

**INTRODUCED BY:
COUNCILOR WELDON**



ORDINANCE NO. 2009-13

A BILL TO BE ENTITLED

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEPTUNE BEACH, FLORIDA ADDING CHAPTER 18 SECTION 18-5 ABANDONING OR PRIVATE USE OF PUBLIC PROPERTY.

WHEREAS, the City of Neptune Beach has determined that it is necessary to amend the following.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF NEPTUNE BEACH, FLORIDA, that:

Section 1. Sec. 18-5 Abandoning or Private use of Public Property or Rights-of-Way shall be added as follows:

Sec. 18-5 Abandoning or Private Use of Public Property or Rights-of-Way

The permanent abandonment of public property or rights-of-way should not be authorized unless an overriding public interest is served by said abandonment and/or the City is compensated in some material way equivalent to the market value of said property at the time of abandonment. Public property or rights-of-way should only be abandoned to promote the public welfare and not for the benefit of a private person or corporation.

Therefore, legislation authorizing the abandonment, closure, or vacating of city property or rights-of-way shall require a super majority vote of the City Council. Any change to the voting requirement of this ordinance would require a super majority vote.

This section shall not apply to the leasing of public property or rights-of-way, nor to approvals by the City Manager of residential driveway access to public streets.

Section 2. The Ordinance shall become effective immediately upon its passage by the City Council.

VOTE RESULTS OF FIRST READING:

Mayor Harriet Pruette	Yes
Vice Mayor John Weldon	Yes
Councilor Fred E. Lee	Yes
Councilor Eric Pardee	Yes
Councilor Kara Tucker	Yes

Passed on First Reading this 2nd day of November, 2009

VOTE RESULTS OF SECOND AND FINAL READING:

Mayor Harriet Pruette	Yes
Vice Mayor Fred E. Lee	Yes
Councilor John Weldon	Yes
Councilor Eric Pardee	No
Councilor Kara Tucker	Yes

Passed on Second and Final Reading this 7th day of December, 2009.

Harriet Pruette
Mayor

ATTEST:

Lisa Volpe, CMC
City Clerk

Approved as to form and correctness:

Christopher A. White
City Attorney