

**LEGISLATIVE #**

**110814A**

## ORDINANCE NO. 110814

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2  
3 **An ordinance amending the Future Land Use Map of the City of Gainesville**  
4 **Comprehensive Plan by changing the land use category of approximately**  
5 **24.7 acres of property located in the vicinity of 2000 SW 43rd Street, as**  
6 **more specifically described in this ordinance, from the Alachua County**  
7 **land use category of Recreation to the City of Gainesville land use**  
8 **categories of Recreation (REC), Conservation (CON), and Public Facilities**  
9 **(PF); providing directions to the City Manager; providing a severability**  
10 **clause; providing a repealing clause; and providing an effective date.**  
11

12  
13 **WHEREAS**, notice was given as required by law that the Future Land Use Map of the City  
14 of Gainesville Comprehensive Plan be amended by changing the land use category of certain  
15 property, as more specifically described in this ordinance, from the Alachua County land use  
16 category of Recreation (REC) to the City of Gainesville land use categories of Recreation (REC),  
17 Conservation (CON), and Public Facilities (PF); and

18 **WHEREAS**, notice was given and publication was made as required by law and public  
19 hearings were held by the City Plan Board on February 23, 2012, and by the City Commission on  
20 April 19, 2012; and

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

26 **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City of  
27 Gainesville transmitted copies of this proposed amendment to the reviewing agencies and any  
28 other local government unit or state agency that requested same; and

29 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was

1 placed in the aforesaid newspaper notifying the public of the second public hearing to be held at the  
2 adoption stage at least five (5) days after the day the second advertisement was published; and

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

6 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered any  
7 written comments received concerning this amendment.

8 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
9 **CITY OF GAINESVILLE, FLORIDA:**

10 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is  
11 amended by changing the land use category of the following property from the Alachua County  
12 land use category of Recreation (REC) to the City of Gainesville land use category of Recreation  
13 (REC):

14 See legal description attached hereto as Exhibit "A" and made a part hereof as  
15 if set forth in full. The location of the property is shown on Exhibit "D" for  
16 visual reference. In the event of conflict or inconsistency, Exhibit "A" shall  
17 prevail over Exhibit "D."  
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19 **Section 2.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is  
20 amended by changing the land use category of the following property from the Alachua County  
21 land use category of Recreation (REC) to the City of Gainesville land use category of  
22 Conservation (CON):

23 See legal description attached hereto as Exhibit "B" and made a part hereof as  
24 if set forth in full. The location of the property is shown on Exhibit "D" for  
25 visual reference. In the event of conflict or inconsistency, Exhibit "B" shall  
26 prevail over Exhibit "D."  
27

28 **Section 3.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is

1 amended by changing the land use category of the following property from the Alachua County  
2 land use category of Recreation (REC) to the City of Gainesville land use category of Public  
3 Facilities (PF):

4 See legal description attached hereto as Exhibit "C" and made a part hereof as  
5 if set forth in full. The location of the property is shown on Exhibit "D" for  
6 visual reference. In the event of conflict or inconsistency, Exhibit "C" shall  
7 prevail over Exhibit "D."  
8

9 **Section 4.** Within 10 working days of the transmittal (first) hearing, the City Manager  
10 is authorized and directed to transmit a comprehensive plan amendment package, including this  
11 ordinance, to the reviewing agencies and to any other local government unit or state agency that has  
12 filed a written request for same with the City. Within 10 working days of the adoption (second)  
13 hearing, the City Manager is authorized and directed to transmit a comprehensive plan amendment  
14 package, including this ordinance, to the state land planning agency and to any other reviewing  
15 agency, local government unit or state agency that filed written comments with the City.

16 **Section 5.** The City Manager is authorized and directed to make the necessary changes in  
17 maps and other data in the City of Gainesville Comprehensive Plan in order to comply with this  
18 ordinance.

19 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
20 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
21 finding shall not affect the other provisions or applications of this ordinance that can be given  
22 effect without the invalid or unconstitutional provisions or application, and to this end the  
23 provisions of this ordinance are declared severable.

24 **Section 7.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
25 such conflict hereby repealed.

26 **Section 8.** This ordinance shall become effective immediately upon passage on second

1 reading; however, the effective date of this plan amendment, if the amendment is not timely  
 2 challenged, shall be 31 days after the state land planning agency notifies the City that the plan  
 3 amendment package is complete in accordance with Section 163.3184, F.S. If timely challenged,  
 4 this amendment shall become effective on the date the state land planning agency or the  
 5 Administration Commission enters a final order determining this adopted amendment to be in  
 6 compliance with Chapter 163, F.S. No development orders, development permits, or land uses  
 7 dependent on this amendment may be issued or commenced before this plan amendment has  
 8 become effective.

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10 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

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\_\_\_\_\_  
 CRAIG LOWE  
 MAYOR

Attest:

Approved as to Form and Legality:

\_\_\_\_\_  
 KURT M. LANNON  
 CLERK OF THE COMMISSION

\_\_\_\_\_  
 MARION J. RADSON  
 CITY ATTORNEY

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

LEGAL DESCRIPTION OF FOREST PARK RECREATION AREA (TRACT "03"):

A TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST; THENCE RUN N 00° 10' 58" W ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 1315.88 FEET; THENCE LEAVING SAID SECTION LINE RUN N 89° 22' 12" W A DISTANCE OF 80.00 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND LISTED AS PARCEL A (PARCEL 4) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1308, PAGE 290 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 43rd STREET (80 FEET RIGHT-OF-WAY); THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE RUN N 89° 22' 12" W ALONG THE SOUTHERLY LINE OF SAID TRACT A DISTANCE OF 577.32 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, ALSO BEING THE NORTHWEST CORNER OF MARCHWOOD, A PLAT AS RECORDED IN PLAT BOOK "M", PAGE 47 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN N 13° 28' 57" W A DISTANCE OF 66.61 FEET; THENCE RUN N 06° 16' 03" E A DISTANCE OF 144.36 FEET; THENCE RUN N 10° 43' 52" W A DISTANCE OF 176.46 FEET; THENCE RUN N 25° 25' 46" E W A DISTANCE OF 69.54 FEET; THENCE RUN PARALLEL TO AND OFFSET 10 FEET SOUTHERLY AND WESTERLY FROM A CHAIN LINK FENCE THE FOLLOWING SIX (6) COURSES:

1) N 59° 33' 22" W A DISTANCE OF 180.64 FEET; 2) N 40° 42' 56" W A DISTANCE OF 42.90 FEET; 3) N 30° 07' 19" W A DISTANCE OF 67.87 FEET; 4) N 17° 38' 05" W A DISTANCE OF 94.07 FEET; 5) N 03° 49' 22" E A DISTANCE OF 51.65 FEET; 6) N 17° 04' 14" E A DISTANCE OF 211.97 FEET;

THENCE RUN N 39° 29' 15" E A DISTANCE OF 262.45 FEET TO A POINT LYING 60 FEET PERPENDICULARLY TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 20th AVENUE, A 100 FEET WIDE RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 215, PAGE 441-443 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN S 54° 27' 36" E PARALLEL TO SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 630.85 FEET; THENCE LEAVING SAID PARALLEL LINE RUN S 00° 28' 01" W A DISTANCE OF 89.62 FEET; THENCE RUN S 49° 31' 15" W A DISTANCE OF 49.44 FEET; THENCE RUN S 00° 28' 01" W A DISTANCE OF 168.91 FEET; THENCE RUN N 89° 52' 40" E A DISTANCE OF 179.62 FEET TO A POINT LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 43rd STREET (80 FEET RIGHT-OF-WAY); THENCE RUN S 00° 10' 58" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 522.25 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND LISTED AS PARCEL A (PARCEL 4) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1308, PAGE 290 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE RUN N 89° 22' 12" W ALONG THE SOUTHERLY LINE OF SAID TRACT A DISTANCE OF 577.32 FEET TO THE POINT OF BEGINNING. SAID HEREIN DESCRIBED TRACT OF LAND CONTAINING 659,465 SQUARE FEET (15.14 ACRES), MORE OR LESS.

Exhibit "A"  
to Ordinance No. 110814

LEGAL DESCRIPTION OF FOREST PARK CONSERVATION AREA (TRACT "01"):

A TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST; THENCE RUN N 00° 10' 58" W ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 1315.88 FEET; THENCE LEAVING SAID SECTION LINE RUN N 89° 22' 12" W A DISTANCE OF 80.00 FEET TO A POINT ON THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND LISTED AS PARCEL A (PARCEL 4) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1308, PAGE 290 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID CORNER LYING ON THE WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 43rd STREET (80 FEET RIGHT-OF-WAY); THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE RUN N 89° 22' 12" W ALONG THE SOUTHERLY LINE OF SAID TRACT A DISTANCE OF 577.32 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT, ALSO BEING THE NORTHWEST CORNER OF MARCHWOOD, A PLAT AS RECORDED IN PLAT BOOK "M", PAGE 47 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE CONTINUE N 89° 22' 12" W ALONG SAID SOUTHERLY LINE A DISTANCE OF 379.97 FEET TO THE SOUTHWEST CORNER OF SAID TRACT, SAID CORNER BEING ON THE CENTERLINE OF A CREEK ACCORDING TO H.H. GREEN SURVEY DATED 3/31/80; THENCE RUN IN A NORTHERLY DIRECTION ALONG THE CENTERLINE OF SAID CREEK THE FOLLOWING 19 COURSES:

1) N 09° 52' 54" E A DISTANCE OF 52.20 FEET; 2) N 30° 51' 25" E A DISTANCE OF 133.80 FEET; 3) N 00° 51' 16" E A DISTANCE OF 82.83 FEET; 4) N 30° 18' 08" W A DISTANCE OF 94.35 FEET; 5) N 12° 15' 37" W A DISTANCE OF 214.54 FEET; 6) N 01° 19' 34" E A DISTANCE OF 95.64 FEET; 7) N 04° 52' 25" E A DISTANCE OF 41.10 FEET; 8) N 85° 28' 04" W A DISTANCE OF 57.05 FEET; 9) N 35° 00' 53" W A DISTANCE OF 96.79 FEET; 10) N 15° 18' 02" W A DISTANCE OF 107.50 FEET; 11) N 39° 25' 49" E A DISTANCE OF 180.80 FEET; 12) N 39° 20' 20" W A DISTANCE OF 44.65 FEET; 13) N 51° 57' 29" W A DISTANCE OF 50.53 FEET; 14) N 02° 04' 02" E A DISTANCE OF 43.95 FEET; 15) N 21° 23' 53" E A DISTANCE OF 32.86 FEET; 16) N 43° 51' 16" W A DISTANCE OF 116.04 FEET; 17) N 01° 15' 34" W A DISTANCE OF 90.59 FEET; 18) N 18° 26' 55" E A DISTANCE OF 44.72 FEET; 19) N 43° 58' 18" E A DISTANCE OF 113.54 FEET TO A POINT LYING 60 FEET PERPENDICULARLY TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 20th AVENUE, A 100 FEET WIDE RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 215, PAGE 441-443 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA;

THENCE RUN S 54° 27' 36" E PARALLEL TO SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 469.78 FEET; THENCE LEAVING SAID PARALLEL LINE RUN S 39° 29' 15" W A DISTANCE OF 262.45 FEET; THENCE RUN PARALLEL TO AND OFFSET 10 FEET SOUTHERLY AND WESTERLY FROM A CHAIN LINK FENCE THE FOLLOWING SIX (6) COURSES:

1) S 17° 04' 14" W A DISTANCE OF 211.97 FEET; 2) S 03° 49' 22" W A DISTANCE OF 51.65 FEET; 3) S 17° 38' 05" E A DISTANCE OF 94.07 FEET; 4) S 30° 07' 19" E A DISTANCE OF 67.87 FEET; 5) S 40° 42' 56" E A DISTANCE OF 42.90 FEET; 6) S 59° 33' 22" E A DISTANCE OF 180.64 FEET;

THENCE RUN S 25° 25' 46" E A DISTANCE OF 69.54 FEET; THENCE RUN S 10° 43' 52" E A DISTANCE OF 176.46 FEET; THENCE RUN S 06° 16' 03" W A DISTANCE OF 144.36 FEET; THENCE RUN S 13° 28' 57" E A DISTANCE OF 66.61 FEET TO THE POINT OF BEGINNING. SAID HEREIN DESCRIBED TRACT OF LAND CONTAINING 375,193 SQUARE FEET (8.61 ACRES), MORE OR LESS.

Exhibit "B"  
to Ordinance No.110814

LEGAL DESCRIPTION OF FIRE STATION NUMBER 19 (TRACT "02") BASED UPON MAP OF  
BOUNDARY SURVEY PREPARED BY STEVEN EMMONS OF ALACHUA COUNTY PUBLIC WORKS  
SURVEYING, PROJECT 08-018 DATED JANUARY 3, 2012:

A TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA  
COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 10 FOR A POINT OF REFERENCE AND  
RUN N 00°10'58" W ALONG THE EAST LINE OF SAID SECTION 10 A DISTANCE OF 1315.88 FEET;  
THENCE RUN N 89°22'12" W A DISTANCE OF 80.00 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF  
SOUTHWEST 43rd STREET (80 FEET RIGHT-OF-WAY); THENCE RUN N 00°10'58" W ALONG SAID  
WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 522.25 FEET TO THE POINT OF BEGINNING OF THE  
HEREIN DESCRIBED TRACT; THENCE RUN N 89°52'40" W A DISTANCE OF 179.62 FEET; THENCE RUN  
N 00°28'01" E A DISTANCE OF 168.91 FEET; THENCE RUN N 49°31'15" E A DISTANCE OF 49.44 FEET;  
THENCE RUN N 00°28'01" E A DISTANCE OF 89.62 FEET TO A POINT WHICH LIES 60 FEET  
SOUTHWESTERLY (MEASURED PERPENDICULARLY TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE  
OF SOUTHWEST 20th AVENUE, A 100 FEET RIGHT-OF-WAY); THENCE RUN S 54°27'36" E PARALLEL  
WITH SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 171.18 FEET TO A POINT WHICH  
LIES ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 43rd STREET;  
THENCE RUN S 00°10'58" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 191.49  
FEET TO THE POINT OF BEGINNING. SAID HEREIN DESCRIBED TRACT OF LAND CONTAINING  
40,894 SQUARE FEET (0.94 ACRES), MORE OR LESS.

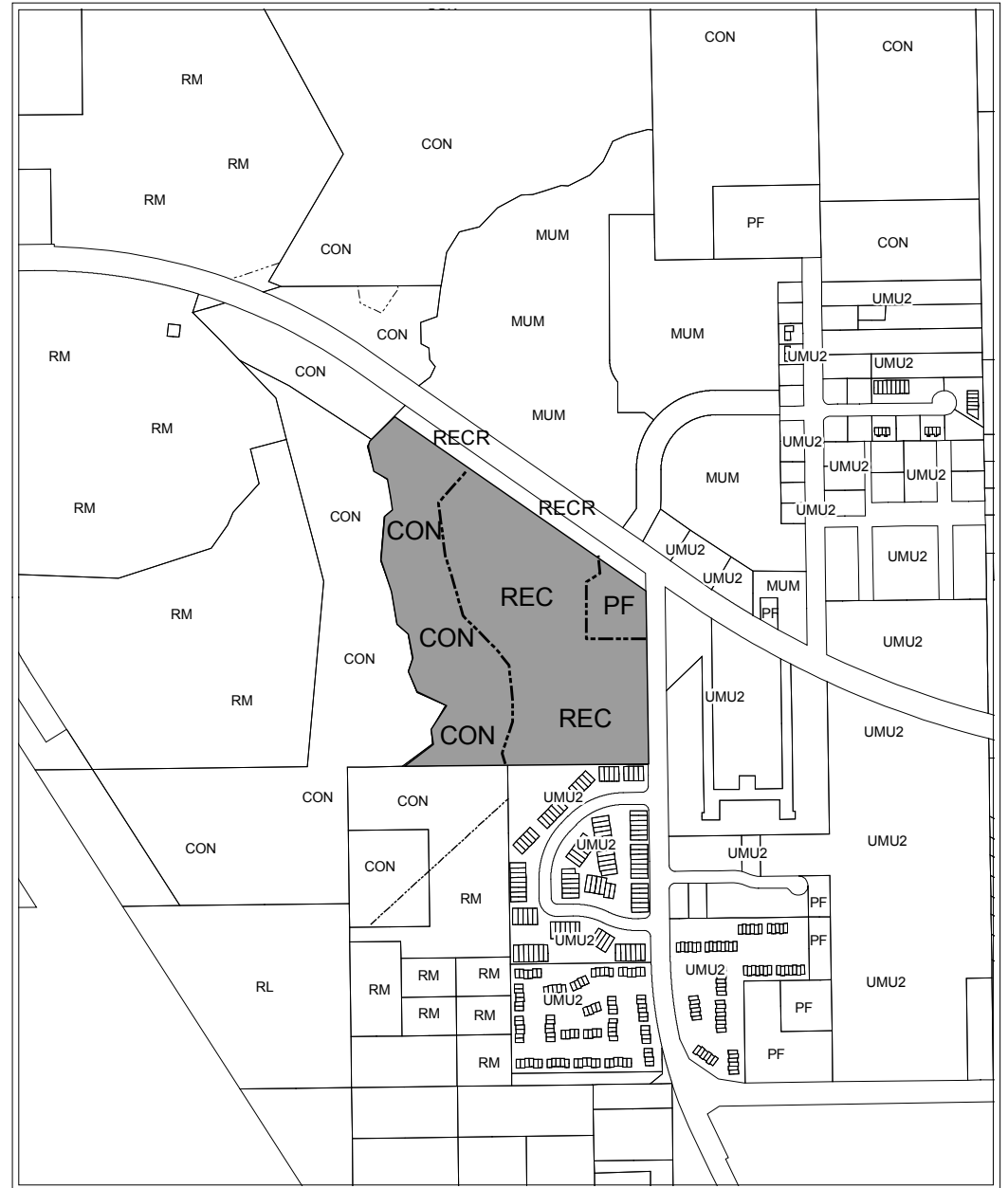


## City of Gainesville Land Use Categories

- R-L Residential Low-Density (up to 12 units per acre)
- R-M Residential Medium-Density (8-30 units per acre)
- MU-M Mixed-Use Medium Intensity (12-30 units per acre)
- UMU-2 Urban Mixed-Use 2 (up to 100 units per acre)
- CON Conservation
- PF Public Facilities
- REC Recreation

## Alachua County Land Use Categories

- RECR Recreation



*Area  
under petition  
consideration*



- - - - - Division line between two zoning districts
- City Limits

## PROPOSED LAND USE



Name	Petition Request	Map(s)	Petition Number
City Plan Board, applicant	Amend the FLUM from Alachua County Recreation to City of Gainesville Recreation, Public Facilities and Conservation	4243	PB-11-137 LUC

Exhibit "D"  
to Ordinance No. 110814