

PROPOSED
ORDINANCE NO. 38-20

AN ORDINANCE
TO BE ENTITLED: _____

AN ORDINANCE AMENDING ORDINANCE NO. 18-07 AND 25-08 CLOSING, ABANDONING AND VACATING THE COLFAX STREET RIGHT OF WAY BETWEEN 9TH AVENUE AND 10TH AVENUES; AND A PORTION OF THE 10TH AVENUE RIGHT-OF-WAY IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA BY FURTHER ABANDONING A TWENTY-FOOT EASEMENT WITHIN 10TH AVENUE AND COLFAX STREET; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Ordinance No. 18-07 was adopted on May 10, 2007 and Ordinance No. 25-08 was adopted on May 8, 2008, closing, abandoning, and vacating the Colfax Street right of way between 9th Ave and 10th Ave; and a portion of the 10th avenue right-of-way; and

WHEREAS, within Ordinance No. 18-07 and 25-08 the City reserved a full width utility easement for itself, Gulf Power Company, Bell South, Cox Cable and the Emerald Coast Utilities Authority, for the entire portion of the Colfax Street and 10th Avenue right-of-way for the purpose of locating and maintain public utilities; and

WHEREAS, the City and public utility holders desire to abandon a twenty foot (20') portion of said easement: NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 3 of the City of Pensacola Ordinance No. 18-07 and 25-08 as amended shall read as follows:

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 utility 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; provided, upon the determination that a full-width easement is no longer necessary, the City of Pensacola, Gulf Power Company, Bell South, Cox Cable, and the Emerald Coast Utilities Authority, their successors, and assigns, terminate and abandon a portion of the retained easement, to wit: that certain twenty (20') foot portion of the 10th Avenue right-of-way, beginning at the southeast corner of Block 5, extending east for twenty feet in width and running north along the eastern edge of Block 5 to the northeast corner of Block 5, further extending another fifteen feet north of Block 5 into the vacated portion of 10th Avenue, lying and being in the City of Pensacola, County of Escambia, Florida.

SECTION 2. 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 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall take effect 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