

RESOLUTION 2006-10

WHEREAS, the City of DeFuniak Springs, Florida abandoned that portion of North 21st Street that runs from the North boundary of State Road 10 to the South boundary of Block 1822 of the City of DeFuniak Springs, Florida on the 9th day of April, 1990; and

WHEREAS the City of DeFuniak Springs Florida reserved a 20 foot easement across said abandoned street for utility purposes; and

WHEREAS the City Council has determined that it no longer needs to retain the 20 foot easement for utility purposes; and

WHEREAS, Legacy Cove, LLC, has expressed an intention for developing property located in Block 1828, 1829, 1832, 1833, 1834, 1835 and a portion of Block 1821; and

WHEREAS, Legacy Cove, LLC has asked the City of DeFuniak Springs, Florida to abandon the 20 foot easement it reserved for utility purposes through North 21st Street; and


WHEREAS, Legacy Cove, LLC has agreed to relocate any utilities located within the 20 foot easement to a new location designated by the City; and

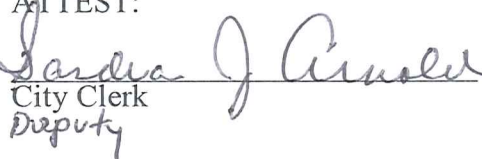
WHEREAS, Legacy Cove, LLC has agreed to be responsible for the cost of relocating any City utilities that presently exist in the 20 foot easement; and

WHEREAS, Legacy Cove, LLC agrees that should it not develop the property identified above, within five (5) years from the date of this Resolution that the abandonment of that portion of North 21st Street that lies between the North boundaries of Highway 90 and the South boundary of Block 1822 shall be null and void.

NOW THEREFORE IT BE RESOLVED, the City of DeFuniak Springs, Florida hereby relinquishes its interest in the 20 foot utility easement previously reserved on the 9th day of April, 1990, conditioned upon the developer, Legacy Cove LLC, and/or its assigns developing the property located upon Blocks 1828, 1829, 1832, 1833, 1834, 1835 and a portion of Block 1821 within five (5) years from the date of this Resolution and further conditioned upon Legacy Cove LLC assuming responsibility for relocating the utilities as stated above.

ADOPTED this 24th day of APRIL, 2006.


Mayor

ATTEST:

City Clerk
Deputy

11/17/06 #44127
OFFICE OF THE CLERK - 3058
FLORIDA HIGHWAY AND TRANSPORTATION
DEPARTMENT - TALLAHASSEE, FLORIDA
CLERK OF COURTS
DENISE A. CLERK-SKELLEY
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