



## Legislation Text

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**File #:** 180017., **Version:** 2

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### **Vacation of Public Right-Of-Way - Alley Between 204 NE Waldo Road and 114 NE Waldo Road (B)**

Ordinance No. 180017, Petition No. PB-18-44 SVA

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a public right-of-way alley lying between 204 NE Waldo Road and 114 NE Waldo Road, 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 a 10-foot wide public right-of-way alley that lies between 204 NE Waldo Road and 114 NE Waldo Road. The subject public right-of-way is approximately 1249 square feet and connects directly to Waldo Road. The alley is unimproved and is presently not used as a public right-of-way. Commercial and residential properties along the alley have merged over the alley, making it inaccessible to the public.

Vacation of this public right-of-way will facilitate the redevelopment of the adjoining properties on either side of the alley, all of which are owned by the applicants. The applicant intends to redevelop these properties, which are located in the Enterprise Zone, as a unified commercial/ retail development.

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.

CITY ATTORNEY MEMORANDUM

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