

ORDINANCE NO. 2024-2313

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR THE VACATION OF A PORTION OF THE RIGHT-OF-WAY KNOWN AS HIGH STREET, RUNNING BETWEEN ASPEN STREET AND GRAND BOULEVARD, AND SHOWN ON THE PLAT OF RUSH BROTHERS PALM HAVEN ADDITION TO NEW PORT RICHEY, RECORDED IN PLAT BOOK 2 PAGE 11 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA AND C E CRAFTS SUBDIVISION NO 5, RECORDED IN PLAT BOOK 2 PAGE 62 OF THE PUBLIC RECORDS OF PASCO COUNTY, FLORIDA; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the contract vendee of properties lying along and adjacent to the portion of the City right-of-way known as High Street, running between Grand Boulevard and Aspen Street, dedicated in the plats of Rush Brothers Palm Haven Addition to New Port Richey, recorded in plat book 2 page 11 of the public records of Pasco County, Florida and C E Crafts Subdivision No 5, recorded in plat book 2 page 62 of the public records of Pasco County, Florida, has requested the vacation of said right-of-way, as shown on the survey map and as legally described in Exhibit “A” attached hereto and incorporated herein (hereinafter “Right-of-Way”);

WHEREAS, the owner of the Properties is currently HCA Squared, LLC, a Delaware limited liability company, and the Properties are under a bona fide real estate contract for conveyance to Applicant;

WHEREAS, the City Council has found that the subject application filed by or on behalf of NPR Grand 1, LLC., a Florida limited liability company (herein referred to as “Applicant”) meets all of the criteria for approval of the vacation request, and that it would be in the best interest of the citizens of the City for the application to be granted;

WHEREAS, the Right-of-Way will no longer serve a public purpose upon the development of the Properties and the Right-of-Way;

WHEREAS, this vacation is conditioned upon the Applicant obtaining title to all properties lying adjacent to and touching the Right-of-Way and developing the said properties and all others described in Ordinance Number 2024-2311 (herein referred to collectively as “Properties”), in accordance with the site plan and provisions of said ordinance, providing for the relocation of all utilities lying under, over or on the Right-of-Way at Applicant’s sole expense, and conveying to the City the property currently subject to an ingress/egress easement in the City’s favor providing access to City’s proposed fire station lying adjacent to the Properties; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and

promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

**NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA
HEREBY ORDAINS:**

Section 1. **Vacation.** The City of New Port Richey, Florida, hereby vacates the portion of the right-of-way known as High Street dedicated in the plats of Rush Brothers Palm Haven Addition to New Port Richey, recorded in plat book 2 page 11 of the public records of Pasco County, Florida and C E Crafts Subdivision No 5, recorded in plat book 2 page 62 of the public records of Pasco County, Florida, and running between Aspen Street and Grand Boulevard, as shown on that certain survey prepared for this vacation request and more particularly described in the Legal Description and survey map attached hereto and made a part hereof as Exhibit "A" ("Right-of-Way").

Section 2. **Title.** It is the City's intention that the City's interest in said Right-of-Way pass to the Applicant as owner of the properties adjacent to said right-of-way to the platted line of said right-of-way, as shown on the survey prepared for this vacation request and more particularly described in the Legal Description and survey map attached hereto and made a part hereof as Exhibit "A". The City of New Port Richey makes no warranties of any kind as to the title or ownership of the property being vacated, or as to the existence of any liens, easements or encumbrances against the same. This Ordinance shall only be construed to release any legal or equitable interest the City may have in the subject property. Nothing contained herein shall be construed to affect the rights of parties having an interest in the subject property prior to it becoming a City right-of-way.

Section 3. **Conditions.** This vacation is hereby conditioned upon the following:

- A. Applicant obtaining title to all properties lying adjacent to and touching the Right-of-Way and all others described in Ordinance Number 2024-2311 (herein referred to collectively as "Properties");
- B. Applicant obtaining permits for site construction of the Properties, in accordance with the site plan and provisions of Ordinance Number 2024-2311 and all regulations, ordinances and laws as determined by City (herein referred to as the "Development");

- C. Applicant providing a plan for the relocation of all utilities lying under, over or on the Right-of-Way at Applicant's sole expense in a manner approved by the owner of the utility infrastructure therein; and
- D. Applicant conveying to the City all right, title and interest in fee simple to the property currently subject to an ingress/egress easement in the City's favor providing access to City's proposed fire station under construction and lying adjacent to the Properties, within ninety (90) days of Applicant's completion of the condition set forth in paragraph A hereof, in the form and manner provided by City.

Section 4. **Reverter.** All right, title and interest in the Right-of-Way shall revert to the City of New Port Richey upon the failure of Applicant or any successor in interest to comply with the conditions set forth herein in Section 3 hereof, and to substantially complete construction under the permits issued for the Development, as determined by the City Manager of the City, and Applicant or any successor in interest to Applicant shall upon thirty days' notice from the City Manager convey all right, title and interest thereto in fee simple to the City of New Port Richey, Florida. The provisions hereof shall be enforceable through injunctive relief, specific performance or other legal remedy.

Section 5. **Reparcel.** The applicants shall replat or reparcel, as appropriate, the properties lying adjacent to the vacated right-of-way, to combine each said lot or parcel, together the portion of the right-of-way adjacent thereto, as a single parcel, and any subdividing, reparceling or replatting of said parcel shall hereafter be prohibited without approval of the City of New Port Richey.

Section 6. **Laws Applicable.** Nothing contained herein shall be construed to alter the application of all City laws, regulations and ordinances to the subject property.

Section 7. **Effective Date.** This Ordinance shall become effective immediately upon final passage as required by law and Applicant's completion of the condition set forth in Section 3A hereof to the satisfaction of City as certified by City's city manager. This ordinance shall not be recorded until the city manager has certified completion of the condition as set forth hereafter.

Section 8. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

Section 9. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 17th day of December, 2024, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 7th day of January, 2025.

ATTEST:

By: _____
Judy Meyers, MMC, City Clerk

By: _____
Alfred C. Davis, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY FOR THE
SOLE USE AND RELIANCE OF THE CITY OF NEW
PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney CA Approved 1-10-25

CERTIFICATION

I HEREBY CERTIFY that the condition in section 3A of this Ordinance has been met and satisfied as set forth herein and this Ordinance is in full force and effect this ____ day of _____, 2025.

Debbie L. Manns, City Manager