

ORDINANCE NO. 160566

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close an unimproved public right-of-way that includes a portion of SE 3rd Terrace lying between blocks 19 and 20 of the Norwood Heights Subdivision and located south of SE 14th Lane, west of SE 4th Street, north of SE Williston Road, and east of SE 2nd Terrace, 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 January 26, 2017, 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 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 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 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**.

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.

SECTION 3. The Clerk of the Commission 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 shall 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.

SECTION 6. This ordinance shall become effective immediately upon adoption.

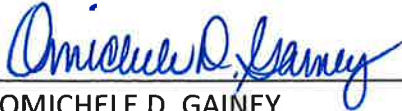
1 **PASSED AND ADOPTED** this 21st day of June, 2018.

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LAUREN POE
MAYOR

9 Attest:

Approved as to form and legality:

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OMICHELE D. GAINES
CLERK OF THE COMMISSION

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NICOLLE M. SHALLEY
CITY ATTORNEY

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16 This ordinance passed on first reading this 7th day of June, 2018.

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18 This ordinance passed on second reading this 21st day of June, 2018.

Legal Description

That portion of Southeast 3rd Terrace (Springfield Street) lying between Block 19 and Block 20 of Norwood Heights per Plat Book C, page 6 of the Public Records of Alachua County, Florida

Exhibit "A" to Ordinance No. 160566



Requested street vacation
August 2, 2016