



# MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 060416

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

**TO:** Mayor and City Commission

**DATE:** January 8, 2006

**FROM:** City Attorney

**SECOND READING**

**SUBJECT:** Ordinance No. 0-06-111, Petition 111SVA-06PB  
An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southwest 14th Terrace located in the vicinity between the south right-of-way line of Railroad Street, north of the south property line of Lot 3 of Block 7 of Little Gandy Subdivision, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

## COMMUNITY DEVELOPMENT STAFF REPORT

This is a request to vacate a portion of Southwest 14<sup>th</sup> Terrace to facilitate the development of a cancer hospital and associated facilities.

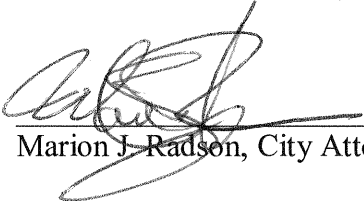
The Plan Board's recommendation of approval of the street vacation is conditional upon the following: 1) the Special Use Permit and Site Plan for the Shands Cancer Hospital development must be approved by the City and; 2) the second reading of the ordinance approving the street vacation of a portion of Southwest 14<sup>th</sup> Terrace located between the south right-of-way line of Railroad Street, as shown on Little Gandy subdivision, to a point 10 feet north of and parallel to the south property line of Lot 3 of Block 7 of Little Gandy Subdivision shall be coordinated with the final sign-off of the site plans for Shands Cancer Hospital. The Plan Board has at this point approved the Special Use Permit for a height of eight stories for the hospital, along with preliminary development plan approval.

Public notice was published in the Gainesville Sun on August 1, 2006. Letters were mailed to surrounding property owners on August 2, 2006. The Plan Board held a public hearing on August 17, 2006.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of September 25, 2006, authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement was approved by the City Commission on November 27, 2006 and applies equally to all other street vacation ordinances relating to this Project.

Prepared and  
submitted by:



Marion J. Radson, City Attorney

Passed on first reading on November 27, 2006 by a vote of 7-0.

**ORDINANCE NO. 060416**  
**0-06-111**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Southwest 14th Terrace located in the vicinity between the south right-of-way line of Railroad Street, north of the south property line of Lot 3 of Block 7 of Little Gandy Subdivision, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; 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 Southwest 14th Terrace located in the vicinity between the south right-of-way line of Railroad Street, north of the south property line of Lot 3 of Block 7 of Little Gandy Subdivision, as more specifically described herein to make possible the "Shands Cancer Hospital" development; and

**WHEREAS**, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on August 17, 2006; 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

1 by the appropriate Departments of the City; and

2           **WHEREAS**, the City Commission finds that it is in the public interest to vacate, abandon  
3 and close the right-of-way as set forth herein to make possible the Shands Cancer Hospital  
4 development, but that the right-of-way is otherwise required for public use and benefit if the  
5 project is not constructed and completed; and

6           **WHEREAS**, the City Commission is willing to vacate, abandon and close the right-of-  
7 way subject to specific terms and conditions in an enforceable agreement between the City and the  
8 owner/developer, its successors and assigns.

9           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
10 **CITY OF GAINESVILLE, FLORIDA:**

11           **Section 1.** Except as provided in Sections 2 and 3 below, the following described right-  
12 of-way in the City of Gainesville no longer serves a public purpose and is hereby vacated,  
13 abandoned and closed for use by the public generally in order to make possible the project,  
14 commonly known as "Shands Cancer Hospital":

15           See legal description attached hereto as Exhibit "A", and made a part hereof  
16 as if set forth in full.

17           **Section 2.** The City reserves unto itself, its successors and assigns a public and private  
18 utilities easement over, under, across and through the right-of-way described in Exhibit "A",  
19 attached hereto and made a part hereof, for the purpose of operating, maintaining, removing and  
20 relocating the public and private utilities located therein.

21           **Section 3.** The vacation, abandonment and closure of the right-of-way described in § 1  
22 of this Ordinance is subject to the terms and conditions of a certain Vacation of Right-of-Way  
23 Agreement between the City and the applicant of the petition to vacate the right-of-way,

1 Southeastern Health Care Foundation, Inc., which Agreement provides, among other things, that  
2 this ordinance may be repealed and the vacation, abandonment and closure of the right-of-way  
3 shall be of no further force and effect.

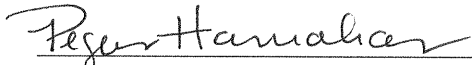
4 **Section 4.** The Clerk of the Commission or designee is authorized to record a true copy  
5 of this Ordinance in the Public Records of Alachua County, Florida.

6 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
7 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect  
8 the validity of the remaining portions of this ordinance.

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

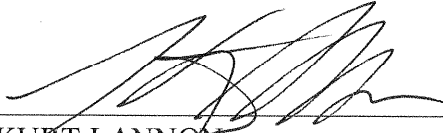
11 **Section 7.** This ordinance shall become effective immediately upon final adoption.


12 **PASSED AND ADOPTED** this 8th day of January, 2007.

13   
14 \_\_\_\_\_  
15 Pegeen Hanrahan, Mayor

16  
17 ATTEST:

Approved as to form and legality:

18   
19 \_\_\_\_\_  
20 KURT LANNON,  
21 CLERK OF THE COMMISSION

22 By:   
23 \_\_\_\_\_  
24 MARION RADSON, CITY ATTORNEY  
25 JAN 08 2007

26 This ordinance passed on first reading this 27th day of November, 2006.

27 This ordinance passed on second reading this 8th day of January, 2007.

28 MJR/afm

29 H:\Marion Radson\Planning\111SVA 06PB pet.doc

JULY 17, 2006

**PREPARED FOR:** SOUTHEASTERN HEALTHCARE FOUNDATION, INC.  
**PROJECT NO.:** 05-0811  
**DRAWING FILE:** 05-0811 Gandy sketch.dwg  
**DESCRIPTION FOR:** Portion of S.W. 14<sup>th</sup> Terrace in Little Gandy Sub-Division

**LEGAL DESCRIPTION:**

A PORTION OF SOUTHWEST 14<sup>th</sup> TERRACE (LAKE AVENUE PER PLAT) AS SHOWN ON LITTLE GANDY SUB-DIVISION RECORDED IN PLAT BOOK "B" PAGE 28 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LOCATED IN SECTION 7, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 1 OF BLOCK 7 OF SAID LITTLE GANDY SUB-DIVISION AND A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF RAILROAD STREET AS SHOWN ON SAID LITTLE GANDY SUB-DIVISION ; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE NORTHWESTERLY AND ALONG SAID SOUTHERLY RIGHT OF WAY LINE TO THE WESTERLY LINE OF LOT 10 OF BLOCK 5 OF SAID LITTLE GANDY SUB-DIVISION; THENCE SOUTHERLY ALONG THE SAID WESTERLY LINE OF LOT 10 AND ALONG THE WESTERLY LINES OF LOTS 9, 8, AND 7 OF BLOCK 5 OF SAID LITTLE GANDY SUB-DIVISION TO THE EASTERLY PROJECTION OF A LINE 10.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTH LINE OF LOT 3 OF BLOCK 7 OF SAID LITTLE GANDY SUB-DIVISION; THENCE WESTERLY ALONG A LINE 10.00 FEET NORTHERLY OF AND PARALLEL TO THE SOUTH LINE OF LOT 3 OF BLOCK 7 OF SAID LITTLE GANDY SUB-DIVISION AND THE EASTERLY PROJECTION THEREOF TO THE EASTERLY LINE OF SAID LOT 3 OF BLOCK 7; THENCE NORTHERLY ALONG SAID EASTERLY LINE AND ALONG THE EASTERLY LINES OF LOTS 2 AND 1 OF BLOCK 7 OF SAID LITTLE GANDY SUB-DIVISION TO THE POINT OF BEGINNING.

All as shown on the Map  
attached herewith  
and made a part hereof



