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ORDINANCE NO. 190989

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a public right-of-way on NW 4th Lane lying between NW 13th Street and NW 14th Street, as more specifically described in this ordinance; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, pursuant to Section 30-3.41 of the City of Gainesville’s Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances), an application was initiated by the owner(s) of land abutting the subject public right-of-way requesting the City to vacate, abandon, and close the right-of-way; and

WHEREAS, the request to vacate the subject public right-of-way was presented to and approved by the appropriate departments of the City of Gainesville; and

WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on February 27, 2020, and voted to recommend that the City Commission approve this vacation of public right-of-way; and

WHEREAS, at least 10 days’ notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held by the City Commission of the City of Gainesville; and

WHEREAS, public hearings were held pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

WHEREAS, the City Commission finds that the vacation of the subject right-of-way meets the

1 required criteria in Policy 10.2.1 of the Transportation Mobility Element of the Comprehensive
2 Plan and Section 30-3.41 of the Land Development Code.

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

5 **SECTION 1.** The following described public right-of-way is hereby vacated, abandoned, and
6 closed for use by the public generally:

7 See legal description attached as **Exhibit A** and made a part hereof as if set forth
8 in full. The location of the property is shown on **Exhibit B** for visual reference.
9 In the event of conflict or inconsistency, **Exhibit A** will prevail over **Exhibit B**.

10
11 **SECTION 2.** The City reserves unto itself, its successors and assigns a public and private utilities
12 easement over, under, across, and through the property described in Section 1 of this
13 ordinance for the purpose of installing, maintaining, and operating public and private utilities.

14 **SECTION 3.** The Clerk of the Commission or designee is authorized to record a true copy of this
15 ordinance in the public records of Alachua County, Florida.

16 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
17 the application hereof to any person or circumstance is held invalid or unconstitutional, such
18 finding will not affect the other provisions or applications of this ordinance that can be given
19 effect without the invalid or unconstitutional provision or application, and to this end the
20 provisions of this ordinance are declared severable.

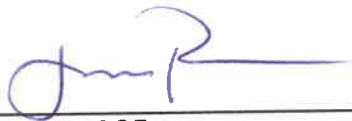
21 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
22 conflict hereby repealed.

23 **SECTION 6.** This ordinance will become effective immediately upon adoption.

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1 **PASSED AND ADOPTED** this 16th day of July, 2020

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LAUREN POE
MAYOR

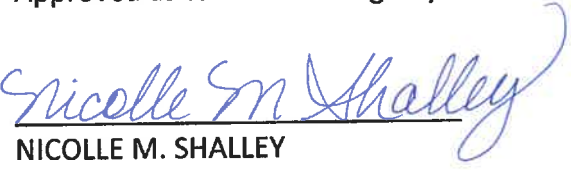
9 Attest:

Approved as to form and legality:

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OMICHELE D. GAINNEY
CLERK OF THE COMMISSION



NICOLLE M. SHALLEY
CITY ATTORNEY

15

16 This ordinance passed on first reading this 18th day of June, 2020.

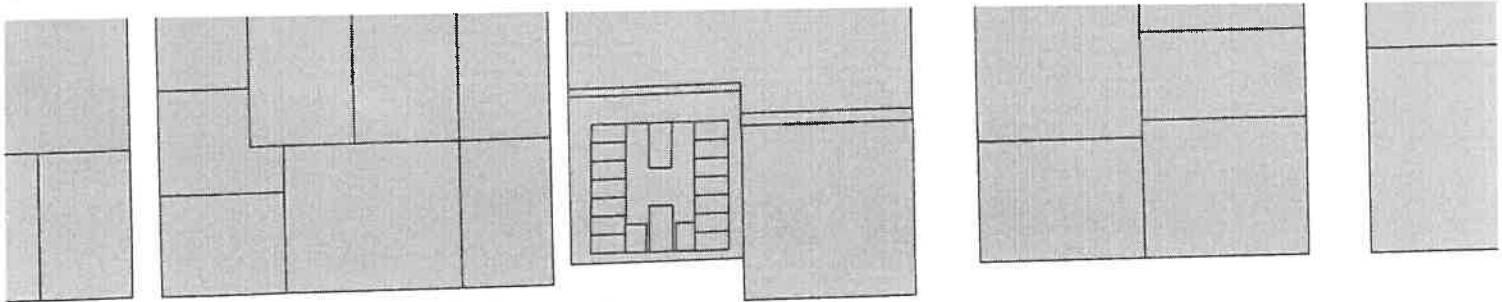
17

18 This ordinance passed on second reading this 16th day of July, 2020.

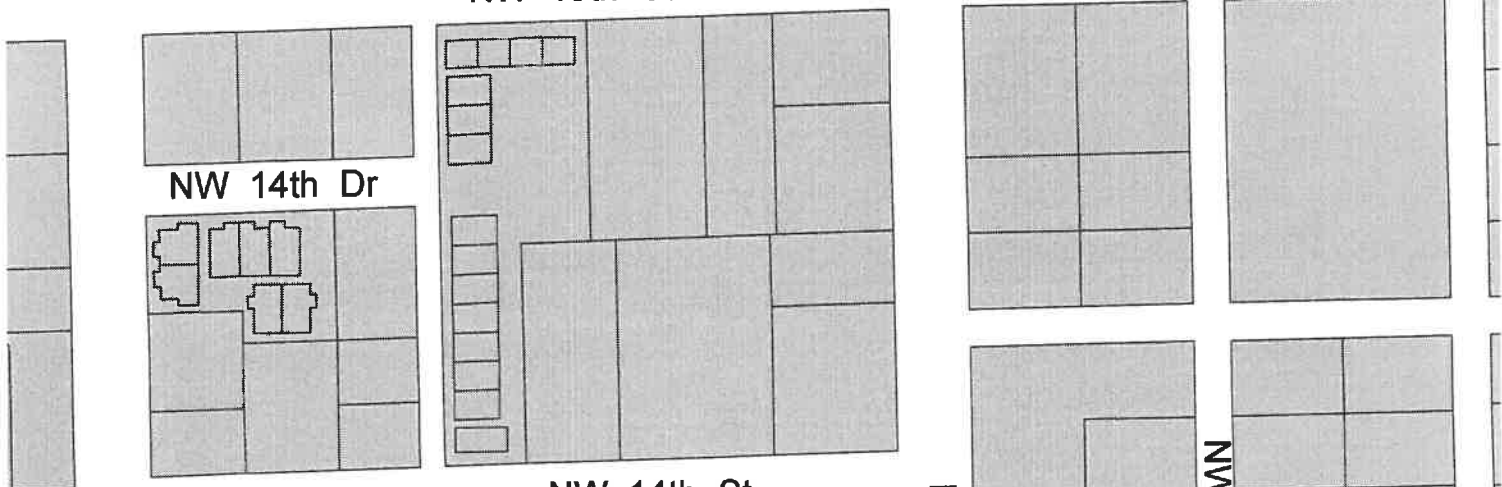
Legal Description

NW 4th Lane R/W Vacation:

That portion of NW 4th Lane (a 20' wide R/W) according to the plat thereof recorded in Plat Book "A", Page 63 of the Public Records of Alachua County, Florida, lying East of NW 14th Street and West of NW 13th Street.

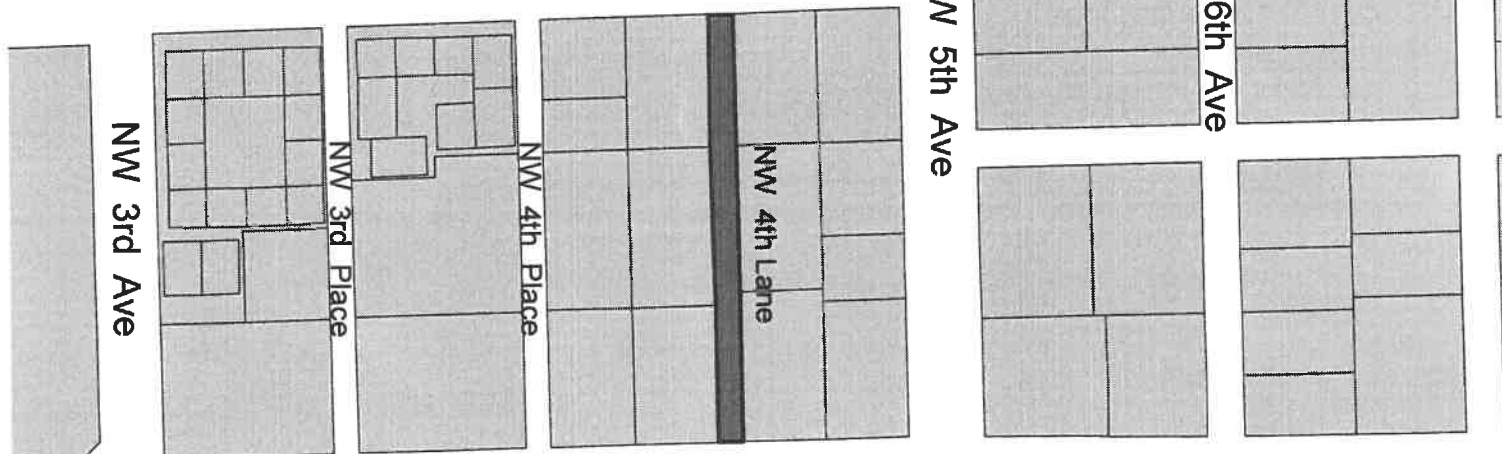


NW 15th St



NW 14th Dr

NW 14th St



NW 3rd Ave

NW 3rd Place

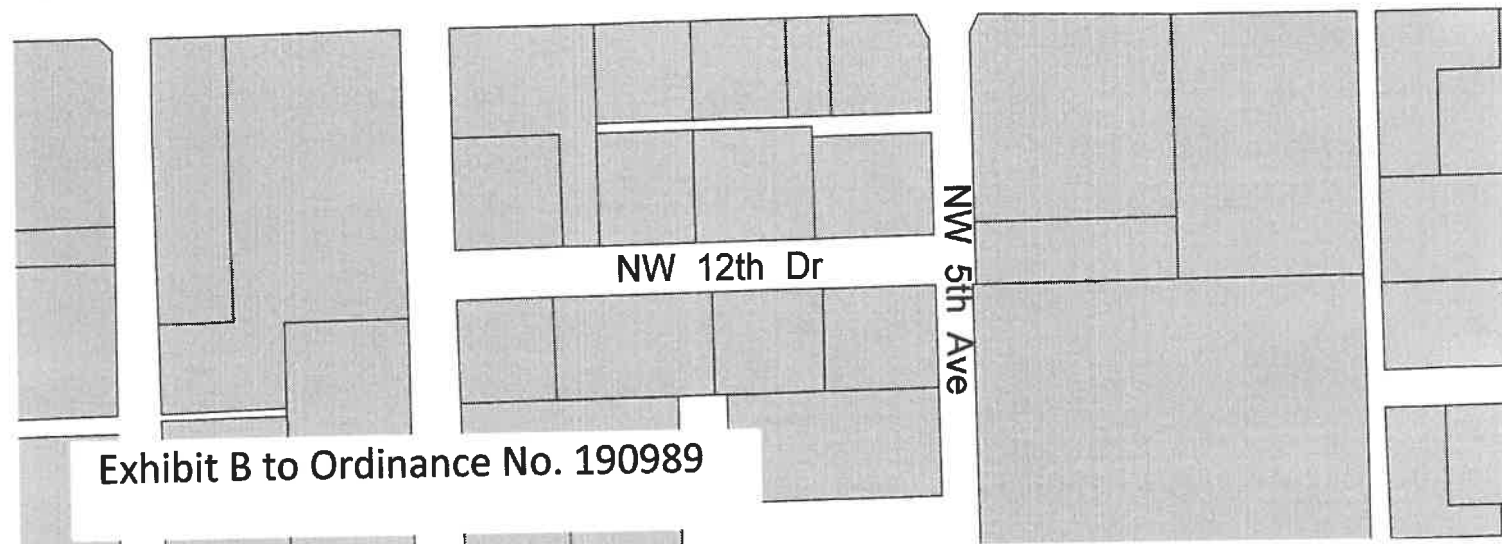
NW 4th Place

NW 4th Lane

NW 5th Ave

NW 6th Ave

NW 13th St



NW 12th Dr

NW 5th Ave

Exhibit B to Ordinance No. 190989