

CITY  
-----OF----- INTER-OFFICE COMMUNICATION  
GAINESVILLE

Item No.: 1

**TO:** City Plan Board **DATE:** September 17, 1998  
**FROM:** Planning Division Staff  
**SUBJECT:** Petition 140SVA-98 PB, Pursuant to Sec. 30-192(b), to vacate, abandon and close an unopened portion of Northwest 4th Terrace (150 feet MOL) located in the 400 block between Northwest 26th and 27th Avenues and to vacate, abandon and close a portion of Northwest 26th Avenue (80 feet MOL), in the 400 block.

Recommendation

Planning Division staff recommends approval of Petition 140SVA-98PB as to Northwest 4th Terrace as far south as the extension of the north right-of-way line of Northwest 26th Avenue and denial as to Northwest 26th Terrace. There is a difference between the two right-of-ways. Northwest 4th Terrace may be vacated based on the willingness of the pertinent reviewing departments to accept an easement, if an easement is retained over Northwest 4th Terrace in its entirety, but Northwest 26th Avenue should remain public right-of-way.

Explanation

This petition is to vacate a portion of Northwest 4th Terrace, an unopened right-of-way (platted as Grove Street) and the portion of Northwest 26th Avenue which provides access to 410 Northwest 26th Terrace, a single-family residence. The Northwest 4th Terrace right-of-way is currently developed as a stormwater detention basin. Directly east of the subject right-of-way is the Koppers industrial site. The Koppers property is fenced. The only property receiving access from this right-of-way is located at 410 Northwest 26th Avenue.

Mr. Geiersbach, the property owner at 410 Northwest 26th Terrace, addressed the City Commission on June 22, 1998 requesting the vacation of these two rights-of-way so that he may utilize the existing roadway

surface to park handicapped vehicles and so that he may better secure and landscape his property.

In deciding whether to keep or vacate a right-of-way staff must make a determination as the public purpose being served in keeping the right-of-way. Comments from the several reviewing departments (see attached) indicate the Northwest 4th Terrace area is in use for GRU and Public Works infrastructure, so easements allowing Public Works and GRU use and access should be retained in these areas. The Fire Department requires the right-of-way of Northwest 26th Avenue to remain open for emergency access to the residential structures.

Planning staff recommends denial of the proposed Northwest 26th Avenue street vacation based on the need for emergency access. Additionally planning staff finds that the closure of the right-of-way of Northwest 26th Avenue interrupts the traditional relationship between lots, whereby the residential development in the adjacent Xanadu Subdivision is no longer afforded the separation of a public street between those residential structures facing northward and the residential use at 410 Northwest 26th Avenue.

**Street Closing Criteria:**

1. Whether the public benefits from the use of the subject right-of-way as part of the city street system.

**Finding:**

Northwest 4th Terrace is developed as a stormwater drainage basin receiving the runoff of the streets in the Belvedere Subdivision, of which in which it is located. Northwest 26th Avenue provides emergency access to adjoining residential property.

2. Whether the proposed action is consistent with the City's comprehensive plan.

**Finding:**

Closure of the subject rights-of-way will not impact the 2020 Gainesville Urban Area Transportation Plan. The subject rights-of-way are not integral any city pedestrian or bicycle plan.

3. Whether the proposed action would violate individual private property rights.

Finding:

The proposed vacation would not deny any other property owner street access to their property. However, staff finds that the traditional arrangement of residential dwellings along streets would be disrupted by the proposed closing of Northwest 26th Avenue.

4. The availability of alternative action to alleviate the identified problems.

Finding:

Retaining easements over the entirety of the existing rights-of-way with the understanding that access through the easement must remain open at all times will address the need for maintenance of the City's facilities.

5. The effect of the proposed action upon traffic circulation.

Finding:

The residential traffic circulation would not be disrupted by the street closing, however emergency vehicles could possibly have difficulty accessing adjacent residential property if the condition for access is not met.

6. The effect of the proposed action upon crime.

Finding:

The proposed action is not expected to have any significant impact on police operations.

7. The effect of the proposed action upon the safety of pedestrians and vehicular traffic.

Finding:

The subject street closings will not have an impact on pedestrian or vehicular traffic. Northwest 4th Terrace is not open to traffic. The portion of Northwest 26th Avenue that is proposed to be closed is a dead end roadway with no turn-around.

8. The effect the proposed action will have on municipal services including but not limited to emergency services and waste removal services.

Finding:

The proposed street closing would not have any effect on municipal services if the City retains an easement over the entirety of the right-of-ways and Mr. Geiersbach diligently maintains all the right-of-way open to access as requested by each reviewing department.

9. The necessity to relocate utilities both public and private.

Finding:

Utilities will not be relocated.

10. The effect the proposed action will have upon property values in the immediate and surrounding areas.

Finding:

The vacation of Northwest 4th Terrace would not have any effect on property values as long as the stormwater basin within that right-of-way is undisturbed by any private party, and the access to the basin remains open for regular City maintenance of the facility. The vacation of the right-of-way of Northwest 26th Avenue will alter the traditional arrangement of the opposing corner lot in the Xanadu subdivision.

11. The effect of the proposed action on geographic areas that may be impacted.

Finding:

The Koppers property located east of the subject street closing would not be accessible, however there is no current access or intention to access that property through these residential neighborhoods.

12. The effect of the proposed action on the design and character of the area.

Finding:

The condition of requiring an easement over the subject right-of-ways in their entirety, if the vacation is approved, in combination with the requirement that access remain open across the property severely limit

City Plan Board  
Petition 140SVA-98PB  
September 17, 1998

the usefulness of the subject rights-of-way as private property. The anticipated effect is the addition of fencing by Mr. Geiersbach along the property boundary with the potential of a gate (with a GRU system lock) across the vacated portion of Northwest 26th Avenue.

Respectfully submitted,

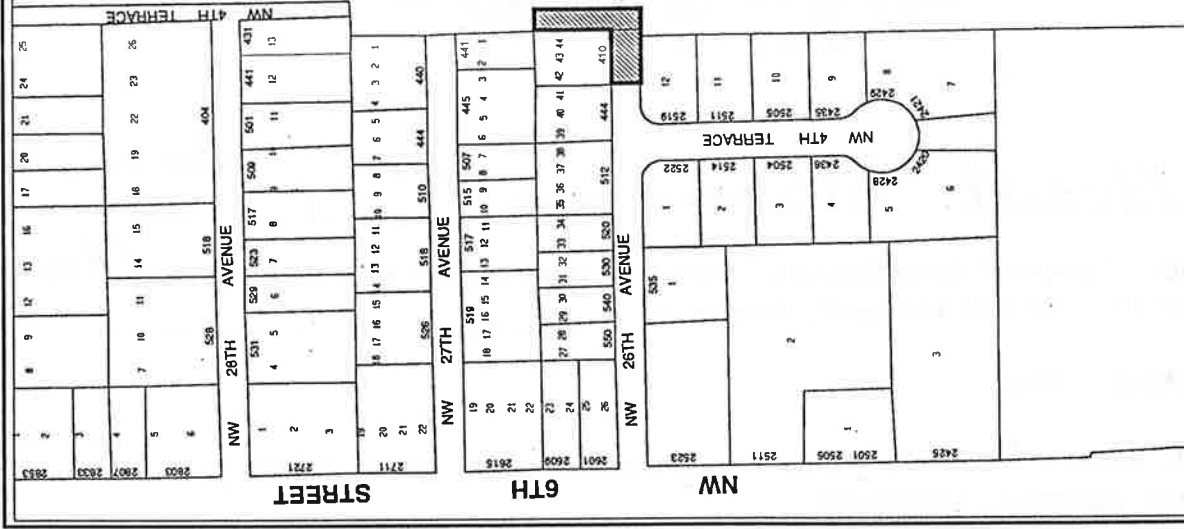
*Ralph Hilliard*

Ralph Hilliard  
Planning Manager

RH:CRM



# Street Closing



Area under petition consideration



Name	Petition Request	Map(s)	Petition Number
City of Gainesville	Street Vacation	3651	140SVA-98PB

RECEIVED  
AUG 07 1998  
PLANNING  
DIVISION

Reviewing Department: Real Estate Division

Checking Official: ANN MULLINS  
~~Diana Vogel, Box A130~~

Phone No. 334-3400, x.1230

Return to: Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
~~or 222 East University Avenue, Room 016~~  
phone 334-5023; fax 334-2282

Room 158  
TC B

Petition No. 140 SVA-98PB Response due date: ASAP *Carolyn Morgan is*

Staff discussion of proposed street closing at Department Review Meeting in the First Step *Planner*  
Center, Room 027, 222 East University Avenue on \_\_\_\_\_

**RECOMMENDATION:**

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

There are existing utility facilities located in both NW 26 Ave. R/W and the 27' wide platted R/W (also known as Grove Street) located east and south of TP#8481-009. Specifically, electric, gas and water facilities exist along NW 26 Avenue. A sewer main line and gas line exist along the 27' wide R/W known as Grove Street.

If these R/W's are vacated a Public Utility Easement **MUST** be reserved over both R/W's in their entirety and GRU must be able to access said facilities. If fences are installed, a gate large enough for a vehicle to access easement, must be installed. A GRU system lock could be utilized on said gate.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Checking Official Signature: *Ann M. Mullins*  
Ann M. Mullins, Right-of-Way Agent  
GRU Real Estate Division



Reviewing Department: Arborist

Checking Official: Meg Niederhofer - Box 27

Phone No. 334-2171

Return to: Planning Division - Box 12  
P.O. Box 490, Gainesville, Fl 32602  
~~or 222 East University Avenue, Room 016~~  
phone 334-5023; fax 334-2282

Room 158  
TCB

Petition No. 1405VA-98PB Response due date: ASAP (Carolyn Morgan is planner)

Staff discussion of proposed street closing at Department Review Meeting in the First Step Center, Room 027, 222 East University Avenue on \_\_\_\_\_

**RECOMMENDATION:**

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

The vacation of this ROW has no bearing on the  
management of the urban forest.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Checking Official Signature: Meg Niederhofer

Reviewing Department: Building

Checking Official: Brenda Strickland

Phone No. 334-5055

Return to: Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
or ~~222 East University Avenue, Room 016~~  
phone 334-5023; fax 334-2282

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AUG 06 1998  
PLANNING  
DIVISION

Room 158  
TC B

Petition No. 140 SVA-98PB Response due date: ASAP *Carolyn Morgan*

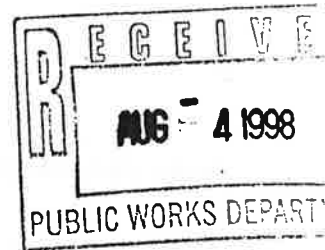
Staff discussion of proposed street closing at Department Review Meeting in the First Step Center, Room 027, 222 East University Avenue on \_\_\_\_\_ *is planner*

**RECOMMENDATION:**

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

The proposed street vacation should not any effect on the existing building.

Checking Official Signature: Brenda S. Strickland



Reviewing Department: Public Works

Checking Official: Rick Melzer - Box 58  
~~Alison Fetner - Box 28~~

Phone No. 334-2051

Return to: Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
or ~~222 East University Avenue, Room 016~~ Room 158  
phone 334-5023; fax 334-2282 TC B

Petition No. 140SVA-98PB Response due date: ASAP (Carolyn)  
Planner

Staff discussion of proposed street closing at Department Review Meeting in the First Step Center, Room 027, 222 East University Avenue on \_\_\_\_\_

**RECOMMENDATION:** "

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

A DRAINAGE easement must be RETAINED OVER THE  
EAST PORTION AND AN Ingress/EGRESS Easement  
RETAINED over the South portion For Access  
TO THE RETENTION BASIN.

Checking Official Signature: R.A. Melzer

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AUG 11 1998

PLANNING  
DIVISION

Reviewing Department: Utilities

Checking Official: Ellen Underwood - Box 23

Phone No. 334-3400, x. 1644

Return to: Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
or ~~222 East University Avenue, Room 016~~  
phone 334-5023; fax 334-2282

Room 158  
TC B

Petition No. 140 SVA-98PB Response due date: ASAP (Carolyn Morgan is planner)

Staff discussion of proposed street closing at Department Review Meeting in the First Step Center, Room 027, 222 East University Avenue on \_\_\_\_\_

**RECOMMENDATION:**

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

This R/W provides space & access to  
existing water, sanitary sewer and  
gas mains. If street is closed, GRU  
must obtain a P.U.E. in exchange.

Note: This area must remain open and  
accessible to GRU operation - maintenance  
vehicles - and remain clear of structures  
and trees

Checking Official Signature: \_\_\_\_\_

Ellen Underwood,  
City Sew. Coord. by GRU.  
Aug. 11, 1998

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AUG 05 1998

PLANNING  
DIVISION

Reviewing Department: Police

Checking Official: Stu Keys - Box 50

Phone No. 334-2442

Return to: Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
or 222 East University Avenue, Room 016-  
phone 334-5023; fax 334-2282

Room 158  
TC B

Petition No. 140 SVA-98PB Response due date: ASAP (Carolyn)  
Planner

Staff discussion of proposed street closing at Department Review Meeting in the First Step Center, Room 027, 222 East University Avenue on \_\_\_\_\_

**RECOMMENDATION:**

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

RECOMMEND VACATION - NO SIGNIFICANT IMPACT  
ON POLICE OPERATIONS.

Checking Official Signature: \_\_\_\_\_

[Signature]  
STUART R. KEYS, FCPP  
CRIME PREVENTION OFFICER

Reviewing Department: Fire

Checking Official: Dan Starbuck

Phone No. 334-5050

Return to: Planning Division - Box 12  
P.O. Box 490, Gainesville, FL 32602  
or ~~222 East University Avenue, Room 016~~  
phone 334-5023; fax 334-2282

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AUG 05 1998  
PLANNING  
DIVISION

Room 158  
TCB

Petition No. 140 SVA-98PB Response due date: ASAP (Carolyn Morgan is planner)

Staff discussion of proposed street closing at Department Review Meeting in the First Step Center, Room 027, 222 East University Avenue on \_\_\_\_\_

**RECOMMENDATION:**

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

Recommend vacating east Right of Way only. South

Right of Way provides <sup>Emergency</sup> access to property

Located at 410 NW 26th Ave.

Checking Official Signature: Daniel Starbuck

Received  
8/13/98

From: David McCally and Linda Pickrell  
To: Tom Saunders, Director of Community Development  
Re: Petition #140SVA-98 PB

The above petition proposes to vacate, abandon, and close an unopened portion of Northwest 4th Terrace (150 feet MOL) located in the 400 block between Northwest 26th and 27th Avenues and vacate, abandon, and close a portion of Northwest 26th Avenue (80 feet MOL), in the 400 block.

As the property owners of the duplex at 2519 and 2521 Northwest 4th Terrace, Linda Pickrell and David McCally oppose both closings for the following reasons:

1) Although the above residences have 4th Terrace addresses, and are considered a part of the Xanadu subdivision, they physically face 26th Avenue, and the front yards of these addresses border that street. Because the right of way was taken from an earlier development, closing "a portion of Northwest 26th Avenue (80 feet MOL) in the 400 block" would mean that the property line for the address at 410 Northwest 26th Avenue would be approximately 40 feet from our front door. Roy Geirsbach, the owner of the house at 410 Northwest 26th Avenue and the originator of this petition, has indicated that he intends to erect a chain-link fence 6 feet high on this new boundary. Such a fence would adversely affect our property value and limit the enjoyment of our home. Additionally, this closing would eliminate direct street access to the 2521 address. Finally, we very much desire that 26th Avenue remain open because it serves as a barrier between our property and Mr. Geirsbach's. Mr. Geirsbach is in many ways a fine neighbor, but he has the unfortunate propensity to fill his yard with junk. He was cited for code violations in 1997 - trash, junk, and debris and an animal complaint on 2 Feb. 1997 - and it is only because of the neighbors' forbearance that he has not been cited since (see enclosed photographs). For the above reasons, Linda Pickrell and David McCally ask that 26th Avenue remain a street.

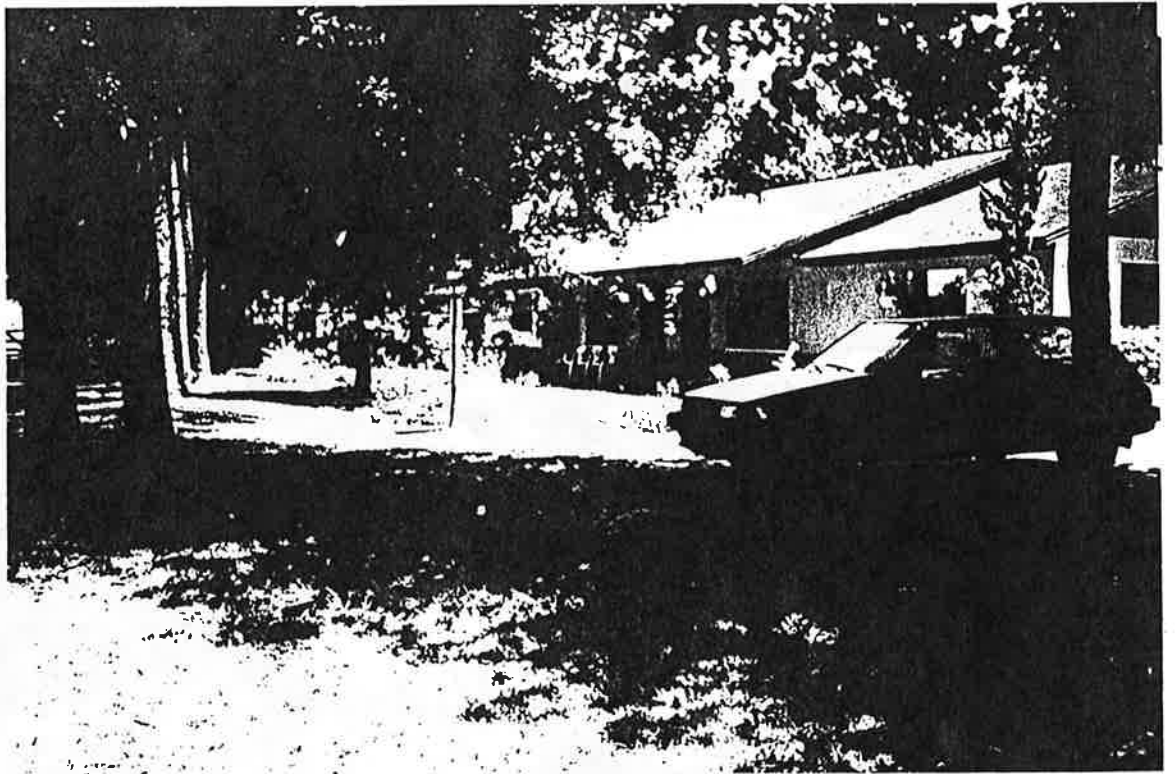
2) Closing "an unopened portion of Northwest 4th Terrace (150 feet MOL) located in the 400 block between Northwest 26th and 27th Avenues" is objectionable because such a closure would also serve to breach the barrier between the McCally\Pickrell and Geirsbach properties. We have no objection to closing that section of 4th terrace that is contiguous with Mr. Geirsbach's property; that is, the portion of Northwest 4th Terrace enclosed by the extension of Mr. Geirsbach's current north and south property lines. If, however, Mr. Geirsbach obtains the portion of Northwest 4th Terrace south of his current boundary (see enclosed map), we fear that it would become little more than a dumping ground for unwanted items. For this reason, Linda Pickrell and David McCally ask that at least the southern portion of the 400 block of Northwest 4th Terrace not be closed.

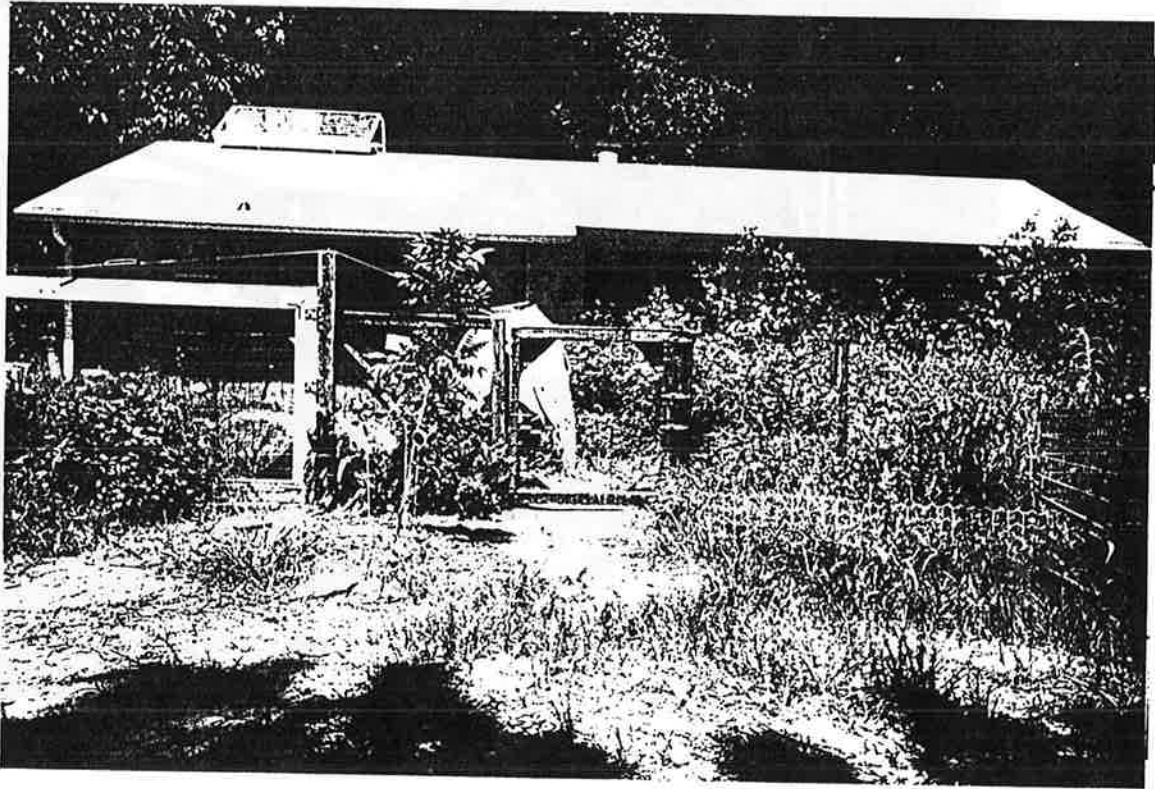
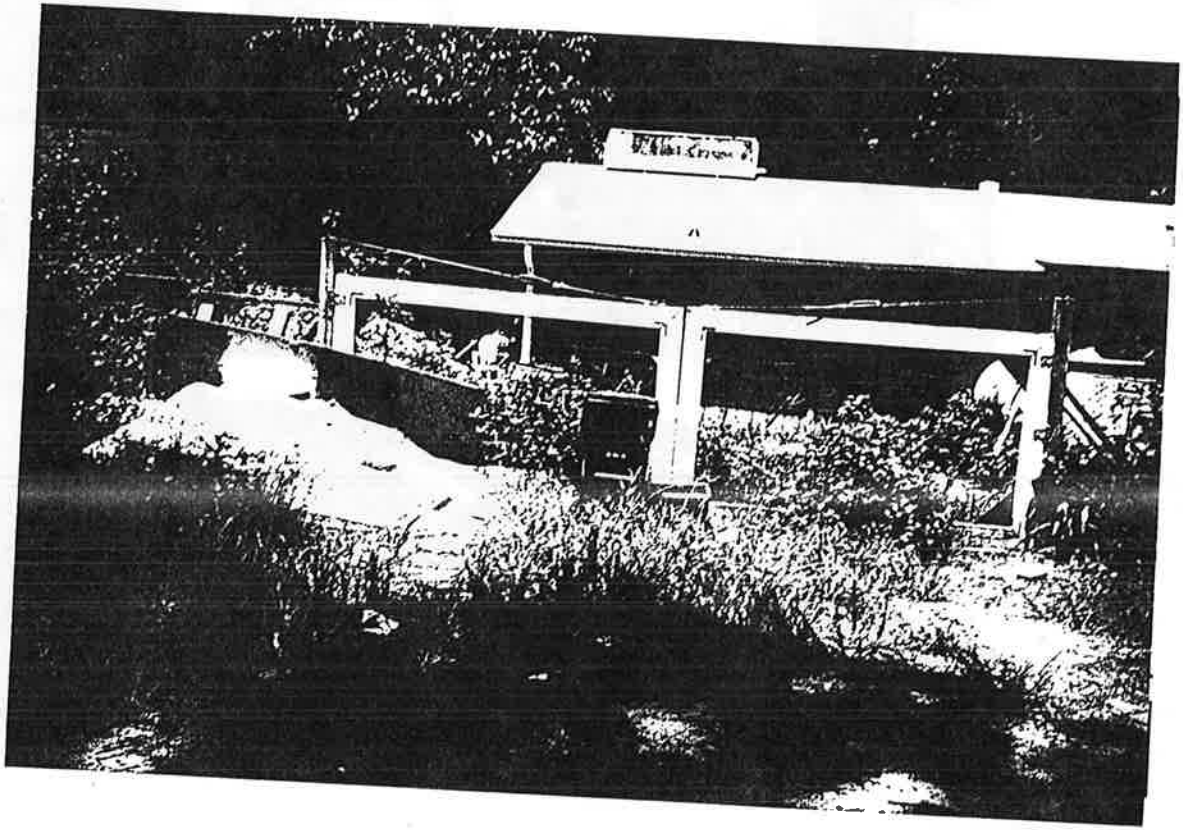
Thank you for your attention. We intend to attend the August  
20th meeting of the City Plan Board to express the above views.

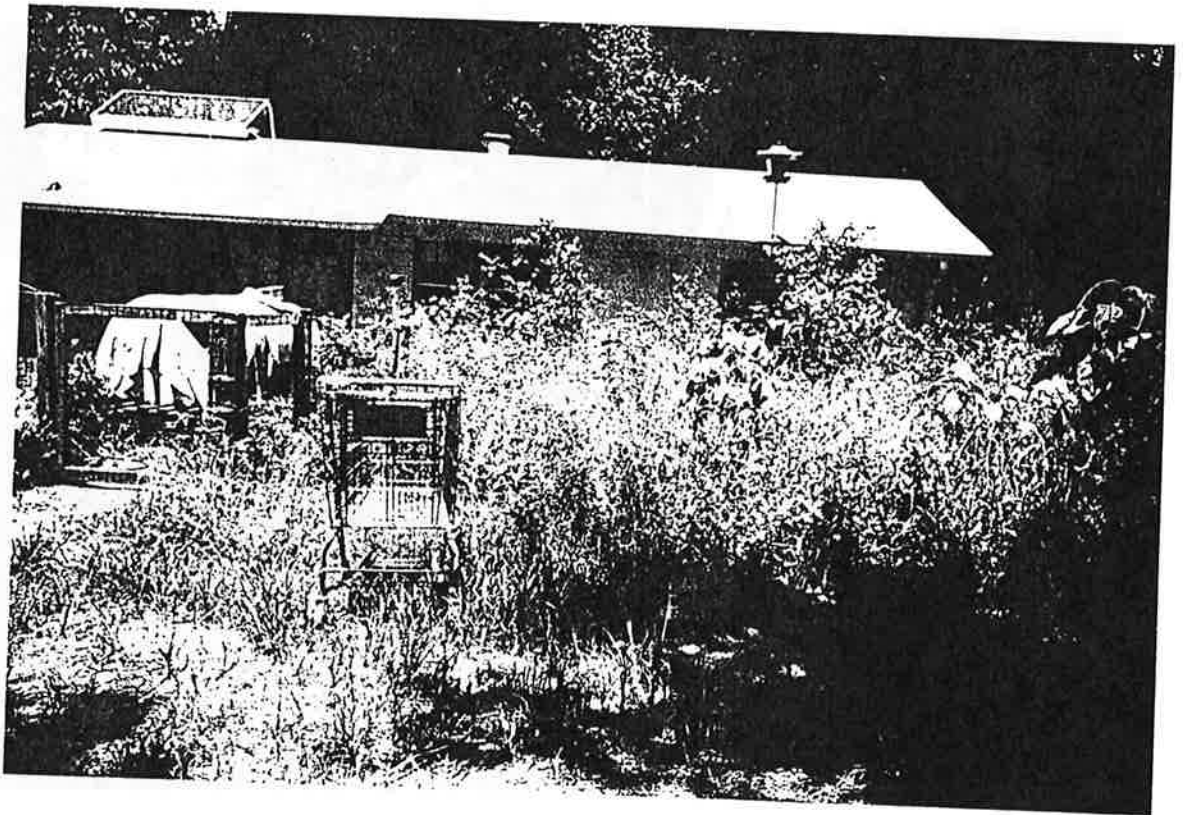
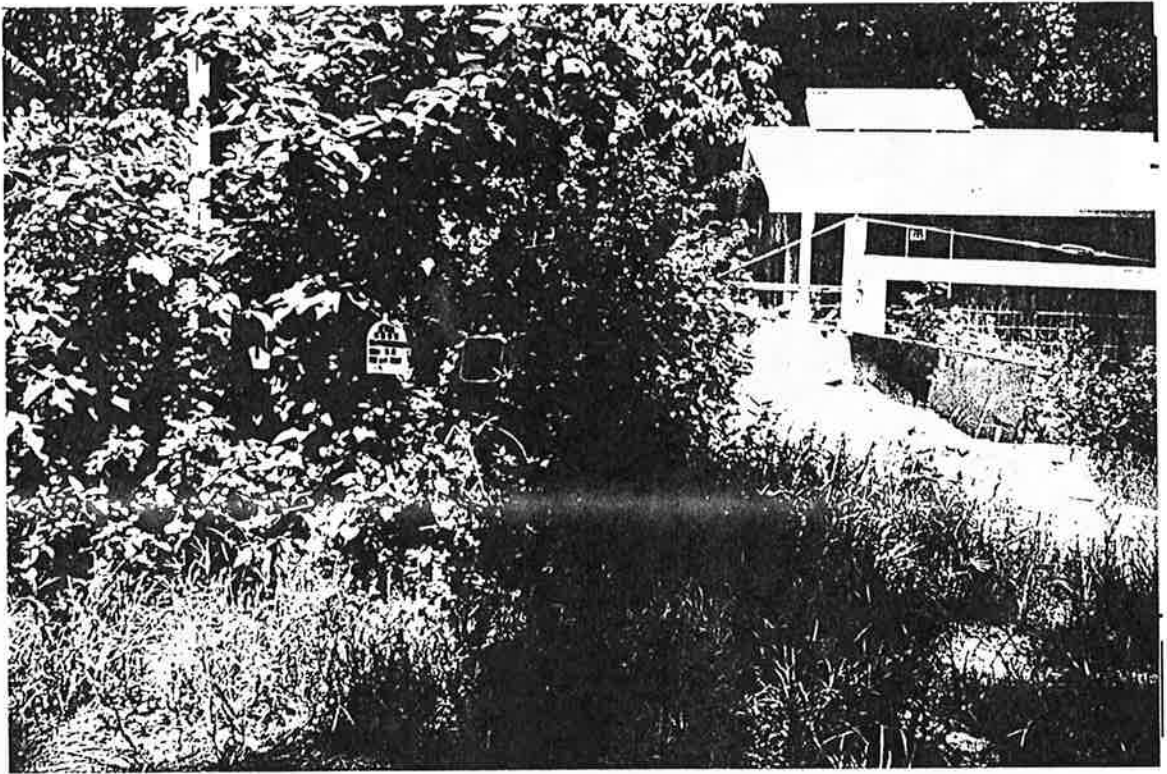
Very truly yours,

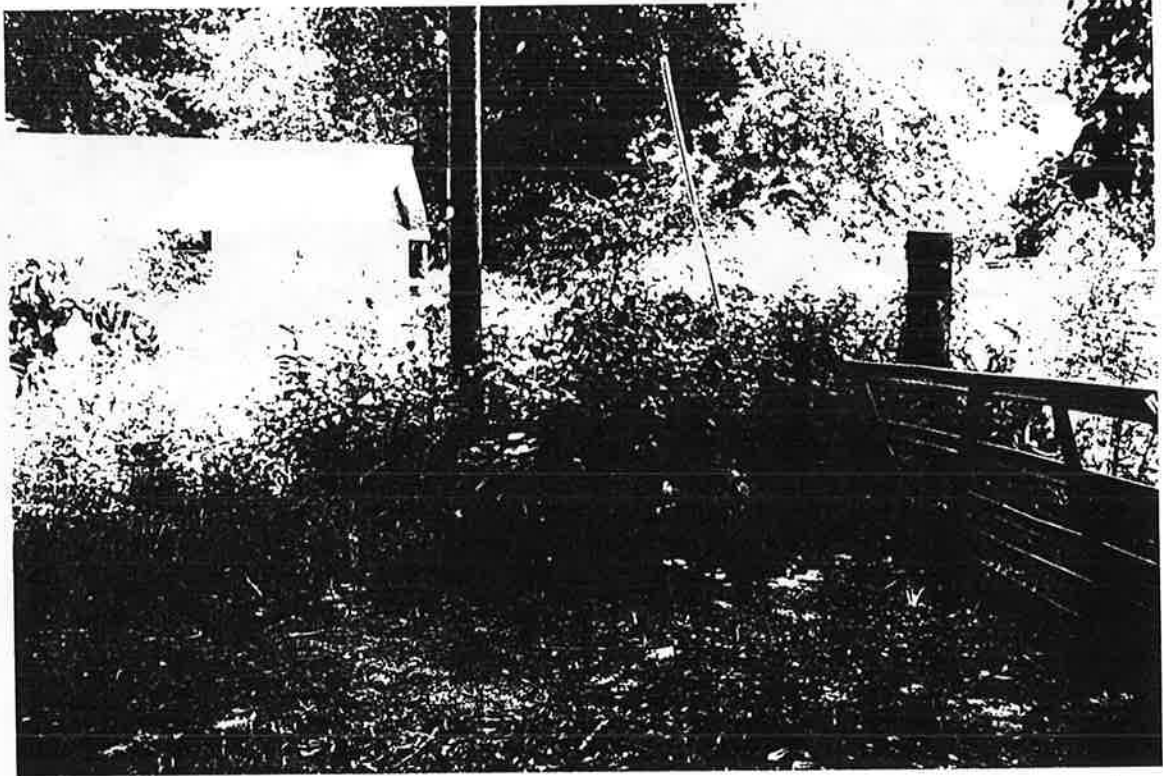
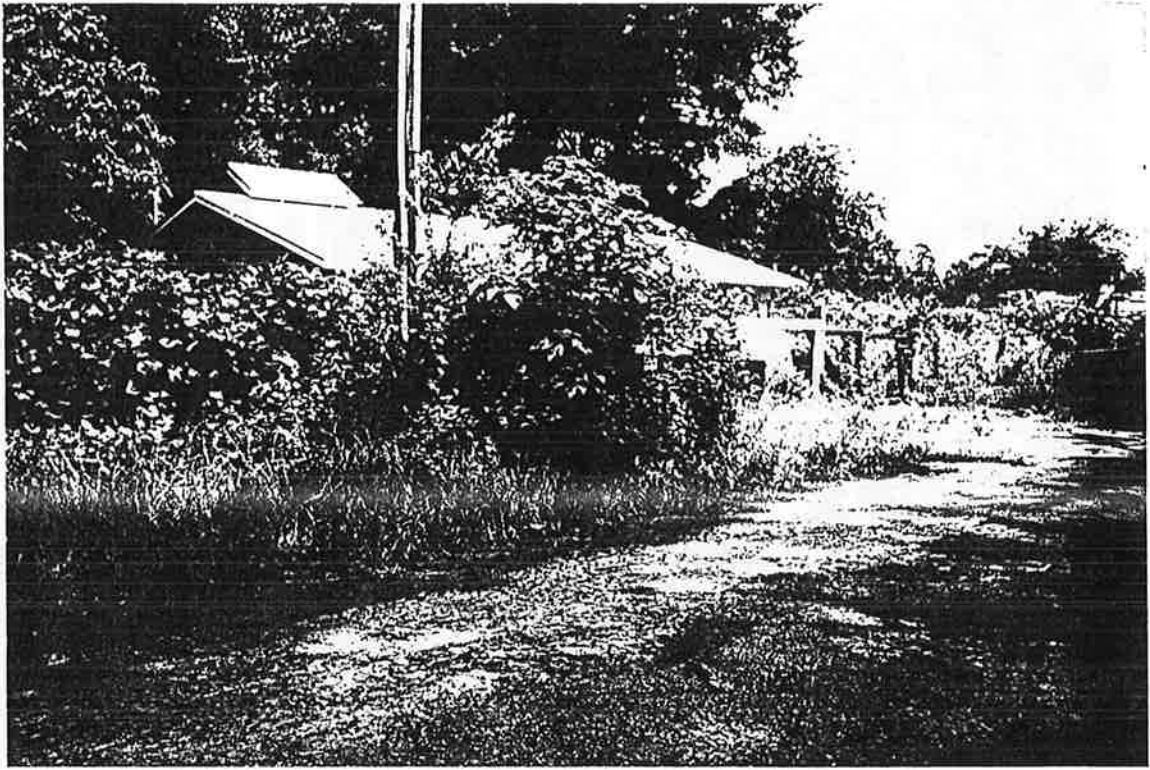
David M. Galley  
Linda Pickrel

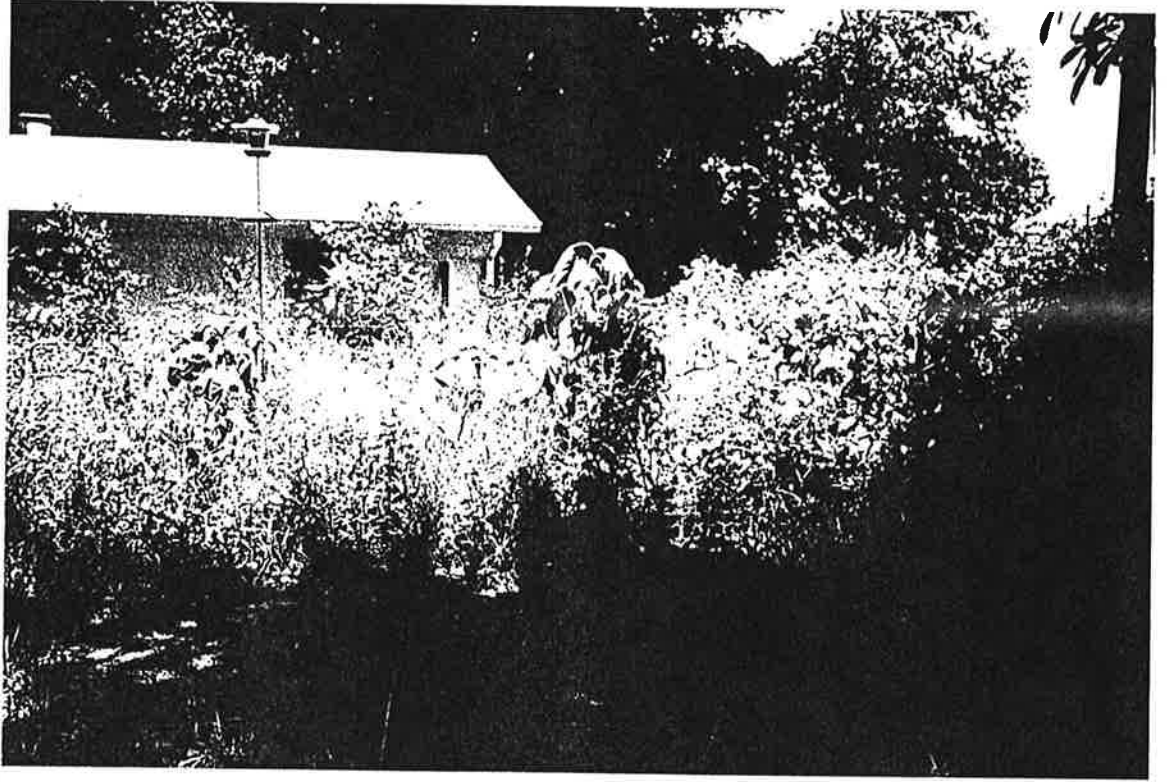














## V. OLD BUSINESS

1. **Petition 140SVA-98 PB** City Plan Board. Pursuant to Sec. 30-192(b), to vacate, abandon and close an unopened portion of Northwest 4th Terrace (150 feet MOL) located in the 400 block between Northwest 26th and 27th Avenues and vacate, abandon and close a portion of Northwest 26th Avenue (80 feet MOL), in the 400 block.

Ms. Carolyn Morgan was recognized. Ms. Morgan indicated that the petition involved the closing and vacation of two portions of roadway in northwest Gainesville. She pointed out the location of the connecting roadways on a map.

Mr. Ralph Hilliard was recognized. Mr. Hilliard explained that Mr. Geiersbach, the property owner who requested the vacation, had contacted staff and requested that the petition be continued since he was unable to attend the meeting. He indicated that adjacent and nearby property owners were present and wished to be heard on the issue. He suggested that the board hear Ms. Morgan's presentation and the board hear public comment. Mr. Hilliard noted that the board could continue the petition if they chose to do so.

Ms. Dowling asked if the petition had come to the board at a previous meeting.

Mr. Hilliard indicated that the petition was continued at the August Meeting at the request of Mr. Geiersbach.

Ms. Morgan described the portions of road to be vacated. She noted that the City had extensive facilities in all of the rights-of-way proposed to be vacated, but NW 4th Terrace was developed as a retention basin and had never been opened as a street. She reviewed staff's recommendations for NW 4th Terrace and NW 26th Avenue and noted that staff had recommended a number of conditions related to access to both rights-of-way. Ms. Morgan presented slides of the site and surrounding homes. She noted that there were homes oriented toward NW 26th Avenue which was a factor in staff's recommendation that NW 26th Avenue not be closed.

Chair Barrow asked if a similar situation existed at the end of NW 27th Avenue.

Ms. Morgan replied that it did. She reviewed the findings the board was required to make regarding a street closing. She noted that there were letters in the board's packets from surrounding property owners.

Mr. Shelton asked if the right-of-way of NW 4th Terrace would be divided between two property owners.

Ms. Morgan replied that it would not. She explained that the subdivision was platted with all of the right-of-way was entirely within its boundaries from the beginning, and would go to the adjacent property owner. She noted however, that in any street closing, there was a procedure that a property owner had to follow in order to gain title to the property.

Mr. Guy asked about maintenance of the easement once a property owner gained title.

Ms. Morgan explained that the City was asking for easement over the entire site, therefore, access could not be obstructed. She described the extent of the utilities on both portions of roadway and indicated that the property owner would gain very little by the closing of the rights-of-way.

Mr. Guy asked what would happen if a property owner blocked access with a vehicle.

Ms. Morgan indicated that the vehicle would probably be towed if the City required access. She explained that the need to maintain access had been discussed with Mr. Geiersbach.

Ms. Dowling noted that Mr. Geiersbach's letter indicated that he wished to use the existing roadway surface to park handicapped vehicles and better secure and landscape his property. She noted that his wish could not be accomplished by the vacation of NW 4th Terrace.

Ms. Morgan agreed that there was nothing to be gained by granting the petition as recommended by staff.

Mr. Shelton requested clarification on the issue of who would be responsible for clean-up if trash and debris were placed in the vacated area.

Ms. Morgan explained that, until the paper work was completed and title taken on the property, it would only be vacated in terms of vehicular traffic.

Mr. Shelton suggested that, if the board approved the petition and the property was littered, the City would still be responsible for clean up.

Ms. Morgan agreed that the street would still be City property until Mr. Geiersbach took the steps to obtain title.

Chair Barrow opened the floor to public comment.

Mr. Mario Riviera was recognized. Mr. Riviera indicated that he was representing his wife who owned a house near Mr. Geiersbach's property. He stated that Mr. Geiersbach home's was used as a business and there was trash in the yard. He suggested that, if NW 26th Avenue were closed off, it would cause parking problems and eliminate access to the two duplex units facing that street. Mr. Riviera explained that complaints had been made about the trash on Mr. Geiersbach's property, but no action had been taken. He indicated that the value of his wife's property had fallen because of its location. Mr. Riviera stated that, if the City closed NW 26th Avenue, it would exacerbate parking problems and contribute to the continued decline in value of nearby homes. He requested that the board deny the petition.

Ms. Linda Pickrel was recognized. Ms. Pickrel indicated that she and her husband lived across the street from Mr. Geiersbach. She agreed with Mr. Reveria's description of the property. She explained that she wished continued access for their duplex which faced NW 26th Avenue. She requested that the board deny the petition.

Chair Barrow closed the public portion of the hearing.



Mr. McGill indicated that he believed the board should hear the petition. He noted that it had been deferred from a previous meeting because Mr. Geiersbach could not attend. He pointed out that persons who spoke on the petition had also attended the previous meeting. He indicated that the board should not defer the petition until Mr. Geiersbach could attend. He agreed that Mr. Geiersbach might have some difficulty with attendance, but two months was sufficient time. Mr. McGill indicated that he did not understand why the petition had been brought forward in the first place. He explained that there appeared to be no benefit to closing the road. He noted that it was used for parking and access, therefore, he could not support the petition.

Mr. Shelton stated that he had concerns that the street would be closed with the City still responsible for maintenance. He indicated that he could see no overall benefit to the property owner.

<u>Motion By:</u> Mr. Shelton	<u>Seconded By:</u> Mr. Guy
<u>Moved To:</u> Deny Petition 140SVA-98 PB.	<u>Upon Vote:</u> Motion Carried 7-0 Yeas: Guy, Shelton, McGill, Barrow, Carter, Dowling, Polshek

