

RESOLUTION 2006-11

WHEREAS, Legacy Cove, LLC, has requested that the City of DeFuniak Springs, abandon that portion of North 22nd Street that lies between the North boundary of Highway 90 and the South boundary of Block 1822 of the City of DeFuniak Springs, Florida; and

WHEREAS, the City desires to abandon that part of North 22nd Street located between the North boundary of Highway 90 and the South boundary of Block 1822, for road and street purposes; and

WHEREAS, the City desires to retain a 50 foot strip to be used for utility purposes; and

WHEREAS, the developer, Legacy Cove, LLC, has indicated its interest in developing Block 1828, 1829, 1832, 1833, 1834, 1835 and a portion of Block 1821 located in the City of DeFuniak Springs, Florida; and

WHEREAS, the abandonment of North 22nd Street will allow the developer to develop the Blocks identified above; and

WHEREAS, the developer, Legacy Cove, LLC, has agreed to relocate any utilities located on North 22nd Street to a new location designated by the City; and

WHEREAS, the developer agrees that should it fail to develop the property identified above within five (5) years from the date of this Resolution that the abandonment of that portion of North 22nd Street that lies between the North boundaries of Highway 90 and the South boundary of Block 1822 shall be null and void; and

WHEREAS, Legacy Cove, LLC, has agreed that it will be responsible for the cost of relocating any city utilities that are presently located in the portion of North 22nd Street that is being requested to be abandoned; and

NOW THEREFORE BE IT RESOLVED that the City Council of the City of DeFuniak Springs, Florida that the portion of 22nd Street that extends from the North boundary of U.S. Highway 90 to the South boundary of Block 1822, City of DeFuniak Springs, Florida is hereby abandoned for road purposes with the condition that the City retains a 50 foot easement across said property for utility purposes and further conditioned that in the event any utilities that are presently located in said street that need to be relocated, they shall be relocated by Legacy Cove, LLC, to the place designated by the City, at no cost to the City and further conditioned that in the event the developer, Legacy Cove, LLC, and/or its assigns fail to develop the property in Block 1828, 1829, 1832, 1833, 1834, 1835 and a portion of Block 1821 located in the City of DeFuniak Springs,

Florida within five (5) years from the date of this resolution, the abandonment of North 22nd Street shall be null and void.

ADOPTED this 24th day of APRIL, 2006.

C. Harold Poynter
Mayor

ATTEST:
Sadie J Arnold
City Clerk
Deputy