

LEGISLATIVE #
180861A

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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 March 28, 2019, 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 _____ day of _____, 2019.

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3
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5 _____
6 LAUREN POE
7 MAYOR
8

9 Attest:

Approved as to form and legality:

10
11
12 _____
13 OMICHELE D. GAINNEY
14 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

15
16 This ordinance passed on first reading this _____ day of _____, 2019.

17
18 This ordinance passed on second reading this _____ day of _____, 2019.

Legal Description

A PART OF SPRING PARK SUBDIVISION UNIT NO: TWO, AS RECORDED IN PLAT BOOK C, PAGE 92, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND BEING A PART OF SECTION 39, TOWNSHIP 9 SOUTH, RANGE 20 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 27 OF SAID SPRING PARK SUBDIVISION UNIT NO: TWO; THENCE SOUTH 00°32'49" EAST ALONG THE WEST RIGHT OF WAY LINE OF NW 8TH STREET (FORMERLY KNOWN AS NORTH SIXTH STREET – A 60' RIGHT OF WAY AS NOW ESTABLISHED), A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF LOT 44 OF SAID SPRING PARK SUBDIVISION UNIT NO: TWO; THENCE SOUTH 89°58'26" WEST ALONG THE SOUTH RIGHT OF WAY LINE OF NW 8TH PLACE (FORMERLY KNOWN AS NW NINTH AVENUE – A 40' RIGHT OF WAY AS NOW ESTABLISHED), A DISTANCE OF 349.16 FEET TO A POINT 1.0' EASTERLY OF THE NORTHWEST CORNER OF LOT 40 OF SAID SPRING PARK SUBDIVISION UNIT NO: TWO; THENCE NORTH 00°32'42" WEST, A DISTANCE OF 40.00 FEET TO AN INTERSECTION WITH NORTH RIGHT OF WAY LINE OF SAID NW 8TH PLACE AND TO A POINT 1.0' EASTERLY OF THE SOUTHWEST CORNER LOT 31 OF SAID SPRING PARK SUBDIVISION UNIT NO: TWO; THENCE NORTH 89°58'26" EAST, ALONG SAID NORTH RIGHT OF WAY LINE OF SAID NW 8TH PLACE, A DISTANCE OF 349.16 FEET TO THE POINT OF BEGINNING.

MAP SHOWING

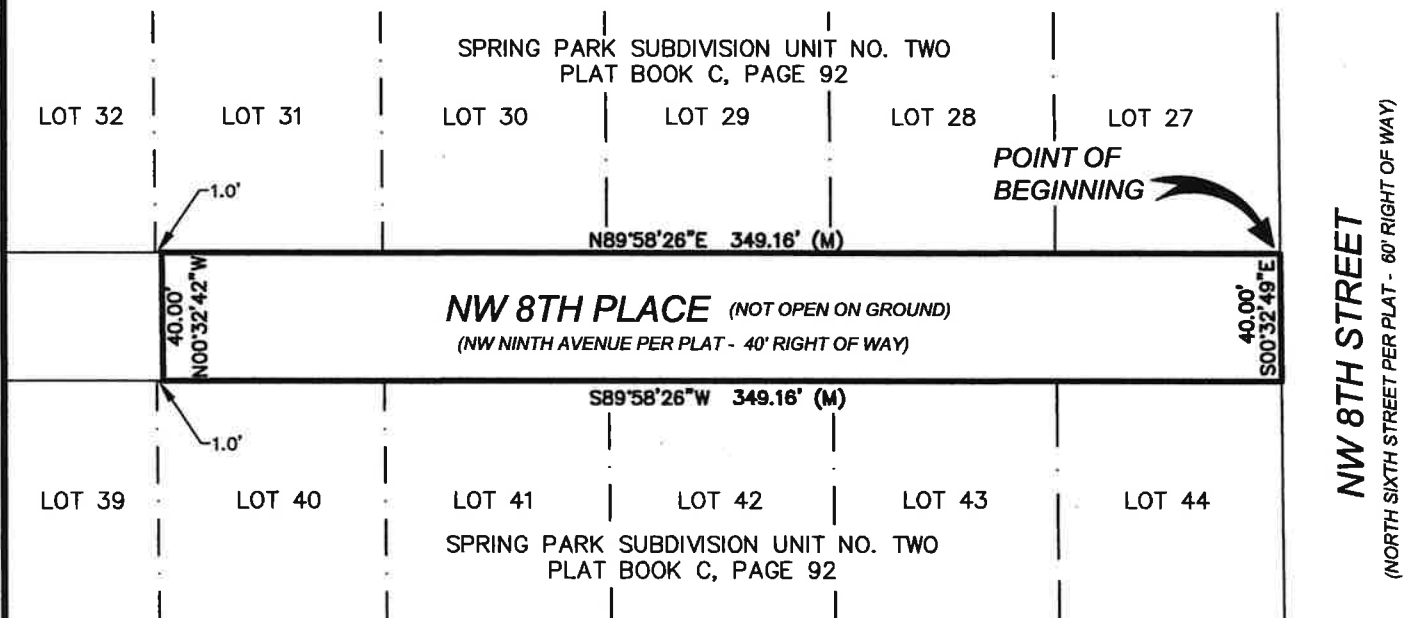
A PART OF SPRING PARK SUBDIVISION UNIT NO: TWO
AS RECORDED IN PLAT BOOK C, PAGE 92, ALACHUA COUNTY, FLORIDA
AND BEING IN SECTION 39, TOWNSHIP 9 SOUTH, RANGE 20 EAST

LEGAL DESCRIPTION

PROPOSED RIGHT OF WAY VACATION

A PART OF SPRING PARK SUBDIVISION UNIT NO: TWO, AS RECORDED IN PLAT BOOK C, PAGE 92, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND BEING A PART OF SECTION 39, TOWNSHIP 9 SOUTH, RANGE 20 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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SURVEYORS NOTES

- 1) THIS IS A MAP TO ACCOMPANY A LEGAL DESCRIPTION AND DOES NOT PURPORT TO BE A BOUNDARY SURVEY.
- 2) THE LEGAL DESCRIPTION SHOWN HEREON WAS PREPARED BY THIS OFFICE.
- 3) THIS MAP WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THERE MAY BE INSTRUMENTS OF RECORD AND NOT OF RECORD AFFECTING THE SUBJECT PROPERTY WHICH ARE NOT SHOWN HEREON.
- 4) REFERENCE BOUNDARY & TOPOGRAPHIC SURVEY BY DEGROVE SURVEYORS, INC., DATED 2/22/2017.
- 5) MAP DATE 01/14/2019



SCALE:
1" = 60'

DEGROVE

Surveyors, Inc.

605 NW 53rd AVENUE, SUITE #A11A

GAINESVILLE, FLORIDA 32609

352-338-9667

FAX 352-338-9677

DEGROVE@DEGROVE.COM

LICENSED BUSINESS NUMBER L.B.4603

THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING AND MAPPING IN THE STATE OF FLORIDA PURSUANT TO CHAPTER 5J-17.051 AND 5J-17.052 FLORIDA ADMINISTRATIVE CODE

THOMAS P. TRACZ, P.S.M., FLORIDA CERTIFICATION NO.6039

NOTICE:
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER

JOB# 2019306