

1 **ORDINANCE NO. 2024-130**

2  
3 **An ordinance of the City of Gainesville, Florida, to vacate, abandon, and close**  
4 **certain portions of a public right-of-way abutting three tax parcels located in**  
5 **the 900 block of SW 8<sup>th</sup> Lane and abutting four tax parcels along SW 8<sup>th</sup> Road,**  
6 **as more specifically described in this ordinance; providing directions to the City**  
7 **Clerk; providing a severability clause; providing a repealing clause; and**  
8 **providing an effective date.**  
9

10 **WHEREAS**, the City of Gainesville, Florida, is a duly constituted municipality having such power  
11 and authority conferred upon it by the Florida Constitution and the Municipal Home Rule  
12 Powers Act; and

13 **WHEREAS**, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, secures for  
14 municipalities the broad exercise of home rule powers granted by Article VIII, Section 2 of the  
15 Florida Constitution, including the exercise of any power for municipal purposes not expressly  
16 prohibited by law; and

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

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

23 **WHEREAS**, the City Plan Board, which acts pursuant to the authority granted in Section 4.02 of  
24 the Charter Laws of the City of Gainesville and which acts as the Local Planning Agency pursuant  
25 to Section 163.3174, Florida Statutes, held a public hearing on February 22, 2024, and voted to  
26 recommend that the City Commission approve this vacation of public right-of-way; and

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

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

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

9 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

10 **FLORIDA:**

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

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

16  
17 **SECTION 2.** The City reserves unto itself, its successors, and assigns a public and private  
18 utilities easement over, under, across, and through the property described in Section 1 of this  
19 ordinance for the purpose of installing, maintaining, and operating public and private utilities  
20 including stormwater management.

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

23 **SECTION 4.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or  
24 the application hereof to any person or circumstance is held invalid or unconstitutional, such

1 finding will not affect the other provisions or applications of this ordinance that can be given  
2 effect without the invalid or unconstitutional provision or application, and to this end the  
3 provisions of this ordinance are declared severable.

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

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

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8 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Attest:

\_\_\_\_\_  
HARVEY L. WARD, JR.  
MAYOR

Approved as to form and legality:

\_\_\_\_\_  
KRISTEN J. BRYANT  
CITY CLERK

\_\_\_\_\_  
DANIEL M. NEE  
CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

## LEGAL DESCRIPTION



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**DATE:** December 4, 2023  
**CLIENT:** 908 Group  
**PROJECT NAME:** 908 Depot Ave  
**PROJECT NO:** 23-0194  
**DESCRIPTION FOR:** ROW Vacation SW 8<sup>th</sup> Lane

That portion of SW 8<sup>th</sup> Lane (A 50' wide R/W, Formerly Fern Street, University Gardens, according to the Plat thereof recorded in Plat Book B, Page 96 of the Public Records of Alachua County, FL), lying 50 feet northeasterly and parallel with the northeasterly line of that portion of SW 8<sup>th</sup> Lane previously vacated under City of Gainesville Ordinance No. 210107.

## LEGAL DESCRIPTION



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**DATE:** December 4, 2023  
**CLIENT:** 908 Group  
**PROJECT NAME:** 908 Depot Ave  
**PROJECT NO:** 23-0194  
**DESCRIPTION FOR:** ROW Vacation Green Street

That portion of Green Street (A 50' Wide R/W), University Gardens, according to the Plat thereof recorded in Plat Book B, Page 96 of the Public Records of Alachua County, FL, lying South of that portion of Green Street previously vacated under City of Gainesville Ordinance No 3661, and North of SW Depot Avenue.

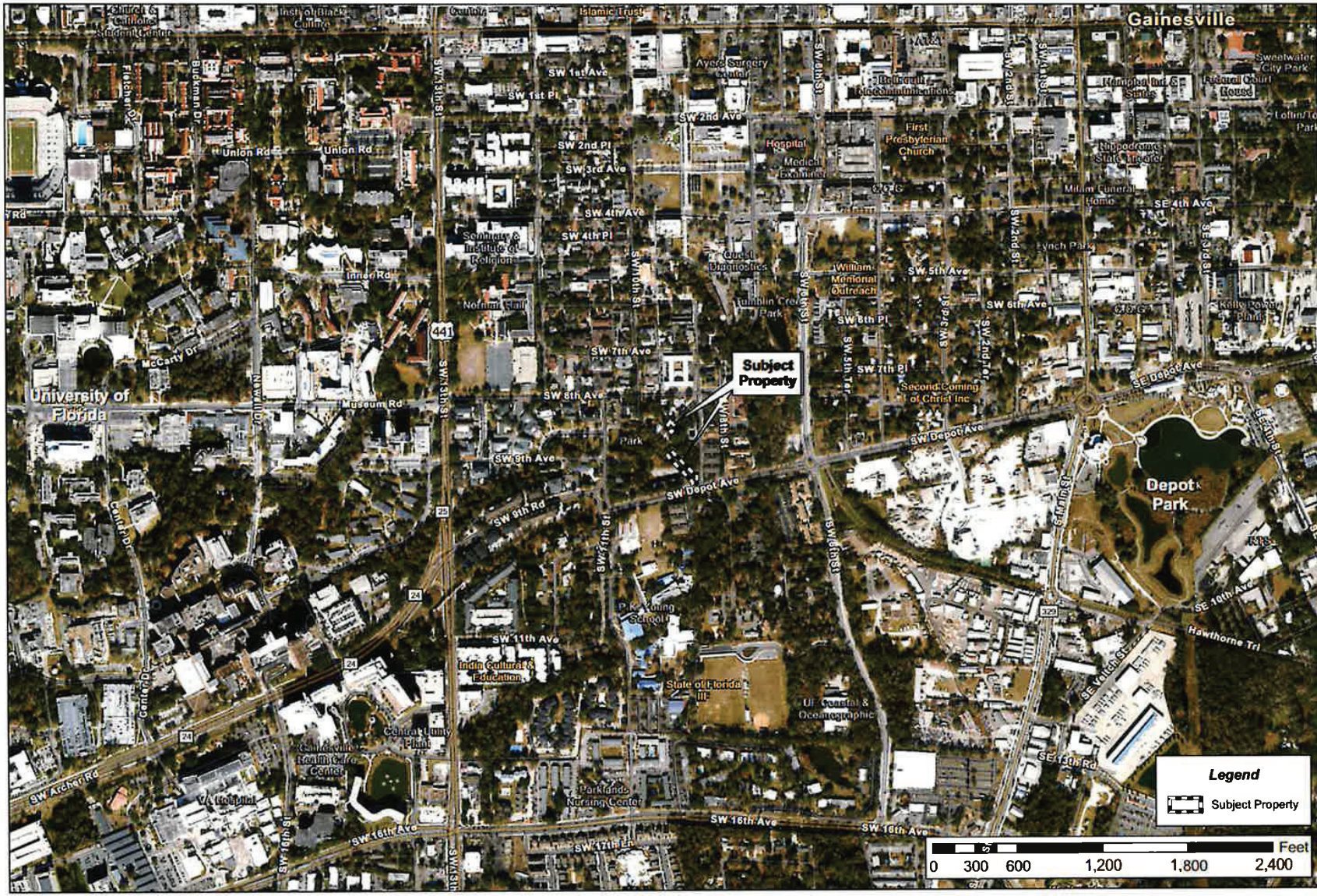


ILLUSTRATION 1B:  
AERIAL MAP

**SW Depot Avenue/9th Street  
Right-of-way Vacation**

**NORTH**

CHM  
Professors & Consultants  
December 2019

ILLUSTRATION 1B:  
AERIAL MAP

SW Depot Avenue/9th Street  
Right-of-way Vacation

CHM  
Professional Consultants  
10000 SW 11th Street  
Miami, FL 33150  
Phone: (305) 555-1111  
Fax: (305) 555-1112  
www.chm.com

**NORTH**



ILLUSTRATION ID:  
AERIAL MAP

SW Depot Avenue/9th Street  
Right-of-Way Vacation

COMPILED BY: CHM CONSULTING, INC. 11000 W. UNIVERSITY BLVD., SUITE 100, TAMPA, FL 33613  
DATE: 02/12/2024



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Exhibit B to Ordinance No. 2024-130



# Exhibit B to Ordinance No. 2024-130

