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1/18/2011

ORDINANCE NO. 100243

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4 **An ordinance of the City of Gainesville, Florida, to vacate, abandon**
5 **and close a portion of the right-of-way located along Southwest 2nd Place**
6 **between Southwest 10th Street and Southwest 7th Terrace, lying between**
7 **lots 6, 7 and 8, as shown on the Plat of University Place, as more**
8 **specifically described in this Ordinance; reserving a public utilities**
9 **easement; providing a severability clause; providing a repealing**
10 **clause; and providing an immediate effective date.**

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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 a certain portion of the right-
15 of-way located along Southwest 2nd Place between Southwest 10th Street and Southwest 7th Terrace,
16 lying between lots 6, 7 and 8, as shown on the Plat of University Place, as more specifically described
17 herein; and

18 **WHEREAS**, notice was given and publication made as required by law and a public
19 hearing was held by the City Plan Board on July 22, 2010; and

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

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

26 **WHEREAS**, prior to the public hearings the application was presented to and approved

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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 street subject to a public utilities easement with conditions as set forth herein.

4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
5 **CITY OF GAINESVILLE, FLORIDA:**

6 **Section 1.** The following described right-of-way in the City of Gainesville no longer
7 serves a public purpose and is hereby vacated, abandoned and closed for use by the public
8 generally:

9 See Legal Description attached hereto as Exhibit "A", and made a part hereof
10 as if set forth in full.

11 **Section 2.** The City reserves unto itself, its successors and assigns a public and private
12 utilities easement over, under, across and through the right-of-way described in Exhibit "A",
13 attached hereto and made a part hereof, for the purpose of installing, maintaining and operating
14 public and private utilities.

15 **Section 3.** The Clerk of the Commission or designee is authorized to record a true copy
16 of this Ordinance in the Public Records of Alachua County, Florida.

17 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
18 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
19 finding shall not affect the other provisions or applications of the ordinance which can be given
20 effect without the invalid or unconstitutional provisions or application, and to this end the
21 provisions of this ordinance are declared severable.

22 **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
23 such conflict hereby repealed.

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

2 **PASSED AND ADOPTED** this _____ day of _____, 2011.

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Craig Lowe, Mayor

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ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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BY: _____

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Kurt Lannon
Clerk of the Commission

Marion J. Radson, City Attorney

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This ordinance passed on first reading this _____ day of _____, 2011.

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This ordinance passed on second reading this _____ day of _____, 2011.

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MJR/afm

Exhibit "A"

THAT PORTION OF RIGHT OF WAY LYING BETWEEN LOTS 6, 7, AND 8 OF BLOCK 7, AS SHOWN ON THE PLAT OF UNIVERSITY PLACE AS RECORDED IN PLAT BOOK "A", PAGE 77 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND THAT REMAINING PORTION OF RIGHT OF WAY LYING NORTH OF BLOCK 1, AS SHOWN ON THE PLAT OF UNIVERSITY HEIGHTS AS RECORDED IN PLAT BOOK "A", PAGE 99 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA NOT ALREADY VACATED BY CITY ORDINANCE NUMBER 1792. ALL LYING AND BEING IN THE SOUTHWEST ONE QUARTER OF SECTION 5, TOWNSHIP 10 SOUTH RANGE 20 EAST ALACHUA COUNTY, FLORIDA.