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3/14/2008

ORDINANCE NO. _____
0-08-06

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4 **An ordinance of the City of Gainesville, Florida, to vacate, abandon**
5 **and close a certain portion of the right-of-way of N.W. 7th Place**
6 **between N.W. 4th Street and N.W. 5th Street, and a portion of N.W. 5th**
7 **Street located south of the CSX Railroad right-of-way to a point 10 feet**
8 **south of the northeast corner of Lot 26 of Brush's Addition to**
9 **Gainesville, as more specifically described in this Ordinance; reserving**
10 **a public utilities easement; providing a severability clause; providing a**
11 **repealing clause; and providing an immediate effective date.**

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14 **WHEREAS**, pursuant to Section 30-192 of the Code of Ordinances of the City of
15 Gainesville, an application was initiated to vacate, abandon and close a certain portion of the
16 right-of-way of N.W. 7th Place between N.W. 4th Street and N.W. 5th Street, and a portion of
17 N.W. 5th Street located south of the CSX Railroad right-of-way to a point 10 feet south of the
18 northeast corner of Lot 26 of Brush's Addition to Gainesville, as more specifically described
19 herein; and

20 **WHEREAS**, notice was given and publication made as required by law and a public
21 hearing was held by the City Plan Board on November 15, 2007; and

22 **WHEREAS**, notice was given and publication made of a Public Hearing which was then
23 held by the City Commission on January 28, 2008; and

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

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

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

5 **WHEREAS**, the City Commission finds that it is in the public interest to vacate;
6 abandon and close the street subject to public utilities easements as set forth herein.

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

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

12 See Legal Description attached hereto as Exhibit "A", and made a part
13 hereof as if set forth in full.

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

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

20 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
21 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
22 finding shall not affect the other provisions or applications of the ordinance which can be given

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1 effect without the invalid or unconstitutional provisions or application, and to this end the
2 provisions of this ordinance are declared severable.

3 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
4 such conflict hereby repealed.

5 **Section 6.** This ordinance shall become effective immediately upon final adoption.

6 **PASSED AND ADOPTED** this _____ day of 2008.

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8

PEGEEN HANRAHAN, MAYOR

10 ATTEST:

Approved as to form and legality:

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14
15 _____

By: _____
MARION J. RADSON, CITY ATTORNEY

16 KURT LANNON,
17 CLERK OF THE COMMISSION

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20 This ordinance passed on first reading this _____ day of _____, 2008.

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22 This ordinance passed on second reading this _____ day of _____, 2008.

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25 MJR/afm

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Legal Description

The following described property being in Section 5, Township 10 South, Range 20 East, Brush's Addition to Gainesville, Plat Book "A", page 88 of the Public Records of Alachua County, Florida being more particularly described as follows:

Commence at a point on the South line of Lot 25 also being the North right-of-way line of Northwest 7th Place in Block 25, Brush's Addition to Gainesville as per plat recorded in Plat Book "A", page 88 of the Public Records of Alachua County, Florida at said south lines' intersection with the West right-of-way line of Northwest 4th Street also being the POINT OF BEGINNING; thence run West along the South line of Lots 25 and 26 of said plat and said North right-of-way line to the Southwest corner of said Lot 26; thence run South to the Northwest corner of Lot 33 of said plat and the South right of way line of said northwest 7th Place; thence run East along said South right of way line and the North line of Lots 33 and 34 to the intersection of the South right of way line of Northwest 7th Place and the West right of way line of Northwest 4th Street; thence run North along said West right of way line to the POINT OF BEGINNING.

ALSO

Commence at point on the East right of way line of Northwest 5th Street, said point being Ten (10) feet South of the Northwest corner of Lot 26 of Brush's Addition to Gainesville as per plat recorded in Plat Book "A", page 88 of the Public Records of Alachua County, Florida, and the POINT OF BEGINNING; thence run North along the West lines of Lots 26, 23, and 18 of said plat, also being the East right- of-way line of Northwest 5th Street to a point on the West line of Lot 18 and the intersection of the Southeasterly right-of-way line of the abandoned CSX Transportation railroad right-of-way; thence run Southwesterly along said Southeasterly right-of-way line to a point of intersection of the East line of Lot 19 of said plat also being the West right-of-way line of Northwest 5th Street; thence run South along the East line of Lots 19, 22, and 27 of said plat to a point lying Ten (10) feet South of the Northeast corner of said Lot 27; thence leaving said right of way line, run Easterly to the East right of way line of Northwest 5th Street and the POINT OF BEGINNING.