

ORDINANCE 2025-XX

AN ORDINANCE OF THE CITY OF BUNNELL, FLORIDA VACATING AND ABANDONING CERTAIN ALLEYS IN BLOCKS 213, 214, 215, 222, 223, AND 268 AND A SECTION OF BLUEGE STREET IN BETWEEN BLOCKS 222, AND 223 OF THE TOWN OF BUNNELL PLAT AS RECORDED IN PLAT BOOK 1, PAGE 2, IN THE PUBLIC RECORDS OF FLAGLER COUNTY; 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, Abundant Life Ministries-Hope House Inc., has initiated this ordinance to vacate certain ten (10) foot alleys located in Blocks 213, 214, 215, 222, 223, and 268 as well as a section of Bluege Street, such section being a 50 foot unimproved right-of-way located between Blocks 222, and 223 and directly south of Blocks 214 and 215 of the Town of Bunnell plat as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, Florida; 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 alleys and right-of-way were platted and recorded in the Public Records of Flagler County, Florida and the alleys and right-of-way to be vacated are depicted in Exhibit "A" which is attached hereto and made a part hereof by this reference; and

WHEREAS, five (5) feet of the alley located in Block 268 shall be vested to the fee simple owner(s) of lots 1, 2, 3, 4, 5, and 6 in Block 268 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, Florida, upon the effective date of this Ordinance; and

WHEREAS, five (5) feet of the alley located in Block 268 shall be vested to the fee simple owner(s) of lots 7, 8, 9, 10, and 11 in Block 268 of the Town of Bunnell plat, as recorded

in Plat Book 1, Page 2, in the Public Records of Flagler County, Florida, upon the effective date of this Ordinance; and

WHEREAS, Abundant Life Ministries-Hope House, Inc. are the fee simple owners of lots 1, 2, 3, 4, 5, and 6 in Block 268 of the Town of Bunnell plat, also bearing Tax Parcel Identification Number 10-12-30-0850-02680-0000 assigned by the Flagler County Property Appraiser's office and can be legally described as provided under Section 2 of this Ordinance; and

WHEREAS, Those Three Boys, LLC is the fee simple owner of lots 7, 8, 9, 10, and 11 in Block 268 of the Town of Bunnell plat, also bearing Tax Parcel Identification Number 10-12-30-0850-02680-0070 assigned by the Flagler County Property Appraiser's office and can be legally described as provided under Section 2 of this Ordinance; and

WHEREAS, five (5) feet of the alley located in Block 213 shall be vested to the fee simple owner(s) of lots 3, 4, 5, and 6 as well as a portion of lot 2 in Block 213 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, Florida, upon the effective date of this Ordinance; and

WHEREAS, five (5) feet of the alley located in Block 213 shall be vested to the fee simple owner(s) of lots 7, 8, 9, and 10 as well as a portion of lot 11 in Block 213 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, Florida, upon the effective date of this Ordinance; and

WHEREAS, Abundant Life Ministries-Hope House Inc. is the fee simple owner of lots 4, 5, 6, 7, 8, 9, and 10 as well as portions of lots 2, 3, and 11, as depicted in Exhibit "A", within Block 213 of the Town of Bunnell plat; and

WHEREAS, five (5) feet of the alley located in Block 214 shall be vested to the fee simple owner(s) of lots 1, 2, 3, 4, 5, and 6 in Block 214 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, upon the effective date of this Ordinance; and

WHEREAS, five (5) feet of the alley located in Block 214 shall be vested to the fee simple owner(s) of lots 7, 8, 9, 10, 11, and 12 in Block 214 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, upon the effective date of this Ordinance; and

WHEREAS, Abundant Life Ministries-Hope House Inc. is the fee simple owner of all lots within Block 214 of the Town of Bunnell plat; and

WHEREAS, five (5) feet of the alley located in Block 215 shall be vested to the fee simple owner(s) of lot 6 and a small portion of lot 5 in Block 215 of the Town of Bunnell plat, as

recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, upon the effective date of this Ordinance; and

WHEREAS, five (5) feet of the alley located in Block 215 shall be vested to the fee simple owner(s) of lot 7 and portion of lot 8 Block 215 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, upon the effective date of this Ordinance; and

WHEREAS, Abundant Life Ministries-Hope House Inc. is the fee simple owner of lot 7 and portions of lots 5, 6, and 8 within Block 215 of the Town of Bunnell plat, as depicted in Exhibit "A"; and

WHEREAS, five (5) feet of the alley located in Block 222 shall be vested to the fee simple owner(s) of lots 2, 3, 4, 5, and 6 as well as a portion of lot 1 in Block 222 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, upon the effective date of this Ordinance; and

WHEREAS, five (5) feet of the alley located in Block 222 shall be vested to the fee simple owner(s) of lots 7, 8, 9, 10, and 11 as well as a portion of lot 12 in Block 222 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, upon the effective date of this Ordinance; and

WHEREAS, Abundant Life Ministries-Hope House Inc. is the fee simple owner of lots 4, 5, 6, 7, 8, 9, 10, and 11 as well as portions of lots 1, 2, and 12 within Block 222 of the Town of Bunnell plat, as depicted in Exhibit "A"; and

WHEREAS, five (5) feet of the alley located in Block 223 shall be vested to the fee simple owner(s) of lots 1, 2, 3, 4, 5, and 6 in Block 223 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, upon the effective date of this Ordinance; and

WHEREAS, five (5) feet of the alley located in Block 223 shall be vested to the fee simple owner(s) of lots 7, 8, 9, 10, 11, and 12 in Block 223 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, upon the effective date of this Ordinance; and

WHEREAS, Abundant Life Ministries-Hope House Inc. is the fee simple owner of lots 1, 2, 9, 10, 11, and 12 within Block 223 of the Town of Bunnell plat; and

WHEREAS, Those Three Boys, LLC is the fee simple owner of lots 3 and 4 in Block 223 of the Town of Bunnell plat, also bearing Tax parcel Identification Number 10-12-30-0850-02230-0030 and can be legally described as provided under Section 2 of this Ordinance; and

WHEREAS, Those Three Boys, LLC is the fee simple owner of lots 5, 6, 7, and 8 in Block 223 of the Town of Bunnell plat, also bearing Tax parcel Identification Number 10-12-30-0850-02230-0050 and can be legally described as provided under Section 2 of this Ordinance; and

WHEREAS, twenty-five (25) feet of the section of unimproved right-of-way, also known to be a section of Bluege Street (unimproved), located between Blocks 222 and 223 and directly south of Blocks 214 and 215, as depicted in Exhibit "A", shall be vested to the fee simple owner(s) of lots 6 and 7 in Block 222 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, upon the effective date of this Ordinance; and

WHEREAS, twenty-five (25) feet of the section of unimproved right-of-way, also known to be a section of Bluege Street (unimproved), located between Blocks 222 and 223 and directly south of Blocks 214 and 215, as depicted in Exhibit "A", shall be vested to the fee simple owner(s) of lots 1 and 12 in Block 223 of the Town of Bunnell plat, as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, upon the effective date of this Ordinance; and

WHEREAS, Abundant Life Ministries-Hope House Inc. is the fee simple owner of lots 6 and 7 in Block 222 and lots 1 and 12 in Block 223 of the Town of Bunnell plat; and

WHEREAS, Block 214 and portions of Blocks 213, 215, 222, and 223 in the Town of Bunnell plat, as depicted in Exhibit "A", are located within Tax Parcel Identification Number 10-12-30-0850-02130-0030 and can be legally described as provided under Section 2 of this Ordinance.

WHEREAS, the City Commission of the City of Bunnell, Florida finds that the vacating of said alleys and portion of the 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 the alleyways and the section of the 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: 10-12-30-0850-02130-0030 is as follows:

WITH THE NOTED EXCEPTIONS IN THIS PARAGRAPH, ALL LOTS IN BLOCKS 213, 214, 215 (EXCEPT THAT PART OR SECTION PREVIOUSLY DEEDED BY FIRST PARTY TO THE CITY OF BUNNELL, FLORIDA FOR A SEWER OR WASTE WATER PROCESSING FACILITY), 222 (EXCEPT THAT PART OR SECTION PREVIOUSLY DEEDED BY FIRST PARTY TO THE CITY OF BUNNELL, FLORIDA FOR A SEWER OR WASTE WATER PROCESSING FACILITY) & 223 (EXCEPT LOTS 3, 4, 5, 6, 7 & 8), SECTION 15, TOWN OF BUNNELL, ACCORDING TO THE OFFICIAL MAP OR PLAT THEREOF, RECORDS OF FLAGLER COUNTY, FLORIDA.

(b) The legal description for Parcel ID: 10-12-30-0850-02680-0000 is as follows:

Lots 1, 2, 3, 4, 5, and 6, Block 268, Section 15, Town of Bunnell, according to the map or plat thereof, as recorded in Plat Book 1, Page(s) 2, of the Public Records of Flagler County, Florida.

(c) The legal description for Parcel ID: 10-12-30-0850-02680-0070 is as follows:

With the noted exception in this paragraph, all lots in Blocks 268 (except lots 1, 2, 3, 4, 5, and 6) and 269, Section 15, Town of Bunnell, according to the official map or plat thereof, Records of Flagler County, Florida.

(d) The legal description for Parcel ID: 10-12-30-0850-02230-0030 is as follows:

LOTS 3 AND 4, BLOCK 223, TOWN OF BUNNELL, A SUBDIVISION ACCORDING TO THE PLAT OR MAP THEREOF DESCRIBED IN PLAT BOOK 1, PAGE 2, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA.

(e) The legal description for Parcel ID: 10-12-30-0850-02230-0050 is as follows:

Lots 5, 6, 7, and 8 of Block 223 of the Town of Bunnell, according to the plat of Bunnell Development Company's Subdivision, as recorded in Plat Book 1 at Page 2, of the Public Records of Flagler County, Florida.

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

(a) The ten (10) foot alleys located in Blocks 213, 214, 215, 222, 223, and 268 of the Town of Bunnell plat as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, Florida and as depicted in Exhibit "A" are hereby vacated by the City of Bunnell.

(b) The section of the fifty (50) foot unimproved right-of-way, also known as Bluege Street, located between Blocks 222 and 223 and directly south of Blocks 214 and 215 of the Town of Bunnell plat as recorded in Plat Book 1, Page 2, in the Public Records of Flagler County, Florida and as depicted in Exhibit "A" is hereby vacated by the City of Bunnell.

(c) The fee simple owners of land within Blocks 213, 214, 215, 222, 223, and 268 of the Town of Bunnell plat shall be vested with their portions of the vacated ten (10) foot alleyways as indicated within the whereas clauses and in accordance with Section 336.12, *Florida Statutes*.

(d) The fee simple owners of land within Blocks 222 and 223 of the Town of Bunnell plat shall be vested with their portions of the vacated fifty (50) foot unimproved portion of the right-of-way, known as Bluege Street, as indicated within the whereas clauses and in accordance with Section 336.12, *Florida Statutes*.

(e) 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, Florida 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 alleyways and 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.

DRAFT

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 Alleys and Right-of-Way

