

CITY OF LAKE CITY, FLORIDA ORDINANCE NUMBER 2024-2287

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, CLOSING, ABANDONING, AND VACATING A UTILITIES AND DRAINAGE EASEMENT FOR CLYDE SKAFLESTAD PURSUANT TO APPLICATION VRW24-01 SUBMITTED BY SAME; FINDING CLOSING, ABANDONING, AND VACATING SAID UTILITIES AND DRAINAGE EASEMENT WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, OR WELFARE; CONDITIONING THE CLOSING, ABANDONMENT, AND VACATION OF SAID EASEMENT ON THE APPLICANT GRANTING AN ALTERNATIVE DRAINAGE EASEMENT TO THE CITY; AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE SUCH QUIT CLAIM OF EASEMENTS AS ARE NECESSARY TO EFFECTUATE THE INTENT HEREOF; DIRECTING THE CITY ATTORNEY TO PREPARE SAID QUIT CLAIM OF EASEMENT FROM THE CITY TO THE APPLICANT; DIRECTING THE CITY ATTORNEY TO PREPARE SAID GRANT OF EASEMENT OF THE ALTERNATIVE EASEMENT FROM THE APPLICANT TO THE CITY; FINDING IT IS IN THE BEST INTERESTS OF THE CITY AND FOR THE GENERAL WELFARE OF ITS CITIZENS TO CLOSE, ABANDON, AND VACATE SAID EASEMENT UPON THE CONDITIONS SET FORTH IN THIS ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lake City, Florida (hereinafter the "City") desires to close, vacate, and abandon a parcel of land described herein below pursuant to that certain application VRW24-01 filed by Clyde Skaflestad, to wit:

An easement, for drainage and utilities purposes, being 10 feet in width, lying 5 feet left of and 5 feet right of the following described centerline:

BEGIN at the Northeast corner of Lot 16, Block 8, FOREST HILLS UNIT 1, a subdivision recorded in Plat Book 3, Pages 28-29 of the public records of Columbia County, Florida, being also the Southeast corner of Lot 17, Block 8, FOREST HILLS UNIT 1, and run North 70°48'20" West, along the North line of said Lot 16, being also the South line of said Lot 17, a distance of 130 feet to the TERMINAL POINT of herein described centerline and easement.

(the "Easement Area"); and

WHEREAS, maintenance of the Easement Area creates potential liability, additional work, and costs to the City; and

WHEREAS, the City has previously made provision with the applicant stated herein for such easements as are necessary for the orderly and efficient provision of utilities to said applicant's property, for the orderly and efficient operation of the City's utilities system following the City's abandonment of the Easement Area, and for alternative means of drainage over and across applicant's lands; and

WHEREAS, the closure, vacation, and abandonment of the Easement Area is conditioned upon the applicant granting to the City an easement for drainage purposes over and across the following described property, to wit:

An easement, for drainage purposes, being 10 feet in width, lying 5 feet left of and 5 feet right of the following described centerline:

COMMENCE at the Northeast corner of Lot 16, Block 8, FOREST HILLS UNIT ONE, according to the map or plat thereof, as recorded in Plat Book 3, Pages 28 and 29, of the Public Records of Columbia County, Florida, and run South 18°21'49" West, along the West right-of-way line of SE Zinnia Way (formerly known as Dogwood Street), being also the East line of said Lot 16, a distance of 2.73 feet to the POINT OF BEGINNING; thence North 86°05'35" West, a distance of 134.23 feet to a point on the West line of said Lot 16, being also the TERMINAL POINT of herein described centerline and easement.

(the "Alternative Easement Area"); and

WHEREAS, the City Council finds that it is in the public interest to permanently close, vacate, and abandon the Easement Area by quit claiming the City's interest in same to the applicant, provided the applicant provides to the City an easement for drainage purposes over and across the Alternative Easement Area, such alternative easement being executed by the title owners of the servient parcel upon which the Alternative Easement Area is situated, and provided any claims of lien on such servient parcel are subordinated to the City's interest in the Alternative Easement Area; now therefore

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

SECTION 1. FINDING AND DESIGNATION OF SURPLUS.

The City finds the following described Easement Area to be surplus to its needs and that it is in the public interest to close, vacate, and abandon the Easement Area:

An easement, for drainage and utilities purposes, being 10 feet in width, lying 5 feet left of and 5 feet right of the following described centerline:

BEGIN at the Northeast corner of Lot 16, Block 8, FOREST HILLS UNIT 1, a subdivision recorded in Plat Book 3, Pages 28-29 of the public records of Columbia County, Florida, being also the Southeast corner of Lot 17, Block 8, FOREST HILLS UNIT 1, and run North 70°48'20" West, along the North line of said Lot 16, being also the South line of said Lot 17, a distance of 130 feet to the TERMINAL POINT of herein described centerline and easement.

SECTION 2. CLOSURE, VACATION, AND ABANDONMENT.

Upon the execution of an easement for drainage purposes over and across the Alternative Easement Area to wit:

An easement, for drainage purposes, being 10 feet in width, lying 5 feet left of and 5 feet right of the following described centerline:

COMMENCE at the Northeast corner of Lot 16, Block 8, FOREST HILLS UNIT ONE, according to the map or plat thereof, as recorded in Plat Book 3, Pages 28 and 29, of the Public Records of Columbia County, Florida, and run South 18°21'49" West, along the West right-of-way line of SE Zinnia Way (formerly known as Dogwood Street), being also the East line of said Lot 16, a distance of 2.73 feet to the POINT OF BEGINNING; thence North 86°05'35" West, a distance of 134.23 feet to a point on the West line of said Lot 16, being also the TERMINAL POINT of herein described centerline and easement.

such grant of easement being executed by the title owners of the servient parcel upon which the Alternative Easement Area is situated, and provided any claims of lien on such servient parcel being subordinated to the City's interest in the Alternative Easement Area, the City does close, vacate, and abandon the Easement Area.

The City Attorney is directed to prepare such instruments as are necessary to effectuate the permanent conveyance of an easement for drainage over and across the Alternative Easement Area subject to the terms set forth herein.

SECTION 3. QUIT CLAIM OF SUBJECT PROPERTY.

The City shall quit claim the Easement Area to the applicant subject to the conditions set forth herein.

The City Attorney is directed to prepare such instruments as are necessary to effectuate the permanent closure, vacation, and abandonment of the Easement Area via quit claim of the City's interests as further set forth herein.

Upon the fulfillment of the conditions set forth herein, the Mayor of the City is authorized and directed to execute such documents as are necessary to effectuate the permanent closure, vacation, and abandonment of the Easement Area via quit claim of the City's interests as further set forth herein.

SECTION 4. ACCEPTANCE AND DEDICATION

Upon the recording of the grant of easement of the Alternative Easement Area to the City, same shall be dedicated to the public on such terms as those drainage easements dedicated on that certain plat of Forest Hills Unit One recorded in Plat Book 3, Pages 28 and 29, Public Records of Columbia County, Florida, and subject to the provisions of any deed restrictions or restrictive covenants in effect and of-record in Columbia County, Florida.

SECTION 4. CONFLICTS

All ordinances or parts of ordinances in conflict herewith are and the same are hereby repealed.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance or the particular

application thereof shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining section(s), subsection(s), sentences(s), clause(s) or phrases(s) under application shall not be affected hereby.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

APPROVED, UPON THE FIRST READING, by the City Council of the City of Lake City at a regular meeting, on the ____ day of June, 2024.

PUBLICLY NOTICED, in a newspaper of general circulation in the City of Lake City, Florida, by the City Clerk of the City of Lake City, Florida on the ____ day of July, 2024.

APPROVED UPON THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of Lake City, Florida, at a regularly scheduled meeting this ____ day of July, 2024.

BY THE MAYOR OF THE CITY OF LAKE CITY, FLORIDA

Stephen M. Witt, Mayor

ATTEST, BY THE CLERK OF THE CITY COUNCIL OF
THE CITY OF LAKE CITY, FLORIDA:

Audrey Sikes, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Clay Martin, City Attorney