

ORDINANCE NO. 148

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA PROVIDING FOR THE EXCHANGE OF TOWN REAL PROPERTY; PROVIDING FOR THE ADOPTION OF PROCEDURES; PROVIDING FOR THE PAYMENT OF EXPENSES; PROVIDING FOR THE SEVERABILITY OF ANY SECTION OR PORTION OF THE ORDINANCE; REPEALING ANY ORDINANCES INCONSISTENT HERewith; PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS, the Town Council of the Town of Cinco Bayou, Florida desires to set forth procedures for the exchange of real property owned by the Town and determined by the Town Council not to be needed for any Town purposes, and;

WHEREAS, pursuant to Florida Statute 166.021, the Town Council has the authority to adopt this Ordinance in order to perform municipal functions in the best interests of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA, that:

SECTION 1. EXCHANGE OF REAL PROPERTY.

1. The Town Council shall have the authority to exchange any real property owned by the Town when the Council determines that such property is not needed for any municipal purposes, and such property may be, to the best interest of the Town, exchanged for other real property which the Town may desire to acquire for municipal purposes.

2. Before any exchange of real property shall be effected, a notice, setting forth the terms and conditions of any such exchange of property, properly describing the subject parcel(s), and scheduling a public hearing on the proposed exchange, shall be first published, once a week for two consecutive weeks, in a newspaper of general circulation where the property is located. The public hearing may not be held any sooner than fifteen (15) days after the first publication. The last publication shall be at least five (5) days before the public hearing is conducted.

3. The Town Council shall adopt a resolution authorizing the exchange of properties if such action is approved.

SECTION 2. ADMINISTRATIVE PROCEDURES.

The Town Council shall have the authority to establish any administrative procedures necessary to carry out the intent of this Ordinance.

SECTION 3. PAYMENT OF EXPENSES.

Unless the proposed exchange of property is initiated by the Town, all such cost necessarily involved in the exchange procedure, shall be by the individual or entity petitioning the Town Council for such exchange.

SECTION 4. SEVERABILITY.

If any word, sentence, phrase, clause, section or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion of words shall be deemed a separate and independent provision and such holding shall not effect the validity of the remaining portion thereof.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS.

All ordinances and resolutions of the governing body in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE.

This ordinance shall become effective immediately upon its passage and adoption.

Adopted this 2ND day of JUNE, 1992.

Approved:

Charles L. Haynes
Mayor



Attest:

Alvin B. Bunch
Town Manager/Clerk