



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 040754

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

March 28, 2005

DATE: ~~March 14, 2005~~

FROM: City Attorney

~~FIRST READING~~

SUBJECT: Ordinance No. 0-05-28, Petition 187SVA-04PB

SECOND READING

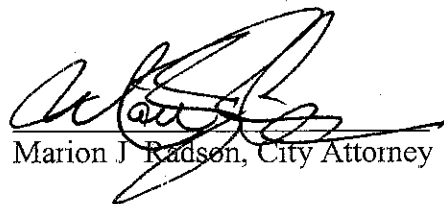
An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northeast 11th Terrace lying east of 1116 Northeast 12th Avenue and North of the North right-of-way line of Northeast 12th Avenue, as more specifically described in this Ordinance; reserving utilities easements; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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 6-0.

ORDINANCE NO. _____
0-05-28

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4 **An ordinance of the City of Gainesville, Florida, to vacate, abandon**
5 **and close that portion of Northeast 11th Terrace lying east of 1116**
6 **Northeast 12th Avenue and North of the North right-of-way line of**
7 **Northeast 12th Avenue, as more specifically described in this**
8 **Ordinance; reserving utilities easements; providing a severability**
9 **clause; providing a repealing clause; and providing an immediate**
10 **effective date.**

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12
13 **WHEREAS**, pursuant to Section 30-192 of the Code of Ordinances of the City of
14 Gainesville, an application was initiated to vacate, abandon and close that portion of Northeast
15 11th Terrace lying east of 1116 Northeast 12th Avenue and North of the North right-of-way line of
16 Northeast 12th Avenue, as more specifically described herein; and

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

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

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

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

27 **WHEREAS**, the City Commission finds that it is in the public interest to vacate;

1 abandon and close the area, subject to a public and private utilities easements.

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

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

7 See Legal Description attached hereto as Exhibit "A", and made a part
8 hereof as if set forth in full.

9 **Section 2.** The City reserves unto itself, its successors and assigns a public and private
10 utilities easement over, under, across and through the right-of-way described in Exhibit "A",
11 attached hereto and made a part hereof, for the purpose of maintaining and operating public and
12 private utilities.

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

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

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

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

21 **PASSED AND ADOPTED** this ____ day of _____, 2005.

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Pegeen Hanrahan, Mayor

DRAFT

2/22/2005

1 ATTEST:

Approved as to form and legality:

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_____ By: _____
KURT LANNON, MARION J. RADSON, CITY ATTORNEY
CLERK OF THE COMMISSION

This ordinance passed on first reading this _____ day of _____, 2005.

This ordinance passed on second reading this _____ day of _____, 2005

MJR/afm

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Northeast 11th Terrace
Right of Way Vacate

That portion of Northeast 11th Terrace lying east of and adjacent to Lot 2, Block 6, Range 16 and North of the North right of way line of Northeast 12th Avenue all being and lying in the Elliot L'Engle Addition to Gainesville, Florida as per Plat recorded in Deed Book "J", page 230, of the Public Records of Alachua County, Florida.

EXHIBIT "A"