

ORDINANCE NO. 180861

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a public right-of-way that is a portion of NW 8th Place located in the Kiwanis' Girl Scout Park in the vicinity of the northwest corner of NW 8th Avenue and NW 8th Street, 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 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

1 required criteria in Policy 10.2.1 of the Transportation Mobility Element of the Comprehensive
2 Plan and Section 30-3.41 of the Land Development Code.

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

4 **FLORIDA:**

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

7 See legal description attached as **Exhibit A** and made a part hereof as if set forth
8 in full. The location of the property is shown on **Exhibit B** for visual reference.
9 In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

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

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

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

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22 conflict hereby repealed.

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

1 **PASSED AND ADOPTED** this 17th day of October, 2019.

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LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

 for
OMICHELE D. GAINEY 10-22-19
CLERK OF THE COMMISSION

 id 17/19
For NICOLLE M. SHALLEY
CITY ATTORNEY
Sean McPernott

This ordinance passed on first reading this 3rd day of October, 2019.

This ordinance passed on second reading this 17th day of October, 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

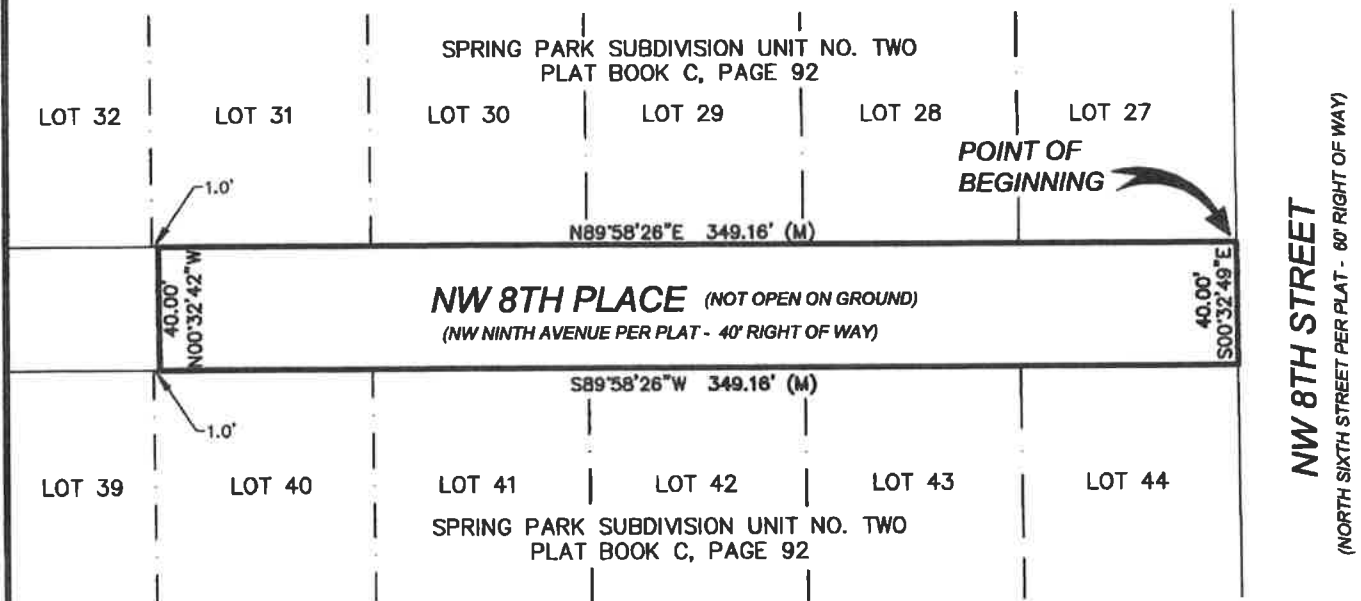
**A PART OF SPRING PARK SUBDIVISION UNIT NO: TWO
AS RECORDED IN PLAT BOOK C, PAGE 92 , ALACHUA COUNTY, FLORIDA
AND BEING IN SECTION 39, TOWNSHIP 9 SOUTH, RANGE 20 EAST**

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.

