

This ordinance prepared by:
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Chief Assistant City Attorney
Orlando City Hall
400 S. Orange Ave.
Orlando, Florida 32801

Space above reserved for use by records agency.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, VACATING, CLOSING, AND ABANDONING SEGMENTS OF MICHIGAN AVENUE, OHIO STREET, AND HARMON AVE., EACH SEGMENT BEING AT OR NEAR THE CALVARY ASSEMBLY OF GOD CHURCH GENERALLY LOCATED NORTH OF DARTMOUTH AVE., EAST OF INTERSTATE 4, SOUTH OF MINNESOTA AVE., AND WEST OF CLAY ST., AND TOGETHER COMPRISED OF APPROXIMATELY 1.6 ACRES OF LAND, MORE OR LESS; PROVIDING FOR THE EXECUTION OF EFFECTING DOCUMENTS, SEVERABILITY, CORRECTION OF SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, at its regularly scheduled meeting of June 16, 2015, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "city"), considered an application (City of Orlando case number ABN2015-00001) for the abandonment of approximately 1.6 acres of right-of-way comprising (1) a segment of Michigan Avenue, generally located north of Harmon Avenue, east of Interstate 4, south of Minnesota Avenue, and west of Clay Street (by itself comprising approximately 0.75 acres of land, being more precisely identified by the metes and bounds description and depicted by the sketch of description attached to this ordinance as **Exhibit A, page 2 of 4**); (2) a segment of Ohio Street, generally located north of Michigan Avenue, east of Interstate 4, south of Minnesota Avenue, and west of Clay Street (by itself comprising approximately 0.32 acres of land, being more precisely identified by the metes and bounds description and depicted by the sketch of description attached to this ordinance as **Exhibit A, page 3 of 4**); and (3) a segment of Harmon Avenue, generally located north of Jewell Avenue, east of Interstate 4, south of Minnesota Avenue, and west of Clay Street (by itself comprising approximately 0.20 acres of land, being more precisely identified by the metes and bounds description and depicted by the sketch of description attached to this ordinance as **Exhibit A, page 4 of 4**), all together being referred to herein as the "property"; and

48 **WHEREAS**, based upon the evidence presented to the MPB, including the
49 information and analysis contained in the “Staff Report to the Municipal Planning Board”
50 for abandonment application case number ABN2015-00001 (entitled “Item #1 – Ohio St.,
51 Michigan Ave. & Part of Harmon Ave. R-O-W Abandonments” and hereinafter referred to
52 as the “staff report”), and subject to certain conditions, the MPB recommended that the
53 City Council of the City of Orlando, Florida (the “Orlando City Council”), approve the
54 abandonment application and adopt an ordinance in accordance therewith; and
55

56 **WHEREAS**, the MPB found that the abandonment application is consistent with:
57

- 58 1. The *City of Orlando Growth Management Plan*, adopted as the City’s
59 “comprehensive plan” for purposes of the Florida Community Planning
60 Act, sections 163.3164 through 163.3217, Florida Statutes (the
61 “GMP”); and
62
- 63 2. The *City of Orlando Land Development Code*, Chapters 58 through
64 68, Code of the City of Orlando, Florida (the “LDC”); and
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66 **WHEREAS**, the Orlando City Council hereby finds that this ordinance is in the
67 best interest of the public health, safety, and welfare, and is consistent with the
68 applicable provisions of the City’s GMP and LDC; and
69

70 **WHEREAS**, the Orlando City Council hereby finds and determines that the
71 property is no longer useful and needed for public right-of-way and that it is in the best
72 interest of the public health, safety, and welfare that it be vacated, closed, and
73 abandoned as public right-of-way; and
74

75 **WHEREAS**, the property is wholly located in Orange County, Florida, and within
76 the jurisdiction of the city; and
77

78 **NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY**
79 **OF ORLANDO, FLORIDA, AS FOLLOWS:**
80

81 **SECTION 1. ABANDONMENT.** The property is hereby vacated, closed, and
82 abandoned as public right-of-way. All right, title, and interest in the property as the city
83 may hold shall revert to those with interests as provided by law.
84

85 **SECTION 2. EFFECTING DOCUMENTS.** The mayor, city clerk, and city
86 attorney are hereby authorized and directed to execute such instruments as may be
87 necessary or convenient to implement this ordinance.
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89 **SECTION 3. SCRIVENER’S ERROR.** The city attorney may correct scrivener’s
90 errors found in this ordinance by filing a corrected copy of this ordinance with the city
91 clerk.

SECTION 4. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2016.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2016.

DONE, THE SECOND READING, A PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2016.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

ATTESTED, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

Print name

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney

Print name