

1 **ORDINANCE NO. 050888**

2 **0-06-31**

3  
4 **An Ordinance repealing Ordinance No. 041189 and adopting a**  
5 **new Ordinance amending the City of Gainesville 2000-2010**  
6 **Comprehensive Plan; by changing the land use categories of**  
7 **certain property from “Single-Family (up to 8 units per acre)” to**  
8 **“Conservation” and “Public Facilities”; consisting of**  
9 **approximately 30 acres, located in the vicinity of the north side of**  
10 **Northwest 8<sup>th</sup> Avenue, at 4810 and 4910 N.W. 8<sup>th</sup> Avenue;**  
11 **repealing ordinance 041189; providing a severability clause;**  
12 **providing a repealing clause; and providing an effective date.**  
13

14  
15 **WHEREAS,** publication of notice of a public hearing that the Future Land Use Map be  
16 amended by changing the land use categories of certain lands within the City from “Single-Family (up  
17 to 8 units per acre)” to “Conservation” and “Public Facilities”; and

18 **WHEREAS,** notice by the Plan Board was given and publication made as required by law and  
19 a public hearing was held by the City Plan Board on May 19, 2005; and

20 **WHEREAS,** on June 27, 2005 and November 28, 2005, the City Commission adopted  
21 Ordinance No. 041189 on first and second reading, respectively;

22 **WHEREAS,** on December 12, 2005, the Florida Department of Community Affairs advised  
23 the City that Ordinance 041189 was improperly adopted because the adoption of said Ordinance did  
24 not comply with 163.3184 and 163.3187, F.S; and

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

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

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

6           **WHEREAS**, public hearings were held pursuant to the published and mailed notices described  
7 above at which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
8 heard.

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

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

13           **Section 1.** Ordinance 041189, adopted on November 28, 2005 is hereby repealed and  
14 rescinded in its entirety.

15           **Section 2.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive  
16 Plan is amended by changing the land use category of the following described property from “Single-  
17 Family (up to 8 units per acre)” to “Conservation”;

18                   See legal description attached hereto as Exhibit "A", and made a part  
19                   hereof as if set forth in full.  
20

21           **Section 3.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive  
22 Plan is amended by changing the land use category of the following described property from “Single-  
23 Family (up to 8 units per acre)” to “Public Facilities”;

1 See legal description attached hereto as Exhibit "B", and made a part  
2 hereof as if set forth in full.  
3

4 **Section 4.** The City Manager is authorized and directed to make the necessary changes in  
5 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or portion  
6 thereof in order to comply with this ordinance.

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


10 **Section 6.** This ordinance shall become effective immediately upon passage on second  
11 reading; however, the effective date of this plan amendment shall be the date a final order is issued by  
12 the Department of Community Affairs finding the amendment to be in compliance in accordance with  
13 Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission  
14 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.


15 **PASSED AND ADOPTED** this 12th day of June, 2006

16   
17 \_\_\_\_\_  
18 Pegen Hanrahan, Mayor

19  
20 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

21  
22   
23 \_\_\_\_\_  
24 Kurt Lannon,  
25 Clerk of the Commission  
26

27   
28 \_\_\_\_\_  
29 Marion J. Redson, City Attorney  
30 JUN 13 2006

This ordinance passed on first reading this 13th day of March, 2006.

This ordinance passed on second reading this 12th day of June, 2006.

(Parcel id. 06375-007-000 & 06375-009-000)

**CONSERVATION**

LAND DESCRIPTION:

PARCEL III:

LOT EIGHT (8), LESS THE SOUTH 617.5 FEET THEREOF; THE WEST 125 FEET OF LOT SEVEN (7), LESS THE SOUTH 617.5 FEET OF THE WEST 125 FEET; AND THE 30 FOOT STRIP SHOWN ON PLAT AS "RESERVED FOR ROAD" LYING NORTH OF LOTS EIGHT (8), AND NINE (9), AND NORTH OF THE WEST 125 FEET OF LOT SEVEN (7) OF PLESS PLACE, AS PER MAP OR PLAT THEREOF RECORDED IN DEED BOOK 195, PAGE 230, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 19 EAST; THENCE WEST ALONG SAID SOUTH LINE OF SECTION 34 A DISTANCE OF 1375.00 FEET TO A POINT; THENCE LEAVING SAID SOUTH LINE NORTH 00°09'00" WEST A DISTANCE OF 50.00 FEET TO A FOUND 5/8" REBAR & CAP MARKING THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF N.W. 8TH AVENUE; THENCE NORTH 00°24'56" EAST A DISTANCE OF 599.51 FEET TO A FOUND 4"x4" CONCRETE MONUMENT AND THE POINT OF BEGINNING; THENCE NORTH 89°55'11" WEST A DISTANCE OF 541.14 FEET TO A FOUND CONCRETE MONUMENT; THENCE NORTH 00°25'23" EAST A DISTANCE OF 942.70 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE INTERSECTION WITH THE NORTH LINE OF A 30 FOOT WIDE RESERVED ROADWAY LYING NORTH OF THE NORTH LINE OF PLOT 8 OF "PLESS PLACE" AND THE SOUTH LINE OF SUBURBAN HEIGHTS UNIT No. 8, AS PER PLAT BOOK "H", PAGE 34 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE SOUTH 89°54'18" EAST ALONG SAID SOUTH LINE A DISTANCE OF 540.15 FEET TO A FOUND 4"x4" CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF LANDMARK WOODS, AS PER PLAT BOOK "M", PAGE 38, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND THE EAST LINE OF THE NORTHERLY EXTENSION OF THE WEST 125 FEET OF PLOT 7 OF PLESS PLACE; THENCE SOUTH 00°21'46" WEST ALONG THE WEST LINE OF SAID LANDMARK WOODS A DISTANCE OF 942.56 FEET TO THE POINT OF BEGINNING. CONTAINING 11.70 ACRES, MORE OR LESS.

LAND DESCRIPTION:

PARCEL IV:

PLOT NINE (9), PLESS PLACE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN DEED BOOK 195, PAGES 230, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 19 EAST; THENCE WEST ALONG SAID SOUTH LINE OF SECTION 34 A DISTANCE OF 1375.00 FEET TO A POINT; THENCE LEAVING SAID SOUTH LINE OF SECTION 34 NORTH 00°09'00" WEST A DISTANCE OF 50.00 FEET TO A FOUND 5/8" REBAR & CAP MARKING THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF N.W. 8TH AVENUE AND THE EAST LINE OF THE WEST 125 FEET OF PLOT 7 OF "PLESS PLACE"; THENCE NORTH 89°58'38" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 541.22 FEET TO A FOUND 4"x4" CONCRETE MONUMENT MARKING INTERSECTION WITH THE EAST LINE OF PLOT 9 OF "PLESS PLACE" AND THE POINT OF BEGINNING; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE NORTH 00°25'23" EAST ALONG THE EAST LINE OF PLOT 9 OF "PLESS PLACE" A DISTANCE OF 1542.75 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE INTERSECTION WITH THE SOUTH LINE OF SUBURBAN HEIGHTS UNIT No. 8, AS PER PLAT BOOK "H", PAGE 34, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND THE NORTH LINE OF A 30 FOOT WIDE RESERVED ROADWAY LYING NORTH OF THE NORTH LINE OF PLOT 9 OF "PLESS PLACE"; THENCE LEAVING SAID EAST LINE OF PLOT 9 NORTH 89°54'18" WEST ALONG SAID SOUTH LINE OF SUBURBAN HEIGHTS A DISTANCE OF 316.58 FEET TO A FOUND 5/8" REBAR & CAP MARKING NORTHEAST CORNER OF HILLCREST RESIDENTIAL PLANNED DEVELOPMENT, AS PER PLAT BOOK "23", PAGES 45, 46, 47, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND THE WEST LINE OF PLOT 9 OF "PLESS PLACE"; THENCE SOUTH 00°10'25" WEST ALONG THE EAST LINE OF SAID HILLCREST RESIDENTIAL PLANNED DEVELOPMENT A DISTANCE OF 1542.90 FEET TO A FOUND 5/8" REBAR & CAP MARKING THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF N.W. 8TH AVENUE; THENCE SOUTH 89°56'09" EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF N.W. 8TH AVENUE A DISTANCE OF 309.86 FEET TO THE POINT OF BEGINNING. CONTAINING 11.09 ACRES, MORE OR LESS.

(Parcel id. 06375-008-000)

PUBLIC SERVICE

LAND DESCRIPTION:

PARCEL I:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION THIRTY-FOUR (34), TOWNSHIP NINE (9) SOUTH, RANGE NINETEEN (19) EAST; RUN WEST ALONG SOUTH LINE OF SECTION THIRTY-FOUR (34), TOWNSHIP NINE (9) SOUTH, RANGE (19) EAST, 1375.00 FEET; THENCE RUN NORTH 0 DEGREES, 09 MINUTES, WEST 33 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 89 DEGREES 30 MINUTES WEST 541.60 FEET ALONG THE NORTH RIGHT OF WAY LINE OF STATE ROAD #26; THENCE RUN NORTH 0 DEGREES 09 MINUTES WEST 617.50 FEET; THENCE RUN NORTH 89 DEGREES 30 MINUTES EAST 541.60 FEET; THENCE RUN SOUTH 0 DEGREES 09 MINUTES EAST 617.50 FEET TO THE POINT OF BEGINNING; SAME BEING KNOWN AS THE SOUTH 617.50 FEET OF LOT 8 AND THE SOUTH 617.50 FEET OF THE WEST 125 FEET OF LOT 7, PLESS PLACE, IN SECTION THIRTY-FOUR (34), TOWNSHIP NINE (9) SOUTH, RANGE NINETEEN (19) EAST, AS PER SURVEY MADE BY THE PERRY C. MCGRIFF Co. ON JANUARY 4, 1960, LESS THE EAST 125 FEET THEREOF. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION THIRTY-FOUR (34), TOWNSHIP NINE (9) SOUTH, RANGE NINETEEN (19) EAST; THENCE WEST ALONG THE SOUTH LINE OF SECTION THIRTY-FOUR (34), TOWNSHIP NINE (9) SOUTH, RANGE (19) EAST, 1375.00 FEET; THENCE NORTH 00°09'00" WEST A DISTANCE OF 50.00 FEET TO A FOUND 5/8" REBAR & CAP MARKING THE INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF N.W. 8TH AVENUE AND THE POINT OF BEGINNING; THENCE NORTH 89°58'38" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE A DISTANCE OF 541.22 FEET TO A FOUND 4"x4" CONCRETE MONUMENT MARKING THE INTERSECTION WITH THE WEST LINE OF PLOT 8 OF "PLESS PLACE"; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE NORTH 00°25'23" EAST ALONG THE WEST LINE OF SAID PLOT 8 A DISTANCE OF 600.05 FEET TO A FOUND CONCRETE MONUMENT; THENCE LEAVING SAID WEST LINE OF PLOT 8 SOUTH 89°55'11" EAST A DISTANCE OF 541.14 FEET TO A FOUND 4"x4" CONCRETE MONUMENT; THENCE SOUTH 00°24'56" WEST A DISTANCE OF 599.51 FEET TO THE POINT OF BEGINNING. CONTAINING 7.45 ACRES, MORE OR LESS.

EXHIBIT "B"