

ORDINANCE 2016-08-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVELAND, FLORIDA, VACATING THE EASEMENT AS SET FORTH IN THE NON-EXCLUSIVE EASEMENT DEED (INDIVIDUAL), AS RECORDED IN OFFICIAL RECORDS BOOK 1409, PAGES 145 - 147, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LOCATED IN SECTION 30, TOWNSHIP 22 SOUTH, RANGE 25 EAST; VESTING OF TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Cary Malevar, on behalf of the Owner, Southgate of Lake County, LLC, seeks to vacate that certain easement granted to the public affecting development of its property identified as Parcel No. 30-22-25-000200000300 and Parcel No. 30-22-25-000200000700.

WHEREAS, the City Council is empowered pursuant to §166.042, *Florida Statutes*, to vacate public easements and rights of ways within its municipal boundaries; and

WHEREAS, the City Council of the City of Groveland, Florida, has determined that the easement or rights-of-way described herein below, is not needed for public use and convenience, now or in the future, and it is in the public interest to abandon the same as a public easement or right-of-way; and

WHEREAS, this Ordinance has been properly advertised in a newspaper of general circulation not less than ten days prior to the Local Planning Agency and City Council hearings on this Ordinance and property owners within a 150 foot radius of the property were provided written notice delivered by U.S. Mail, Return Receipt Requested.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GROVELAND, FLORIDA AS FOLLOWS:

Section 1: Vacation.

The easement as described in the Non-Exclusive Easement Deed (Individual) dated January 20, 1995, and recorded in Official Records Book 1409, Pages 145 – 147, Public Records of Lake County, Florida and more particularly described as follows:

LEGAL DESCRIPTION

The South 25 feet of the South 165 feet of the NE ¼ of the NW ¼ of Section 30, Township 22 South, Range 25 East, Lake County, Florida, LESS AND EXCEPT the East 1033.26 feet thereof. Also, the South 25 feet of the West 150 feet of the East 1033.26 feet of the South 165 feet of the NE ¼ of the NW ¼ of Section 30, Township 22 South, Range 25 East, Lake County Florida.

is hereby closed and vacated as a public easement.

Section 2: Vesting of title.

Title to said vacated right-of-way shall vest in accordance with law.

Section 3: Severability.

That if any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4: Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5: Effective Date.

This Ordinance shall become effective immediately upon its approval and adoption by the City Council of the City of Groveland.

ADOPTED at a regular meeting of the City Council of the City of Groveland, Lake County, Florida, this ____ day of August, 2016.

HONORABLE TIM LOUCKS, MAYOR
City of Groveland Florida

ATTEST:

City Clerk/Acting City Clerk



Approved as to Form:

Anita Geraci-Carver
City Attorney

Passed First Reading _____
Passed Second Reading _____

Council Member _____ moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member _____ and upon roll call on the motion the vote was as follows:

	YEA	NAY
John Griffin		
Tim Loucks		
Karen McMican		
Mike Radzik		
Dina Sweatt		