

D R A F T

1/8/2009

ORDINANCE NO. _____
0-08-28

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4 **An ordinance of the City of Gainesville, Florida, amending the**
5 **Zoning Map Atlas and rezoning certain property, as more**
6 **specifically described in this Ordinance, from the Alachua**
7 **County zoning category of “Planned Development (PD)**
8 **district” to the City of Gainesville zoning category of “CON:**
9 **Conservation District”;** located in the vicinity of 5724
10 **Southwest 46th Place, commonly known as “Broken Arrow**
11 **Bluff Park” and consisting of approximately 11.00 acres;**
12 **providing a severability clause; providing a repealing clause;**
13 **and providing an immediate effective date.**
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16 **WHEREAS,** publication of notice of a public hearing was given that the Zoning Map
17 Atlas be amended by rezoning certain property annexed into the City be rezoned from the
18 Alachua County zoning category of “Planned Development (PD) district” to the City of
19 Gainesville zoning category of “CON: Conservation District”; and

20 **WHEREAS,** notice was given and publication made as required by law and a public
21 hearing was held by the City Plan Board on March 20, 2008; and

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

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

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

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

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

9 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
10 following described property from the Alachua County zoning category of "Planned
11 Development (PD) district" to the City of Gainesville zoning category of "CON: Conservation
12 District":

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

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

17 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
18 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
19 finding shall not affect the other provisions or applications of the ordinance which can be given
20 effect without the invalid or unconstitutional provisions or application, and to this end the
21 provisions of this ordinance are declared severable.
22

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

3 Section 5. This ordinance shall become effective immediately upon final adoption;
4 however, the rezoning shall not become effective until the amendment to the City of Gainesville
5 2000-2010 Comprehensive Plan adopted by Ordinance No. 071189 becomes effective as
6 provided therein.

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8 PASSED AND ADOPTED this ____ day of _____, 2009.

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Pegeen Hanrahan, 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 _____, 2009.

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

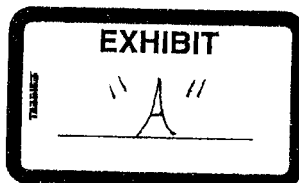
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LEGAL DESCRIPTION

CITY-OWNED PROPERTY – ADJACENT TO LAKE KANAPAHA

LOTS ONE (1) THROUGH SIX (6) INCLUSIVE, OF OAKS OF KANAPAHA UNIT 1,
A PLANNED UNIT DEVELOPMENT LYING IN A PORTION OF SECTION 22,
TOWNSHIP 10 SOUTH, RANGE 19 EAST AS RECORDED IN PLAT BOOK "M",
PAGE 34 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.



TAX PARCEL NUMBER 6909

A PORTION OF SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 22 TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, AND RUN THENCE NORTH 00°05'11" EAST ALONG THE WEST BOUNDARY OF SAID SECTION 2951.24 FEET TO A 5/8" IRON ROD (NO I.D.) FOUND ON THE NORTHERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 363, PAGE 309 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID IRON ROD BEING A CORNER ON THE WESTERLY LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1702, PAGE 1085 ET SEQ. OF SAID PUBLIC RECORDS; THENCE CONTINUE NORTH 00°05'11" EAST ALONG SAID WEST BOUNDARY AND SAID WESTERLY LINE 1113.37 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°05'11" EAST ALONG SAID WEST BOUNDARY AND SAID WESTERLY LINE 495.53 FEET TO A CONCRETE MONUMENT (STAMPED 'PLS 509') FOUND AT THE NORTHWEST CORNER OF SAID CERTAIN TRACT OF LAND; THENCE NORTH 89°56'16" EAST, 651.35 FEET TO A REBAR AND CAP (STAMPED 'ENG, DENMAN & ASSOC.')

SET AT THE NORTHEAST CORNER OF SAID CERTAIN TRACT OF LAND; THENCE SOUTH 00°05'11" WEST ALONG THE EAST LINE OF SAID CERTAIN TRACT OF LAND 717.50 FEET TO A REBAR AND CAP (STAMPED 'ENG, DENMAN & ASSOC.')

SET ON THE NORTH BOUNDARY OF 'BROKEN ARROW BLUFF', A SUBDIVISION AS PER THE PLAT THEREOF, RECORDED IN PLAT BOOK "H", PAGE 16 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 89°46'11" WEST ALONG SAID NORTH BOUNDARY OF 'BROKEN ARROW BLUFF', 9.19 FEET TO A CONCRETE MONUMENT (NOT IDENTIFIABLE) FOUND AT THE NORTHWEST CORNER OF LOT 1 OF 'OAKS OF KANAPAHA UNIT 1', A PLANNED UNIT DEVELOPMENT, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 34 OF SAID PUBLIC RECORDS; THENCE SOUTHWESTERLY AND NORTHWESTERLY ALONG THE NORTH LINES OF LOTS 1 THRU 6, INCLUSIVE, OF SAID 'OAKS OF KANAPAHA UNIT 1', THROUGH THE FOLLOWING FOUR (4) COURSES: 1) SOUTH 73°18'34" WEST, 136.28 FEET; 2) NORTH 74°13'55" WEST, 130.43 FEET TO A CONCRETE MONUMENT (NO I.D.); 3) NORTH 35°05'30" WEST, 104.21 FEET TO A NAIL AND DISC (STAMPED 'RLS 2047'); 4) NORTH 57°31'41" WEST, 4.26 FEET TO A REBAR AND CAP (STAMPED 'RLS 2047') FOUND AT THE NORTHWEST CORNER OF SAID LOT 6; THENCE NORTH 66°54'49" WEST, 350.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.65 ACRES MORE OR LESS.

