

*City of*  
*Gainesville*

Inter-Office Communication

Planning Division  
x5023, FAX x3259, Station 12

Item No. 1

**TO:** City Plan Board

**DATE:** January 21, 1999

**FROM:** Bedez E. Massey,  
Current Planning Division

**SUBJECT:** Petition No. 218SVA-98PB: Paul West Ford, Inc. Pursuant to Sec. 30-192(b) of the Gainesville Land Development Code, to vacate, abandon and close that portion of city right-of-way lying east of North Main Street, west of tax parcel no. 8231-60, north of tax parcel no. 8231-50 and south of additional city right-of-way lying east of North Main Street and west of the North Main Street Commercial Park.

**Recommendation:** Staff recommends that the petition be denied.

**Explanation:**

Currently, there is a thirty-five (35) foot wide strip of city right-of-way running parallel to the west property line of Tax Parcel Number 8231-60. This tax parcel is occupied by the Paul West Ford car dealership, located at 3333 North Main Street. With the exception of two (2) paved driveway connections, the subject right-of-way is predominantly pervious. It is abutted on the west by county right-of-way, which consists of a grassed strip approximately seven (7) feet in width; a five (5) foot wide concrete sidewalk, and North Main Street. (See Exhibits A and B.)

The petitioner is presently using the subject right-of-way, and part of the adjoining county right-of-way, for the outdoor storage and display of automobiles. As indicated on the application to vacate public right-of-way, the purpose of this request is to provide the petitioner vehicular and pedestrian access from North Main Street.

According to documentation provided by the petitioner, the City Public Works Department issued a Right-of-Way Use Permit to Paul West Ford, Inc., in May of 1998. The permit allows the petitioner to maintain two (2) existing driveway connections at the Paul West Ford car dealership for vehicular and pedestrian access to North Main Street. Copies of driveway permits from Alachua County were not provided. However, the Alachua County Public Works Department has expressed its awareness of the driveway connections, and that it has no objection to vacating the subject right-of-way.

Comments from the county and other reviewing departments are provided in Exhibit C of this report. Included among these comments are recommendations from Gainesville Regional Utilities (GRU) and BellSouth for the reservation of utility easements over the subject right-of-way. Also included is a recommendation from the City Arborist to disapprove the petition on the basis that vacating the subject right-of-way would preclude efforts to shade the North Main Street corridor.

In addition to the above, the following criteria shall also be considered in determining whether the general public welfare would be best served by the proposed action:

1. **Whether the public benefits from the use of the subject right-of-way as part of the city street system:** The subject right-of-way is not used as part of the city street system. A portion of the right-of-way is used by the petitioner to access North Main Street, which is a county right-of-way.
2. **Whether the proposed action is consistent with the city's comprehensive plan.** According to the City Arborist, vacating the subject right-of-way is inconsistent with the City's streetscape project currently being implemented along the North Main Street Corridor. As per Policy 3.1.7 of the Conservation/Open Space/Groundwater Recharge Element of the City Comprehensive Plan, "the City shall prepare a plan for the establishment and preservation of tree-lined streets. This plan shall give priority to high-visibility Gateway Streets and important activity center road segments, as well as segments included on the Metropolitan Transportation Planning Organization (MTPO) Transportation Improvement Plan." This segment of North Main Street is not within the Gateway Street District, but it is included on the MTPO Improvement Plan. A copy of the North Main Street Tree-Planting Plan is provided in Exhibit C.
3. **Whether the proposed action would violate individual private property rights.** The proposed action would not violate individual private property rights. Private property located to the north and south of the subject right-of-way both have separate driveways which provide access from North Main Street.
4. **The availability of alternative action to alleviate the identified problems.** According to the City Arborist in Exhibit C, the subject right-of-way is needed in its entirety to execute the North Main Street Tree Planting Plan. Maintenance of the subject right-of-way will not deprive the petitioner of access from North Main Street, since access is allowed under the permit issued by the City Public Works Department in May of 1998.
5. **The effect of the proposed action upon traffic circulation.** Regardless of whether this petition is approved or denied, the petitioner will maintain access from North Main Street under the permit issued by the City Public Works Department in May of 1998. Any modifications to current driveway connections, or the provision of new ones, will require site plan review involving both the city and county. An easement will also be required to allow GRU and Bell South access to existing utilities within and near the subject right-of-way.
6. **The effect of the proposed action upon crime.** There is no evidence indicating that the proposed action will impact crime.
7. **The effect of the proposed action upon the safety of pedestrians and vehicular traffic.** Approval of the proposed action will provide the petitioner with access to land that abuts an existing sidewalk provided for pedestrian circulation. The petitioner has illegally parked vehicles within the subject right-of-way for outdoor storage and display, and there is no barrier to prevent the vehicles from encroaching into the adjacent sidewalk.
8. **The effect of the proposed action upon the provision of municipal services including but not limited to emergency services and waste removal services.** The proposed action is not expected to adversely affect the provision of municipal services, except for the Tree Planting Plan on North Main Street.

1/21/99

3

- 9. The necessity to relocate utilities both public and private.**  
Gainesville Regional Utilities (GRU) has requested that a twenty (20) foot wide public utility easement be reserved along the western portion of the subject right-of-way to access overhead utility lines. BellSouth has requested that an easement be reserved over the subject right-of-way to maintain buried cables.
- 10. The effect the proposed action will have upon property values in the immediate and surrounding areas.**  
Staff is unaware of the effect the proposed action will have upon property values in the immediate and surrounding areas.
- 11. The effect of the proposed action on geographic areas which may be impacted.**  
Based on comments provided by the City Arborist in Exhibit C, approval of the proposed action would preclude use of the subject right-of-way to the extent needed for the North Main Street Tree Planting Plan. This plan was developed to help beautify the North Main Street corridor, as well as the entire city.
- 12. The effect of the proposed action on the design and character of the area.**  
North Main Street, between N.E. 31st Avenue and N.E. 39th Avenue, is heavily lined by automotive businesses which have outdoor storage and display areas. Most of the outdoor storage and display areas are visible from the street. While some of the automotive businesses along North Main Street comply with the street buffer requirements of the City Land Development Code due to recent site amendments, many do not. One of the goals of the North Main Street Tree Planting Plan is to address this landscape deficiency by providing trees and other plant material within the public right-of-way. If the proposed action is approved, planting within the subject right-of-way would be left to the discretion of the petitioner until development activity was undertaken requiring the Paul West Ford car dealership to comply with the City's landscaping requirements.

Sincerely,



Ralph Hilliard  
Planning Manager

RH:bem  
Exhibits

#17/218rec.doc



City of Gainesville  
Department of Community Development  
Current Planning Division  
Summary of Technical Review Committee Comments

**Petition:** 218SVA-98PB

**Plan Board**

**Meeting Date:** 1/21/99

**Reviewed by:** Bedez E. Massey

**Project Name/Description:** Paul West Ford, Inc. Pursuant to Sec. 30-192(b) of the Gainesville Land Development Code, to vacate, abandon and close that portion of city right-of-way lying east of North Main Street, west of tax parcel no. 8231-60, north of tax parcel no. 8231-50 and south of additional city right-of-way lying east of North Main Street and west of the North Main Street Commercial Park.

**I. Department Comments:**

1. **Planning:** Disapprove
2. **City Engineering:** Approvable as submitted
3. **Gainesville Regional Utilities:** Approvable with conditions
4. **Building:** Approvable with conditions
5. **Fire:** No comments received
6. **Police:** No comments received.
7. **Arborist:** Disapprove
8. **A.C.D.E.P.:** No comments received
9. **BellSouth:** Approvable with conditions
10. **Cox Communications:** Approvable as submitted
11. **Alachua County Public Works:** Approvable as submitted

- II. Overall Recommendation:** Based on the information provided by the City Arborist, approval of this petition would be in direct conflict with Policy 3.1.7 of the Conservation/Open Space/Groundwater Recharge Element of the City Comprehensive Plan. Therefore, the overall recommendation is to deny the petition.

# SITE PLAN EVALUATION SHEET

## DEVELOPMENT PLAN & SUBDIVISION REVIEW EVALUATION

### CURRENT PLANNING, ROOM 158, THOMAS CENTER "B"

#### 306 Northeast 6th Avenue 334-5023

Petition No. 218SVA-98PB	Date Plan Rec'd: 11/3/98	Review Type: Street Vacation
Review For: Plan Board	Review Date: 1/21/99	Project Planner: Bedez E. Massey

**APPROVABLE** (as submitted)                     
  **APPROVABLE** (subject to below)                     
  **DISAPPROVED**

**Description/Location/Agent:** Vacate that portion of City right-of-way lying east of North Main Street, west of Tax Parcel No. 8231-60, north of Tax Parcel No. 8231-50 and south of additional City right-of-way lying east of North Main Street and west of the North Main Street Commercial Park. Paul West Ford, Inc.

#### RECOMMENDATIONS/REQUIREMENTS/COMMENTS

1. The City Arborist has recently brought to the attention of the City Planning Division that a comprehensive tree planting plan has been developed for the North Main Street corridor. The plan includes the east side of North Main Street, between N.E. 31st Avenue and N.E. 39th Avenue, where the subject right-of-way is located.

According to Policy 3.1.7 of the Conservation/Open Space/Groundwater Recharge Element of the City Comprehensive Plan, the city is required to establish and implement plans for the preservation of tree-lined streets on roadway segments which are included on the Metropolitan Transportation Planning Organization (MTPO) Transportation Improvement Plan. North Main Street, between N.E. 31st Avenue and N.E. 39th Avenue, is a part of the MTPO Plan.

The City Arborist has indicated that approval of this petition would be in conflict with Policy 3.1.7 of the City's Comprehensive Plan, and would preclude efforts to plant landscape material to the extent needed along this segment of North Main Street. As a result, the City Planning Division cannot support this petition.

# SITE PLAN EVALUATION SHEET

PUBLIC WORKS DEPARTMENT 334-2051 M.S. 58

Petition No. <u>218SVL-98 PB</u>	Review Date: <u>11/19/98</u>	Review Type:
Review For: <u>Technical Review Committee</u>	Plan Reviewed: <u>11/19/98</u>	<u>Other</u>
Description, Agent & Location: <u>Street vacation North Main Street</u>	Project Planner:	
<u>Paul West Ford</u>	<u>North Main Street</u>	<u>Bedez Massey</u>


**APPROVED**  
(as submitted)

**APPROVED**  
(subject to below)

**DISAPPROVED**

- Alachua County driveway permit required
- Approved for concurrency
- 25 Yr. critical duration storm event must be analyzed.
- SJRWMD stormwater permit is required.
- Treatment volume must be recovered within 72 Hrs. (F.S. of 2)
- Petitioner must schedule meeting with Public Works Department

Comments By:

  
Rick Melzer P.E.  
Development Review Engineer

REVISIONS / RECOMMENDATIONS:

RECEIVED

NOV 19 1998

PLANNING  
DIVISION

Reviewing Department:

Real Estate Division

Checking Official:

~~Kristic Brewer~~ - Box A130  
ANN MULLINS

Phone No.:

334-3400, x. ~~1230~~<sup>1232</sup>

Return to:

Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
Room 158, Thomas Center B  
phone 334-5023; fax 334-3259

PETITION NO. 2185VA-98 PB Response due date: ASAP

Staff discussion of proposed street closing at Development Reviewing Meeting in the First Step Center, Room 119, Thomas Center B, Gainesville, Florida on 11-19-98

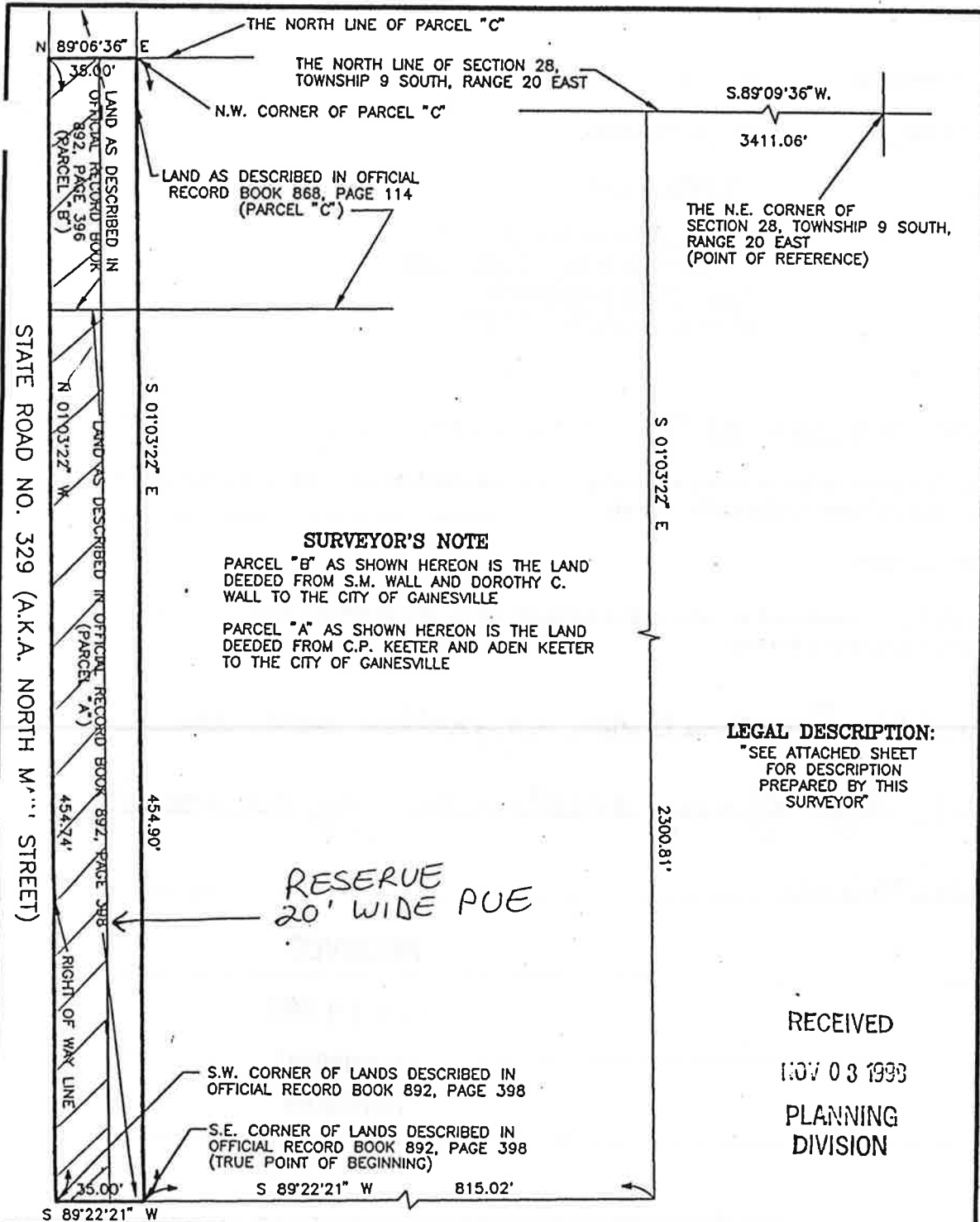
RECOMMENDATION:

Based upon the below criteria and any other relevant considerations, please indicate your recommendation concerning this request.

Reserve a 20' wide public utility  
easement along the western portion  
of the 35' wide right-of-way.

Checking Official Signature: Ann Mullins Date: 11/18/98






**NOTE- THIS SKETCH DOES NOT REPRESENT A BOUNDARY SURVEY.  
SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST ALACHUA COUNTY, FLORIDA**

**ALACHUA COUNTY LAND SURVEYORS, INC.**  
Professional Surveying and Mapping, L.B. #2903  
2512 N.E. 1st BLVD - SUITE 200  
Gainesville, Florida, 32609 (352) 378-1180

**SURVEYOR'S CERTIFICATION:**  
"UNLESS IT BEARS THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID."



SCALE: 1"=50'	NAMES	DATES
DRAWN	SAH	10/28/98
CHECKED		
REVISED		
REVISED		
REVISED		

BY:  SURVEYOR  
STACY A. HALL Fla. Reg. Cert. No. 3784

JOB NUMBER	97-448
DRAWING NO.	97442SKL.DWG
FIELD NOTES	N/A
SHEET	1 of 1

Reviewing Department: Building  
Checking Official: Brenda Strickland  
Phone No.: 334-3400, x. 5644  
Return to: Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
Room 158, Thomas Center B  
phone 334-5023; fax 334-3259

PETITION NO. 218 SVA-98PB Response due date: \_\_\_\_\_

Staff discussion of proposed street closing at Development Reviewing Meeting in the First Step Center, Room 119, Thomas Center B, Gainesville, Florida on \_\_\_\_\_

RECOMMENDATION:

Based upon the below criteria and any other relevant considerations, please indicate your recommendation concerning this request.

The Building Department has no problem with the  
proposed right of way vacation as long as access  
is maintained.

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NOV 19 1993

PLANNING  
DIVISION

Checking Official Signature: Brenda S. Strickland Date: 11-19-98

# SITE PLAN REVIEW

## City Arborist

PETITION # 218SVA-98 PB (Paul West Ford, Inc.) DATE: December 8, 1998

PROJECT City ROW E of N Main St & W of the N Main St Commercial Park (BedeZ)

REVIEW Street Vacation

Approved  Disapproved  
 Approved with the following conditions

Right now, there are no trees shading Main Street from the 31st Avenue to 39th Avenue. The hardscape bakes in the sun, and the re-radiated heat significantly increases Gainesville's urban heat load. A variety of research has shows that this kind of urban heat load is one of the main factors in global warming. Federal, State, and local ordinances are aimed at diminishing this.

The City of Gainesville plans to plant trees along Main Street to diminish urban heat load. Gainesville's Comprehensive Plan Conservation and Open Space Element 3.1.7 states *"the City shall prepare a plan for the establishment and preservation of tree-lined streets. This plan shall give priority to high-visibility Gateway Streets and important activity center road segments, as well as segments included on the Metropolitan Transportation Planning Organization Transportation Improvement Plan."*

The attached comprehensive plan for trees along Main Street relies on the City right-of-way in front of Paul West Ford as an important location in this effort. Therefore, this street vacation petition should not be approved. Without this right-of-way, there is no room for trees.

Impact on Urban Forest: Vacating this right-of-way would prevent the City from completing the Main Street tree-planting plan designed to accomplish compliance with the Conservation and Open Space Element of the 1990 Comprehensive Plan.

Submitted by City Arborist, Parks Division, City of Gainesville P.O. Box 490, Sta. 27  
Gainesville, FL 32602 (352-334-2171)

Signature 

Comment: If at some point in the future, the petitioner finds himself in the position of bringing his site into compliance with current landscaping regulations (either through a proposal to expand the floorplans of existing buildings or to redevelop the site), and plans to plant the required 9' street buffer of trees and shrubs reconsideration of a petition to transfer this right-of-way might be in order.

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DEC 08 1998

PLANNING  
DIVISION



RECEIVED

DEC 14 1998

PLANNING DIVISION

# City of Gainesville

Parks Division, Sta 27  
334-2171, FAX 334-3197

## MEMORANDUM

Date: December 7, 1998

To: Ralph Hilliard, Planning Manager

RECEIVED

From: Meg Niederhofer, City Arborist *Meg*

DEC 14 1998

Subject: North Main Street Tree-Planting Plan

PLANNING DIVISION

The City's Comprehensive Plan Conservation and Open Space Element 3.1.7 states... *"the City shall prepare a plan for the establishment and preservation of tree-lined streets. This plan shall give priority to high-visibility Gateway Streets and important activity center road segments, as well as segments included on the Metropolitan Transportation Planning Organization Transportation Improvement Plan."*

Working with the City Beautification Board, a plan was developed for Main Street. Part of the plan has been executed. Specifically, in 1997 the City planted Live Oaks along both sides of Main Street from Second Avenue to Eighth Avenue

NORTH MAIN STREET TREE PLANTING PLAN		
2nd Ave to 8th Ave.	1997	Live Oaks planted along both sides in the strip of grass between the sidewalk and street.
8th Ave to 16th Ave. East side	1998	Drake Elms, compatible with overhead power lines, were planted on the west side in the grass strip between sidewalk and street in the County maintained right-of-way.
8th Ave to 16th Ave. West side	1999	Live Oaks will be planted (no overhead power lines). A few Drake Elms will be interspersed to draw the two sides of the street together.
NW 16th Ave to 23rd Ave. West side	1998	Live Oaks and Drake Elms were planted in front of the old Toyota Dealership and Radio Shack. No overhead power lines. North of the former Toyota site, the right-of-way narrows. Plan is to work with private property owners in 1999 to locate on their land adjacent to the street.
NW 16th Ave to 23rd Ave. East side	2000	Due to narrow right-of-way, the plan along this side will have to depend on the cooperation of adjacent property owners.
NW 23rd Ave to 31st Ave. West side	2000	With the permission of Alachua County Public Works, the City planted American Ash, Crape Myrtles, Live Oaks and Hollies on both sides of the drainage retention area between NE 1st Blvd and 31st Ave. The plan is to continue the plantings to the north to 23rd Ave.

NW 23rd Ave to 31st Ave. East side	2000	A large wetland abuts the right-of-way and will not need trees. Between 23rd and the wetland we'll be working with private owners (e.g. Ryan's to replace Laurel Oaks that have been pruned by GRU with Drake Elms).
NW 31st Ave to 39th Ave. East side	2001	The City has a 35' ROW behind the Alachua County ROW in front of Paul West dealerships, Toyota, and Acura. Drake Elms and Hollies are slated for installation, due to overhead power lines. (Toyota removed two Heritage Longleaf Pines from this area two years ago. They replanted in accordance with the required inch-for-inch Code requirement on site. Unfortunately, many of these trees have died because they continue to park cars on the City ROW. They may be asked to replace the trees that have died before the City planting is undertaken in 2001). East Palatka Holly Trees already have been planted in front of the Saturn dealership and Hawes Chrysler, when they met the street buffer requirements associated with their Approved Site Plans.
NW 31st Ave to 39th Ave. West side	2001	Some trees have been planted associated with Approved Site Plans. Additional trees will be planted on private properties with willing owners. There are no overhead power lines, so the emphasis will be on Live Oaks, with a few Drake Elms and Hollies to complement those on the east side of the street.

The City Beautification Board is familiar with this Plan and endorses the planting of trees on Main Street. As with all planting plans, our policy is to coordinate with the owners of property adjacent to the rights-of-way where the trees are slated to go. Often they are very enthusiastic, for example, the Radio Shack dealership at 16th and Main. Occasionally property owners have been resistant to the concept of trees planted on adjacent public property. However, when they understand the citizen groups that are promoting the projects--the City Beautification Board, local chapters of the Florida Native Plant Society, Sierra Club, and Audubon Society, and the Gainesville Garden Club, the businesses realize there is community support and agree to cooperate.

**Reviewing Department:** Bell South - 9010 NW 39th Avenue, 32606  
**Checking Official:** E.M. Sparks  
**Phone No.:** 335-5513  
**Return to:** Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
Room 158, Thomas Center B  
phone 334-5023; fax 334-3259

PETITION NO. 218SVA-98 PB Response due date: ASAP

Staff discussion of proposed street closing at Development Reviewing Meeting in the First Step Center, Room 119, Thomas Center B, Gainesville, Florida on 11-19-98

**RECOMMENDATION:**

Based upon the below criteria and any other relevant considerations, please indicate your recommendation concerning this request.

BellSouth has buried cables in this area and will require an  
easement (access) to maintain telephone facilities to 3333 N Main St.  
& 3111 N Main St.

Checking Official Signature:  Date: 11-19-98

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 NOV 19 1998  
 PLANNING  
 DIVISION

Reviewing Department: Cox Communications  
Checking Official: Wesley Benton  
Phone No.: 377-7791, x. 760  
Return to: Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
Room 158, Thomas Center B  
phone 334-5023; fax 334-3259

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NOV 23 1999  
PLANNING  
DIVISION

PETITION NO. 218SVA-98 PB Response due date: ASAP

Staff discussion of proposed street closing at Development Reviewing Meeting in the First Step Center, Room 119, Thomas Center B, Gainesville, Florida on 11

RECOMMENDATION:

Based upon the below criteria and any other relevant considerations, please indicate your recommendation concerning this request.

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Checking Official Signature: Jeff Hinshaw Date: 11-19-98

11/30/98 o.k. with request, as per Jeff Hinshaw.  
AM





Engineering  
Road Maintenance  
Fleet Management  
Solid Waste Management  
Parks & Open Space Management  
Development Review  
Inspections  
Right of Way

## PUBLIC WORKS DEPARTMENT

P.O. Box 1188 • Gainesville, Florida 32602-1188  
(904) 462-2147 • (352) 374-5245  
FAX (904) 462-4557  
Southwest Landfill (352) 495-9215  
FAX (352) 495-3671

Edwin E. Culpepper  
Director/County Engineer

November 24, 1998

Ms. Bedez Massey  
Department of Community Development  
City of Gainesville  
PO Box 490, mail station no. 12  
Gainesville, FL 32602

Re: Paul West Ford Petition to vacate City right of way

Dear Ms. Massey:

In reference to a request by Paul West Ford, Inc. to vacate a 35.0 foot strip lying parallel to and adjacent to North Main Street in front of the Paul West Ford dealership, I respectfully submit the following response.

Alachua County Public Works Department has reviewed this request as it relates to being adjacent to a County right of way, and we find no objection to having the strip vacated.

Sincerely,

Robert W. Wigglesworth, P.L.S.  
Real Property Coordinator/PSM

RWW:ce

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NOV 30 1998  
PLANNING  
DIVISION

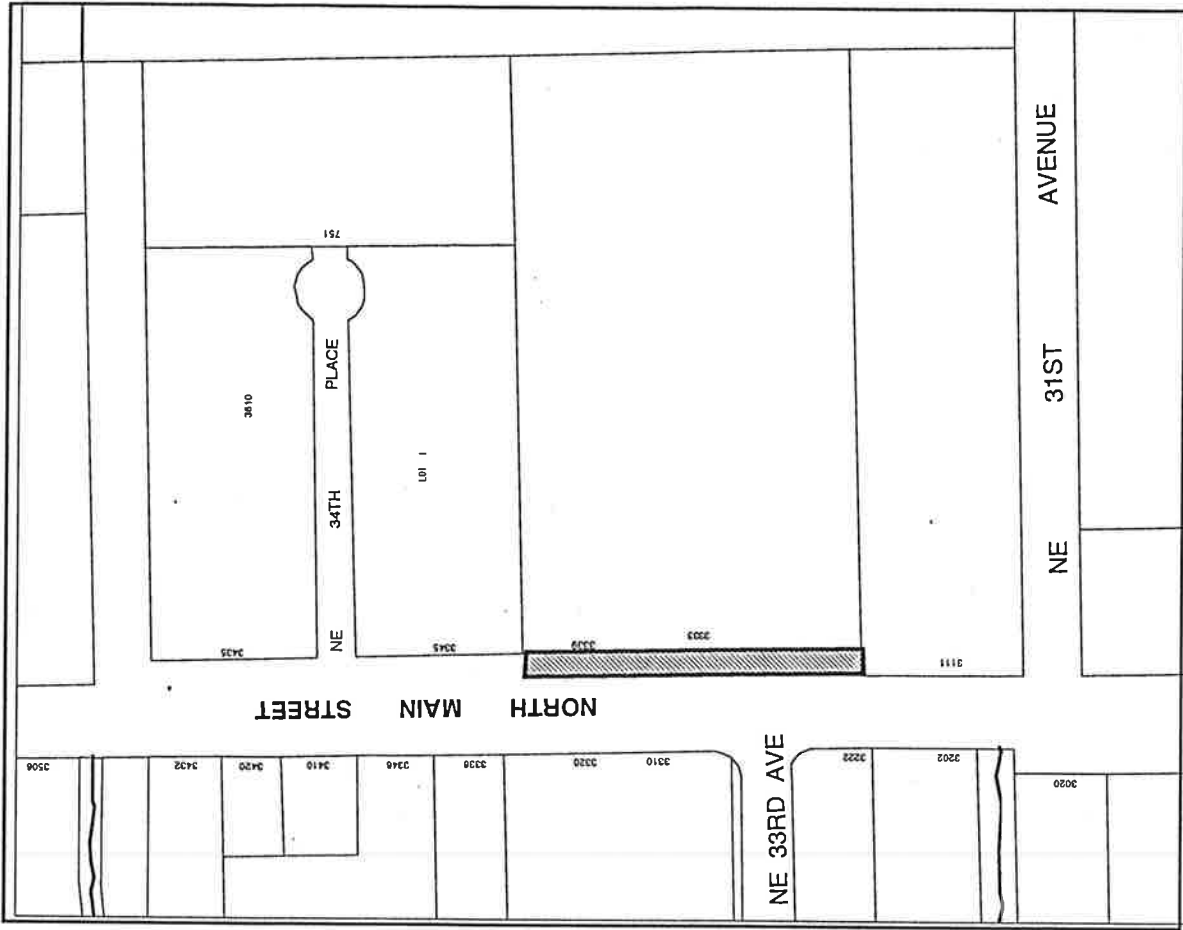


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An Equal Opportunity Employer M. F. V. H.

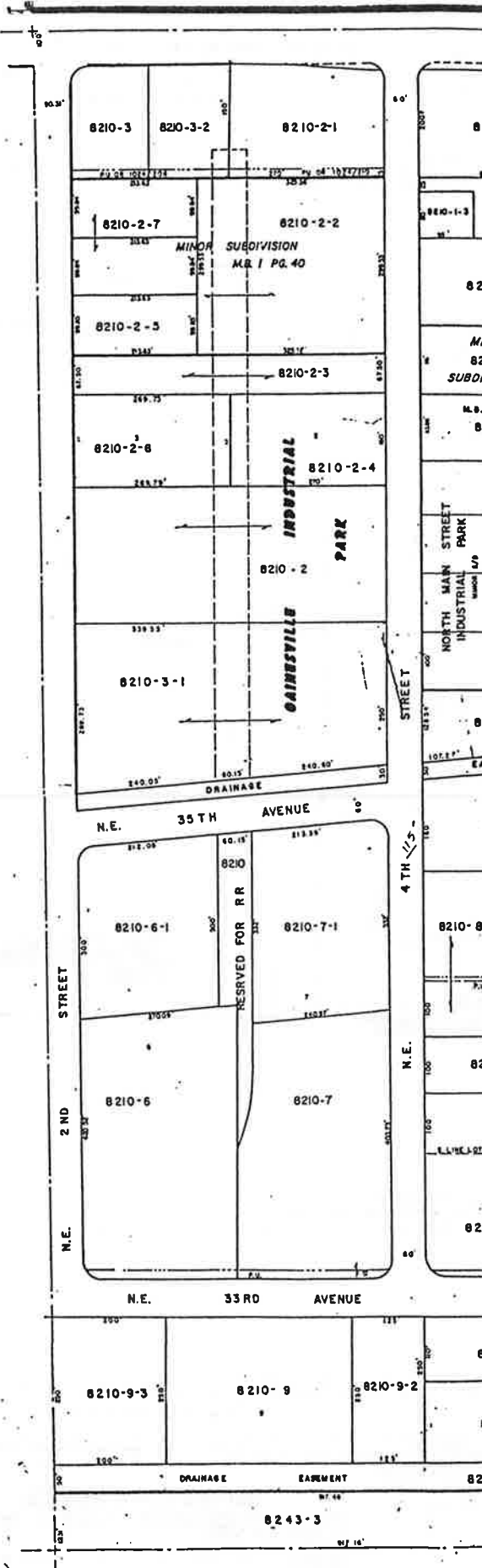


# Street Closing



Name	Petition Request	Map(s)	Petition Number
Paul West Ford Inc.	Street Vacation	3552	218SVA-98PB





39th AVENUE (PREVIOUSLY KNOWN AS S.R. #S-232)

3410.59'(R) 3411.06'(R)

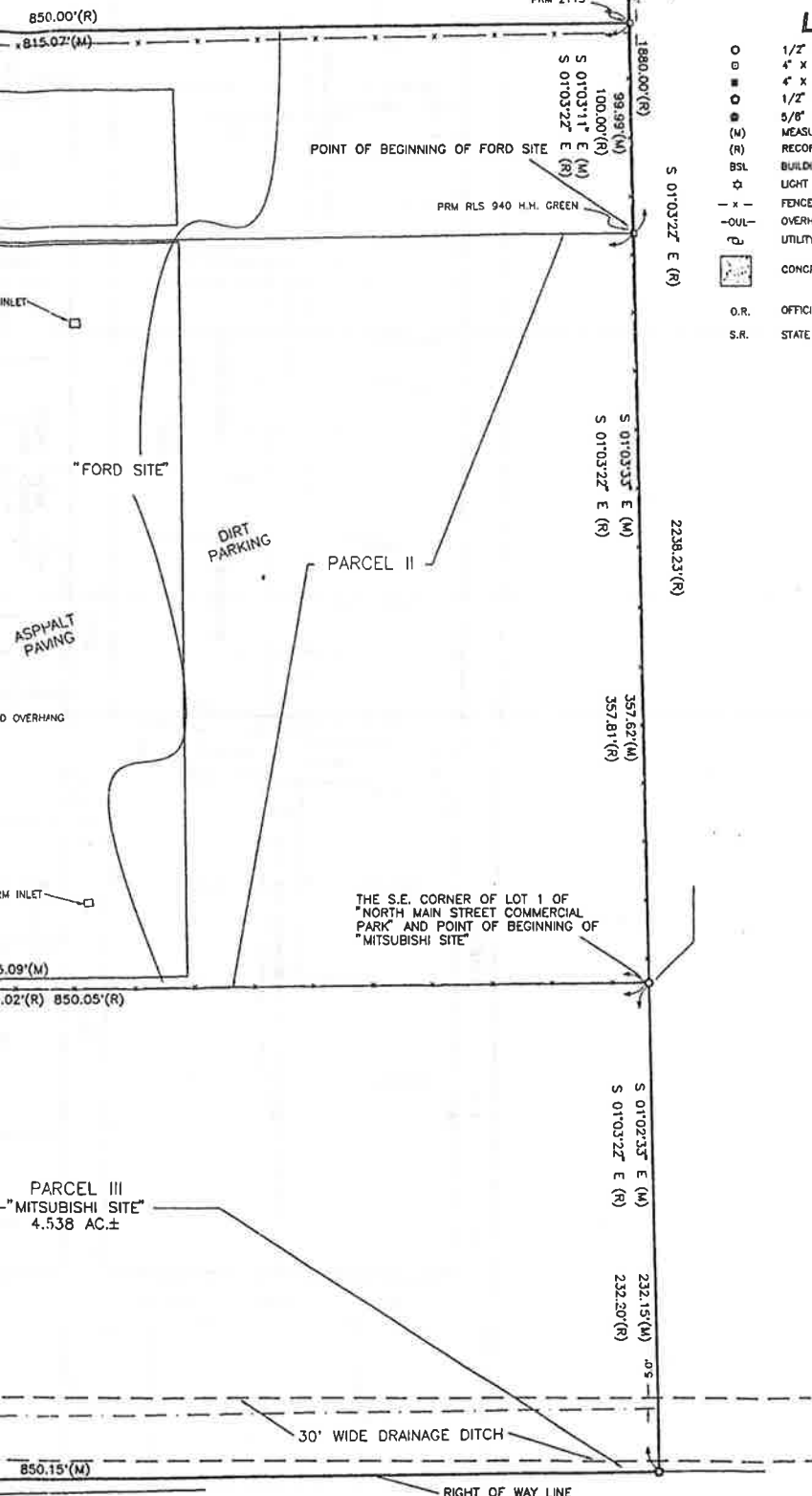
S 89°09'06" W (R) S 89°09'56" W (R)

THE SOUTH LINE OF N.E. 39th AVENUE

THE NORTH LINE OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST

THE N.E. CORNER OF "NORTH MAIN STREET COMMERCIAL PARK" (PLAT BOOK "H", PAGE 18)

THE N.E. CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST (POINT OF COMMENCEMENT)



LEGEND:

- 1/2" IRON PIPE FOUND (NO IDENTIFICATION)
- ◻ 4" x 4" CONCRETE MONUMENT FOUND (IDENTIFICATION AS NOTED)
- ◻ 4" x 4" CONCRETE MONUMENT FOUND (NO IDENTIFICATION)
- 1/2" STEEL ROD & CAP FOUND (STAMPED: GFY LB 021)
- 5/8" STEEL ROD & CAP SET (STAMPED: LB 2903)
- (M) MEASURED DATA
- (R) RECORDED DATA
- BSL BUILDING SETBACK LINE
- ☆ LIGHT POLE
- x - FENCE LINE
- OUL - OVERHEAD UTILITY LINE
- UTILITY POLE
- CONCRETE
- O.R. OFFICIAL RECORD
- S.R. STATE ROAD

LEGAL DESCRIPTION:

(FORD SITE) PARCEL I

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST AND RUN S 89°09'56" W, ALONG THE NORTH LINE OF SAID SECTION 2411.06 FEET, THENCE RUN S 01°03'22" E, 63 FEET TO THE SOUTH RIGHT OF WAY OF STATE ROAD NO. S-232, THENCE CONTINUE S 01°03'22" E, 1880 FEET TO THE POINT OF BEGINNING, THENCE RUN S 89°09'36" W, A DISTANCE OF 850 FEET TO A POINT ON THE EAST RIGHT OF WAY OF NORTH MAIN STREET; THENCE RUN NORTH 01°03'22" W, ALONG SAID RIGHT OF WAY A DISTANCE OF 100 FEET TO A POINT; THENCE RUN NORTH 89°09'36" W, A DISTANCE OF 850 FEET TO A POINT; THENCE RUN SOUTH 01°03'22" E, A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING, LESS THE WEST 35 FEET OF THE HEREBY DESCRIBED PROPERTY AS SHOWN IN THE DEED GIVEN BY S.M. WALL AND DOROTHY C WALL TO THE CITY OF GAINESVILLE.

PARCEL II

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST AND RUN S 89°09'56" W, ALONG THE NORTH LINE OF SAID SECTION 3411.06 FEET, THENCE RUN S 01°03'22" E, 63 FEET TO THE SOUTH RIGHT OF WAY OF STATE ROAD NO. S-232, THENCE CONTINUE S 01°03'22" E, 1880 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE S 01°03'22" E, 357.81 FEET, THENCE RUN S 89°22'21" W, 850.02 FEET TO THE EAST RIGHT OF WAY OF STATE ROAD NO. 328, THENCE RUN N 01°03'22" W, ALONG SAID RIGHT OF WAY 354.74 FEET, THENCE RUN N 89°09'36" E, 850 FEET TO THE POINT OF BEGINNING, LESS THE WEST 35 FEET OF THE HEREBY DESCRIBED PROPERTY AS SHOWN IN THE DEED PREVIOUSLY GIVEN BY C.P. KEETER AND ADEN KEETER TO THE CITY OF GAINESVILLE, BEING AND LYING IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, GAINESVILLE, ALACHUA COUNTY, FLORIDA.

TOGETHER WITH:

(MITSUBISHI SITE) PARCEL III

A PARCEL OF LAND IN THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 09 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 09 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, THENCE S 89°09'56" W, ALONG THE NORTHERLY LINE OF SAID SECTION 28 FOR 3410.59 FEET; THENCE S 01°03'22" E, FOR 63.00 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF NORTHEAST 39TH AVENUE AND THE NORTHEAST CORNER OF "NORTH MAIN STREET COMMERCIAL PARK", AS PER PLAT RECORDED IN PLAT BOOK "H", PAGE 86 OF THE PUBLIC RECORDS OF ALACHUA COUNTY; THENCE CONTINUE S 01°03'22" E, ALONG THE EASTERLY LINE OF SAID "NORTH MAIN STREET COMMERCIAL PARK" FOR 2238.23 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF SAID "NORTH MAIN STREET COMMERCIAL PARK" AND THE POINT OF BEGINNING; THENCE CONTINUE S 01°03'22" E, ALONG SAID EASTERLY LINE, AND THE SOUTHERLY EXTENSION THEREOF FOR 232.20 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF NE 31ST AVENUE (50 FOOT WIDE RIGHT OF WAY) AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 436, PAGE 206 OF SAID PUBLIC RECORDS; THENCE S 89°09'45" W, ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 850.02 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT OF WAY LINE OF NORTH MAIN STREET (100 FOOT WIDE RIGHT OF WAY) AS PER INTERSECTION WITH THE SOUTHERLY EXTENSION OF THE WESTERLY LINE OF SAID "NORTH MAIN STREET COMMERCIAL PARK"; THENCE N 01°03'46" W, ALONG SAID EASTERLY RIGHT OF WAY LINE AND ALONG SAID SOUTHERLY EXTENSION AND SAID WESTERLY LINE FOR 232.22 FEET TO THE SOUTHWEST CORNER OF THE AFOREMENTIONED LOT 1; THENCE N 89°23'43" E, ALONG THE SOUTHERLY LINE OF SAID LOT 1 FOR 850.05 FEET TO THE AFOREMENTIONED POINT OF BEGINNING, CONTAINING 4.538 ACRES, MORE OR LESS.

SURVEYOR'S CERTIFICATION

WE, THE UNDERSIGNED, DO HEREBY CERTIFY:

- (A) THAT THIS SURVEY IS FOR THE BENEFIT OF BUDGET CAR SALES, INC.; PAUL WEST FORD, INC.; TCS PROPERTIES, LLC; LAWYERS TITLE INSURANCE CORPORATION; BROAD AND CASSEL;
- (B) THAT THE INFORMATION PROVIDED IN THIS SURVEY IS BASED ON A FIELD TRANSIT SURVEY AND IS IN ACCORDANCE WITH THE CURRENT MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYORS SET FORTH IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, AS AMENDED;
- (C) THAT THIS SURVEY (i) SHOWS THE LOCATION OF ALL IMPROVEMENTS AND ALL OTHER MATTERS ON THE SUBJECT PROPERTY, (ii) SHOWS THE LOCATION OF ALL EASEMENTS AND ALL OTHER MATTERS OF RECORD AFFECTING THE SUBJECT PROPERTY PER THE LEGAL DESCRIPTIONS CONTAINED IN SUCH EASEMENTS AND OTHER MATTERS AS FURNISHED TO THIS SURVEYOR, AND (iii) SHOWS ALL OTHER MATTERS ON THE GROUND WHICH MAY AFFECT TITLE TO THE SUBJECT PROPERTY;
- (D) THAT THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS THE BOUNDARY LINES OF THE SUBJECT PROPERTY EXCEPT AS FOLLOWS: DRAINAGE DITCH ALONG SOUTH BOUNDARY IS LOCATED OUTSIDE OF DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORD BOOK 77, PAGE 248 A DISTANCE OF 8.6 FEET ON THE WEST END AND 5.00 FEET ON THE EAST END AND A FENCE ENCROACHMENT ALONG THE NORTH BOUNDARY LINE OF PARCEL I BEING 9.8' ON THE WEST END AND 4.6' ON THE EAST END.
- (E) THAT ADEQUATE INGRESS AND EGRESS TO THE SUBJECT PROPERTY ACROSS A THOROUGHFARE DEDICATED TO THE PUBLIC IS PROVIDED BY NORTH MAIN STREET AND BY N.E. 31ST AVENUE, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA;
- (F) THAT THE SUBJECT PROPERTY DOES NOT VISIBLY SERVE ANY ADJOINING PROPERTY FOR DRAINAGE, INGRESS AND EGRESS, OR ANY OTHER PURPOSE, EXCEPT BY DRAINAGE DITCH ALONG SOUTH BOUNDARY LINE;
- (G) BASED UPON REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 125107-0012B, WITH AN EFFECTIVE DATE OF JANUARY 19, 1983, THE PROPERTY AS DEPICTED ON THIS SURVEY IS LOCATED WITHIN FLOOD ZONE "A" (AREAS SUBJECT TO THE 100 YEAR FLOOD) AND FLOOD ZONE "C" (AREAS OF MINIMAL FLOODING);
- (H) THAT THE PRINT OF SURVEY REFLECTS BOUNDARY LINES OF THE DESCRIBED LAND WHICH "CLOSE" BY ENGINEERING CALCULATION
- (I) THE FOLLOWING EASEMENTS DO NOT ENCUMBER ANY PART OF THE SUBJECT PROPERTY:
  - 1) DRAINAGE EASEMENT AS PER O.R. 151/850
  - 2) STORM EASEMENT AS PER O.R. 1623/941
  - 3) STORM SEWER EASEMENT AS PER O.R. 1624/2554

- (J) THIS SURVEY SHOWS OR MAKES REFERENCE TO ALL THE EASEMENTS STATED IN SCHEDULE B-SECTION 2 OF THE LAWYERS TITLE INSURANCE CORPORATION COMMITMENTS NUMBERED BC-022 AND BC-024 FOR TITLE INSURANCE.
- (K) PARCEL I AND PARCEL II ARE CONTIGUOUS ALONG THE SOUTH LINE OF PARCEL I, PARCELS II AND III ARE CONTIGUOUS ALONG THE SOUTH LINE OF PARCEL II.
- (L) NO PORTION OF THE HEREOF SURVEYED LAND FALLS WITHIN ANY HIGHWAY OR ROADWAY AS PRESENTLY LOCATED.

SURVEYOR'S NOTES:

THE RECORD BEARINGS SHOWN HEREON ARE BASED ON THE LEGAL DESCRIPTIONS OF THE SUBJECT PROPERTY AS SHOWN ON LAWYERS TITLE INSURANCE CORPORATION COMMITMENT NUMBER BC-022.

UNDERGROUND FOUNDATIONS AND UNDERGROUND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY.

DATE: MAY 22, 1998

ALACHUA COUNTY LAND SURVEYORS, INC. A FLORIDA CORPORATION

BY: STACY A. HALL, P.S.W. REGISTRATION CERTIFICATE #3784

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER"

DATE FIELD WORK COMPLETE: DECEMBER 4, 1997

scale	names	dates
drawn	MDM/SAH	12/15/97
checked	S.A.H.	12/16/97
revised	S.A.H.	04/30/98
revised	S.A.H.	05/22/98
revised	S.A.H.	05/27/98

RECEIVED  
1997 03 19  
PLANNING DIVISION  
JOB NUMBER: 97-442  
DRAWING NO. 97442.DWG  
FIELD NOTES FILE  
SHEET 1 OF 1

SURVEY  
RANGE 20 EAST - CITY OF GAINESVILLE  
FLORIDA

Exhibit "B"

2185VA-98PB

# ALACHUA COUNTY LAND SURVEYORS, INC.



*Professional Surveying and Mapping*  
2512 N.E. 1st Blvd. \* Suite 200 \* Gainesville, Fl. 32609  
Phone (352) 376-1180 \* Fax (352) 375-0600

Stacy A. Hall, P.S.M.

OCTOBER 28, 1998  
35 FOOT STRIP  
JOB NO. 97-442

RECEIVED

NOV 03 1998

PLANNING  
DIVISION

## LEGAL DESCRIPTION

A STRIP OF LAND BEING 35.00 FEET WIDE SITUATED IN SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA, SAID STRIP OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE AFOREMENTIONED SECTION 28, TOWNSHIP 9 SOUTH, RANGE 20 EAST FOR THE POINT OF REFERENCE AND RUN S.89°09'36"W., ALONG THE NORTH LINE OF SAID SECTION 28, A DISTANCE OF 3411.06 FEET; THENCE RUN S.01°03'22"E., A DISTANCE OF 2300.81 FEET; THENCE RUN S.89°22'21"W., A DISTANCE OF 815.02 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 892, PAGE 398 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING HEREINAFTER REFERRED TO AS PARCEL "A" AND THE TRUE POINT OF BEGINNING; THENCE CONTINUE S.89°22'21"W., ALONG THE SOUTH LINE OF SAID PARCEL "A", A DISTANCE OF 35.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL "A", SAID SOUTHWEST CORNER IS LOCATED ON THE EAST RIGHT OF WAY LINE OF STATE ROAD NO. 329 (A.K.A. NORTH MAIN STREET) ; THENCE RUN N.01°03'22"W., ALONG SAID EAST RIGHT OF WAY LINE AND THE WEST LINE OF SAID PARCEL "A" AND ALSO ALONG THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 892, PAGE 396 OF SAID PUBLIC RECORDS, SAID PARCEL OF LAND DESCRIBED IN OFFICIAL RECORD BOOK 892, PAGE 396 BEING HEREINAFTER REFERRED TO AS PARCEL "B", A DISTANCE OF 454.74 FEET TO THE INTERSECTION OF SAID RIGHT OF WAY LINE WITH THE WESTERLY PROJECTION OF THE NORTH BOUNDARY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORD BOOK 868, PAGE 114 OF SAID PUBLIC RECORDS, SAID PARCEL OF LAND BEING HEREINAFTER REFERRED TO AS PARCEL "C"; THENCE RUN N.89°06'36"E., ALONG SAID WESTERLY PROJECTION OF THE NORTH LINE OF SAID PARCEL "C", A DISTANCE OF 35.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL "C", SAID NORTHWEST CORNER BEING LOCATED ON THE EAST BOUNDARY LINE OF THE AFOREMENTIONED PARCEL "B"; THENCE RUN S.01°03'22"E., ALONG THE EAST LINES OF SAID PARCELS "A" AND "B", A DISTANCE OF 454.90 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.365 ACRES MORE OR LESS.





1. **Petition 218SVA-98 PB** Paul West Ford, Inc. Pursuant to Sec. 30-192(b) of the Gainesville Land Development Code, to vacate, abandon and close that portion of City right-of-way lying east of North Main Street, west of tax parcel no. 8231-60, north of tax parcel no. 8231-50 and south of additional city right-of-way lying east of North Main Street and west of the North Main Street Commercial Park.

Ms. Bedez Massey was recognized. Ms. Massey presented a map showing the location of the petitioner's property. She pointed out the 35 foot strip of right-of-way the petitioner was requesting that the City vacate. Ms. Massey stated that the City's Technical Review Committee recommended denial of the petition. She indicated that the recommendation was based upon the criteria for street vacations as required by the Land Development Code. She noted that the recommendation was also made in consideration of the Comprehensive Plan and comments from members of the Technical Review Committee. Ms. Massey explained that the primary basis for recommendation of denial of the petition was based upon Policy 3.1.7 of the Conservation, Openspace, and Groundwater Recharge Element of the Comprehensive Plan. She presented documents from the City Arborist detailing the future tree planting plan for the Main Street corridor. Ms. Massey noted that the petitioner had two existing driveways on the site and was not in need of the right-of-way for access. She presented slides showing the site. She noted the City right-of-way was currently being used for the display of automobiles associated with the car dealership. Ms. Massey concluded her presentation and offered to answer any questions from the board.

There were no questions for staff from the board.

Chair Barrow asked if the petitioner wished to speak.

There was no presentation from the petitioner or a representative of the petitioner.

Ms. Dowling asked if the current use of parking cars on the City right-of-way was legal.

Ms. Massey replied that it was not. She indicated that, to staff's knowledge, the petitioner had not been given permission to park cars on the City right-of-way.

Ms. Dowling asked if the purpose of the petition was to allow cars to be parked in that right-of-way.

Ms. Massey explained that the petitioner stated on the application that the purpose of the request was to provide vehicular and pedestrian access to North Main Street. She noted, however, that access was already provided by a permit for driveways issued by the Public Works Department in 1998.

There was no public comment on the petition.

Dr. Fried stated that he intended to vote against the petition. He indicated that he did not believe access through right-of-way was necessary and the petitioner appeared to be using public property to his own advantage.

Mr. McGill stated that he also would vote against the petition. He cited the importance of implementing the proposed tree plan for the North Main Street area.

Dr. Fried asked if the Code Enforcement Division had been notified of the illegal parking on City right-of-way.

Mr. Hilliard stated that the Code Enforcement Division was aware of the situation all along North Main Street.

<u>Motion By:</u> Mr. Guy	<u>Seconded By:</u> Dr. Fried
<u>Moved to:</u> Deny Petition 218 SVA-98 PB.	<u>Upon Vote:</u> Motion Carried 7-0 Yeas: Carter, McGill, Guy, Fried, Dowling, Polshek, Barrow.