, J.D., Town Attorney
FTL_DB: 1119052_1



B & B LAND SURVEYORS, INC.

11633 S.W. 58th Street
Cooper City, Florida 33330
Phone (954) 680-4061
Licensed Business #6601

SKETCH AND DESCRIPTION

NOTE: THIS IS NOT A SURVEY
SEE ATTACHED SKETCH OF DESCRIPTION

DESCRIPTION: VACATION OF 20 FOOT ROADWAY

THE WEST 20 FEET OF THE WEST 330 FEET OF TRACT 2, SECTION 34, TOWNSHIP 50 SOUTH, RANGE 40 EAST, OF "EVERGLADES SUGAR AND LAND CO. SUBDIVISION", AS RECORDED IN PLAT BOOK 1, PAGE 152 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA. SAID LANDS SITUATE, LYING AND BEING IN BROWARD COUNTY, FLORIDA, LESS THE NORTH 30.00 FEET FOR ROAD RIGHT OF WAY, AS RECORDED IN OFFICIAL RECORDS BOOK 4230, PAGE 627 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA.

SAID LANDS SITUATE, LYING, AND BEING IN THE CITY OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA AND CONTAINING 6003.40 SQUARE FEET (0.14 ACRES) MORE OR LESS.

ABBREVIATION LEGEND:

N.T.S. - NOT TO SCALE
A - ARC
Δ - DELTA
R - RADIUS
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT
BCR - BROWARD COUNTY RECORDS
DCR - MIAMI-DADE COUNTY RECORDS
O.R.B. - OFFICIAL RECORDS BOOK

SURVEY NOTES:

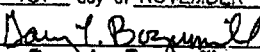
1. THIS IS NOT A SURVEY. IT IS A DESCRIPTION OF THE LANDS AS SHOWN HEREON.
2. NO FIELD WORK WAS PERFORMED DURING THE PRODUCTION OF THIS SKETCH AND DESCRIPTION.

SHEET 1 OF 2

REVISIONS:	SCALE: N.T.S.	FILE NO. 07-116
This description of sketch was not abstracted by the undersigned for ownership, easements, reservations, and/or rights-of-way of record.	DRAWN BY: EMB	CHECKED BY: GB
		FIELD BK. PGS.

I CERTIFY THE ACCURACY AND COMPLETENESS OF THIS SKETCH OF DESCRIPTION.

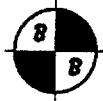
Dated this 1ST day of NOVEMBER 20 07 A.D.



Gary L. Bogumill

Professional Land Surveyor & Mapper
State of Florida Registration No. 5376

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

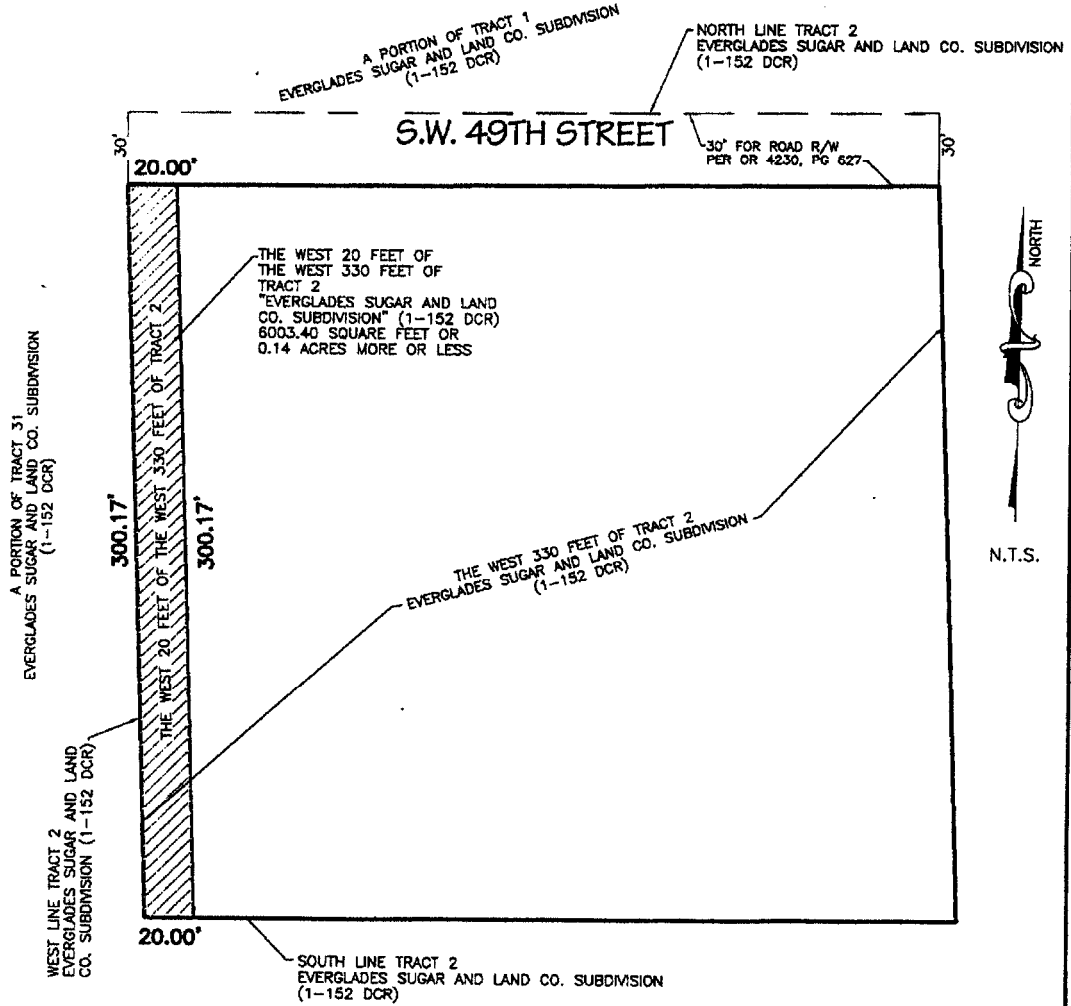


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11633 S.W. 58th Street
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Licensed Business #6601

SKETCH AND DESCRIPTION

NOTE: THIS IS NOT A SURVEY
SEE ATTACHED DESCRIPTION OF SKETCH



A PORTION OF TRACT 3
EVERGLADES SUGAR AND LAND CO. SUBDIVISION
(1-152 DCR)

32	1
31	2
30	3
29	4
28	5
27	6
26	7
25	8

HANCOCK ROAD

S.W. 49TH STREET

S.W. 126TH AVENUE
(HOLATEE TRAIL)

NORTH

SECTION 34-50-40

LOCATION SKETCH

N.T.S.

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