

**ORDINANCE NO. 041190**  
**0-05-56**

**An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use categories of certain properties from “Single-Family (up to 8 units per acre)” to “Conservation”, as more specifically described in this Ordinance, generally located in the vicinity of 3304 South Main Street; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, publication of notice of a public hearing was given that the Future Land Use Map be amended by changing the land use categories of certain properties from “Single-Family (up to 8 units per acre) to “Conservation”; and

**WHEREAS**, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on April 21, 2005; and

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

**WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City of Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

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

1           **WHEREAS**, public hearings were held pursuant to the published notice described above at  
2 which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard.

3           **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered the  
4 comments, recommendations and objections, if any, of the State Land Planning Agency.

5           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
6 **CITY OF GAINESVILLE, FLORIDA:**

7           **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive  
8 Plan is amended by changing the land use category of the following described properties from  
9 “Single-Family (up to 8 units per acre) to “Conservation”:

10                   See Exhibit "A" attached hereto and made a part hereof as if set forth  
11                   in full.

12  
13           **Section 2.** The City Manager is authorized and directed to make the necessary changes in  
14 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or  
15 portion thereof in order to comply with this ordinance.

16           **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid  
17 or unconstitutional by any court of competent jurisdiction then said holding shall in no way affect  
18 the validity of the remaining portions of this ordinance.

19           **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
20 such conflict hereby repealed.

21           **Section 5.** This ordinance shall become effective immediately upon passage on second  
22 reading; however, the effective date of this plan amendment shall be the date a final order is issued

1 by the Department of Community Affairs finding the amendment to be in compliance in accordance  
2 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission  
3 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.


4 **PASSED AND ADOPTED** this 14th day of November, 2005.

5

6

7

8

  
PEGEEN HANRAHAN, MAYOR

9 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

10

11

12

13

14

15

16


17


18

19

20

21

  
KURT LANNON,  
CLERK OF THE COMMISSION

  
MARION L. RADSON, CITY ATTORNEY  
NOV 15 2005

This ordinance passed on first reading this 27th day of June, 2005.

This ordinance passed on second reading this 14th day of November, 2005.

H:\Marion Radson\Planning\52LUC05PBpet.DOC

**EXHIBIT A**

Legal Description: Parcel 4

A 24.12 acre parcel of land lying in the D.L. Clinch Grant, Township 10 South, Range 20 East, Alachua County, Florida and being more particularly described as follows:

For a point of reference commence at a concrete monument with cap #RLS 509 at the S.E. corner of Lot 1, Kirkwood Unit 1, a subdivision according to the plat thereof as recorded in Plat Book "I", Page 33 of the public records of Alachua County, Florida; thence S09°21'07"W, along the Westerly right of way line of State Road No. 329 (100' wide right of way), a distance of 801.00 feet to a #4 rebar with cap #LB7239 and the POINT OF BEGINNING; the following 7 calls being along the boundary of that property described in official records book 2762, page 839 (Instrument No. 1971321 3 pages); thence S09°21'07"W, along said right of way line, a distance of 457.69 feet; thence departing said right of way line; N82°35'01"W, a distance of 956.98 feet to a concrete monument with cap #RLS 509; thence N06°47'38"W, a distance of 464.62 feet to a concrete monument with cap #RLS 509; thence N06°39'47"W, a distance of 660.09 feet to a concrete monument with cap #RLS 509; thence S84°13'42"W, a distance of 329.87 feet to a concrete monument with no identification; thence N06°43'43"W, a distance of 660.03 feet to a concrete monument with cap #RLS 509; thence N84°07'40"E, a distance of 199.87 feet to a #4 rebar with cap #LB7239; thence departing said boundary of property described in official records book 2762, page 839 (Instrument No. 1971321, 3 pages), S24°18'07"E, a distance of 379.75 feet to a #4 rebar with cap #LB7239; thence S31°11'06"E, a distance of 331.93 feet to a #4 rebar with cap #LB7239; thence S66°06'30"E, a distance of 419.35 feet to a #4 rebar with cap #LB7239; thence S77°23'40"E, a distance of 199.37 feet to a #4 rebar with cap #LB7239; thence S09°21'07"W, a distance of 503.94 feet to a #4 rebar with cap #LB7239; thence S80°23'14"E, a distance of 545.00 feet to an intersection with said Westerly right of way line of State Road No. 329 (100' wide right of way) and the POINT OF BEGINNING. Containing 24.13 acres, more or less.

*Bearing base for legal description based from state plane coordinates for the centerline of state road no. 329 as provided by the Florida department of transportation; as computed for the Florida north zone using the north American datum of 1983.*

15699-077-000

**LESS AND EXCEPT:**

Legal Description: Parcel 4-A

A 0.11 acre parcel of land lying in the D.L. Clinch Grant, Township 10 South, Range 20 East, and also being a portion of Parcel 4 as shown on a Boundary Survey and Minor Subdivision recorded in Minor Subdivision Book "2", Pages 48 and 49 of the Public Records of Alachua County, Florida and being more particularly described as follows:

For a point of reference commence at a concrete monument with cap #RLS 509 at the N.W. corner of Parcel 4 as shown on a Boundary Survey and Minor Subdivision recorded in Minor Subdivision Book "2", Pages 48 and 49 of the Public Records of Alachua County, Florida; thence North  $84^{\circ}07'40''$  East, along the north line of said Parcel 4, a distance of 199.87 feet to the Northeast corner of said Parcel 4, also being the Northwest corner of Parcel 5 of said Boundary Survey and Minor Subdivision; thence South  $24^{\circ}18'07''$  East, along the east line of said Parcel 4, a distance of 144.08 feet to the Point Of Beginning; thence continue South  $24^{\circ}18'07''$  East, along said East line of Parcel 4, a distance of 144.53 feet to an intersection with the southwesterly projection of the south line of Parcel A, as shown on said Boundary Survey and Minor Subdivision; thence South  $72^{\circ}20'55''$  West, along said southwesterly projection of the South line of said Parcel A, a distance of 67.07 feet; thence North  $01^{\circ}40'06''$  East, a distance of 152.12 feet to an intersection with the East line of said Parcel 4 and the Point Of Beginning. Containing 0.11 acres, more or less.

Bearing base for legal description is North  $84^{\circ}07'40''$  East as given for the north line of Parcel 4 as shown on a Boundary Survey and Minor Subdivision recorded in Minor Subdivision Book "2", Pages 48 and 49 of the Public Records of Alachua County, Florida

Legal Description: Parcel 5 Minor Subdivision Book "2", Pages 48 and 49.

A 9.17 acre parcel of land lying in the D.L. Clinch Grant, Township 10 South, Range 20 East, Alachua County, Florida and being more particularly described as follows:

For a POINT OF BEGINNING, commence at a concrete monument with cap #RLS 509 at the S.E. corner of Lot 1, Kirkwood Unit 1, a subdivision according to the plat thereof as recorded in Plat Book "1", Page 33 of the public records of Alachua County, Florida; thence S09°21'07"W, along the Westerly right of way line of State Road No. 329 (100' wide right of way), a distance of 201.00 feet to a #4 rebar with cap #LB7239; thence departing said Westerly right of way line; N80°23'14"W, a distance of 485.82 feet to a #4 rebar with cap #LB7239; thence N77°23'40"W, a distance of 59.27 feet to a #4 rebar with cap #LB7239; thence S09°21'07"W, a distance of 99.16 feet to a #4 rebar with cap #LB7239; thence N77°23'40"W, a distance of 199.37 feet to a #4 rebar with cap #LB7239; thence N66°06'30"W, a distance of 419.35 feet to a #4 rebar with cap #LB7239; thence N31°11'06"W, a distance of 331.93 feet to a #4 rebar with cap #LB7239; thence N24°18'07"W, a distance of 379.75 feet to a #4 rebar with cap #LB7239 and an intersection with the north line of property described in official records book 2762, page 839 (Instrument No. 1971321, 3 pages); thence N84°07'40"E, a distance of 105.41 feet to a #4 rebar with cap #LB7239; thence departing boundary of property described in official records book 2762, page 839 (Instrument No. 1971321, 3 pages), S24°18'07"E, a distance of 206.94 feet to a #4 rebar with cap #LB7239; thence N72°20'55"E, a distance of 202.36 feet to a concrete monument with cap #RLS 509, also being the Northwesterly corner of Lot 5, of said Kirkwood Unit 1; thence S18°04'39"E, along the west line of said lot 5, a distance of 24.46 feet to a concrete monument with cap #RLS 509; thence continue along said west line of lot 5, S31°11'06"E, a distance of 233.31 feet to concrete monument with cap #RLS 509; thence S66°06'30"E, a distance of 295.34 feet to a concrete monument with cap #RLS 509 marking the point of intersection on the southerly line of Lot 4 of said Kirkwood Unit 1; thence S77°23'40"E, along the southerly boundary of said Kirkwood Unit 1, a distance of 218.13 feet to a concrete monument with cap #RLS 509 marking the point of intersection on the southerly line of Lot 3, of said Kirkwood Unit 1; thence S80°23'14"E, along the south line of lots 1 through 3 of said Kirkwood Unit 1, a distance of 479.66 feet to the POINT OF BEGINNING. Containing 9.17 acres, more or less.

15699-000-000

EXHIBIT "A" 3 OF 4

**ALSO:**

Legal Description: Parcel 5-A

A 0.10 acre parcel of land lying in the D.L. Clinch Grant, Township 10 South, Range 20 East, and also being a portion of Parcel 5 as shown on a Boundary Survey and Minor Subdivision recorded in Minor Subdivision Book "2", Pages 48 and 49 of the Public Records of Alachua County, Florida and being more particularly described as follows:

For a point of reference commence at a concrete monument with cap #RLS 509 at the N.W. corner of Parcel 4 as shown on a Boundary Survey and Minor Subdivision recorded in Minor Subdivision Book "2", Pages 48 and 49 of the Public Records of Alachua County, Florida; thence North  $84^{\circ}07'40''$  East, along the north line of said Parcel 4, a distance of 199.87 feet to the Northeast corner of said Parcel 4, also being the Northwest corner of Parcel 5 of said Boundary Survey and Minor Subdivision and the Point Of Beginning; thence continue North  $84^{\circ}07'40''$  East, along the north line of said Parcel 5, a distance of 63.64 feet; thence departing said north line of Parcel 5; South  $01^{\circ}40'06''$  West, a distance of 137.88 feet to an intersection with the west line of said Parcel 5; thence North  $24^{\circ}18'07''$  West, along the west line of said Parcel 5, a distance of 144.08 feet to the Point Of Beginning. Containing 0.10 acres, more or less.

Bearing base for legal description is North  $84^{\circ}07'40''$  East, as given for the north line of Parcel 4 as shown on a Boundary Survey and Minor Subdivision recorded in Minor Subdivision Book "2", Pages 48 and 49 of the Public Records of Alachua County, Florida.

#041190



# CITY OF GAINESVILLE

*Clerk of the Commission*

I hereby certify that a true record of this ordinance was made by me in

Ordinance Book No. 72 on this 17 day of

November, 2005.

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

Kurt M. Lannon, Jr.  
Clerk of the Commission