

PROPOSED  
ORDINANCE NO. 47-21

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

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE VACATING PORTIONS OF A UTILITY EASEMENT ALONG A VACATED PORTION OF BAYOU TEXAR BOULEVARD IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 56-59 was adopted on October 22, 1959, closing, abandoning, and vacating portions of Bayou Texar Boulevard; and

WHEREAS, within Ordinance No. 56-59, the city maintained a full-width utility easement for the entire portion of the Bayou Texar Boulevard right-of-way for the purpose of locating and maintaining public utilities; and

WHEREAS, on October 26, 2021, the Emerald Coast Utilities Authority, f/k/a Escambia County Utilities Authority, voted for a reduction of easement to twenty (20) feet wide, centered on the existing sewer line; and

WHEREAS, the city desires to abandon a portion of said easement; and

WHEREAS, the vacating of a portion of said utility easement will contribute to the general welfare of the city in that said utility easement is no longer needed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the following described portion of the utility easement in Pensacola, Escambia County, Florida, is hereby closed, discontinued, vacated and forever abandoned by the city as a utility easement and the rights to use the area as a utility easement are hereby terminated, extinguished, and cancelled:

A PORTION OF BAYOU TEXAR BOULEVARD AS OFFICIALLY VACATED, ACCORDING TO CITY ORDINANCE NO. 56-59, LYING ADJACENT TO LOTS 14 AND 15, BLOCK 68, NEW CITY TRACT, ACCORDING TO THE "MAP OF PENSACOLA" COPYRIGHTED BY THOS. C. WATSON IN 1884, BEING MORE

PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE SAID BLOCK 68; THENCE SOUTH 89°58'59" EAST ALONG THE SOUTH LINE OF THE SAID BLOCK 68 FOR A DISTANCE OF 120.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 15 FOR THE POINT OF BEGINNING. THENCE NORTH 70°09'42" EAST FOR A DISTANCE OF 85.06 FEET TO THE SOUTHEAST CORNER OF SAID LOT 14; THENCE SOUTH 49°59'02" EAST FOR A DISTANCE OF 153.22 FEET TO A POINT ON THE NORTH LINE OF THE PROPERTY DESCRIBED IN O.R. BOOK 1933 AT PAGE 335 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA, AS SURVEYED BY E. WAYNE PARKER OF BASKERVILLE-DONOVAN ENGINEERS, INC., SIGNED 8/11/83, THEIR PROJECT NO. 20-9120-081, HAVING THE LAST REVISED DATE OF 6/11/84; THENCE NORTH 90°00'00" WEST ALONG THE SAID NORTH LINE FOR A DISTANCE OF 80.62 FEET; THENCE NORTH 59°10'30" WEST FOR A DISTANCE OF 135.93 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED:

COMMENCING AT THE SOUTHWEST CORNER OF BLOCK 68, NEW CITY TRACT, CITY OF PENSACOLA, FLORIDA, AS FOUND ON THE MAP OF SAID CITY COPYRIGHTED BY THOS. C. WATSON IN 1906. THENCE S89°58'59"E ALONG THE SOUTH LINE OF THE SAID BLOCK 68 FOR A DISTANCE OF 120.00 FEET TO THE SOUTHWEST CORNER OF LOT 15; THENCE S59°10'30"E FOR A DISTANCE OF 84.76 FEET TO THE POINT OF BEGINNING; THENCE N61°11'41"E FOR A DISTANCE OF 63.94 FEET; THENCE S49°59'02"E FOR A DISTANCE OF 21.39 FEET; THENCE S61°11'41"W FOR A DISTANCE OF 59.84 FEET; THENCE N59°10'30"W FOR A DISTANCE OF 23.17 FEET TO THE POINT OF BEGINNING.

SECTION 2. That the city does hereby abandon all claim of right in that above-described utility easement, and it shall remain and be the property of the abutting property owner, less and except that certain portion described above.

SECTION 3. That all remaining portions of the utility easement referenced in Ordinance No. 56-59 remain reserved for the city and utility providers, and their successors and assigns, as described in Ordinance No. 56-59.

SECTION 4. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 6. 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.

Adopted: \_\_\_\_\_

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

Attest:

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