

ORDINANCE NO. 0-09-56

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the City of Gainesville zoning categories of "Public Services and Operations (PS) District" and "Conservation (CON) District" to the City of Gainesville zoning category of "Business Industrial (BI) District," located in the vicinity of 2900 Northeast 39th Avenue, commonly known as the Alachua County Fairgrounds and Cooperative Extension Office and consisting of approximately 74.48 acres; 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 Zoning Map Atlas be amended by rezoning certain property from the City of Gainesville zoning categories of "Public Services and Operations (PS) District" and "Conservation (CON) District" to the City of Gainesville zoning category of "Business Industrial (BI) District;" and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on July 23, 2009; and

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

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission meeting room, City Hall, City of Gainesville; and

WHEREAS, Public Hearings were held pursuant to the published and mailed notices

1 described above at which hearings the parties in interest and all others had an opportunity to be and  
2 were, in fact, heard.

3 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
4 **CITY OF GAINESVILLE, FLORIDA:**

5 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the  
6 following described property from the City of Gainesville zoning categories of "Public Services  
7 and Operations (PS) District" and "Conservation (CON) District" to the City of Gainesville  
8 zoning category of "Business Industrial (BI) District."

9 See Legal Description of Parcel 1 (being rezoned from PS to BI)  
10 attached hereto as Exhibit "A" and made a part hereof as if set forth  
11 in full.

12  
13 See Legal Description of Parcel 2 (being rezoned from CON to BI)  
14 attached hereto as Exhibit "B" and made a part hereof as if set forth  
15 in full.

16  
17 Parcel 1, Parcel 2, and Parcel 3 (unaffected by this ordinance) are  
18 visually depicted for ease of reference on the sketch attached as  
19 Exhibit "C" and made a part hereof as if set forth in full. In the event  
20 of conflict between the legal descriptions set forth in Exhibits "A"  
21 and "B," and the sketch in Exhibit "C," Exhibits "A" and "B" shall  
22 prevail.  
23

24 **Section 2.** The City Manager is authorized and directed to make the necessary changes in  
25 the Zoning Map to comply with this Ordinance.

26 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
27 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
28 finding shall not affect the other provisions or applications of the ordinance which can be given

1 effect without the invalid or unconstitutional provisions or application, and to this end the  
2 provisions of this ordinance are declared severable.

3  
4 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
5 such conflict hereby repealed.

6 **Section 5.** This ordinance shall become effective immediately upon final adoption;  
7 however, the rezoning shall not become effective until the amendment to the City of Gainesville  
8 2000-2010 Comprehensive Plan adopted by Ordinance No. 090298 becomes effective as  
9 provided therein.

10 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2010.

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\_\_\_\_\_  
CRAIG LOWE  
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 \_\_\_\_\_, 2010.

This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2010.



*Focused on Excellence  
Delivered with Integrity*

## LEGAL DESCRIPTION

June 11, 2009  
Project No. 07-0734  
Parcel 1

### LEGAL DESCRIPTION

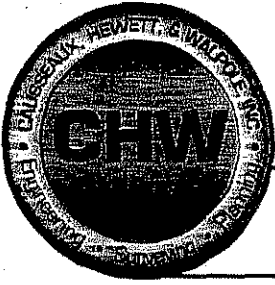
A tract of land situated in Section 26, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the aforementioned Section 26, Township 9 South, Range 20 East and run S.01°18'05"E., along the West line of said Section 26, a distance of 1225.80 feet to the centerline of N. E. 39<sup>th</sup> Avenue; thence run S.60°28'57"E., along said centerline, a distance of 102.44 feet to the former Southeasterly right of way line of the Seaboard Coastline Railroad; thence run N.29°32'02"E., along said former right of way line, a distance of 53.75 feet to the Northeasterly right of way line of said N. E. 39<sup>th</sup> Avenue and the POINT OF BEGINNING; thence, leaving said Northeasterly right of way line of N. E. 39<sup>th</sup> Avenue, continue N.29°32'02"E., along said former right of way line, a distance of 265.75 feet; thence run N.89°03'25"E., along the North boundary of the lands described in Official Records Book 796, page 238 of the Public Records of Alachua County, Florida, a distance of 600.00 feet; thence run S.29°31'11"W., a distance of 505.00 feet; thence run S.60°28'57"E., a distance of 100.00 feet; thence run S.29°31'03"W., a distance of 68.68 feet to said Northeasterly right of way line of N. E. 39<sup>th</sup> Avenue; thence run Northwesterly, along said Northeasterly right of way line, the following three courses: (1) thence N.60°28'57"W., a distance of 189.18 feet; (2) thence N.59°30'33"W., a distance of 220.78 feet; (3) thence N.60°28'57"W., a distance of 207.34 feet to the POINT OF BEGINNING.

Containing 5.14 acres more or less.

RECEIVED  
JUN 15 2009  
PLANNING  
DIVISION

Exhibit "A"  
to Ordinance No. 090299



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Delivered with Integrity.*

## LEGAL DESCRIPTION

June 11, 2009  
Project No. 07-0734  
Parcel 2

### LEGAL DESCRIPTION

A tract of land situated in Section 26, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the aforementioned Section 26, Township 9 South, Range 20 East and run S.01°18'05"E., along the West line of said Section 26, a distance of 1225.80 feet to the centerline of N. E. 39<sup>th</sup> Avenue; thence run S.60°28'57"E., along said centerline, a distance of 102.44 feet to the former Southeasterly right of way line of the Seaboard Coastline Railroad; thence run N.29°32'02"E., along said former right of way line, a distance of 53.75 feet to the Northeasterly right of way line of said N. E. 39<sup>th</sup> Avenue; thence, leaving said Northeasterly right of way line of N. E. 39<sup>th</sup> Avenue, continue N.29°32'02"E., along said former right of way line, a distance of 265.75 feet; thence run N.89°03'25"E., along the North boundary of the lands described in Official Records Book 796, page 238 of the Public Records of Alachua County, Florida, a distance of 600.00 feet to the POINT OF BEGINNING; thence, leaving said North boundary, run S.29°31'11"W., a distance of 505.00 feet; thence run S.60°28'57"E., a distance of 100.00 feet; thence run S.29°31'03"W., a distance of 68.68 feet to said Northeasterly right of way line of N. E. 39<sup>th</sup> Avenue; thence run S.60°58'57"E., along said Northeasterly right of way line, a distance of 3704.42 feet; thence, leaving said Northeasterly right of way line, run N.00°48'35"W., along the East boundary of said lands described in Official Records Book 796, page 238 of said Public Records, a distance of 648.99 feet; thence, leaving said East boundary, run S.42°50'54"W., a distance of 49.63 feet to the beginning of a curve concave Northerly, said curve having a radius of 75.00 feet; thence run Westerly, with said curve, through an arc angle of 92°53'09", an arc distance of 121.59 feet (chord bearing and distance of S.89°17'28"W., 108.70 feet respectively) to the end of said curve; thence run S.69°35'26"W., along a non-tangent line, a distance of 45.75 feet; thence run N.60°10'08"W., a distance of 250.44 feet; thence run N.84°43'04"W., a distance of 52.94 feet; thence run N.18°15'22"W., a distance of 349.28 feet; thence run N.04°58'01"W., a distance of 73.36 feet; thence run N.00°16'55"E., a distance of 61.49 feet; thence run N.78°16'18"W., a distance of 143.31 feet; thence run N.77°47'01"W., a distance of 21.98 feet; thence run S.67°07'13"W., a distance of 15.68 feet to the beginning of a curve concave Northerly, said curve having a radius of 75.00 feet; thence run Westerly, with said curve, through an arc angle of 87°13'44", an arc distance of 114.18 feet (chord bearing and distance of N.69°15'55"W., 103.47 feet respectively) to the end of said curve; thence run N.25°39'04"W., a distance of 43.22 feet to the beginning of a non-tangent curve concave Northerly, said curve having a radius of 75.00 feet; thence run Westerly, with said curve, through an arc angle of 71°15'40", an arc distance of 93.28 feet (chord bearing and distance of N.63°19'23"W., 87.38 feet respectively) to the end of said curve; thence run N.27°41'33"W., a distance of 50.03 feet to the beginning of a curve concave Easterly, said curve having a radius of 75.00 feet;

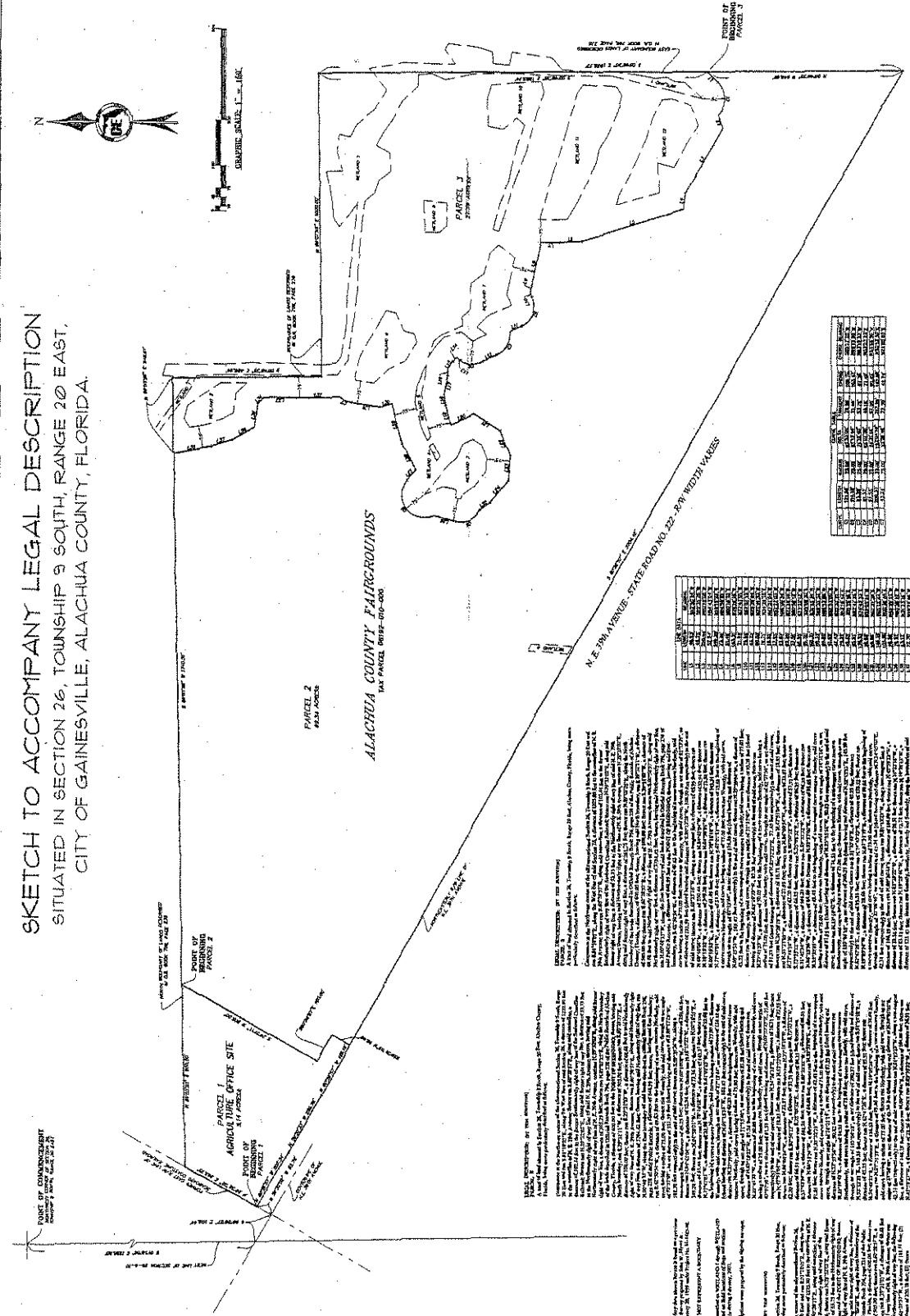
**Exhibit "B"**  
**to Ordinance No. 090299**  
**(2 pages)**

PARCEL 2- PAGE 2

thence run Northerly, with said curve, through an arc angle of  $62^{\circ}07'50''$ , an arc distance of 81.33 feet (chord bearing and distance of  $N.03^{\circ}22'23''E.$ , 77.40 feet respectively) to the end of said curve; thence run  $N.34^{\circ}26'18''E.$ , a distance of 16.71 feet; thence run  $N.47^{\circ}51'04''W.$ , a distance of 18.85 feet; thence run  $N.57^{\circ}27'03''W.$ , a distance of 27.95 feet; thence run  $N.86^{\circ}00'34''W.$ , a distance of 23.87 feet; thence run  $N.77^{\circ}18'10''W.$ , a distance of 62.20 feet; thence run  $S.80^{\circ}50'12''W.$ , a distance of 37.51 feet; thence run  $S.73^{\circ}33'12''W.$ , a distance of 66.55 feet; thence run  $S.25^{\circ}08'32''E.$ , a distance of 86.35 feet; thence run  $S.31^{\circ}42'34''W.$ , a distance of 101.21 feet; thence run  $S.69^{\circ}32'32''W.$ , a distance of 86.35 feet; thence run  $N.86^{\circ}13'56''W.$ , a distance of 84.60 feet; thence run  $N.52^{\circ}53'00''E.$ , a distance of 91.65 feet; thence run  $N.35^{\circ}32'21''W.$ , a distance of 42.43 feet to the beginning of a non-tangent curve concave Easterly, said curve having a radius of 75.00 feet; thence run Northerly, with said curve, through an arc angle of  $74^{\circ}31'16''$ , an arc distance of 97.55 feet (chord bearing and distance of  $N.23^{\circ}55'56''W.$ , 90.82 feet respectively) to the end of said curve; thence run  $N.13^{\circ}19'42''E.$ , a distance of 74.21 feet to the beginning of a non-tangent curve concave Southeasterly, said curve having a radius of 75.00 feet; thence run Easterly, with said curve, through an arc angle of  $153^{\circ}04'18''$ , an arc distance of 200.37 feet (chord bearing and distance of  $N.52^{\circ}12'33''E.$ , 145.88 feet respectively) to the end of said curve; thence run  $S.51^{\circ}15'18''E.$ , a distance of 45.25 feet; thence run  $N.62^{\circ}47'26''E.$ , a distance of 95.51 feet; thence run  $N.74^{\circ}43'23''E.$ , a distance of 138.52 feet; thence run  $N.19^{\circ}05'24''W.$ , a distance of 38.68 feet; thence run  $N.07^{\circ}31'39''E.$ , a distance of 99.86 feet to the beginning of a curve concave Easterly, said curve having a radius of 75.00 feet; thence run Northerly, with said curve, through an arc angle of  $33^{\circ}06'46''$ , an arc distance of 43.34 feet (chord bearing and distance of  $N.24^{\circ}05'02''E.$ , 42.74 feet respectively) to the end of said curve; thence run  $N.01^{\circ}12'23''W.$ , along a non-tangent line, a distance of 146.19 feet; thence run  $N.00^{\circ}36'44''E.$ , a distance of 104.60 feet; thence run  $N.45^{\circ}59'22''W.$ , a distance of 28.56 feet; thence run  $N.83^{\circ}38'22''W.$ , a distance of 76.51 feet; thence run  $N.31^{\circ}23'16''W.$ , a distance of 83.12 feet; thence run  $N.18^{\circ}29'46''W.$ , a distance of 72.70 feet; thence run  $N.10^{\circ}38'13''W.$ , a distance of 125.42 feet; thence run  $S.89^{\circ}03'25''W.$ , along said North boundary of the lands described in Official Records Book 796, page 238 of said Public Records, a distance of 1745.51 feet to the POINT OF BEGINNING.

Containing 69.34 acres more or less.

**SKETCH TO ACCOMPANY LEGAL DESCRIPTION**  
 SITUATED IN SECTION 26, TOWNSHIP 9 SOUTH, RANGE 20 EAST,  
 CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA.



PARCEL NO.	AREA (SQ. FT.)	AREA (ACRES)
1	100,000	2.296
2	450,000	10.261
3	270,000	6.163
4	100,000	2.296
5	100,000	2.296
6	100,000	2.296
7	100,000	2.296
8	100,000	2.296
9	100,000	2.296
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50	100,000	2.296

I, the undersigned, being the duly qualified and licensed Professional Engineer in the State of Florida, do hereby certify that the above described map was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Florida.

I, the undersigned, being the duly qualified and licensed Professional Engineer in the State of Florida, do hereby certify that the above described map was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Florida.

I, the undersigned, being the duly qualified and licensed Professional Engineer in the State of Florida, do hereby certify that the above described map was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of Florida.

Exhibit "C"  
 to Ordinance No. 090299