



CITY OF GAINESVILLE

Office of the City Attorney

Marion J. Radson
City Attorney

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January 10, 2006

Pam Carpenter
Supervisor of Elections
P.O. Box 1496
Gainesville, FL 32602

Re: Hogtown Creek Charter Amendment

Dear Ms. Carpenter:

At its meeting last night, January 9, 2006, the City Commission adopted on second and final reading Ordinance 041138, proposing to amend the City Charter allowing for paving for parking on recreational areas, i.e., Hogtown Creek. This charter amendment question will be submitted to the voters for approval or disapproval at the regular election on March 7, 2006. The final ordinance and color copies of the relevant map (Exhibit A) for display at City precincts are enclosed.

Thank you.

Sincerely,

Dana L. Crosby,
Assistant City Attorney II

DLC:sw

Enclosures

cc: Russ Blackburn, City Manager
xc: David Flaherty, Director of City Parks, Recreation & Cultural Affairs
Elizabeth Waratuke, Litigation Attorney



CITY OF GAINESVILLE

Clerk of the Commission

STATE OF FLORIDA

COUNTY OF ALACHUA

I, Kurt M. Lannon, the duly appointed and qualified Clerk of the Commission of the City of Gainesville, Florida, a municipal corporation, do hereby certify that the foregoing is a true and correct copy of **Ordinance No. 041138**, which was duly and regularly adopted by the City Commission of the City of Gainesville, Florida, at a City Commission meeting on **January 09, 2006**.

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Gainesville, Florida this 10th day of January, A.D., 2006.

A handwritten signature in black ink, appearing to read "Kurt M. Lannon", is written over a horizontal line.

KURT M. LANNON
Clerk of the Commission

ORDINANCE NO. 041138
0-06-12

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5 **An ordinance of the City of Gainesville, Florida; approving an amendment to**
6 **the Charter Laws of the City of Gainesville; amending Article V of the**
7 **Charter Laws, entitled "Special Provisions" to allow paving for parking and**
8 **recreational facilities on Recreation areas while continuing to prohibit**
9 **paving for trails or transportation corridors on City-owned land in**
10 **Conservation areas; providing a map of the Hogtown Creek Watershed area**
11 **(1998); providing for submission of the charter amendment to the voters for**
12 **approval or disapproval at the March 7, 2006 regular municipal election;**
13 **approving the ballot title and summary to be placed on the ballot; providing**
14 **that this charter amendment shall become effective immediately; providing**
15 **directions to the codifier; providing directions to the clerk of the commission;**
16 **providing a severability clause; providing a repealing clause; and providing**
17 **an immediate effective date.**
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20 **WHEREAS**, the City Commission has duly considered the charter amendment, as
21 recommended by the Recreation and Cultural Affairs Committee, and by passage of this
22 ordinance indicates its desire to approve the charter amendment as set forth herein, subject to
23 approval of the electorate at the next regular municipal election; and

24 **WHEREAS**, the City Commission desires to amend the Charter Laws of the City of
25 Gainesville, Florida, pursuant to the procedures provided by law; and

26 **WHEREAS**, at least 10 days notice has been given by publication in a newspaper of
27 general circulation notifying the public of this proposed ordinance and of a Public Hearing in the
28 Auditorium of City Hall in the City of Gainesville; and

29 **WHEREAS**, the Public Hearings were held pursuant to the published notice described at
30 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
31 heard.

1 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
2 CITY OF GAINESVILLE, FLORIDA:

3 **Section 1.** The following proposed amendment to Section 5.06 of Article V of the
4 Charter Laws of the City of Gainesville, Florida, as approved by the voters at the regular city
5 election on March 17, 1998, is approved for submission to the electors of the City of Gainesville,
6 Florida, for approval or rejection at the next municipal election set for Tuesday, March 7, 2006:

7 **5.06 Funds for Construction of Paved Surfaces in Designated Areas.**

8 The City of Gainesville, Florida ~~will~~ shall not expend, use, ~~nor~~ seek, permit or allow
9 the use of any city, county, state, private or federal funds for the construction of any
10 paved surface for transportation use or recreational facility in the area designated
11 under the City of Gainesville Comprehensive Plan, 1990, for recreational use or
12 conservation use in the Hogtown Creek Watershed from the date of adoption of this
13 charter amendment surfaces for trails or transportation corridors on City-owned land
14 designated as Conservation, as shown on the map dated May 1998 and on file in the
15 Office of the Clerk of the Commission, within the Hogtown Creek Watershed. This
16 provision is not intended to restrict paving for parking or recreational facilities
17 constructed on land designated as Recreation on the aforementioned map.

18 **Section 2.** The map referenced in section 1 of this ordinance is attached hereto as Exhibit
19 A and is incorporated herein by reference.

20 **Section 3.** The following ballot title and summary is approved for submission to the
21 electors of the City of Gainesville, Florida, for approval or rejection at the next municipal
22 election set for Tuesday, March 7, 2006:

CITY OF GAINESVILLE CHARTER AMENDMENT

PARKS AND RECREATION AREAS

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4 Currently the City Charter does not allow spending any federal, state or local monies to pave for
5 transportation purposes or recreational facilities in Conservation or Recreation areas within the
6 Hogtown Creek Watershed (Watershed). Should the City Charter be amended to allow paving for
7 parking or recreational facilities on Recreation areas (parks), as provided in Ordinance 041138,
8 while continuing to prohibit paving for trails or transportation corridors on City-owned property
9 designated Conservation within the Watershed?

10 Yes

11 No


12 **Section 4.** In the event that the charter amendment proposed by Section 1 of this
13 Ordinance is approved by the voters at the March 7, 2006 municipal election, then: 1) the charter
14 amendment will become effective immediately; 2) the codifier is directed to incorporate this
15 amendment in the Charter Laws of the City of Gainesville; and 3) the Clerk of the Commission is
16 directed to file a true copy of this ordinance with the Florida Department of State.

17 **Section 5.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
18 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
19 affect the validity of the remaining portions of this ordinance.


20 **Section 6.** All ordinances or parts of ordinances in conflict herewith are to the extent of
21 such conflict hereby repealed.


22 **Section 7.** This ordinance shall become effective immediately upon final adoption.

1 **PASSED AND ADOPTED** this 9th day of January, 2006.

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4 Pegeen Hanrahan, Mayor

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7 ATTEST:

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10 Kurt M. Lannon
11 Clerk of the Commission

Approved as to form and legality

Marion J. Radson
City Attorney

JAN 10 2005

12
13 This Ordinance passed on first reading this 19th day of December, 2005.

14 This Ordinance passed on second reading this 9th day of January, 2006.

HOGTOWN CREEK WATERSHED

Recreation & Conservation Lands

- Recreation Land Use
- Conservation Land Use
- Hogtown Creek Watershed
- City Limits
- Parks

NOTE (Added 11/05) :
These properties included on the May 1998 map are not owned by the City of Gainesville.

City of Gainesville, Florida

Prepared by the Department of Community Development May 1998

File: Trace Project 292626.mxd, Hogtown, Watershed/ Data/ Log/Report/Volwatercomp/SH/FNAL_11/05



#130209A

EXHIBIT

744297

