

CITY  
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GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 1

TO: City Plan Board DATE: June 16, 2005

FROM: Planning Division Staff

SUBJECT: Petition 168SVA-04 PB, City of Gainesville. Pursuant to Section 30-192(b) of the Gainesville Land Development Code, vacate, abandon and close all the right of way of Southeast 12th Street between Southeast 2nd Avenue and Southeast 3rd Avenue.

Recommendation

Planning Division staff recommends approval of Petition 168SVA-04 PB, with the condition that an easement be retained over the vacated area.

Explanation

The purpose of this request is to vacate a portion of right-of-way east of S.E. 11<sup>th</sup> Street (also known as Williston Road and/or Waldo Road) on the south side of the intersection of S.E. 2<sup>nd</sup> Avenue and S.E. 12<sup>th</sup> Street. The right-of-way to be vacated is undeveloped, but would have served as the continuation of S.E. 12<sup>th</sup> Street to the south. Upon vacation of the right-of-way, the City would retain use of the area indicated as Area A on the enclosed map to allow for stormwater mediation, following street resurfacing planned for the area. Area B would be vacated for all City use, but a utility easement would be retained over the entire site. The right-of-way is a "paper street," that consists of several trees and other vegetation. It provides no public access and would best be used for stormwater mediation.

The City Plan Board shall consider the following criteria in determining whether the public interest would be best served by the proposed action:

- 1. **Whether the public benefits from the use of the subject right-of-way as part of the City street system.**

The public gains minimal benefit from the subject right-of-way because it is a paper street.

**2. Whether the proposed action is consistent with the City's comprehensive plan.**

Staff has recommended approval of this petition as long as an easement is retained over the vacated area. This proposal is consistent with the City's Concurrency Management Policy 1.2.1, concerning vacating streets only under certain conditions. The closure of the subject right-of-way will not foreclose reasonably foreseeable future bicycle/pedestrian use, will not foreclose non-motorized access to adjacent land uses or transit stops, and there is no reasonably foreseeable need for any type of transportation corridor for the area in the future.

**3. Whether the proposed action would violate individual property rights.**

Staff finds that the proposed action does not violate any individual property rights. No properties shall be made landlocked or inaccessible.

**4. The availability of alternative action to alleviate the identified problems.**

The subject right-of-way is currently not being used as a public thoroughfare. No alternative action is needed.

**5. The effect of the proposed action on traffic circulation.**

There will be no impact on traffic circulation since the subject right-of-way cannot be used as a public thoroughfare.

**6. The effect of the proposed action on crime.**

There should be no negative impact associated with this petition.

**7. The effect of the proposed action upon the safety of pedestrians and vehicular traffic.**

The safety of pedestrians and vehicular traffic will not be impacted by this proposal.

**8. The effect of the proposed action on the provision of municipal services including, but not limited to emergency services and waste removal services.**

The proposed action will not adversely impact municipal services in the area. Trip circulation in the area will not be altered since the proposed vacated right-of-way is not being used as a public thoroughfare. A condition of approval of this proposal is that an easement be retained over the vacated area.

**9. The necessity to relocate utilities, both public and private.**

GRU will be maintaining an easement over the vacated area. There should be no problem relocating any utilities, if needed.

**10. The effect the proposed action will have on property values in the immediate and surrounding areas.**

The proposed street vacation should not have any negative impact on the property values in the surrounding neighborhood.

**11. The effect of the vacation on geographic areas that may be impacted.**

The proposed street vacation should have little impact on the geographic area in which it is located.

**12. The effect the vacation on the design and character of the neighborhood.**

The proposed street vacation should not have any negative impact on the design and character of the neighborhood. The right-of-way is not being used as a public thoroughfare.

**The recommended approval of Petition 168SVA-04PB, with conditions, is based on the recommendations/conditions from the following departments:**

- 1. BellSouth:** Bell South wishes to retain an easement on this property.
- 2. GRU:** See GRU Real Estate Department comments below.

3. **GRU Real Estate:** Existing water, sewer and electric in Area A. Please retain public utility easement for operation and maintenance of GRU utilities.
4. **Police:** No comments; recommend approval.
5. **Public Works:** Petition was initiated by Public Works. Approved as submitted.
6. **Fire:** Approvable as submitted.
7. **Planning Division:** Approvable as submitted.
8. **Building:** The Building Department has no problem with the proposed street vacation.
9. **City Arborist:** Approved as submitted if there are no impacts on existing regulated trees.

**Condition:**

Retain public utility easement for operation and maintenance of GRU and BellSouth utilities.

Respectfully submitted,

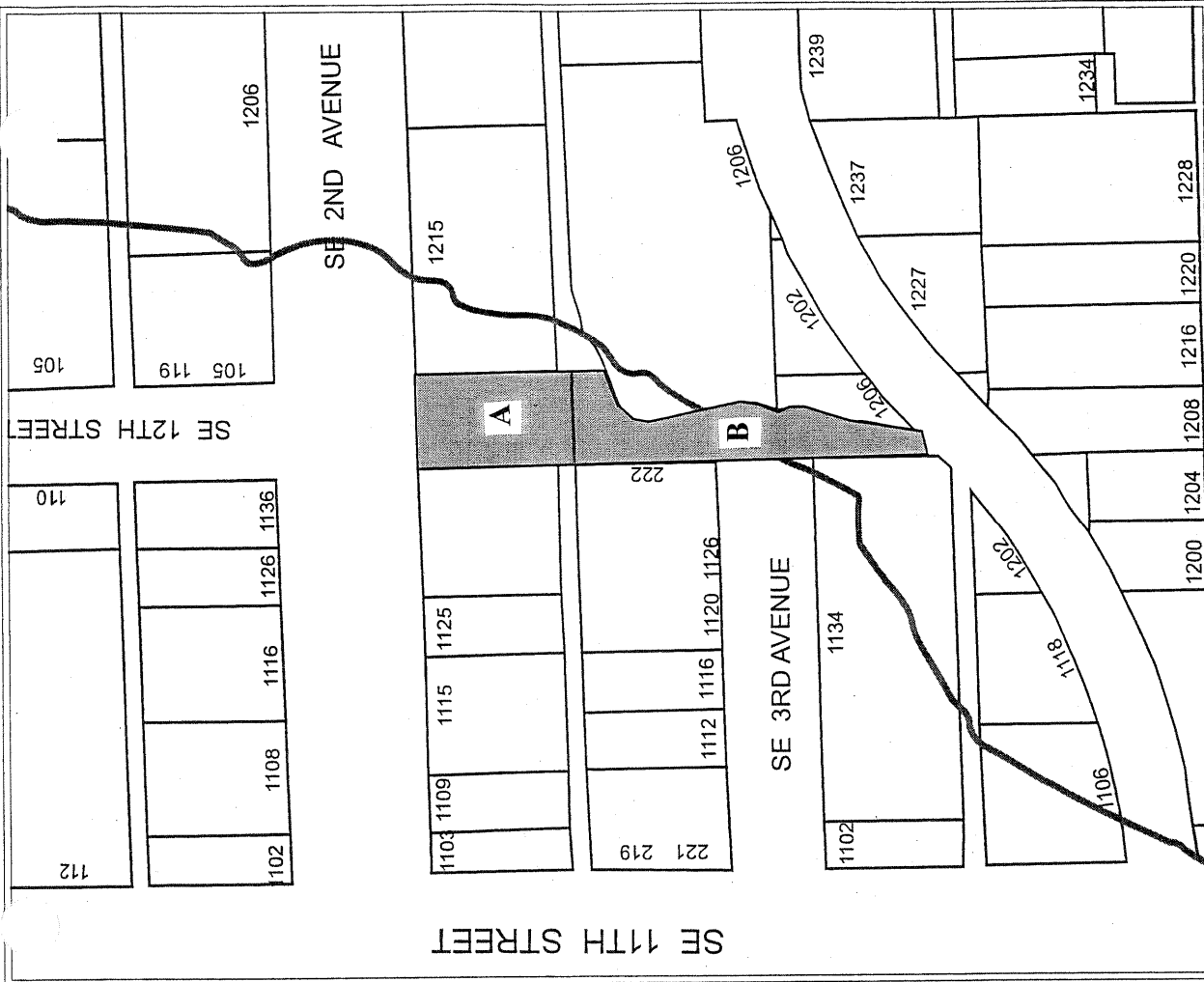
*Ralph Hilliard*

Ralph Hilliard  
Planning Manager

RH: JS

# Street Closing

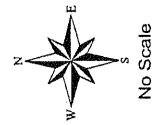
City Limits



Area under petition consideration

## STREET CLOSING

Name	Petition Request	Map(s)	Petition Number
City of Gainesville Public Works Dept.	Street Vacation	4053	168SVA-04PB



No Scale

1. **Petition 168SVA-04 PB** City of Gainesville Public Works Department. Pursuant to Sec. 30-192(b) of the Land Development Code, to vacate, abandon and close a portion of Southeast 12<sup>th</sup> Street between Southeast 2<sup>nd</sup> and 4<sup>th</sup> Avenues.

Mr. Jason Simmons was recognized. Mr. Simmons presented a map of the proposed right-of-way to be vacated and described it and the surrounding area in detail. He noted that the street was an undeveloped vacant area with a creek. He explained that the Plan Board had to use 12 criteria to determine if the public welfare was best served by the vacation. He briefly reviewed the 12 criteria. He noted that there was a condition that an easement be retained over the entire portion for existing utilities. Mr. Simmons noted that there was some confusion in the advertisement, but that would be corrected in future ads. He stated that staff recommended approval of the petition with the condition that an overall easement across the property be retained.

There was no public or board comment on the petition.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Rwebyogo
<u>Moved to:</u> Approve Petition 168SVA-04 PB with staff condition for an easement across the property.	<u>Upon Vote:</u> Motion Carried 6 – 0 Ayes: Cohen, Gold, Rwebyogo, Reiskind, Tecler, Cole