



# MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 040754

Phone: 334-5011/Fax 334-2229  
Box 46

TO: Mayor and City Commission

DATE: March 14, 2005

FROM: City Attorney

FIRST READING

SUBJECT: Ordinance No. 0-05-28, Petition 187SVA-04PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northeast 11th Terrace lying east of 1116 Northeast 12th Avenue and North of the North right-of-way line of Northeast 12th Avenue, as more specifically described in this Ordinance; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

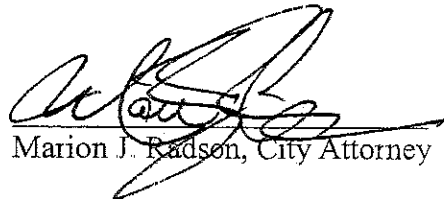
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Recommendation: The City Commission adopt the proposed ordinance.

## CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of February 14, 2005, authorized the City Attorney to draft the proposed ordinance for street vacation

Prepared and  
submitted by:



Marion J. Radson, City Attorney

ORDINANCE NO. \_\_\_\_\_  
0-05-28

1  
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3  
4       **An ordinance of the City of Gainesville, Florida, to vacate, abandon**  
5       **and close that portion of Northeast 11th Terrace lying east of 1116**  
6       **Northeast 12th Avenue and North of the North right-of-way line of**  
7       **Northeast 12th Avenue, as more specifically described in this**  
8       **Ordinance; reserving utilities easements; providing a severability**  
9       **clause; providing a repealing clause; and providing an immediate**  
10       **effective date.**

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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 Northeast  
15       11th Terrace lying east of 1116 Northeast 12th Avenue and North of the North right-of-way line of  
16       Northeast 12th Avenue, as more specifically described herein; and

17       **WHEREAS**, notice was given and publication made as required by law and a public  
18       hearing was held by the City Plan Board on January 20, 2005; and

19       **WHEREAS**, at least ten (10) days notice has been given of the public hearing once by  
20       publication in a newspaper of general circulation notifying the public of this proposed ordinance  
21       and of the public hearings in the City Commission meeting room, First Floor, City Hall, in the  
22       City of Gainesville; and

23       **WHEREAS**, notice has also been given by mail to all owners of property abutting the  
24       portion to be vacated prior to the adoption of this ordinance; and

25       **WHEREAS**, prior to the public hearings the application was presented to and approved  
26       by the appropriate Departments of the City; and

27       **WHEREAS**, the City Commission finds that it is in the public interest to vacate;

1 abandon and close the area, subject to a public and private utilities easements

2 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
3 **CITY OF GAINESVILLE, FLORIDA:**

4 **Section 1.** The following described right-of-way in the City of Gainesville no longer  
5 serves a public purpose and is hereby vacated, abandoned and closed for use by the public  
6 generally:

7 See Legal Description attached hereto as Exhibit "A", and made a part  
8 hereof as if set forth in full.

9 **Section 2.** The City reserves unto itself, its successors and assigns a public and private  
10 utilities easement over, under, across and through the right-of-way described in Exhibit "A",  
11 attached hereto and made a part hereof, for the purpose of maintaining and operating public and  
12 private utilities.

13 **Section 3.** The Clerk of the Commission or designee is authorized to record a true copy  
14 of this Ordinance in the Public Records of Alachua County, Florida.

15 **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
16 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
17 affect the validity of the remaining portions of this ordinance.

18 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
19 such conflict hereby repealed.

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

21 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

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\_\_\_\_\_  
Pegeen Hanrahan, Mayor

DRAFT

2/22/2005

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ATTEST:

Approved as to form and legality:

\_\_\_\_\_  
KURT LANNON,  
CLERK OF THE COMMISSION

By: \_\_\_\_\_  
MARION J. RADSON, CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2005

MJR/afm

H:\Marion Radson\Planning\187SVA 04 pet doc

Northeast 11<sup>th</sup> Terrace  
Right of Way Vacate

That portion of Northeast 11<sup>th</sup> Terrace lying east of and adjacent to Lot 2, Block 6, Range 16 and North of the North right of way line of Northeast 12<sup>th</sup> Avenue all being and lying in the Elliot L'Engle Addition to Gainesville, Florida as per Plat recorded in Deed Book "J", page 230, of the Public Records of Alachua County, Florida

**EXHIBIT "A"**

040753

040754

0001  
LEGAL NOTICES

**ADVERTISEMENT  
NOTICE OF PROPOSED  
ENACTMENT OF ORDINANCE BY CITY COMMISSION, GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 14th day of March, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 28th day of March, 2005, at the City Commission meeting. The meetings begin at 6:00 p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE  
ORDINANCE NO. 0-05-27**

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southeast Veitch Street lying north of Southeast 19th Avenue and approximately 230 feet west of Southeast 4th Street, as more specifically described in this Ordinance; providing a condition; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**ORDINANCE TITLE  
ORDINANCE NO. 0-05-28**

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northeast 11th Terrace lying east of 1116 Northeast 12th Avenue, and North of the North right-of-way line of Northeast 12th Avenue, as more specifically described in this Ordinance; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

March 4, 2005  
Publish Date

Clerk of the Commission

27284, 3/4/05