



Legislation Text

File #: 060493., **Version:** 3

STREET VACATION - VICINITY OF NE 12TH AVENUE AND WALDO ROAD (B)

Ordinance No. 0-06-124, Petition 127SVA-06PB

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close that portion of Northeast 12th Avenue located in the vicinity between the east right-of-way line of Waldo road and the west boundary of the Cedar Grove Residential Subdivision, as more specifically described in this Ordinance; reserving public and private utilities easements; providing conditions and a reversionary interest; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

COMMUNITY DEVELOPMENT STAFF REPORT

The Wal-Mart Supercenter project is proposed at the intersection of Northeast 12th Avenue and Waldo Road, bounded by the Tacachale development to the north, the Duval community to the south, and the Cedar Grove subdivision to the east. The area comprises seven parcels. In order to accommodate the proposed 196,000 square foot Wal-Mart Supercenter and associated facilities, the applicant is proposing to vacate and abandon the existing Northeast 12th Avenue right-of-way from Waldo Road to the west entrance of the Cedar Grove subdivision. A new alignment of Northeast 12th Avenue and Northeast 19th Terrace will be constructed.

Planning staff reviewed the application based on the criteria listed in the Land Development Code and recommended approval with the following conditions: 1) The development plan for the Wal-Mart Supercenter must be approved by the City; 2) The second reading of the ordinance approving the street vacation of Northeast 12th Avenue shall be coordinated with the final sign-off of the site plan for the Wal-Mart Supercenter; 3) The existing Northeast 12th Avenue shall not be closed, removed or altered in any way until the new alignment of Northeast 12th Avenue is open and functional, as determined by Public Works; 4) In the event that construction has commenced on the Wal-Mart Supercenter and the new road alignment is not completed, provision shall be made to allow a temporary alternate route to maintain continuous access to Cedar Grove from Waldo Road. Any temporary route must be approved by Public Works; and 5) In the event the development, commonly known as the Wal-Mart Supercenter, is not constructed and completed within five years of staff sign-off of the final site plan, the street vacation ordinance shall be repealed and the vacation of the right-of-way shall be of no further force and effect. At this point the Development Review Board has approved the preliminary site plan.

Public notice was published in the Gainesville Sun September 5, 2006. Letters were mailed to surrounding property owners on September 6, 2006. The Plan Board held a public hearing on September 21, 2006 and approved the petition by a 3-1 vote.

CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of October 23, 2006, approved Petition 127SVA-06 PB with conditions and authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance vacating the public right-of-way. The vacation of the right-of-way is subject to the terms of a Vacation of Right-of-Way Agreement between the City and the applicant. The Agreement was approved by the City Commission on January 22, 2007.

