

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 NORTH ROSALIND AVENUE GENERALLY LOCATED BETWEEN RIDGEWOOD STREET AND EAST LIVINGSTON STREET, AND PART OF EAST LIVINGSTON STREET GENERALLY LOCATED EAST OF NORTH ROSALIND AVENUE, TOGETHER COMPRISED OF 0.390 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 September 19, 2017, the Municipal Planning Board (the "MPB") of the City of Orlando, Florida (the "City"), considered an application (City of Orlando case number ABN2017-00002) for the abandonment of approximately 0.390 acres of land comprising a part of Rosalind Avenue, which is generally located between Ridgewood Street and East Livingston Street, and a part of East Livingston Street, more precisely described by the legal description and sketch of description attached to this ordinance as Exhibit "A" (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 ABN2017-00002 (entitled "Item #2A- North Rosalind Avenue Street Abandonment" 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. UTILITIES. As a condition of this abandonment, 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 referenced in Section 6 below.

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 is effective upon adoption, with the exception that Section One of the ordinance, and the vacation, closure and

abandonment of the Property provided therein, shall automatically, without further action of the City or any other party, become effective upon the issuance by the City's building official of a site infrastructure and engineering permit, for a residential project with at least 389 multifamily dwelling units to be constructed adjacent to the Property. If such a permit is not issued within one year after this ordinance is enacted on final passage, then the vacation, closure and abandonment of the Property provided herein shall not become effective.

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 _____, 2018.

DONE, THE FIRST READING, A PUBLIC HEARING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2018.

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 _____, 2018.

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 _____, 2018.

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

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

Assistant City Attorney