

LEGISLATIVE #

150559A

ORDINANCE NO. 150559

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close an unimproved public right-of-way on property currently used as the SW 5th Avenue Stormwater Park that is generally located in the 500-700 block of SW 6th Street, as more specifically described in this ordinance; reserving an utilities easement; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, pursuant to Section 30-192 of the City’s Land Development Code, an application was initiated requesting the City to vacate, abandon, and close an unimproved public right-of-way on property currently used as the SW 5th Avenue Stormwater Park that is generally located in the 500-700 block of SW 6th Street, as more particularly described herein; and

WHEREAS, Section 30-192 of the City’s Land Development Code allows the City to vacate a public street or public place upon determining that it no longer serves a public purpose or that the vacation of the public street or public place is in the public interest; and

WHEREAS, the request to vacate the said public right-of-way was presented to and approved by the appropriate departments of the City; and

WHEREAS, on December 1, 2015, a public hearing was held by the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it voted to recommended that the City Commission approve the petition to vacate the said public right-of-way as set forth herein; and

WHEREAS, on January 7, 2016, the City Commission approved the petition to vacate the said public right-of-way as set forth herein; 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

1 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of
2 Gainesville; and

3 **WHEREAS**, public hearings were held pursuant to the notice described above at which
4 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;
5 and

6 **WHEREAS**, the City Commission finds that it is in the public interest to vacate,
7 abandon, and close the public right-of-way that is the subject of this ordinance, subject to the
8 terms and conditions as set forth herein.

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

11 **Section 1.** The following described public right-of-way is hereby vacated, abandoned,
12 and closed for use by the public generally:

13 See legal description attached as Exhibit “A” and made a part hereof as if set forth
14 in full. The location of the property is shown on Exhibit “B” for visual reference.
15 In the event of conflict or inconsistency, Exhibit “A” shall prevail over Exhibit
16 “B”.

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18 **Section 2.** The City reserves unto itself, its successors and assigns a public and private
19 utilities easement over, under, across and through the property described in Section 1 of this
20 ordinance for the purpose of installing, maintaining and operating public and private utilities.

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

23 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
24 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
25 finding shall not affect the other provisions or applications of this ordinance that can be given

1 effect without the invalid or unconstitutional provision or application, and to this end the
2 provisions of this ordinance are declared severable.

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

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

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7 **PASSED AND ADOPTED** this _____ day of _____, 2016.

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EDWARD B. BRADDY
MAYOR

Attest:

Approved as to form and legality:

KURT M. LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2016.

This ordinance passed on second reading this _____ day of _____, 2016.

EXHIBIT "A" TO ORDINANCE NO. 150559

LEGAL DESCRIPTION

PORTIONS OF S.W. 6TH AVENUE, S.W. 6TH PLACE, S.W. 7TH AVENUE, S.W. 7TH STREET AND S.W. 7TH TERRACE LYING WITHIN O. A. PORTER'S ADDITION TO GAINESVILLE AS RECORDED IN PLAT BOOK "A", PAGE 54 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA LYING AND BEING IN SECTION 5, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

ALL THOSE UNNAMED STREETS WITHIN SAID O. A. PORTER'S ADDITION TO GAINESVILLE VARYING IN WIDTH FROM 31 FEET TO 35 FEET, LYING SOUTH OF S. W. 5TH AVENUE, WEST OF S.W. 6TH STREET, NORTH OF LOTS 89 & 90 AND EAST OF THE UNNAMED CREEK SHOWN ON SAID PORTERS ADDITION AND KNOWN LOCALLY AS TUMBLING CREEK LESS AND EXCEPT THAT PORTION OF S.W. 7TH TERRACE VACATED BY CITY ORDINANCE NUMBER 030622 RECORDED IN OFFICIAL RECORDS BOOK 2883, PAGE 851. SAID STREETS CONTAINING 55,480 SQUARE FEET OR 1.27 ACRES MORE OR LESS.

Area under petition consideration



SW 8 ST

SW 7 TER

SW 5 AVE

SW 6 AVE

SW 9 ST

SW 7 TERR

SW 7 ST

SW 6 AVE

SW 6 PL

SW 7 AVE

SW 6 AVE

SW 6 PL

SW 5 TER

SW 7 AVE

SW 7 AVE

SW 6 ST

SW 7 PL

SW 8 AVE

SW 8 ST

Exhibit "B" to Ordinance No. 150559

