

BCC Mtg. Date: June 5, 2018

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04/20/2018 11:00:11 AM Page 1 of 4
Rec Fee: \$35.50
Phil Diamond, Comptroller
Orange County, FL
MB - Ret To: CITY OF OCOEE



AFTER RECORDING RETURN TO:

Melanie Sibbitt, City Clerk
CITY OF OCOEE
150 N. Lakeshore Drive
Ocoee, FL 34761
(407) 905-3100

For Recording Purposes Only

RESOLUTION NO. 2018-008

(Vacation of Right-of-Way Resolution for S. Cumberland Avenue)

**A RESOLUTION OF THE CITY OF OCOEE, FLORIDA,
ABANDONING AND VACATING THAT PORTION OF SOUTH
CUMBERLAND AVENUE, A SIXTY (60) FOOT WIDE PUBLIC
RIGHT OF WAY, LYING BETWEEN THE SOUTHERLY RIGHT
OF WAY LINE OF WEST OHIO STREET AND THE NORTHERLY
RIGHT OF WAY LINE OF WEST DELAWARE STREET, AS
DEPICTED ON THE PLAT OF TOWN OF OCOEE, PLAT BOOK
A, PAGES 100 AND 101 OF THE PUBLIC RECORDS OF
ORANGE COUNTY, FLORIDA; PROVIDING FOR
RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of Ocoee desires to abandon and vacate that portion of S. Cumberland, a sixty (60) foot wide public right of way, lying between the southerly right of way line of W. Ohio Street and the northerly right of way line of W. Delaware Street, as depicted on the Plat of Town of Ocoee, Plat Book A, Pages 100 and 101 of the Public Records of Orange County, Florida, a legal description of such right of way to be abandoned and vacated is attached hereto as **Exhibit "A"** and by this reference made a part hereof (the "Roadway"); and

WHEREAS, the applicant has complied with the provisions of Section 153-10 of the Code of the City of Ocoee regarding the provision of certain information in connection with the application; and

Received by: Clerk of BCC May 10, 2018 CAS

C:

Public Works Development Engineering Manager Diana Almodovar
Public Works Development Engineering Staff Francisco Villar
Public Works Development Engineering Staff Julie Alber

WHEREAS, pursuant to Section 153-13(D)(1) of the Code of the City of Ocoee, a Notice of Public Hearing before the City Commission was provided by regular mail to owners of real property abutting the Roadway and all owners of the property within three hundred (300) feet in all directions of the Roadway; and

WHEREAS, pursuant to Section 153-13(D)(2) of the Code of the City of Ocoee, a Notice of Public Hearing was published one (1) time in a newspaper of general circulation in the City of Ocoee; and

WHEREAS, pursuant to Section 153-(D)(3) of the Code of the City of Ocoee, a sign setting forth notice of the public hearing before the City Commission was posted upon the Roadway; and

WHEREAS, the City Commission of the City of Ocoee finds that said application and supporting documents are in accordance with the requirements of Article II of Chapter 153 of the Code of the City of Ocoee and that the requested action is consistent with the City of Ocoee Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

SECTION 1. Authority. The City Commission of the City of Ocoee has the authority to adopt this Resolution pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes, and Article II of Chapter 153 of the Code of the City of Ocoee.

SECTION 2. Abandonment and Vacation of the Roadway. Subject to the provision of Section 3 set forth below, the City Commission of the City of Ocoee, Florida, hereby abandons, vacates and renounces any rights in and to the Roadway.

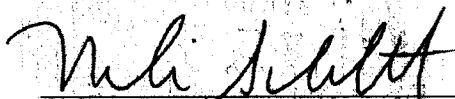
SECTION 3. Recordation. A certified copy of this Resolution shall be filed with the Orange County Comptroller and duly recorded among the Public Records of Orange County, Florida.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 5. Effective Date. This Resolution shall become effective upon passage and adoption.

PASSED AND ADOPTED this 17th day of April, 2018.

ATTEST:


Melanie Sibbitt, City Clerk

(SEAL)

**FOR USE AND RELIANCE ONLY BY
THE CITY OF OCOEE, FLORIDA;
APPROVED AS TO FORM AND LEGALITY
this 17th day of APRIL, 2018.**


SHUFFIELD, LOWMAN & WILSON, P.A.

By: 

City Attorney

APPROVED:

CITY OF OCOEE, FLORIDA


Rusty Johnson, Mayor

**ADVERTISED APRIL 5, 2018
READ FIRST TIME AND ADOPTED
April 17, 2018
UNDER AGENDA ITEM NO. 14.**

EXHIBIT "A"
("The Roadway")

ALL THAT PORTION OF S. CUMBERLAND STREET, A SIXTY (60) FOOT WIDE PUBLIC RIGHT OF WAY, LYING BETWEEN THE SOUTHERLY RIGHT OF WAY LINE OF W. OHIO STREET AND THE NORTHERLY RIGHT OF WAY LINE OF W. DELAWARE STREET, AS DEPICTED ON THE PLAT OF MAP OF OCOEE, PLAT BOOK A, PAGES 100 AND 101 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.