

ORDINANCE NO. 210107

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3       **An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close**  
4       **certain portions of a public right-of-way located in the 900 block of SW 8<sup>th</sup>**  
5       **Lane, as more specifically described in this ordinance; providing directions to**  
6       **the City Clerk; providing a severability clause; providing a repealing clause; and**  
7       **providing an effective date.**  
8

9       **WHEREAS**, pursuant to Section 30-3.41 of the City of Gainesville’s Land Development Code  
10       (Chapter 30 of the City of Gainesville Code of Ordinances), an application was initiated by the  
11       owner(s) of land abutting the subject public right-of-way requesting the City to vacate,  
12       abandon, and close the right-of-way; and

13       **WHEREAS**, the request to vacate the subject public right-of-way was presented to and  
14       approved by the appropriate departments of the City of Gainesville; and

15       **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of  
16       the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency  
17       pursuant to Section 163.3174, Florida Statutes, held a public hearing on July 22, 2021, and  
18       voted to recommend that the City Commission approve this vacation of public right-of-way;  
19       and

20       **WHEREAS**, at least 10 days’ notice has been given once by publication in a newspaper of  
21       general circulation notifying the public of this proposed ordinance and of public hearings to be  
22       held by the City Commission of the City of Gainesville; and

23       **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings  
24       the parties in interest and all others had an opportunity to be and were, in fact, heard; and

25       **WHEREAS**, the City Commission finds that the vacation of the subject right-of-way meets the  
26       required criteria in Policy 10.2.1 of the Transportation Mobility Element of the Comprehensive

1 Plan and Section 30-3.41 of the Land Development Code.

2 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

3 **FLORIDA:**

4 **SECTION 1.** The following described public right-of-way is hereby vacated, abandoned, and  
5 closed for use by the public generally:

6 See legal description attached as **Exhibit A** and made a part hereof as if set forth  
7 in full. The location of the property is shown on **Exhibit B** for visual reference.  
8 In the event of conflict or inconsistency, **Exhibit A** will prevail over **Exhibit B**.

9  
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 property described in Section 1 of this  
12 ordinance for the purpose of installing, maintaining, and operating public and private utilities  
13 including stormwater management.

14 **SECTION 3.** The City Clerk or designee is authorized to record a true copy of this ordinance in  
15 the public records of Alachua County, Florida.

16 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or  
17 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
18 finding will not affect the other provisions or applications of this ordinance that can be given  
19 effect without the invalid or unconstitutional provision or application, and to this end the  
20 provisions of this ordinance are declared severable.


21 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such  
22 conflict hereby repealed.

23 **SECTION 6.** This ordinance will become effective immediately upon adoption.

24

1 **PASSED AND ADOPTED** this 18<sup>th</sup> day of November, 2021


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\_\_\_\_\_  
LAUREN POE  
MAYOR

9 Attest:

Approved as to form and legality:

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12  
13  
14

  
\_\_\_\_\_  
OMICHELE D. GAINERY  
CITY CLERK

  
\_\_\_\_\_  
DANIEL M. NEE  
INTERIM CITY ATTORNEY

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16 This ordinance passed on first reading this 4<sup>th</sup> day of November, 2021.

17

18 This ordinance passed on second reading this 18<sup>th</sup> day of November, 2021.

## Exhibit A to Ordinance 210107



February 8, 2021

### Legal Description

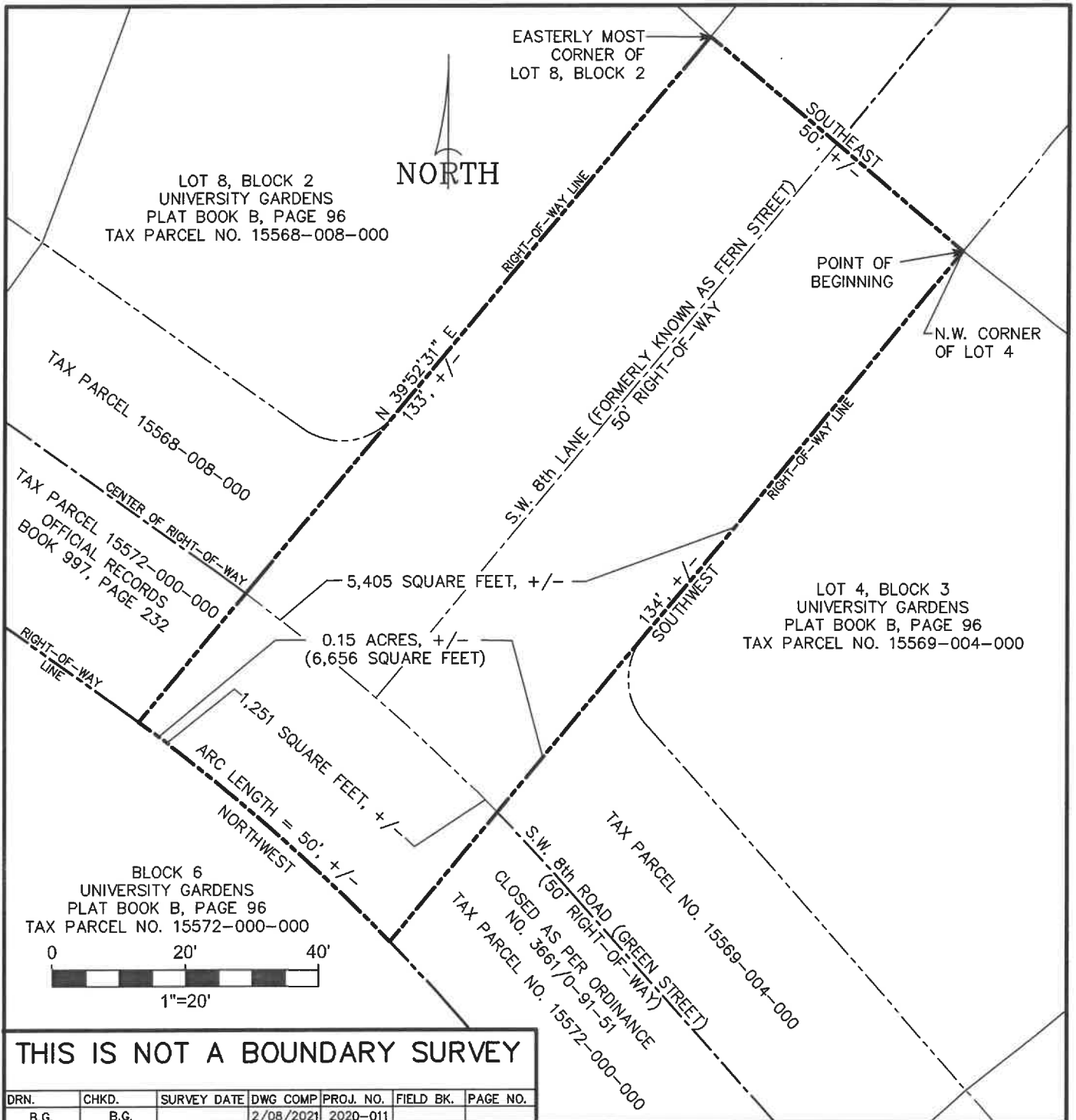
A portion of S.W. 8<sup>th</sup> Lane (formerly known as Fern Street, 50' Right-of-Way), and a portion of S.W. 8<sup>th</sup> Road (formerly known as Green Street, 50' Right-of-Way), lying northeasterly of the southwesterly Right-of-Way Line of S.W. 8<sup>th</sup> Road (50' Right-of-Way), southeasterly of Lot 8, Block 2 and northwesterly of Lot 4, Block 3 of "University Gardens", a subdivision as per Plat thereof, recorded in Plat book "B", page 96 of the Public Records of Alachua County, Florida; being more particularly described as follows:

Begin at the northwest corner of Lot 4, Block 3 of "University Gardens", a subdivision as per plat thereof, recorded in Plat Book "B", page 96 of the Public Records of Alachua County, Florida, and run thence southwesterly, along the southeasterly Right-of-Way Line of S.W. 8<sup>th</sup> Lane (formerly known as Fern Street, 50' Right-of-Way), and along the southwesterly extension thereof, a distance of 134 feet, more or less, to a point on the southwesterly Right-of-Way Line of S.W. 8<sup>th</sup> Road (formerly known as Green Street, 50' Right-of-Way); thence northwesterly, along said southwesterly Right-of-Way Line, 50 feet, more or less, to a point on the southwesterly extension of the northwesterly Right-of-Way Line of said S.W. 8<sup>th</sup> Lane; thence northeasterly, along said southwesterly extension of the northwesterly Right-of-Way Line of S.W. 8<sup>th</sup> Lane and along said northwesterly Right-of-Way Line, a distance of 133 feet, more or less, to the easterly most corner of Lot 8, Block 2 of said "University Gardens"; thence southeasterly, 50 feet, more or less, to the Point of Beginning.

Containing 0.15 of an Acre (6,656 Square Feet), more or less.

J:\Bob\2021-011.docx

Exhibit A to Ordinance 210107



**THIS IS NOT A BOUNDARY SURVEY**

DRN.	CHKD.	SURVEY DATE	DWG COMP	PROJ. NO.	FIELD BK.	PAGE NO.
B.G.	B.G.	2/08/2021	2020-011			

**LEGAL DESCRIPTION SKETCH OF**

A PORTION OF S.W. 8th LANE (50' RIGHT-OF-WAY) AND S.W. 8th ROAD (50' RIGHT-OF-WAY) AS PER PLAT OF "UNIVERSITY GARDENS" RECORDED IN PLAT BOOK "B", PAGE 96 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA

**FOR:** Martine Lowe

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 (2020), FLORIDA STATUTES.

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

Corporate Authorization  
No. LB 2389



eda consultants inc.

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# PB-21-00063 SVA - SW 8th Lane ROW Vacation

