

## MEMORANDUM

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March 3, 2014

**TO:** Honorable Mayor and City Commission

**VIA:** Kenneth Fields, City Manager

**FROM:** Margaret Swanson, Director of Planning and Development  
Kathy Bangle, Assistant Director of Planning and Development

**RE:** Ordinance 2014-05, Vacation of a portion of right-of-way west of 11<sup>th</sup> Street and south of SR 60 – 1<sup>st</sup> Reading

**SYNOPSIS:** Dr. Hasan M. Mousli, owner of property located at 1086 SR 60 East, has requested the vacation of a portion of unimproved right-of-way running along the east side of his property to facilitate construction of a medical office. Staff recommends that the entire right-of-way running to the south be vacated.

### RECOMMENDATION

Staff recommends that the City Commission approve Ordinance 2014-05 after first reading. A public hearing is not required for first reading.

### BACKGROUND

William Carson, agent for owner Dr. Hasan M. Mousli, requested vacation of a 30-ft. wide right-of-way running along the east side of property at 1086 SR 60 East. The right-of-way runs 225 feet along Dr. Mousli's property and continues southward for a total of 593 feet. Staff recommends that the entire right-of-way be vacated at this time because it is not needed for public purposes and does not connect with other roadways.

The right-of-way is unimproved and carries no public utilities. No property will be deprived of public access by its vacation. All properties abutting the right-of-way have access from public streets, Minnesota St., SR 60, and 11<sup>th</sup> St. S.

If vacated, the right-of-way will revert to the adjacent property owners; in this case, half will go to Dr. Mousli and half to CVS (Cole CV Lake Wales FL LLC). For the remainder of the right-of-way the adjacent property owners are CHR Lake Wales LLC (The Grove Center) and RF Development Co. (vacant).

Dr. Mousli proposes to demolish a fire-damaged house on his property and construct a new medical office. The additional property from the right-of-way will allow more room for parking for the medical offices. The property is located in the PF-Professional zoning district.

The original purpose of the right-of-way is unknown. The 30-ft. width would not accommodate a local road (requires 50 feet) and is twice as wide as a typical alley right-of-way. Possibly the other half of the right-of-way was never dedicated.

(Note: At its south end, the right-of-way proposed for vacation connects with a right-of-way running east to 11<sup>th</sup> St. This segment is not proposed for vacation. There are public utilities in the right-of-way, which is obstructed and inadequate in width for a roadway. There is also a public utility easement running east-west from 11<sup>th</sup> St. to Minnesota.)

### **OTHER OPTIONS**

Decline to grant the vacation or vacate only the portion of right-of-way requested by Dr. Mousli. The City would continue to be responsible for maintaining the remaining right-of-way.

### **FISCAL IMPACT**

Vacating the unimproved right-of-way will relieve the City of any responsibility for maintenance. The vacation will return the property to the tax rolls.

### **ATTACHMENTS**

Ordinance 2014-05 with Attachment A

**ORDINANCE 2014-05**

(Vacation of a portion of a right-of-way west of 11<sup>th</sup> Street and South of SR 60)

**AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, CLOSING, VACATING, RENOUNCING, AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO AN UNIMPROVED RIGHT-OF-WAY LYING WEST OF 11<sup>TH</sup> STREET AND EXTENDING SOUTH FROM STATE ROAD 60 APPROXIMATELY 593 FEET AND BEING 30 FEET IN WIDTH AS SHOWN ON “ATTACHMENT A” AND SPECIFICALLY DESCRIBED HEREIN, AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Dr. Hasan M. Mousli, owner of the property at 1086 State Road 60 East, has requested that the City of Lake Wales vacate a 225-ft. portion of the right-of-way lying east of his property as shown on “Attachment A;” and

**WHEREAS**, vacation of the entire length of the right-of-way (593 ft.) southward would avoid leaving a land-locked segment of right-of-way, unconnected to other roadways; and

**WHEREAS**, the right-of-way is unimproved and unused;

**WHEREAS**, there are no public utilities within the right-of-way; and

**WHEREAS**, notice of hearing has been duly published for the adoption of this ordinance and the City Commission has received input from all interested parties as to the advisability of taking this action and has determined that the proposed action will not interfere with any present road system and will not deprive any person of a reasonable means of ingress and egress to his premises;

**NOW, THEREFORE, BE IT ENACTED** that the City of Lake Wales, by and through its City Commission, does hereby renounce and disclaim any interest of the City of Lake Wales and the public in that portion of the right-of-way as shown on “Attachment A” and specifically described as follows:

**A 30-foot-wide, unimproved right-of-way running 593 feet south from the south right-of-way line of State Road 60 between parcel #273012-000000-011030 and #273012-000000-001040 as shown on the Polk County Property Appraiser’s database.**

This ordinance shall become effective immediately upon adoption.

**CERTIFIED AS TO PASSAGE** this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

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Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
City Clerk

# ATTACHMENT "A" ORDINANCE 2014-05

