



City of Gainesville
Department of Doing
Planning Division

PO Box 490, Station 11
Gainesville, FL 32627-0490
306 NE 6th Avenue
P: (352) 334-5022
F: (352) 334-2648

CITY PLAN BOARD STAFF REPORT

PUBLIC HEARING DATE: May 24, 2018
ITEM NO: 3
PROJECT NAME: Kwak Right-of-Way vacation
PROJECT NUMBER: PB-18-44 SVA
APPLICATION TYPE: Right-of-Way vacation - Quasi-Judicial:
RECOMMENDATION: Staff recommends approval of the application
CITY PROJECT CONTACT: Florence Buaku, Planner



Figure 1: Location Map

APPLICATION INFORMATION:

Agent: EDA Engineers, Surveyors, and Planners, Inc.

Property Owner(s): Kwak Bum Joon and Ok-Chin Kim

SITE INFORMATION:

Address: Alley between 204 NE Waldo and 114 NE Waldo

Parcel Number(s): Alley between 11992-000-000, 11996-000-000

Existing Use(s): Vacant commercial

Zoning Designation(s): Urban 7

PURPOSE AND DESCRIPTION:

EDA Engineering, Surveyors, and Planners Inc, agent for Kwak Bum Joon and Ok-Chin Kim, owners. Request to vacate a portion of a 10-foot wide alley lying between 204 NE and 114 NE Waldo Road.

STAFF REVIEW AND RECOMMENDATION:

DESCRIPTION

EDA is requesting the city vacate a portion of a 10-foot wide alley that lies between 204 NE and 114 NE Waldo Road. The right-of-way to be vacated is approximately 1249 square feet and connects directly to Waldo Road. The alley is unimproved and is presently not utilized as a public right-of-way. Commercial and residential properties along the alley have merged over the alley, making it inaccessible to the public. There are no utility lines or city services running through the right-of-way to be vacated.

REVIEW

Vacation of this right-of-way will facilitate the redevelopment of the adjoining properties on either side of the alley. The applicants intend to combine and the parcels, and redevelop them into a unified commercial/ retail development. The lots that currently abut the portion of the right-of-way to be vacated have an automobile repair shop to the north and vacant small commercial buildings to the south. The right-of-way is located in the City's Enterprise Zone and Community Redevelopment Area which aim to encourage redevelopment and new businesses; redevelopment will therefore be in line with the city's goals.

Basis for Recommendation

The City Plan Board shall consider the following criteria in determining whether the public interest will 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 does not utilize the existing right-of-way as it is not accessible to the public because adjoining commercial and residential properties have merged over the alley making it visually non-existent.

2. Whether the proposed action is consistent with the City's Comprehensive Plan.

This proposal is consistent with Policy 1.2.1 of the Land use element which states that,

"The City may vacate street right-of-way only if it does not prevent reasonable connection for existing and future public transit, pedestrian, and non- motorized and motorized vehicle trips."

The right-of-way to be vacated is not utilized as a public right-of-way. There are also alternative access points running along the north (NE 3rd Avenue) and south side (NE 1st Avenue) of the block that connect to Waldo road. The proposed vacation of the right-of-way will therefore not impact existing and future public transit, pedestrian, and non- motorized and motorized vehicle trips. Redevelopment of the site would require improvement of existing sidewalks which will enhance pedestrian and bicycle access, as well as access to an existing RTS Bus stop along Waldo Road.

3. Whether the proposed vacation is consistent with the minimum block size requirements and other applicable street connectivity standards

The proposed vacation is within a block with a block perimeter of approximately 1250 feet which is much smaller and consistent with the maximum required block perimeter of 2600 feet in the U-7 zoning district. The right-of-way vacation will have no impact on street connectivity standards since it is not a street and it is currently inaccessible to the public. The proposed alley to be vacated also falls between two street intersection points (NE 1st Avenue and NE 3rd Avenue) which are approximately 300 feet apart and much less than the maximum 1000 feet required between street intersections by the land development code for connectivity.

4. Whether the proposed action would deny access to private property;

The proposed vacation will not violate existing private property rights, and is being done with consent from affected property owners. Specifically, the vacation of the right-of-way will not make any other properties landlocked or inaccessible.

5. The effect of the proposed action upon public safety

This proposal will not negatively affect public safety since the alley is inaccessible and unutilized. Conversely the proposed redevelopment of the site may revitalize existing vacant retail, reduce the appearance of blight, and possibly improve public safety within the area.

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

The safety of pedestrians and vehicular traffic will not be affected since the right-of-way is unutilized and inaccessible.

7. 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 affect municipal services, since the right-of-way is currently not utilized by these services.

8. The necessity to relocate utilities, both public and private.

The right-of-way to be vacated contains no utility lines or easements and thus will not necessitate the relocation of utilities. Any proposed utilities for a development will need to be approved under the development review process.

RECOMMENDATION

Staff recommends approval of Petition PB-18-44 SVA.

LIST OF EXHIBITS:

- Exhibit 1** **Application**
- Exhibit 2** **Aerial, Land Use, and Zoning Maps**
- Exhibit 3** **Site Photos**

PLAN REVIEW APPLICATION

OVERVIEW:

Project Name: Kwak Vacation of ROW	Tax Parcel Number: 11992 and 11996
Property Address: 204 NE Waldo Road and 114 NE Waldo Road	
First Step Meeting Date:	GRU Project Meeting Date:

Proposed Uses/Type of Development (Check all that apply)

<input type="checkbox"/> Residential	Density	<input type="checkbox"/> Non-residential	
<input type="checkbox"/> Multi-family	Units/acre:	<input type="checkbox"/> Commercial	<input type="checkbox"/> Office
Total Units:	Total bedrooms:	<input type="checkbox"/> Industrial	<input type="checkbox"/> Other
Gross floor area:			

PROJECT MANAGEMENT:

Owner(s) of Record (please print)		
Name: Kwak, Bum Joon and Ok-Chin Kim		
Mailing Address: 9218 SW 21st Avenue, Gainesville, FL 32607		
Phone: 352-871-6413	Fax:	E-Mail: Kwak9218@yahoo.com

Applicant/Engineer of Record/Project Coordinator (please print)		
Name: eda engineers-surveyors-planners, inc.		
Mailing Address: 2404 NW 43rd Street, Gainesville, FL 32606		
Phone: 352-373-3541	Fax: 352-373-7249	E-Mail: sreyes@edafl.com
Project Coordinator Name: Stephanie Sutton ssutton@edafl.com - and - permitting@edafl.com		

FEES: Right-of-Way Vacation

Level of Review (check one)		Special Use Permit	<input type="checkbox"/>	Enterprize Zone	<input type="checkbox"/>
MINOR	INTERMEDIATE	MAJOR	CONCEPT	MASTER	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Fees are determined at First Step Meeting or GRU Project Meeting and are based on level of review and EZ Zone. More information about EZ Zones can be found at http://cityofgainesville.org/Portals/0/plan/2015%20Web%20Docs/landdevfees151001.pdf	
Plan Review Fee: \$ 230.44 (Right-of-Way Vacation)	
GRU Fee: \$	GRU Business Acct No.: N/A
Plan review fee will be paid by: N/A	
Name:	E-Mail: Phone:

Applicant Signature: _____ _____ **Date:** 03/30/18

THIS SECTION FOR OFFICE USE ONLY
Petition Number:

SUFFICIENCY CHECKLIST BELOW. PLEASE FILL OUT

May 2, 2018

Legal Description

To vacate a portion of a 10' alley

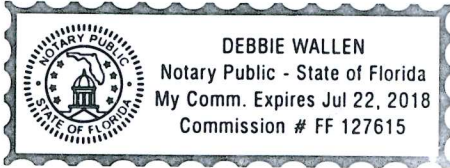
That portion of that 10' Alley lying South of Lots 2, 3 and 4 of Gobert & Oliver's Resurvey of Fract Block 5, Range 2 of Doig & Robertsons Addition to Gainesville, Florida as per plat thereof, recorded in Plat Book "A", page 107 of the Public Records of Alachua County, Florida, lying North of Lot 9 of said Gobert & Oliver's Resurvey of Fract Block 5, Range 2 of Doig & Robertsons Addition to Gainesville, Florida, lying 1.00 foot East of the southerly extension of the west line of said Lot 4 and lying West of the northwesterly Right of Way line of State Road No. 331 (NE Waldo Road, Right of Way varies); being more particularly described as follows:

Commence at the southwest corner of Lot 4 of Gobert & Oliver's Resurvey of Fract Block 5, Range 2 of Doig & Robertsons Addition to Gainesville, Florida as per plat thereof, recorded in Plat Book "A", page 107 of the Public Records of Alachua County, Florida and run thence North 89°19'09" East, along the south line of said Lot 4 and along the north line of a 10 foot alley, a distance of 1.00 feet to the Point of Beginning; thence continue North 89°19'09" East, along said south line and along the south line of Lots 3 and 2 of said Gobert & Oliver's Resurvey and along the north line of said 10 foot alley a distance of 127.85 feet to a point on the northwesterly Right of Way line of State Road No. 331 (NE Waldo Road, Right of Way varies); thence South 30°06'21" West, along said Right of Way line, 11.66 feet; thence North 89°56'54" West, along said Right of Way line, 1.02 feet to a point on the south line of said 10 foot alley and to a point on the north line of Lot 9 of said Gobert & Oliver's Resurvey; thence South 89°19'09" West, along the south line of said 10 foot alley and along the north line of said Lot 9, a distance of 120.95 feet; thence North 00°13'10" West, 10.00 feet to the Point of Beginning.

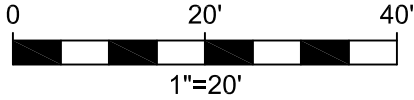
Containing 1,249 Square Feet, more or less.

J:\Bob\2018-14-VacateAlley.docx

PROPERTY OWNER AFFIDAVIT

Owner Name: Kwak, Bum Joon and Ok-Chin Kim			
Address: 9218 SW 21st Avenue Gainesville, FL 32607		Phone:	
Agent Name: eda engineers-surveyors-planners, inc.			
Address: 2404 NW 43rd Street Gainesville, FL 32606		Phone: 352-373-3541	
Parcel No.: 11992-000-000 and 11996-000-000			
Acreage: 0.71	S: 4	T: 10	R: 20
Requested Action: Right of Way Vacation			
<p>I hereby certify that: I am the owner of the subject property or a person having a legal or equitable interest therein. I authorize the above listed agent to act on my behalf for the purposes of this application.</p> <p>Property owner signature: <u>Bum Joon Kwak, Ok-Chin Kim</u></p> <p>Printed name: <u>BUM JOON KWAK, OK-CHIN KIM KWAK</u></p> <p>Date: <u>3-30-18</u></p> <p>The foregoing affidavit is acknowledged before me this <u>30th</u> day of <u>March</u>, 20<u>18</u>, by <u>Bum Joon Kwak, Ok-Chin Kim Kwak</u> who is/are personally known to me, or who has/have produced <u>drivers license</u> as identification.</p>			
NOTARY SEAL		<u>Debbie Wallen</u>	
		Signature of Notary Public, State of <u>Florida</u>	
			

NORTH



GOBERT & OLIVER'S RESURVEY
OF FRACT BLOCK 5, RANGE 2
OF DOIG & ROBERTSONS ADDITION
TO GAINESVILLE, FLORIDA
PLAT BOOK "A", PAGE 107

TAX PARCEL NO. 11992-000-000

TAX PARCEL NO.
11994-001-000

LOT 5

LOT 4

LOT 3

LOT 2

POINT OF COMMENCEMENT
S.W. CORNER OF LOT 4

N 89°19'09" E 127.85'

L1 POINT OF BEGINNING

10' ALLEY
1,249 SQUARE FEET, +/-

S 89°19'09" W 120.95'

LINE	BEARING	DISTANCE
L1	N 89°19'09" E	1.00
L2	S 30°06'21" W	11.66
L3	N 89°56'54" W	1.02
L4	N 00°13'10" W	10.00

LOT 9

GOBERT & OLIVER'S RESURVEY
OF FRACT BLOCK 5, RANGE 2
OF DOIG & ROBERTSONS ADDITION
TO GAINESVILLE, FLORIDA
PLAT BOOK "A", PAGE 107

TAX PARCEL NO. 11996-000-000

N 32°07'59" E

STATE ROAD NO. 331 (NE WALDO ROAD)
STATE OF FLORIDA STATE ROAD DEPARTMENT
RIGHT OF WAY MAP SECTION 26050-2510; LAST REVISED: 8/2/82

THIS IS NOT A BOUNDARY SURVEY

DRN.	CHKD.	SURVEY DATE	DWG COMP	PROJ. NO.	FIELD BK.	PAGE NO.
B.G.	B.G.		5/2/18	2018-14		

LEGAL DESCRIPTION SKETCH OF

A PORTION OF THE 10' ALLEY LYING SOUTH OF LOTS 2, 3 AND 4
AND NORTH OF LOT 9 OF GOBERT & OLIVER'S RESURVEY
OF FRACT BLOCK 5, RANGE 2 OF DOIG & ROBERTSONS
ADDITION TO GAINESVILLE, FLORIDA, PLAT BOOK "A", PAGE 107

FOR: KWAK

THIS SKETCH OF LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE
AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND
MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO
SECTION 472.027 (2017), FLORIDA STATUTES.

BY: ROBERT W. GRAVER P.S.M. 4239

eda engineers-surveyors-planners, inc.

LB 2389
2404 N.W. 43rd ST, GAINESVILLE, FLORIDA 32606-6602
TEL. (352) 373-3541 FAX. (352) 373-7249
E-MAIL: mail@edapl.com

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Exhibit 1

Recording \$27-
Doc Stamps \$1032.50
Intangible Tax \$
Total \$1069.50

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2584326 3 PGS
Jun 29, 2010 08:33 AM
BOOK 3965 PAGE 1070
J. K. IRBY
Clerk Of Circuit Court
Alachua County, Florida
CLERK31 Receipt # 447535

Doc Stamp-Deed: \$1,032.50

Prepared by and return to:
David E. Menet, Esq.
Attorney at Law
Salter, Feiber, Murphy, Hutson, & Menet, P.A.
3940 NW 16th Blvd., Bldg B
Gainesville, FL 32605



2584326 3 PGS

File Number: 10-0117.7 GJ

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Special Warranty Deed

This Warranty Deed made on **June 25, 2010** between **Bruce E. Hoffman, as Special Master, for Ardalan Heshmat and Linda Heshmat, husband and wife, and Shahn timer Heshmat, an unmarried person whose post office address is 16 S Main Street, Gainesville, FL 32601, grantor, and Bum Joon Kwak and OK-Chin Kim Kwak, husband and wife whose post office address is 9218 SW 21st Avenue, Gainesville, FL 32607, grantee:**

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Alachua County, Florida** to-wit:

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

Parcel Identification Number: 11992-000-000

Subject to covenants, conditions, restrictions, easements, reservations, and limitations of record, if any.

Bruce E. Hoffman is the acting Special Master appointed in that certain case styled Shahn timer Heshmat v. Ardalan Heshmat and Linda Heshmat proceeding in the Eighth Judicial Circuit Court for Alachua County, Florida, Case No. 01-CA-0809.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2009**.

Exhibit 1

Recording	\$ <u>18.50</u>
Doc Stamps	\$ <u>490.00</u>
Intangible Tax	\$ _____
Total	\$ <u>508.50</u>

RECORDED IN OFFICIAL RECORDS
 INSTRUMENT # 2071356 2 PGS
 2004 SEP 13 04:22 PM BK 2992 PG 265
 J. K. "BUDDY" IRBY
 CLERK OF CIRCUIT COURT
 ALACHUA COUNTY, FLORIDA
 CLERK13 Receipt#206025
 Doc Stamp-Deed: 490.00

Prepared by and return to:
 David E. Menet, Esq.
 Attorney at Law
 Salter, Feiber, Yenser, Murphy, & Hutson, P.A.
 3940 NW 16th Blvd., Bldg B
 Gainesville, FL 32605



File Number: 04-1654.7 (kb)

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Warranty Deed

This Warranty Deed made this 10th day of September, 2004 between Arthur O'Neal, Jr. a/k/a Arthur O'Neal, a married person whose post office address is 2025 NE 156th Avenue, Gainesville, FL 32609, grantor, and Bum Joon Kwak, a married person whose post office address is 9218 SW 21st Avenue, Gainesville, FL 32607, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Alachua County, Florida to-wit:

LOT NINE (9), GOBERT AND OLIVER'S RESURVEY of fractional Block five (5), Range two (2), DOIG AND ROBERTSON'S ADDITION TO GAINESVILLE, according the map or plat thereof as recorded in Plat Book "A", Page 107, Public Records of Alachua County, Florida. LESS and EXCEPT that portion deed to the State of Florida for road right of way recorded in O.R. Book 793, Page 708, Public Records of Alachua County, Florida.

Parcel Identification Number: 11996-000-000

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Grantor's residence and homestead address is: 2025 NE 156th Avenue, Gainesville, FL 32609.

Subject to covenants, conditions, restrictions, easements, reservations, and limitations of record, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2003**.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: DAVID E. MENET

Arthur O'Neal (Seal)
Arthur O'Neal, Jr. a/k/a Arthur O'Neal

Gai Xi Xuan
Witness Name: OK-CHIN KIM KWAK

State of Florida
County of Alachua

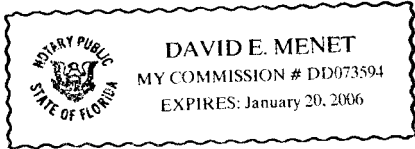
The foregoing instrument was acknowledged before me this 10 day of September, 2004 by Arthur O'Neal, Jr a/k/a Arthur O'Neal, who is personally known or has produced a driver's license as identification.

[Notary Seal]

[Signature]
Notary Public

Printed Name: _____

My Commission Expires: _____



In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Mike Dickey
Witness Name: MIKE DICKEY

David E. Menet
Witness Name: DAVID E. MENET

Bruce Hoffman, as Special Master
(Seal)
Bruce Hoffman, as Special Master for Ardalan Heshmat

Bruce Hoffman, as Special Master
(Seal)
Bruce Hoffman, as Special Master for Linda Heshmat

Bruce Hoffman, as Special Master
(Seal)
Bruce Hoffman, as Special Master for Shahnam Heshmat

State of Florida
County of Alachua

The foregoing instrument was acknowledged before me this 25th day of June, 2010 by Bruce Hoffman, as Special Master for Shahnam Heshmat, Ardalan Heshmat and Linda Heshmat, who is personally known or has produced a driver's license as identification.

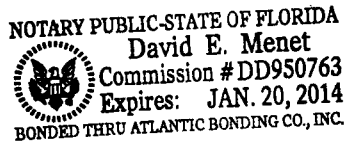
David E. Menet

[Notary Seal]

Notary Public

Printed Name: _____

My Commission Expires: _____



INSTRUMENT # 2584326 3 PGS

EXHIBIT "A"

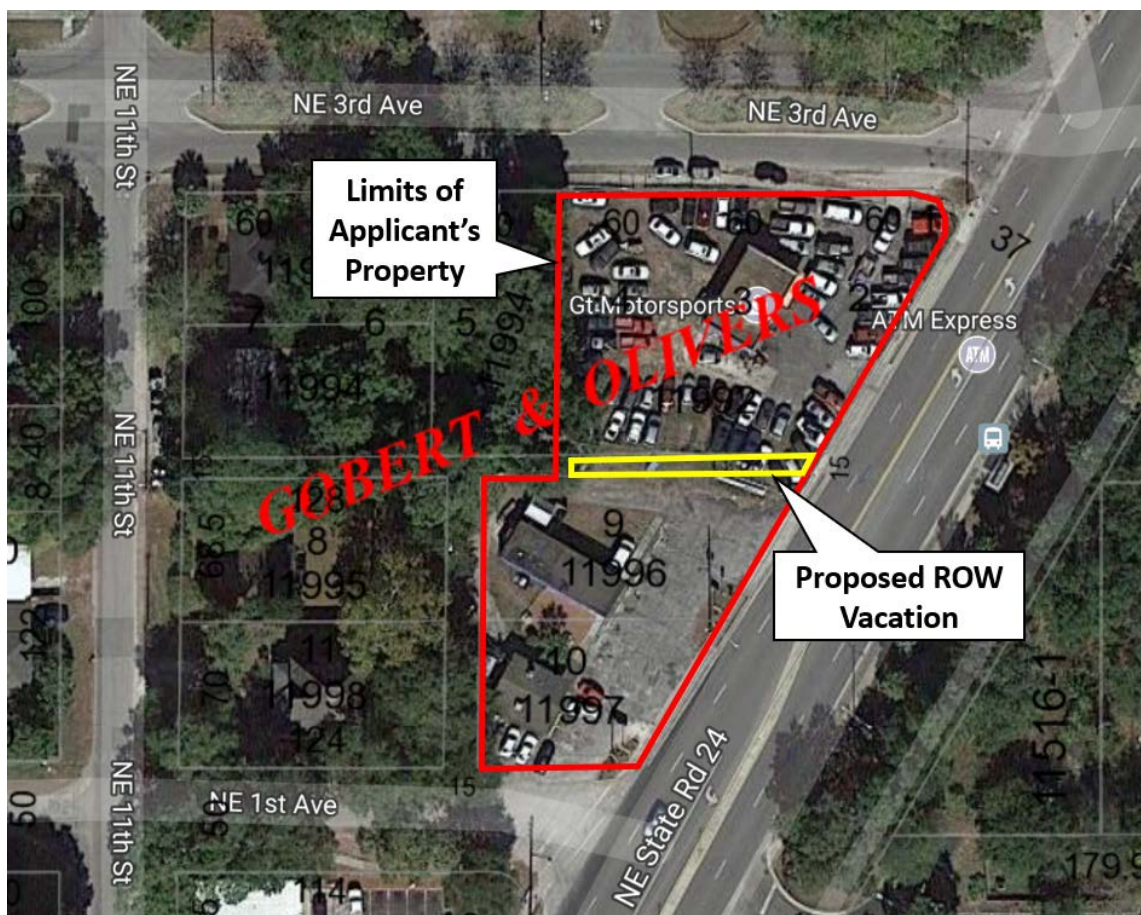
A PART OF LOTS 1 AND 2 AND ALL OF LOTS 3 AND 4 OF GOBERT'S AND OLIVER'S SUBDIVISION ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 107, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT WHERE THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 24 INTERSECTS THE SOUTH RIGHT OF WAY LINE OF N. E. 3RD AVENUE AND RUNNING SOUTH 89 DEG. 36 MIN. WEST, A DISTANCE OF 26.6 FEET TO A POINT OF BEGINNING; THENCE SOUTH 89 DEG. 36 MIN. WEST, A DISTANCE OF 177.30 FEET TO A POINT; THENCE SOUTH 0 DEG. 07 MIN. WEST A DISTANCE OF 126.93 FEET TO A POINT; THENCE NORTH 89 DEG. 36 MIN. EAST A DISTANCE OF 129.07 FEET TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 24; THENCE NORTH 38 DEG. 30 MIN. EAST ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 24, A DISTANCE OF 121.32 FEET TO A POINT; THENCE ALONG AN ARC HAVING A RADIUS OF 15 FEET A DISTANCE OF 31.66 FEET TO POINT OF BEGINNING.

ROW Vacation Request

104 / 114 NE Waldo Road

Justification Report



- Request:** Right of Way vacation of approximately 1,249 square feet between 104 & 114 NE Waldo Road.
- Submittal Date:** May 2, 2018
- Prepared By:** eda engineers – surveyors – planners, inc.

Summary

The area of right-of-way requested to be vacated is a portion of a 10' wide alley (easternmost 127.85 feet measured east/west along northern ROW line) that lies in-between 104 & 114 NE Waldo Road (parcels 11996 and 11992, respectively). The ROW proposed for vacation is approximately 1,249 square feet in size and is not presently utilized as it runs through a portion of an existing commercial business. In addition, the remaining portions of ROW throughout the subdivision block are not utilized as well.

Figure 1: Parcel map indicating location of proposed ROW vacation (in yellow)

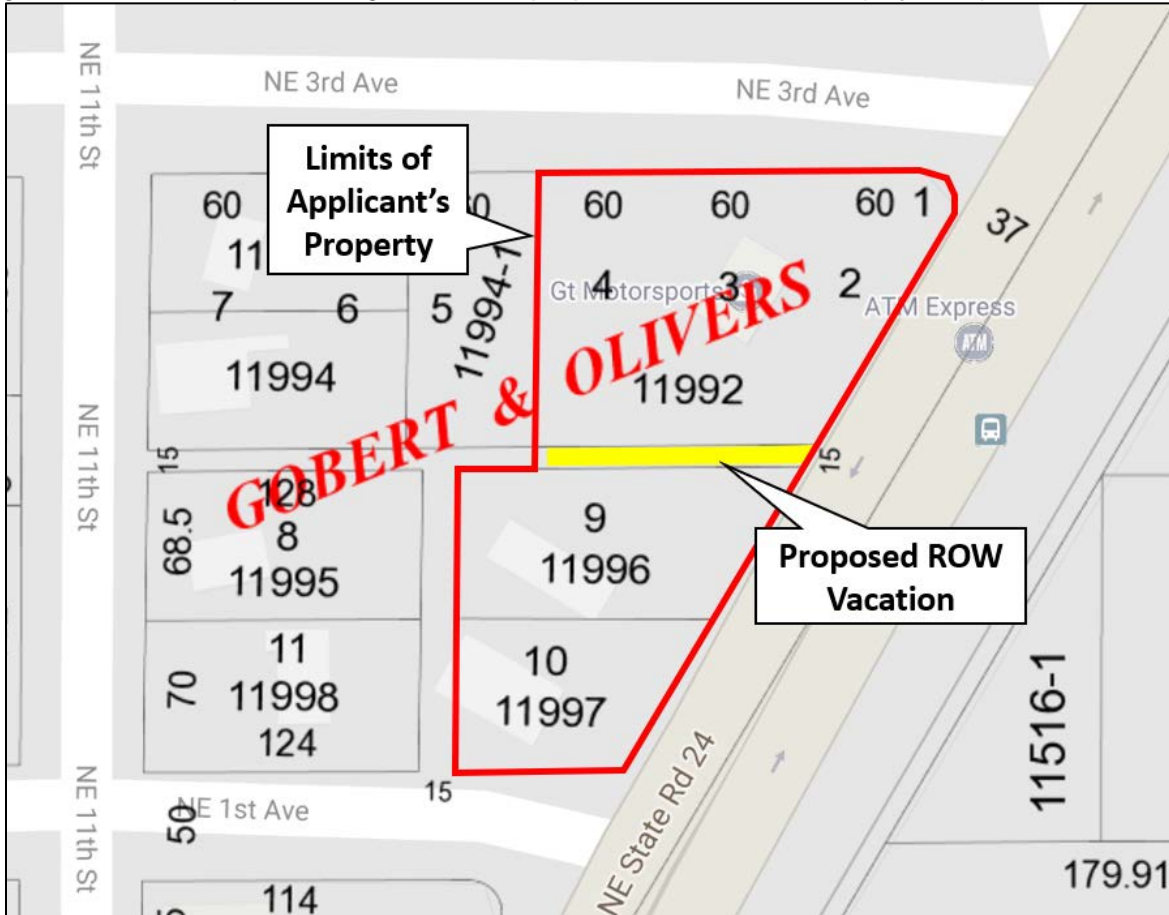


Figure 1: Aerial view of the proposed ROW vacation facing west (outlined in red)



Figure 3: Aerial view of the proposed ROW vacation facing west (outlined in red)



The properties adjacent to this right-of-way are proposed to be redeveloped as a commercial / retail development, with uses that will serve the residents of East Gainesville. The proposed vacation will allow for these properties to be developed together as a unified development. As discussed below, this will result in increased commerce, economic development in East Gainesville, redevelopment based on today's codes and increased property values.

Criteria for Vacation

The City of Gainesville Land Development Code requires that certain criteria be met for requests to vacate public right-of-way. These criteria are indicated below with the applicant's response to each:

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

Response: The portion of ROW proposed to be vacated is identified as an alley as part of the original subdivision plat. However, the past and present development pattern within the subdivision block has occurred in a way that never utilized the alleys as part of the street system. Residential and commercial development essentially 'merged' over these ROW's and have been informally assumed by private property owners. Due to these factors, there is no loss of public benefit from not using the subject right-of-way as part of the City street system.

2. *Whether the proposed action is consistent with the city's Comprehensive Plan.*

Response: This request is consistent with the Comprehensive Plan as is a precursor to redevelopment of the adjacent parcels into a new commercial / retail development that will serve the residents of East Gainesville and will beautify the size by constructing buildings and site improvements that comply with the current City of Gainesville Comprehensive Plan and Land Development Code.

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

Response: The proposed action would not violate individual property rights. The same property owner owns both sides of the proposed ROW to be vacated. In addition, the proposed right-of-way to be vacated does not abut any other private properties and would not negatively affect access for the other developments in the area. The vacation of the ROW will in fact, will increase property values by allowing for the redevelopment of the site with a new commercial / retail development on-site.

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

Response: There is not alternative action that will alleviate the fact that there is an unutilized ROW that bisects a commercially viable property ripe for development along Waldo Road, a state arterial roadway. The ROW vacation will allow for the site to be redeveloped as a unified development.

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

Response: The portion of right-of-way to be vacated serves no significant purpose in relation to traffic circulation as it has never been utilized as an improved alleyway to be used for vehicular traffic. Therefore, there will be no negative effect on traffic circulation by vacating the ROW.

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

Response: The proposed action has no expected effect on crime. The right-of-way vacation would not create any conditions that would limit visibility, unsafe areas or limited access for law enforcement.

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

Response: The proposed action would not negatively affect the safety of pedestrians and vehicular traffic as the ROW is not currently used for such purposes. In addition, the project area is part of a relatively small subdivision block in which pedestrians and vehicles can traverse the perimeter of the block with ease (without using this ROW).

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

Response: The proposed action will have no effect on the provision of municipal services, including emergency services or waste removal services. The ROW is currently unimproved and has never been used for this type of use. Emergency vehicles will have ample access to the private properties via remaining right-of-way surrounding the block to the north, south, east and west. Waste removal for existing development will not change and any future development will be required to demonstrate compliance of access as part of the City development review process.

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

Response: Based on the location of existing utilities and the existing development pattern, the proposed action will not necessitate the relocation of utilities.

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

Response: The proposed action will allow the land on both sides of the ROW to be vacated to redevelop the property as a unified development consisting of commercial / retail use(s), thus stimulating economic activity in the area which should result in an increase of property values in the area.

11. *The effect of the proposed action on geographic area which may be impacted.*

Response: The proposed action will not have a negatively affect the immediate geographic area. In fact, the area will improve due to the economic development (redevelopment) that will occur as a result of the ROW vacation.

12. The effect of the proposed action on the design and character of the area.

Response: The proposed action will enable the property to be redeveloped as a unified development along Waldo Road, which will result in a commercial / retail development being constructed that will implement current design criteria seen in the LDC. The character of the area will change in that the property will transform into a modern development with uses that serve the residents of East Gainesville.

Conclusion

The right-of-way requested to be vacated (or any other ROW within the interior of the subdivision block) has never been used for public purpose in decades, if ever. The existing development pattern does not recognize these public alleys as the private properties have essentially merged together over the ROW. As such, they do not serve a public purpose or serve any significant contribution toward promoting interconnectivity and the overall street grid in the urban area.

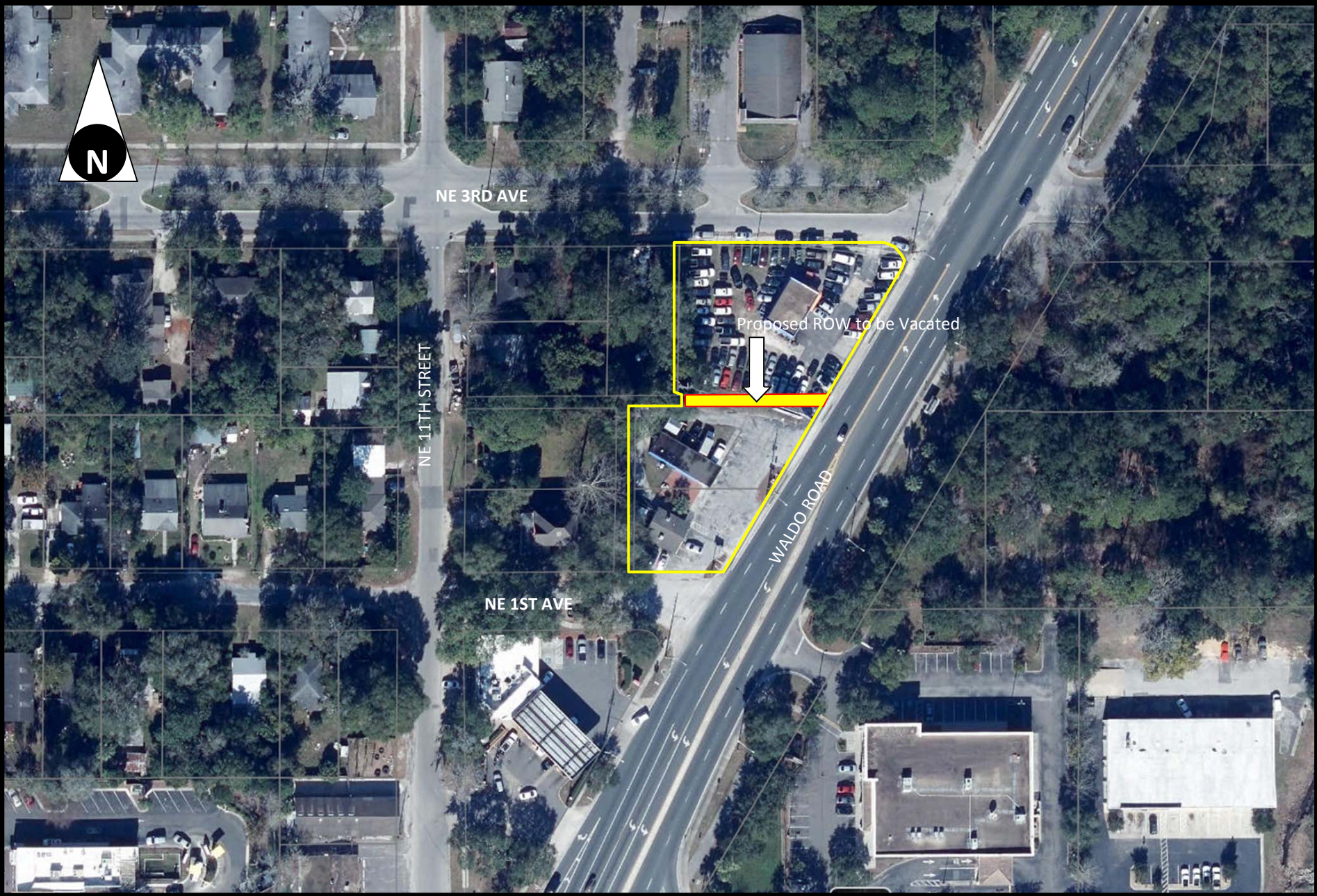
In addition, the properties adjacent to this right-of-way are proposed to be redeveloped as a commercial / retail development, with uses that will serve the residents of East Gainesville. The proposed vacation will allow for these properties to be developed together as a unified development. The result will be increased commerce, economic development in East Gainesville, redevelopment based on today's codes and increased property values.



PB-18-44 SVA LAND USE MAP



PB-18-44 SVA ZONING MAP



PB-18-44 SVA AERIAL









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