

ORDINANCE NO. 2006 - 04

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, VACATING AND ABANDONING A PORTION OF THE UNIMPROVED RIGHT OF WAY TO THE EAST AND SOUTHEAST OF THE SUNSHINE RANCHES EQUESTRIAN PARK, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A"; AUTHORIZING THE PREPARATION AND EXECUTION OF THE EFFECTING DOCUMENTS; PROVIDING INSTRUCTIONS TO THE TOWN CLERK; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town is the legal owner of the right of way East and Southeast of the Sunshine Ranches Equestrian Park, which is located within the Town of Southwest Ranches; and

WHEREAS, the portion of the right-of-way, as more particularly described in Exhibit "A", fails to serve a public purpose; and

WHEREAS, to insure the health, safety and welfare of the Town's residents residing within the area, the Town has been requested to vacate said portion of the right of way.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA:

Section 1: The above referenced recitals are true and correct and are incorporated herein by reference. All exhibits referenced herein and attached hereto are hereby incorporated herein.

Section 2: It is hereby determined that the right-of-way is no longer useful or needed as a right-of-way, and it is in the public interest that the right-of-way be abandoned and vacated as a right-of-way, and as a public property and that it be released from any and every public right, use, title and interest, except as hereinafter provided. The right-of-way is hereby vacated and abandoned as a right-of-way, and the right-of-way is hereby released and discharged of any and every public right, use, title and interest of the Town of Southwest Ranches, for right-of-way purposes and that the Property shall revert to the adjoining and abutting owners who have reversionary interest, except and subject to any easements of record, over, under and across the right-of-way.

The Town Council and the Town of Southwest Ranches, Florida hereby authorizes the vacation of the portion of the right-of-way as described in Exhibit "A".

Section 3: The Town Council and the Town of Southwest Ranches, Florida, hereby authorizes the vacation of the portion of the right-of-way as legally described in the survey attached hereto as Exhibit "A".

Section 4: The Town Attorney is hereby authorized to prepare any and all documents necessary to effectuate the intent of this Ordinance and the appropriate Town officials are hereby authorized to execute said documents.

Section 5: The Town Clerk is hereby directed to record a copy of this Ordinance in the Public Records of Broward County, Florida.

Section 6: Conflicts. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 7: Severability. If any word, phrase, clause, sentence or section of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

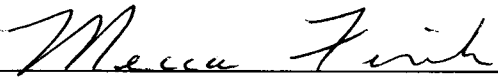
Section 6: Effective Date. This Ordinance shall be effective immediately upon its adoption.

PASSED ON FIRST READING this 20th day of October, 2005 on a motion made by Council Member Aster Knight and seconded by Council Member Jeff Nelson.

PASSED ON SECOND READING this 3rd day of November, 2005 on a motion made by Council Member Aster Knight and a second by Council Member Jeff Nelson.

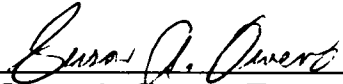
Fink	<u> Y </u>	Ayes	<u> 3 </u>
Blanton	<u> N </u>	Nays	<u> 2 </u>
Knight	<u> Y </u>	Absent	<u> 0 </u>
Maines	<u> N </u>	Abstaining	<u> 0 </u>
Nelson	<u> Y </u>		

[Signatures on Following Page]



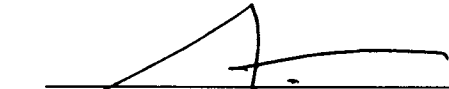
Mecca Fink, Mayor

Attest:



Susan A. Owens, Town Clerk

Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney
915040_1.DOC

SKETCH AND DESCRIPTION

THIS IS NOT A SKETCH OF SURVEY. IT IS ONLY THE GRAPHIC REPRESENTATION OF THE DESCRIPTION DEPICTED HEREON.

Legal Description Road Right-of-Way To Be Vacated

EXHIBIT A

A portion of the plat of "The Everglade Sugar & Land Co. Subdivision Of Section 34 Township 50S., Range 40E." as recorded in plat book 1, page 152 of the Public records of Dade County, Florida described as follows:

That certain forty foot Right-of-Way as shown on said Plat being bounded on the South by the North Right-of-Way of Stirling road as said Road now exists and being bounded on the West by the East Tract lines of Tracts 49, 50 and 51 of said Plat and being bounded on the East by the West Tract lines of Tracts 46, 47 and 48 and being bounded on the North by the Westerly extension of the North line of said tract 46 and the Easterly extension of the North line of said tract 51.

Said lands Situate, Lying and being in Broward County, Florida.

