

**TAB 13**

**CITY OF PALMETTO  
ORDINANCE NO. 2011-28**

**AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, VACATING A PLATTED SEWER AND WATER EASEMENT LOCATED ALONG THE REAR 5 FEET OF LOTS 1, 2, 3, 18, 19, AND 20, BLOCK 1, ORANGE PARK SUBDIVISION (PLAT BOOK 2, PAGE 137), GENERALLY LOCATED NORTH OF 17<sup>TH</sup> STREET WEST BETWEEN 7<sup>TH</sup> AVENUE WEST AND 8<sup>TH</sup> AVENUE WEST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR RECORDATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (VAC-2011-02 Applicant: Varnadore Properties, LLC)**

**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," 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 October 3, 2011, and conducted a public hearing related to the proposed vacation; and

**WHEREAS**, all things necessary and required by law for the vacation of a platted sewer and water easement located along the rear 5 feet of Lots 1, 2, 3, 18, 19, and 20, Block 1, Orange Park Subdivision (Plat Book 2, Page 137), generally located north of

17<sup>TH</sup> Street West between 7<sup>TH</sup> Avenue West and 8<sup>TH</sup> Avenue West, have been accomplished; and

**WHEREAS**, the City Commission has determined that it is in the best interests of the City 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 Easement.** The City Commission of the City of Palmetto does hereby vacate, close and abandon that easement, which is described as:

That platted sewer & water easement located along the rear 5' of Lots 1, 2, 3, 18, 19, and 20, block 1, Orange Park Subdivision, Plat Book 2, Page 137 recorded in the public records of Manatee County, Florida;

and generally graphically depicted on Exhibit "A" attached hereto and incorporated herein by reference.

**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 for by law and by City Charter, Section 14 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 3rd day of October, 2011.

First Reading:	September 12, 2011
Publication:	September 19, 2011 and September 26, 2011
Second Reading and Public Hearing:	October 3, 2011

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  
ORD 2011-28

This is a copy of the original and recording is in the name and copy filed for record March 8, 1925 recorded March 8, 1925.

City of Memphis  
Civil Engineer  
Student, Plan

411



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AND THE SW 1/4 OF THE SW 1/4  
OF THE SEC 5  
SEC. 11 T38S R40E174

Section 11 T38S R40E174  
1/2 SW 1/4 SEC 5  
1/2 SW 1/4 SEC 5

MEMPHIS ROAD

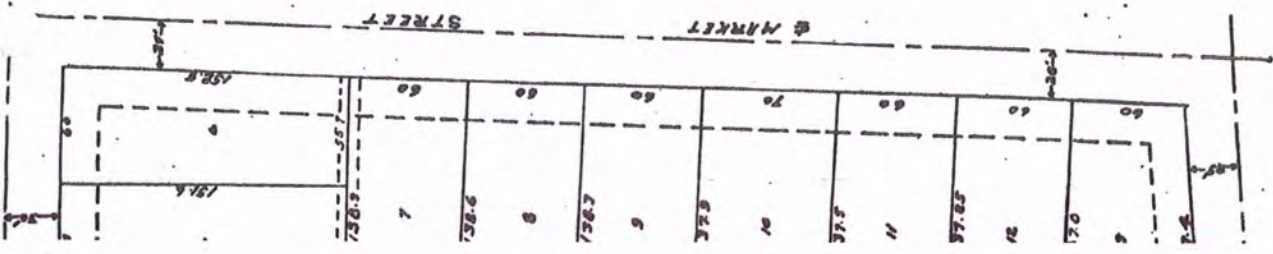
17th Street

17th Street

8th Ave

Vac-2011-02

This is a copy of the original and recording is in the name and copy filed for record March 8, 1925 recorded March 8, 1925.



RIGHT AND WIDE  
CORNER OF MARKET  
STREET