



MEMORANDUM

Office of the City Attorney

041149
LEGISLATIVE ITEM NO.

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: April 11, 2005

FROM: City Attorney

FIRST READING

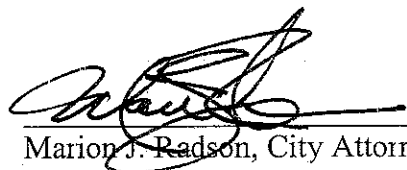
SUBJECT: **Ordinance No. 0-05-38, Petition 153-BSVA-03PB**
An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3345 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of February 14, 2005, authorized the City Attorney to draft the proposed ordinance for street vacation.

Prepared and
submitted by:


Marion J. Radson, City Attorney

ORDINANCE NO. _____
0-05-38

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2
3
4 **An ordinance of the City of Gainesville, Florida, to vacate, abandon**
5 **and close that portion of right-of-way located East of North Main**
6 **Street and adjacent to 3345 North Main Street; reserving utilities**
7 **easements; providing a severability clause; providing a repealing**
8 **clause; and providing an immediate effective date.**
9

10
11 **WHEREAS**, pursuant to Section 30-192 of the Code of Ordinances of the City of
12 Gainesville, an application was initiated to vacate, abandon and close that portion of right-of-way
13 located East of North Main Street and adjacent to 3345 North Main Street, as more specifically
14 described herein; and

15 **WHEREAS**, notice was given and publication made as required by law and a public
16 hearing was held by the City Plan Board on January 20, 2005; and

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

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

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

25 **WHEREAS**, the City Commission finds that it is in the public interest to vacate;
26 abandon and close the area, subject to utilities easements.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
2 CITY OF GAINESVILLE, FLORIDA:

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

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

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

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

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

17 Section 5. All ordinances, or parts of ordinances, in conflict herewith are to the extent of
18 such conflict hereby repealed

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

20 PASSED AND ADOPTED this ____ day of _____, 2005

21
22
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Pegeen Hanrahan, Mayor

DRAFT

3/21/2005

1 ATTEST:

Approved as to form and legality:

2
3
4 _____
5 KURT LANNON,
6 CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

7
8
9 This ordinance passed on first reading this _____ day of _____, 2005.

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11 This ordinance passed on second reading this _____ day of _____, 2005

12
13
14 MJR/afm

15
16 H:\Marion Radson\Planning\153-BSVA 03 pet doc

CE Causseaux & Ellington, Inc.
Engineering • Surveying • Planning

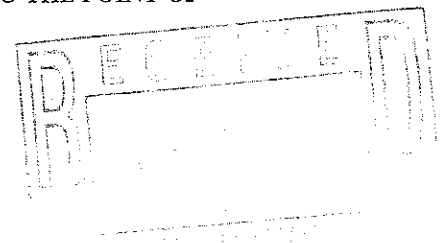
PREPARED FOR: GATORLAND TOYOTA
LEGAL DESCRIPTION FOR: 35' STRIP OF LAND
DRAWING FILE NUMBER: 05-0190 – PARCEL 'B' DWG
Date: FEBRUARY 28, 2005

LEGAL DESCRIPTION: (BY SURVEYOR)

A 35.00 FOOT WIDE STRIP OF LAND BEING A PORTION OF LOT 1 OF NORTH MAIN STREET COMMERCIAL PARK, AS RECORDED IN PLAT BOOK "H", PAGE 96 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWESTERLY CORNER OF SAID LOT 1 FOR A POINT OF REFERENCE, SAID POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF NORTH MAIN STREET (A 100 FOOT RIGHT OF WAY); THENCE RUN SOUTH 01°03'22" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, AND ALONG THE WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 275.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF N.E. 34th PLACE (A 50 FOOT RIGHT OF WAY) SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN NORTH 89°09'36" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 35.00 FEET TO THE EASTERLY LINE OF A CITY OF GAINESVILLE RIGHT OF WAY (A 35 FOOT RIGHT OF WAY) AS CALLED FOR IN OFFICIAL RECORDS BOOK 1951, PAGE 1662 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHWESTERLY CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1951, PAGE 1662; THENCE RUN SOUTH 01°03'22" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, AND ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 224.58 FEET TO THE SOUTHWESTERLY CORNER OF SAID LANDS; THENCE RUN SOUTH 89°09'36" WEST, ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 35.00 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF NORTH MAIN STREET AND WESTERLY LINE OF SAID LOT 1; THENCE RUN NORTH 01°03'22" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG SAID WESTERLY LINE OF LOT 1, A DISTANCE OF 224.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,860 SQUARE FEET, MORE OR LESS.



All as shown on the Map
EXHIBIT "A"
a part hereof

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LYING IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST,
CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA
SKETCH - NOT A BOUNDARY SURVEY

POINT OF REFERENCE

NW CORNER LOT 1
NORTH MAIN STREET COMMERCIAL PARK
PLAT BOOK 'H' PAGE 96

S01°03'22"E 275.00'

N.E. 34th PLACE
(50' R/W)

SOUTHERLY R/W LINE OF
N.E. 34th PLACE

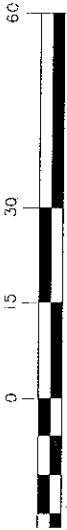
POINT OF BEGINNING

PARCEL 'B'

N89°09'36"E
35 00'

35 00'

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

FEET (100' R/W)

Lot No. 329

LOT 1

R/W LINE OF NORTH MAIN STREET

224.58'

ARCCEL

SQUARE FEET

R/W (PER O.R. 1951, PAGE 1662)

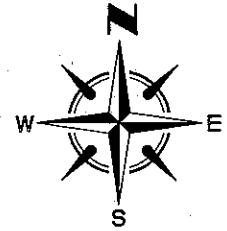
224.58'

GAINESVILLE R/W

O.R. 1951, PAGE 1662

08231-055-002

PAGE 1662



0001

LEGAL NOTICES**ADVERTISEMENT
NOTICE OF PROPOSED
ENACTMENT OF ORDINANCE BY CITY COMMISSION, GAINESVILLE FLORIDA**

Notice is hereby given that the proposed ordinances, whose titles appear below will be considered for First Reading on the 11th day of April, 2005 at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 25th day of April, 2005 at the City Commission meeting. The meetings begin at 6:00 p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium on the First Floor of City Hall, 200 East University Avenue, Gainesville Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE
ORDINANCE NO. 0-05-38**

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3345 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

ORDINANCE NO. 0-05-25

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3333 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Note: "All persons are advised that if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based."

April 1, 2005
Publish Date

Clerk of the Commission

27372 4/1/05