



MEMORANDUM

Office of the City Attorney

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Phone: 334-5011/Fax 334-2229
Box 46
CITY OF GAINESVILLE
CITY COMMISSION

2000 MAR -1 AM 10:16

TO: Honorable Mayor and City Commission

DATE: February 28, 2000
CONSENT

FROM: City Attorney

SUBJECT: Interlocal agreement on airport zoning

RECOMMENDATION: The City Commission authorize the Mayor to sign an interlocal agreement with Alachua County concerning airport zoning regulations.


On May 10, 1999 the City Commission adopted Airport Hazard Zoning Regulations to meet the requirements of Chapter 333, Florida Statutes. The regulations established an Airport Height Notification Zone, Airport Runway Clear Zone and Airport Noise Zone around the Gainesville Regional Airport. The City Commission also authorized staff to negotiate an interlocal agreement with Alachua County to have the county enforce its similar regulations in the unincorporated area near the Gainesville Regional Airport, also to meet requirements of section 333.03(1)(b), Florida Statutes.

The County Commission approved the interlocal agreement on January 25. It provides that the City shall administer and enforce its airport zoning regulations on affected property within the City, and the County shall do the same on all affected property in the unincorporated area.

Prepared by:


Patricia Carter, Sr. Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson, City Attorney

**INTERLOCAL AGREEMENT BETWEEN ALACHUA COUNTY
AND THE CITY OF GAINESVILLE (AIRPORT ZONING REGULATIONS)**

THIS INTERLOCAL AGREEMENT, made and entered into this 28 day of February, A.D., 2000, by and between Alachua County, a charter county and political subdivision of the State of Florida, hereinafter referred to as the "County", and the City of Gainesville, hereinafter referred to as "the City";

WHEREAS, section 333.03(1)(a), Florida Statutes, requires every political subdivision having an airport hazard area within its territorial limits to adopt, administer, and enforce, under its police power, airport zoning regulations for such airport hazard area; and

WHEREAS, Gainesville Regional Airport ("the Airport") is located within the corporate limits of the City; and

WHEREAS, the City has adopted airport zoning regulations pursuant to and in accordance with chapter 333, Florida Statutes; and

WHEREAS, the City owns the land upon which the Airport is located; and

WHEREAS, the airport hazard area associated with the Airport, as defined in chapter 333, Florida Statutes, is located partly outside the territorial limits of the City in the unincorporated area of the County; and

WHEREAS, the County has adopted airport zoning regulations pursuant to and in accordance with chapter 333, Florida Statutes; and

WHEREAS, section 333.03(2), Florida Statutes, authorizes a political subdivision owning or controlling the airport (i.e., the City) and the political subdivision within which the airport hazard area is located (i.e., the County) to enter into an interlocal agreement, in

accordance with the provisions of chapter 163, to adopt, administer, and enforce airport zoning regulations applicable to the airport hazard area in question;

THEREFORE, the City and the County agree to the following:

1. The City shall administer and enforce its airport zoning regulations, as may be amended, on all affected property in the corporate limits of the City.
2. The County shall administer and enforce its airport zoning regulations, as may be amended, on all affected property associated with the Airport located in the unincorporated area of the County.

IN WITNESS WHEREOF, the parties have caused this Interlocal Agreement to be executed for the uses and purposes therein expressed on the day and year first above-written.

ALACHUA COUNTY, FLORIDA

By: Penelope Wheat
Penelope Wheat, Chair
Board of County Commissioners

ATTEST:

J. K. "Buddy" Irby
J. K. "Buddy" Irby, Clerk

(SEAL)

APPROVED AS TO FORM

D. Wagne
Alachua County Attorney

CITY OF GAINESVILLE

By: Paula M. DeLaney
Paula M. DeLaney, Mayor

ATTEST:

Kurt Lannon
Kurt Lannon
Clerk of the Commission
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APPROVED AS TO FORM AND LEGALITY

Marion J. Rapson
MARION J. RAPSON, CITY ATTORNEY
FEB 29 2000