



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 040753

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

March 28, 2005

TO: Mayor and City Commission

DATE: ~~March 14, 2005~~

FROM: City Attorney

~~FIRST READING~~

SECOND READING

SUBJECT: **Ordinance No. 0-05-27, Petition 150SVA-04PB**
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.

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

PASSED ON FIRST READING BY A VOTE OF 6-0.

ORDINANCE NO. _____
0-05-27

1
2
3
4 **An ordinance of the City of Gainesville, Florida, to vacate, abandon**
5 **and close that portion of Southeast Veitch Street lying north of**
6 **Southeast 10th Avenue and approximately 230 feet west of Southeast**
7 **4th Street, as more specifically described in this Ordinance; providing a**
8 **condition; reserving utilities easements; providing a severability**
9 **clause; providing a repealing clause; and providing an immediate**
10 **effective date.**

11
12
13 **WHEREAS**, pursuant to Section 30-192 of the Code of Ordinances of the City of
14 Gainesville, an application was initiated to vacate, abandon and close that portion of Southeast
15 Veitch Street lying north of Southeast 10th Avenue and approximately 230 feet west of Southeast
16 4th Street, as more specifically described herein; and

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

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

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

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

27 **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

DRAFT

2/23/2005

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2 such conflict hereby repealed.

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

4 PASSED AND ADOPTED this ____ day of _____, 2005.

5
6
7
8

Pegeen Hanrahan, Mayor

9 ATTEST:

Approved as to form and legality:

10
11
12

KURT LANNON,
CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

13
14
15
16
17

This ordinance passed on first reading this ____ day of _____, 2005.

18
19
20
21

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

22 MJR/afm

23

24 H:\Marion Radson\Planning\150SVA 04 pet doc

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.

