

RESOLUTION NO. 4060-21

A RESOLUTION OF THE CITY OF OVIEDO, FLORIDA, AMENDING RESOLUTION NO. 4011-21 ADOPTED ON JANUARY 4, 2021, PROVIDING FOR THE CLOSING, VACATING, AND ABANDONING OF THOSE CERTAIN PARTS OF STATION STREET AND GARDEN STREET RIGHTS-OF-WAY, AS DEPICTED MORE SPECIFICALLY ON THE ATTACHED EXHIBIT 1; CONDITIONED UPON THE GRANTING OF A WASTEWATER SERVICES EASEMENT TO THE CITY AS PROVIDED IN EXHIBIT 2; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR RECORDATION; AND PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, SCRIVENER'S ERRORS, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, a request was filed with the City of Oviedo, Florida by Nelson & Company, Inc., and 88 S. Central, LLC, for vacation of that part of Station Street and Garden Street rights-of-way depicted and described in Exhibit 1 attached hereto; and

WHEREAS, as a condition to the closing, vacation, and abandonment of the described and depicted parts of Station Street and Garden Street rights-of-way, City Council required that Nelson & Company, Inc., and 88 S. Central, LLC, execute and deliver to the City a Wastewater Services Easement in the form attached hereto as Exhibit 2; and

WHEREAS, the City Council determined that the closing, vacating, and abandoning of said rights-of-way would not operate to the detriment of the City or the public and on January 4, 2021, adopted Resolution No. 4011-21 approving such closing, vacation and abandonment of those certain portions of Station Street and Garden Street rights-of-way as referenced therein; and

WHEREAS, it has been determined that certain wording contained in Resolution No. 4011-21 may be subject to misinterpretation or misconstruction to indicate the City did not intend to completely close, vacate, and abandon those certain portions of Station Street and Garden Street rights-of-way as referenced therein; and

WHEREAS, the purpose of this Resolution is to amend certain portions of Resolution No. 4011-21 to clarify language contained therein and to restate that the City does intend to completely close, vacate, and abandon those certain portions of Station Street and Garden Street rights-of-way as referenced therein and herein, specifically subject to the benefitted property owners granting to the City a non-exclusive and perpetual wastewater services easement over, across, through and under such vacated rights-of-way in accordance with, and upon the terms and conditions contained in, the City of Oviedo/Nelson & Company Incorporated and 88 S. Central Avenue, LLC, Wastewater Services Easement attached hereto as Exhibit 2 (the "Wastewater Services Easement").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings. The City Council hereby adopts and incorporates into this Resolution the above recitals (whereas clauses) and the matters set forth in the City Council

agenda memorandum associated with this Resolution as the legislative and administrative findings of the City Council.

SECTION 2. Vacation of Right-of-Way; Reservation and Grant of Easement. Those portions of the rights-of-way of Station Street and Garden Street described and depicted in Exhibit 1 attached hereto are hereby closed, vacated, and abandoned; provided that, and subject to, the City of Oviedo being granted, within those portions of the vacated Station Street and Garden Street rights-of-way identified and depicted in the legal description to Exhibit 2 attached to this Resolution, a non-exclusive wastewater services easement in accordance with, and upon the terms and conditions contained in, the Wastewater Services Easement attached hereto as Exhibit 2.

SECTION 3. Recording. This Resolution, including Exhibits 1 and 2 shall be recorded by the City of Oviedo Clerk's Office in the Official Records of Seminole County, Florida (Land Records).

SECTION 4. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary, and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

SECTION 6. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 7. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 8. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 3rd day of May, 2021.

MEGAN SLADEK
MAYOR of the City of Oviedo, Florida

ATTEST:

BARBARA J. BARBOUR
CITY CLERK