Legislation Details (With Text)

File #:	210837.	**Version:** 2	**Name:**		
Type:	Ordinance		**Status:**	Adopted	
File created:	1/21/2022		**In control:**	City Attorney	
On agenda:	5/5/2022		**Final action:**	5/5/2022	
Title:	Vacation of Public Right-of-Way - 400 Block of NW 12th Terrace, between NW 5th Avenue and NW 4th Place (B) Ordinance No. 210837 An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a certain public right-of-way generally located in the 400 block of NW 12th Terrace, between NW 5th Avenue and NW 4th Place, as more specifically described in this ordinance, subject to terms and conditions; 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. 210837A_draft ordinance_20220421.pdf, 2. 210837B_PB-21-00194 SVA NW 12th Ter-NW 4th Pl Staff Report_20220421, 3. 210837C_PB-21-00194 SVA NW 12th Ter-NW 4th PL Presentation_20220421, 4. 210837_Ordinance Final_20220505				

Date	Ver.	Action By	Action	Result
5/5/2022	2	City Commission	Adopted on Final Reading (Ordinance)	Pass
4/21/2022	2	City Commission	Adopted on First Reading (Ordinance)	Pass

Vacation of Public Right-of-Way - 400 Block of NW 12th Terrace, between NW 5th Avenue and NW 4th Place (B)

Ordinance No. 210837

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a certain public right-of-way generally located in the 400 block of NW 12th Terrace, between NW 5th Avenue and NW 4th Place, as more specifically described in this ordinance, subject to terms and conditions; 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, abandon, and close a certain public right-of-way generally located in the 400 block of NW 12th Terrace, between NW 5th Avenue and NW 4th Place. The ROW is paved, maintained, and does not have curbing along the edge of pavement. The current use is limited and a connection to NW 12th Street is provided to the east via NW 4th Place. At least one property uses NW 12th Terrace and NW 4th Place to provide vehicular access to the rear of the property. All property owners for the abutting properties have signed the application requesting this ROW vacation. The ROW to be vacated is

approximately 0.16 acres in total, with the total length of the proposed ROW vacation being approximately 6969 sq. ft.

As a condition of this ROW vacation, the owner/developer of the subject property must grant the City ownership rights necessary for the extension of NW 4th Place, as public ROW, westward to NW 12th Drive, and the Developer shall construct at the Developer's sole expense all necessary and required improvements to the NW 4th Place extension.

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.