

# MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 030753

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. 0-05-25, Petition 152-SVA-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 3333 North Main Street; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

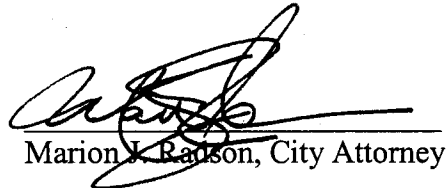
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Recommendation: The City Commission adopt the proposed ordinance.

## 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 7-0.

ORDINANCE NO. \_\_\_\_\_  
0-05-25

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3  
4 **An ordinance of the City of Gainesville, Florida, to vacate, abandon**  
5 **and close that portion of right-of-way located East of North Main**  
6 **Street and adjacent to 3333 North Main Street; reserving utilities**  
7 **easements; providing a severability clause; providing a repealing**  
8 **clause; and providing an immediate effective date.**  
9

10  
11 **WHEREAS**, pursuant to Section 30-192 of the Code of Ordinances of the City of  
12 Gainesville, an application was initiated to vacate, abandon and close that portion of right-of-way  
13 located East of North Main Street and adjacent to 3333 North Main Street, as more specifically  
14 described herein; and

15 **WHEREAS**, notice was given and publication made as required by law and a public  
16 hearing was held by the City Plan Board on January 20, 2005; and

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

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

23 **WHEREAS**, prior to the public hearings the application was presented to and approved  
24 by the appropriate Departments of the City; and

25 **WHEREAS**, the City Commission finds that it is in the public interest to vacate;  
26 abandon and close the area, subject to utilities easements.

D R A F T

3/21/2005

1           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**

2           **CITY OF GAINESVILLE, FLORIDA:**

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

6           The West 35 feet of the following described property:  
7           Commence at the Northeast corner of Section 28-T9S-R20E and run S 89  
8           degrees 09'36"W along the North line of said Section 3411.06 feet, thence  
9           S 01 degrees 03'22"E 1943.00 feet to the Point of Beginning; thence  
10          continue S 01 degrees 03'22" E 357.81 feet, thence S 89 degrees 22'21" W  
11          850.02 feet to the East R/W of State Road No. 329, thence N 01 degrees  
12          03'22"W 354.74 feet, thence N 89 degrees 09'36"E 850.00 feet to the POB.  
13          (Being further described as the Southerly portion of Lot #1, North Main  
14          Street Commercial Park, PB H-96, Public Records). All lying and being  
15          the northwest quarter of Section 28-T9S-R20E, Alachua County, Florida.

16          **Section 2.** The City reserves unto itself, its successors and assigns public and private  
17 utilities easements over, under, across and through the right-of-way described in Section 1.  
18 above, for the purpose of maintaining and operating public and private utilities.

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

21          **Section 4.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
22 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
23 affect the validity of the remaining portions of this ordinance.

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

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

27

**DRAFT**

**3/21/2005**

1 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

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\_\_\_\_\_  
Pegeen Hanrahan, Mayor

ATTEST:

Approved as to form and legality:

10 \_\_\_\_\_ By: \_\_\_\_\_  
11 KURT LANNON, MARION J. RADSON, CITY ATTORNEY  
12 CLERK OF THE COMMISSION

13  
14 This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

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16 This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2005.

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19 MJR/afm

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