

Legislative #

121091

RESOLUTION NO. 121091

PASSED May 16, 2013

A Resolution of the City of Gainesville, Florida; approving the vacation of a portion of the Plat of “Oak Park” recorded in Plat Book A, Page 176, of the Public Records of Alachua County, Florida, said portion being located on the southeast corner of the intersection of NW 23rd Avenue and NW 13th Street; providing directions to the Clerk of the Commission; providing for filing of the original hereof; and providing an immediate effective date.

WHEREAS, Section 177.101, Florida Statutes, provides the procedural and substantive requirements for vacating plats, in whole or in part, and returning the platted property to acreage, the requirements include proof of fee simple ownership of the tract being vacated, proof that the vacation will not affect the ownership or rights of convenient access of persons owning other parts of the subdivision, publication of legal notice and proof of payment of property taxes; and

WHEREAS, if the property is within an incorporated city, Section 177.101(4) states that “the governing body of the county shall be furnished with a certified copy of a resolution of the town council or city commission, as the case may be, showing that it has already by suitable resolution vacated such plat or subdivision or such part thereof sought to be vacated;” and

WHEREAS, Section 30-192(a) of the City’s Land Development Code states that reversion of subdivided land to acreage shall be done in accordance with Section 177.101, Florida Statutes; and

WHEREAS, the owner of real property which comprises a portion of the plat of “Oak Park” as recorded in Plat Book A, Page 176, of the Public Records of Alachua County, Florida, has

petitioned the City to vacate a portion of its plat and all streets and alleys that have not become highways necessary for use by the traveling public, in accordance with Section 177.101, Florida Statutes; and

WHEREAS, the platted property is located within the city limits of the City of Gainesville; and

WHEREAS, notice of the petition was provided and the petition was heard and approved by the Development Review Board on April 11, 2013; and

WHEREAS, legal notice of the petition hearing before the City Commission was published twice in the Gainesville Sun prior to the petition hearing by the City Commission; and

WHEREAS, based on information submitted by the petitioner, the City Commission finds that the persons making application for said plat vacation own the title to the real property sought to be vacated and that all outstanding property taxes have been paid; and

WHEREAS, the City Commission finds that the original plat recorded in Plat Book A, Page 176, of the Public Records of Alachua County, Florida, does not on its face contain a dedication of streets or rights-of-way to the public;

WHEREAS, the City Commission finds that there are no publicly maintained streets or rights-of-way within the portion of the plat being vacated; and

WHEREAS, the City Commission finds that the lots in the plat that are not being vacated and the adjacent properties have convenient access via other private streets and rights-of-way; and

WHEREAS, based on the foregoing, the City Commission finds that vacation of a portion of the plat will not adversely affect the ownership or right of convenient access of other persons owning other parts of the plat or adjacent properties; and

WHEREAS, the City Commission desires to preserve and not release or vacate any recorded public easements within said plat; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA;

Section 1. That the vacation and reversion to acreage a portion of the plat of "Oak Park" as recorded in the Public Records of Alachua County at Plat Book A, Page 176, and more specifically described in **Exhibit "A"** and depicted on **Exhibit "B"** attached hereto and made a part hereof as if set forth in full, is approved as to the City in accordance with Section 177.101, Florida Statutes. In the event of conflict between Exhibit "A" and Exhibit "B", Exhibit "A" shall govern.

Section 2. That this Resolution does not release nor is it intended to release any easements or conveyances that exist and are duly recorded in the Public Records of Alachua County. The City Commission expressly retains and reserves all rights to recorded easements and conveyances that were granted to the City.

Section 3. That the original of this Resolution be recorded in the Public Records of Alachua County.

Section 4. The Clerk of the Commission is authorized to provide a certified copy of this Resolution to the Board of County Commissioners of Alachua County, Florida.

Section 5. This Resolution shall be effective immediately upon adoption.

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PASSED AND ADOPTED this 16th day of May, 2013.

Craig Lowe, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Kurt Lannon, Clerk of the Commission

Nicolle M. Shalley, City Attorney



LEGAL DESCRIPTION: (OVERALL PARCEL)

LOTS 5 THROUGH 19, INCLUSIVE, BLOCK "L" OF OAK PARK, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 176 OF THE PUBLIC RECORDS ALACHUA COUNTY, FLORIDA; THOSE CERTAIN ALLEYS AS DESCRIBED IN DEED BOOK 317, PAGE 377 OF SAID PUBLIC RECORDS; THAT CERTAIN PORTION OF A STREET AND FIVE FOOT SIDEWALK RESERVATION AS DESCRIBED IN OFFICIAL RECORDS BOOK 727, PAGE 231 OF SAID PUBLIC RECORDS; THAT CERTAIN PORTION OF A STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 830, PAGE 937 OF SAID PUBLIC RECORDS; LOTS 3 THROUGH 9, INCLUSIVE, BLOCK "M" OF SAID OAK PARK SUB-DIVISION; THE NORTH FIVE FEET OF A TEN FOOT ALLEY LYING SOUTH OF SAID LOTS 3 THROUGH 9, INCLUSIVE, BLOCK "M"; AND THAT CERTAIN PORTION OF A STREET AND FIVE FOOT SIDEWALK RESERVATION AS DESCRIBED IN OFFICIAL RECORDS BOOK 837, PAGE 495 OF SAID PUBLIC RECORDS; LESS RIGHTS-OF-WAY FOR N.W. 13TH STREET AND N.W. 23RD AVENUE; THE AFOREMENTIONED LAND BEING SITUATED IN THE NORTHWEST 1/4 OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS : COMMENCE AT A RAILROAD SPIKE FOUND AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND RUN THENCE S. 00°56'06" E. ALONG THE WEST BOUNDARY OF SAID SECTION 32 AND ALONG THE CENTERLINE OF N.W. 13TH STREET , 52.88 FEET; THENCE N. 89°03'54" E. PERPENDICULAR TO SAID CENTERLINE, 40.00 FEET TO A HEX-HEAD BOLT & DISK SET AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 991, PAGE 535 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID CORNER LYING ON THE EAST RIGHT-OF-WAY LINE OF N.W. 13TH STREET AND THE POINT OF BEGINNING; THENCE S. 00°56'06" E. ALONG SAID EAST RIGHT-OF-WAY LINE 272.70 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 830, PAGE 937 OF SAID PUBLIC RECORDS; THENCE N. 89°22'31" E. ALONG THE SOUTH LINE OF SAID PARCEL (O.R. 830, PG. 937) A DISTANCE OF 138.69 FEET TO A NORTHERLY EXTENSION OF THE WEST LINE OF LOT 9, BLOCK "M" OF OAK PARK SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 176 OF SAID PUBLIC RECORDS; THENCE S. 00°34' 43" E. ALONG SAID EXTENSION, 23.69 FEET TO A 3/4" IRON PIPE FOUND AT THE NORTHWEST CORNER OF SAID LOT 9, BLOCK "M"; THENCE CONTINUE S. 00°34'43" E. ALONG SAID WEST LINE 125.04 FEET TO A 3/4" IRON PIPE FOUND AT THE SOUTHWEST CORNER OF SAID LOT 9, BLOCK "M"; THENCE CONTINUE S. 00°34'43" E. 5.00 FEET TO THE SOUTH LINE OF THE NORTH 5.00 FEET OF A 10 FOOT ALLEY LYING SOUTH OF LOTS 3 THROUGH 9, INCLUSIVE, BLOCK "M" OF SAID OAK PARK SUBDIVISION, THENCE N. 89°22'31" E. PARALLEL WITH AND 5.00 FEET SOUTHERLY OF THE SOUTH LINE OF SAID LOTS 3 THROUGH 9 (AS MEASURED PERPENDICULAR) A DISTANCE OF 349.84 FEET TO A POINT ON A SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LOT 3, BLOCK "M"; THENCE N. 00°28'37" W. ALONG SAID SOUTHERLY EXTENSION 5.00 FEET TO A 3/4" IRON PIPE FOUND AT THE SOUTHEAST CORNER OF SAID LOT 3, BLOCK "M"; THENCE CONTINUE N. 00°28'37"W. ALONG SAID EAST LINE, 124.97 FEET TO A 3/4" IRON PIPE FOUND AT THE NORTHEAST CORNER OF SAID LOT 3, BLOCK "M"; THENCE CONTINUE N. 00°28'37" W. ALONG A NORTHERLY EXTENSION OF SAID EAST LINE, 30.00 FEET; THENCE S. 89°22'31" W. PARALLEL WITH THE SOUTH LINE OF SAID LOTS 3 THROUGH 9 A DISTANCE OF 100.00 FEET TO A SOUTHERLY EXTENSION OF THE EAST LINE OF LOTS 5 AND 19, BLOCK "L" OF SAID OAK PARK SUBDIVISION; THENCE N 00°41'58" W. ALONG SAID SOUTHERLY EXTENSION 30.01 FEET TO A 5/8" IRON ROD FOUND AT THE SOUTHEAST CORNER OF SAID LOT 19; THENCE CONTINUE N. 00°41'58" W. ALONG THE EAST LINE OF SAID LOTS 19 AND 5, BLOCK "L" A DISTANCE OF 247.99 FEET TO A POINT LYING 7.00 FEET SOUTHERLY OF THE NORTHEAST CORNER OF SAID LOT 5, BLOCK "L", SAID POINT BEING THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 702, PAGE 406 OF SAID PUBLIC RECORDS AND LYING ON THE SOUTH RIGHT-OF-WAY LINE OF N.W. 23RD AVENUE; THENCE S. 89°30'59" W. ALONG SAID SOUTH RIGHT-OF-WAY LINE 373.01 FEET TO THE NORTHEAST CORNER OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 991, PAGE 535 OF SAID PUBLIC RECORDS; THENCE S 53°01'52" W. ALONG THE SOUTH- EASTERLY BOUNDARY OF SAID PARCEL (O.R. 991, PG. 535) A DISTANCE OF 21.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.79 ACRES, MORE OR LESS.

EXHIBIT "A"

JACKSON AVENUE (PER PLAT BOOK
N.W. 23RD AVENUE

POINT OF COMMENCEMENT
N.W. CORNER SECTION 32, TOWNSHIP
5 SOUTH, RANGE 20 EAST, ALACHUA
COUNTY, FLORIDA

30
29
31
32

N 89°30'07"E (HEARING BASE)

S 89°30'59"W 373.01

9TH STREET (PER PLAT BOOK "A", PAGE 176)
N.W. 13TH STREET

S 00°56'06"E 272.70

3.79 ACRES, MORE OR LESS
165,092 SQUARE FEET

N.W. 22ND AVENUE

4: Tommy, SHIELL - EASEMENT, SHEL - BOUNDARY.dwg - Model
Plotted Mar. 04, 2013 - 07:58:07 - lbon

