

PROPOSED
ORDINANCE NO. 18-08

ORDINANCE NO. 25-08

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE CLOSING, ABANDONING AND VACATING
THE COLFAX STREET RIGHT OF WAY BETWEEN 9TH
AVENUE AND 10TH AVENUE; AND A PORTION OF THE
10TH AVENUE RIGHT-OF-WAY IN PENSACOLA,
ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, a public hearing was held on April 24, 2008,
as to the vacation of the Colfax Street right-of-way between 9th
Avenue and 10th Avenue, and a portion of the 10th Avenue right-of-
way adjacent to property located at the northwest corner of 9th
Avenue and Colfax Street in 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 portions of
the Colfax Street and 10th Avenue rights-of-way adjacent to
property located at the northwest corner of 9th Avenue and Colfax
Street is hereby closed, discontinued, vacated and forever
abandoned by the City of Pensacola as a public thoroughfare:

THE COLFAX STREET RIGHT OF WAY FROM THE EAST RIGHT OF WAY LINE
OF 9TH AVENUE TO WEST RIGHT OF WAY LINE OF 10TH AVENUE;

AND ALSO;

FROM THE WEST FACE OF THE EXISTING WESTERN-MOST CURB TO THE
WEST EDGE OF THE 10TH AVENUE RIGHT OF WAY (OR APPROXIMATELY 39
FEET) BEGINNING AT THE SOUTHERN EDGE OF THE COLFAX STREET RIGHT
OF WAY (per Ordinance 18-07) AND EXTENDING TO THE NORTH LINE OF
BLOCK 8 NEW CITY TRACT.

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 of the Colfax Street and 10th Avenue rights-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 All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.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 take effect immediately upon its passage by the City Council.

Passed: May 8, 2008

Approved: _____

Mayor

Attest:

Cricket L. Burnett
City Clerk

Legal in form and valid if
enacted:

[Signature]
City Attorney

CITY COUNCIL MEMORANDUM

Item 12-A

TO: Mayor and City Council

FROM: Thomas J. Bonfield, City Manager *TJB*

DATE: May 8, 2008

SUBJECT: Proposed Ordinance No. 18-08 - Request to Vacate Right of Way – Hawkshaw Village

RECOMMENDATION: That City Council approve Proposed Ordinance No. 18-08 on second reading.

SUMMARY: The City has received a request from Caldwell and Associates to vacate the entire Colfax Street right of way between 9th Avenue and 10th Avenue, and to vacate a 39' x 200' portion of the 10th Avenue right of way. Colfax Street is only one block in length at this location, and carries relatively little traffic. 10th Avenue provides access to adjacent property owners, including Gulf Power. The remaining width of the 10th Avenue right of way will measure 61'. Planning Board and utility providers recommend approval of the request.

PRIOR ACTION: City Council approved the sale of the CRA-owned property at the northwest corner of 9th Avenue and Roman Street on March 5, 2007.
City Council approved a previous vacation request for this property on April 26, 2007.
April 24, 2008, City Council approved Proposed Ordinance No. 18-08 on first reading.

CURRENT ACTION:

FUNDING: None required.

ATTACHMENTS: Proposed Ordinance No. 18-08

STAFF CONTACT: Thaddeus L. Cohen, Community Development Director; Sherry H. Morris, Planning Services Administrator.

PRESENTATION: No.

City of
Pensacola



Published Daily-Pensacola, Escambia County, FL

PROOF OF PUBLICATION

State of Florida

County of Escambia:

Before the undersigned authority personally appeared **LESLEY WHALEY** who on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

Notice of Proposed Ordinances

Was published in said newspaper in the issue(s) of:

April 28, 2008

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 8th Day of May, 2008, by **LESLEY L. WHALEY** who is personally known to me.

Lesley L. Whaley Affiant
Nikki E. Nichols Notary Public

NIKKI E. NICHOLS
Notary Public-State of FL
Comm. Exp. Aug. 01, 2009
Comm. No. DD 427344

NOTICE OF PROPOSED ORDINANCES

Please be advised that Proposed Ordinance Nos. 18-08 and 19-08 were presented to the City Council of the City of Pensacola for first reading on Thursday, April 24, 2008, and will be presented for final reading and adoption on Thursday, May 8, 2008, at 7:00 p.m. in Council Chambers on the First Floor of City Hall, 180 Governmental Center, Pensacola, Florida.

The titles of the proposed ordinances are as follows:

P.O. #18-08:

AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE COLFAX STREET RIGHT-OF-WAY BETWEEN 9TH AVENUE AND 10TH AVENUE; AND A PORTION OF THE 10TH AVENUE RIGHT-OF-WAY IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Hawkshaw Village)

P.O. #19-08:

AN ORDINANCE GRANTING AN ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTION FOR CERTAIN IMPROVEMENTS TO REAL PROPERTY FOR 2510 AND 2512 W. CERVANTES STREET FOR GULF COAST PROPERTY GROUP, LLC; REPEALING CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

A copy of the proposed ordinances may be inspected by the public in the City Clerk's office, located on the 7th Floor of City Hall, 180 Governmental Center, Pensacola, Florida. Interested parties may appear at the Council meeting and be heard with respect to the proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to city services, programs and activities. Please call 435-1606 for further information. Requests must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

CITY OF PENSACOLA, FLORIDA

By: Ericka L. Burnett, City Clerk

Visit www.cityofpensacola.com to learn more about City activities. Council agendas posted on-line before meetings.

Legal No. 72270

1T

April 28, 2008