



## Legislation Details (With Text)

<b>File #:</b>	18-430	<b>Version:</b>	1	<b>Name:</b>	2nd Reading Correction of Abernethy Creek Park Property Description
<b>Type:</b>	Ordinance	<b>Status:</b>		<b>Status:</b>	Passed
<b>File created:</b>	9/11/2018	<b>In control:</b>		<b>In control:</b>	City Commission
<b>On agenda:</b>	9/19/2018	<b>Final action:</b>		<b>Final action:</b>	9/19/2018
<b>Title:</b>	Second Reading of Ordinance No. 18-1022, Correcting the Property Description of Abernethy Creek Park				
<b>Sponsors:</b>	Phil Lewis				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Staff Report, 2. Ordinance No. 18-1022, 3. Exhibit A - Map				

Date	Ver.	Action By	Action	Result
9/19/2018	1	City Commission	approve on second reading and final adoption	Pass

Second Reading of Ordinance No. 18-1022, Correcting the Property Description of Abernethy Creek Park

### **RECOMMENDED ACTION (Motion):**

Approve the second reading and final adoption of Ordinance No. 18-1022, Correcting the Property Description of Abernethy Creek Park.

### **BACKGROUND:**

The City Commission approved the request and provided the first reading of Ordinance No. 18-1022 at the September 5, 2018 City Commission Meeting.

The City purchased the parcels comprising Abernethy Creek Park in 2000 using a combination of Metro Greenspaces and FEMA funds following the flood of 1996. When the City accepted the FEMA and Metro Greenspaces funding to purchase the property they agreed to maintain it as open space available to the public for recreational purposes.

Through the adoption of Ordinance No. 03-1010 effective November 14, 2003, Abernethy Creek Park was officially named and designated a charter park under Chapter X of the City Charter. The text of the ordinance identified the park as being Tax Map 2-2E-29CC, Tax Lot 2500 (.03 acres). The map attached to the ordinance identified Tax Map 2-2E-29CC, Tax Lots 2200, 2301, 2302, 2303, 2304 and 4100 (2.4 acres).

Because Tax Lot 2500 of Tax Map 2-2E-29CC is actually a tax lot totally within the Washington Street right-of-way and the park is actually comprised of the six tax lots identified in the map attached to Ordinance No. 03-1010, City staff consulted with the City Attorney. It was agreed that the intent of Ordinance No. 03-1010 was to identify Tax Lots 2200, 2301, 2302, 2303, 2304 and 4100 of Tax Map 2-2E-29CC as Abernethy Creek Park (see attached exhibit) so the error was attributed as a scrivener's error. Adoption of Ordinance No. 18-1022 will correct this error and correctly identify the

boundaries of Abernethy Creek Park thereby ensuring protection of 2.4 acres of land as a park.