

**LEGISLATIVE #**

**210837A**



1 **WHEREAS**, at least 10 days' notice has been given once by publication in a newspaper of general  
2 circulation notifying the public of this proposed ordinance and of public hearings to be held by  
3 the City Commission of the City of Gainesville; and

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

6 **WHEREAS**, the City Commission finds that the vacation of the subject right-of-way meets the  
7 required criteria in Policy 10.2.1 of the Transportation Element of the Comprehensive Plan and  
8 Section 30-3.41 of the Land Development Code, subject to the terms and conditions set forth  
9 herein.

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

11 **FLORIDA:**

12 **SECTION 1.** Upon the Developer completing all of the terms and conditions specified in Section  
13 2 of this ordinance and the City's recordation of this ordinance together with the executed  
14 affidavit of completion (as described in Section 2 of this ordinance) in the Public Records of  
15 Alachua County, Florida, the following described public right-of-way will be vacated, abandoned,  
16 and closed for use by the public generally:

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

20  
21 **SECTION 2.** The public right-of-way described in Section 1 of this ordinance will not be vacated,  
22 abandoned, or closed for use by the public unless and until the Developer has satisfied all of the  
23 following terms and conditions at no cost or expense to the City. Notwithstanding the foregoing,  
24 nothing in this section precludes the Developer from applying for a temporary right-of-way  
25 obstruction permit under Chapter 23 of the Code of Ordinances or obtaining from the City any

1 necessary temporary construction easements. When the Developer has completed all of the  
2 following terms and conditions and same have been approved and accepted by the City, the City  
3 Manager shall evidence the completion and approval of the terms and conditions by executing  
4 the affidavit of completion attached as **Exhibit C**, which must be recorded together with this  
5 ordinance in the Public Records of Alachua County, Florida.

6 Condition 1. The Developer shall grant to the City the ownership and rights necessary for the  
7 extension of NW 4<sup>th</sup> Place, as public right-of-way, westward to NW 12<sup>th</sup> Drive prior to the final  
8 vacating of NW 12<sup>th</sup> Terrace.

9  
10 Condition 2. The Developer, at Developer's sole cost and expense and with no cost borne by the  
11 City, shall construct all necessary and required improvements to NW 4<sup>th</sup> Place, including the  
12 extension of NW 4<sup>th</sup> Place as described in Condition 1, at the time of redevelopment of abutting  
13 properties.

14  
15 **SECTION 3.** Upon receipt from the City Manager of the executed affidavit of completion (as  
16 described in Section 2 of this ordinance), the City Clerk or designee is authorized and directed to  
17 record a true copy of this ordinance together with the affidavit of completion in the public  
18 records of Alachua County, Florida.

19 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the  
20 application hereof to any person or circumstance is held invalid or unconstitutional, such finding  
21 will not affect the other provisions or applications of this ordinance that can be given effect  
22 without the invalid or unconstitutional provision or application, and to this end the provisions of  
23 this ordinance are declared severable.

24 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such  
25 conflict hereby repealed.

26 **SECTION 6.** This ordinance will become effective immediately upon adoption; however, the  
27 vacation of the public right-of-way that is the subject of this ordinance will not become effective  
28 until this ordinance together with the executed affidavit of completion (as described in Section 2

1 of this ordinance) has been recorded in the Public Records of Alachua County, Florida. If this  
2 ordinance together with the executed affidavit of completion is not recorded in the Public  
3 Records of Alachua County, Florida, within two years following the effective date of this  
4 ordinance, this ordinance will be deemed null and void and of no further force and effect.

5 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

6  
7  
8  
9  
10  
11

\_\_\_\_\_  
LAUREN POE  
MAYOR

12 Attest:

Approved as to form and legality:

13  
14

15 \_\_\_\_\_  
16 OMICHELE D. GAINEY  
17 CITY CLERK

\_\_\_\_\_  
DANIEL M. NEE  
INTERIM CITY ATTORNEY

18  
19 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

20  
21 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

## LEGAL DESCRIPTION



**DATE:** NOVEMBER 11, 2021  
**CLIENT:** 908 GROUP  
**PROJECT NO:** 20-0416  
**DESCRIPTION FOR:** NW 12TH TERRACE RIGHT OF WAY

A PARCEL OF LAND BEING THE 40 FOOT RIGHT OF WAY CURRENTLY KNOWN AS NW 12TH TERRACE, LYING SOUTH OF WEST SEMINARY STREET OF DUKE'S COURT, AS SHOWN ON THE PLAT THERE OF AS RECORDED IN PLAT BOOK "C", PAGE 91 (HAVING A RIGHT OF WAY WIDTH OF 30 FEET AND CURRENTLY KNOWN AS NW 5TH STREET), LYING NORTH OF DUKE COURT OF SAID DUKE'S COURT (HAVING A RIGHT OF WAY WIDTH OF 40 FEET AND CURRENTLY KNOWN AS NW 4TH PLACE) LYING WEST OF LOTS 4 AND 8 OF SAID DUKE'S COURT AND LYING EAST OF LOTS 5 AND 7 OF SAID DUKE'S COURT, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF SAID LOT 4, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF SAID NW 5TH AVENUE, THENCE DEPARTING THE SOUTH RIGHT OF WAY LINE OF SAID NW 5TH AVENUE, SOUTH 0°49'42" EAST, ALONG THE WEST LINE OF SAID LOTS 4 AND 7, A DISTANCE OF 172.26 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8, SAID POINT LYING ON THE NORTH RIGHT OF WAY LINE OF SAID NW 4TH PLACE; THENCE SOUTH 89°37'03" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SAID NW 4TH PLACE, A DISTANCE OF 40.17 FEET TO THE SOUTHEAST CORNER OF SAID LOT 7; THENCE DEPARTING THE NORTH RIGHT OF WAY LINE OF SAID NW 4TH PLACE, NORTH 0°53'34" WEST, ALONG THE EAST LINE OF SAID LOTS 7 AND 5, A DISTANCE OF 172.11 FEET TO THE NORTHEAST CORNER OF SAID LOT 5, SAID POINT LYING ON THE SOUTH RIGHT OF WAY LINE OF SAID NW 5TH AVENUE; THENCE NORTH 89°24'29" EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF SAID NW 5TH AVENUE, A DISTANCE OF 40.36 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED LANDS CONTAIN: 6,933 SQUARE FEET, MORE OR LESS.



Exhibit B to Ordinance 210837

NW 12th Terrace  
ROW Vacation  
City of Gainesville, FL



CHW  
Professional Consultants  
MapInfo, AutoCAD, ArcGIS, MicroStation, Bentley, etc.  
10000 NW 12th Terrace, Gainesville, FL 32609  
Phone: 352.339.1100  
Fax: 352.339.1101  
www.chw.com  
Created by: Employee SMM  
Date: 11/20/21

ILLUSTRATION IB:  
AERIAL MAP

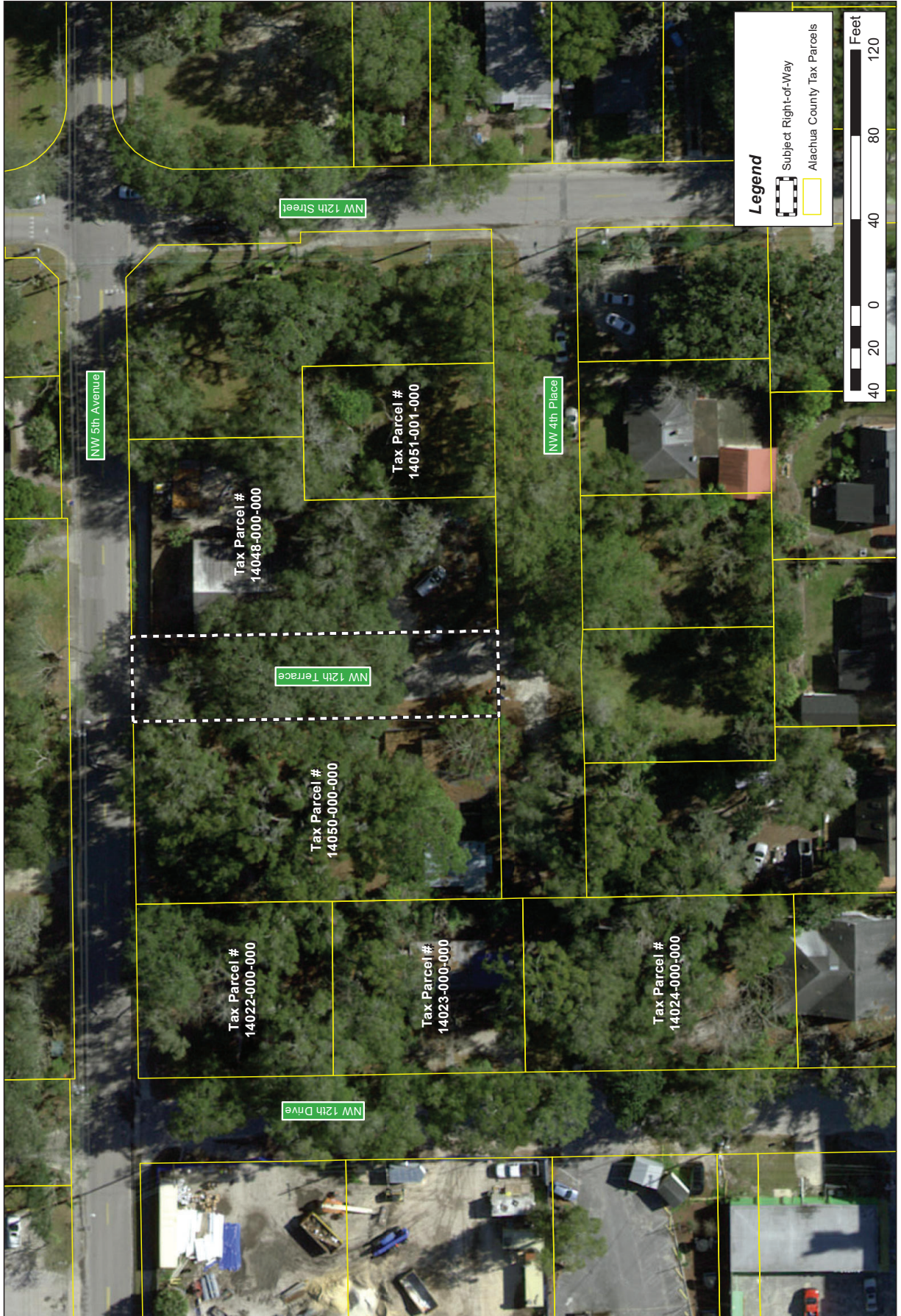




Exhibit B to Ordinance 210837

NW 12th Terrace  
ROW Vacation  
City of Gainesville, FL

ILLUSTRATION IB:  
AERIAL MAP



Professional Consultants  
CHW  
MapScale: 1:10000  
MapDate: 11/19/2021  
MapPath: N:\2020-01-15\Aerials & Illustrations\MapScale\MapScale.mxd  
Prepared By: Employee SMM  
Checked By: SMM  
Drawn By: SMM  
Date: 11/19/2021  
Scale: 1:10000  
MapDate: 11/19/2021  
MapPath: N:\2020-01-15\Aerials & Illustrations\MapScale\MapScale.mxd

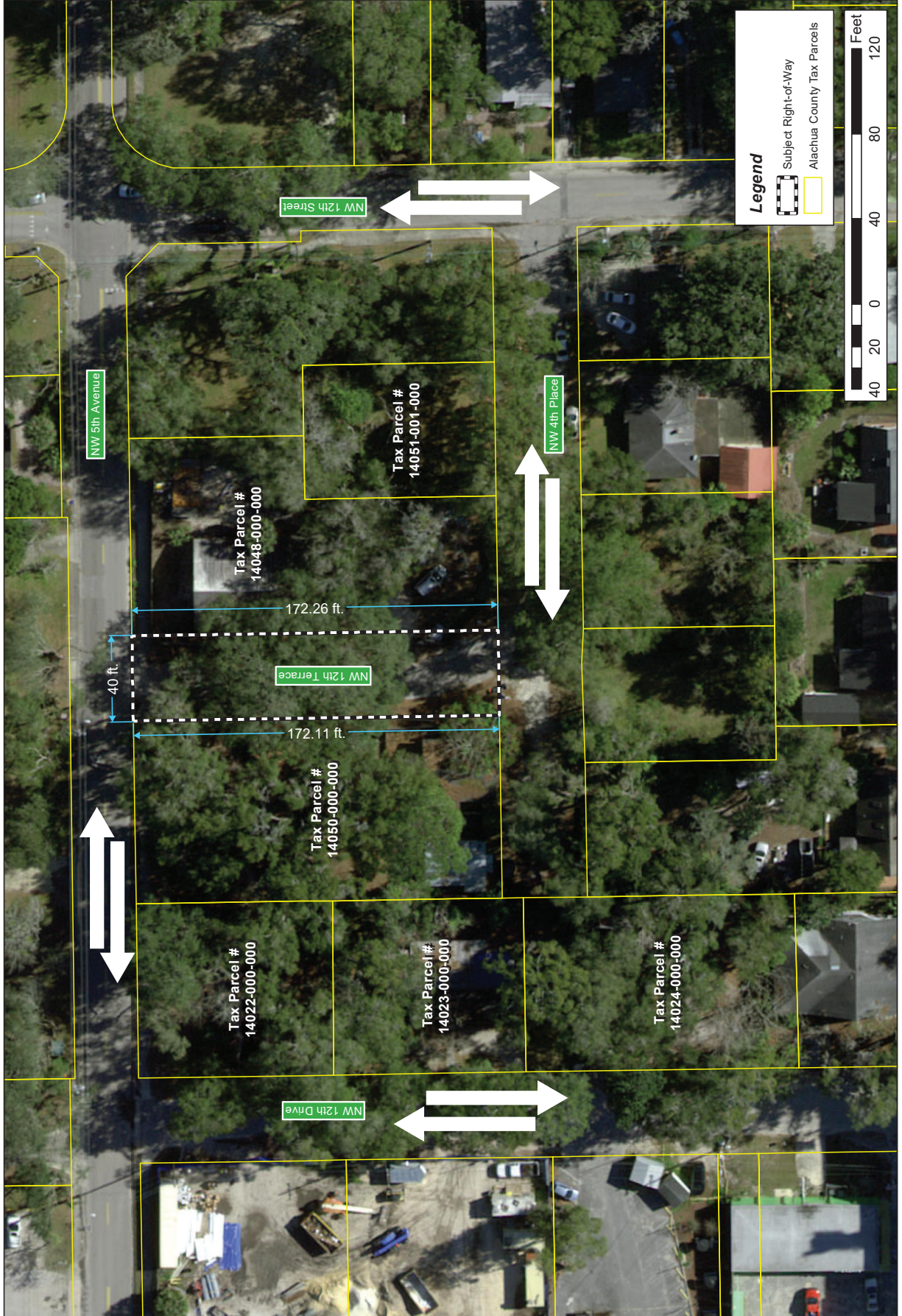




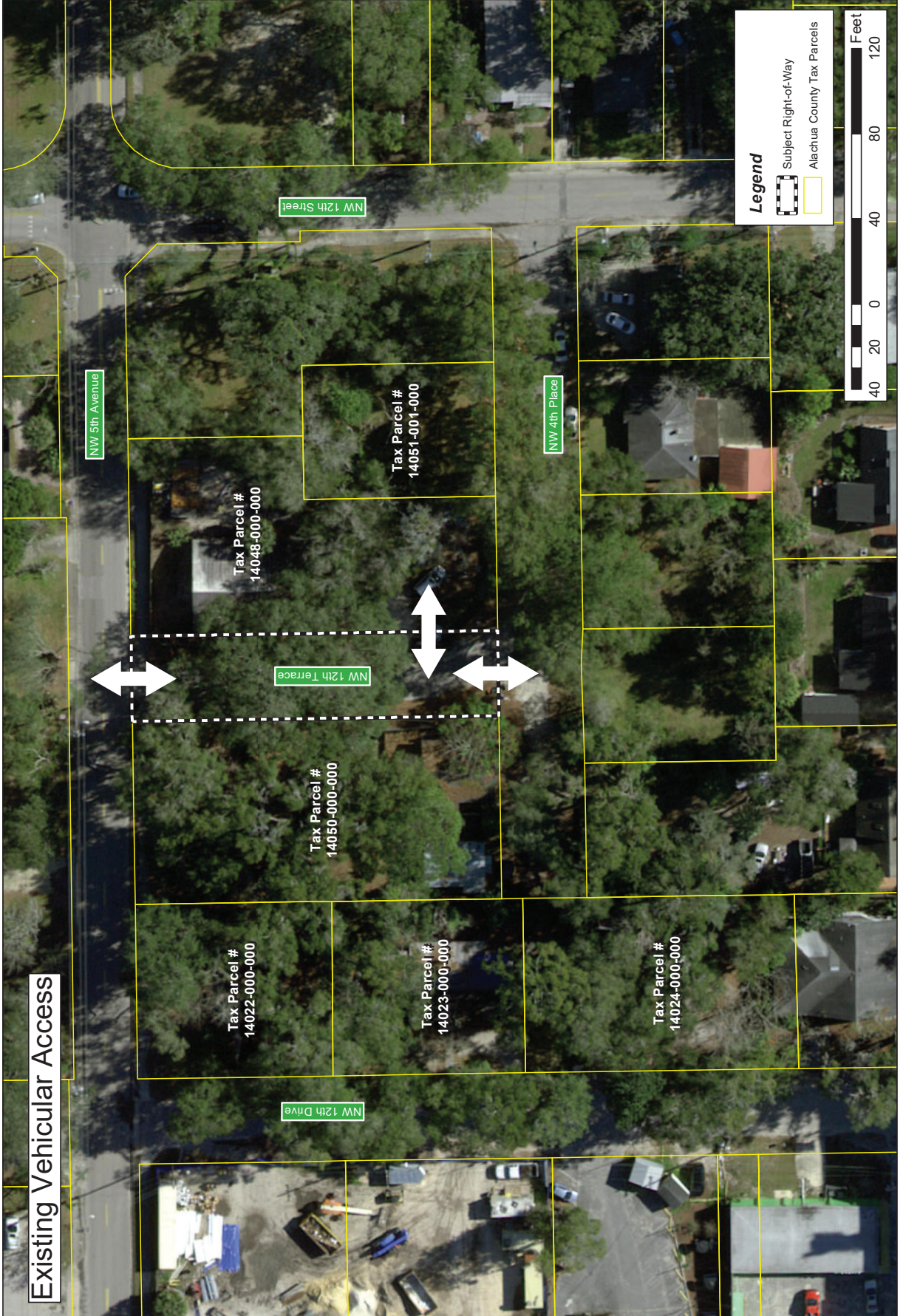
Exhibit B to Ordinance 210837

NW 12th Terrace  
ROW Vacation  
City of Gainesville, FL

ILLUSTRATION ID:  
AERIAL MAP



CHW  
Professional Consultants  
Prepared by: Employee SAIV  
Date: 11/03/21  
MapScale: 1:25000  
MapDate: 11/03/21  
MapProject: 210837  
MapTitle: ROW Vacation  
MapUser: SAIV  
MapVersion: 1.0  
MapStatus: Final  
MapType: Aerial  
MapFormat: PDF  
MapSize: 11x17  
MapUnits: Feet  
MapColor: Color  
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## Affidavit of Completion Ordinance No. 210837 Terms and Conditions

**Before me**, the undersigned Notary duly authorized to take acknowledgments and administer oaths, personally appeared the undersigned (“Affiant”), who makes this Affidavit upon oath and affirmation of belief and personal knowledge that the following matters, facts, and things set forth herein are true and correct to the best of his/her knowledge:

1. The City of Gainesville, Florida, adopted Ordinance No. 210837 to vacate certain public right-of-way, as more particularly described therein, conditional on Stetz Properties, LLC, RJ Karow, and Frank J. Jr. and Cynthia Stetz, represented by CHW Professional Consultants, Inc., ("Developer") completing, at no cost to the City, all of the terms and conditions specified in Section 2 of Ordinance No. 210837. The Developer has completed, at no cost to the City, all of the terms and conditions specified in Section 2 of Ordinance No. 210837 and same have been approved and accepted by the City.

**Under penalties of perjury**, I declare that I have read the foregoing Affidavit and that the matters, facts, and things set forth herein are true and correct to the best of my knowledge.

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name

STATE OF FLORIDA  
COUNTY OF ALACHUA

The forgoing instrument was sworn to (or affirmed) and subscribed before me by means of \_\_\_\_\_ physical presence or \_\_\_\_\_ online notarization, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, City Manager for the City of Gainesville, Florida.

[Notary Seal]

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

My Commission Expires: \_\_\_\_\_