

RESOLUTION 2025-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WAUCHULA, FLORIDA; VACATING A CERTAIN UNNAMED AND UNUTILIZED RIGHT OF WAY CONTAINED WITHIN PRIVATE PROPERTY AND DESCRIBED AS: CITY OF WAUCHULA, BLOCK 44 AND FRACTIONAL BLOCKS 45, 46, AND 47; THAT PORTION OF 2ND AVENUE AND THAT PORTION OF 3RD AVENUE AND THAT PORTION OF A 'NO NAME 60' R/W AS PER PLAT BOOK 1, PAGE 1-29(B) BOUNDED ON THE NORTH BY BAY STREET, ON THE EAST BY 1ST AVENUE AND ON THE SOUTH BY THE SOUTH LINE OF SECTION 03, TOWNSHIP 34 SOUTH, RANGE 25 EAST, HARDEE COUNTY, FLORIDA; PROVIDING FOR A COPY TO BE FURNISHED TO HARDEE COUNTY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Wauchula, Florida ("Commission") acquired through dedication that certain right of way depicted on the maps attached to and incorporated in this Resolution as Exhibit "A"; and,

WHEREAS, the City's staff has determined that there exists an unnamed and unutilized right-of-way over property not in use by or maintained by the City; and,

WHEREAS, the developer of the property has requested that the City vacate this unnamed and unutilized right-of-way, City Staff have reviewed the criteria under Article III, Chapter 16, Section 16-65, City of Wauchula Code of Ordinances (the Code), and the City Commission has made the necessary findings under Section 16-65 as set forth below, provided the necessary public notice, and held the public hearing so that the Commission may vacate any rights it or the public may have in a certain unutilized right-of-way described as: City of Wauchula, Block 44 and fractional Blocks 45, 46, and 47; that portion of 2nd Avenue and that portion of 3rd Avenue and that portion of a 'no name 60' r/w as per Plat Book 1, Page 1-29(b) bounded on the North by Bay Street, on the East

by 1st Avenue and on the South by the south line of Section 03 Township 34 South, Range 25 East, Hardee County, Florida; and,

WHEREAS, there are no utilities located within portions of the certain underlying and unimproved right-of-way and no public use thereof; and

WHEREAS, the owner will not be affected by the proposed vacation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WAUCHULA, FLORIDA, THAT:

Section 1. Vacation of Easement. The City Commission of Wauchula (the “City Commission”) hereby approves the vacation of the right of way described as: City of Wauchula, Block 44 and fractional Blocks 45, 46, and 47; that portion of 2nd Avenue and that portion of 3rd Avenue and that portion of a ‘no name 60’ r/w as per Plat Book 1, Page 1-29(b) bounded on the North by Bay Street, on the East by 1st Avenue and on the South by the south line of Section 03 Township 34 South, Range 25 East, Hardee County, Florida, said vacation of right-of-way, as permitted by Section 16-65(a)(3), Code of Ordinances, shall become effective upon the recording of the Plat for the property in which the right-of-way is located.

Section 2. Findings. In adopting this Ordinance, the City Commission hereby makes and expresses the following findings, purposes, and intent:

(1) The City of Wauchula, Florida, has been conferred authority to vacate any right-of-way, or street or alley or part of street or alley by virtue of Chapter 166, Florida Statutes, as amended, Chapter 177, Florida Statutes, and §§ 16-65 through 16-67, Code of Ordinances, City of Wauchula.

(2) The City Commission of the City of Wauchula, Florida, scheduled a public hearing on March 10, 2025, for the purpose of hearing objections to the vacating of said publicly owned property and notice thereof was duly published.

(3) A copy of the said Resolution and a copy of said notice was mailed by certified mail, return receipt requested, to all persons whose property abuts the said easement affected by the proposed vacation.

(4) The City Commission hereby finds and determines that the public right-of-way no longer serves a public purpose and the vacation of the public right-of-way is in the public interest, because the public no longer benefits from the use of the subject right-of-way as part of the city street system; the proposed action is consistent with the Comprehensive Plan; the proposed vacation is consistent with the minimum block size requirements and other applicable street connectivity standards; the proposed action will not deny access to private property; the proposed action will not negatively affect the public safety, the safety of pedestrians or vehicular traffic; and the proposed action will not negatively affect municipal services, require the relocation of utilities, or change the design or character of the area. Furthermore, the loss of this right of way will not foreclose reasonably foreseeable future bike/pedestrian use, will not foreclose non-motorized access to adjacent land uses or transit stops, and there is no reasonably foreseeable need for any type of transportation corridor for the area.

(5) The City Commission, after having made a thorough study of the changing conditions in the neighborhood, being apprised of the existing facts, taking into consideration the other rights-of-way, streets and alleys whereby property owners have access to their property, have determined that it is in the best interest of the City of

Wauchula and its residents that the said unnamed right-of-way shall be forever vacated and abandoned upon the recording of the Plat for the property within which the above-described right-of-way is located.

Section 3. Copy Furnished to Hardee County. A copy of this Resolution shall be furnished to the Hardee County Board of County Commissioners.

Section 4. Effective Date. This Resolution shall become effective immediately upon its passage as a non-emergency Resolution at one scheduled meeting of the City Commission of the City of Wauchula, upon its approval and adoption by said Commission, and when certified as to passage and a certified copy has been filed in the office of the Circuit Court clerk and duly recorded in the public records of Hardee County, Florida. However, said vacation of right-of-way, as permitted by Section 16-65(a)(3), Code of Ordinances, shall become effective upon the recording of the Plat for the property in which the right-of-way is located.

DULY PASSED, AND ADOPTED by the City Commission of the City of Wauchula, Florida, this 10th day of March, 2025, at a regular meeting of the City Commission of the City of Wauchula, Florida.

(SEAL)

ATTEST:

CITY OF WAUCHULA, FLORIDA

Stephanie Camacho, City Clerk

Richard Keith Nadaskay, Jr., Mayor

APPROVED AS TO FORM & CORRECTNESS:

Thomas A. Cloud, Esquire
City Attorney

Exhibit "A"

