**ORDINANCE 2024-01**

**VAC 24-01**

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, AMENDING CHAPTER 82, ARTICLE I, SECTION 82-3 ENTITLED DOWNTOWN PLAT ADDITIONS; PROVIDING FOR THE CLOSING, ABANDONING, RELEASE AND VACATION OF A PORTION OF THE PUBLIC ALLEYWAYS AS SHOWN ON THE PLAT ENTITLED ORIGINAL NEWBERRY CHAPMAN & WHITES ADDITION (PLAT BOOK A, PAGE 95, ALACHUA COUNTY OFFICIAL RECORDS); PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, the City of Newberry is the owner of certain alleyways in the City of Newberry, more particularly described in Exhibit A, attached hereto and incorporated by reference; and

**WHEREAS,** Section 336.09, Florida Statutes, as amended, authorizes and empowers local governments to vacate, abandon, discontinue and close any existing public or private street, alleyway, road, highway, or other place used for travel, or any portion thereof; and

**WHEREAS** the City Commission finds the city no longer deems the alleyways necessary as there appears to be no present or future public need to use the subject portion of these alleyways; and;

**WHEREAS,** after duestudy and consideration the City Commission of the City of Newberry has determined it is in the best interest of its citizen to vacate certain alleys located in the downtown plat upon appropriate application by an abutting property owner, and

**WHEREAS it** is determined vacating would not impact owners’ full use and access to their land; and

**WHEREAS,** pursuant to a Notice of Public Hearing, duly and regularly advertised in accordance with law, a public hearing was held to consider the advisability of renouncing and disclaiming the rights of the City and the public; and

**WHEREAS,** this ordinance shall amend Newberry Code of Ordinances, Chapter 82, Article 1, Secs. 82-3, Streets, Sidewalks and Other Public Places, Downtown Plat Additions; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NEWBERRY, FLORIDA, AS FOLLOWS:**

**Section 1.** Section 82-3 of the City of Newberry Code of Ordinances is hereby amended to be read as follows (additions are underlined and deletions are ~~struck through~~):

The downtown plat includes the following additions:

1. Chapman and Smith's Addition.
2. The Central Florida Development Corp's Addition.
3. Original Newberry.
4. Walton's Addition.
5. Meadowbrook.
6. Holt's Addition.
7. Arrowhead Point Subdivision.
8. Nipper's Addition.
9. Carter's Addition.
10. J.D. Hodge's first Addition.
11. Kirby's Subdivision.
12. Bass Subdivision.
13. Crocker's Subdivision.
14. Meadow Ridge Subdivision.
15. McLeods Addition.
16. Broken Arrow.
17. Roland Heights.
18. Chapman and White’s Addition, West of State Road 45/NW 250th Street (AKA US 41/27)

**Section 2. Authorization:** That the Mayor, Clerk, and City Manager are authorized and hereby directed to execute the necessary deeds of transfer to the abutting owners to all property lying in said right-of-way as described in the application with the City of Newberry retaining a perpetual utility easement in said property.

**Section 3**. **Cost:** All costs and fees relating to the recording of the new deed will be the sole responsibility of the applicant for vacation.

**Section 4.** The City Commission expressly reserves and establishes a perpetual utility easement, including but not limited to drainage, sewer, water, and electrical system over, across and beneath the surface of the above- described property and the same shall be reflected in the deed conveying the City’s interest said right-of ways.

**Section 5.** **Conflict**. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6. Severability.** If any portion of this Ordinance is determined by any court to be invalid, the invalid portion will be stricken, and such striking will not affect the validity of the remainder of this Ordinance.

**Section 7.** Inclusion in the Code, Scrivener’s Error. It is intention of the City Commission of the City of Newberry, Florida and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Newberry, Florida, specifically Chapter 82, Article 1, Section 82-3, Streets, Sidewalks and Other Public Places that the section of this Ordinance may be renumbered or re-lettered to accomplish such intention and that the word “ordinance” may be changed to “section”, “article” or other appropriate designation. The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Mangere or designee without public hearing by filling a corrected or recodified copy of the same with the city.

**Section 8. Effective Date.** This Ordinance shall take effect upon its passage at second and final reading.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, the 26 day of February , 2024.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Newberry, Florida, by the City Clerk of the City of Newberry, Florida on the \_\_29\_\_ day of \_\_ February\_\_\_\_\_\_\_, 2024.

DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this \_11\_\_\_day of March , 2024.

BY THE MAYOR OF THE CITY OF NEWBERRY, FLORIDA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Honorable Jordan Marlowe, Mayor

ATTEST, BY THE CLERK OF THE

CITY COMMISSION OF THE CITY OF

NEWBERRY, FLORIDA:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judy S. Rice, City Clerk

APPROVED AS TO FORM AND

LEGALITY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Attorney’s Office

Attachment: Exhibit A, Legal Description

**EXHIBIT A**

LEGAL DESCRIPTION : ALL ALLEYWAYS , CHAPMAN & WHITE’S ADDITION, WEST OF STATE ROAD 45/NW 250TH STREET (AKA US 41/27), AS PER PLAT BOOK “A” PAGE 95, OF THE PUBLIC RECORD OF ALACHUA COUNTY FLORIDA.

