

ORDINANCE NO. 150350

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close an unimproved alley public right-of-way that extends for 207 feet between SW 7th Terrace and SW 6th Street, south of SW 4th Avenue, as more specifically described in this ordinance; reserving a utilities easement; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, pursuant to Section 30-192 of the City’s Land Development Code, an application was initiated requesting the City to vacate, abandon, and close an unimproved alley public right-of-way that extends for 207 feet between SW 7th Terrace and SW 6th Street, south of SW 4th Avenue, as more particularly described herein; and

WHEREAS, Section 30-192 of the City’s Land Development Code allows the City to vacate a public street or public place upon determining that it no longer serves a public purpose or that the vacation of the public street or public place is in the public interest; and

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

WHEREAS, on August 27, 2015, a public hearing was held by the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it voted to recommended that the City Commission approve this petition to vacate the said public right-of-way as set forth herein; and

WHEREAS, at least ten (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 in the City Hall Auditorium located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, public hearings were held pursuant to the notice described above at which

1 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;
2 and

3 **WHEREAS**, the City Commission finds that it is in the public interest to vacate,
4 abandon, and close the public right-of-way that is the subject of this ordinance, subject to the
5 terms and conditions as set forth herein.

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

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

10 See legal description attached as Exhibit "A" and made a part hereof as if set
11 forth in full. The location of the property is shown on Exhibit "B" for visual
12 reference. In the event of conflict or inconsistency, Exhibit "A" shall prevail over
13 Exhibit "B".
14

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

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

20 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
21 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
22 finding shall not affect the other provisions or applications of this ordinance that can be given
23 effect without the invalid or unconstitutional provision or application, and to this end the
24 provisions of this ordinance are declared severable.

1 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of
2 such conflict hereby repealed.

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

4

5 **PASSED AND ADOPTED** this 19th day of November, 2015.

6

7

8

9

10

11

12

13 Attest:


14

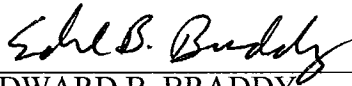
15

16


17

18


KURT M. LANNON
CLERK OF THE COMMISSION


EDWARD B. BRADDY
MAYOR

Approved as to form and legality:

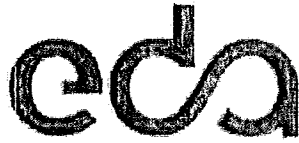
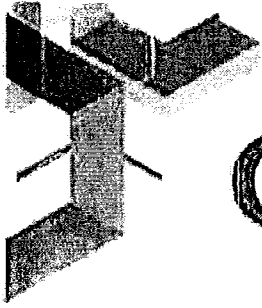

NICOLLE M. SHALLEY
CITY ATTORNEY

19

20 This ordinance passed on first reading this 5th day of November, 2015.

21

22 This ordinance passed on second reading this 19th day of November, 2015.



engineers • surveyors • planners, inc.

May 28, 2015

Legal Description

That portion of a 22 foot wide alley which lies south of Lots 37, 38 and 39 of F. X. Millers Addition to Gainesville, as per plat thereof, recorded in Plat Book A, page 20 of the Public Records of Alachua County, Florida and which lies north of Lots 58, 59 and 60 of said F. X. Millers Addition to Gainesville, and which lies east of the east right-of-way line of S.W. 7th Terrace; being more particularly described as follows:

Begin at the southwest corner of Lot 37 of F. X. Millers Addition to Gainesville, as per plat thereof, recorded in Plat Book A, page 20 of the Public Records of Alachua County, Florida, and run thence North 89°04'44" East, along the south line of Lots 37, 38 and 39 of said F. X. Millers Addition to Gainesville, and along the north line of a 22 foot wide alley, a distance of 206.90 feet to the southeast corner of said Lot 39; thence South 00°50'02" East, 22.00 feet to the northeast corner of Lot 58 of said F. X. Millers Addition to Gainesville, and to a point on the south line of said 22 foot wide alley; thence South 89°04'44" West, along the north line of said Lot 58 and along the north line of Lots 59 and 60 of said F. X. Millers Addition to Gainesville and along said south line of said 22 foot wide alley, 206.92 feet to a point on the east right-of-way line of S.W. 7th Terrace; thence North 00°46'54" West, along said east right-of-way line, 22.00 feet to the Point of Beginning.

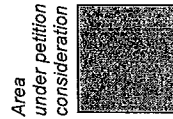
Containing 0.105 of an acre (4,552 square feet), more or less.

Exhibit "A" to Ordinance No. 150350


City of Gainesville Zoning Districts

- RMF-5 12 units/acre Single-Family/Multiple-Family Residential
- RH-1 8-43 units/acre Residential High Density
- MU-1 Mixed use Low Intensity (8-30 du/acre)
- CCD Up to 150 units/acre Central City
- UMU-2 Up to 100 units/acre Urban Mixed-Use
- OF General Office
- PS Public Services and Operations

Exhibit "B" to Ordinance No. 150350



EXISTING ZONING

Name	Petition Request	Petition Number
 No Scale	eda engineers-surveyors-planners, inc., agent for Heritage Investment Group of Gainesville, LLC	Vacate approximately 207 feet of an alley between SW 7th Terrace and SW 6th Street, south of SW 4th Avenue PB-15-63 SVA