

D R A F T

7/27/2009

ORDINANCE NO. _____
0-09-42

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4 **An ordinance of the City of Gainesville, Florida, amending the**
5 **Zoning Map Atlas and rezoning certain property within the**
6 **City, as more specifically described in this Ordinance, from the**
7 **City of Gainesville zoning category of “MH: 12 units/acre**
8 **mobile home residential district” to the City of Gainesville**
9 **zoning category of “BUS: General business district”; consisting**
10 **of approximately 7.5 acres, located in the vicinity of the**
11 **Southwest corner of Northeast 2nd Street and 39th Avenue, a/k/a**
12 **39 N.W. 39th Avenue; providing a severability clause; providing**
13 **a repealing clause; and providing an immediate effective date.**
14

15
16 **WHEREAS**, by initiation of a petition by the property owner, publication of notice of a
17 public hearing was given that the Zoning Map Atlas be amended by rezoning certain property
18 within the City, as more specifically described in this Ordinance, from the City of Gainesville
19 zoning category of “MH: 12 units/acre mobile home residential district” to the City of
20 Gainesville zoning category of “BUS: General business district”; and

21 **WHEREAS**, notice was given and publication made as required by law and a public
22 hearing was held by the City Plan Board on May 28, 2009; and

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

26 **WHEREAS**, at least ten (10) days notice has been given of the public hearings once by
27 publication in a newspaper of general circulation notifying the public of this proposed ordinance
28 and of a Public Hearing in the City Commission meeting room, First Floor, City Hall, in the City

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1 of Gainesville; and

2 **WHEREAS**, notice has also been given by mail to the owner whose property will be
3 regulated by the adoption of this Ordinance, at least ten (10) days prior to the adoption of this
4 ordinance; and

5 **WHEREAS**, the Public Hearing was held pursuant to the published and mailed notice
6 described above at which hearing the parties in interest and all others had an opportunity to be
7 and were, in fact, heard.

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

10 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
11 following described property from the City of Gainesville zoning category of “MH: 12 units/acre
12 mobile home residential district” to the City of Gainesville zoning category of “BUS: General
13 business district”:

14 See Legal Description attached hereto as Exhibit "A", and made a
15 part hereof as if set forth in full.
16

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

19 **Section 3.** 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 the ordinance which can be given

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

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

5 **Section 5.** This ordinance shall become effective immediately upon final adoption;
6 however, the rezoning shall not become effective until the amendment to the City of Gainesville
7 2000-2010 Comprehensive Plan adopted by Ordinance No. 090200 becomes effective as
8 provided therein.

9

10 **PASSED AND ADOPTED** this ____ day of _____, 2009

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PEGEEN HANRAHAN, MAYOR

14

15

ATTEST:

Approved as to form and legality:

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KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

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This ordinance passed on first reading this ____ day of _____, 2009.

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This ordinance passed on second reading this ____ day of _____, 2009.

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MJR/jls

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Exhibit A

[Legal Description]

PARCEL II

A TRACT OF LAND SITUATED WITHIN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE AFOREMENTIONED SECTION 29 FOR A POINT OF REFERENCE AND RUN S04°07'45"E, ALONG THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 57.90 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 222 (ALSO KNOWN AS NW 39TH AVENUE) (RIGHT OF WAY WIDTH VARIES) (RIGHT OF WAY WIDTH VARIES) FOR THE POINT OF BEGINNING BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 297, PAGE 275 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID TRACT BEING HEREINAFTER REFERRED TO AS THE "PARENT TRACT", THENCE CONTINUE

S04°07'45"E, ALONG SAID EAST LINE AND THE EAST LINE OF SAID PARENT TRACT, BEING THE WESTERLY RIGHT OF WAY LINE OF NORTHEAST 21ST STREET (60 FOOT RIGHT OF WAY), A DISTANCE OF 536.47 FEET; THENCE RUN S85°57'55"W, A DISTANCE OF 223.13 FEET; THENCE RUN N02°55'09"W, A DISTANCE OF 226.81 FEET; THENCE RUN S87°45'28"W, A DISTANCE OF 610.91 FEET TO A POINT ON A CURVE ON THE WEST LINE OF SAID PARENT TRACT BEING THE EASTERLY RIGHT OF WAY LINE OF CSX SYSTEMS RAILROAD FORMERLY KNOWN AS ATLANTIC COASTLINE RAILROAD (60 FOOT RIGHT OF WAY); THENCE RUN NORTHWESTERLY ALONG SAID WEST LINE AND SAID EASTERLY RIGHT OF WAY LINE WITH A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1939.86 FEET THROUGH A CENTRAL ANGLE OF 10°17'50", AN ARC DISTANCE OF 348.63 FEET (CHORD BEARING AND DISTANCE BEING N34°44'32"W, 348.16 FEET RESPECTIVELY) TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF STATE ROAD 222 BEING THE NORTHWEST CORNER OF SAID PARENT TRACT; THENCE RUN ALONG THE NORTH LINE OF SAID PARENT TRACT AND SAID SOUTHERLY RIGHT OF WAY LINE FOR THE FOLLOWING TEN CALLS, N86°27'49"E, A DISTANCE OF 188.91 FEET; THENCE S03°32'11"E, A DISTANCE OF 17.00 FEET; THENCE N86°27'49"E, A DISTANCE OF 46.00 FEET; THENCE N03°32'11"W, A DISTANCE OF 17.00 FEET; THENCE N86°27'49"E, A DISTANCE OF 593.83 FEET; THENCE S03°32'11"E, A DISTANCE OF 20.00 FEET; THENCE N86°27'49"E, A DISTANCE OF 12.00 FEET; THENCE N03°32'11"W, A DISTANCE OF 7.50 FEET; THENCE N53°43'43"E, A DISTANCE OF 16.64 FEET; THENCE N03°32'11"W, A DISTANCE OF 3.50 FEET; THENCE N86°27'49"E, A DISTANCE OF 151.53 FEET TO THE POINT OF BEGINNING CONTAINING 7.515 ACRES MORE OR LESS.