



Legislation Details (With Text)

File #: 210836. **Version:** 2 **Name:**
Type: Ordinance **Status:** Adopted
File created: 1/21/2022 **In control:** City Attorney
On agenda: 6/16/2022 **Final action:** 7/21/2022
Title: Vacation of Public Right-of-Way - 20ft Wide ROW Overlaying Three Tax Parcels Located in the 200 Block of NW 1st Avenue (B)

Ordinance No. 210836

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close certain portions of a public right-of-way located in the 200 block of NW 1st Avenue, as more specifically described in this ordinance; providing directions to the City Clerk; providing a severability clause; providing a repealing clause; and providing an effective date.

Sponsors:

Indexes:

Code sections:

Attachments: 1. 210836_PB-21-00154 SVA McGurn ROW Vacation Staff Report_20220127, 2. 210836A_draft ordinance_20220616.pdf, 3. 210836A-1_draft ordinance_20220721.pdf, 4. 210836_Ordinance Final_20220721

Date	Ver.	Action By	Action	Result
7/21/2022	2	City Commission	Adopted on Final Reading (Ordinance)	Pass
6/16/2022	2	City Commission	Adopted on First Reading (Ordinance)	Pass

Vacation of Public Right-of-Way - 20ft Wide ROW Overlaying Three Tax Parcels Located in the 200 Block of NW 1st Avenue (B)

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An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close certain portions of a public right-of-way located in the 200 block of NW 1st Avenue, as more specifically described in this ordinance; providing directions to the City Clerk; providing a severability clause; providing a repealing clause; and providing an effective date.

The City Commission adopt the proposed ordinance.

STAFF REPORT

This ordinance was privately initiated and requests to vacate the 20ft wide right-of-way (ROW) that overlays three tax parcels (14260-000-000, 14261-000-000, and 14242-000-000) located in the 200 block of NW 1st Avenue. The ROW is paved with asphalt and aligns with what has historically been used as a drive-aisle for off-street parking. All property owners for the abutting properties have signed the application requesting the ROW vacation. The ROW to be vacated is approximately 0.09 acres in total, with the total length of the proposed ROW vacation being approximately 170 ft.

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.