



Legislation Details (With Text)

**File #:** 210107.      **Version:** 2      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 6/17/2021      **In control:** City Attorney

**On agenda:** 11/4/2021      **Final action:** 11/18/2021

**Title:** Vacation of Public Right-of-Way - Portions of the 50ft wide SW 8th Lane located in the 900 Block of SW 8th Lane (B)

Ordinance No. 210107

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close certain portions of a public right-of-way located in the 900 block of SW 8th Lane, 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.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 210107A\_draft ordinance\_20211104, 2. 210107B\_PB\_21\_00063\_SVA\_SW8thLN\_StafReport\_withAppendices\_2021104, 3. 210107C\_PB-21-00063 SVA SW 8th LN\_20211104, 4. 210107\_ROW Vacation City Commission Meeting\_20211104, 5. 210107\_Ordinance Final\_20211118, 6. 210107\_Ordinance Final Recorded\_20211118

Date	Ver.	Action By	Action	Result
11/18/2021	2	City Commission	Adopted on Final Reading (Ordinance)	Pass
11/4/2021	2	City Commission	Adopted on First Reading (Ordinance)	Pass
6/24/2021	1	City Plan Board		

**Vacation of Public Right-of-Way - Portions of the 50ft wide SW 8th Lane located in the 900 Block of SW 8th Lane (B)**

Ordinance No. 210107

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close certain portions of a public right-of-way located in the 900 block of SW 8th Lane, 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.

The City Commission adopt the proposed ordinance.

**STAFF REPORT**

This ordinance was privately initiated and requests to vacate portions of the 50ft wide SW 8th Lane right-of-way (ROW) that abut three tax parcels (15569-004-000, 15568-008-000, and 15572-000-000) located in the 900 block of SW 8th Lane. Portions of the ROW are unpaved with tree and shrub vegetation, specifically the State of Florida/UF portion of the ROW at the end of SW 8th Lane. All property owners for the abutting properties have signed the application requesting the ROW vacation. The ROW to be vacated is approximately

0.15 acres in total, with the total length of the proposed ROW vacation being approximately 134 ft.

Per Section 30-3.41 of the Land Development Code, the City Commission may vacate a public right-of-way only upon its finding that the criteria in both 1 and 2 as provided below have been met:

1. The public right-of-way no longer serves a public purpose and the vacation of the public right-of-way is in the public interest, which shall be based on a consideration of the following:
  - a. Whether the public benefits from the use of the subject right-of-way as part of the city street system;
  - b. Whether the proposed action is consistent with the Comprehensive Plan;
  - c. Whether the proposed vacation is consistent with the minimum block size requirements and other applicable street connectivity standards;
  - d. Whether the proposed action would deny access to private property;
  - e. The effect of the proposed action upon public safety;
  - f. The effect of the proposed action upon the safety of pedestrians and vehicular traffic;
  - g. The effect of the proposed action upon the provision of municipal services including, but not limited to, emergency service and waste removal;
  - h. The necessity to relocate utilities both public and private; and
  - i. The effect of the proposed action on the design and character of the area.
  
2. If the public right-of-way is a street, the city shall not vacate the right-of-way except if the following additional criteria are met:
  - a. The loss of the street will not foreclose reasonably foreseeable future bicycle/pedestrian use;
  - b. The loss of the street will not foreclose non-motorized access to adjacent land uses or transit stops;
  - c. The loss of the street is necessary for the construction of a high density, mixed-use project containing both residential and non-residential uses or creating close proximity of residential and non-residential uses; and
  - d. There is no reasonably foreseeable need for any type of transportation corridor for the area.

This ordinance requires two readings and will become effective immediately upon adoption.