



Legislation Text

File #: 180861., **Version:** 2

Vacation of Public Right-of-Way - Portion of NW 8TH Place Located in Kiwanis' Girl Scout Park (B)

Ordinance No. 180861

An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a public right-of-way that is a portion of NW 8th Place located in the Kiwanis' Girl Scout Park in the vicinity of the northwest corner of NW 8th Avenue and NW 8th Street, 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 public right-of-way that is a portion of NW 8th Place located in the Kiwanis' Girl Scout Park in the vicinity of the northwest corner of NW 8th Avenue and NW 8th Street. The subject right-of-way is not constructed, and is approximately 40 feet wide by 349 feet long and located between lots 27-32 and lots 40-44 within the plat of the Spring Park Subdivision Unit Number Two.

Pursuant to Policy 10.2.1 of the Transportation Mobility Element of the Comprehensive Plan and 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.

The platted right-of-way (ROW) is unimproved and located in the middle of the Kiwanis Girl Scout Park along Rattlesnake Creek. The vacation of this public right-of-way will facilitate improvements to Kiwanis Girl Scout Park and the enforcement of park ordinances throughout Kiwanis Girl Scout Park. The ROW is unimproved and does not provide access as a functioning right-of-way and the proposed vacation will not negatively affect this part of the City and will help with the preservation of the daylight portion of Rattlesnake Creek. The closure of the ROW will not foreclose reasonably foreseeable future bicycle or pedestrian use or other transportation corridor in the area, and it will not foreclose non-motorized access to adjacent land uses or transit stops. The ROW vacation will not affect municipal services, since the right-of-way is not utilized by these services today. The vacation will improve access for emergency services with the construction of a pedestrian connection across Rattlesnake Creek and will not impact utilities. Any proposed utilities for a development will need to be approved under the development review process. Typically, the City proposes that an existing public utility easement be retained as a condition of approval for a street vacation request, or a new easement be created to provide access to existing or proposed utilities. Utility relocation and upgrades will be coordinated with the overall park improvement process. The vacation should have no negative effect on the property values in the surrounding area. While this vacation does not meet the additional criteria for the construction of high density, mixed use development, the vacation will not negatively affect the surrounding neighborhood and the vacation of the right-of-way will allow for the redevelopment of the park and in turn have a positive effect on the design and character of the neighborhood.

Staff recommends approval of this vacation of public right-of-way based on the criteria. The City Plan Board, on March 28, 2019, held a public hearing and voted to recommend that the City Commission approve this public right-of-way vacation.

CITY ATTORNEY MEMORANDUM

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