

LEGISLATIVE #
210836A

ORDINANCE NO. 210836

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close certain portions of a public right-of-way located in the 200 block of NW 1st Avenue, as more specifically described in this ordinance; providing directions to the City Clerk; 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 January 27, 2022, 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 required criteria in Policy 10.2.1 of the Transportation Mobility Element of the Comprehensive

Plan and Section 30-3.41 of the Land Development Code.

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

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

See public right-of-way labelled as "Alley 20 Feet Wide" shown on the Replat of the West Half of Lot 19 of BRUSH'S ADDITION TO GAINESVILLE, recorded in Plat Book "A", Page 16 of the Public Records of Alachua County, Florida, attached as **Exhibit A** and made a part hereof as if set forth in full. The location of the property is shown on **Exhibit B** for visual reference. In the event of conflict or inconsistency, **Exhibit A** will prevail over **Exhibit B**.

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

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

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

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 All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

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

2 **PASSED AND ADOPTED** this _____ day of _____, 2022.

LAUREN POE
MAYOR

0 Attest:

Approved as to form and legality:

4 OMICHELE D. GAINES
5 CITY CLERK

DANIEL M. NEE
INTERIM CITY ATTORNEY

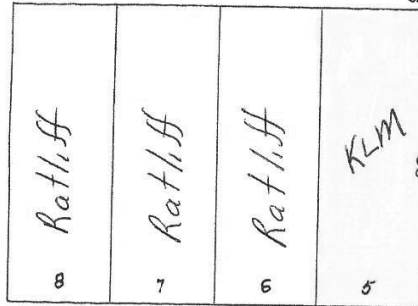
17 This ordinance passed on first reading this _____ day of _____, 2022.

9 This ordinance passed on second reading this _____ day of _____, 2022.

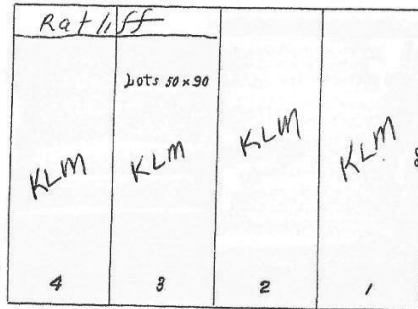
Exhibit A to Ordinance 210836

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Plan of Lots in One Acre Block



Alley 20 Feet Wide



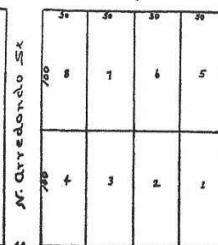
South 81.55'
of 4+5

West 1/2 of Lot 19 as Brush Addition to the Town of Gainesville
as subdivided by Eliza A Clapp Property of Eliza A Clapp
Filed for record April 25th 1905
Recorded May 20th 1905 J.A. Carlisle Clerk

Repict at West 1/2 of Lot 19
at Brush Addition to Gainesville Fla
Scale 1 inch = 50 ft

NORTH

N. Orange St



N. Orange St

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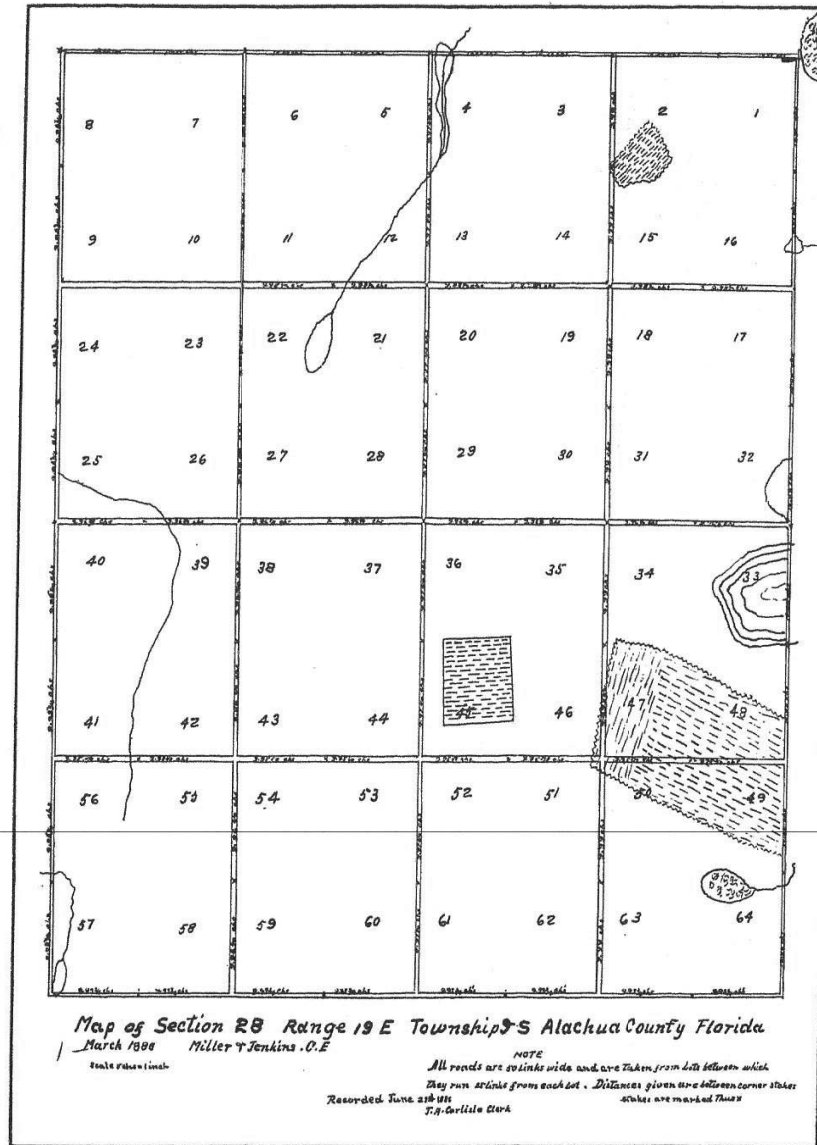




Figure 1: Zoning

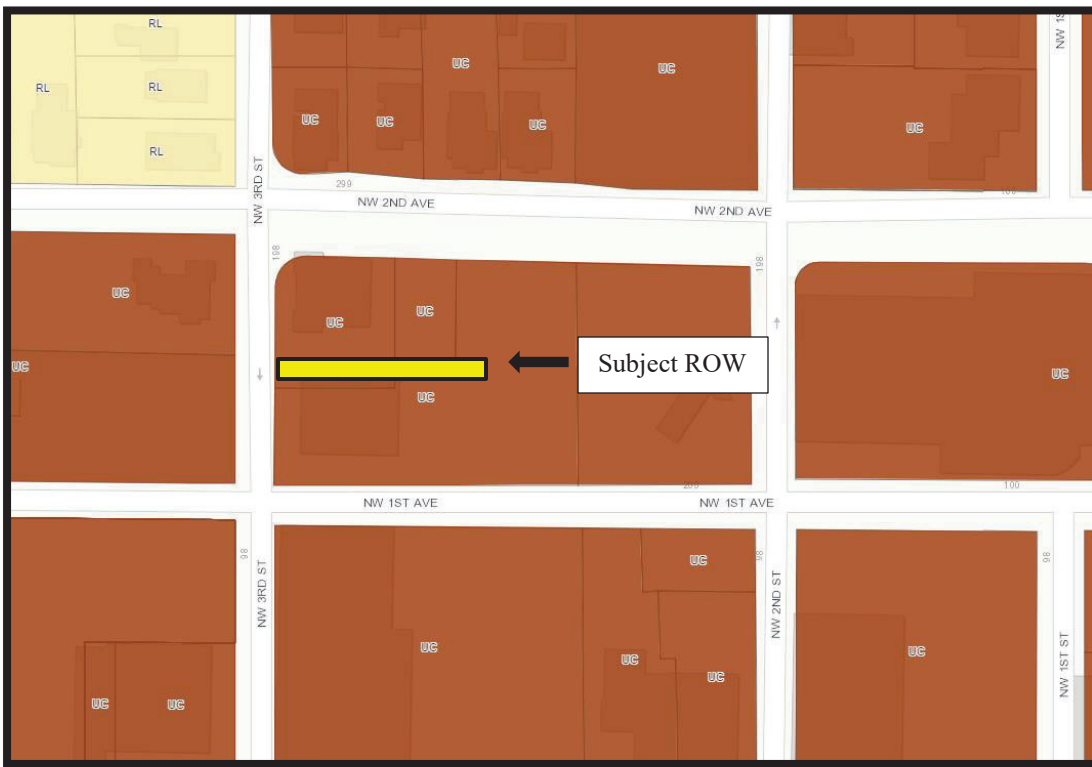


Figure 2: Land Use

