1 2	ORDINANCE NO. <u>060414</u> 0-06-108
3	0-00-100
4	An ordinance of the City of Gainesville, Florida, to vacate, abandon
5	and close that portion of Southwest 5th Terrace located in the vicinity
6	between Southwest 2nd Avenue and Southwest 3rd Avenue, as more
7 8	specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest;
9	providing a severability clause; providing a repealing clause; and
10	providing an immediate effective date.
11	
12	
13	WHEREAS, pursuant to Section 30-192 of the Code of Ordinances of the City of
14	Gainesville, an application was initiated to vacate, abandon and close that portion of Southwest
15	5th Terrace located between Southwest 2nd Avenue and Southwest 3rd Avenue, as more
16	specifically described herein, to make possible the community redevelopment project commonly
17	and hereinafter known as Jefferson 2nd Avenue; and
18	WHEREAS, notice was given and publication made as required by law and a public
19	hearing was held by the City Plan Board on August 17, 2006; and
20	WHEREAS, at least ten (10) days notice has been given of the public hearing once by
21	publication in a newspaper of general circulation notifying the public of this proposed ordinance
22	and of the public hearings in the City Commission meeting room, First Floor, City Hall, in the City
23	of Gainesville; and
24	WHEREAS, notice has also been given by mail to all owners of property abutting the
25	portion to be vacated prior to the adoption of this ordinance; and
26	WHEREAS, prior to the public hearings the application was presented to and approved
27	by the appropriate Departments of the City; 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 to make possible the development of a mixed use
community redevelopment project commonly referred to as Jefferson 2nd Avenue, but that the
right-of-way is otherwise required for public use and benefit if the project is not constructed and
completed; and
WHEREAS, the City Commission is willing to vacate, abandon and close the right-of-
way subject to specific terms and conditions in an enforceable agreement between the City and the
developer, its successors and assigns.
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF GAINESVILLE, FLORIDA:
Section 1. Except as provided in Sections 2 and 3 below, the following described right-
of-way in the City of Gainesville no longer serves a public purpose and is hereby vacated,
abandoned and closed for use by the public generally in order to make possible the community
redevelopment project, commonly known as "Jefferson 2nd Avenue":
See legal description attached hereto as Exhibit "A", and made a part hereof as if set forth in full.
Section 2. The City reserves unto itself, its successors and assigns a public and private
utilities easement over, under, across and through the right-of-way described in Exhibit "A",
attached hereto and made a part hereof, for the purpose of operating, maintaining, removing and
relocating the public and private utilities located therein.
Section 3. The vacation, abandonment and closure of the right-of-way described in § 1
of this Ordinance is subject to the terms and conditions of a certain Vacation of Right-of-Way

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	o, 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 juri	sdiction, then said holding shall in no way affect
8	8 the validity of the remaining portions of this ordin	ance.
9	Section 6. All ordinances, or parts of ordinances	nances, in conflict herewith are to the extent of
10	o such conflict hereby repealed.	
11	Section 7. This ordinance shall become ef	fective immediately upon final adoption.
		·
12	PASSED AND ADOPTED this 27th day	of November, 2006.
12 13	•	of November, 2006.
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13 14 15 16 17 18 19 20 21 22 23 24	ATTEST:  Apprenticular Apprent	gur Hamalian en Hanrahan, Mayor roved as to form and legality:
13 14 15 16 17 18 19 20 21 22 23 24 25	ATTEST:  Appril  KURT LANNON,  CLERK OF THE COMMISSION	gen Hamalian, Mayor roved as to form and legality:  MARION J. BADSON, CITY ATTORNEY  NOV 2 8 2006
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## **EXHIBIT "A"**

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



## George F. Young, Inc.

Turning Vision Into Reality

ARCHITECTURE ■ ENGINEERING ■ ENVIRONMENTAL ■ LANDSCAPE ARCHITECTURE ■ PLANNING ■ SURVEYING ■ UTILITIES

October 16, 2006

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

RE: Southwest 5<sup>th</sup> 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 5<sup>th</sup> 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 2<sup>nd</sup> Avenue and north of the north right of way line of Southwest 3<sup>rd</sup> 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



**EXHIBIT "A"** THIS SHEET IS PART OF A 2 SHEET DRAWING AND IS NOT COMPLETE WITHOUT BOTH SHEETS. PLOOD NOTE:

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