

ORDINANCE NO. 1272

AN ORDINANCE OF THE CITY OF POLK CITY, FLORIDA VACATING STREETS "A" AND "B" RECORDED IN PLAT BOOK 24, PAGE 1 AND 1A AND ALSO SHOWN ON REPLAT OF A PORTION OF THE AMENDED MAP OF POLK City, PLAT BOOK 29, PAGES 41 AND 41A, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, ALL LYING IN THE NORTH HALF OF SECTIONS 33 AND 34, TOWNSHIP 26 SOUTH, RANGE 25 EAST, POLK COUNTY, FLORIDA; REPEALING ANY CONFLICTING ORDINANCES; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The City Commission of the City of Polk City hereby makes and declares the following findings and statements of legislative intent:

(1) The City of Polk City received an application from the Turlingtons, the fee simple owner of property adjacent to certain road right of way, to vacate streets "A" and "B" recorded in plat book 24, page 1 and 1a and also shown on replat of a portion of the amended map of polk city, plat book 29, pages 41 and 41a, public records of Polk County, Florida, all lying in the north half of sections 33 and 34, township 26 south, range 25 east, Polk County, Florida

(2) The City provided notice to the surrounding property owners regarding the requested right of way vacation and the City Council held a public hearing on February 14, 2011, regarding the request.

(3) The City has been conferred authority to vacate alleys and streets by Section 166.042 of the Florida Statutes.

(4) It is hereby determined by the City Commission that streets "A" and "B" are no longer needed or useful..

(5) The City Council, after having made a thorough study of the conditions in the area, being apprised of the existing facts, taking into consideration the other streets and alleys whereby property owners have access to their property, has determined that it is in the best interest of the City of Polk City and its residents that the requested street shall be forever vacated and abandoned.

SECTION 2. VACATION OF RIGHT-OF-WAY. The City Council hereby approves the vacation and abandonment of streets "A" and "B" as recorded in plat book 24, page 1 and 1a and also shown on replat of a portion of the amended map of polk city, plat book 29, pages 41 and 41a, public records of Polk County, Florida, all lying in the north half of sections 33 and 34, township 26 south, range 25 east, Polk County, Florida, depicted in the map attached hereto as **Attachment A**. The portion of real property lying underneath of the two parcels is hereby vacated and fee simple ownership of the street and the underlying property hereby reverts to the owner(s) of record..

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT. All other ordinances of Polk City or portions thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and approval as a non-emergency ordinance at two regular meetings of the City Council.

PASSED ON FIRST READING this ____ day of _____, 2011.

PASSED ON SECOND READING this ____ day of _____, 2011.

CITY OF POLK CITY, FLORIDA

Joseph LaCascia, Mayor

ATTEST:

Patricia Jackson, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Thomas A. Cloud, Esquire
City Attorney

Attachment A

Map of Streets "A" and "B"

