

ORDINANCE NO. 050075
0-05-80

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way located in the vicinity of Southeast 12th Street between Southeast 2nd Avenue and Southeast 4th Avenue, as more specifically described in this ordinance ; reserving a public utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, pursuant to Section 30-192 of the Code of Ordinances of the City of Gainesville, an application was initiated to vacate, abandon and close a certain portion of the right-of-way located at Southeast 12th Street between Southeast 2nd Avenue and Southeast 4th Avenue, as more specifically described herein; and

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

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

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

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

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

1 abandon and close the right-of-way subject to a public utilities easement with conditions as set
2 forth herein.

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

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

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

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

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

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


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

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

PASSED AND ADOPTED this 26th day of 2005.

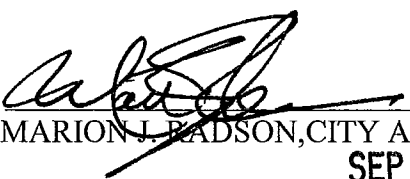

for Pegcen Hanrahan, Mayor

ATTEST:

Approved as to form and legality:



KURT LANNON,
CLERK OF THE COMMISSION

By: 

MARION J. RADSON, CITY ATTORNEY
SEP 27 2005

This ordinance passed on first reading this 12th day of September, 2005.

This ordinance passed on second reading this 26th day of September, 2005.

MJR/afm

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EXHIBIT A

Subj. Vacation Descriptions for S.E. 12th Street between 2nd & 3rd Avenues:

PARCEL "A" (NORTHERLY PORTION):

ALL OF THAT PORTION OF SOUTHEAST 12TH STREET, (KNOWN AS "D" STREET, AN 80-FOOT RIGHT-OF-WAY ACCORDING TO THE PLAT OF NEW GAINESVILLE AS RECORDED IN PLAT BOOK "A" PAGE 65 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA), LYING SOUTH OF SOUTHEAST 2ND AVENUE, (KNOWN AS SOUTH SECOND STREET, AN 80-FOOT RIGHT-OF-WAY ACCORDING TO SAID PLAT) AND NORTH OF THE SOUTH RIGHT OF WAY LINE OF A 15-FOOT WIDE ALLEY LYING APPROXIMATELY 120 FEET SOUTH OF SAID SOUTHEAST 2ND AVENUE (AND SEPARATING THE NORTH AND SOUTH HALVES OF BLOCKS 41 & 42 OF SAID PLAT).

PARCEL "B" (SOUTHERLY PORTION):

ALL OF THAT PORTION OF SOUTHEAST 12TH STREET, (KNOWN AS "D" STREET, AN 80-FOOT RIGHT-OF-WAY ACCORDING TO THE PLAT OF NEW GAINESVILLE AS RECORDED IN PLAT BOOK "A" PAGE 65 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA), LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF A 15-FOOT WIDE ALLEY (SAID ALLEY SEPARATING THE NORTH AND SOUTH HALVES OF BLOCKS 41 & 42 OF SAID PLAT) LYING APPROXIMATELY 120 FEET SOUTH OF SOUTHEAST 2ND AVENUE (KNOWN AS SOUTH SECOND STREET, AN 80-FOOT RIGHT-OF-WAY ACCORDING TO SAID PLAT) AND NORTH AND WEST OF A CREEK, LOCALLY KNOWN AS THE ROSEWATER LATERAL BRANCH (SHOWN AS A MEANDERING STEAM RUNNING SOUTH-SOUTHWEST FROM THE APPROXIMATE MIDDLE OF THE WEST EDGE OF BLOCK 41 TO THE APPROXIMATE MIDDLE OF THE EAST EDGE OF BLOCK 46 OF SAID PLAT).