

TO: City Plan Board

Item Number: 4

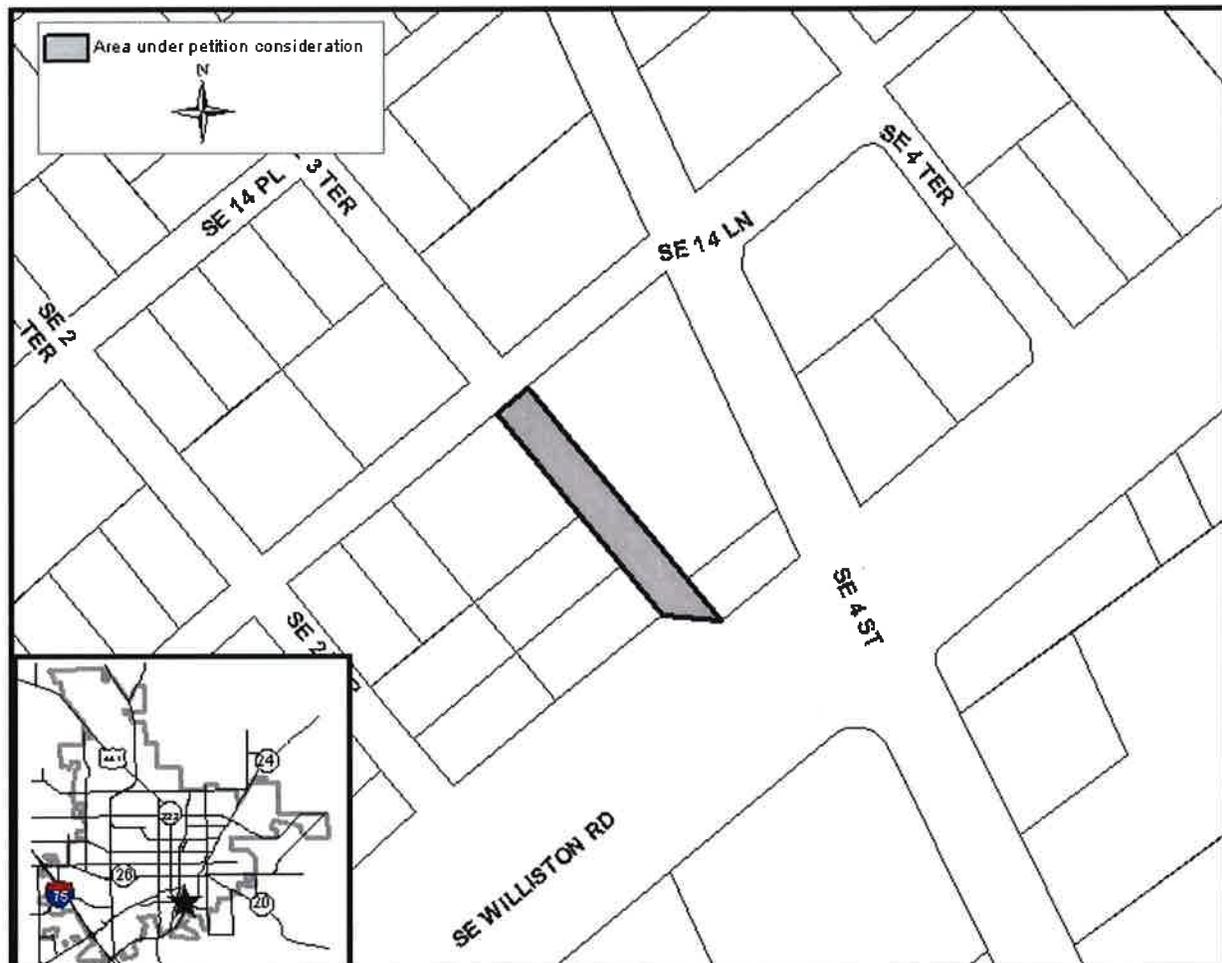
FROM: Department of Doing

DATE: January 26, 2017

SUBJECT: Petition PB-16-165 SVA. City of Gainesville. Request to vacate a 30 foot unimproved portion of SE 3rd Terrace lying between Blocks 19 and 20 of Norwood Heights subdivision. Located south of SE 14th Lane, west of SE 4th Street, north of SE Williston Road, and east of SE 2nd Terrace.

Recommendation

Staff recommends approval of Petition PB-16-165 SVA with the staff conditions recommended in this report.



Description

The purpose of this request is to vacate an unimproved approximately 30'x230' existing right-of-way located near the intersection of SE 4th Street and SE Williston Rd. (as shown on location map on page 1). The vacation pertains to a platted portion of SE 3rd Terrace located between blocks 19 and 20 of the Norwood Heights subdivision recorded in 1925. This portion of SE 3rd Terrace is unimproved and does not connect to SE Williston Road to the south. Authorization from the adjacent property owner (KA Miller Trustee and Thomas Jones) is included with the application (see Attachment A).

Vacation of this right-of-way will facilitate the planned improvements to SE 4th Street to the east. The property owner has agreed to provide the necessary land rights to the City along SE 4th Street in exchange for the vacation of this portion of SE 3rd Terrace.

Basis for Recommendation

The City Plan Board shall consider the following criteria in determining whether the public interest will be best served by the proposed action:

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

The public does not utilize the existing right-of-way as it is currently unimproved and does not provide access to SE Williston Road.

2. Whether the proposed action is consistent with the City's Comprehensive Plan.

This proposal is consistent with Policy 10.2.1 of the Transportation Mobility Element, which states that the City shall only vacate streets under certain conditions. The closure of the right-of-way will not foreclose reasonably foreseeable future bicycle or pedestrian use or other transportation corridor in the area, and it will not foreclose non-motorized access to adjacent land uses or transit stops. The proposed vacation will allow for the reconstruction of SE 4th Street with sidewalks that will provide for pedestrian and bicycle access throughout the area.

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

Staff finds that the proposed action will not violate existing property rights, and specifically that the vacation of the right-of-way will not make any other properties landlocked or inaccessible.

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

Multi-modal enhancements (bike and sidewalk improvements) planned for the SE 4th Street reconstruction project will provide better connectivity within the immediate area. The existing right-of-way is unimproved therefore the need to pursue alternative action to the proposed vacation is unnecessary.

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

As stated, this portion of SE 3rd Terrace is unimproved and as a result will have no effect on traffic circulation.

6. The effect of the proposed action on crime.

There should be no negative impact on crime in the area.

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

The safety of pedestrians and vehicular traffic will not be affected.

8. The effect of the proposed action on the provision of municipal services including, but not limited to, emergency services and waste removal services.

The proposed action will not affect municipal services, since the right-of-way is not utilized by these services today.

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

The proposed vacation will not necessitate the relocation of utilities. There is an existing easement along SE 14th Lane and a primary electric pole located near the SW corner of the intersection of SE 14th Lane and SE 3rd Terrace. As a result, the City is proposing that any existing public utility easements be retained as a condition of approval for this street vacation request.

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

The removal of this right-of-way should have no negative effect on the property values in the surrounding area.

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

The proposed street vacation will not negatively affect this part of the City.

12. The effect of the vacation on the design and character of the neighborhood.

Specifically, the vacation will not negatively affect the Norwood Heights neighborhood.

Conditions:

Condition 1. The existing utility easements for the public utility lines within the right-of-way shall be retained.

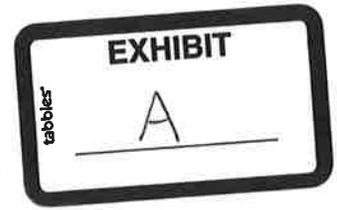
Respectfully submitted,

A handwritten signature in black ink, consisting of a large, sweeping loop followed by several horizontal strokes that trail off to the right.

Andrew Persons
Interim Principal Planner

List of Attachments

Attachment A	Application
Attachment B	Map of Street Vacation



**APPLICATION TO VACATE PUBLIC RIGHT-OF-WAY
PLANNING & DEVELOPMENT SERVICES**

OFFICE USE ONLY	
Petition No. <u>PB-16-165 SVA</u>	Fee: \$ <u>N/A</u>
Date: _____	EZ Fee: \$ _____
1 st Step Mtg Date: _____	Tax Map No. _____
Abutting Property Owners Petition _____	City Commission Petition _____
Account No. 001-670-6710-3401 [<input type="checkbox"/>]	
Account No. 001-670-6710-1124 (Enterprise Zone) [<input type="checkbox"/>]	
Account No. 001-670-6710-1125 (Enterprise Zone Credit [<input type="checkbox"/>]	

Applicant Information (Please PRINT)	
Name: City of Gainesville-Public Works (Sam Bridges, Land Rights Coordinator)	
Address: Post Office Box 490 Mail Station 58	
City: Gainesville	
State: Florida	Zip: 32627
Phone: 219-5867	Fax: 393-7987

CRITERIA FOR VACATION OR CLOSURE
<p>At the public hearing, the City Commission shall consider the following criteria in determining whether the general public welfare would be best served by the proposed action:</p> <ol style="list-style-type: none"> 1. Whether the public benefits from the use of the subject right-of-way as part of the city street system. 2. Whether the proposed action is consistent with the city's comprehensive plan. 3. Whether the proposed action would violate individual private property rights. 4. The availability of alternative action to alleviate the identified problems. 5. The effect of the proposed action upon traffic circulation. 6. The effect of the proposed action upon crime. 7. The effect of the proposed action upon the safety of pedestrians and vehicular traffic. 8. The effect of the proposed action upon the provision of municipal services including but not limited to emergency services and waste removal services. 9. The necessity to relocate utilities both public and private. 10. The effect the proposed action will have upon property values in the immediate and surrounding areas. 11. The effect of the proposed action on geographic areas which may be impacted. 12. The effect of the proposed action on the design and character of the area.

Certified Cashier's Receipt:

Under the provisions of Section 30-192(b) of the Land Development Code, City of Gainesville, **THE ABUTTING PROPERTY OWNERS/THE CITY COMMISSION** hereby petition(s) to have the following public right-of-way vacated (a legal description and a map is required):
That portion of Southeast 13th Terrace (Springfield Street) lying between Blocks 19
and 20 of Norwood Heights per Plat Book C, page 6 of the Public Records of _____
Alachua County, Florida

Provide reasons for vacating this right-of-way (please add additional sheet(s) to provide more information, if needed):

This platted right of way has not been improved and does not serve a public purpose.
The property owner on both sides is the same owner and also the owner of four
parcels of land associated with the proposed renovations to Southeast 4th Street.
He has agreed to grant the requested land rights over the four parcels in exchange
vacation of this right of way.

The recording of the approved ordinance abandoning public property effects an automatic reverter of the property back to the fee owners of the property out of which the street was carved. The City of Gainesville does not issue any formal deed instruments. The local title companies will be able to track the accretion of the property to the appropriate abutting property owners.

The signature of all abutting property owners is required for petitions initiated by property owners.

ABUTTING PROPERTY OWNERS' INFORMATION			
PARCEL NO.	PROPERTY OWNER	ADDRESS	SIGNATURE
15951-001-000	KA Miller Trustee	SE 3rd Terrace	<i>Hub P. Rebo</i>
15951-007-000	KA Miller Trustee	1440 SE 3rd Terrace	<i>Hub P. Rebo</i>
15951-006-000	KA Miller Trustee	1444 SE 3rd Terrace	<i>Hub P. Rebo</i>
15950-003-000	Thomas Jones	SE 4th Street	<i>Hub P. Rebo</i>
15950-001-000	Thomas Jones	1430 SE 4th Street	<i>Hub P. Rebo</i>

Petition must be filed with the Department of Community Development in accordance with the application cut-off dates as adopted by the City Plan Board (Development Review Board application cut-off dates). A copy of the schedule may be obtained from the Planning Division, Room 158, Planning Counter, Thomas Center B, 306 NE 6th Avenue. Phone: 334-5022.

Petitioner's Signature: *[Signature]* Date: 10/20/2012

EXHIBIT
tabbies
B



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Requested street vacation
August 2, 2016

Legend	
	Streets_PWD
	ACPA_parcel

This data is for informational purposes only. Do not rely on this data for accuracy of dimensions, size, or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission in the data. For more information please contact the City of Gainesville Public Works Dept. GIS at (352) 393-8483. Data prepared: 8/2/2016.

LOCATION AND DESCRIPTION

The following described lands comprise the above named subdivisions All of blocks 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 21, lot 2 block 14, lot 1 block 15, lot 2 block 16, lot 1 block 17, lot 2 block 18, lot 1 block 19, lot 2 block 20 in "plat showing subdivision of S. J. Burnett Land" as recorded page 114 Plat book 24 Alachua County, Florida, records.

The above land all lying in section 9, T10S, R20E.

We, the undersigned, do hereby certify that we are the owners in fee simple of the above described land and do hereby dedicate to the use of the public forever the streets, alleys and paths as shown on this plat.

Witness:
Wm. J. Burnett
Wm. J. Burnett
Wm. J. Burnett

STATE OF FLORIDA
 COUNTY OF ALACHUA

I HEREBY CERTIFY, That on this 24th day of April AD 1916 before me personally appeared Wm. J. Burnett and Luella P. Hansen to me known to be the persons specified in and who executed the foregoing instrument thereof in my presence and I generally acknowledged the same to be the act and deed for the uses and purposes therein expressed, and the said Luella P. Hansen wife of the said Wm. J. Burnett, on a separate and private examination taken and made by and before me, and separately and apart from her said husband, did acknowledge that she made her said act and deed of conveyance for the purpose of releasing, relinquishing and conveying all her right, title and interest, whether of dower or of separate property, statutory or equitable in and to the lands therein described and that she executed said deed freely and voluntarily, and without any constraint, fear, oppression, or compulsion of or from her said husband.

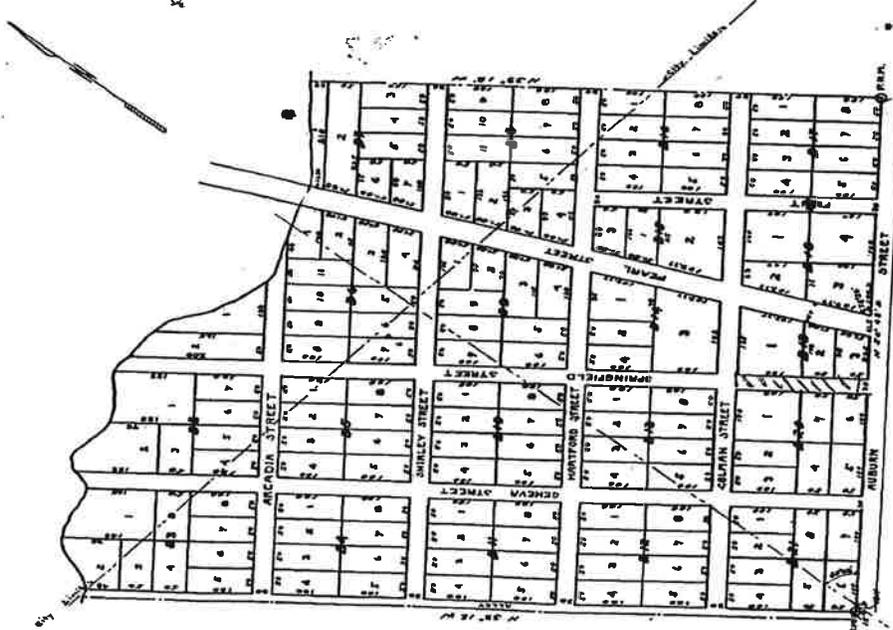
WITNESS my signature and official seal at Gainesville in the County of Alachua and State of Florida this day and year first above written.
Wm. J. Burnett
 Notary Public, State of Florida
 My commission expires Jan 21 1918

There is hereby certified that this is a correct representation of the above described land and subdivision thereof and that permanent monuments have been set as required by law and as shown on this plat.

H. A. Lee & Co.
 By Howard B. Lee
 Licensed Surveyor

I hereby approve and accept this plat for the board of County Commissioners.
Wm. J. Burnett
 027 8-1925

I hereby approve and accept this plat for the City of Gainesville, Florida.
Wm. J. Burnett
 027 8-1925



NORWOOD HEIGHTS
 A SUBDIVISION OF
 GAINESVILLE, FLORIDA
 BEHNSON, ALMURLEY, E.A. HARRIS, OWNERS
 "PLAT SHOWING SUBDIVISION OF 'BURNETT LAND'"
 AS RECORDED IN PLAT BOOK NO. 24, ALACHUA COUNTY RECORDS,
 GAINESVILLE, FLORIDA.