

Ordinance No. 2024-4806

An ordinance of the City of Sanford, Florida vacating and abandoning an existing drainage easement generally located at 300 West Lake Mary Boulevard, Sanford Florida and upon Lot 1 of the plat of Boulevard Plaza Subdivision Replat, as recorded in Plat Book 81, Pages 62-65 of the Public Records of Seminole County; providing for legislative findings and intent; providing for incorporation of an exhibit; providing for the taking of implementing administrative actions and owner agreements; providing for a savings provision and ratification of prior actions; providing for conflicts; providing for severability; providing for non-codification and providing for an effective date.

Whereas, an application was filed with the City Commission of the City of Sanford, Florida, to vacate an existing drainage easement generally located at 300 West Lake Mary Boulevard, Sanford Florida and upon Lot 1 of the plat for Boulevard Plaza Subdivision Replat, as recorded in Plat Book 81, Pages 62-65 of the Public Records of Seminole County as depicted on the attached exhibits and made a part hereof by this reference; and

Whereas, the City Commission finds that the vacating of said drainage easement as set forth in this Ordinance, will not operate to the detriment of the City or the public as the new drainage easement of the new development will be provided and will serve a better purpose; and

Whereas, the approval date of the proposed vacate shall become effective upon approval and acceptance the new cross-access easement; and

Whereas, the City Commission further finds that all other conditions required by controlling law have been met.

Now, Therefore, Be It Enacted By The People Of The City Of Sanford, Florida:

Section 1. Legislative findings and intent.

(a). The City Commission of the City of Sanford hereby adopts and incorporates

into this Ordinance the recitals (whereas clauses) to this Ordinance, the City staff report and City Commission agenda memorandum relating to the application and the proposed vacation of the cross-access easement as set forth herein.

(b). The City of Sanford has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c). This Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Sanford* and Section 6.19 of the *Land Development Regulations of the City of Sanford*.

Section 2. Vacation of easement and implementing actions.

(a). An existing drainage easement generally located at generally located at 300 West Lake Mary Boulevard, Sanford Florida and upon Lot 1 of the plat for Boulevard Plaza Subdivision Replat, as shown in Plat Book 81, Pages 62-65 of the Public Records of Seminole County as depicted on the attached exhibits is hereby vacated.

(b). As part of the requirements of this Ordinance, the owner agrees to provide any and all required drainage or other easements as required and acceptable by the City and simultaneously record in the Public Records of Seminole County at time of adoption.

(c). The City Manager, or designee, is hereby authorized to execute the documents necessary to implement the action taken herein.

Section 3. Recordation.

After the adoption of the vacate ordinance, the City shall record this Ordinance in the Public Records (Land Records) of Seminole County and the property owners have agreed to pay the costs thereof and expressed their consent and desire to have this Ordinance recorded. All costs of the easement vacation matters and the recording of this Ordinance shall be paid by the applicant upon the City requesting payment of such costs.

Section 4. Savings; Ratification of Prior Actions.

The prior actions of the City relating to the use and vacation of easements and rights-of-way are hereby ratified and affirmed.

Section 5. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

Section 6. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 7. Non-Codification.

This Ordinance shall not be codified.

Section 8. Effective Date.

This Ordinance shall take effect immediately upon passage and adoption.

Passed and adopted this ____ day of _____, 2024.

Attest:

City Commission of the City of Sanford

Traci Houchin, MMC, FCRM
City Clerk

Art Woodruff
Mayor

Approved as to form and legal sufficiency.

William L. Colbert
City Attorney



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.

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The City is of the view that the following exception(s) to the Business Impact Estimate requirement, that are checked off in a box below, apply to the above-referenced proposed ordinance. Although, the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:

- a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
- b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
- c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
- d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The Ordinance provides for the vacation of an unnecessary and readily replaceable drainage easement which action will enable the development of real property and will enhance the tax base of the City,

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

None.

3. Estimate of direct compliance costs that businesses may reasonably incur:

None.

4. Any new charge or fee imposed by the proposed ordinance:

None.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

The effect of the proposed ordinance should be to enhance the tax base of the City.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

7. Additional information

Reference to the City staff report/agenda memorandum and the public hearings on the proposed Ordinance may be of assistance.