



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO.

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

TO: Mayor and City Commission

April 25, 2005

DATE: ~~April 11, 2005~~

FROM: City Attorney

SECOND READING

~~FIRST READING~~

SUBJECT: **Ordinance No. 0-05-38, Petition 153-BSVA-03PB**
An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3345 North Main Street; 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 5-2.

ORDINANCE NO. _____
0-05-38

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An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of right-of-way located East of North Main Street and adjacent to 3345 North Main Street; 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 right-of-way located East of North Main Street and adjacent to 3345 North Main 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; abandon and close the area, subject to utilities easements.

DRAFT

3/21/2005

1 ATTEST:

Approved as to form and legality:

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4 _____
5 KURT LANNON,
6 CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

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

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

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14 MJR/afm

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16 H:\Marion Radson\Planning\153-BSVA 03 pet.doc

Petition 153 SUB Q3P5

CE Causseaux & Ellington, Inc.
Engineering • Surveying • Planning

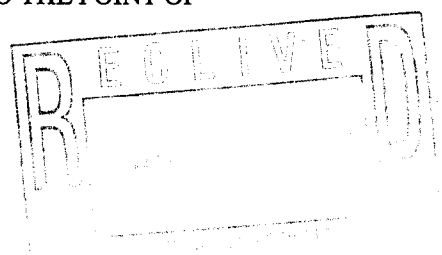
PREPARED FOR: GATORLAND TOYOTA
LEGAL DESCRIPTION FOR: 35' STRIP OF LAND
DRAWING FILE NUMBER: 05-0190 – PARCEL 'B'.DWG
Date: FEBRUARY 28, 2005

LEGAL DESCRIPTION: (BY SURVEYOR)

A 35.00 FOOT WIDE STRIP OF LAND BEING A PORTION OF LOT 1 OF NORTH MAIN STREET COMMERCIAL PARK, AS RECORDED IN PLAT BOOK "H", PAGE 96 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LYING IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWESTERLY CORNER OF SAID LOT 1 FOR A POINT OF REFERENCE, SAID POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF NORTH MAIN STREET (A 100 FOOT RIGHT OF WAY); THENCE RUN SOUTH 01°03'22" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, AND ALONG THE WESTERLY LINE OF SAID LOT 1, A DISTANCE OF 275.00 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF N.E. 34th PLACE (A 50 FOOT RIGHT OF WAY) SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN NORTH 89°09'36" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 35.00 FEET TO THE EASTERLY LINE OF A CITY OF GAINESVILLE RIGHT OF WAY (A 35 FOOT RIGHT OF WAY) AS CALLED FOR IN OFFICIAL RECORDS BOOK 1951, PAGE 1662 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHWESTERLY CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1951, PAGE 1662; THENCE RUN SOUTH 01°03'22" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE, AND ALONG THE WESTERLY LINE OF SAID LANDS, A DISTANCE OF 224.58 FEET TO THE SOUTHWESTERLY CORNER OF SAID LANDS; THENCE RUN SOUTH 89°09'36" WEST, ALONG THE WESTERLY EXTENSION OF THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 35.00 FEET TO SAID EASTERLY RIGHT OF WAY LINE OF NORTH MAIN STREET AND WESTERLY LINE OF SAID LOT 1; THENCE RUN NORTH 01°03'22" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG SAID WESTERLY LINE OF LOT 1, A DISTANCE OF 224.58 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,860 SQUARE FEET, MORE OR LESS.



All as shown on the Map
EXHIBIT "A"
a part hereof

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

LYING IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST,
CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA
SKETCH - NOT A BOUNDARY SURVEY

POINT OF REFERENCE

NW CORNER LOT 1
NORTH MAIN STREET COMMERCIAL PARK
PLAT BOOK "H", PAGE 96



S01°03'22"E 275.00'

N.E. 34th PLACE
(50' R/W)

SOUTHERLY R/W LINE OF
N.E. 34th PLACE

POINT OF BEGINNING

PARCEL 'B'

N89°09'36"E
35.00'

GRAPHIC SCALE



NORTH MAIN STREET (100' R/W)
COUNTY ROAD No. 329

WESTERLY LINE OF LOT 1
EASTERLY R/W LINE OF NORTH MAIN STREET

N01°03'22"W 224.58'
SUBJECT PARCEL
PARCEL 'B'

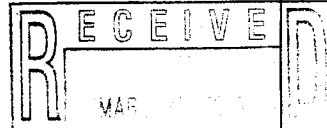
CONTAINING ±7,860 SQUARE FEET

EXISTING 35' WIDE CITY OF GAINESVILLE R/W (PER O.R. 1951, PAGE 1662)

S01°03'22"E 224.58'

EASTERLY LINE OF CITY OF GAINESVILLE R/W
WESTERLY LINE OF THE LANDS DESCRIBED IN O.R. 1951, PAGE 1662

TAX PARCEL No. 08231-055-002
O.R. 1951, PAGE 1662



DESCRIPTION: (SEE ATTACHED)

SURVEYORS NOTES:

1. THE BEARINGS AND BOUNDARY LINES SHOWN HEREON ARE BASED ON THE PLAT OF NORTH MAIN STREET COMMERCIAL PARK, AS RECORDED IN PLAT BOOK "H", PAGE 96, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

LEGEND:

O.R. = OFFICIAL RECORDS BOOK
R/W = RIGHT OF WAY

WESTERLY EXTENSION OF THE
SOUTHERLY LINE OF THE LANDS
DESCRIBED IN O.R. 1951, PAGE 1662

S89°09'36"W
35.00'

This map prepared by:
ALAN L. TILY
Professional Surveyor & Mapper Fla. License No. 6201

COMPUTER FILE: 05-0190
DATE: 02/28/05
SCALE: 1" = 30'

CERTIFIED TO: GATORLANDS TOYOTA	DATE OF LAF: RECORD WITH ALT: FILED: R/A:
Causseaux & Ellington, Inc. Engineering • Surveying • Planning 6011 NW 1st Place, Gainesville, Florida 32607 Phone: (352) 331-1976 Fax: (352) 331-2476	FILE NO.: 05-0190 SHEET NO.: 1 OF 1