

ORDINANCE NO. 040753
0-05-27

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southeast Veitch Street lying north of Southeast 10th Avenue and approximately 230 feet west of Southeast 4th Street, as more specifically described in this Ordinance; providing a condition; reserving utilities easements; 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 that portion of Southeast Veitch Street lying north of Southeast 10th Avenue and approximately 230 feet west of Southeast 4th Street, 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 January 20, 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 area, subject to a public utilities easement.

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

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

7 See Legal Description attached hereto as Exhibit "A", and made a part
8 hereof as if set forth in full.
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 right-of-way described in Exhibit "A",
12 attached hereto and made a part hereof, for the purpose of maintaining and operating public and
13 private utilities. No structures or trees are permitted in the property described in Exhibit "A" in
14 order to provide operation and maintenance rights over the existing electric transmission and
15 distribution, water, reclaimed water and communication facilities. This area shall remain
16 accessible (ingress and egress) to utility crews and equipment.

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

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

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23 such conflict hereby repealed.

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

2 PASSED AND ADOPTED this 28th day of March, 2005.

3 
4 Pegeen Hanrahan, Mayor

5
6
7 ATTEST:

Approved as to form and legality:

8 
9
10 KURT LANNON,
11 CLERK OF THE COMMISSION

By: 
12 MARION J. RADSON, CITY ATTORNEY

13 **MAR 29 2005**

14
15 This ordinance passed on first reading this 14th day of March, 2005.

16
17 This ordinance passed on second reading this 28th day of March, 2005.

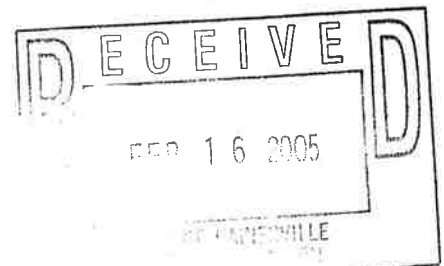
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EXHIBIT "A"

ALL OF THAT RIGHT-OF-WAY OF SOUTHEAST VEITCH STREET LYING NORTH OF SOUTHEAST TENTH (10TH) AVENUE AND WEST OF SOUTHEAST FOURTH (4TH) STREET AS CLAIMED BY USAGE CERTIFICATE FILED ON JULY 30TH, 1974 IN OFFICIAL RECORDS BOOK 899 AT PAGE 320, ET. SEQ. OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

COMMENCE AT THE NORTHEAST CORNER OF LOT TWO IN VEITCH'S ADDITION AS RECORDED IN PLAT BOOK "A", PAGE 90 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 23 DEGREES WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SOUTHEAST FOURTH STREET, A DISTANCE OF 490.80 FEET TO A POINT MARKING THE INTERSECTION OF SAID WESTERLY RIGHT-OF-WAY LINE OF SOUTHEAST FOURTH STREET AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHEAST VEITCH STREET AS DESCRIBED BY USAGE CERTIFICATE FILED ON JULY 30TH, 1974 IN OFFICIAL RECORDS BOOK 899 AT PAGE 320 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE RUN SOUTH 42 DEGREES 53 MINUTES WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SOUTHEAST VEITCH STREET, A DISTANCE OF 230 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHEAST VEITCH STREET RUN NORTH 23 DEGREES WEST, A DISTANCE OF APPROXIMATELY 43.83 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID SOUTHEAST VEITCH STREET; THENCE RUN ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH 42 DEGREES 53 MINUTES EAST, A DISTANCE OF 230 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID SOUTHEAST FOURTH STREET; THENCE RUN ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 23 DEGREES EAST, A DISTANCE OF APPROXIMATELY 43.83 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID SOUTHEAST VEITCH STREET AND THE POINT OF BEGINNING.





City of Gainesville General Certification


City Hall
200 East University Avenue
Gainesville, Florida 32601

State of Florida

I, Kurt M. Lannon, Jr., the duly appointed and qualified Clerk of the Commission of the City of Gainesville, a municipal corporation, do hereby certify that the foregoing is a true and correct copy of:

Ordinance 040753 which was duly and regularly adopted by the City Commission of the City of Gainesville, Florida at a City Commission meeting on March 28, 2005.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Gainesville, Florida this 4th day of April, A.D., 2005.



Clerk Signature

4/4/05

Date:



RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2123838 5 PGS
2005 APR 11 11:42 AM BK 3102 PG 1030
J. K. "BUDDY" IRBY
CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA
CLERK13 Receipt#231030