

PROPOSED
ORDINANCE NO. 37-20

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CLOSING, ABANDONING AND VACATING A UTILITY EASEMENT ALONG A VACATED PORTION OF BAY BOULEVARD IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 25-88 was adopted on June 30, 1988, closing, abandoning, and vacating portions of Bay Boulevard; and

WHEREAS, within Ordinance No. 25-88, the City maintained a full-width utility easement for the entire portion of the Bay Boulevard right-of-way for the purpose of locating and maintaining public utilities; and

WHEREAS, on May 20, 2020, the Emerald Coast Utilities Authority, f/k/a Escambia County Utilities Authority, recorded a Termination of Easement in the official records book 8298, page 1863 of the public records of Escambia County, Florida; and

WHEREAS, on May 4, 2020, Gulf Power recorded an Easement Release in the official records book 8290, page 108 of the public records of Escambia County, Florida; and

WHEREAS, the City and Pensacola Energy desire to abandon a portion of said easement; and

WHEREAS, the vacation of a portion of the said utility easement, hereinafter described, will contribute to the general welfare of the City of Pensacola 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 of Pensacola as a utility easement and the rights to use the area as a utility easement are hereby terminated, extinguished, and cancelled:

That vacated portion of Bay Blvd laying East of Lots 9, 10, 11 & 12, Block 66, East Pensacola Heights as vacated in Ordinance 25-88, as recorded in the public records of the City of Pensacola, Escambia County, Florida.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

All of that portion of said Bay Boulevard, as described above, that lies South of its intersection with East Blount Street and that lies North of the extension East of the South line of Lot 9, Block 66 of said East Pensacola Heights to the Westerly right of way of the CSX Railroad (100' R/W) in the City of Pensacola, Florida.

SECTION 2. That the City of Pensacola does hereby abandon all claim of right in said property, including the aforementioned utility easement, and it shall remain and be the property of the abutting property owner.

SECTION 3. That all remaining portions of the utility easement referenced in Ordinance No. 25-88 remain reserved for the City of Pensacola and utility providers, their successors and assigns, as described in Ordinance No. 25-88.

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.

Passed: _____

Approved: _____
President of City Council

Attest:

City Clerk