



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 991039

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

TO: Mayor and City Commissioners

DATE: April 24, 2000

FROM: Marion J. Radson, City Attorney

CITY ATTORNEY
SECOND READING

SUBJECT: Ordinance No. 0-00-46, Petition No. 11SVA-00PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close an area comprising of approximately 3 feet by 52.15 feet on Northwest Fourth Avenue, located in the vicinity of 322 Northwest Eighth Street; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

STAFF REPORT


This is a petition requesting the City to vacate a 3-foot by 52.15-foot portion of Northwest Fourth Avenue. At the present time, a portion of the house situated at 322 Northwest Eighth Street is built in the City's right-of-way. The proposed street vacation would allow the addition of 157 square feet to the existing lot and would thereby allow the entire house to be within the new property line. The house was constructed in the 1930s.

The petition is asking for 3 feet of right-of-way to be closed for the length of the property. The public has not had use of this right-of-way because the house is located in this portion of the right-of-way. The street is currently open to travel and will continue to be open to travel if the petition is approved. This property lies within the Northwest 5th Avenue/Pleasant Street Redevelopment District. The Redevelopment Advisory Board has found this petition consistent with the redevelopment plan.

The Plan Board reviewed the petition and recommends approval.

Public notice was published in the Gainesville Sun on February 1, 2000. Letters were mailed to property owners on February 2, 2000. The Plan Board held a public hearing February 17, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 11SVA-00PB. Plan Board vote 6-0.

Ordinance prepared and submitted by: _____


Marion J. Radson, City Attorney

MJR/afm

Passed on first reading on 4/10/00 by a vote of 5-0.

1 presented to and approved by the appropriate Departments of the
2 City; and

3 **WHEREAS**, the City Plan Board has recommended in favor of
4 the vacation, abandonment and closing of the portion of the
5 street subject to the recommendations of the Departments of the
6 City.

7 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
8 **THE CITY OF GAINESVILLE, FLORIDA:**

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

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

15 **Section 2.** The Clerk of the Commission or designee is
16 authorized to record a true copy of this Ordinance in the Public
17 Records of Alachua County, Florida.

18 **Section 3.** If any section, sentence, clause or phrase of this
19 ordinance is held to be invalid or unconstitutional by any court
20 of competent jurisdiction, then said holding shall in no way
21 affect the validity of the remaining portions of this ordinance.

22 **Section 4.** All ordinances, or parts of ordinances, in
23 conflict herewith are to the extent of such conflict hereby
24 repealed.

25 **Section 5.** This ordinance shall become effective immediately

1 upon final adoption.

2 **PASSED AND ADOPTED** this _____ day of

3 _____, 2000.

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Paula M. DeLaney, Mayor

7

8 ATTEST:

Approved as to form and legality:

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12

KURT LANNON,
CLERK OF THE COMMISSION

By:

MARION J. RADSON, CITY ATTORNEY

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This ordinance passed on first reading this _____ day
18 of _____, 2000.

19

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This ordinance passed on second reading this _____
21 day of _____, 2000.

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MJR/afm

LEGAL DESCRIPTION AND SKETCH

SECTION 5, TOWNSHIP 10 SOUTH, RANGE 20 EAST,
ALACHUA COUNTY, FLORIDA

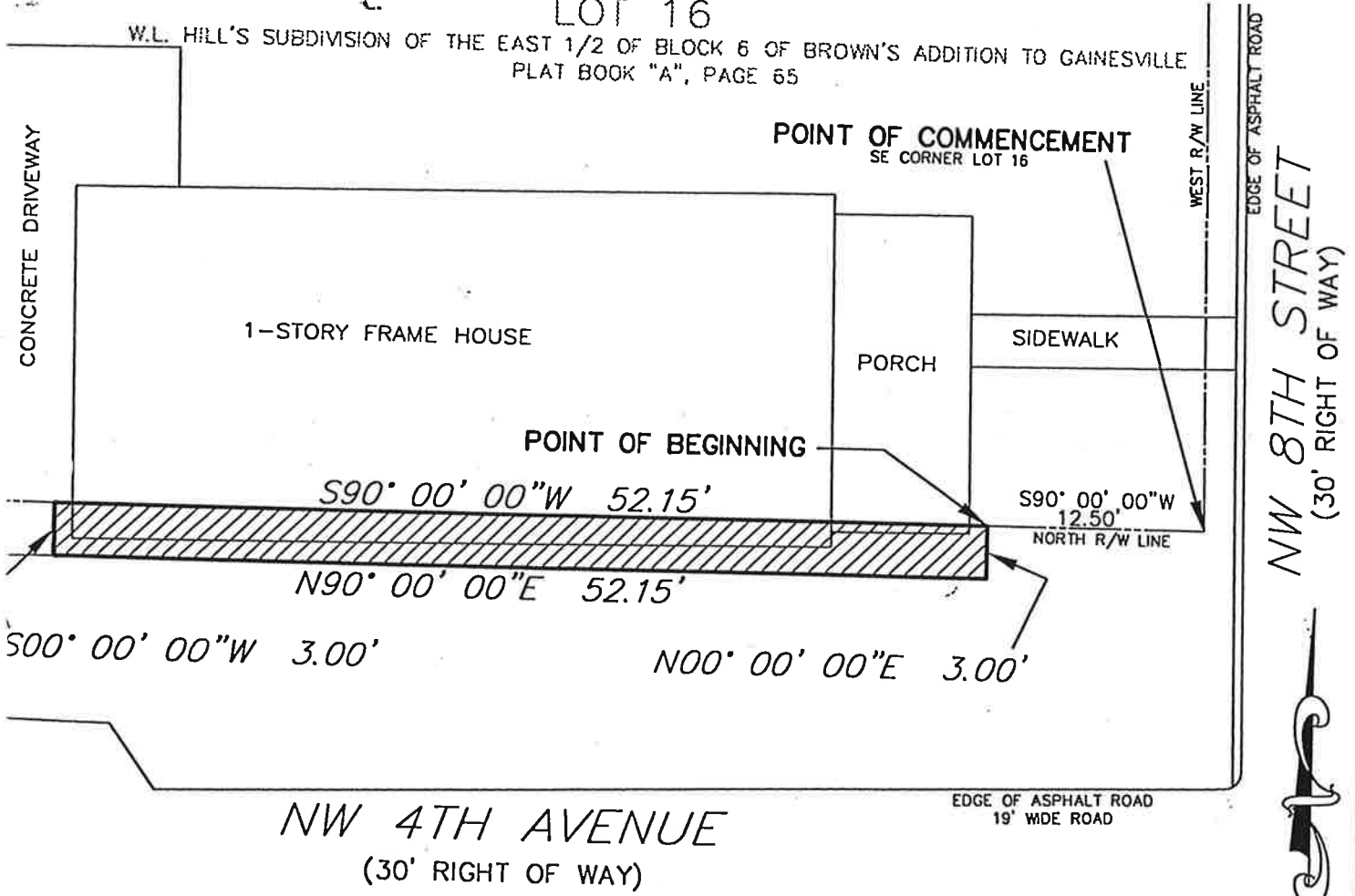
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 5, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF NORTHWEST FOURTH AVENUE AND THE WEST RIGHT-OF-WAY LINE OF NORTHWEST EIGHTH STREET, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 16 OF W.L. HILL'S SUBDIVISION OF THE EAST 1/2 OF BLOCK 6 OF BROWN'S ADDITION TO GAINESVILLE, ACCORDING TO PLAT RECORDED IN PLAT BOOK "A", PAGE 65 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE S90° 00' 00" W ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 12.50 FEET TO AN INTERSECTION WITH THE VERTICAL PROJECTION OF THE ROOF OVERHANG ON THE EAST SIDE OF A ONE STORY FRAME HOUSE AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE S90° 00' 00" W ALONG SAID RIGHT-OF-WAY LINE FOR 52.15 FEET TO AN INTERSECTION WITH THE VERTICAL PROJECTION OF THE ROOF OVERHANG ON THE WEST SIDE OF SAID HOUSE; THENCE S00° 00' 00" W ALONG SAID VERTICAL PROJECTION OF SAID OVERHANG OF SAID HOUSE FOR 3.00 FEET; THENCE N90° 00' 00" E FOR 52.15 FEET; THENCE N00° 00' 00" E FOR 3.00 FEET TO THE POINT OF BEGINNING OF SAID PARCEL OF LAND SITUATE, LYING, AND BEING IN ALACHUA COUNTY, FLORIDA, AND ENCOMPASSING THE ENTIRE PORTION OF SAID HOUSE EXTENDING INTO THE RIGHT-OF-WAY OF NORTHWEST FOURTH AVENUE, CONTAINING 156.45 SQUARE FEET MORE OR LESS.

LOT 16

W.L. HILL'S SUBDIVISION OF THE EAST 1/2 OF BLOCK 6 OF BROWN'S ADDITION TO GAINESVILLE
PLAT BOOK "A", PAGE 65



NOTES

Bearings shown hereon are referenced to north right of way line of Northwest Fourth Avenue as bearing S90° 00' 00" W.

The attached sketch is NOT A SURVEY.

Reproductions of this sketch are not valid unless sealed with an embossed surveyor's seal.

R/W Indicates right-of-way.

Gerald A. Muldowney
GERALD A. MULDOWNEY
PROFESSIONAL SURVEYOR & MAPPER, FLORIDA REGISTRATION NUMBER 4005
PROFESSIONAL SURVEYING & MAPPING CERTIFICATE OF AUTHORIZATION NO. LB 6792



DYNAN GROUP
INC.
CIVIL ENGINEERS AND LAND SURVEYORS
200 NE First Street

DESIGNED	DWS	SCALE	1" = 10'
DRAWN	JFM	DATE	OCTOBER 19, 1999
CHECKED	GAM	PROJECT #	103-009-03

EXHIBIT "A"

RIGHT OF WAY VACATION SHEET 1 OF 1

