



Legislation Details (With Text)

File #: 130382. **Version:** 2 **Name:**
Type: Ordinance **Status:** Second Reading
File created: 2/3/2014 **In control:** City Commission
On agenda: 2/20/2014 **Final action:**
Title: VACATION OF RIGHT-OF-WAY - 4820 NW 13TH STREET (B)

Ordinance No. 130382, Petition No. PB 13-66 SVA

An ordinance of the City of Gainesville, Florida, to vacate, abandon and close unimproved right-of-way located in the vicinity of 4820 NW 13th Street, as more specifically described in this Ordinance; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 130382A_staff report_20131107.pdf, 2. 130382B_Appendix 1 Adopted Resolution 90-12 Paradise Plat_20131107.pdf, 3. 130382C_Appendix 2. Copy of Sec. 30-192 of the Land Development Code_20131107.pdf, 4. 130382D_Appendix 3 Petition Application and Legal Description_20131107.pdf, 5. 130382E_Appendix 4 Associated Maps_20131107.pdf, 6. 130382F_CPB minutes_20131107.pdf, 7. 130382G_staff ppt_20131107.pdf, 8. 130382_draft ordinance_20140220.pdf, 9. 130382_Ordinance_20140220.pdf

Date	Ver.	Action By	Action	Result
3/6/2014	2	City Commission	Adopted on First Reading (Ordinance)	Pass
2/20/2014	2	City Commission	Adopted on First Reading (Ordinance)	Pass
11/7/2013	1	City Commission	Approved (Petition)	Pass

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The City Commission adopt the proposed ordinance.

PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT

This ordinance will vacate the remaining east 338 feet of NW 49th Avenue, (formerly NW 3rd Street right-of-way), immediately west of NW 13th Street (US 441). That right-of-way was established by the Paradise Plat, as recorded in Plat Book "A", Page 4. Most of the roads approved through that plat were not constructed, leaving only "paper streets". In 1990 most of the rights-of-way associated with the Paradise Plat were vacated by City Resolution 90-12, leaving a few east/west sections including the subject right-of-way immediately west of NW 13th Street. The east portion of NW 49th Avenue was left in place to provide access to interior parcels with no direct frontage to NW 13th Street. Those interior parcels have since been aggregated into a larger parcel through Minor Subdivision Book 2, Page 85 of the Public Records of Alachua County. One of those

parcels is now owned by the City of Gainesville and developed as a City park. Due to the design of alternate access points, the right-of-way being vacated is no longer needed to serve the City park. The right-of-way runs between two parcels which are under one ownership and fronts N.W. 13th Street. The right-of-way prevents full and efficient development of those parcels. The owner of the two parcels is requesting that the City vacate the right-of-way separating the two parcels in order to allow a more efficient and economical use of the two properties.

The petition satisfies the requirements for a street vacation and complies with the appropriate policies of the Comprehensive Plan. Public notice was published in the Gainesville Sun on August 6, 2013. The Plan Board held a public hearing on August 22, 2013 and approved the petition by a vote of 6-0. The City Commission, at its meeting of November 7, 2013, approved the petition and authorized the City Attorney to prepare and the Clerk of the Commission to advertise the draft ordinance.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.