



MEMORANDUM
Office of the City Attorney

LEGISLATIVE ITEM NO. 030754

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. 0-05-26, Petition 153-ASVA-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 3435 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. Kassen, City Attorney

ORDINANCE NO. _____
0-05-26

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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 3435 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 3435 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.

DRAFT

3/21/2005

1 ATTEST:

Approved as to form and legality:

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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\153SVA 03 pet doc

CE Causseaux & Ellington, Inc.
Engineering • Surveying • Planning

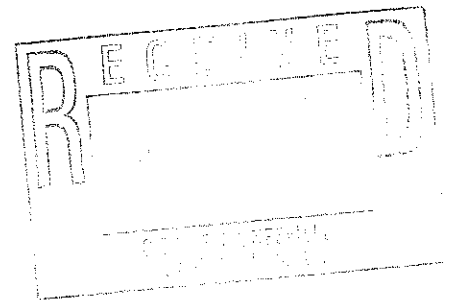
PREPARED FOR: GATORLAND ACURA
LEGAL DESCRIPTION FOR: 35' STRIP OF LAND
DRAWING FILE NUMBER: 05-0190 – PARCEL 'A' DWG
Date: FEBRUARY 28, 2005

LEGAL DESCRIPTION: (BY SURVEYOR)

A 35.00 FOOT WIDE STRIP OF LAND BEING A PORTION OF LOT 1 OF NORTH MAIN STREET COMMERCIAL PARK, AS RECORDED IN PLAT BOOK "H", PAGE 96 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 1 FOR A POINT OF BEGINNING, SAID POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF NORTH MAIN STREET (A 100 FOOT RIGHT OF WAY); THENCE RUN NORTH 89°09'36" EAST, ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 35.00 FEET TO THE EASTERLY LINE OF A CITY OF GAINESVILLE RIGHT OF WAY (A 35 FOOT RIGHT OF WAY) AS CALLED FOR IN OFFICIAL RECORDS BOOK 2320, PAGE 1994 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 2320, PAGE 1994; THENCE RUN SOUTH 01°03'22" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, AND ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 225.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF N.E. 34th PLACE (A 50' RIGHT OF WAY); THENCE RUN SOUTH 89°09'36" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 35.00 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF NORTH MAIN STREET AND THE WESTERLY LINE SAID LOT 1; THENCE RUN NORTH 01°03'22" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG SAID WESTERLY LINE OF LOT 1, A DISTANCE OF 225.00 FEET TO THE POINT OF BEGINNING

CONTAINING 7,875 SQUARE FEET, MORE OR LESS

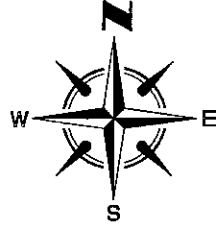


All as shown on the Map
attached herewith and made
a part hereof

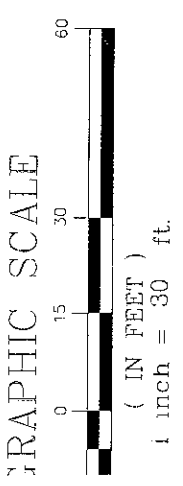
EXHIBIT "A"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LYING IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST.
CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA
SKETCH - NOT A BOUNDARY SURVEY



POINT OF BEGINNING
NW CORNER LOT 1
NORTH MAIN STREET COMMERCIAL PARK
PLAT BOOK "H" PAGE 96



100' R/W
100' R/W
COUNTY ROAD No. 329
WESTERLY LINE OF LOT 1
EASTERLY R/W LINE OF NORTH MAIN STREET

N01°03'22"W 225.00'
SUBJECT PARCEL
PARCEL 'A'
CONTAINING ±7,875 SQUARE FEET
35' WIDE CITY OF GAINESVILLE R/W (PER O.R. 2320, PAGE 1994)
S01°03'22"E 225.00'

N89°09'36"E 35 00'
35 00'
NORTHERLY LINE OF LOT 1
EASTERLY LINE OF CITY OF GAINESVILLE R/W
OF THE LANDS DESCRIBED IN O.R. 2320, PAGE 1994

TAX PARCEL No. 08231-055-003
O.R. 2320, PAGE 1994

**CORRECTIVE
NOTICE OF PROPOSED
ENACTMENT OF
ORDINANCE NO. 0-05-26,
BY CITY COMMISSION,
GAINESVILLE,
FLORIDA**

CORRECTIVE Notice is hereby given that the proposed ordinance, whose title appears 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 ordinance 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. 0-05-26**

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 3435 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date

Note: Be advised that any person who decides to appeal any decision made by the City Commission, its Boards, Committees, Agencies, Authorities etc. with respect to any matter considered at such meeting (or hearing), you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based." (References Section 286.0105 Florida Statutes)

Friday, March 25 2005
Publish Date

Clerk of the Commission

27371 3/25/05