

This ordinance prepared by:
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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 PART OF PRECISION DRIVE, GENERALLY LOCATED SOUTH OF INTERNATIONAL DRIVE, WEST OF SOUTH KIRKMAN ROAD; AND EAST OF UNIVERSAL BOULEVARD, AND COMPRISED OF 0.727 ACRES OF LAND, MORE OR LESS; PROVIDING FOR CONDITIONS OF ABANDONMENT; AND FURTHER 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 20, 2017, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered an application (City of Orlando case number ABN2017-00001) for the abandonment of approximately 0.727 acres of land comprising a part of Precision Drive, which is generally located south of International Drive, west of South Kirkman Road, and east of Universal Boulevard, and more precisely described by the legal description and sketch of description attached to this ordinance as Exhibit "A" and "Exhibit B" respectively, (hereinafter the "Property"); and

WHEREAS, based upon the evidence presented to the MPB, including the information and analysis contained in the "Staff Report to the Municipal Planning Board" for abandonment application case number ABN2017-00001 (entitled "Item #1– Project 566" and hereinafter referred to as the "staff report"), the MPB recommended that the City Council of the City of Orlando, Florida (the "Orlando City Council"), approve the abandonment application and adopt an ordinance in accordance therewith; and

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

1. The *City of Orlando Growth Management Plan*, adopted as the City's "comprehensive plan" for purposes of the Florida Community Planning

Act, sections 163.3164 through 163.3217, Florida Statutes (the "GMP"); and

2. The *City of Orlando Land Development Code*, Chapters 58 through 68, Code of the City of Orlando, Florida (the "Orlando City Code"); and

WHEREAS, the Orlando City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare, and is consistent with the applicable provisions of the Orlando City Code and the City's GMP; and

WHEREAS, the City Council of the City of Orlando, Florida, hereby finds and determines that the Property is no longer useful and needed for public right-of-way and that it is in the best interest of the public health, safety, and welfare that it be vacated, closed, and abandoned as public right-of-way; and

WHEREAS, the Property is located within Orange County, Florida, and within the jurisdiction of the City of Orlando, Florida (the "City"),

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

SECTION 1. ABANDONMENT. The Property is hereby vacated, closed, and abandoned as public right-of-way. All right, title, and interest in the Property as the City may hold shall revert to those with interests as provided by law.

SECTION 2. CONDITIONS OF ABANDONMENT. As a condition of this abandonment, (i) the roadway currently located within the right-of-way shall be permanently closed to public vehicular travel; (ii) alternative access easement shall be provided to the City for emergency vehicles and to Lift Station 29; (iii) any and all utilities and other public improvements currently located on, over or under the Property will be removed, relocated or otherwise accommodated as provided by law during the course of construction of the project, and/or an easement provided by the property owner. The utility and access easement described above must enable perpetual access to all City facilities located in the Property and to Lift Station 29, 365 days a year and 24 hours a day; must be paved; and must allow mechanic and heavy equipment trucks; and (iv) provision must be made for vehicles that are denied entry into a gated driveway to turnaround at the new terminus of Precision Drive. The final configuration must meet City Code and be provided within the right-of-way or a properly recorded easement. Details of this accommodation will be reviewed at the time of Administrative Master Plan for the Project 566 Planned Development.

SECTION 3. EFFECTING DOCUMENTS. The Mayor, city clerk, and city attorney are hereby authorized and directed to execute such instruments as may be necessary or convenient to implement this ordinance.

SECTION 4. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 5. 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 6. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST 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 _____, 2017.

DONE, THE FIRST READING, A PUBLIC HEARING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2017.

DONE, THE SECOND 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 _____, 2017.

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 _____, 2017.

BY THE MAYOR/MAYOR PRO TEMPORE
OF THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

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

City Clerk

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

139

140

141 _____
Assistant City Attorney