

D R A F T

3/27/2007

ORDINANCE NO. _____
0-07-24

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4 **An ordinance of the City of Gainesville, Florida, to vacate, abandon**
5 **and close a certain portion of the right-of-way located at the westerly 100**
6 **feet of Northeast 8th Place, west of Northeast 20th Street, as more**
7 **specifically described in this Ordinance; reserving a public utilities**
8 **easement; providing a severability clause; providing a repealing**
9 **clause; and providing an immediate effective date.**

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12 **WHEREAS**, pursuant to Section 30-192 of the Code of Ordinances of the City of
13 Gainesville, an application was initiated to vacate, abandon and close a certain portion of the right-
14 of-way located at the westerly 100 feet of Northeast 8th Place, west of Northeast 20th Street, as more
15 specifically described herein; and

16 **WHEREAS**, notice was given and publication made as required by law and a public
17 hearing was held by the City Plan Board on February 15, 2007; and

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

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

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

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

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1 and close the street subject to a public utilities easement with conditions as set forth herein.

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 hereof
8 as if set forth in full.

9 **Section 2.** The City reserves unto itself, its successors and assigns a public utilities
10 easement over, under, across and through the right-of-way described in Exhibit "A", attached
11 hereto and made a part hereof, for the purpose of installing, maintaining and operating public
12 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 affect
17 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.

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

2 **PASSED AND ADOPTED** this _____ day of _____, 2007.

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PEGEEN HANRAHAN, MAYOR

ATTEST:

Approved as to form and legality:

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

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This ordinance passed on first reading this _____ day of _____, 2007.

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This ordinance passed on second reading this _____ day of _____, 2007.

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MJR/afm

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EXHIBIT "A"

A PARCEL OF LAND SITUATED IN THE SOUTHWEST ONE QUARTER OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THAT PORTION OF NORTHEAST 8TH PLACE, ALSO KNOWN AS COLLINS STREET, A THIRTY FOOT WIDE RIGHT OF WAY ACCORDING TO THE PLAT OF THOMAS AND STEENBURG SUBDIVISION AS RECORDED IN PLAT BOOK "B", PAGE 91 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA LYING BETWEEN LOTS FIVE (5) AND SIX (6) OF BLOCK "A" AND LOTS ONE (1) AND TWO (2) OF BLOCK "D" OF SAID PLAT, CONTAINING 3,000 SQUARE FEET MORE OR LESS.