

ORDINANCE NO. _____
0-06-113

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of the alley located between Southwest 13th Avenue and Southwest 14th Avenue between S.W. 13th Street and S.W. 14th Street, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; 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 that portion of the alley located between Southwest 13th Avenue and Southwest 14th Avenue between Southwest 13th Street and Southwest 14th Street, as more specifically described herein, to make possible the Shands Cancer Hospital development; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on August 17, 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

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 _____, 2006.

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Pegeen Hanrahan, Mayor

ATTEST:

Approved as to form and legality:

KURT LANNON, MARION J. RADSON, CITY ATTORNEY
CLERK OF THE COMMISSION

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

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

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

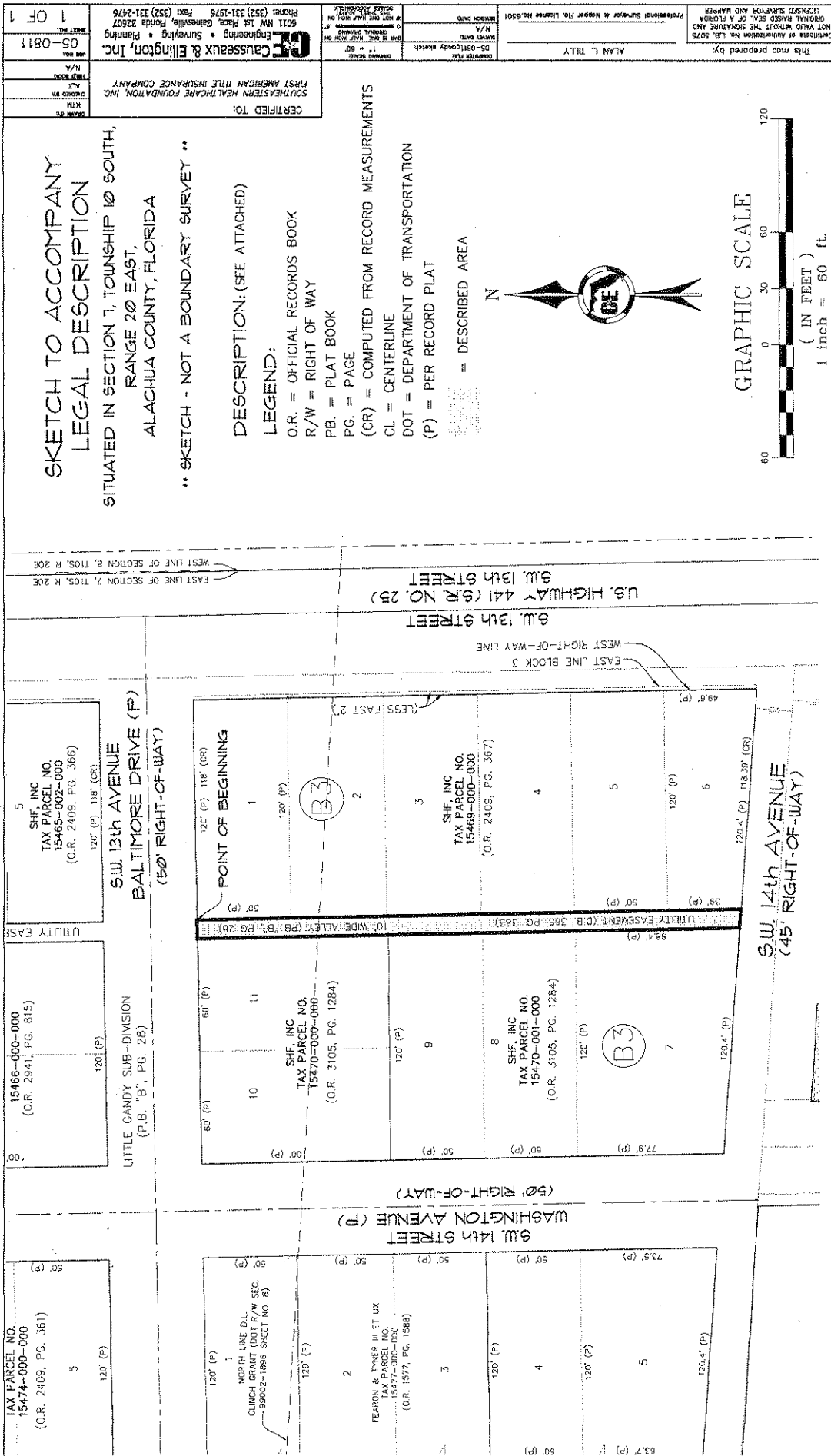
DESCRIPTION FOR: Alley Block 3 Little Gandy Sub-Division

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

DEPARTMENT OF TRANSPORTATION
 50-1052(a)(4) 11/27/04
 N/A
 N/A
 N/A
 N/A
 N/A
 N/A

ALAN L. TELLY
 Professional Surveyor & Mapper Fla. License No. 65011

CERTIFICATE OF ADEQUACY NO. LB 2025
 NOT VALID WITHOUT THE SIGNATURE AND
 LICENSED SURVEYOR AND MAPPER

1 OF 1