

TAB 9

**CITY OF PALMETTO
ORDINANCE NO. 09-994**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, VACATING THE 8TH STREET WEST RIGHT-OF-WAY BEGINNING 217.5 FEET EAST OF THE EASTERN RIGHT-OF-WAY LINE FOR 10TH AVENUE WEST TO THE EASTERN RIGHT-OF-WAY LINE FOR 9TH AVENUE WEST; VACATING 9TH AVENUE WEST FROM THE SOUTHERN RIGHT-OF-WAY OF 9TH STREET WEST TO THE SOUTHERN RIGHT-OF-WAY LINE FOR 8TH STREET WEST; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the City Commission of the City of Palmetto, Florida as follows:

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions, and render municipal services; and

WHEREAS, Chapter 166, Florida Statutes, the "Municipal Home Rule Powers Act," implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

WHEREAS, the City Commission of the City of Palmetto, Florida was duly convened at its regular meeting place in the City Hall of the City of Palmetto, Florida on May 18, 2009 and continued to June 1, 2009; and

WHEREAS, pursuant to the Notice of Hearing for the vacation having been duly made by advertisement in the Bradenton Herald on May 8, 2009; and

WHEREAS, all things necessary and required by law for the vacation of the right-of-way for 8th Street West beginning 217.5 feet East of the Eastern right-of-way line

for 10th Avenue West to the Eastern right-of-way line of 9th Avenue West and for the vacation of 9th Avenue West from the Southern right-of-way line for 9th Street West to the Southern right-of-way line for 8th Street West; and

WHEREAS, the City Commission has determined that it is necessary, desirable and in the best interest of the citizens of the City in order to protect the public health, safety, and welfare, to adopt this Ordinance.

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

Section 1. Findings of Fact. The forgoing "whereas" clauses are adopted herein as findings of fact, and are accepted as a basis for adoption of this Ordinance.

Section 2. Vacated Right-Of-Way and Reservation of Utility Easement. The City Commission of the City of Palmetto, Florida, pursuant to due and proper petition and application and other procedures as required by law and the rules and regulations of this Commission for vacating the following described right-of-way having been accomplished, the City Commission of the City of Palmetto, does hereby vacate, close and abandon that right-of-way, which is described on Exhibit "A" attached hereto and incorporated herein by reference; provided, however, that the City shall reserve public drainage and utility easement over the entire right-of-way vacated.

Section 3. Severability. It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then such provisions or portions shall be deemed null and void but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. Effective Date. This Ordinance shall take effect as provided by law and Section 14 of the City Charter upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 1st day of June, 2009.

First Reading:	May 4, 2009
Publication:	May 8, 2009
Second Reading and Public Hearing:	May 18, 2009 and continued to June 1, 2009

CITY OF PALMETTO, FLORIDA,
BY AND THROUGH THE CITY
COMMISSION OF THE CITY OF
PALMETTO

By: _____
SHIRLEY GROOVER BRYANT,
MAYOR

ATTEST: James R. Freeman
City Clerk

By: _____
City Clerk/Deputy Clerk.

EXHIBIT "A"

8TH STREET WEST RIGHT-OF-WAY BEGINNING 217.5 FEET EAST OF THE EASTERN RIGHT-OF-WAY LINE FOR 10TH AVENUE WEST TO THE EASTERN RIGHT-OF-WAY LINE FOR 9TH AVENUE WEST; VACATING THE 9TH AVENUE WEST RIGHT-OF-WAY FROM THE SOUTHERN RIGHT-OF-WAY OF 9TH STREET WEST TO THE SOUTHERN RIGHT-OF-WAY LINE FOR 8TH STREET WEST