

1 by the appropriate Departments of the City; and

2 **WHEREAS**, the City Commission finds that it is in the public interest to vacate, abandon
3 and close the right-of-way as set forth herein to make possible the Shands Cancer Hospital
4 development, but that the right-of-way is otherwise required for public use and benefit if the
5 project is not constructed and completed; and

6 **WHEREAS**, the City Commission is willing to vacate, abandon and close the right-of-
7 way subject to specific terms and conditions in an enforceable agreement between the City and the
8 owner/developer, its successors and assigns.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
10 **CITY OF GAINESVILLE, FLORIDA:**

11 **Section 1.** Except as provided in Sections 2 and 3 below, the following described right-
12 of-way in the City of Gainesville no longer serves a public purpose and is hereby vacated,
13 abandoned and closed for use by the public generally in order to make possible the project,
14 commonly known as "Shands Cancer Hospital":

15 See legal description attached hereto as Exhibit "A", and made a part hereof
16 as if set forth in full.

17 **Section 2.** The City reserves unto itself, its successors and assigns a public and private
18 utilities easement over, under, across and through the right-of-way described in Exhibit "A",
19 attached hereto and made a part hereof, for the purpose of operating, maintaining, removing and
20 relocating the public and private utilities located therein.

21 **Section 3.** The vacation, abandonment and closure of the right-of-way described in § 1
22 of this Ordinance is subject to the terms and conditions of a certain Vacation of Right-of-Way
23 Agreement between the City and the applicant of the petition to vacate the right-of-way,

1 Southeastern Health Care Foundation, Inc., which Agreement provides, among other things, that
2 this ordinance may be repealed and the vacation, abandonment and closure of the right-of-way
3 shall be of no further force and effect.

4 **Section 4.** The Clerk of the Commission or designee is authorized to record a true copy
5 of this Ordinance in the Public Records of Alachua County, Florida.

6 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
7 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
8 the validity of the remaining portions of this ordinance.

9 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
10 such conflict hereby repealed.

11 **Section 7.** This ordinance shall become effective immediately upon final adoption.

12 **PASSED AND ADOPTED** this _____ day of _____, 2007.

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Pegeen Hanrahan, Mayor

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17

ATTEST:

Approved as to form and legality:

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By: _____

21

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

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This ordinance passed on first reading this ____ day of _____, 2006.

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This ordinance passed on second reading this ____ day of _____, 2007.

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MJR/afm

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JULY 17, 2006

PREPARED FOR: SOUTHEASTERN HEALTHCARE FOUNDATION, INC.
PROJECT NO.: 05-0811
DRAWING FILE: 05-0811 Gandy sketch.dwg
DESCRIPTION FOR: Portion of S.W. 14th Terrace in Little Gandy Sub-Division

LEGAL DESCRIPTION:

A PORTION OF SOUTHWEST 14th TERRACE (LAKE AVENUE PER PLAT) AS SHOWN ON LITTLE GANDY SUB-DIVISION RECORDED IN PLAT BOOK "B" PAGE 28 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LOCATED IN SECTION 7, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 1 OF BLOCK 7 OF SAID LITTLE GANDY SUB-DIVISION AND A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF RAILROAD STREET AS SHOWN ON SAID LITTLE GANDY SUB-DIVISION ; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE WESTERLY LINE OF LOT 10 OF BLOCK 5 OF SAID LITTLE GANDY SUB-DIVISION; THENCE SOUTHERLY ALONG THE SAID WESTERLY LINE OF LOT 10 AND ALONG THE WESTERLY LINES OF LOTS 9, 8, AND 7 OF BLOCK 5 OF SAID LITTLE GANDY SUB-DIVISION TO THE EASTERLY PROJECTION OF A LINE 10.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTH LINE OF LOT 3 OF BLOCK 7 OF SAID LITTLE GANDY SUB-DIVISION; THENCE WESTERLY ALONG A LINE 10.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTH LINE OF LOT 3 OF BLOCK 7 OF SAID LITTLE GANDY SUB-DIVISION AND THE EASTERLY PROJECTION THEREOF TO THE EASTERLY LINE OF SAID LOT 3 OF BLOCK 7; THENCE NORTHERLY ALONG SAID EASTERLY LINE AND ALONG THE EASTERLY LINES OF LOTS 2 AND 1 OF BLOCK 7 OF SAID LITTLE GANDY SUB-DIVISION TO THE POINT OF BEGINNING.

All as shown on the Map
attached herewith
and made a part hereof



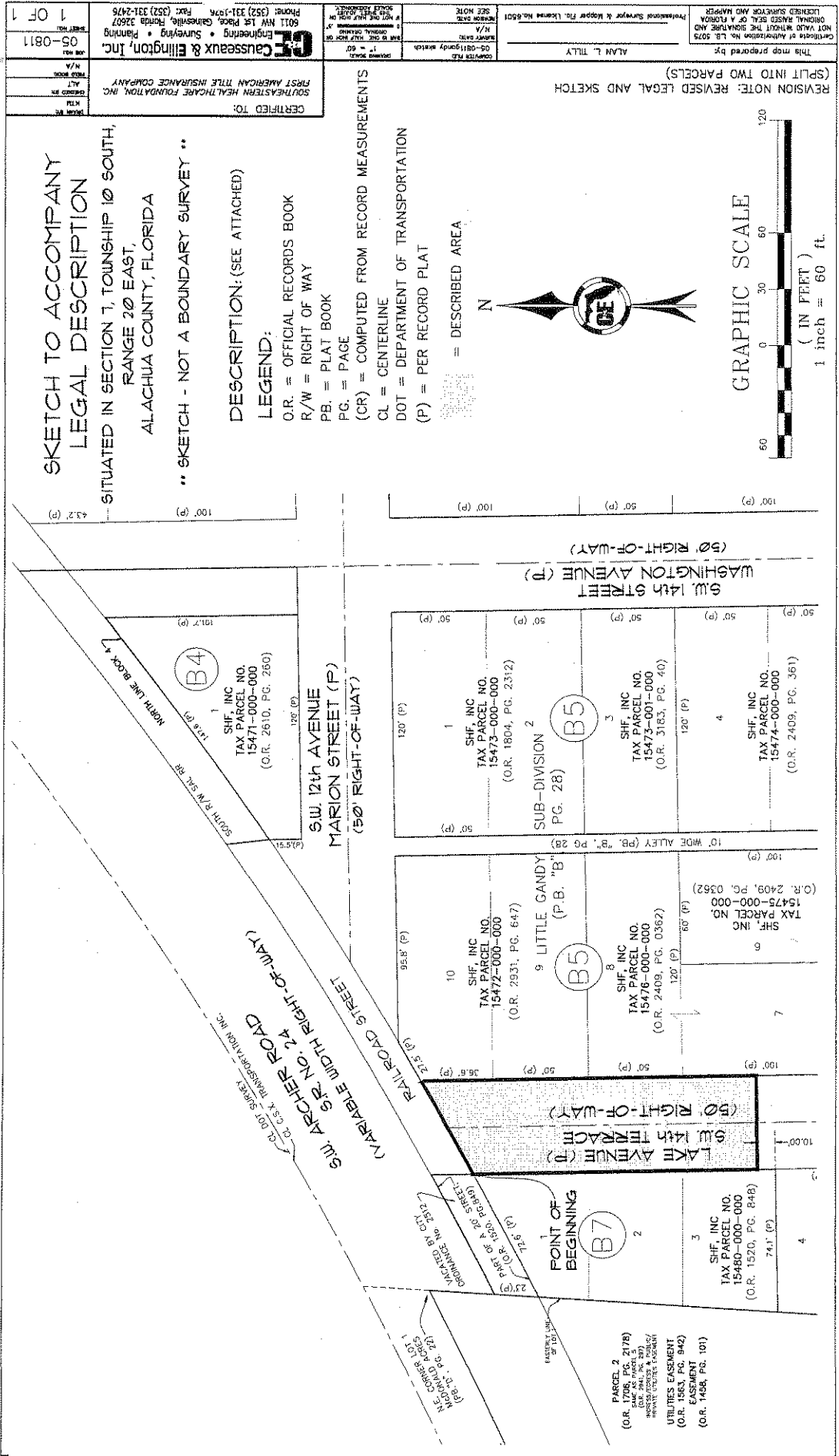


EXHIBIT "A" 2 OF 2