



City of Gainesville General Certification

City Hall
200 East University Avenue
Gainesville, Florida 32601

State of Florida

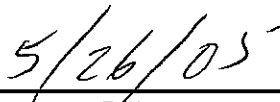
I, Kurt M. Lannon, Jr., the duly appointed and qualified Clerk of the Commission of the City of Gainesville, a municipal corporation, do hereby certify that the foregoing is a true and correct copy of:

Ordinance 040655 which was duly and regularly adopted by the City Commission of the City of Gainesville, Florida at a City Commission meeting on May 23, 2005.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Gainesville, Florida this 26th day of May, A.D., 2005.



Clerk Signature



Date:

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2137813 5 PGS
2005 MAY 27 11:12 AM BK 3132 PG 1112
J. K. "BUDDY" IRBY
CLERK OF CIRCUIT COURT
ALACHUA COUNTY, FLORIDA
CLERK10 Receipt#237486



2137813

ORDINANCE NO. 040655
0-05-35

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4 **An ordinance of the City of Gainesville, Florida, to vacate, abandon**
5 **and close that portion of Northwest 1st Avenue located between**
6 **Northwest 13th Street (U.S. 441) and Northwest 14th Street; reserving a**
7 **temporary utilities easement; providing a special condition; providing a**
8 **severability clause; providing a repealing clause; and providing an**
9 **effective date.**

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11
12 **WHEREAS**, pursuant to Section 30-192 of the Code of Ordinances of the City of
13 Gainesville, an application was initiated to vacate, abandon and close that portion of Northwest
14 1st Avenue located between Northwest 13th Street (U.S. 441) and Northwest 14th Street, as more
15 specifically described herein; and

16 **WHEREAS**, notice was given and publication made as required by law and a public
17 hearing was held by the City Plan Board on November 18, 2004; and

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

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

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

26 **WHEREAS**, the City Commission finds that it is in the public interest to vacate;

1 abandon and close the area for the purpose of accommodating a planned development, commonly
2 known as University Corners, subject to a temporary utilities easement.

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

5 **Section 1.** Except as provided in Section 2 and 3 below, the following described right-of-
6 way in the City of Gainesville no longer serves a public purpose and is hereby vacated,
7 abandoned and closed for use by the public generally in order to make possible the planned
8 development, commonly known as University Corners (Ordinance No. 040657):

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

11 **Section 2.** The City reserves unto itself, its successors and assigns a temporary public
12 and private utilities easement over, under, across and through the right-of-way described in
13 Exhibit "A", attached hereto and made a part hereof, for the purpose of operating, maintaining,
14 removing and relocating the public and private utilities located therein. Said temporary easement
15 will expire at such time as all private and public utilities located therein are relocated from the
16 right-of-way described in Exhibit "A".

17 **Section 3.** In the event the planned development, commonly known as University
18 Corners, is not adopted by Ordinance No. 040657, or the planned development is not constructed
19 and completed as provided in said Ordinance, then this Ordinance may be repealed and the
20 vacation, abandonment and closure of the right-of-way shall be of no further force and effect.

21 **Section 4.** The Clerk of the Commission or designee is authorized to record a true copy
22 of this Ordinance in the Public Records of Alachua County, Florida.

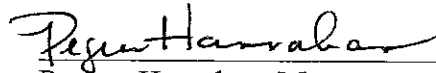
23 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
24 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way

1 affect the validity of the remaining portions of this ordinance.

2 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
3 such conflict hereby repealed.


4 **Section 7.** This ordinance shall become effective immediately upon passage; however
5 the vacation of the right-of-way shall not take effect until and unless the amendment to the City
6 of Gainesville 2000-2010 Comprehensive Plan adopted by Ordinance No. 040656 becomes
7 effective as provided in Section 9 of said Ordinance.

8 **PASSED AND ADOPTED** this 23rd day of May, 2005.

9
10 
11 Pegeen Hanrahan, Mayor

12
13 ATTEST:

Approved as to form and legality:

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16
17 KURT LANNON,
18 CLERK OF THE COMMISSION

By: 
19 MARION J. RADSON, CITY ATTORNEY

20
21 **MAY 24 2005**

22 This ordinance passed on first reading this 9th day of May, 2005.

23 This ordinance passed on second reading this 23rd day of May, 2005.

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26 MJR/afm

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28 H:\Marion Radson\Planning\159SVA 04 pct.doc

Exhibit "A"
UNIVERSITY CORNERS
NW 1st Avenue
Street Vacation

INSTRUMENT # 2137813
5 PGS

LEGAL DESCRIPTION:

An area of land located in Section 6, Township 10 South, Range 20 East, and further described as:

Commence at a nail and disk, P.L.S. #4788 located at the intersection of the centerline of NW 1st Avenue and the eastern right of way line of NW 14th Street and the Point of Beginning, run North 00° 28' 45" West, along said eastern right of way line, a distance 20.01 feet to the northern right of way line of said NW 1st Avenue; thence run North 89° 35' 20" East, along said northern right of way line, a distance of 298.23 feet; thence continuing along said northern right of way line, run North 63° 45' 05" East, a distance of 22.90 feet to the western right of way line of NW 13th Street; thence run South 03° 06' 06" West, a distance of 60.00 feet, to the southern right of way line of NW 1st Avenue; thence run North 63° 11' 03" West, along said southern right of way line, a distance of 21.80 feet; thence continuing along said southern right of way line, run South 89° 34' 19" West, a distance of 295.73 feet to the eastern right of way line of NW 14th Street, thence run North 00° 28' 45" West, along said eastern right of way line, a distance of 20.01 feet to the Point of Beginning.