

LEGISLATIVE #

190989A

1 **ORDINANCE NO. 190989**
2

3 **An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a**
4 **public right-of-way on NW 4th Lane lying between NW 13th Street and NW 14th**
5 **Street, as more specifically described in this ordinance; providing directions to**
6 **the Clerk of the Commission; providing a severability clause; providing a**
7 **repealing clause; and providing an effective date.**
8

9 **WHEREAS**, pursuant to Section 30-3.41 of the City of Gainesville’s Land Development Code
10 (Chapter 30 of the City of Gainesville Code of Ordinances), an application was initiated by the
11 owner(s) of land abutting the subject public right-of-way requesting the City to vacate,
12 abandon, and close the right-of-way; and

13 **WHEREAS**, the request to vacate the subject public right-of-way was presented to and
14 approved by the appropriate departments of the City of Gainesville; and

15 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of
16 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency
17 pursuant to Section 163.3174, Florida Statutes, held a public hearing on February 27, 2020, and
18 voted to recommend that the City Commission approve this vacation of public right-of-way;
19 and

20 **WHEREAS**, at least 10 days’ notice has been given once by publication in a newspaper of
21 general circulation notifying the public of this proposed ordinance and of public hearings to be
22 held by the City Commission of the City of Gainesville; and

23 **WHEREAS**, public hearings were held pursuant to the notice described above at which hearings
24 the parties in interest and all others had an opportunity to be and were, in fact, heard; and

25 **WHEREAS**, the City Commission finds that the vacation of the subject right-of-way meets the
26 required criteria in Policy 10.2.1 of the Transportation Mobility Element of the Comprehensive

1 Plan and Section 30-3.41 of the Land Development Code.

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

3 **FLORIDA:**

4 **SECTION 1.** The following described public right-of-way is hereby vacated, abandoned, and
5 closed for use by the public generally:

6 See legal description attached as **Exhibit A** and made a part hereof as if set forth
7 in full. The location of the property is shown on **Exhibit B** for visual reference.
8 In the event of conflict or inconsistency, **Exhibit A** will prevail over **Exhibit B**.

9
10 **SECTION 2.** The City reserves unto itself, its successors and assigns a public and private utilities
11 easement over, under, across, and through the property described in Section 1 of this
12 ordinance for the purpose of installing, maintaining, and operating public and private utilities.

13 **SECTION 3.** The Clerk of the Commission or designee is authorized to record a true copy of this
14 ordinance in the public records of Alachua County, Florida.

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

20 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
21 conflict hereby repealed.

22 **SECTION 6.** This ordinance will become effective immediately upon adoption.

23
24 **PASSED AND ADOPTED** this _____ day of _____, 2020

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LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. GAINNEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2020.

This ordinance passed on second reading this _____ day of _____, 2020.

Legal Description

NW 4th Lane R/W Vacation:

That portion of NW 4th Lane (a 20' wide R/W) according to the plat thereof recorded in Plat Book "A", Page 63 of the Public Records of Alachua County, Florida, lying East of NW 14th Street and West of NW 13th Street.



NW 6th Ave

NW 5th Ave

NW 5th Ave

NW 14th St

NW 4th Lane

NW 13th St

NW 12th Dr

NW 15th St

NW 14th Dr

NW 4th Place

NW 3rd Place

NW 3rd Ave

Exhibit B to Ordinance No. 190989