

LEGISLATIVE #

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ORDINANCE NO. 130846

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close unimproved right-of-way located in the vicinity of Block 6 of the University Place subdivision, between SW 1st Avenue and SW 2nd Avenue and running east for approximately 210 feet from SW 10th Street, 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 by the abutting land owner to vacate, abandon and close unimproved right-of-way located in the vicinity of Block 6 of the University Place subdivision, between SW 1st Avenue and SW 2nd Avenue and running east for approximately 210 feet from SW 10th Street, 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 April 24, 2014; and

WHEREAS, at least ten (10) days’ notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

WHEREAS, the City Commission finds that it is in the public interest to vacate, abandon and close the right-of-way as set forth herein.

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

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

4 See legal description attached as Exhibit "A" and made a part hereof as
 5 if set forth in full. The location of the property is shown on Exhibit
 6 "B" for visual reference. In the event of conflict or inconsistency,
 7 Exhibit "A" shall prevail over Exhibit "B."

8 **Section 2.** The City reserves unto itself, its successors and assigns a public and private
 9 utilities easement over, under, across and through the right-of-way described in Section 1 of this
 10 ordinance for the purpose of installing, maintaining and operating public and private utilities.

11 **Section 3.** The Clerk of the Commission or designee is authorized to record a true copy
 12 of this ordinance in the public records of Alachua County, Florida.

13 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
 14 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
 15 finding shall not affect the other provisions or applications of the ordinance that can be given
 16 effect without the invalid or unconstitutional provision or application, and to this end the
 17 provisions of this ordinance are declared severable.

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

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

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22 **PASSED AND ADOPTED** this _____ day of _____, 2014.

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 Edward B. Braddy, Mayor

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ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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	By:	
Kurt Lannon		Nicolle M. Shalley, City Attorney
Clerk of the Commission		

This ordinance passed on first reading this ____ day of _____, 2014.

This ordinance passed on second reading this ____ day of _____, 2014.

Legal Description

A portion of Section 5, Township 10 South, Range 20 East, City of Gainesville, Alachua County, Florida; being more particularly described as follows:

That certain 15' wide alley lying south of Lots 6-9 and north of Lots 10-13 in Block 6 of a subdivision known as "University Place", according to the plat thereof recorded in Plat Book "A", Page 77 of the public records of Alachua County, Florida.

