

RESOLUTION NO. 2016-06

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE ABANDONMENT OF A PORTION (200 LINEAL FEET) OF A CERTAIN PLATTED ALLEY WITHIN GREENACRES PLAT NO. 2, AS RECORDED IN PLAT BOOK 13, PAGES 3 AND 4, PUBLIC RECORDS OF PALM BEACH COUNTY; AS REQUESTED BY G.P. & LOUISE C. SUGGS AND INSHAN & RADICA HOSEIN; PROVIDING FOR CHANGES TO THE OFFICIAL CITY MAP; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, G.P. & Louise C. Suggs and Inshan & Radica Hosein have submitted a request for abandonment of a 200 lineal foot portion of the 20 foot wide north-south alley between Walker Avenue and Jackson Avenue, a certain platted right-of-way within Greenacres Plat No. 2, as recorded in Plat Book 13, Pages 3 and 4, Public Records of Palm Beach County; and

WHEREAS, G.P. & Louise C. Suggs own the property abutting both east and west sides of the subject alley along its northern portion and the property abutting the alley on the east side of the southern portion and Inshan & Radica Hosein own the property abutting the subject alley along the west side of its southern portion; and

WHEREAS, it has been determined, in accordance with the Land Development Staff Report and Recommendation, Exhibit "A" dated January 25, 2016 (attached), that the abandonment of the alleyway serves a public purpose for the development of the abutting property as a comprehensive development site within the 10th Avenue North redevelopment corridor and meets the requirements of Section 16-583 of the City Code; and

WHEREAS, the City has received correspondence from the utility companies (Florida Power and Light, AT&T, Florida Public Utilities Company, Comcast Cable, the Palm Beach County Water Utilities Department, and the Lake Worth Drainage District) that

they have no objection to the abandonment of the subject portion of the alley as a public right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

Section 1. The platted right-of-way lying within Greenacres Plat No. 2, as described in Exhibit "B", is hereby abandoned and closed as an alley, and the City Council does hereby renounce and disclaim all rights, if any, the City of Greenacres or the general public has in said alley without prejudice to any third party ownership claim in said alley as described on attached Exhibit "B", attached hereto and by this reference made a part hereof.

Section 2. Repeal of Conflicting Resolutions

All Resolutions or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Resolution are hereby repealed.

Section 3. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Resolution is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Resolution and it shall be construed to have been the legislative intent to pass the Resolution without such unconstitutional, invalid or inoperative part therein, and the remainder of this Resolution after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Resolution or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property,

circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 4. Effective Date

The provisions of this Resolution shall become effective upon adoption.

RESOLVED AND ADOPTED this 1st day of February, 2016.

Voted

Samuel J. Ferreri
Mayor

_____ ()
Jonathan G. Pearce
Deputy Mayor

Attest:

Denise McGrew
City Clerk

_____ ()
Lisa Rivera
Councilwoman, District I

_____ ()
Peter Noble
Councilman, District II

_____ ()
Judith Dugo
Councilwoman, District III

_____ ()
Paula Bousquet
Councilwoman, District V

Approved as to Form and Legal Sufficiency:

James D. Stokes
City Attorney