

**LEGISLATIVE #**

**160682A**

DRAFT

**ORDINANCE NO. 160682**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a certain portion of public right-of-way on the south side of SW 5<sup>th</sup> Avenue lying between SW 11<sup>th</sup> Drive and SW 10<sup>th</sup> Drive, as more specifically described in this ordinance; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, pursuant to Section 30-192 of the City’s Land Development Code, an application was initiated requesting the City to vacate, abandon, and close a certain portion of public right-of-way that is more particularly described herein; and

**WHEREAS**, Section 30-192 of the City’s Land Development Code allows the City to vacate a public street or public place upon determining that it no longer serves a public purpose or that the vacation of the public street or public place is in the public interest; and

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

**WHEREAS**, the City Plan Board, which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on February 23, 2017, and voted to recommend that the City Commission approve the petition to vacate the said public right-of-way; and

**WHEREAS**, at least 10 days’ notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

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

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1           **WHEREAS**, the City Commission finds that, based on the criteria for the vacation of  
2 public streets or public places found in Policy 10.2.1 of the Transportation Mobility Element of  
3 the Comprehensive Plan and Section 30-192 of the Land Development Code, that it is in the  
4 public interest to vacate, abandon, and close the public right-of-way that is the subject of this  
5 ordinance, subject to the terms and conditions as set forth herein.

6           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
7 **CITY OF GAINESVILLE, FLORIDA:**

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

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

13  
14           **Section 2.** The City reserves unto itself, its successors and assigns a public and private  
15 utilities easement over, under, across and through the property described in Section 1 of this  
16 ordinance for the purpose of installing, maintaining and operating public and private utilities.

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 word, phrase, clause, paragraph, section or provision of this ordinance  
20 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
21 finding shall not affect the other provisions or applications of this ordinance that can be given  
22 effect without the invalid or unconstitutional provision or application, and to this end the  
23 provisions of this ordinance are declared severable.

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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 adoption.  
4

5           **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2017.  
6

7  
8  
9

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

10  
11  
12  
13 Attest:

Approved as to form and legality:

14  
15  
16

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

17  
18  
19

20 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

21

22 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

LAND DESCRIPTION:

A PARCEL OF LAND LOCATED IN SECTION 05, TOWNSHIP 10 SOUTH RANGE 20 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 3/4" OPEN PIPE MARKING THE NORTHEAST CORNER OF LOT 18, BLOCK 11 OF "UNIVERSITY HEIGHTS" AS RECORDED IN PLAT BOOK "A", PAGE 99 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING THE POINT OF BEGINNING; THENCE NORTH 88°42'23" WEST, ALONG THE NORTH LINE OF SAID BLOCK 11, A DISTANCE OF 150.01 FEET TO A 1" OPEN PIPE MARKING THE NORTHWEST CORNER OF LOT 14, BLOCK 11 OF SAID "UNIVERSITY HEIGHTS" AND BEING THE SOUTHEAST CORNER OF THE VACATED RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 3050, PAGE 1210 OF SAID PUBLIC RECORDS; THENCE, LEAVING THE NORTH LINE OF SAID BLOCK 11, NORTH 00°56'30" EAST, ALONG THE EAST LINE OF SAID VACATED RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A 1/2" REBAR & CAP (LB 7996) MARKING THE NORTHEAST CORNER OF SAID VACATED RIGHT-OF-WAY; THENCE, LEAVING SAID EAST LINE, SOUTH 88°42'23" EAST, A DISTANCE OF 150.00 FEET TO A POINT; THENCE SOUTH 00°58'25" WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1,500 SQUARE FEET, MORE OR LESS.

16368

# SKETCH OF DESCRIPTION PROPOSED RIGHT-OF-WAY TO BE VACATED

SECTION 05, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA  
"THIS IS NOT A BOUNDARY SURVEY"

| LINE TABLE |                           |
|------------|---------------------------|
| LINE #     | LINE BEARING AND DISTANCE |
| L1         | N00°56'30"E 10.00'(F)     |
| L2         | S00°58'25"W 10.00'(F)     |

**LAND DESCRIPTION:** (PREPARED BY THIS FIRM)  
A PARCEL OF LAND LOCATED IN SECTION 05, TOWNSHIP 10 SOUTH RANGE 20 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 3/4" OPEN PIPE MARKING THE NORTHEAST CORNER OF LOT 18, BLOCK 11 OF "UNIVERSITY HEIGHTS" AS RECORDED IN PLAT BOOK "A", PAGE 99 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING THE POINT OF BEGINNING; THENCE NORTH 88°42'23" WEST, ALONG THE NORTH LINE OF SAID BLOCK 11, A DISTANCE OF 150.01 FEET TO A 1" OPEN PIPE MARKING THE NORTHWEST CORNER OF LOT 14, BLOCK 11 OF SAID "UNIVERSITY HEIGHTS" AND BEING THE SOUTHEAST CORNER OF THE VACATED RIGHT-OF-WAY AS RECORDED IN OFFICIAL RECORDS BOOK 3050, PAGE 1210 OF SAID PUBLIC RECORDS; THENCE, LEAVING THE NORTH LINE OF SAID BLOCK 11, NORTH 00°56'30" EAST, ALONG THE EAST LINE OF SAID VACATED RIGHT-OF-WAY, A DISTANCE OF 10.00 FEET TO A 1/2" REBAR & CAP (LB 7996) MARKING THE NORTHEAST CORNER OF SAID VACATED RIGHT-OF-WAY; THENCE, LEAVING SAID EAST LINE, SOUTH 88°42'23" EAST, A DISTANCE OF 150.00 FEET TO A POINT; THENCE SOUTH 00°58'25" WEST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1,500 SQUARE FEET, MORE OR LESS.

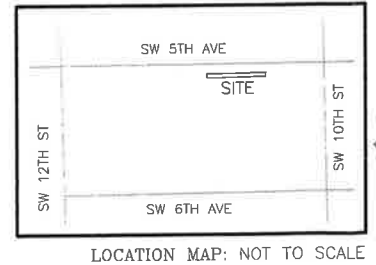
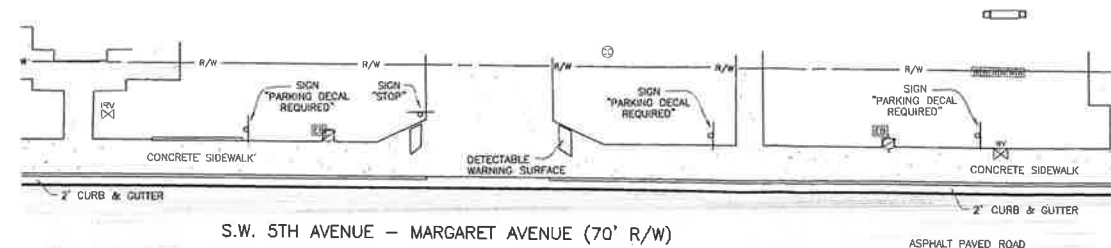
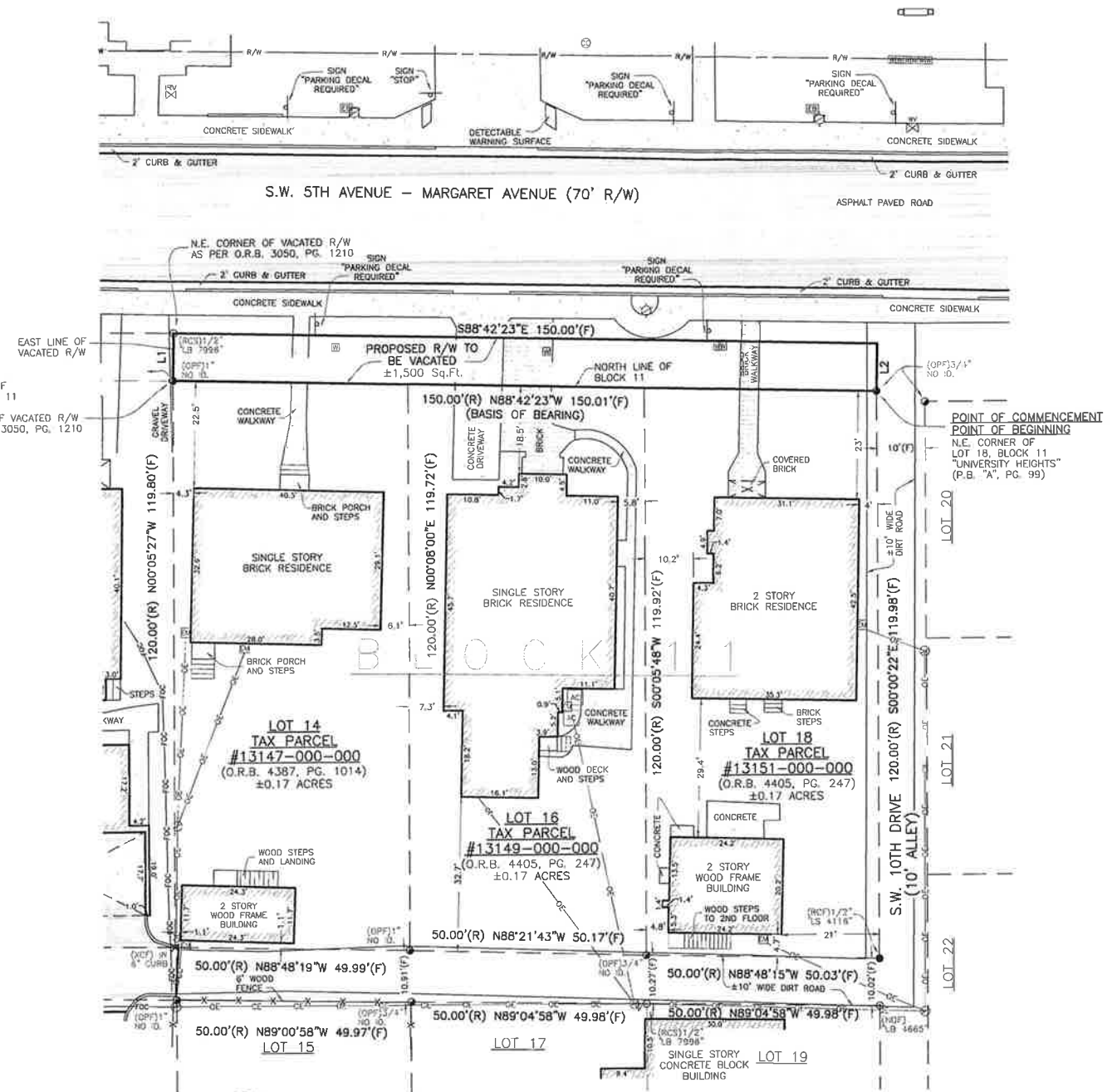
**SURVEYOR'S NOTES:**

1. THIS IS NOT A BOUNDARY SURVEY
2. SKETCH BASED ON PREVIOUS SURVEY BY THIS FIRM, JOB NO. 16368, DATED 06-23-2016.
3. BEARINGS ARE BASED ON AN ASSUMED CALL OF NORTH 88°42'23" WEST FOR THE NORTH LINE OF BLOCK 11 OF "UNIVERSITY HEIGHTS".
4. LAND DESCRIPTION WAS PREPARED BY THIS FIRM.
5. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SIGNED AND SEALED BY THE LAND SURVEYOR IN RESPONSIBLE CHARGE.
6. UNLESS NOTED, NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS WERE LOCATED FOR THIS SKETCH.
7. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAYS, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
8. NORTH ARROW IS BASED ON BEARING STRUCTURE.
9. CERTIFICATION IS NOT TRANSFERABLE.
10. THE PURPOSE OF THIS SKETCH IS TO SHOW THE LOCATION OF A PROPOSED RIGHT-OF-WAY TO BE VACATED.
11. FENCES, SYMBOLS, MONUMENTATION AND UTILITIES SHOWN HEREON MAY BE EXAGGERATED FOR PICTORIAL PURPOSES ONLY AND MAY NOT BE SHOWN TO SCALE.

**LEGEND:**

|   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>(R) RECORD MEASUREMENT</li> <li>(F) FIELD MEASUREMENT</li> <li>(C) COMPUTED MEASUREMENT</li> <li>ID. IDENTIFICATION</li> <li>R/W RIGHT-OF-WAY</li> <li>O.R.B. OFFICIAL RECORDS BOOK</li> <li>P.B. PLAT BOOK</li> <li>PG. PAGE</li> <li>(TYP) TYPICAL</li> <li>(NDS)@ NAIL &amp; DISK SET "LB 7996"</li> <li>(RCS)○ 1/2" REBAR AND CAP SET "LB 7996"</li> <li>x (XCF) X-CUT FOUND</li> <li>● (RCF) REBAR &amp; CAP FOUND</li> <li>○ (NDF) NAIL &amp; DISK FOUND</li> <li>○ (OPF) OPEN PIPE FOUND</li> </ul> | <ul style="list-style-type: none"> <li>⊠ AIR CONDITIONER</li> <li>⊙ METAL LIGHT POLE</li> <li>⊠ CONCRETE LIGHT POLE</li> <li>⊙ WOOD POWER POLE</li> <li>⊙ WATER METER</li> <li>⊠ CABLE TELEVISION BOX</li> <li>⊙ ELECTRIC BOX</li> <li>⊠ ELECTRIC TRANSFORMER</li> <li>○ (MST) STORM WATER MANHOLE</li> <li>○ (MSS) SANITARY SEWER MANHOLE</li> <li>⊠ (SG) STORM GRATE</li> <li>⊙ TELEPHONE PEDESTAL</li> <li>⊙ FIRE HYDRANT</li> </ul> | <ul style="list-style-type: none"> <li>⊕ FDC FIRE DEPARTMENT CONNECTION</li> <li>⊠ ELECTRIC METER</li> <li>⊠ BACK FLOW PREVENTER</li> <li>● CONCRETE BOLLARD</li> <li>⊠ BRICK COLUMN</li> <li>⊠ CURB INLET</li> <li>⊙ SANITARY CLEAN-OUT</li> <li>⊠ FIBER-OPTIC CABLE BOX</li> <li>⊠ SIGN</li> <li>⊠ TELEPHONE BOX</li> <li>⊠ WATER VALVE</li> <li>--- FENCE LINES</li> <li>--- OVERHEAD ELECTRIC LINES</li> </ul> |
|---|---|--|

N.W. CORNER OF LOT 14, BLOCK 11 AND S.E. CORNER OF VACATED R/W AS PER O.R.B. 3050, PG. 1210



SCALE: 1" = 20'

16368

|  |   |   |
|--|---|---|
| SCALE: 1" = 20'<br>BAR IS ONE INCH ON ORIGINAL DRAWING<br>0 1"<br>IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY | PAGE 1 OF 1<br>DATE: 12-01-2016<br>DRAWN BY: GUY<br>FIELD BOOK: N/A<br>COPYRIGHT © DEREN LAND SURVEYING, LLC, LB No. 7996 | SURVEY BY:<br>KRIS ANN GATH P.S.M.<br>PROFESSIONAL SURVEYOR & MAPPER FLA.CERT. 5339<br>JOB NO. 16368<br>ACAD FILE: 16368-SKETCH |
|--|---|---|

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Exhibit "B" to Ordinance No. 160682