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6/13/07

ORDINANCE NO. _____
0-06-85

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4 **An ordinance amending the City of Gainesville 2000-2010**
5 **Comprehensive Plan, Future Land Use Map; by changing the**
6 **land use category of certain property, as more specifically**
7 **described in this ordinance, from “Mixed-Use Medium Intensity**
8 **(12-30 units per acre)” to “Residential High-Density (8-100 units**
9 **per acre)”;** located in the vicinity of 2306 SW 13th Street;
10 **providing a severability clause; providing a repealing clause; and**
11 **providing an effective date.**
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14 **WHEREAS,** publication of notice of a public hearing was given that the Future Land Use
15 Map be amended by changing the land use category of certain properties from “Mixed-Use Medium
16 Intensity (12-30 units per acre)” to "Residential High-Density (8-100 units per acre)"; and

17 **WHEREAS,** notice was given and publication made as required by law and a public hearing
18 was held by the City Plan Board on June 15, 2006; and

19 **WHEREAS,** the amendment to the land use category of the City of Gainesville 2000-2010
20 Comprehensive Plan proposed herein directly relates to a small scale development activity as provided
21 in Chapter 163, Florida Statutes; the City of Gainesville will transmit copies of the public notice and
22 this proposed change to the State Land Planning Agency, the regional planning council, and any other
23 person or entity who has requested a copy for their comments subsequent to the passage of this
24 ordinance; and

25 **WHEREAS,** at least ten (10) days notice has been given of a public hearing once by
26 publication in a newspaper of general circulation notifying the public of this proposed ordinance and of

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1 a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of Gainesville;

2 and

3 **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose property
4 will be regulated by the adoption of this Ordinance, at least thirty days prior to the date set for a public
5 hearing on this ordinance; and

6 **WHEREAS**, the public hearing was held pursuant to the published notice described above at
7 which hearing the parties in interest and all others had an opportunity to be 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 Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
11 Plan is amended by changing the land use category of the following described property from “Mixed-
12 Use Medium Intensity (12-30 units per acre)” to “Residential High-Density (8-100 units per acre)”:

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

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

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

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

3 **Section 5.** This ordinance shall become effective immediately upon passage; however, the
4 amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty one
5 (31) days after passage and adoption of this Ordinance unless a petition is filed with the Division of
6 Administrative Hearings pursuant to § 163.3187(3), F.S. In this event this Ordinance shall not become
7 effective until the state land planning agency issues a final order determining the adopted amendment to
8 be in compliance in accordance with § 163.3187, or until the Administration Commission issues a final
9 order determining the adopted amendment to be in compliance in accordance with § 163.3187, F.S.

10 **PASSED AND ADOPTED** this _____ day of _____, 2007.

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PEGEEN HANRAHAN, MAYOR

16 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

20 _____
KURT LANNON,
21 CLERK OF THE COMMISSION

MARION J. RADSON, CITY ATTORNEY

22
23 This ordinance passed this _____ day of _____, 2007.

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25 H:\Marion Radson\Planning\31LUC-06 pet.DOC

(AS FURNISHED) O.R. BOOK 3048 PAGE 502

PREPARER'S NOTE:

PART A - LAKESHORE APARTMENTS

COMMENCE AT THE NORTHEAST CORNER OF THE THOMAS NAPIER GRANT, TOWNSHIP TEN (10) SOUTH, RANGE NINETEEN (19) AND TWENTY (20) EAST, ALACHUA COUNTY, FLORIDA, AND RUN NORTH 85°28'57" EAST 74.81 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 25(US HIGHWAY NO. 441), THENCE RUN NORTH 00°02'00" WEST ALONG SAID RIGHT OF WAY LINE, 941.66 FEET TO THE POINT OF BEGINING; THENCE RUN SOUTH 85°28'57" WEST, 275.00 FEET; THENCE RUN SOUTH 00°02'00" EAST, 321.00 FEET; THENCE RUN SOUTH 85°28'57" WEST, 624.79 FEET; THENCE RUN NORTH 07°33'01" EAST, 378.23 FEET; THENCE RUN 85°28'57" EAST, 849.72 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 25; THENCE RUN SOUTH 00°02'00" EAST ALONG THE WEST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 25, 50 FEET TO THE POINT OF BEGINING.

TAX PARCEL #: 15696-005-000

PART B - LAKESHORE VACANT LOT

COMMENCE AT THE NORTHEAST CORNER OF NAPIER GRANT, RUN EAST 74.81 FEET TO US HIGHWAY NO. 441 RIGHT-OF-WAY, THENCE NORTHERLY ALONG SAID RIGHT-OF-WAY 620.66 FEET, THENCE RUN SOUTH 85 DEGREES WEST 899.79 FEET TO THE POINT OF BEGINING, RUN THENCE SOUTH 7 DEGREES WEST 332.66 FEET, RUN THENCE SOUTH 85 DEGREES WEST 899.79 FEET TO THE WEST LINE OF THE CLINCH GRANT, THENCE RUN NORTHERLY ALONG THE WEST LINE OF THE CLINCH GRANT TO A POINT SOUTH 85 DEGREES WEST OF THE POINT OF BEGINING, THENCE RUN NORTH 85 DEGREES EAST TO THE POINT OF BEGINING.

TAX PARCEL #: 15696-004-001

(PER O.R.B. 2309, PAGE 2358)

A TRACT OF LAND LYING IN THE D.L. CLINCH GRANT, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE THOMAS NAPIER GRANT, TOWNSHIP 10 SOUTH, RANGE 19 AND 20 EAST, ALACHUA COUNTY, FLORIDA, AND RUN NORTH 85 DEGREES, 28 MINUTES, 57 SECONDS EAST, 74.81 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 25 (U.S. HIGHWAY NO. 441); THENCE RUN NORTH 00 DEGREES, 02 MINUTES, 00 SECONDS WEST 820.66 FEET, ALONG SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEGREES, 02 MINUTES, 00 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 121.00 FEET; THENCE RUN SOUTH 85 DEGREES, 28 MINUTES, 57 SECONDS WEST 275.00 FEET; THENCE RUN SOUTH 00 DEGREES, 02 MINUTES, 00 SECONDS EAST 321.00 FEET; THENCE RUN NORTH 85 DEGREES, 28 MINUTES, 57 SECONDS EAST, 137.00 FEET; THENCE RUN NORTH 00 DEGREES, 02 MINUTES, 00 SECONDS WEST, 200 FEET; THENCE RUN NORTH 85 DEGREES, 28 MINUTES, 57 SECONDS EAST, 138.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A PERPETUAL BUT NOT-EXCLUSIVE EASEMENT WHICH SHALL RUN WITH THE TITLE OF THE ABOVE-DESCRIBED LANDS ACROSS, OVER AND UPON THE FOLLOWING DESCRIBED LANDS; COMMENCE AT THE NORTHEAST CORNER OF THE LANDS DESCRIBED ABOVE AND THENCE RUN NORTH 00 DEGREES, 02 MINUTES, 00 SECONDS WEST, 50 FEET; THENCE RUN SOUTH 85 DEGREES, 28 MINUTES, 57 SECONDS WEST 275 FEET; THENCE RUN SOUTH 00 DEGREES, 02 MINUTES, 00 SECONDS EAST 50 FEET TO THE NORTHWEST CORNER OF THE ABOVE-DESCRIBED TRACT; THENCE RUN NORTH 85 DEGREES, 28 MINUTES, 57 SECONDS EAST 275 FEET TO THE POINT OF BEGINNING; DATED FEBRUARY 26, 1962, AND FILED FEBRUARY 27, 1962 IN OR BOOK 176, PAGE 207, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

TAX PARCEL #: 15696-003-000