



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 030754

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

April 25, 2005

DATE: April 11, 2005

FROM: City Attorney

SECOND READING
~~FIRST READING~~

SUBJECT: **Ordinance No. 0-05-26, Petition 153-ASVA-03PB**
An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3435 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of February 14, 2005, authorized the City Attorney to draft the proposed ordinance for street vacation.

Prepared and
submitted by:



Marion J. Radsen, City Attorney

Passed on first reading by a vote of 5-2.

ORDINANCE NO. _____
0-05-26

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4 **An ordinance of the City of Gainesville, Florida, to vacate, abandon**
5 **and close that portion of right-of-way located East of North Main**
6 **Street and adjacent to 3435 North Main Street; reserving utilities**
7 **easements; providing a severability clause; providing a repealing**
8 **clause; and providing an immediate effective date.**
9

10
11 **WHEREAS**, pursuant to Section 30-192 of the Code of Ordinances of the City of
12 Gainesville, an application was initiated to vacate, abandon and close that portion of right-of-way
13 located East of North Main Street and adjacent to 3435 North Main Street, as more specifically
14 described herein; and

15 **WHEREAS**, notice was given and publication made as required by law and a public
16 hearing was held by the City Plan Board on January 20, 2005; and

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

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

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

25 **WHEREAS**, the City Commission finds that it is in the public interest to vacate;
26 abandon and close the area, subject to utilities easements.

DRAFT

3/21/2005

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE

2 CITY OF GAINESVILLE, FLORIDA:

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

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

8 Section 2. The City reserves unto itself, its successors and assigns public and private
9 utilities easements over, under, across and through the right-of-way described in Exhibit "A",
10 attached hereto and made a part hereof, for the purpose of maintaining and operating public and
11 private utilities.

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

14 Section 4. If any section, sentence, clause or phrase of this ordinance is held to be invalid
15 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
16 affect the validity of the remaining portions of this ordinance.

17 Section 5. All ordinances, or parts of ordinances, in conflict herewith are to the extent of
18 such conflict hereby repealed.

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

20 PASSED AND ADOPTED this ____ day of _____, 2005.

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22 _____
23 Pegeen Hanrahan, Mayor
24
25

DRAFT

3/21/2005

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ATTEST:

Approved as to form and legality:

KURT LANNON,
CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2005.

This ordinance passed on second reading this _____ day of _____, 2005.

MJR/afm

H:\Marion Radson\Planning\153SVA 03 pet.doc

CE Causseaux & Ellington, Inc.
Engineering • Surveying • Planning

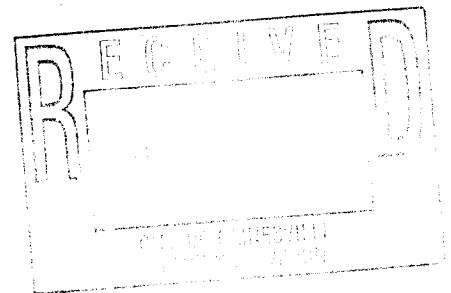
PREPARED FOR: GATORLAND ACURA
LEGAL DESCRIPTION FOR: 35' STRIP OF LAND
DRAWING FILE NUMBER: 05-0190 - PARCEL 'A'.DWG
Date: FEBRUARY 28, 2005

LEGAL DESCRIPTION: (BY SURVEYOR)

A 35.00 FOOT WIDE STRIP OF LAND BEING A PORTION OF LOT 1 OF NORTH MAIN STREET COMMERCIAL PARK, AS RECORDED IN PLAT BOOK "H", PAGE 96 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1 FOR A POINT OF BEGINNING, SAID POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF NORTH MAIN STREET (A 100 FOOT RIGHT OF WAY); THENCE RUN NORTH 89°09'36" EAST, ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 35.00 FEET TO THE EASTERLY LINE OF A CITY OF GAINESVILLE RIGHT OF WAY (A 35 FOOT RIGHT OF WAY) AS CALLED FOR IN OFFICIAL RECORDS BOOK 2320, PAGE 1994 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2320, PAGE 1994; THENCE RUN SOUTH 01°03'22" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, AND ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 225.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF N.E. 34th PLACE (A 50' RIGHT OF WAY); THENCE RUN SOUTH 89°09'36" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 35.00 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF NORTH MAIN STREET AND THR WESTERLY LINE SAID LOT 1; THENCE RUN NORTH 01°03'22" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG SAID WESTERLY LINE OF LOT 1, A DISTANCE OF 225.00 FEET TO THE POINT OF BEGINNING

CONTAINING 7,875 SQUARE FEET, MORE OR LESS.



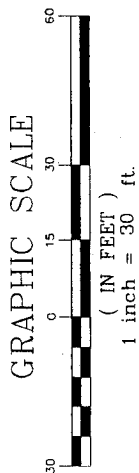
All as shown on the Map
attached herewith and made
a part hereof

EXHIBIT "A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LYING IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST,
CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA
SKETCH - NOT A BOUNDARY SURVEY

POINT OF BEGINNING
NW CORNER LOT 1
NORTH MAIN STREET COMMERCIAL PARK
PLAT BOOK "H", PAGE 96



NORTH MAIN STREET (100' R/W)
COUNTY ROAD No. 329

WESTERLY LINE OF LOT 1
EASTERLY R/W LINE OF NORTH MAIN STREET

N89°09'36"E
35.00'

NORTHERLY LINE OF LOT 1

35.00'

N01°03'22"W 225.00'
SUBJECT PARCEL
PARCEL "A"
CONTAINING ±7,875 SQUARE FEET

EXISTING 35' WIDE CITY OF GAINESVILLE R/W (PER O.R. 2320, PAGE 1994)

S01°03'22"E 225.00'

EASTERLY LINE OF CITY OF GAINESVILLE R/W
WESTERLY LINE OF THE LANDS DESCRIBED IN O.R. 2320, PAGE 1994

TAX PARCEL No. 08231-055-003
O.R. 2320, PAGE 1994

S89°09'36"W
35.00'

NORTHERLY R/W LINE OF
N.E. 34th PLACE

DESCRIPTION: (SEE ATTACHED)

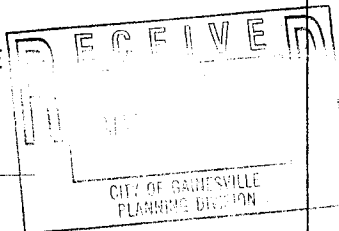
SURVEYORS NOTES:

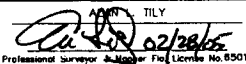
1. THE BEARINGS AND BOUNDARY LINES SHOWN HEREON ARE BASED ON THE PLAT OF NORTH MAIN STREET COMMERCIAL PARK, AS RECORDED IN PLAT BOOK "H", PAGE 96, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

LEGEND:

O.R. = OFFICIAL RECORDS BOOK
R/W = RIGHT OF WAY

NE. 34th PLACE
(50' R/W)



This map prepared by: Certificate of Authorization No. L.B. 5075 NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER  TILY Professional Surveyor & Mapper, Florida License No. 8501	COMPUTER FILE: 05-0190	DRAWING SCALE: 1" = 30' DATE & TIME: HALF EACH ON ORIGINAL DRAWING IF NOT ONE HALF EACH ON SCALE, ALL DIMENSIONS	CERTIFIED TO: GATORLAND ACURA	DRAWN BY: LAF CHECKED BY: ALT TEST SIGN: N/A
	JOB NO.: 05-0190	SHEET NO.: 1 OF 1	CE Causseaux & Ellington, Inc. Engineering • Surveying • Planning 6011 NW 1st Place, Gainesville, Florida 32607 Phone: (352) 331-1976 Fax: (352) 331-2476	