

**RESOLUTION NO. 080678**

**PASSED January 15, 2009**

**A Resolution approving the conditional final plat of "Westchester Cluster Subdivision Phase IV", bounded on the east, south and west by Phase I and located generally on the north side of NW 82<sup>nd</sup> Boulevard between NW 54<sup>th</sup> Terrace on the west and the west boundary of Phase I closest to NW 51<sup>st</sup> Drive on the east; providing directions to the Clerk of the Commission; providing conditions and restrictions; and providing an immediate effective date.**

**WHEREAS**, the Development Review Board approved the design plat of "Westchester Cluster Subdivision Phase IV" on January 9, 2003; and

**WHEREAS**, on February 10, 2003, the City Commission approved the design plat in accordance with Section 30-183 of the Code of Ordinances; and

**WHEREAS**, the design plat included a Master Plan with a 12 month deadline to obtain conditional plat approval of Phase I and a six-month extension to August 10, 2004; and

**WHEREAS**, an additional 54 months to obtain conditional or final plat approval on the remaining property was granted, extending the time to February 10, 2009; and

**WHEREAS**, the owner of the proposed subdivision has requested the City Commission to accept and approve the plat as provided in Chapter 177 of the Florida Statutes and Chapter 30 of the Code of Ordinances of the City of Gainesville, Florida; and

**WHEREAS**, the City Commission finds that the conditional final plat described herein is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA;**

**Section 1.** The conditional final plat of "Weschester Cluster Subdivision Phase IV" is accepted and approved by the City Commission on the following described property lying in the City of Gainesville, Alachua County, Florida:

(See Exhibit "A" attached hereto and made a part hereof as if set forth in full)

**Section 2.** The owner and/or subdivider of the plat shall fully complete all subdivision improvements within two (2) years of the effective date of this Resolution in full accordance with approved plans and specifications and the ordinances of the City of Gainesville.

**Section 3.** The "Weschester Cluster Subdivision Phase IV" plat shall not be recorded, but shall be retained by the Clerk of the Commission until the City Manager shall have certified that all required improvements have been completed in accordance with approved plans and specifications and ordinances of the City and the same has been approved by the City Commission. Upon such certification by the City Manager and upon proof by title insurance or other similar assurance to the satisfaction of the City that there are no liens or possibilities of liens on such subdivision improvements or on the property dedicated to the public, and that the dedicator or dedicators have clear fee title thereto, the City shall approve such plat and other dedicated portions as shown on the approved plat and the subdivider shall record the plat and provide copies as specified in Chapter 30 of the Code of Ordinances of the City of Gainesville, Florida.

**Section 4.** No building permits shall be issued on the property within the boundaries of the “Weschester Cluster Subdivision Phase IV” plat until such plat has been approved and accepted by the City Commission and filed in the public records of Alachua County, Florida.

**Section 5.** No construction activities, including clearing and grubbing, shall begin without a permit being issued or a letter of permit exemption by the Suwannee Water Management District and a pre-construction conference with the City Public Works Department. A copy of the Water Management District permit must be on file with the City Public Works Department prior to commencement of any site work.


**Section 6.** Except as further provided herein during construction, the subdivider may, upon the posting of a bond or other such security for the cost of the uncompleted improvements, have this conditional approval converted to final approval and acceptance provided that all other requirements and conditions of Chapter 30 of the Code of Ordinances applicable to final plat acceptance have been met.

**Section 7.** This resolution shall be effective immediately upon adoption.

**PASSED AND ADOPTED** this 15th day of January, 2009.

  
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Pegeen Hanrahan, Mayor

ATTEST:

  
\_\_\_\_\_  
Kurt Lannon,  
Clerk of the Commission

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Marion J. Radison, City Attorney

JAN 15 2009

EXHIBIT A

A PARCEL OF LAND LYING IN THE NORTH ONE-HALF (N ½) OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 19 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL AND DISK MARKED "LS 3524" AT THE NORTHEAST CORNER OF SAID SECTION 10; THENCE SOUTH 89°13'00" WEST, ALONG THE NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE ¼) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SAID SECTION 10, A DISTANCE OF 59.98 FEET TO THE NORTHEAST CORNER OF WESCHESTER CLUSTER SUBDIVISION PHASE II, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 27, PAGE 37 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID CORNER BEING ON THE WEST RIGHT-OF-WAY LINE OF NW 43RD STREET, A 110 FOOT RIGHT-OF-WAY; THENCE CONTINUING ALONG SAID NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE ¼) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SAID SECTION 10, AND THE NORTH LINE OF SAID WESCHESTER CLUSTER SUBDIVISION PHASE II, SOUTH 89°02'11" WEST, A DISTANCE OF 898.86 FEET TO THE NORTHWEST CORNER OF SAID WESCHESTER CLUSTER SUBDIVISION PHASE II (ALSO KNOWN AS THE NORTHEAST CORNER OF WESCHESTER CLUSTER SUBDIVISION PHASE I, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 27, PAGES 28-36 OF SAID PUBLIC RECORDS; THENCE SOUTH 89°02'11" WEST CONTINUING ALONG SAID NORTH LINE OF THE NORTHEAST ONE-QUARTER (NE ¼) OF THE NORTHEAST ONE-QUARTER (NE ¼) OF SAID SECTION 10, AND THE NORTH LINE OF SAID WESCHESTER CLUSTER SUBDIVISION PHASE I, A DISTANCE OF 353.42 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 10; THENCE SOUTH 88°59'20" WEST ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW 1/4 OF NE 1/4) AND ALONG SAID NORTH LINE OF WESCHESTER CLUSTER SUBDIVISION PHASE I, A DISTANCE OF 1312.45 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SAID SECTION 10, AND THE POINT OF BEGINNING; THENCE SOUTH 89°08'37" WEST ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SAID SECTION 10, A DISTANCE OF 1641.61 FEET TO A BOUNDARY CORNER OF SAID WESCHESTER CLUSTER SUBDIVISION PHASE I; THENCE THE FOLLOWING FORTY (40) COURSES AND DISTANCES ALONG THE BOUNDARY OF SAID WESCHESTER CLUSTER SUBDIVISION PHASE I; (1) THENCE DEPARTING SAID NORTH LINE SOUTH 00°51'23" EAST, A DISTANCE OF 25.00 FEET; (2) THENCE SOUTH 00°53'35" EAST, A DISTANCE OF 137.92 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 75.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 13°56'31" WEST, 38.41 FEET; (3) THENCE CONTINUE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°40'13", AN ARC DISTANCE OF 38.84 FEET TO THE END OF SAID CURVE; (4) THENCE SOUTH 00°53'35" EAST, A DISTANCE OF 628.14 FEET; (5) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 45°53'35" EAST, A DISTANCE OF 35.36 FEET; (6) THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (7) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 170.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 44°06'25" EAST, A DISTANCE OF 35.36 FEET; (8) THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (9) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 45°53'35" EAST, A DISTANCE OF 35.36 FEET; (10) THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (11) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 170.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 44°06'25" EAST, A DISTANCE OF 35.36 FEET; (12) THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (13) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 45°53'35" EAST, A DISTANCE OF 35.36 FEET; (14) THENCE CONTINUE SOUTHEASTERLY

ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (15) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 170.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 44°06'25" EAST, A DISTANCE OF 35.36 FEET; (16) THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (17) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 45°53'35" EAST, A DISTANCE OF 35.36 FEET; (18) THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (19) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 170.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 44°06'25" EAST, A DISTANCE OF 35.36 FEET; (20) THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (21) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 45°53'35" EAST, A DISTANCE OF 35.36 FEET; (22) THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (23) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 170.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 44°06'25" EAST, A DISTANCE OF 35.36 FEET; (24) THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (25) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 45°53'35" EAST, A DISTANCE OF 35.36 FEET; (26) THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (27) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 170.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH 44°06'25" EAST, A DISTANCE OF 35.36 FEET; (28) THENCE CONTINUE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (29) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 50.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 45°53'35" EAST, A DISTANCE OF 35.36 FEET; (30) THENCE CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 39.27 FEET TO THE END OF SAID CURVE; (31) THENCE NORTH 89°06'25" EAST, A DISTANCE OF 71.72 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 630.00 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 88°01'54" EAST, 62.90 FEET; (32) THENCE CONTINUE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°43'23", AN ARC ANGLE OF 62.93 FEET TO THE END OF SAID CURVE; (33) THENCE NORTH 07°04'10" WEST, A DISTANCE OF 70.78 FEET; (34) THENCE NORTH 41°46'01" WEST, A DISTANCE OF 79.35 FEET; (35) THENCE NORTH 00°53'35" WEST, A DISTANCE OF 60.00 FEET; (36) THENCE NORTH 11°47'26" EAST, A DISTANCE OF 184.50 FEET; (37) THENCE NORTH 34°55'11" WEST, A DISTANCE OF 72.40 FEET; (38) THENCE NORTH 00°53'35" WEST, A DISTANCE OF 309.90 FEET; (39) THENCE SOUTH 89°06'25" WEST, A DISTANCE OF 118.54 FEET; (40) THENCE NORTH 00°53'35" WEST, A DISTANCE OF 115.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 34.29 ACRES, MORE OR LESS.