

ORDINANCE NO. 16-2085

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA, PROVIDING FOR THE VACATION AND ABANDONMENT OF THE EASTERN EIGHTY FEET OF THE TWENTY-FIVE FOOT WIDE RIGHT-OF-WAY & UTILITY EASEMENT CREATED BY LONGWOOD PINE PLAT RECORDED AT PLAT BOOK 17, PAGE 33, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, ADJACENT TO LOT 9 OF THE SAME PLAT; PROVIDING FOR CERTAIN EASEMENT RESERVATIONS BY THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, RECORDING AND AN EFFECTIVE DATE.

WHEREAS, the applicant, Rose Smith (the “applicant”) is the owner of Lot 9, Longwood Pine, according to the plat thereof recorded at Plat Book 17, Page 33, Public Records of Seminole County, Florida (“Longwood Pine Plat”), and having a Seminole County Tax Parcel Identification Number 32-20-30-515-0000-0090 (“Lot 9”); and

WHEREAS, the Longwood Pine Plat created by plat dedication a 25-foot wide Right-of-Way & Utility Easement south of and adjacent to Lots 9 through 16 of the Longwood Pine Plat (“25 Foot Right-of-Way & Utility Easement”); and

WHEREAS, applicant has petitioned the City to vacate, close, abandon that certain 80 foot in length portion of the 25 Foot Right-of-Way & Utility Easement adjacent to Lot 9; and

WHEREAS, the 25 Foot Right-of-Way & Utility Easement is on the perimeter of the Longwood Pine Plat, and as such, the fee simple ownership of the full width of the 25 Foot Right-of-Way & Utility Easement vacated and abandoned herein reverts to the owner of Lot 9; and

WHEREAS, the vacation and abandonment set forth herein has been properly noticed and advertised and interested persons have had an opportunity to be heard concerning such matter; and

WHEREAS, the vacation and abandonment of such right-of-way and easement as requested by the applicant meets the criteria set forth in Section 10.10.4, Longwood Development Code, is within the public interest and would not conflict with the goals, objectives or policies of the City’s Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LONGWOOD, FLORIDA, AS FOLLOWS:

SECTION 1: Recitals. The above “Whereas” clauses are true and correct and constitute findings of the City Commission and are incorporated herein by this reference.

SECTION 2: Vacation and Abandonment/Easement Reservation. The applicant's request for a vacation and abandonment of that portion of the 25 Foot Right-of-Way & Utility Easement adjacent to Lot 9 is granted. The eastern 80 feet of the 25 Foot Right-of-Way & Utility Easement adjacent to Lot 9 of the Longwood Pine Plat ("Vacated Area") is hereby vacated and abandoned by the City of Longwood SUBJECT to a reservation of a perpetual drainage and utility easement over, under and through the Vacated Area in favor of the City of Longwood the operation, control, regulation, construction, installation, repair, replacement, maintenance, use and modification of utilities, including but not limited to stormwater drainage lines, sewer lines, water lines, reclaimed water lines, and other utilities and facilities of every type and appurtenances thereto ("Utility Easement"). Such aforesaid Utility Easement reservation includes the right of ingress and egress upon the easement area to carry out the purposes of said Utility Easement. The City of Longwood shall only be responsible for the maintenance, repair and replacement of improvements within said Utility Easement area that the City of Longwood has constructed or constructs in the future. The property owner(s) shall maintain the surface improvements including the existing permitted storage building, pavement, sod and landscaping within the Utility Easement area at the property owner's(s') sole cost and expense. Except for the existing, permitted storage building that is hereby authorized to remain in its current location, no activities or improvements shall be permitted within the Vacated Area that conflict or interfere with the drainage and utility improvements installed or constructed by the City of Longwood within the Utility Easement.

SECTION 3: Recording. After adoption, this Ordinance shall be recorded in the public records of Seminole County, Florida.

SECTION 4: Conflicts. To the extent this Ordinance, or any provisions thereof, conflict with any previously enacted Ordinances of the City of Longwood, Florida, this Ordinance shall control to the extent any such conflict(s) exists.

SECTION 5: Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision of such holding shall not affect the validity of the remaining portions thereof to the extent practicable.

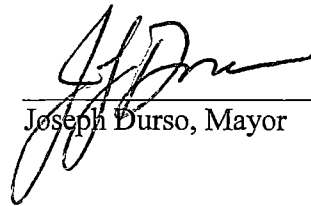
SECTION 6: Effective Date. This Ordinance shall be in force and take effect immediately upon adoption.

FIRST READING: March 21, 2016

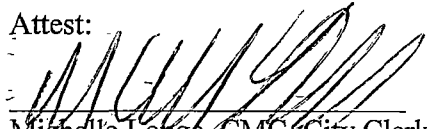
SECOND READING/PUBLIC HEARING: April 4, 2016

PASSED AND ADOPTED THIS 4th DAY OF April, 2016.

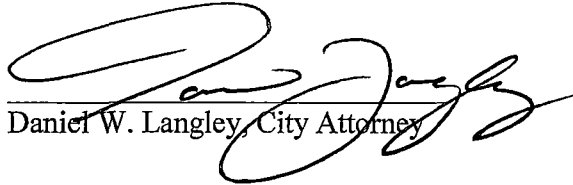
CITY OF LONGWOOD


Joseph Durso, Mayor

Attest:


Michelle Longo, CMC, City Clerk

Approved as to form and legality for the use and reliance of the City of Longwood, Florida, only.


Daniel W. Langley, City Attorney

