



Legislation Text

File #: 980269, Version: 0

Legislative Matter No. 980269 (QUASI-JUDICIAL). Petition 140SVA-98 PB, pursuant to Sec. 30-192(b), to vacate, abandon and close an unopened portion of N.W. 4th Terrace (150 feet more or less) between N.W. 26th and 27th Avenues and to vacate, abandon and close a portion of the 400 block of N.W. 26th Avenue (80 feet more or less).

On June 22, 1998, Roy Geiersbach, the owner at 410 N.W. 26th Terrace, addressed the City Commission to request vacating these two rights-of-way in order to utilize the existing roadway surface to park vehicles and to better secure and landscape his property. The proposed street vacation includes a portion of N.W. 4th Terrace (an unopened right-of-way platted as Grove Street) and the portion of N.W. 26th Avenue which provides access to 410 N.W. 26th Avenue, a single-family residence. The N.W. 4th Terrace right-of-way is currently developed as a stormwater detention basin. Directly east of the subject right-of-way is the Koppers industrial site which is fenced. No properties other than 410 N.W. 26th Avenue receive access from these rights-of-way.

In deciding whether to keep or vacate a right-of-way, staff must make a determination whether the public purpose is being served in keeping the right-of-way. Comments from the reviewing departments indicate that the N.W. 4th Terrace area is in use for GRU and Public Works infrastructure. Therefore, at a minimum, easements allowing Public Works and GRU use and access should be retained in these areas. The Fire Department requires the right-of-way of N.W. 26th Avenue to remain open for emergency access to the residential structures.

The Plan Board reviewed the petition in the absence of Mr. Geiersbach. The Board found that the granting of the street vacation would not provide Mr. Geiersbach with the uses he would like to have because of the easements that would be required. The Plan Board recommends denial of the petition. Planning staff is at this point in agreement with the Plan Board decision.

Public notice was published in the Gainesville Sun on September 1, 1998. Letters were mailed to surrounding property owners on September 2, 1998. The Plan Board held a public hearing September 17, 1998.

None

City Plan Board to City Commission - The City Commission deny Petition 140SVA-98 PB. Plan Board vote 7-0.

Staff to Plan Board - Approve Petition 140SVA-98PB as to N.W. 4th Terrace as far south as the extension of the north right-of-way line of N.W. 26th Avenue and denial as to N.W. 26th Avenue. There is a difference between the two rights-of-way. N.W. 4th Terrace may be vacated based on the willingness of the pertinent reviewing departments to accept an easement, if an easement is retained over N.W. 4th Terrace in its entirety, but N.W. 26th Avenue should remain public right-of-way.