

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ABANDONING A PORTION OF EAST 20th STREET, A PORTION OF AVENUE 'B', AND A PORTION OF AVENUE 'C', EXHIBITED ON THE "REVISED PLAT OF COCOANUT LODGE" IN GOVERNMENT LOT 4, SECTION 28, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 7, PAGE 52 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND LOCATED WITHIN THE CITY OF RIVIERA BEACH, FLORIDA, CONTAINING 26,815.6 SQUARE FEET, 0.62 ACRES, MORE OR LESS; PROVIDING CONDITIONS; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the applicant, RBY, LLC (Rybovich), owns certain property within the City of Riviera Beach and has requested abandonment of adjacent City right-of-way, more specifically, a portion of East 20th Street, a portion of Avenue 'B' and a portion of Avenue 'C', approximately 26,815.6 square feet in area (0.62 acres); and

WHEREAS, this abandonment request is desired by the applicant in order to create a contiguous area for future development with improved internal accessibility; and

WHEREAS, on November 16, 2011, the City Council approved Ordinance No. 4008, which abandoned a portion of East 20th Street, a portion of Avenue 'B' and a portion of Avenue 'C'; and

WHEREAS, the Planning and Zoning Board reviewed the abandonment request on January 25, 2018 and recommended approval to the City Council; and

WHEREAS, the Community Redevelopment Agency Board of Commissioners reviewed this item during a public meeting on February 28, 2018; and

WHEREAS, the City Council of the City of Riviera Beach has found that the portions of streets referenced above should be abandoned as public right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. The City Council of the City of Riviera Beach finds that it is in the best interest of the City to abandon public right-of-way, which includes a portion of East 20th Street, a portion of Avenue 'B' and a portion of Avenue 'C', as described below:

A PORTION OF EAST 20TH STREET AND A PROTION OF AVENUE C, AS SHOW ON THE "REVISED PLAT OF COCOANUT LODGE" IN GOVERNMENT LOT 4, SECTION 28, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AS RECORDED IN PLAT BOOK 7, PAGE

52, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND NOW LOCATED WITHIN THE CITY OF RIVIERA BEACH, FLORIDA; AND

A PORTION OF AVENUE B, AS SHOWN ON THE "REVISED PLAT OF COCOANUT LODGE" IN GOVERNMENT LOT 4, SECTION 28, TOWNSHIP 42 SOUTH, RANGE 43 EAST, AND RECORDED IN PLAT BOOK 7, PAGE 52, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND NOW LOCATED WITHIN THE CITY OF RIVIERA BEACH, FLORIDA

SAID LANDS LYING IN THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, CONTAINING 26,815 SQUARE FEET, 0.62 ACRES, MORE OR LESS.

SECTION 2. That the public right-of-way described in Section 1 above, including a portion of East 20th Street, a portion of Avenue 'B' and a portion of Avenue 'C' and as also shown within Exhibit 'A' and Exhibit 'B', (attached hereto), is hereby abandoned with the following conditions of approval:

1. RBY, LLC (Rybovich) or designee, must submit a complete Site Plan application to the City within twelve (12) months of the passage and adoption this Ordinance. This Site Plan application will provide a Master Site Plan for land area owned by Rybovich associated with this abandonment request.
2. A Landscape Plan shall be submitted in conjunction with the aforementioned Site Plan application in accordance with the City's Code of Ordinances.
3. A Plat (or re-plat) shall be submitted in conjunction with the aforementioned Site Plan application.
4. RBY, LLC (Rybovich) or designee, shall facilitate the installation of a new traffic signal at the intersection of Broadway and E. 22nd Street. The new traffic light at the intersection of Broadway and E. 22nd St. must be fully operational prior to restricting access to the portions of E. 20th Street and Avenue 'C' currently proposed to be abandoned as described within this Ordinance.
5. In order to provide for continued City access to maintain, repair and replace City water, sewer and other utility infrastructure, one or more City utility access easements shall be recorded by the applicant in the Official Records of Palm Beach County within thirty (30) days after the passage and adoption of this Ordinance. Said easement(s) shall be identical in dimension and area to the right-of-way abandonment area described herein. The applicant agrees to provide for City utility access as required, from time to time, until said utility easement(s) are recorded within the Official Records of Palm Beach County.
6. The applicant, (or future property owner), shall be responsible for the cost associated with relocating existing City water, sewer or other City utility lines if future owner-initiated construction within the abandonment area impacts City utilities within the abandonment area. New utility easements may be required accordingly.

SECTION 3. If RBY, LLC (Rybovich) or designee fails to submit a complete application for approval of Site Plan, Landscape Plan and Plat to the City within twelve (12) months of passage and adoption of this Ordinance, as described within Section 2 above, this Ordinance shall be considered null and void; however, a one-time six (6) month extension to the twelve (12) month time period may be granted by the City Manager or designee upon request of Rybovich or designee.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall take effect immediately upon final passage and adoption.

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ORDINANCE NO. _____
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PASSED AND APPROVED on the first reading this _____ day of _____,
_____.

PASSED AND ADOPTED on second and final reading this _____ day of _____,
_____.

APPROVED:

THOMAS A. MASTERS
MAYOR

TONYA DAVIS JOHNSON
CHAIRPERSON

ATTEST:

LYNNE L. HUBBARD
CHAIR PRO TEM

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

KASHAMBA MILLER-ANDERSON
COUNCILPERSON

JULIA A. BOTEL
COUNCILPERSON

TERENCE D. DAVIS
COUNCILPERSON

ORDINANCE NO. _____

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1ST READING

2ND & FINAL READING

MOTIONED BY: _____

MOTIONED BY: _____

SECONDED BY: _____

SECONDED BY: _____

L. HUBBARD _____

L. HUBBARD _____

K. MILLER-ANDERSON _____

K. MILLER-ANDERSON _____

T. DAVIS JOHNSON _____

T. DAVIS JOHNSON _____

J. BOTEL _____

J. BOTEL _____

T. DAVIS _____

T. DAVIS _____

REVIEWED AS TO LEGAL SUFFICIENCY

ANDREW DEGRAFFENREIDT, CITY ATTORNEY

DATE: _____