

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

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

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

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

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

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

20 **Section 3.** The vacation, abandonment and closure of the right-of-way described in § 1
21 of this Ordinance is subject to the terms and conditions of a certain Vacation of Right-of-Way
22 Agreement between the City and the applicant of the petition to vacate the right-of-way,
23 Southeastern Health Care Foundation, Inc., which Agreement provides, among other things, that

1 this ordinance may be repealed and the vacation, abandonment and closure of the right-of-way
2 shall be of no further force and effect.

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

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

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

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

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

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13

14

Pegeen Hanrahan, Mayor

15

16 ATTEST:

Approved as to form and legality:

17

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19

20

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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1135VA-06PB

JULY 11, 2006

PREPARED FOR: SOUTHEASTERN HEALTHCARE FOUNDATION, INC.
PROJECT NO.: 05-0811
DRAWING FILE: 05-0811 Gandy sketch.dwg

DESCRIPTION FOR: Alley Block 3 Little Gandy Sub-Division

LEGAL DESCRIPTION:

ALLEY LOCATED IN BLOCK 3 OF LITTLE GANDY SUB-DIVISION AS RECORDED IN PLAT BOOK "B" PAGE 28 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SITUATED IN A PORTION OF THE D.L. CLINCH GRANT AND SECTION 7, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF LOT 1 OF BLOCK 3 OF SAID LITTLE GANDY SUB-DIVISION; THENCE SOUTHERLY, ALONG THE WESTERLY LINE OF SAID LOT 1 AND ALONG THE WESTERLY LINES OF LOTS 2, 3, 4, 5, AND 6 OF SAID BLOCK 3 OF LITTLE GANDY SUB-DIVISION TO THE SOUTHWEST CORNER OF SAID LOT 6 OF BLOCK 3 OF LITTLE GANDY SUB-DIVISION ; THENCE NORTHWESTERLY TO THE SOUTHEAST CORNER OF LOT 7 OF SAID BLOCK 3 OF LITTLE GANDY SUB-DIVISION; THENCE NORTHERLY, ALONG THE EASTERLY LINE OF SAID LOT 7 OF BLOCK 3 AND ALONG THE EASTERLY LINES OF LOTS 8, 9, AND 11 OF SAID BLOCK 3 OF LITTLE GANDY SUB-DIVISION TO THE NORTHEAST CORNER OF SAID LOT 11 OF BLOCK 3 OF LITTLE GANDY SUB-DIVISION; THENCE EASTERLY TO THE POINT OF BEGINNING.

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

CERTIFIED TO:
 SOUTHEASTERN HEALTHCARE FOUNDATION, INC.
 FIRST AMERICAN TITLE INSURANCE COMPANY

**SKETCH TO ACCOMPANY
 LEGAL DESCRIPTION**
 SITUATED IN SECTION 7, TOWNSHIP 10 SOUTH,
 RANGE 20 EAST,
 ALACHUA COUNTY, FLORIDA

**** SKETCH - NOT A BOUNDARY SURVEY ****

DESCRIPTION: (SEE ATTACHED)

LEGEND:

- O.R. = OFFICIAL RECORDS BOOK
- R/W = RIGHT OF WAY
- PB. = PLAT BOOK
- PG. = PAGE
- (CR) = COMPUTED FROM RECORD MEASUREMENTS
- CL = CENTERLINE
- DOT = DEPARTMENT OF TRANSPORTATION
- (P) = PER RECORD PLAT
- [Symbol] = DESCRIBED AREA

