

ORDINANCE NO. 2006 - 10

AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, VACATING AND ABANDONING THOSE CERTAIN UTILITY EASEMENTS WITHIN THE PLAT OF CALUSA CORNERS, AS RECORDED IN PLAT BOOK 150 AT PAGE 41 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, GENERALLY DESCRIBED AS RUNNING ALONG THE SOUTH PLAT LIMIT AND ALONG THE EAST AND WEST LIMITS OF THE FLORIDA POWER AND LIGHT COMPANY EASEMENT SITUATED WITHIN THE CALSUSA CORNERS PLAT, ALL SUCH EASEMENTS MORE PARTICULARLY DESCRIBED AND DEPICTED IN EXHIBIT "B"; PROVIDING FOR RECORDATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town is the legal owner of a portion of Parcel A of the plat of CALUSA CORNERS, according to the Plat thereof as recorded in Plat Book 150, Page 41 of the Public Records of Broward County, Florida, as more particularly described in Exhibit "A" (the "Land"), which said Land is located within the Town of Southwest Ranches; and

WHEREAS, the Land is unimproved, vacant land which, by virtue of certain government grant requirements and as approved by Town Resolution 2006-023, will be the location of a Conservation Easement as defined in Section 704.06, Florida Statutes; and

WHEREAS, Section 704.06 (1)(a), Florida Statutes, prohibits, among other things, the placing of utilities within the Conservation Easement area; and

WHEREAS, the platted utility easements which are described in Exhibit "B" attached hereto, are located within the proposed Conservation Easement area; and

WHEREAS, the platted utility easements described in Exhibit "B" are not being utilized and all the utility companies which would provide service to the Land, have provided letters of "no objection" to the vacation of the utility easements described in Exhibit "B".

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 utility easements as described in Exhibit "B" are no longer useful or needed as utility easements, and it is in the public's best interest that the utility easements be abandoned and vacated.

Section 3: The Town Council and the Town of Southwest Ranches, Florida, hereby authorize the vacation of the platted utility easements as legally described in Exhibit "B", attached hereto.

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

PASSED ON FIRST READING this 6th day of April, 2006 on a motion made by Vice Mayor Don Maines and seconded by Council Member Aster Knight.

PASSED ON SECOND READING this 20th day of April, 2006 on a motion made by Council Member Jeff Nelson and a second by Council Member Aster Knight.

Fink	<u> Y </u>
Maines	<u> Y </u>
Blanton	<u> Y </u>
Knight	<u> Y </u>
Nelson	<u> Y </u>

Ayes	<u> 5 </u>
Nays	<u> 0 </u>
Absent	<u> 0 </u>
Abstaining	<u> 0 </u>

Mecca Fink, Mayor

Attest:

Susan A. Owens, Town Clerk

Approved as to Form and Correctness:

Gary A. Poliakoff, J.D., Town Attorney
FTL_DB: 974075_1

Exhibit "A"

PARCEL "A" OF CALUSA CORNERS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 150 AT PAGE 41 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA;

LESS AND EXCEPT THE FOLLOWING:

A PORTION OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 28, TOWNSHIP 50 SOUTH, RANGE 40 EAST, BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE NORTH 01°38'10" WEST, ALONG THE WEST LINE OF SAID SECTION 28 FOR 1070.96 FEET; THENCE NORTH 88°21'49" EAST FOR 74.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°38'11" WEST, ALONG A LINE 74.00 FEET EAST OF THE WEST LINE OF SAID SECTION 28 FOR 213.91 FEET; THENCE NORTH 43°30'16" EAST FOR 41.95 FEET; THENCE SOUTH 82°16'58" EAST FOR 54.25 FEET; THENCE NORTH 88°37'37" EAST FOR 75.00 FEET; THENCE SOUTH 46°22'18" EAST FOR 42.43 FEET; THENCE SOUTH 01°09'23" EAST FOR 204.20 FEET; THENCE SOUTH 88°21'49" WEST FOR 186.42 FEET TO THE POINT OF BEGINNING.

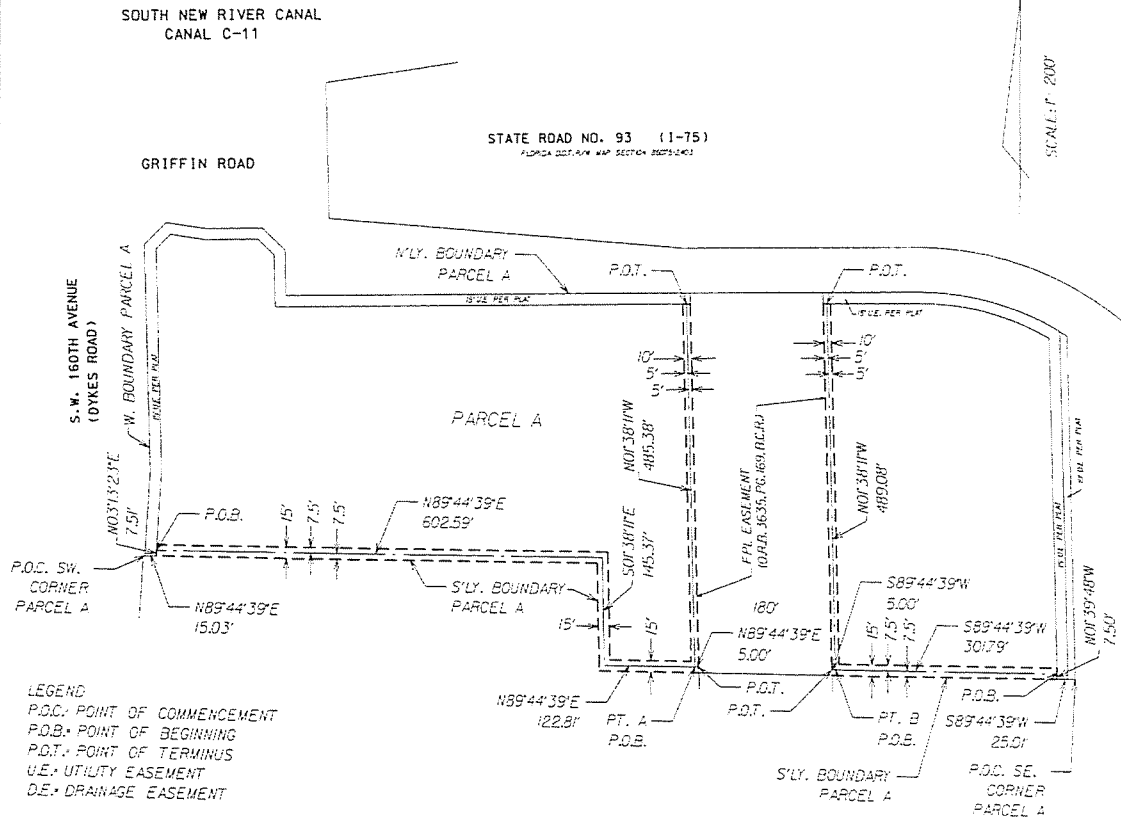
SAID LANDS SITUATE, LYING AND BEING IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.

DESCRIPTION

THOSE PORTIONS OF PARCEL A, ACCORDING TO THE PLAT OF CALUSA CORNERS, AS RECORDED IN PLAT BOOK 150 AT PAGE 41 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID PARCEL A; THENCE RUN NORTH 89°44'39" EAST (ON A PLAT BEARING) 15.03 FEET ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL A TO AN INTERSECTION WITH A LINE 15 FEET EAST OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE WEST BOUNDARY OF SAID PARCEL A; THENCE RUN NORTH 03°13'23" EAST 7.51 FEET ALONG SAID PARALLEL LINE, TO THE POINT OF BEGINNING OF A STRIP OF LAND 15 FEET IN WIDTH, LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE RUN NORTH 89°44'39" EAST 602.59 FEET; THENCE RUN SOUTH 01°38'11" EAST 145.37 FEET; THENCE RUN NORTH 89°44'39" EAST 122.81 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT A; THENCE CONTINUE NORTH 89°44'39" EAST 5.00 FEET TO THE TERMINUS OF SAID CENTERLINE; AND BEGINNING AT AFORESAID POINT A, BEING THE POINT OF BEGINNING OF A STRIP OF LAND 10 FEET IN WIDTH, LYING 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE RUN NORTH 01°38'11" WEST 485.38 FEET ALONG A LINE 5 FEET WEST OF AND PARALLEL TO THE WEST LINE OF THAT CERTAIN FPL EASEMENT AS DESCRIBED IN THE INSTRUMENT FILED IN OFFICIAL RECORDS BOOK 3635 AT PAGE 169 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TO AN INTERSECTION WITH A LINE 15 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WITH THE NORTHERLY BOUNDARY OF SAID PARCEL A AND THE TERMINUS OF SAID CENTERLINE; AND COMMENCING AT THE SOUTHEAST CORNER OF SAID PARCEL A; THENCE RUN SOUTH 89°44'39" WEST 25.01 FEET ALONG THE SOUTHERLY BOUNDARY OF SAID PARCEL A, TO AN INTERSECTION WITH A LINE 25 FEET WEST OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST BOUNDARY OF SAID PARCEL A; THENCE RUN NORTH 01°39'48" WEST 7.50 FEET ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING OF A STRIP OF LAND 15 FEET IN WIDTH, LYING 7.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE RUN SOUTH 89°44'39" WEST 301.79 FEET TO THE TERMINUS OF SAID CENTERLINE; AND BEGINNING AT AFORESAID POINT B, BEING THE POINT OF BEGINNING OF A STRIP OF LAND 10 FEET IN WIDTH, LYING 5 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE; THENCE RUN NORTH 01°38'11" WEST 489.08 FEET ALONG A LINE 5 FEET EAST OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE EAST BOUNDARY OF THAT CERTAIN FPL EASEMENT AS DESCRIBED IN THE INSTRUMENT FILED IN OFFICIAL RECORDS BOOK 3635 AT PAGE 169 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, TO AN INTERSECTION WITH A LINE 15 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL WITH THE NORTHERLY BOUNDARY OF SAID PARCEL A AND THE TERMINUS OF SAID CENTERLINE.

SAID LANDS SITUATE IN THE TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA.



LEGEND
 P.O.C. POINT OF COMMENCEMENT
 P.O.B. POINT OF BEGINNING
 P.O.T. POINT OF TERMINUS
 U.E. UTILITY EASEMENT
 D.E. DRAINAGE EASEMENT

NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS IS NOT A SKETCH OF SURVEY. IT IS ONLY THE GRAPHIC REPRESENTATION OF THE DESCRIPTION DEPICTED HEREON.

By: Mark D. Sturgis
 MARK D. STURGIS
 PROFESSIONAL SURVEYOR AND MAPPER NO. 4929
 STATE OF FLORIDA

CALUSA CORNERS		SKETCH AND DESCRIPTION	
TOWN OF SOUTHWEST RANCHES, BROWARD COUNTY, FLORIDA		UTILITY EASEMENTS TO BE VACATED	
WINNINGHAM & FRADLEY, INC. ENGINEERS • PLANNERS • SURVEYORS		2-2-05	104-0029
111 N.E. 44TH STREET, OAKLAND PARK, FL 33334 954-771-7440 FAX 954-771-6208			1 OF 1

Exhibit "B"