

**ORDINANCE NO. 2017-19**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, RELATING TO ORDINANCE NO. 2016-06 REGARDING ABANDONING AND VACATING AN ALLEY AND TWO 5' EASEMENTS, LOCATED IN BLOCK 201 OF THE GENERAL PLAN OF CLEWISTON, FLORIDA, AS REVISED, LOCATED AND LYING ON OR BETWEEN LOTS 1 – 24, INCLUSIVE, AND LOTS 25 – 36, INCLUSIVE; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES, CONFLICT, SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, the City of Clewiston adopted Ordinance No. 2016-06 on October 17, 2016; and

**WHEREAS**, this ordinance clarifies and establishes the responsibility for the costs of relocation of utilities in the alley and easements abandoned by Ordinance No. 2016-06.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The City finds and determines that it is in the best interest of the City of Clewiston to clarify the responsibility for the relocation of utilities in the easements or alleys to be abandoned under Ordinance No. 2016-06.

**SECTION 2.** The City hereby declares and establishes the responsibility for relocation of utilities as follows:

- A. Utilities which exist in the alley and easements pursuant to a franchise agreement, license, or other written document with the City of Clewiston shall be relocated according to the terms of that agreement.
- B. Utilities that are located in the easement area or alley without a written agreement with the City of Clewiston, or are located where they are not authorized, shall relocate at the utility's expense.

**SECTION 3. INCLUSION IN THE CODE OF ORDINANCES.** The provisions of these ordinances shall become and be made a part of the City Code of Ordinances and the sections of these ordinances may be renumbered and codified to accomplish this end.

**SECTION 4. CONFLICT.** All sections of Ordinance 2016-06 in conflict herewith are hereby repealed. All other sections or portions remain in full force and effect.

**SECTION 5. SEVERABILITY.** If any part of these ordinances are declared invalid by a court of competent jurisdiction, such part or parts shall be severable, and the remaining part or parts shall continue to be in full force and effect.

**SECTION 6. EFFECTIVE DATE.** These ordinances shall take effect immediately upon its passage and approval consistent with all requirements of general law.

**PASSED** on first reading by the City Commission on October 16, 2017.

**PASSED AND ADOPTED** on second and final reading by the City Commission on November 20, 2017.

**ATTEST:**

**CITY OF CLEWISTON, FLORIDA**

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**Mary K. Combass, Interim City Clerk**

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**Mali Gardner, Mayor**

(MUNICIPAL SEAL)

**APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY**

By: \_\_\_\_\_  
**Gary M. Brandenburg, City Attorney**