

D R A F T

5/14/2007

ORDINANCE NO. _____
0-07-27

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4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and rezoning certain property annexed into the City, as**
6 **more specifically described in this Ordinance, from the Alachua**
7 **County zoning category of "RM, manufactured/mobile home park" to**
8 **the City of Gainesville zoning category of "MU-2: 12-30 units/acre**
9 **mixed use medium intensity"; located in the vicinity of 4400 S.W.**
10 **20th Avenue; making findings; providing a severability clause;**
11 **providing a repealing clause; and providing an effective date.**
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13

14 **WHEREAS,** publication of notice of a public hearing was given that the Zoning Map
15 Atlas be amended by rezoning certain property annexed into the City from the Alachua County
16 zoning category of "RM, manufactured/mobile home park" to the City of Gainesville zoning
17 category of "MU-2: 12-30 units/acre mixed use medium intensity"; and

18 **WHEREAS,** notice was given and publication made as required by law and a public
19 hearing was held by the City Plan Board on January 18, 2007; and

20 **WHEREAS,** the City Commission finds that the rezoning of the property described herein
21 will be consistent with the City of Gainesville 2000-2010 Comprehensive Plan; and

22 **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10 inches
23 long was placed in a newspaper of general circulation and of the public hearing to be held in the City
24 Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7) days
25 after the day the first advertisement was published; and

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1 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
2 placed in the aforesaid newspaper notifying the public of the second public hearing to be held at the
3 adoption stage at least five (5) days after the day the second advertisement was published; and

4 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices
5 described above at which hearings the parties in interest and all others had an opportunity to be and
6 were, in fact, heard; and

7 **WHEREAS**, at the public hearing held on April 19, 2007, the City Commission found that
8 adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home
9 owners that may be removed or relocated on the properties that are the subject of this ordinance.

10 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
11 **CITY OF GAINESVILLE, FLORIDA:**

12 **Section 1.** The City Commission reaffirms its finding that adequate mobile home parks or
13 other suitable facilities exist for the relocation of the mobile home owners.

14 **Section 2.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
15 following described property from the Alachua County zoning category of "RM,
16 manufactured/mobile home park" to the City of Gainesville zoning category of "MU-2: 12-30
17 units/acre mixed use medium intensity":

18 See Legal Description attached hereto as Exhibit "A", and made a part hereof
19 as if set forth in full.

20 **Section 3.** The City Manager is authorized and directed to make the necessary changes in
21 the Zoning Map to comply with this Ordinance.

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Section 4. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 5. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 6. This ordinance shall become effective immediately upon final adoption; however, the effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S..

PASSED AND ADOPTED this ____ day of ____, 2007.

Pegeen Hanrahan, Mayor

ATTEST:

Approved as to form and legality:

KURT LANNON,
CLERK OF THE COMMISSION

By: _____
MARION J. RADSON, CITY ATTORNEY

This ordinance passed on first reading this ____ day of ____, 2007.

This ordinance passed on second reading this ____ day of ____, 2007.

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SOHO LEGAL DESCRIPTION

TAX PARCEL #6680-1 (OFFICIAL RECORDS BOOK 591 PAGE 261)

A TRACT OF LAND SITUATED IN THE EAST HALF (E1/2) OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN NORTH 00°06'12" WEST, ALONG THE EAST LINE OF SAID SECTION 10 2170.49 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD SW-30 AND THE POINT OF BEGINNING; THENCE RUN NORTH 54°23'42" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD SW-30, 1227.38 FEET TO THE CENTER LINE OF HOGTOWN CREEK; THENCE RUN ALONG THE CENTER LINE OF SAID HOGTOWN CREEK WITH THE FOLLOWING COURSES AND DISTANCES: NORTH 52°39'12" WEST, 58.18 FEET; NORTH 25°24'04" EAST, 46.94 FEET; NORTH 38°01'04" WEST, 36.93 FEET; NORTH 03°21'12" WEST, 48.56 FEET; NORTH 62°14'20" WEST, 35.41 FEET; NORTH 01°24'28" WEST, 88.42 FEET; NORTH 70°23'24" EAST, 70.19 FEET; NORTH 07°44'36" EAST, 122.40 FEET; NORTH 09°24'28" EAST, 145.48 FEET; NORTH 31°41'30" EAST, 99.00 FEET; NORTH 75°38'42" EAST, 85.10 FEET; NORTH 43°49'34" EAST, 108.80 FEET; NORTH 61°22'26" EAST, 110.45 FEET; NORTH 08°46'18" EAST, 47.43 FEET; NORTH 72°52'50" EAST, 46.61 FEET; NORTH 71°47'22" EAST, 78.25 FEET; SOUTH 86°03'05" EAST, 26.90 FEET; NORTH 63°31'46" EAST, 100.63 FEET; THENCE NORTH 44°59'38" EAST, 78.52 FEET; NORTH 25°13'30" EAST, 92.00 FEET; NORTH 66°27'02" EAST, 65.90 FEET; NORTH 75°36'34" EAST, 86.05 FEET; SOUTH 85°28'04" EAST, 52.77 FEET TO THE EAST LINE OF SAID SECTION 10; THENCE LEAVE THE CENTERLINE OF SAID HOGTOWN CREEK AND RUN SOUTH 00°06'12" EAST, ALONG THE EAST LINE OF SECTION 10, 1764.37 FEET TO THE POINT OF BEGINNING.

**TOGETHER WITH
TAX PARCEL #6745-2**

A TRACT OF LAND SITUATED IN LOT 8, SECTION 11, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN NORTH 00°06'12" WEST, ALONG THE WEST LINE OF SAID SECTION 11 2170.49 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD SW-30 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°06'12" WEST ALONG THE WEST LINE OF SAID SECTION 11, 1232.34 FEET TO THE NORTHERLY LINE OF A POWER LINE EASEMENT; THENCE RUN SOUTH 89°24'22" EAST, ALONG THE NORTHERLY LINE OF SAID POWER LINE EASEMENT, 662.00 FEET TO THE EAST LINE OF SAID LOT 8, THENCE RUN SOUTH 00°05'48" EAST, ALONG THE EAST LINE OF SAID LOT 8, 1636.41 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD, THENCE RUN NORTHWESTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD WITH A CURVE HAVING A CENTRAL ANGLE OF 09°29'22", A RADIUS OF 3637.72 FEET, A LENGTH OF 624.35 FEET AND A CHORD OF NORTH 59°08'23" WEST, 623.64 FEET; THENCE RUN NORTH 54°23'42" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF

SAID COUNTY ROAD, 156.52 FEET TO THE POINT OF BEGINNING. LESS A ROAD RIGHT OF WAY LYING WITHIN EIGHTY FEET OF AND WEST OF THE EAST SURVEY LINE.

THE UNDERLINED PORTION OF THIS DESCRIPTION APPEARS TO BE IN ERROR AND SHOULD READ 3769.72'.

LESS AND EXCEPT THE FIVE FOLLOWING PARCELS:

TAX PARCEL #6745-2-1 (OFFICIAL RECORDS BOOK 720 PAGE 167)

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 19 EAST AND RUN NORTH 0°06'12" WEST ALONG THE WEST LINE OF SAID SECTION 2170.49' TO THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. SW-30, THENCE RUN SOUTH 54°23'42" EAST ALONG SAID RIGHT OF WAY LINE 156.82' TO THE P.C. OF A CURVE HAVING A RADIUS OF 3769.72' THENCE RUN SOUTHEASTERLY ALONG SAID RIGHT OF WAY CURVE ARC DISTANCE 316.59' TO THE POINT OF BEGINNING, THENCE CONTINUE SOUTHEASTERLY ALONG SAID RIGHT OF WAY CURVE ARC DISTANCE OF 81.04' THENCE RUN NORTH 0°05'58" WEST 129.95', THENCE RUN NORTH 89°24'22" WEST 70', THENCE RUN SOUTH 0°05'58" EAST 90' TO THE POINT OF BEGINNING.

TAX PARCEL #6745-2-2 (OFFICIAL RECORDS BOOK 1235 PAGE 951)

THAT PART OF LOT 8 OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 11, FOR A POINT OF REFERENCE; PROCEED FROM SAID REFERENCE NORTH 00°06'12" WEST, ALONG THE WEST LINE OF SAID SECTION 11, A DISTANCE OF 2170.49 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD SW-30; THENCE SOUTH 54°23'42" EAST, ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 156.52 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 3769.72 FEET; THENCE SOUTHEASTERLY, ALONG ARC OF SAID CURVE, AN ARC DISTANCE OF 74.54 FEET, AND THROUGH AN ARC ANGLE OF 01°07'59", TO A POINT OF BEGINNING; THENCE CONTINUE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 201.44 FEET, AND THROUGH AN ARC ANGLE OF 03°03'42"; THENCE NORTH 00°05'58" WEST, A DISTANCE OF 183.22 FEET; THENCE NORTH 56°05'06" WEST, A DISTANCE OF 98.89 FEET; THENCE SOUTH 33°54'54" WEST, A DISTANCE OF 155.29 FEET TO AN INTERSECTION WITH THE SAID CURVE, AND THE SAID POINT OF BEGINNING.

TAX PARCEL #6745-2-4 (OFFICIAL RECORDS BOOK 1588 PAGE 528)

A PARCEL OF LAND LYING IN SECTION 10 AND 11, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF SECTION 11, THENCE NORTH 00°06'12" WEST, ALONG THE WEST LINE OF SAID SECTION, A DISTANCE OF 2170.49 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD SW-30 AND THE POINT OF BEGINNING; THENCE NORTH 54°23'42" WEST, ALONG THE SAID RIGHT OF WAY LINE, A DISTANCE OF 104.43 FEET TO A PLACED 5/8" INCH RE-BAR WITH A PLASTIC CAP STAMPED P.L.S. 2115; THENCE NORTH 35°55'54" EAST, A DISTANCE OF 146.16 FEET TO A PLACED 5/8" INCH RE-BAR WITH A PLASTIC CAP STAMPED P.L.S. 2115; THENCE SOUTH 56°05'06" EAST, A DISTANCE OF 128.59 FEET TO AN

EXISTING RE-BAR WITH A PLASTIC CAP STAMPED P.L.S. 2115; THENCE SOUTH $35^{\circ}33'44''$ WEST, A DISTANCE OF 149.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD S.W.-30 AND AN EXISTING $5/8$ " RE-BAR WITH A PLASTIC CAP STAMPED P.L.S. 2115; THENCE NORTH $54^{\circ}23'42''$ WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 25.05 FEET TO THE SAID POINT OF BEGINNING.

TAX PARCEL #6745-2-3 (OFFICIAL RECORDS BOOK 1588 PAGE 545)

THAT PART OF LOT 8 OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 11, FOR A POINT OF REFERENCE; PROCEED FROM SAID POINT OF REFERENCE NORTH $00^{\circ}06'12''$ WEST, ALONG THE WEST LINE OF SAID SECTION 11, A DISTANCE OF 2170.49 FEET TO THE INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF COUNTY ROAD SW-30; THENCE SOUTH $54^{\circ}23'42''$ EAST, ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.05 FEET TO A PLACED $5/8$ " REBAR WITH PLASTIC CAP STAMPED PLS 2115 FOR THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING CONTINUE SOUTH $54^{\circ}23'42''$ EAST ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, 131.47 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, AND HAVING A RADIUS OF 3769.72 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, AN ARC DISTANCE OF 74.54 FEET, AND THROUGH AN ARC ANGLE OF $01^{\circ}07'59''$; THENCE NORTH $33^{\circ}54'54''$ EAST, A DISTANCE OF 155.29 FEET; THENCE NORTH $56^{\circ}05'06''$ WEST, A DISTANCE OF 201.63 FEET TO A PLACED $5/8$ " REBAR WITH A PLASTIC CAP STAMPED P.L.S. 2115; THENCE SOUTH $35^{\circ}33'44''$ WEST, A DISTANCE OF 149.94 FEET TO AN INTERSECTION WITH THE SAID NORTHERLY RIGHT OF WAY LINE AT THE $5/8$ " REBAR AND THE SAID POINT OF BEGINNING.

AND LESS "ALAMAR GARDENS SUBDIVISION", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK H AT PAGE 56 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.