## **ORDINANCE NO. 150559** 1 2 An ordinance of the City of Gainesville, Florida, to vacate, abandon, and 3 close an unimproved public right-of-way on property currently used as the 4 SW 5th Avenue Stormwater Park that is generally located in the 500-700 5 block of SW 6th Street, as more specifically described in this ordinance; 6 providing a severability clause; providing a repealing clause; and providing 7 8 an effective date. 9 WHEREAS, pursuant to Section 30-192 of the City's Land Development Code, an 10 application was initiated requesting the City to vacate, abandon, and close an umimproved public 11 right-of-way on property currently used as the SW 5<sup>th</sup> Avenue Stormwater Park that is generally 12 located in the 500-700 block of SW 6th Street, as more particularly described herein; and 13 WHEREAS, Section 30-192 of the City's Land Development Code allows the City to 14 vacate a public street or public place upon determining that it no longer serves a public purpose 15 or that the vacation of the public street or public place is in the public interest; and 16 WHEREAS, the request to vacate the said public right-of-way was presented to and 17 approved by the appropriate departments of the City; and 18 WHEREAS, on December 1, 2015, a public hearing was held by the City Plan Board, 19 which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it 20 voted to recommended that the City Commission approve the petition to vacate the said public 21 22 right-of-way as set forth herein; and WHEREAS, on January 7, 2016, the City Commission approved the petition to vacate 23 the said public right-of-way as set forth herein; and 24 WHEREAS, at least ten (10) days' notice has been given once by publication in a 25

newspaper of general circulation notifying the public of this proposed ordinance and of public

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1	hearings in the City Hall Auditorium located on the first floor of City Hall in the City of		
2	Gainesville; and		
3	WHEREAS, public hearings were held pursuant to the notice described above at which		
4	hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;		
5	and		
6	WHEREAS, the City Commission finds that it is in the public interest to vacate,		
7	abandon, and close the public right-of-way that is the subject of this ordinance, subject to the		
8	terms and conditions as set forth herein.		
9	NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE		
10	CITY OF GAINESVILLE, FLORIDA:		
11	Section 1. The following described public right-of-way is hereby vacated, abandoned,		
12	and closed for use by the public generally:		
13 14 15 16	See legal description 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" shall prevail over Exhibit "B".		
17 18	Section 2. 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 3. 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 4. All ordinances or parts of ordinances in conflict herewith are to the extent of		
2	such conflict hereby repealed.		
3	Section 5. This ordinance shall become effective immediately upon adoption.		
4			
5	PASSED AND ADOPTED this 4th day of February, 2016.		
6 7 8 9 10		EDWARD B. BRADDY MAYOR	
12 13 14 15 16 17	Attest:  KURT M. LANNON  CLERK OF THE COMMISSION	Approved as to form and legality:  APPROVED AS TO FORM AND LEGALITY  By:  Sean M. McDermott  Assistant City Attorney!  NICOLLE M. SHALLEY  CITY ATTORNEY	
19			
20 21	This ordinance passed on first reading this 21st day of January, 2016.		
22	This ordinance passed on second reading this 4th day of February, 2016.		

## **EXHIBIT "A" TO ORDINANCE NO. 150559**

## **LEGAL DESCRIPTION**

PORTIONS OF S.W.  $6^{\text{TH}}$  AVENUE, S.W.  $6^{\text{TH}}$  P LACE, S.W.  $7^{\text{TH}}$  AVENUE, S.W.  $7^{\text{TH}}$  STREET AND S.W.  $7^{\text{TH}}$  TERRACE LYING WITHIN O. A. PORTER'S ADDITION TO GAINESVILLE AS RECORDED IN PLAT BOOK "A", PAGE 54 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA LYING AND BEING IN SECTION 5, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

ALL THOSE UNNAMED STREETS WITHIN SAID O. A. PORTER'S ADDITION TO GAINESVILLE VARYING IN WIDTH FROM 31 FEET TO 35 FEET, LYING SOUTH OF S. W.  $5^{\rm TH}$  AVENUE, WEST OF S.W.  $6^{\rm TH}$  STREET, NORTH OF LOTS 89 & 90 AND EAST OF THE UNNAMED CREEK SHOWN ON SAID PORTERS ADDITION AND KNOWN LOCALLY AS TUMBLING CREEK LESS AND EXCEPT THAT PORTION OF S.W.  $7^{\rm TH}$  TERRACE VACATED BY CITY ORDINANCE NUMBER 030622 RECORDED IN OFFICIAL RECORDS BOOK 2883, PAGE 851. SAID STREETS CONTAINING 55,480 SQUARE FEET OR 1.27 ACRES MORE OR LESS.

