

PROPOSED  
ORDINANCE NO. 39-20

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

AN ORDINANCE  
TO BE ENTITLED:

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

WHEREAS, a public hearing was held on August 13, 2020, as to the vacation of a portion of the Bay Boulevard 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:

That portion of Bay Boulevard right-of-way which lies within twenty feet (20') of the East half of Lot 3, and Lots 4, 5, 6, and 7, Block 3, East Pensacola, a subdivision of a portion of Section 5, Township 2 South, Range 29 West, in the City of Pensacola, Escambia County, Florida, according to the Revised Map of East Pensacola, drawn by J.E. Kauser in January, 1893 and recorded in Deed Book 77, Page 520, of the Public Records of Escambia County, Florida.

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 and all existing utility providers, 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. 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