

ORDINANCE 2025-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA VACATING AND ABANDONING A SECTION OF BOSTON AVENUE, A 30 FOOT UNIMPROVED RIGHT-OF-WAY, OF THE LINCOLN HEIGHTS PLAT AS RECORDED IN PLAT BOOK 2, PAGE 18, IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, FROM LINCOLN STREET TO SOUTH FORSYTH STREET; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR ATTACHMENT AND INCORPORATION OF EXHIBIT; PROVIDING FOR THE TAKING OF IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR RECORDING; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2, *Constitution of the State of Florida*, authorizes the City of Bunnell to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, the applicant RTN Properties, LLC has initiated this ordinance to vacate a section of the thirty (30) foot unimproved right-of-way, known as Boston Avenue, located between Block 3 of the Lincoln Heights plat as recorded in Plat Book 2, Page 18, in the Public Records of Flagler County, Florida, and Block 1 of the Mack Boston Addition plat as recorded in Plat Book 3, Page 19, in the Public Records of Flagler County, Florida and vacated per City Ordinance as recorded in Official Records Book 264, Page 486, in the Public Records of Flagler County, Florida, from Lincoln Street to South Forsyth Street; and

WHEREAS, Section 54-1(d), *Bunnell Code of Ordinances*, requires the vacation of any street, alley, or right-of-way to be an ordinance and in compliance with Section 166.041, *Florida Statutes*; and

WHEREAS, the subject section of right-of-way was platted and recorded in the Public Records of Flagler County and the portion of right-of-way to be vacated is depicted in Exhibit "A" which is attached hereto and made a part hereof by this reference; and

WHEREAS, fifteen (15) feet of said section of right-of-way shall be vested to the fee simple owner(s) of lots 1 and 2 in Block 3 of the Lincoln Heights plat, as recorded in Plat Book 2, Page 18, in the Public Records of Flagler County, upon the effective date of this Ordinance; and

WHEREAS, fifteen (15) feet of said section of right-of-way shall be partially vested to the fee simple owner(s) of Block 1 of the Mack Boston Addition plat, as recorded in Plat Book 3, Page 19, in the Public Records of Flagler County, and vacated per City Ordinance as recorded in Official Records Book 264, Page 486, in the Public Records of Flagler County, Florida, and partially vested to the fee simple owner(s) of a portion of Tract 5 in Block C of the Bunnell Development Company plat, as recorded in Plat Book 1, Page 1, in the Public Records of Flagler County, Florida, upon the effective date of this Ordinance; and

WHEREAS, RTN Properties, LLC is the fee simple owner of lots 1 and 10 within Block 3 of the Lincoln Heights plat, also bearing Tax Parcel Identification Numbers 14-12-30-3800-00030-0010 and 14-12-30-3800-00030-0090 assigned by the Flagler County Property Appraiser's office and can be legally described as provided under Section 2 of this Ordinance; and

WHEREAS, RTN Properties, LLC is the fee simple owner of Block 1 of the Mack Boston Addition plat, which has since been vacated, bearing Tax Parcel Identification Number 14-12-30-0650-000C0-0053 assigned by the Flagler County Property Appraiser's office and can be legally described as provided under Section 2 of this Ordinance; and

WHEREAS, J Ryan Realty, LLC is the fee simple owner of a portion of Tract 5 in Block C of the Bunnell Development Company plat, bearing Tax Parcel Identification Number 14-12-30-0650-000C0-0052 assigned by the Flagler County Property Appraiser's office and can be legally described as provided under Section 2 of this Ordinance; and

WHEREAS, the City Commission of the City of Bunnell, Florida finds that the vacating of said section of the unimproved right-of-way will not be detrimental to the City or the public, and that all other conditions required by controlling law have been met; provided, however, that the conditions set forth in this Ordinance are imposed relative to the vacation and abandonment action taken herein in order to protect the public interest; and

WHEREAS, there are no City utilities located within this right-of-way; and

WHEREAS, the City of Bunnell's Planning, Zoning and Appeals Board, acting as the City's local planning agency, held a public meeting on May 6, 2025 to review and consider this Ordinance and recommended _____ of the vacation of a portion of Boston Avenue, an unimproved right-of-way, as depicted in Exhibit "A", based on the information provided to the Board; and

WHEREAS, the City of Bunnell has complied with all requirements and procedures of local and Florida law in processing and advertising this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

Section 1. Legislative Findings and Intent.

The above whereas clauses, the City staff report, and the City Commission agenda memorandum are hereby adopted and incorporated into this Ordinance as the legislative and administrative findings of the City Commission.

Section 2. Property Legal Descriptions.

(a) The legal description for Parcel ID: 14-12-30-3800-00030-0010 is as follows:

Lot 1, Block 3, Lincoln Heights, according to the map or plat thereof, as recorded in Plat Book 2, Page(s) 18, of the Public Records of Flagler County, Florida.

(b) The legal description for Parcel ID: 14-12-30-3800-00030-0090 is as follows:

Lots 9 and 10, Block 3, Lincoln Heights Subdivision, a subdivision according to the plat or map thereof described in Plat Book 2, Page 18, of the Public Records of Flagler County, Florida.

(c) The legal description for Parcel ID: 14-12-30-0650-000C0-0053 is as follows:

A PARCEL OF LAND SITUATED IN SECTION 14, TOWNSHIP 12 SOUTH, RANGE 30 EAST, BEING ALL OF BLOCK 1, MACK BOSTON ADDITION, A SUBDIVISION AS RECORDED IN MAP BOOK 3, PAGE 19, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, AND VACATED PER CITY ORDINANCE AS RECORDED IN OFFICIAL RECORDS BOOK 264, PAGE 486, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA TOGETHER WITH THAT PORTION OF VACATED RIGHTS-OF-WAY ALONG THE NORTHERLY, SOUTHERLY AND WESTERLY PORTIONS THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FROM A POINT OF BEGINNING, BEING THE INTERSECTION OF THE CENTERLINE OF AN UNNAMED 60 FOOT RIGHT-OF-WAY AS SHOWN ON THE PLAT OF MACK BOSTON ADDITION, AND THE SOUTHERLY EXTENSION OF THE EASTERLY LINE OF BLOCK 1, MACK BOSTON ADDITION, BEAR N00°27'00"W ALONG SAID EASTERLY LINE 47.00 FEET; THENCE N33°31'00"W ALONG THE WESTERLY RIGHT-OF-WAY LINE OF BAY STREET, A 50 FOOT RIGHT-OF-WAY, FOR A DISTANCE OF 736.68 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 14, ALSO BEING THE CENTERLINE OF AN UNNAMED 40 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PLAT; THENCE S89°57'00"W ALONG SAID NORTH LINE, FOR A DISTANCE OF 235.64 FEET TO A POINT ON THE WESTERLY LIMITS OF SAID PLAT; THENCE S01°05'00"E ALONG SAID WESTERLY LINE, FOR A DISTANCE OF 52.60' TO THE CENTERLINE OF AN UNNAMED 50 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PLAT; THENCE S33°31'00"E ALONG SAID CENTERLINE, FOR A DISTANCE OF 729.73 FEET TO THE INTERSECTION OF AN UNNAMED 60 FOOT RIGHT-OF-WAY THENCE N90°00'00"E ALONG THE SAID CENTERLINE, FOR

A DISTANCE 238.85 FEET, TO THE INTERSECTION OF THE CENTERLINE OF AN UNNAMED 60 FOOT RIGHT-OF-WAY AS SHOWN ON SAID PLAT, AND THE SOUTHERLY EXTENSION OF THE EASTERLY LINE OF BLOCK 1, MACK BOSTON ADDITION, ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION.

(d) The legal description for Parcel ID: 14-12-30-0650-000C0-0052 is as follows:

That part of Tracts 5 and 6, Block "C", West of the Railroad, Section 14, Township 12 South, Range 30 East, BUNNELL DEVELOPMENT COMPANY'S ALLOTMENT, according to the plat or map thereof described in Plat Book 1, Page 1, of the Public Records of Flagler County, Florida, being more particularly described as follows: Formerly described as, all of Blocks 2 and 3, all of the un-named street lying south of Block 3 and North of Block 2, the western half of the un-named street lying East of Blocks 2 and 3, West of Block 1, and the Northern half of the un-named street lying south of Blocks 1 and 2, less and except the portion lying easterly of the intersection of the centerline of the un-named street that runs between Blocks 2 and 3 and Block 1, MACK BOSTON SUBDIVISION, recorded in Plat Book 3, Page 19, of the Public Records of Flagler County, Florida, which has since been vacated.

Section 3. Vacation of Right-of-Way and Implementing Actions.

(a) The portion of the thirty (30) foot unimproved right-of-way, known as Boston Avenue, being from Lincoln Street to South Forsyth Street and located between Block 3 of the Lincoln Heights plat as recorded in Plat Book 2, Page 18, in the Public Records of Flagler County, Florida; Block 1 of the Mack Boston Addition plat as recorded in Plat Book 3, Page 19, in the Public Records of Flagler County, Florida, which has since been vacated; and a portion of Tract 5 in Block "C" of the Bunnell Development Company plat as recorded in Plat Book 1, Page 1, in the Public Records of Flagler County, Florida, as depicted in Exhibit "A", is hereby vacated by the City of Bunnell.

(b) The fee simple owners of land as identified in the legislative findings of this ordinance shall be vested with their portions of the vacated thirty (30) foot unimproved right-of-way as indicated herein and in accordance with Section 336.12, *Florida Statutes*.

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

Section 4. Recordation.

The City shall be responsible to record in the Public Records of Flagler County and copies of all such notices, proofs of publication and this Ordinance as shall be required to perfect title to the subject property of the vacated right-of-way although the City does not warrant or guarantee title and title to the vacated property shall vest in accordance with controlling law.

Section 5. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Non-Codification.

This Ordinance shall not be codified.

Section 8. Effective Date.

This Ordinance shall take effect immediately upon adoption.

First Reading: approved on this _____ day of _____, 2025.

Second Reading/Final Reading: adopted on this _____ day of _____ 2025.

CITY COMMISSION, City of Bunnell, Florida.

By: _____
Catherine D. Robinson, Mayor

Approved for form and content by:

Vose Law Firm, City Attorney

Attest:

Kristen Bates, CMC, City Clerk

Seal:

DRAFT

Exhibit "A"
Location of Vacated Right-of-Way

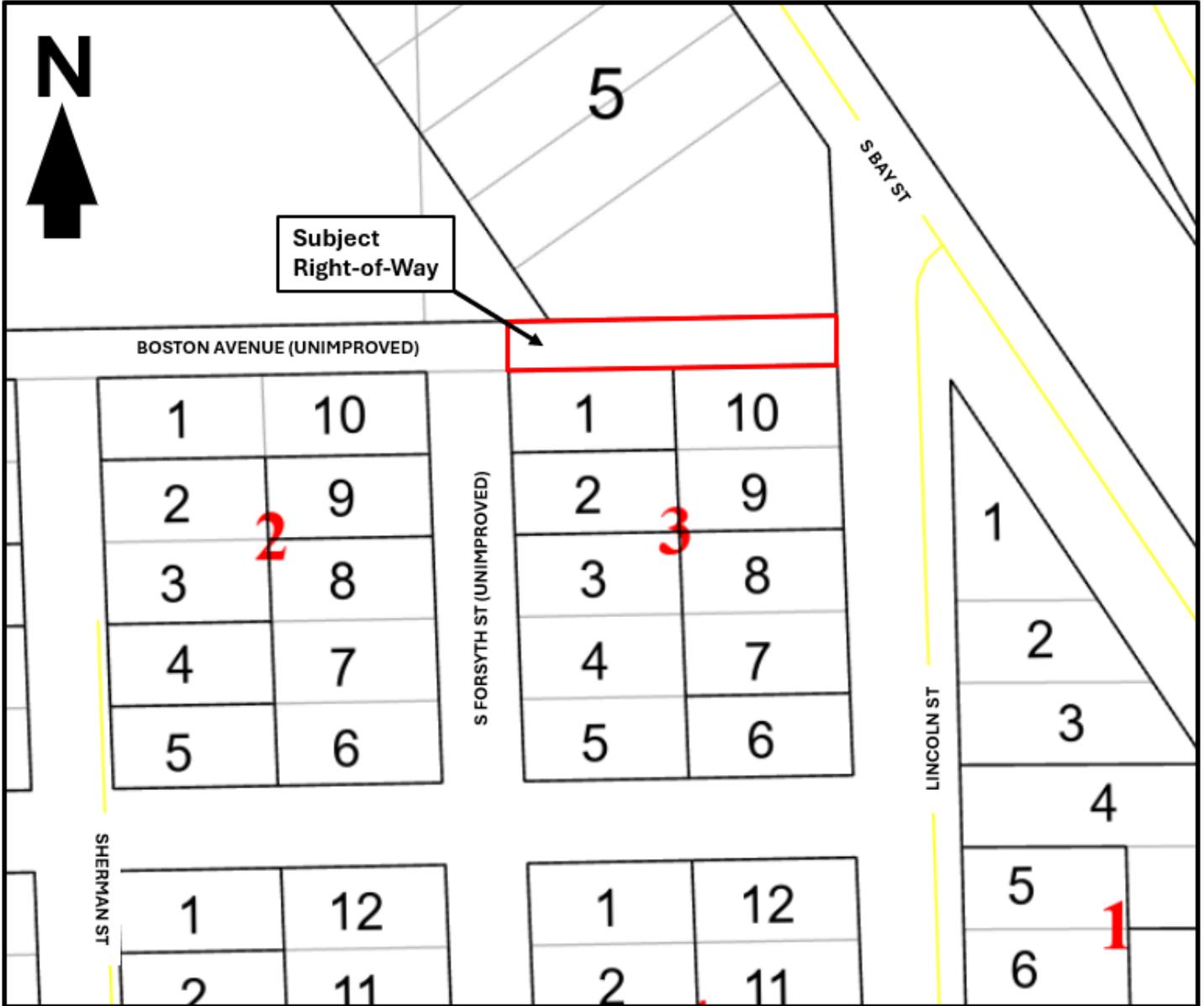


Exhibit "B"

Legal Description of Vacated Right-of-Way

A SECTION OF UNIMPROVED RIGHT-OF-WAY TO BE VACATED BEING A PART OF SECTION 14, TOWNSHIP 12 SOUTH, RANGE 30 EAST, ALSO BEING A PART OF THE PLAT OF LINCOLN HEIGHTS AS RECORDED IN PLAT BOOK 2, PAGE 18, IN THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING, COMMENCE AT THE NORTHEAST CORNER OF LOT 10, BLOCK 3 PER SAID PLAT OF LINCOLN HEIGHTS; THENCE NORTH $02^{\circ}13'55''$ WEST, ALONG THE EASTERLY RIGHT-OF-WAY OF A 30-FOOT-WIDE UNNAMED RIGHT-OF-WAY AS RECORDED IN SAID PLAT OF LINCOLN HEIGHTS, A DISTANCE OF 30.00 FEET TO THE NORTH EAST CORNER OF SAID PLAT OF LINCOLN HEIGHTS; THENCE SOUTH $88^{\circ}56'05''$ WEST, DEPARTING SAID EASTERLY RIGHT-OF-WAY AND ALONG THE NORTHERLY RIGHT-OF-WAY OF SAID UNNAMED RIGHT-OF-WAY, A DISTANCE OF 200.00 FEET; THENCE SOUTH $02^{\circ}13'55''$ EAST, DEPARTING SAID NORTHERLY RIGHT-OF-WAY, A DISTANCE OF 30.00 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 3 OF SAID PLAT OF LINCOLN HEIGHTS; THENCE NORTH $88^{\circ}56'05''$ EAST, ALONG THE NORTH LINE OF SAID BLOCK 3, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.14 ACRES, MORE OR LESS.