



## Legislation Text

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**File #:** 190989., **Version:** 3

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### **Vacation of Public Right-of-Way - NW 4th Lane between NW 13th and NW 14th Street (B)**

Ordinance No. 190989

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a public right-of-way on NW 4th Lane lying between NW 13th Street and NW 14th 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

The City Commission adopt the proposed ordinance.

#### STAFF REPORT

This ordinance vacates a portion of NW 4th Lane that is a 20-foot wide right-of-way that lays between NW 13th Street to the east and NW 14th Street to the west. The right-of-way distance between the streets is approximately 340 feet. The right-of-way to be vacated is approximately 0.15 acres in total and is paved but does not meet current City of Gainesville design standards for roadways. Vacation of this public right-of-way will facilitate the redevelopment of the adjoining properties on either side of the right-of-way as part of a high-density, multiple-family development. All of the adjacent property owners, including the applicant, agree to this vacation of public right-of-way.

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.