



City of Gainesville Agenda Item Report

File Number: 2023-827

Agenda Date: December 7, 2023

Department: City Attorney

Title: 2023-827 Vacation of Public Right-Of-Way – Portion of SW 3rd Avenue and SW 1st Street (B)

Department: City Attorney

Description: Ordinance No. 2023-827: An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close a certain public right-of-way generally located in the portion of SW 3rd Avenue and SW 1st Street abutting tax parcels 14557-000-000, 12994-000-000, and 12997-000-000, 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.

Fiscal Note: N/A

Explanation: This ordinance was privately initiated and requests to vacate, abandon, and close a certain public right-of-way (ROW) generally located in the portion of SW 3rd Avenue and SW 1st Street abutting three tax parcels: 14557-000-000, 12994-000-000, and 12997-000-000. The parcels specified are portions of the abutting tax parcels that make up the Alachua County Courts Complex. The ROW's are paved with sidewalks along both sides of the street and with some on-street parking available. Alachua County is the only property owner for the abutting properties requesting the ROW vacation. The ROW to be vacated is approximately 0.58 acres in total, with the total length of the proposed ROW vacation being cumulatively 632 sq. 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.

Strategic Connection:

- Goal 1: Equitable Community
- Goal 2: More Sustainable Community
- Goal 3: A Great Place to Live and Experience
- Goal 4: Resilient Local Economy
- Goal 5: "Best in Class" Neighbor Services

Recommendation: The City Commission adopt the proposed ordinance.