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4/20/2007

ORDINANCE NO. _____
0-06-134

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An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way of Southeast 23rd Street running north from the northern right-of-way line of Southeast 23rd Street extension to Southeast 8th Avenue, as more specifically described in this Ordinance; reserving a public and private 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 of Southeast 23rd Street located between the new north right-of-way line of Southeast 23rd Street and the east right-of-way line of Southeast 8th 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 October 19, 2006; 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

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1 by the appropriate Departments of the City; and

2 **WHEREAS**, the City Commission finds that it is in the public interest to vacate; abandon
3 and close the street subject to a public utilities easement with conditions as set forth herein.

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

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

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

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

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

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

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21 such conflict hereby repealed.

Legal Description

That portion of Southeast 23rd Street (Woodland Park Avenue) per plat recorded in Plat Book "D", page 51 of the Public Records of Alachua County, Florida, running North from the Northern right of way line of the Southeast 23rd Street extension to Southeast 8th Avenue to the east right of way line of Southeast 8th Avenue.