

ORDINANCE NO. 060414
0-06-108

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southwest 5th Terrace located in the vicinity between Southwest 2nd Avenue and Southwest 3rd Avenue, 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 Southwest 5th Terrace located between Southwest 2nd Avenue and Southwest 3rd Avenue, as more specifically described herein, to make possible the community redevelopment project commonly and hereinafter known as Jefferson 2nd Avenue; 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 development of a mixed use
3 community redevelopment project commonly referred to as Jefferson 2nd Avenue, but that the
4 right-of-way is otherwise required for public use and benefit if the project is not constructed and
5 completed; and

6 **WHEREAS**, the City Commission is willing to vacate, abandon and close the right-of-
7 way subject to specific terms and conditions in an enforceable agreement between the City and the
8 developer, its successors and assigns.

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

11 **Section 1.** Except as provided in Sections 2 and 3 below, the following described right-
12 of-way in the City of Gainesville no longer serves a public purpose and is hereby vacated,
13 abandoned and closed for use by the public generally in order to make possible the community
14 redevelopment project, commonly known as "Jefferson 2nd Avenue":

15 See legal description attached hereto as Exhibit "A", and made a part hereof
16 as if set forth in full.

17 **Section 2.** The City reserves unto itself, its successors and assigns a public and private
18 utilities easement over, under, across and through the right-of-way described in Exhibit "A",
19 attached hereto and made a part hereof, for the purpose of operating, maintaining, removing and
20 relocating the public and private utilities located therein.

21 **Section 3.** The vacation, abandonment and closure of the right-of-way described in § 1
22 of this Ordinance is subject to the terms and conditions of a certain Vacation of Right-of-Way
23 Agreement between the City and the applicant of the petition to vacate the right-of-way, Jefferson

1 2nd Avenue, L.P., a Delaware Limited Partnership, dated November 29, 2006, which Agreement
2 provides, among other things, that this ordinance may be repealed and the vacation, abandonment
3 and closure of the right-of-way shall be of no further force and effect.

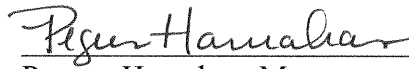
4 **Section 4.** The Clerk of the Commission or designee is authorized to record a true copy
5 of this Ordinance in the Public Records of Alachua County, Florida.

6 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
7 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
8 the validity of the remaining portions of this ordinance.

9 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
10 such conflict hereby repealed.


11 **Section 7.** This ordinance shall become effective immediately upon final adoption.

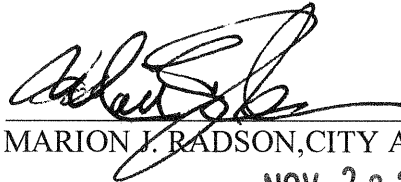
12 **PASSED AND ADOPTED** this 27th day of November, 2006.

13
14 
15 _____
16 Pegeen Hanrahan, Mayor

17
18 ATTEST:

Approved as to form and legality:

19
20 
21 _____
22 KURT LANNON,
23 CLERK OF THE COMMISSION

24 By: 
25 _____
26 MARION J. RADSON, CITY ATTORNEY
27 NOV 28 2006

28 This ordinance passed on first reading this 13th day of November, 2006.

29 This ordinance passed on second reading this 27th day of November, 2006.

30 H:\Marion Radson\Planning\96SVA 06 pet.doc

EXHIBIT "A"

George F. Young, Inc.
1905 South Main Street
Gainesville, FL 32601
(352) 378-1444 Fax (352) 372-2502



George F. Young, Inc.

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October 16, 2006

Mr. Ben Montgomery
JPI Development Services
600 E. Las Colinas Boulevard #1800
Irving, Texas 75039

RE: Southwest 5th Terrace Right of Way to be vacated, Gainesville, Florida.

Dear Mr. Montgomery;

To assist you in this vacation, you can use the following description for the application:

All the Southwest 5th Terrace right of way as described in Deed Book 130, page 426, Public Records of Alachua County, Florida lying south of the south right of way line of Southwest 2nd Avenue and north of the north right of way line of Southwest 3rd Avenue, lying and being in Section 5, Township 10 South, Range 20 East, Alachua County, Florida.

Sincerely,
George F. Young, Inc.

Michael L. Harbert, PSM
Florida Certificate Number 4995
Vice President – Gainesville Office



