

MEMORANDUM
Office of the City Attorney

LEGISLATIVE ITEM NO. 030753

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

TO: Mayor and City Commission

DATE: April 11, 2005

FROM: City Attorney

FIRST READING


SUBJECT: Ordinance No. 0-05-25, Petition 152-SVA-03PB
An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3333 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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. _____
0-05-25

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4 **An ordinance of the City of Gainesville, Florida, to vacate, abandon**
5 **and close that portion of right-of-way located East of North Main**
6 **Street and adjacent to 3333 North Main Street; reserving utilities**
7 **easements; providing a severability clause; providing a repealing**
8 **clause; and providing an immediate effective date.**
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11 **WHEREAS**, pursuant to Section 30-192 of the Code of Ordinances of the City of
12 Gainesville, an application was initiated to vacate, abandon and close that portion of right-of-way
13 located East of North Main Street and adjacent to 3333 North Main Street, as more specifically
14 described herein; and

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

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

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

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

25 **WHEREAS**, the City Commission finds that it is in the public interest to vacate;
26 abandon and close the area, subject to utilities easements.

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

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

6 The West 35 feet of the following described property:
7 Commence at the Northeast corner of Section 28-T9S-R20E and run S 89
8 degrees 09'36"W along the North line of said Section 3411 06 feet, thence
9 S 01 degrees 03'22"E 1943.00 feet to the Point of Beginning; thence
10 continue S 01 degrees 03'22" E 357.81 feet, thence S 89 degrees 22'21" W
11 850.02 feet to the East R/W of State Road No. 329, thence N 01 degrees
12 03'22"W 354.74 feet, thence N 89 degrees 09'36"E 850.00 feet to the POB.
13 (Being further described as the Southerly portion of Lot #1, North Main
14 Street Commercial Park, PB H-96, Public Records). All lying and being
15 the northwest quarter of Section 28-T9S-R20E, Alachua County, Florida

16 **Section 2.** The City reserves unto itself, its successors and assigns public and private
17 utilities easements over, under, across and through the right-of-way described in Section 1.
18 above, for the purpose of maintaining and operating public and private utilities.

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

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

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

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

3/21/2005

1 PASSED AND ADOPTED this ____ day of _____, 2005

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Pegeen Hanrahan, Mayor

ATTEST: Approved as to form and legality:

KURT LANNON, MARION J RADSON, CITY ATTORNEY
CLERK OF THE COMMISSION

This ordinance passed on first reading this ____ day of _____, 2005

This ordinance passed on second reading this ____ day of _____, 2005.

MJR/afm

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

Notice is hereby given that the proposed ordinances, whose titles appear below will be considered for First Reading on the 11th day of April, 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 25th day of April, 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 0-05-38**

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3345 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date

ORDINANCE NO 0-05-25

An ordinance of the City of Gainesville, Florida to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3333 North Main Street; 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."

April 1, 2005
Publish Date

Clerk of the Commission

27372 4/1/05