



## ORDINANCE NO. 367

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF JUPITER ISLAND, MARTIN COUNTY, FLORIDA, VACATING AND ABANDONING THE REMAINING PORTION OF THE BELLAIRE AVENUE RIGHT OF WAY, A PLATTED ROADWAY ON THE WESTWARD SIDE OF NORTH BEACH ROAD, IN THE TOWN OF JUPITER ISLAND, FLORIDA, AS MORE PARTICULARLY HEREINAFTER DESCRIBED; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Bonaire Desire subdivision was approved by the Town Commission on May 15, 2007, and the Town Commission confirmed approval of the subdivision again on November 6, 2015; and

**WHEREAS**, Bellaire Avenue, a platted roadway, is to serve as the main roadway into the proposed subdivision; and

**WHEREAS**, shortly after the November 6, 2015 confirmation of the subdivision, the applicant discovered that although the easternmost portion of the Bellaire Avenue right of way was properly abandoned by Martin County in 1951, the westernmost portion of the Bellaire Avenue right of way was never abandoned; and

**WHEREAS**, the Town Commission believes it is in the best interests of the Town to vacate and abandon that portion of the road right of way as described on the attached "Exhibit A"; and

**WHEREAS**, Resolution No. 789 was adopted on October 2, 2017, by the Town Commission, calling for the proposed vacation and abandonment of the remaining portion of the Bellaire Avenue right of way, more particularly described on "Exhibit A", and declaring the intention of the Town Commission to so vacate and abandon same; and

**WHEREAS**, the single owner of the properties abutting that portion of the Bellaire Avenue right of way has consented to the vacation and abandonment of same.

**NOW THEREFORE**, be it ordained by the Town Commission of the Town of Jupiter Island, as follows:

### **SECTION 1.**

The Town does hereby vacate and abandon the remaining portion of the Bellaire Avenue right of way, a platted roadway located on the westward side of North Beach Road, remaining right of way as described in "Exhibit A".

**SECTION 2:** Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 3:** Severability.

If any section, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance and the remaining portions shall be deemed and held to be valid.

**SECTION 4:** Effective Date.

The effective date of this Ordinance shall be immediately upon its passage by the Town Commission of the Town of Jupiter Island.

PASSED UPON FIRST READING AT A PUBLIC HEARING ON 11/9, 2017.

PASSED AND ADOPTED UPON SECOND READING AT A PUBLIC HEARING ON 12/11, 2017.

TOWN OF JUPITER ISLAND

Wendy D. Pitt  
MAYOR

VICE MAYOR

Maurice M. Callesin  
COMMISSIONER

COMMISSIONER

C. B. ...  
COMMISSIONER



ATTEST:

Gwen Carlisle  
GWEN CARLISLE  
TOWN CLERK

**LEGAL DESCRIPTION**

THAT PORTION OF BELLAIRE AVENUE LYING BETWEEN BLOCK 63 AND BLOCK 64, BON AIR BEACH PLAT 4, AS RECORDED IN PLAT BOOK 12, PAGE 4, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF BLOCK 19, AMENDED PLAT OF BON AIR BEACH PLAT 2, AS RECORDED IN PLAT BOOK 10, PAGE 33, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, THENCE SOUTH 65°31'08" EAST ALONG THE NORTH LINE OF SAID BLOCK 19, A DISTANCE OF 146.32 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 19 (ALSO BEING THE NORTHEAST CORNER OF AFOREMENTIONED BLOCK 63, BON AIR BEACH PLAT 4); THENCE CONTINUE SOUTH 65°31'08" EAST ALONG THE NORTH LINE OF SAID BLOCK 63, A DISTANCE OF 500.00 FEET TO THE NORTHWEST CORNER OF SAID BLOCK 63; THENCE NORTH 24°28'52" WEST A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF AFOREMENTIONED BLOCK 64, BON AIR BEACH PLAT 4; THENCE NORTH 65°31'08" EAST ALONG THE SOUTH LINE OF SAID BLOCK 64, A DISTANCE OF 500.00 FEET TO THE SOUTHEAST CORNER OF SAID BLOCK 64; THENCE SOUTH 24°28'52" EAST, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 25,000.0 SQUARE FEET (0.5739 ACRES) MORE OR LESS

SKETCH NO.: BELLAIRE\_ROW.dwg

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**CERTIFICATION:**

I HEREBY CERTIFY THAT THE SKETCH SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH UNDER CHAPTER 5J-17 F.A.C. BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS.

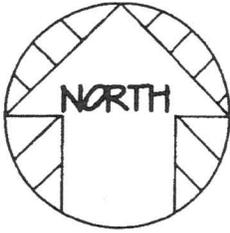
**VAUGHT & ASSOCIATES, INC.**  
**SURVEYORS, MAPPERS & PLANNERS**

LICENSED SURVEY BUSINESS NUMBER 5879  
 9075 SE BRIDGE ROAD; HOBE SOUND 33455  
 MAIL: P.O. BOX 160 HOBE SOUND, FL 33475  
 PHONE: 772-546-8086 FAX: 772-546-8087  
 EMAIL: vaught@bellsouth.net

DATE OF SKETCH: 07/13/14  
SCALE: N/A w.o. #: 813469  
REVISIONS:

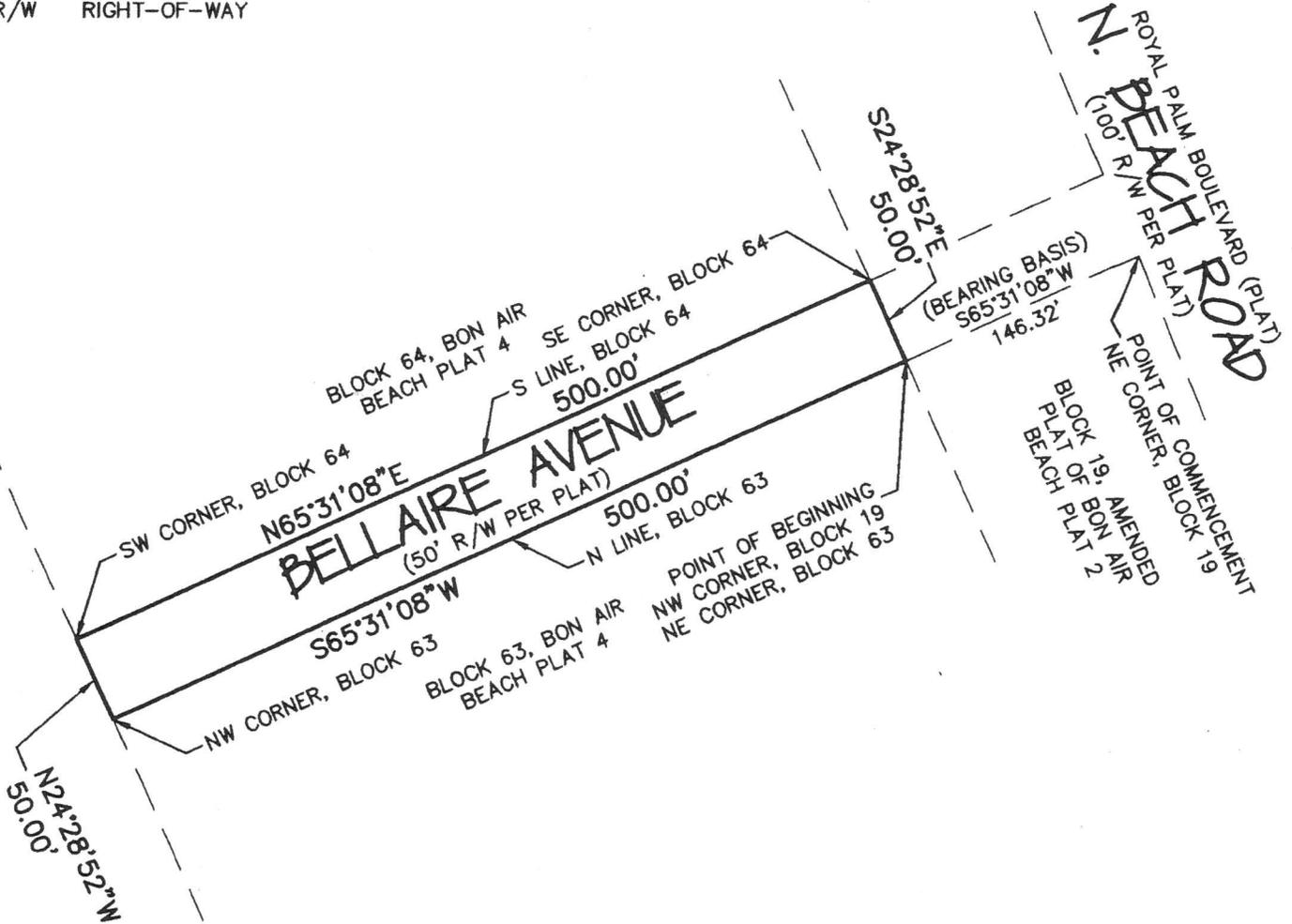
FLORIDA REGISTRATION #6736  
P. Michael Zarrella PSM

**SKETCH OF DESCRIPTION**  
(THIS IS NOT A BOUNDARY SURVEY)



**LEGEND:**

R/W RIGHT-OF-WAY



PAGE 2 OF 2  
(NOT VALID WITHOUT ALL PAGES)

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DATE OF SKETCH: 07/13/17  
 SCALE: 1" = 100' w.o. #: 813469  
 REVISIONS:

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 P. Michael Zarrella PSM