



City of Gainesville

Text File

City Hall
200 East University Avenue
Gainesville, Florida 32601

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Status: To Be Introduced

..Title

Vacate, Abandon and Close Public Right-of-Way (B)

Petition 176SVA-05 PB, (Quasi-Judicial). City of Gainesville. Pursuant to Section 30-192(b) of the Gainesville Land Development Code, to vacate, abandon and close public right-of-way located at Northwest 7th Place, west of Northwest 5th Street and east of abandoned railroad.

..Explanation

The purpose of this request is to vacate a portion of right-of-way east of the Gainesville Police Department (GPD). The approximately .05-acre right-of-way to be vacated is an undeveloped portion of Northwest 7th Place, which lies between the westerly right-of-way line of Northwest 5th Street and the eastern right-of-way line of the abandoned CSX railroad. The property owner on the south side of the right-of-way at tax parcel 14414-010-001, also owns the property north of the subject right-of-way, at tax parcel 14409-000-000. Upon vacation of the right-of-way, the City would trade the vacated right-of-way to the property owner of the above-mentioned tax parcels for the north half of tax parcel 14409-000-000. The right-of-way is an unimproved "paper street." It provides no public access and would best be used for a land trade that would benefit the expansion activities of GPD. In recent months, the City has purchased land east of GPD headquarters for the use of some existing buildings and the construction of new facilities at some point in the future. The property that the City will receive in this land trade is the final piece in the acquisition activities.

The Plan Board heard this petition and recommended that it be approved.

Public notice was published in the Gainesville Sun on January 31, 2006. Letters were mailed to surrounding property owners on February 1, 2006. The Plan Board held a public hearing February 16, 2006.

..Fiscal Note

None

..Recommendation

City Plan Board to City Commission - The City Commission approve Petition 176SVA-05 PB.
Plan Board vote 6-0

Staff to Plan Board - Approve

Alternative Recommendation A: Disapprove

CITY
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GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 1

TO: City Plan Board DATE: February 16, 2006

FROM: Planning Division Staff

SUBJECT: Petition 176SVA-05 PB, City of Gainesville. Pursuant to Section 30-192(b) of the Gainesville Land Development Code, to vacate, abandon and close public right-of-way located at Northwest 7th Place, west of Northwest 5th Street and east of abandoned railroad.

Recommendation

Planning Division staff recommends approval of Petition 176SVA-05 PB.

Explanation

The purpose of this request is to vacate a portion of right-of-way east of the Gainesville Police Department (GPD). The approximately .05 acre right-of-way to be vacated is an undeveloped portion of Northwest 7th Place, which lies between the westerly right-of-way line of Northwest 5th Street and the eastern right of way line of the abandoned CSX railroad. The property owner on the south side of the right-of-way at tax parcel 14414-010-001 also owns the property north of the subject right-of-way, at tax parcel 14409-000-000. Upon vacation of the right-of-way, the City would trade the vacated right of way to the property owner of the above mentioned tax parcels for the north half of tax parcel 14409-000-000 (see enclosed map). The right-of-way is an unimproved "paper street." It provides no public access and would best be used for a land trade that would benefit the expansion activities of GPD. In recent months, the City has purchased land east of GPD headquarters for the use of some existing buildings and the construction of new facilities at some point in the future. The property that the City will receive in this land trade is the final piece in the acquisition activities.

The City Plan Board shall consider the following criteria in determining whether the public interest would be best served by the proposed action:

1. Whether the public benefits from the use of the subject right-of-way as part of the City street system.

The public gains minimal benefit from the subject right-of-way because it is a paper street.

2. Whether the proposed action is consistent with the City's comprehensive plan.

Staff recommends approval of this petition. This proposal is consistent with the City's Concurrency Management Policy 1.2.1, concerning vacating streets only under certain conditions. The closure of the subject right-of-way will not foreclose reasonably foreseeable future bicycle/pedestrian use, will not foreclose non-motorized access to adjacent land uses or transit stops, and there is no reasonably foreseeable need for any type of transportation corridor for the area in the future.

3. Whether the proposed action would violate individual property rights.

Staff finds that the proposed action does not violate any individual property rights. No properties shall be made landlocked or inaccessible.

4. The availability of alternative action to alleviate the identified problems.

The subject right-of-way is currently not being used as a public thoroughfare. No alternative action is needed.

5. The effect of the proposed action on traffic circulation.

There will be no impact on traffic circulation since the subject right-of-way cannot be used as a public thoroughfare.

6. The effect of the proposed action on crime.

There should be no negative impact associated with this petition.

7. The effect of the proposed action upon the safety of pedestrians and vehicular traffic.

The safety of pedestrians and vehicular traffic will not be impacted by this proposal.

8. The effect of the proposed action on the provision of municipal services including, but not limited to emergency services and waste removal services.

The proposed action will not adversely impact municipal services in the area. Trip circulation in the area will not be altered since the proposed vacated right-of-way is not being used as a public thoroughfare.

9. The necessity to relocate utilities, both public and private.

There are no utilities located within the right-of-way to be vacated. No relocation of utilities should be necessary.

10. The effect the proposed action will have on property values in the immediate and surrounding areas.

The proposed street vacation should not have any negative impact on the property values in the surrounding neighborhood.

11. The effect of the vacation on geographic areas that may be impacted.

The proposed street vacation should have little impact on the geographic area in which it is located.

12. The effect the vacation on the design and character of the neighborhood.

The proposed street vacation should not have any negative impact on the design and character of the neighborhood. The right-of-way is not being used as a public thoroughfare.

The recommended approval of Petition 176SVA-05PB, is based on the recommendations/conditions from the following departments:

- 1. BellSouth:** Bell South sees no conflicts in this area.
- 2. GRU:** The subject area has no utility facilities and provides no needed accessibility to maintain surrounding utilities. GRU recommends approval.
- 3. GRU Real Estate:** Okay. No existing utilities within area to be vacated.

4. **Police:** Recommend approval.
5. **Public Works:** Approved.
6. **Fire:** Approvable as submitted.
7. **Planning Division:** Approvable as submitted.
8. **Building:** The Building Department has no problem with the proposed street vacation as long as parcel 14409 still abuts N.W. 5th Street.
9. **City Arborist:** Approved.

Condition:

Approvable as submitted.

Respectfully submitted,

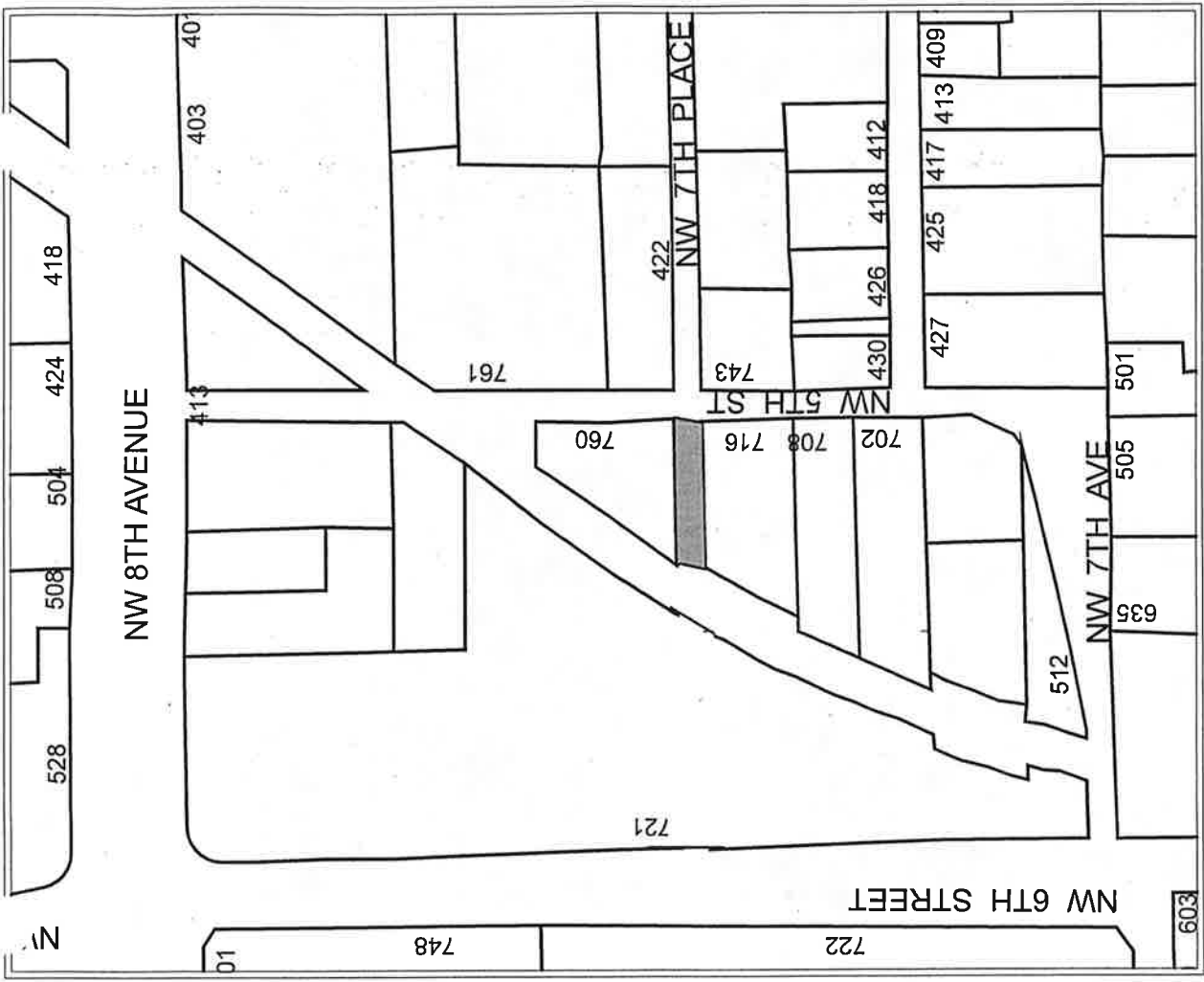


Ralph Hilliard
Planning Manager

RH: JS

Street Closing

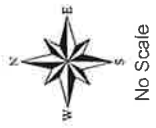
City Limits



Area under petition consideration

STREET CLOSING

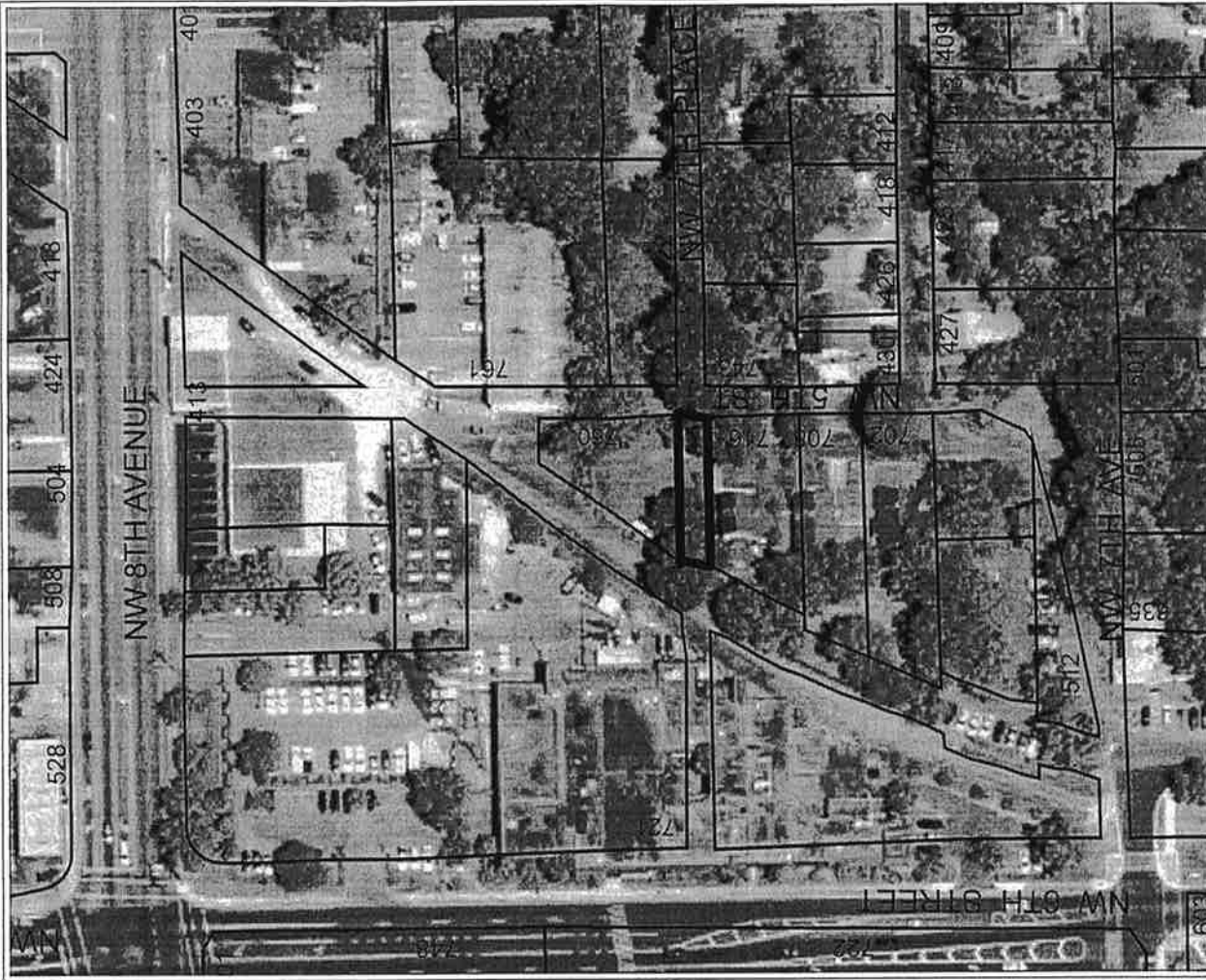
Name	Petition Request	Map(s)	Petition Number
City of Gainesville Public Works	Street Vacation	3951	176SVA-05PB



No Scale

Street Closing

City Limits



Area under petition consideration



STREET CLOSING

	Name	Petition Request	Map(s)	Petition Number
<p>No SC</p>	City of Gainesville Public Works	Street Vacation	3951	176SVA-05PB

N. W.

8 TH

AVE

N.W. 6th STREET

5TH TERR.

REPLAT

PLEASANT

OAKS

BK I PG 93 M/S

14414-10-LOT 3

14433-1

NW 7TH AVE

NW 6TH ST

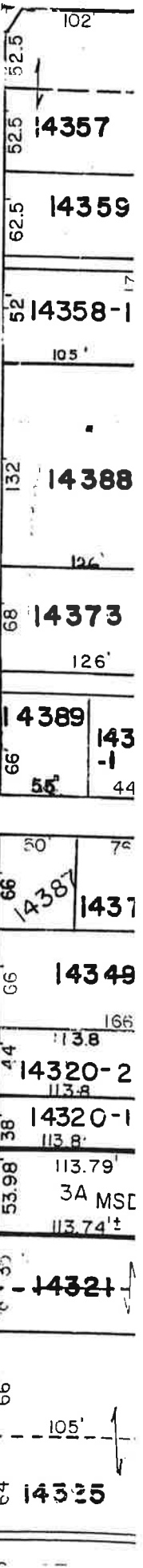
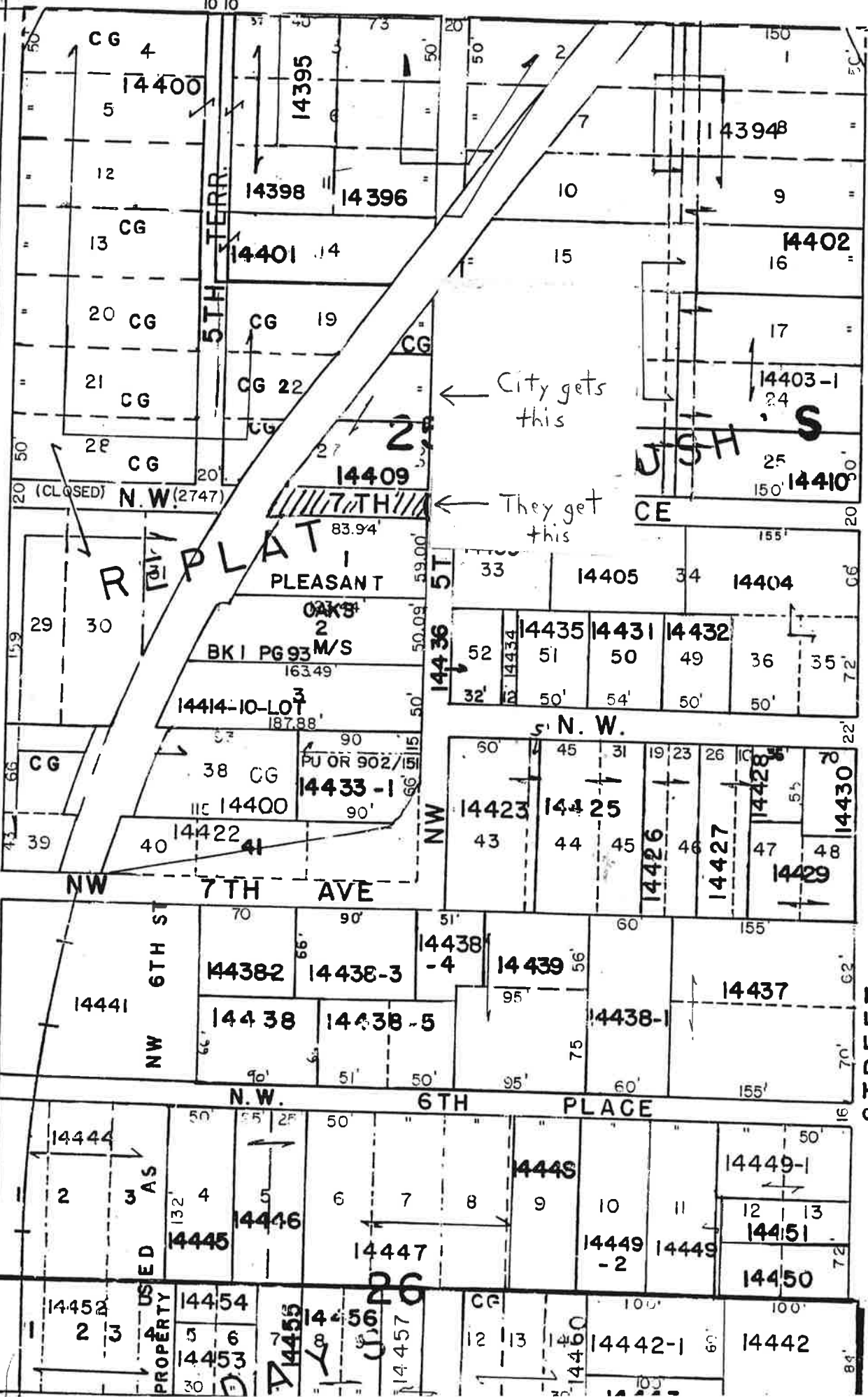
N.W. 6TH PLACE

STREET

City gets this

They get this

U.S.H. S
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1. **Petition 176SVA-05 PB** Pursuant to Sec. 30-192(b) of the City of Gainesville Land Development Code, to vacate abandon and close public right-of-way located at Northwest 7th Place, west of Northwest 5th Street and east of the abandoned railroad right-of-way line.

Mr. Jason Simmons was recognized. Mr. Simmons presented a map and aerial photos of the site and described it in detail. He noted that the right-of-way was an undeveloped paper street. He explained that the property owner to the south of the right-of-way also owned the property immediately to the north. He presented ground photos of the site. He noted that there were no utilities on the right-of-way, therefore there was not a need for a public utilities easement. He indicated that, in exchange, once the right-of-way was vacated, the property owner to the north and south would give the city a portion of one parcel, and that acquisition would complete connections to other properties acquired by GPD to expand their facility. Mr. Simmons discussed the 12 criteria to be used by the board to determine if the public welfare was best served by the street vacation. He indicated that staff had concluded that the criteria had been met and recommended approval of the petition. He offered to answer any questions from the board.

Chair Cole noted that the petition involved an informal quasi-judicial hearing and he wished to ask if any board members had any ex-parte communications on the matter.

Board members indicated that they had not.

There was no comment by affected parties or the public.

Mr. Polshek indicated that, in general, he opposed street vacations. He noted, however, that the petition before the board was acceptable. He stated that street vacations should always be deliberated with great care. He explained that he initially had a concern with access to the future rail trail, however, there appeared to be numerous other access points in the immediate area.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Reiskind
<u>Moved to:</u> Approve Petition 176SVA-05 PB.	<u>Upon Vote:</u> Motion Carried 6 – 0 Aye: Polshek, Reiskind, Gold, Tecler, McDonell, Cole