

**RESOLUTION NO. 2018 - _____
(2018-R/E-413)**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, ABANDONING ALL OF THE CITY'S INTEREST IN THAT CERTAIN UTILITY EASEMENT DESCRIBED AS THE EAST TWO FEET OF THE WEST 27.00 FEET OF TRACTS FOUR AND FIVE, SECTION THREE, TOWNSHIP 33, RANGE 39 EAST, LYING NORTH OF THE MAIN RELIEF CANAL RIGHT-OF-WAY; ACCORDING TO THE PLAT OF THE INDIAN RIVER FARMS COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 25 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA NOW SITUATED AND LYING IN INDIAN RIVER COUNTY, FLORIDA PURSUANT TO THE EASEMENT RECORDED DECEMBER 30, 1970 IN OFFICIAL RECORD BOOK 371 AT PAGE 310 OF THE PUBLIC RECORDS OF INDIAN RIVER COUNTY, FLORIDA; AUTHORIZING THE TRANSFER OF ALL CITY INTERESTS IN THE ASSOCIATED SANITARY SEWER FORCE MAIN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Vero Beach ("City") has an interest in that certain utility easement located on and encumbering the real property described as the East 2 Feet of the West 27 Feet of Tracts 4 and 5, Section 3 Township 33 South, Range 39 East, lying North of the main relief canal right-of-way; according to the plat of the Indian River Farms Company Subdivision as recorded in Plat Book 2 at Page 25 of the Public Records of St. Lucie County, now situated and lying in Indian River County, Florida, pursuant to the easement ("Easement") recorded December 30, 1970 in Official Record Book 371 at Page 310 of the Public Records of Indian River County, Florida; and

WHEREAS, said Easement now lies partially within certain real property deeded by the City to Indian River County ("County") for right-of-way purposes via City Deed, recorded September 18, 2015 in Official Record Book 2878 at Page 480 of the Public Records of Indian River County; and

WHEREAS, the State of Florida Department of Transportation has requested that the City abandon its interests in the Easement in conjunction with the County's road improvement project at State Road No. 60 (20th Street) and along 43rd Avenue; and

WHEREAS, pursuant to section 2-373 of the Code of the City of Vero Beach, the City may abandon its interests in an easement by the City Council adopting a resolution declaring the interest abandoned; and

WHEREAS, the City's Water and Sewer Department has investigated the request and determined that the Easement is no longer needed by the City and the sanitary sewer force main is no longer in service and has no value to the City and any interest therein may be transferred to the County in conjunction with the abandonment of the Easement; and

WHEREAS, the City Council finds that the aforementioned Easement and sanitary sewer force main are no longer needed by the City, granting the request to abandon the Easement and transfer the sanitary sewer force main described herein serves a municipal purpose and is in the public interest,

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

Section 1 – Adoption of “Whereas” clauses.

The foregoing “Whereas” clauses are hereby adopted and incorporated herein as forming the legislative findings, purpose, and intent of this Resolution.

Section 2 – Abandonment of Easement.

The City of Vero Beach, Florida, hereby declares abandoned all its right, title and interest the City has or may have in that certain Easement described as the East 2 Feet of the West 27 Feet of Tracts 4 and 5, Section 3 Township 33 South, Range 39 East, lying North of the main relief canal right-of-way; according to the plat of the Indian River Farms Company Subdivision as recorded in Plat Book 2 at Page 25 of the Public Records of St. Lucie County, now situated and lying in Indian River County, Florida, pursuant to the Easement and the sanitary sewer force main located within said Easement, is authorized to transfer to the County via Bill of Sale, attached hereto as Exhibit “A” and incorporated herein, authorizing the City Manager to execute said Bill of Sale on behalf of the City.

Section 3 – Effective Date.

This Resolution shall become effective upon final adoption by the City Council.

This Resolution was heard on the ___ day of _____ 2018, after which hearing it was moved for adoption by Councilmember _____, seconded by Councilmember _____, and adopted by the following vote of the City Council:

Mayor Harry Howle III _____
Vice Mayor Lange Sykes _____
Councilmember Laura Moss _____
Councilmember Anthony W. Young _____
Councilmember Val Zudans _____

ATTEST:

CITY COUNCIL
CITY OF VERO BEACH, FLORIDA

Tammy K. Bursick
City Clerk

Harry Howle III
Mayor

[SEAL]

ADMINISTRATIVE REVIEW

(For Internal Use Only—Sec. 2-77 COVB Code)

Approved as to form and legal
sufficiency:

Approved as conforming to
municipal policy:

Wayne R. Coment
City Attorney

James R. O'Connor
City Manager

Approved as to technical requirements:

Robert J. Bolton
Director, Water and Sewer