



## City of Gainesville Agenda Item Report

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**File Number:** 2024-130

**Agenda Date:** July 18, 2024

**Department:** City Attorney

**Title:** 2024-130 Vacation of Public Right-of-Way – Portions of SW 8th Lane and SW 8th Road (B)

**Department:** Office of the City Attorney

**Description:** Ordinance No. 2024-130: An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close certain portions of a public right-of-way abutting three tax parcels located in the 900 block of SW 8<sup>th</sup> Lane and abutting four tax parcels along SW 8<sup>th</sup> Road, 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 segments of two rights-of-way that lie in the area of the northwest corner of the intersection of SW 9<sup>th</sup> Street and SW Depot Avenue. The vacation of the rights-of-way will allow for additional land that can be combined with abutting and nearby properties for the creation of one unified development site for developing multiple-family residential housing. The location of the right-of-way segments do not allow for the possibility of a future connection. The SW 8<sup>th</sup> Road right-of-way currently serves as a stormwater runoff channel from the intersection of SW 9<sup>th</sup> Street and SW Depot Avenue to an adjacent retention area. If the vacation is approved the runoff will be conveyed by a stormwater pipe instead of an open drainage ditch. The other right-of-way involves the vacation of the southern approximately 52 feet of SW 8<sup>th</sup> Lane. Part of this right-of-way has previously been vacated, with the segment currently running from SW 9<sup>th</sup> Street to a dead-end that terminates at tax parcels 15568-008-000 and 15569-004-000. All property owners for the abutting properties have signed the application requesting the ROW vacation. The ROW to be vacated is approximately 0.35 acres in total.

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.

**Business Impact Estimate:**

- This ordinance is exempt under Florida Statute 166.041(4)(a). (See Attached)

**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.