

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.

WHEREAS, the City of Gainesville, Florida, is a duly constituted municipality having the broad exercise of home rule authority conferred upon it by Article VIII, Section 2 of the Florida Constitution and the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, including the exercise of any power for municipal purposes not expressly prohibited by law; and

WHEREAS, pursuant to Section 30-3.41 of the City of Gainesville’s Land Development Code (Chapter 30 of the City of Gainesville Code of Ordinances), an application was initiated by the owner(s) of land abutting the subject public right-of-way requesting the City to vacate, abandon, and close the right-of-way; and

WHEREAS, the request to vacate the subject public right-of-way was presented to and approved by the appropriate departments of the City of Gainesville; and

WHEREAS, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on August 24, 2023, and voted to recommend that the City Commission approve this vacation of public right-of-way; and

WHEREAS, at least 10 days’ notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held by the City Commission of the City of Gainesville; and

WHEREAS, public hearings were held pursuant to the notice described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

1 **WHEREAS**, the City Commission finds that the vacation of the subject right-of-way meets the
2 required criteria in Policy 10.2.1 of the Transportation Mobility Element of the Comprehensive
3 Plan and Section 30-3.41 of the Land Development Code.

4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
5 **FLORIDA:**

6 **SECTION 1.** The following described public right-of-way is hereby vacated, abandoned, and
7 closed for use by the public generally:

8 See legal description attached as **Exhibit A** and made a part hereof as if set forth
9 in full. The location of the property is shown on **Exhibit B** for visual reference. In
10 the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

11
12 **SECTION 2.** The City reserves unto itself, its successors, and assigns a public and private
13 utilities easement over, under, across, and through the property described in Section 1 of this
14 ordinance for the purpose of installing, maintaining, and operating public and private utilities
15 including stormwater management.

16 **SECTION 3.** The City Clerk or designee is authorized to record a true copy of this ordinance in
17 the public records of Alachua County, Florida.

18 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or
19 the application hereof to any person or circumstance is held invalid or unconstitutional, such
20 finding will not affect the other provisions or applications of this ordinance that can be given
21 effect without the invalid or unconstitutional provision or application, and to this end the
22 provisions of this ordinance are declared severable.

23 **SECTION 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of such
24 conflict hereby repealed.

1 **SECTION 6.** This ordinance will become effective immediately upon adoption.

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3 **PASSED AND ADOPTED** this _____ day of _____, 2023.

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HARVEY L. WARD, JR.
MAYOR

10 Attest:

Approved as to form and legality:

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12

13

14 _____
KRISTEN J. BRYANT
15 INTERIM CITY CLERK

DANIEL M. NEE
16 CITY ATTORNEY

17 This ordinance passed on first reading this _____ day of _____, 2023.

18

19 This ordinance passed on second reading this _____ day of _____, 2023.

Exhibit A to Ordinance 2023-827



Legal Description

A portion of Section 5, Township 10 South, Range 20 East, City of Gainesville, Alachua County, Florida; being more particularly described as follows:

That portion of S.W. 3rd Avenue 40' Right of Way (formerly known as McCormick Street) lying East of the East Right of Way line of S.W. 2nd Street (40' Right of way) and lying West of the West Right of Way line of South Main Street (90' Right of Way).

Together with:

That portion of S.W. 1st Street 40' Right of Way lying North of the North Right of Way line of S.W. 4th Avenue (Right of Way Width Varies) and lying South of the South Right of Way line of S.W. 3rd Avenue (formerly known as McCormick Street, 40' Right of Way).

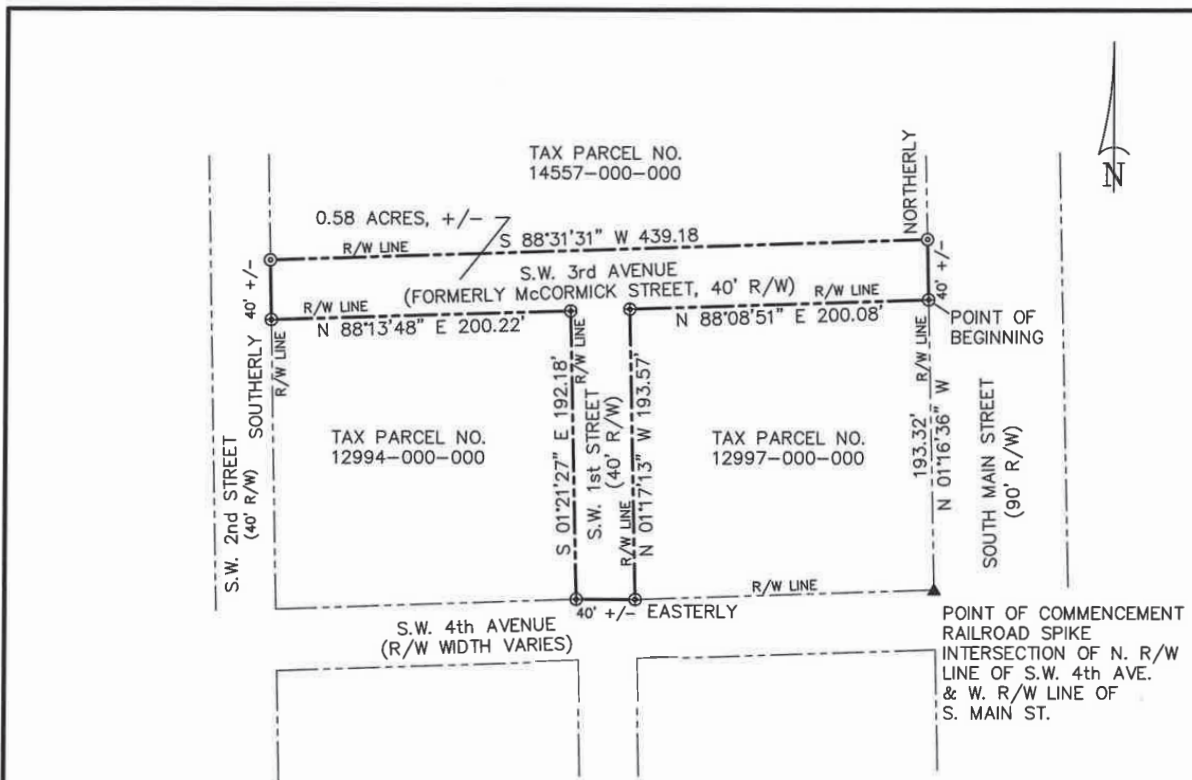
Said portions of S.W. 3rd Avenue and S.W. 1st Street Right of Ways being further described as follows:

Commence at a railroad spike at the intersection of the North Right of Way line of S.W. 4th Avenue (Right of Way width varies) with the West Right of Way line of South Main Street (90' Right of Way) and run thence North 01°16'36" West, along said West Right of Way line, 193.32 feet to a nail and disk (PSM 6602) on the South Right of Way line of S.W. 3rd Avenue (formerly known as McCormick Street, 40' Right of Way) and the Point of Beginning; thence northerly, along said West Right of Way line of South Main Street, 40 feet, more or less, to a nail and disk (PSM 5469) on the North Right of Way line of said S.W. 3rd Avenue; thence South 88°31'31" West, along said North Right of Way line of S.W. 3rd Avenue, 439.18 feet to a nail and disk (PSM 5469) on the East Right of Way line of S.W. 2nd Street (40' Right of Way); thence southerly, along said East Right of Way line of S.W. 2nd Street, 40 feet, more or less, to a nail and disk (PSM 6602) on the South Right of Way line of said S.W. 3rd Avenue; thence North 88°13'48" East, along said South Right of Way line of S.W. 3rd Avenue, 200.22 feet to a nail and disk (PSM 6602) on the West Right of Way line of S.W. 1st Street (40' Right of Way); thence South 01°21'27" East, along said West Right of Way line of S.W. 1st Street, 192.18 feet to a nail and disk (PSM 6602) on the North Right of Way line of said S.W. 4th Avenue; thence easterly, along said North Right of Way line of S.W. 4th Avenue, 40', more or less, to a nail and disk (PSM 6602) on the east Right of Way line of said S.W. 1st Street; thence North 01°17'13" West, along said East Right of Way line of S.W. 1st Street, 193.57 feet to a nail and disk (PSM 6602) on said South Right of Way line of S.W. 3rd Avenue; thence North 88°08'51" East, along said South Right of Way line of S.W. 3rd Avenue, 200.08 feet to the Point of Beginning.

Containing 0.58 Acres, more or less.

J:\Bob\2023-020.docx

Exhibit A to Ordinance 2023-827



Robert W. Graver

Digitally signed by Robert W. Graver
 DN: cn=Robert W. Graver, o=eda consultants inc., ou, email=rgraver@edaf.com, c=US
 Date: 2023.07.11 10:46:01 -04'00'

R/W = RIGHT OF WAY
 ⊙ = NAIL & DISK (PSM 5469)
 ⊕ = NAIL & DISK (PSM 6602)

THIS IS NOT A BOUNDARY SURVEY

DRN.	CHKD.	SURVEY DATE	DWG COMP	PROJ. NO.	FIELD BK.	PAGE NO.
		5/23/23		2023-020		

LEGAL DESCRIPTION SKETCH OF

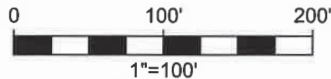
A PORTION OF SECTION 5, TOWNSHIP 10 SOUTH
 RANGE 20 EAST, CITY OF GAINESVILLE
 ALACHUA COUNTY, FLORIDA

FOR: ALACHUA COUNTY

THIS SKETCH OF LEGAL DESCRIPTION MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 (2022), FLORIDA STATUTES.

BY: ROBERT W. GRAVER P.S.M. 4239

Corporate Authorization
 No. LB 2389



eda consultants inc.

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LB 2389 2023-020.DWG



LD23-00082 SVA - Alachua County Courts Complex

SW 3rd Avenue & SW 1st Street ROW Vacation

2023-827

