



# MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 050770

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Box 46

**TO:** Mayor and City Commission

**DATE:** April 24, 2006

**FROM:** City Attorney

**FIRST READING**

**SUBJECT:** Ordinance No. 0-06-47, Petition 176SVA-05PB  
An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a public right-of-way generally located at Northwest 7th Place, west of Northwest 5th Street and east of an abandoned railroad right-of-way, as more specifically described in this Ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

## COMMUNITY DEVELOPMENT STAFF REPORT

The purpose of this request is to vacate a portion of right-of-way east of the Gainesville Police Department (GPD). The approximately .05-acre right-of-way to be vacated is an undeveloped portion of Northwest 7th Place, which lies between the westerly right-of-way line of Northwest 5th Street and the eastern right-of-way line of the abandoned CSX railroad. The property owner on the south side of the right-of-way at tax parcel 14414-010-001, also owns the property north of the subject right-of-way, at tax parcel 14409-000-000. Upon vacation of the right-of-way, the City would trade the vacated right-of-way to the property owner of the above-mentioned tax parcels for the north half of tax parcel 14409-000-000. The right-of-way is an unimproved "paper street." It provides no public access and would best be used for a land trade that would benefit the expansion activities of GPD. In recent months, the City has purchased land east of GPD headquarters for the use of some existing buildings and the construction of new facilities at some point in the future. The property that the City will receive in this land trade is the final piece in the acquisition activities.


The Plan Board heard this petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on January 31, 2006. Letters were mailed to surrounding property owners on February 1, 2006. The Plan Board held a public hearing February 16, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of March 27, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way.

Prepared and  
submitted by:

  
Marion J. Radson, City Attorney

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**D R A F T**

4/4/06

**ORDINANCE NO. \_\_\_\_\_**  
**0-06-47**

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**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a public right-of-way generally located at Northwest 7th Place, west of Northwest 5th Street and east of an abandoned railroad right-of-way, as more specifically described in this Ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, pursuant to Section 30-192 of the Code of Ordinances of the City of Gainesville, an application was initiated to vacate, abandon and close a public right-of-way generally located at Northwest 7th Place, west of Northwest 5th Street and east of an abandoned railroad right-of-way, as more specifically described herein; and

**WHEREAS**, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on February 16, 2006; and

**WHEREAS**, at least ten (10) days notice has been given of the public hearing once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of the public hearings in the City Commission meeting room, First Floor, City Hall, in the City of Gainesville; and

**WHEREAS**, notice has also been given by mail to all owners of property abutting the portion to be vacated prior to the adoption of this ordinance; and

**WHEREAS**, prior to the public hearings the application was presented to and approved by the appropriate Departments of the City; and

**WHEREAS**, the City Commission finds that it is in the public interest to vacate, abandon

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1 and close the right-of-way as set forth herein.

2 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
3 **CITY OF GAINESVILLE, FLORIDA:**

4 **Section 1.** The following described right-of-way in the City of Gainesville no longer  
5 serves a public purpose and is hereby vacated, abandoned and closed for use by the public  
6 generally:

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

9 **Section 2.** The Clerk of the Commission or designee is authorized to record a true copy  
10 of this Ordinance in the Public Records of Alachua County, Florida.

11 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
12 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
13 affect the validity of the remaining portions of this ordinance.

14 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
15 such conflict hereby repealed.



That portion of right of way known as Northwest 7<sup>th</sup> Place running West from the Westerly right of way line of Northwest 5<sup>th</sup> Street to the Easterly line of the abandoned CSX right of way line, according to Brush's Addition to Gainesville, Deed Book "O", page 218, Plat of Block 25 per Book "A", page 88, of the Public Records of Alachua County, Florida.

**EXHIBIT "A"**