

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ABANDONING AN UNNAMED ROAD RIGHT-OF-WAY LOCATED WITHIN THE CITY, APPROXIMATELY 50 FEET WIDE, ADJACENT TO AND SURROUNDED BY THE REAL PROPERTY ADDRESSED AS 1555 DR. MARTIN LUTHER KING JR. BLVD., PARCEL CONTROL NUMBER 56-43-42-06-000-0090, AS RECORDED IN PLAT BOOK 5, PAGE 67 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS "WILLIAM TAYLOR'S SUBDIVISION", CONTAINING APPROXIMATELY 30,000 SQUARE FEET, 0.68 ACRE, MORE OR LESS; PROVIDING CONDITIONS; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the applicant, GMF-Stonybrook, LLC, and acting agent, Millennia Housing Management, Ltd., have requested that the City abandon an unnamed public road right-of-way, approximately 30,000 square feet in area (0.68 acres), which runs north and south in the center of the applicant's property, parcel control number 56-43-42-06-000-0090, known as the Stonybrook Apartments; and

**WHEREAS**, this abandonment request is desired by the applicant in order to facilitate the construction of a new 4,482 square foot community center and property management office; and

**WHEREAS**, the Planning and Zoning Board reviewed the abandonment request on April 26, 2018 and recommended approval to the City Council; and

**WHEREAS**, the City Council supports the abandonment of said unnamed public roadway, with sketch and description attached hereto as Exhibit 'A'.

**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 the unnamed public road right-of-way, as described below and also attached hereto as Exhibit 'A':

A TRACT OR PARCEL OF LAND BEING A PORTION OF PARCEL 1, AS SHOWN IN QUIT CLAIM DEED RECORDED IN OFFICIAL RECORDS BOOK 2221, PAGES 1220 THROUGH 1221, ALSO BEING A PORTION OF LOT 9 OF WILLIAM TAYLOR'S SUBDIVISION, AS RECORDED IN PLAT 5, PAGE 113, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID TRACT OR PARCEL LYING IN THAT PORTION OF SECTION 32, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT A PK NAIL AT THE INTERSECTION OF THE EAST LINE OF SAID LOT 9 AND THE SOUTHERLY RIGHT OF WAY LINE OF DR. MARTIN LUTHER KING JR. BOULEVARD (STATE ROAD 710)(VARIABLE WIDTH RIGHT OF WAY), AS SHOWN IN FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION NO. 93310-2501, THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE AND ALONG THE ARC OF A CURVE TO THE RIGHT (RADIUS 11,499.16 FEET), (DELTA 01°22'20"), (CHORD BEARING NORTH 89°29'02" WEST), (CHORD 275.38 FEET), FOR 275.39 FEET TO THE NORTHEASTERLY CORNER OF A PORTION OF PARCEL NO. 128, AS CONTAINED IN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 24711, PAGES 115 THROUGH 117, OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 37°29'56" WEST ALONG THE EASTERLY LINE OF SAID PORTION OF PARCEL NO. 128, FOR 31.88 FEET TO THE SOUTHERLY CORNER OF SAID PORTION OF PARCEL NO. 128, SAID POINT BEING ON THE EASTERLY LINE OF SAID PARCEL 1 AND THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING THENCE RUN SOUTH 02°26'15" WEST ALONG SAID EASTERLY LINE, FOR 574.74 FEET TO A POINT; THENCE RUN NORTH 88°28'14" WEST ALONG THE SOUTHERLY LINE OF SAID PARCEL 1 FOR 50.01 FEET TO A POINT; THENCE RUN NORTH 02°26'15" EAST ALONG THE WESTERLY LINE OF SAID PARCEL 1, FOR 574.62 FEET TO A SOUTHERLY CORNER OF SAID PORTION OF PARCEL 128; THENCE LEAVING SAID WESTERLY LINE RUN SOUTH 88°36'29" EAST, FOR 50.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBES AND AREA OF 0.660 ACRES OR 28,736 SQUARE FEET, MORE OR LESS.

**SECTION 2.** That the unnamed public right-of-way described in Section 1 above, as shown within Exhibit 'A', is hereby abandoned with the following conditions of approval:

1. Commencing on the effective date of this ordinance, existing water and sewer utilities located within the right-of-way abandonment area will become private, and are the responsibility of the property owner. The property owner, shall be solely responsible for the cost associated with maintaining, relocating or adjusting utilities located within the abandonment area.
2. Within ninety (90) days after the effective date of this ordinance, the property owner shall install a master water meter with backflow assembly at the property line. Within ninety (90) days after the effective date of this ordinance, the property owner shall install a sewer cleanout at the property line. Within ninety (90) days after the effective date of this ordinance, the property owner shall prepare and record a utility access easement, within the Official Records of Palm Beach County, in order to provide City access to the aforementioned items.

**SECTION 3.** The City finds that it is in the best interest of the health, safety and welfare of the public to abandon the road right-of-way referenced herein.

**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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**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**

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**1<sup>ST</sup> READING**

**2<sup>ND</sup> & 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: \_\_\_\_\_