

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:

A PORTION OF THE NORTH 20 FEET OF AVERY STREET, NORTH OF LOTS 6
AND 7, BLOCK 221, NEW CITY TRACT, ACCORDING TO THE MAP OF THE CITY
OF PENSACOLA COPYRIGHTED BY THOS. C. WATSON IN 1906, DESCRIBED AS
FOLLOWS: COMMENCE AT THE EASTERNMOST INTERSECTION OF AVERY STREET
(R/W VARIES) AND 11TH AVENUE (R/W VARIES), THENCE GO WESTERLY ALONG
THE NORTH R/W LINE OF AVERY STREET FOR A DISTANCE OF 177.69 FEET
FOR THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID R/W LINE
FOR A DISTANCE OF 58.00 FEET TO THE EAST LINE OF WOODLAND TERRACE
SUBDIVISION, ACCORDING TO PLAT OF SAID SUBDIVISION RECORDED IN
PLAT BOOK 2, PAGE 65, OF THE RECORDS OF ESCAMBIA COUNTY, FLORIDA;
THENCE SOUTHERLY ALONG SAID EAST SUBDIVISION LINE A DISTANCE OF
20.00 FEET TO THE NORTHWEST CORNER OF THAT PORTION OF AVERY STREET
LYING NORTH OF LOTS 6 AND 7, VACATED UNDER CITY ORDINANCE NO. 11-
52; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID VACATED PORTION;

THENCE NORTHWESTERLY A DISTANCE OF 30.27 FEET TO THE POINT OF BEGINNING.

AND

A PORTION OF THE NORTH 20 FEET OF AVERY STREET, NORTH OF LOTS 8, 9, AND 10, BLOCK 221, NEW CITY TRACT, ACCORDING TO THE MAP OF THE CITY OF PENSACOLA COPYRIGHTED BY THOS. C. WATSON IN 1906, DESCRIBED AS FOLLOWS: COMMENCE AT THE EASTERNMOST INTERSECTION OF AVERY STREET (R/W VARIES) AND 11TH AVENUE (R/W VARIES), THENCE GO WESTERLY ALONG THE NORTH R/W LINE OF AVERY STREET FOR A DISTANCE OF 35.38 FEET FOR THE POINT OF BEGINNING; THENCE CONITNUE ALONG SAID R/W LINE FOR A DISTANCE OF 142.31 FEET; THENCE SOUTHEASTERLY A DISTANCE OF 30.27 FEET TO THE NORTHWEST CORNER OF THAT PORTION OF AVERY STREET LYING NORTH OF LOTS 8, 9, AND 10 VACATED UNDER CITY ORDINANCE NO 11-52; THENCE EASTERLY ALONG THE NORTH LINE OF SAID VACATED PORTION A DISTANCE OF 120.00 FEET TO THE NORTHEAST CORNER OF SAID VACATED PORTION; THENCE NORTH A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

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