

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, ABANDONING A PORTION OF (OLD) EAST 13th STREET (FLAGLER AVENUE PER PLAT) AS SHOWN ON RIVIERA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 90 AND 91 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PORTION LYING BETWEEN BLOCK 2 AND BLOCK 14 OF SAID PLAT, BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF AVENUE C AND BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF BROADWAY (U.S. 1/STATE ROAD NO. 5) AND SAID LANDS LYING AND BEING IN SECTION 33, TOWNSHIP 42 SOUTH, RANGE 43 EAST, LOCATED WITHIN THE CITY OF RIVIERA BEACH, FLORIDA, CONTAINING 25,508 SQUARE FEET (0.5856 ACRE) MORE OR LESS; PROVIDING CONDITIONS; PROVIDING FOR SEVERABILITY AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Riviera Beach Community Redevelopment Agency has applied for the abandonment of public right-of-way, currently known as (Old) East 13th Street, in order to facilitate future redevelopment in accordance with the Marina District Master Plan; and

WHEREAS, the Riviera Beach Community Redevelopment Agency has approved a property swap which is contingent upon approval of this abandonment request; and

WHEREAS, this right-of-way runs from Broadway to Avenue 'C', from west to east, while East 12th Street provides roadway connectivity approximately 150 feet to the south of the abandonment area, and (New) East 13th Street provides roadway connectivity approximately 50 feet to the north of the abandonment area, along with providing a traffic signal on Broadway, thus, the abandonment area is not essential; and

WHEREAS, this abandonment request is desired in order to create a contiguous land area which will be utilized to promote future development and economic growth within the City's Marina District; and

WHEREAS, the Planning and Zoning Board reviewed the abandonment request on September 12, 2019 and recommended approval to the City Council; and

WHEREAS, the City Council of the City of Riviera Beach desires to abandon the right-of-way, known as (Old) East 13th Street, located between Broadway and Avenue 'C'.

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

SECTION 1. The foregoing recitals are ratified as true and correct and are incorporated herein. It is the purpose and intent of this Ordinance to promote the health, safety and general welfare of the residents, businesses and stakeholders of the City.

SECTION 2. The City Council of the City of Riviera Beach finds that it is in the best interest of the City to abandon the public right-of-way, known as (Old) East 13th Street, located between Broadway and Avenue 'C', as legally described below:

A PORTION OF EAST 13th STREET (FLAGLER AVENUE PER PLAT) AS SHOWN ON RIVIERA, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 90 AND 91 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID PORTION LYING BETWEEN BLOCK 2 AND BLOCK 14 OF SAID PLAT, BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF AVENUE C AND BOUNDED ON THE WEST BY THE EAST RIGHT-OF-WAY LINE OF BROADWAY (U.S. 1/STATE ROAD NO. 5) SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID BLOCK 14; THENCE, ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID BLOCK 14, NORTH 88°17'30" WEST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING ON THE WEST RIGHT-OF-WAY LINE OF AVENUE C; THENCE, CONTINUE ALONG SAID NORTH LINE OF BLOCK 14 AND DEPARTING SAID WEST RIGHT-OF-WAY LINE, NORTH 88°17'30" WEST A DISTANCE OF 425.29 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF BROADWAY (U.S. 1/S.R. No. 5); THENCE, ALONG SAID EAST RIGHT-OF-WAY LINE, NORTH 00°48'59" EAST A DISTANCE OF 60.01 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF; THENCE ALONG THE SOUTH LINE OF SAID BLOCK 2, SOUTH 88°17'30" EAST A DISTANCE OF 424.97 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID AVENUE C; THENCE, ALONG SAID WEST RIGHT-OF-WAY LINE, SOUTH 00°30'23" WEST A DISTANCE OF 60.01 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN SECTION 33, TOWNSHIP 42 SOUTH, RANGE 43 EAST, CITY OF RIVIERA BEACH, PALM BEACH COUNTY, FLORIDA, AND CONTAINING 25,508 SQUARE FEET (0.5856 ACRE) MORE OR LESS.

SECTION 3. The aforementioned public right-of-way, also identified in Exhibit 'A', Legal Description, and Exhibit 'B', Location Map, is hereby abandoned with the following condition of approval:

1. In order to provide for continued access to maintain, repair and replace water, sewer and other utility infrastructure, a utility access easement shall be recorded by the applicant in the Official Records of Palm Beach County within ninety (90) days after the passage and adoption of this Ordinance. Said easement shall be identical in dimension and area to the right-of-way abandonment area legal description described within Section 2 of this

Ordinance. Future property owners gaining real property from this abandonment shall be responsible for the cost associated with relocating existing utility infrastructure if future owner-initiated construction within the abandonment area impacts existing utilities. New utility easements may be required accordingly.

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 as well as satisfaction of the condition of approval provided herein.

[REMAINDER OF PAGE INTENTIONALLY BLANK]

PASSED AND APPROVED on the first reading this _____ day of _____,
_____.

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

APPROVED:

RONNIE L. FELDER
MAYOR

KASHAMBA MILLER-ANDERSON
CHAIRPERSON

ATTEST:

CLAUDENE L. ANTHONY,
CERTIFIED MUNICIPAL CLERK
CITY CLERK

JULIA A. BOTEL, Ed.D
CHAIR PRO TEM

TRADRICK MCCOY
COUNCILPERSON

SHIRLEY D. LANIER
COUNCILPERSON

DOUGLAS A. LAWSON
COUNCILPERSON

REVIEWED AS TO LEGAL SUFFICIENCY

DAWN S. WYNN, CITY ATTORNEY

DATE: _____

1ST READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

2ND & FINAL READING

MOTIONED BY: _____

SECONDED BY: _____

T. MCCOY _____

K. MILLER-ANDERSON _____

S. LANIER _____

J. BOTEL _____

D. LAWSON _____

REVIEWED AS TO LEGAL SUFFICIENCY

DAWN S. WYNN, CITY ATTORNEY

DATE: _____