

PROPOSED  
ORDINANCE NO. 38-17

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE CLOSING, ABANDONING AND VACATING  
A PORTION OF THE AVERY STREET RIGHT OF WAY;  
IN PENSACOLA, ESCAMBIA COUNTY, STATE OF  
FLORIDA; REPEALING CLAUSE; AND PROVIDING AN  
EFFECTIVE DATE.

WHEREAS, a public hearing was held on September 14,  
2017, as to the vacation of a portion of the Avery Street right  
of way; Pensacola, Escambia County, Florida; and

WHEREAS, the vacation of said right-of-way,  
hereinafter described, will contribute to the general welfare of  
the City of Pensacola in that said right-of-way is no longer  
needed as a public thoroughfare; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the following described right of way  
in Pensacola, Escambia County, Florida is hereby closed,  
discontinued, vacated and forever abandoned by the City of  
Pensacola as a public thoroughfare:

SECTION 2. That the owners of the abutting property  
be, and they are hereby authorized to acquire possession of the  
right-of-way more particularly described in Section 1 of this  
ordinance, and the City of Pensacola does hereby abandon all  
claim of right, if any it has, in said property, and it shall  
remain and be the property of the abutting property owners.

SECTION 3. That, notwithstanding the foregoing  
sections, the City of Pensacola reserves for itself, Gulf Power  
Company, Bell South, Cox Cable, and the Emerald Coast Utilities  
Authority, their successors and assigns, a full width easement  
in the entire portion the right of way vacated hereby for the  
purpose of locating and maintaining public utilities and  
improvements.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest:

\_\_\_\_\_  
City Clerk