

ORDINANCE NO. 030622
0-04-21

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way known as S.W. 7th Terrace located south of S.W. 5th Avenue, adjacent to and east of tax parcel no. 13432-000-000 and starting at a point on the south right-of-way line of S.W. 5th Avenue, extending south to the southeast corner of tax parcel no. 13432-000-000; reserving a public utilities easement; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, pursuant to Section 30-192 of the Code of Ordinances of the City of Gainesville, an application was initiated to vacate, abandon and close a certain portion of the right-of-way located at that portion of S.W. 7th Terrace located south of S.W. 5th Avenue, adjacent to and east of tax parcel no. 13432-000-000 and starting at a point on the south right-of-way line of S.W. 5th Avenue, extending south to the southeast corner of tax parcel no. 13432-000-000, as more specifically described herein; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on January 15, 2004; and

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

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

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

3 **WHEREAS**, the City Commission finds that it is in the public interest to vacate;
4 abandon and close the street subject to a public utilities easement with conditions as set forth
5 herein.

6 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
7 **CITY OF GAINESVILLE, FLORIDA:**

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

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

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

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

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

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

Petition 127SVA-03 PB, Legislative Matter No. 030622

Legal Description

Southwest 7th Terrace south of Southwest 5th Avenue approximately 228 feet south to the southeast corner of Tax Parcel 13432-000-000.

EXHIBIT "A"