

ORDINANCE NO. 2023-10

AN ORDINANCE RELATING TO PUBLIC RIGHT-OF-WAY; MAKING FINDINGS; VACATING PUBLIC RIGHT-OF-WAY WITHIN PROPOSED DAYSPRING COMMONS PUD WITHIN TOWN OF HILLIARD, FLORIDA; AUTHORIZING RECORDING OF A CERTIFIED COPY OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council passed on First Reading Ordinance No. 2023-06 for the rezoning of real property from R-2 Single-family district to PUD Planned Unit Development in order to facilitate and authorize the Dayspring Commons Planned Unit Development;

WHEREAS, in order for the Dayspring Commons Planned Unit Development to proceed, a certain portion of the platted, right-of-way known as West Sixth Street must be vacated;

WHEREAS, the Town Council has examined the factors laid out in Section 46-7(c)(1)(a) - (i) of the Town Code and has concluded that the right-of-way no longer serves the public interest, supporting the decision for its vacation; and

WHEREAS, the Town Council has further determined, in compliance with Section 46-7(c)(2) of the Town Code, that the vacation of West Sixth Street will not inhibit future pedestrian or bicycle path use, and that there is no reasonably foreseeable need for any type of transportation corridor in the area; and

WHEREAS, the Town Council finds that it will further the public health, safety, and welfare of the citizens of the Town of Hilliard for said public right-of-way to be vacated, abandoned, discontinued and closed; and

WHEREAS, the Town Council finds that the citizens of the Town of Hilliard have not used the right-of-way and currently do not use the right-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA:

SECTION 1. The foregoing findings are true and correct and are hereby adopted and made a part hereof.

SECTION 2. The Town Council hereby discontinues, abandons, closes, vacates, and cancels that certain existing public right-of-way as more specifically and graphically described in Exhibit A, attached hereto and incorporated herein by reference.


SECTION 3. The Town Clerk is authorized and directed to forward a certified copy of this Ordinance to the Clerk of the Court for recordation.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This ordinance shall become effective upon its passage.

ADOPTED this 17th day of August, 2023, by the Hilliard Town Council.



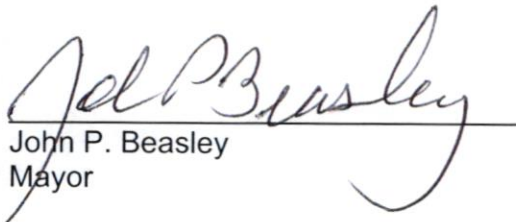
Kenneth A. Sims
Council President

ATTEST:



Lisa Purvis
Town Clerk

APPROVED:



John P. Beasley
Mayor

Town Council First Reading:	July 20, 2023
Town Council Publication:	August 9, 2023
Town Council Public Hearing:	August 17, 2023
Town Council Final Reading:	August 17, 2023

ATTACHMENT I
LEGAL DESCRIPTION

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF SIXTH STREET LYING IN THE TOWN OF HILLIARD, NASSAU COUNTY, FLORIDA (SAID TOWN OF HILLIARD AS PLATTED IN PLAT BOOK 1, PAGE 28, OFFICIAL RECORDS OF SAID COUNTY) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE POINT WHERE THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ORANGE STREET (A 60-FOOT WIDE RIGHT-OF-WAY) INTERSECTS THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SIXTH STREET (A 60-FOOT RIGHT-OF-WAY) AND RUN NORTH $37^{\circ}22'00''$ EAST, ALONG LAST MENTIONED NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 208.71 FEET TO A POINT; RUN THENCE SOUTH $52^{\circ}38'00''$ EAST, A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID SIXTH STREET; RUN THENCE SOUTH $37^{\circ}22'00''$ WEST, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID SIXTH STREET, A DISTANCE OF 208.71 TO A POINT BEING THE NORTHEAST INTERSECTION OF SAID ORANGE STREET & SIXTH STREET; RUN THENCE NORTH $52^{\circ}38'00''$ WEST, ALONG AFOREMENTIONED NORTHEASTERLY RIGHT-OF-WAY LINE OF ORANGE STREET, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 12,522 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS OF RECORD WHICH MAY LIE WITHIN.

ATTACHMENT 3

MAP TO SHOW BOUNDARY & SPECIFIC PURPOSE SURVEY OF
 A PORTION OF SIXTH STREET, LYING IN THE TOWN OF HILLIARD,
 NASSAU COUNTY, FLORIDA
 (ACCORDING TO PLAT RECORDED IN PLAT BOOK 1, PAGE 28 OF THE OFFICIAL RECORDS OF NASSAU COUNTY)
 FOR: DAYSRING VILLAGE, INC.

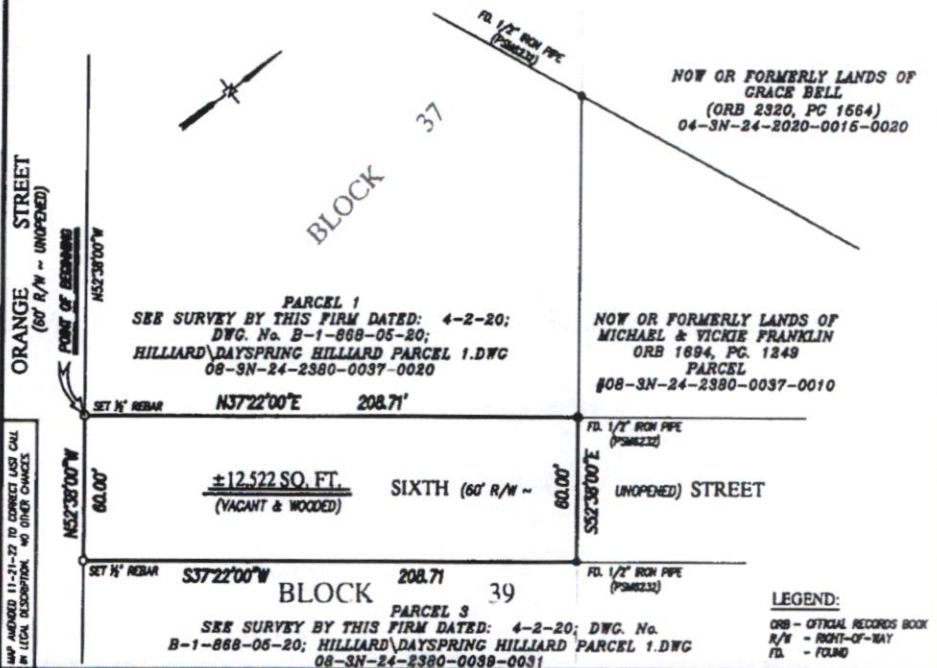
NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO THE BEARING OF S37°22'00"W FOR THE NORTHWESTERLY R/W LINE OF SIXTH STREET, ACCORDING TO BOOK 1837, PG. 324 OF THE OFFICIAL RECORDS OF NASSAU COUNTY.
- 2.) THERE MAY EXIST ADDITIONAL RESTRICTIONS LYING OVER THE SUBJECT PROPERTY THAT ARE NOT SHOWN HEREON WHICH MAY BE FOUND IN THE PUBLIC RECORDS OF NASSAU COUNTY.
- 3.) THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A FORMAL TITLE REVIEW.
- 4.) THIS SURVEY WAS DERIVED AND AVERAGED FROM VARIOUS FORMS OF MONUMENTATION ALONG THE ORIGINAL CITY OF HILLIARD BLOCK SYSTEM.

LEGAL DESCRIPTION:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF SIXTH STREET LYING IN THE TOWN OF HILLIARD, NASSAU COUNTY, FLORIDA (SAID TOWN OF HILLIARD AS PLATTED IN PLAT BOOK 1, PAGE 28, OFFICIAL RECORDS OF SAID COUNTY) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE POINT WHERE THE NORTHEASTERLY RIGHT-OF-WAY LINE OF ORANGE STREET (A 60-FOOT WIDE RIGHT-OF-WAY) INTERSECTS THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SIXTH STREET (A 60-FOOT RIGHT-OF-WAY) AND RUN NORTH 37°22'00" EAST, ALONG LAST MENTIONED NORTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 208.71 FEET TO A POINT; RUN THENCE SOUTH 52°30'00" EAST, A DISTANCE OF 60.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID SIXTH STREET; RUN THENCE SOUTH 37°22'00" WEST, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID SIXTH STREET, A DISTANCE OF 208.71 TO A POINT BEING THE NORTHEAST INTERSECTION OF SAID ORANGE STREET & SIXTH STREET; RUN THENCE NORTH 52°30'00" WEST, ALONG AFOREMENTIONED NORTHEASTERLY RIGHT-OF-WAY LINE OF ORANGE STREET, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

THE LAND THIS DESCRIBED CONTAINS 12,522 SQUARE FEET, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS OF RECORD WHICH MAY BE WITHIN.



THE INFORMATION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS BY CHAPTER 81217-2, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

FLOOD CERTIFICATE: THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS SHOWN TO BE IN FLOOD HAZARD ZONE "X" (UNSHADED) AS PER F.L.A. MAP No. 12088C0135F, COMM No. 120573, PANEL No. 0135, SURVEY F, DATED DEC. 17, 2010, FOR NASSAU COUNTY, FLORIDA.

I HEREBY CERTIFY THAT THE ABOVE LOT WAS SURVEYED UNDER MY DIRECT SUPERVISION AND THAT THE CORNERS & IMPROVEMENTS ARE LOCATED UPON SAME AS SHOWN AND THAT THERE ARE NO ENCROACHMENTS UPON SAID LOT, EXCEPT AS SHOWN.

THIS SURVEY NOT VALID UNLESS THIS PRINT BEARS THE SEAL OF THE SIGNING SURVEYOR.

F.S. 8531, PG. 3
 SURVEY DATE: 08-10-21
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DRW. BY: TLP
 CKD. BY: RLB

BENNETT SURVEYING, INC.
 Surveyors and Land Planners
 102 MARSH HARBOR PARKWAY, UNIT 103
 KINGSLAND, FLORIDA 32154