

**ORDINANCE NO. 2009 - 013**

**AN ORDINANCE OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, REPEALING ORDINANCE NUMBER 2007-11 RELATING TO VACATING, CLOSING AND ABANDONING A CERTAIN PORTION OF UNIMPROVED RIGHT-OF-WAY FOR S.W. 136<sup>TH</sup> AVENUE AS RECORDED IN O.R.B. 3876, PAGE 292 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS THAT PORTION LYING WITHIN 53 FEET OF THE WEST BOUNDARY OF SECTION 26, TOWNSHIP 50 SOUTH, RANGE 40 EAST, BEGINNING 988.56 FEET TO THE NORTH OF THE SOUTHWEST CORNER OF SAID SECTION 26 AND CONTINUING NORTH FOR 457.01 FEET; PROVIDING DIRECTIONS TO THE TOWN CLERK; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, as part of the processing of the Layla Estates and Brittney Estates plats, the Town Council, on September 6, 2007, passed Ordinance No. 2007-11 relating to the vacation of a fifty-three (53) foot portion of SW 136<sup>th</sup> Avenue that begins approximately 150 feet south of Griffin Road right-of-way and extends approximately 600 feet south of Griffin Road right-of-way; and

**WHEREAS**, the vacation referenced in Ordinance No. 2007-11 would become effective upon the recordation of the Brittney Estate Plat (PL-034-06) and the Layla Estates Plat (PL-038-07) or upon the conveyance of twenty-five (25) feet from each property by separate instrument for ingress/egress, in a form approved by the Town Attorney, plus the dedication of a turn-around at the terminus of the Brittney Estate Plat in conformity with Section 90-1(f) of the Town's Unified Land Development Code; and

**WHEREAS**, the conditions precedent to the vacation never occurred; and

**WHEREAS**, the Town therefore believes that it is in the best interest of the Town to repeal Ordinance No. 2007-11.

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

**Section 1:** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Town Council.

**Section 2:** The Town hereby repeals Ordinance No. 2007-11 relating to vacating, closing, and abandoning a certain portion of unimproved right-of-way for S.W. 136<sup>th</sup> Avenue as recorded in O.R.B. 3876, Page 292 of the Public Records of Broward County, Florida, more particularly described as that portion lying within 53 feet of the west boundary of Section 26, Township 50 south, Range 40 east, beginning 988.56 feet to the north of the southwest corner of said Section 26 and continuing north for 457.01 feet.

**Section 3.** The Town Clerk is hereby directed, if necessary, to record a copy of this Ordinance in the Public Records of Broward County, Florida.

**Section 4. 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 5. 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 21<sup>st</sup> day of May, 2009, on a motion made by Council Member Fisikelli, seconded by Council Member McKay.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of June, 2009, on a motion made by Council Member McKay and seconded by Council Member Knight.

Nelson	<u>Yes</u>	Ayes	<u>5</u>
Breitkreuz	<u>Yes</u>	Nays	<u>0</u>
Fisikelli	<u>Yes</u>	Absent	<u>0</u>
Knight	<u>Yes</u>	Abstaining	<u>0</u>
McKay	<u>Yes</u>		

**[SIGNATURES ON FOLLOWING PAGE]**

Attest:



Debra Doré-Thomas

Debra Doré-Thomas, Interim Town Clerk

Jeff Nelson, Mayor



Approved as to Form and Correctness:



Gary A. Poliakoff, J.D., Town Attorney

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