

DRAFT

8/4/2009

ORDINANCE NO. _____
0-09-43

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2
3
4 **An Ordinance amending the City of Gainesville 2000-2010**
5 **Comprehensive Plan; by changing the land use category of**
6 **certain properties, as more specifically described in this**
7 **ordinance, from the Alachua County land use category of**
8 **“Medium High Density Residential (8-14 DU/acre)” to City of**
9 **Gainesville “Residential Medium Density (8-30 units per acre)”**
10 **and “Conservation,” generally located southwest of the**
11 **intersection of Southwest 20th Avenue and Southwest 43rd**
12 **Street; providing a severability clause; providing a repealing**
13 **clause; and providing an effective date.**
14

15 **WHEREAS,** publication of notice of a public hearing that the Future Land Use Map be
16 amended by changing the land use category of certain lands annexed within the City from the
17 Alachua County land use category of “Medium High Density Residential (8-14 DU/acre)” to City
18 of Gainesville “Residential Medium Density (8-30 units per acre)” and “Conservation;” and

19 **WHEREAS,** notice was given and publication made as required by law and a public
20 hearing was held by the City Plan Board on April 23, 2009; and

21 **WHEREAS,** notice was given and publication made as required by a law and a public
22 hearing on the petition was held by the City Commission on July 2, 2009; and

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

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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
5 the 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
7 described above at which hearings the parties in interest and all others had an opportunity to be and
8 were, in fact, 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.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
14 Plan is amended by changing the land use category of the following described property from the
15 Alachua County land use category "Medium High Density Residential (8-14 DU/acre)" to: the (1)
16 City of Gainesville land use category "Residential Medium Density (8-30 units per acre);" and (2)
17 the City of Gainesville land use category "Conservation," as more specifically described and shown
18 as follows:

19 See legal descriptions attached hereto as Exhibit "A" (Parcel A
20 changed to Conservation land use) and Exhibit "B" (Parcel B
21 changed to Residential Medium Density land use), both of which are
22 made a part hereof as if set forth in full. A map depicting Parcel A

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1 and Parcel B is attached for illustrative purposes only as Exhibit "C."
2

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

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

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

13 **Section 5.** This ordinance shall become effective immediately upon passage on second
14 reading; however, the effective date of this plan amendment shall be the date a final order is issued
15 by the Department of Community Affairs finding the amendment to be in compliance in accordance
16 with Section 163.3184, F.S.; or the date a final order is issued by the Administration Commission
17 finding the amendment to be in compliance in accordance with Section 163.3184, F.S.

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PASSED AND ADOPTED this ____ day of _____, 2009.

PEGEEN HANRAHAN,
MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Kurt Lannon,
Clerk of the Commission

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.



EXHIBIT "A"

(changed to Conservation land use)

ENG, DENMAN & ASSOCIATES, INC.

ENGINEERS • SURVEYORS • PLANNERS

July 15, 2009

Legal Description:

For: Jon Heise
Parcel A

A portion of the southeast 1/4 of southeast 1/4 of Section 10, Township 10 South, Range 19 East, Alachua County, Florida; being more particularly described as follows:

Begin at the northwest corner of the southeast 1/4 of southeast 1/4 of Section 10, Township 10 South, Range 19 East, Alachua County, Florida, and run thence South 89°58'06" East, along the north line of said southeast 1/4 of southeast 1/4, a distance of 660.81 feet to the northeast corner of north 3/5 of west 1/2 of said southeast 1/4 of southeast 1/4; thence South 00°04'26" East, along the east line of said north 3/5, a distance of 71.74 feet to a point lying 100.00 feet northwesterly of (measured perpendicular) the northwesterly right-of-way line of a 100 foot wide Florida Power Corporation Easement as per Deed Book 329, page 212 of the Public Records of Alachua County, Florida; thence South 45°46'31" West, 100.00 feet northwesterly of and parallel with said northwesterly right-of-way line, 461.41 feet; thence North 00°02'12" West, 126.37 feet; thence South 89°57'48" West, 330.00 feet to a point on the west line of said southeast 1/4 of southeast 1/4; thence North 00°02'12" West, along said west line, 267.77 feet to the Point of Beginning.

Containing 3.79 acres (165,301 square feet), more or less.



EXHIBIT "B"

(changed to Residential Medium Density land use)

ENG, DENMAN & ASSOCIATES, INC.

ENGINEERS • SURVEYORS • PLANNERS

July 15, 2009

Legal Description

For: Jon Heise

Parcel B

A portion of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 10, Township 10 South, Range 19 East, Alachua County, Florida; being more particularly described as follows:

Commence at the northwest corner of the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 10, Township 10 South, Range 19 East, Alachua County, Florida, and run thence South $89^{\circ}58'06''$ East, along the north line of said southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$, a distance of 660.81 feet to the northeast corner of the north $\frac{3}{5}$ of west $\frac{1}{2}$ of said southeast $\frac{1}{4}$ of southeast $\frac{1}{4}$; thence South $00^{\circ}04'26''$ East, along the east line of said north $\frac{3}{5}$, a distance of 71.74 feet to a point lying 100.00 feet northwesterly of (measured perpendicular) the northwesterly right-of-way line of a 100 foot wide Florida Power Corporation Easement as per Deed Book 329, page 212 of the Public Records of Alachua County, Florida, and to the Point of Beginning; thence South $45^{\circ}46'31''$ West, 100.00 feet northwesterly of and parallel with said northwesterly right-of-way line, 461.41 feet; thence South $00^{\circ}02'12''$ East, 273.63 feet; thence South $89^{\circ}57'48''$ West, 330.00 feet to a point on the west line of said southeast $\frac{1}{4}$ of southeast $\frac{1}{4}$; thence South $00^{\circ}02'12''$ East, along said west line, 60.00 feet; thence North $89^{\circ}57'48''$ East, 210.00 feet; thence South $00^{\circ}02'12''$ East, 69.05 feet to a point on the south line of the north $\frac{3}{5}$ of the west $\frac{1}{2}$ of said southeast $\frac{1}{4}$ of southeast $\frac{1}{4}$; thence South $89^{\circ}59'40''$ East, along said south line, 451.33 feet to the southeast corner of said north $\frac{3}{5}$ of the west $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of southeast $\frac{1}{4}$; thence North $00^{\circ}04'26''$ West, along said east line of the north $\frac{3}{5}$, a distance of 724.62 feet to the POINT OF BEGINNING.

Together with:

Parcel 1:

A parcel of land situated in the west $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 10, Township 10 South, Range 19 East, Alachua County, Florida, and being more particularly described as follows:

Commence at the southeast corner of said Section 10 for a point of reference, thence North $89^{\circ}58'20''$ West, along the south line of said Section 10, a distance of 660.39 feet to the southeast corner of the west $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$; thence North $00^{\circ}03'31''$ West, along the east line of the said west $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$, a distance of 210.00 feet to the northeast corner of that parcel of land described in Official Records Book 902, page 168 of the Public Records of Alachua County, Florida, and the POINT OF BEGINNING; from said POINT OF BEGINNING, thence North

89°58'20" West, along the north line of said parcel of land described in Official Records Book 902, page 168 and parallel to the said south line of Section 10, a distance of 225.06 feet; thence North 00°01'48" West, a distance of 159.51 feet; thence South 89°58'20" East, a distance of 225.02 feet to the said east line of the west ½ of the southeast ¼ of the southeast ¼; thence South 00°03'31" East, along said east line of the west ½, a distance of 159.48 feet to the said POINT OF BEGINNING.

Together with:

Parcel 2:

The south 210 feet of the east 210 feet of the west ½ of the southeast ¼ of the southeast ¼, all lying in Section 10, Township 10 South, Range 19 East, Alachua County, Florida.

Together with:

Parcel 3:

A parcel of land situated in the west ½ of the southeast ¼ of the southeast ¼ of 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; thence North 89°58'20" West, along the south line of said Section 10, a distance of 660.39 feet to the southeast corner of the west ½ of the southeast ¼ of the southeast ¼; thence North 00°03'31" West along the east line of the said west ½ of the southeast ¼ of the southeast ¼, a distance of 210.00 feet to the northeast corner of that parcel of land described in Official Records Book 902, page 168 of the Public Records of Alachua County, Florida; thence North 89°58'20" West along the north line of said parcel as described in Official Records Book 902, page 168 and parallel to the said south line of Section 10, a distance of 225.06 feet to the POINT OF BEGINNING; from said POINT OF BEGINNING continue North 89°58'20" West, parallel to the said south line of Section 10 and along a portion of the north line of that parcel of land known as Tax Parcel No. 6687-1 on the tax rolls of Alachua County, Florida, a distance of 225.06 feet to the southeast corner of that parcel of land known as Tax Parcel No. 6687-2 in said tax rolls of Alachua County, Florida; thence North 00°00'05" West, along the east line of said Tax Parcel No. 6687-2, a distance of 159.54 feet; thence South 89°58'20" East, a distance of 225.02 feet; thence South 00°01'48" East, a distance of 159.51 feet to the said POINT OF BEGINNING.

Together with:

Parcel 4:

A parcel of land situated in the west ½ of the southeast ¼ of the southeast ¼ of Section 10, Township 10 South, Range 19 East, Alachua County, Florida, and being more particularly described as follows:

Commence at the southeast corner of said Section 10 for a point of reference; thence North 89°58'20" West, along the south line of said Section 10, a distance of 660.39 feet to the southeast corner of the west ½ of the southeast ¼; thence North 00°03'31" West, along the east line of the said west ½ of the southeast ¼ of the southeast ¼ a distance of 210.00 feet to the northeast corner of that parcel of land described in Official Records Book 902, page 168 of the Public Records of Alachua County, Florida; thence continue North 00°03'31" West, along the said east line of the west ½ of the southeast ¼ of the southeast ¼, a distance of 318.96 feet to the north line of the south 2/5 of the said west ½ of the southeast ¼ of the southeast ¼; thence North 89°58'20" West along the said north line of the south 2/5, a distance of 224.96 feet to the POINT OF BEGINNING; from said POINT OF BEGINNING thence South 00°01'48" East, a distance of 159.51 feet; thence North 89°58'20" West, a distance of 225.02 feet to the east line of that parcel of land known as Tax Parcel No. 6687-2 on the tax rolls of Alachua County, Florida; thence North 00°00'05" West along said east line of Tax Parcel No. 6687-2, a distance of 159.53 feet to the said north line of the south 2/5 of the west ½ of the southeast ¼ of the southeast ¼; thence South 89°58'20" East, along said north line of the south 2/5, a distance of 224.97 feet to the said POINT OF BEGINNING.

Together with:



Parcel 5:

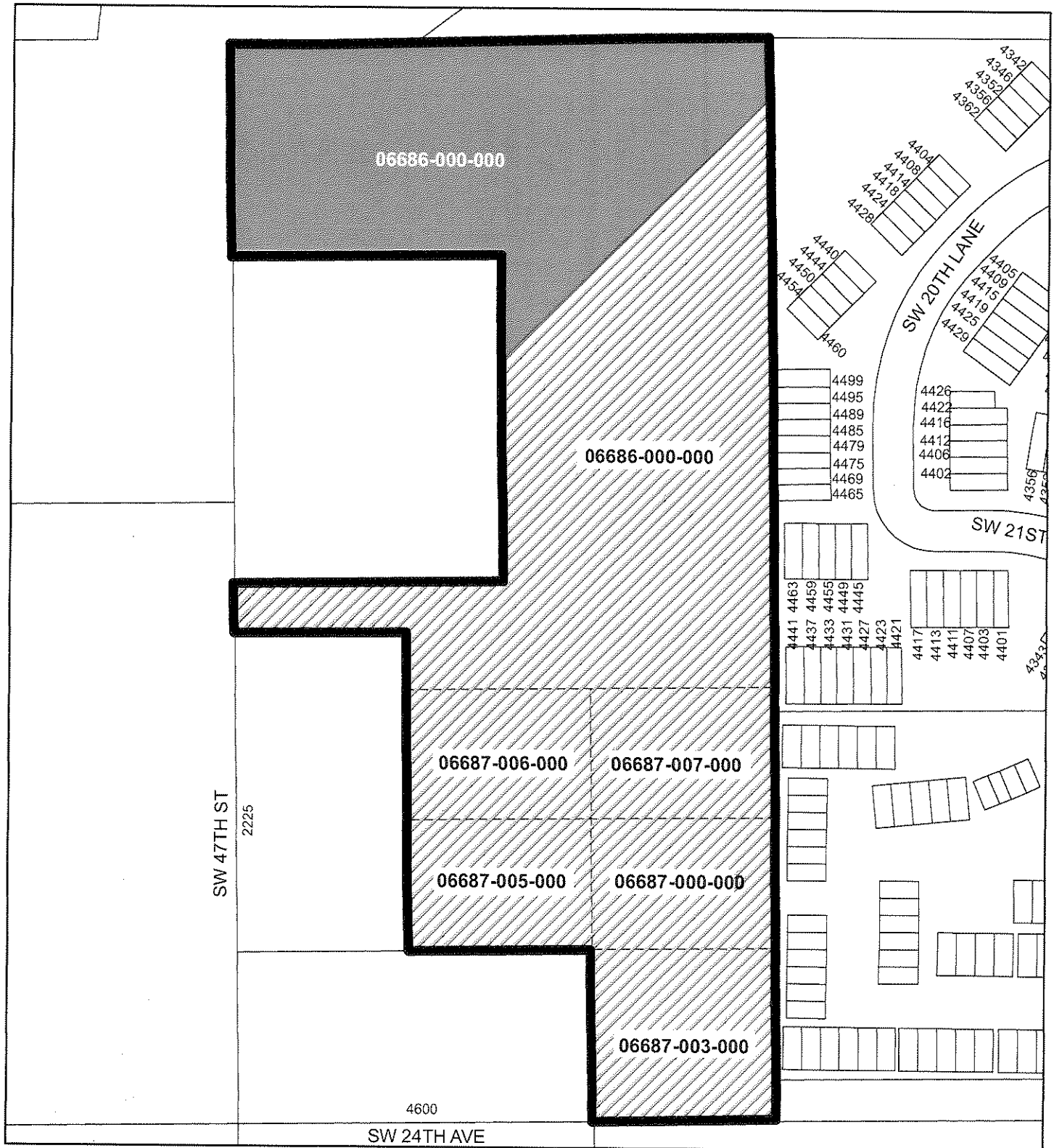
A parcel of land situated in the west ½ of the southeast ¼ of Section 10, Township 10 South, Range 19 East, Alachua County, Florida, and being more particularly described as follows:

Commence at the southeast corner of said Section 10 for a point of reference, thence North 89°58'20" West along the south line of said Section 10, a distance of 660.39 feet to the southeast corner of the west ½ of the southeast ¼ of the southeast ¼; thence North 00°03'31" West, along the east line of the said west ½ of the southeast ¼ of the southeast ¼, a distance of 210.00 feet to the northeast corner of that parcel of land described in Official Records Book 902, page 168 of the Public Records of Alachua County, Florida; thence continue North 00°03'31" West, along the said east line of the west ½ of the southeast ¼ of the southeast ¼, a distance of 159.48 feet to the POINT OF BEGINNING; from said POINT OF BEGINNING, thence North 89°58'20" West, a distance of 225.02 feet; thence North 00°01'48" West, a distance of 159.51 feet to the north line of the south 2/5 of the said west ½ of the southeast ¼ of the southeast ¼; thence South 89°58'20" East, along said north line of the south 2/5, a distance of 224.96 feet to the said east line of the west ½ of the southeast ¼ of the southeast ¼; thence South 00°03'31" East, along said east line of the west ½, a distance of 159.48 feet to the said POINT OF BEGINNING.

Containing 9.24 acres (402,425 square feet) in aggregate, more or less.

EXHIBIT "C"

-  Parcel A (to be changed to CON Land Use)
-  Parcel B (to be changed to RM Land Use)



City of Gainesville, Gainesville Florida
 Planning Dept. - GIS Section
 File: Townhomes_CON_LUC_080309



This map is for informational purposes only. Do not rely on this map for accuracy of dimensions, size or location. The City of Gainesville does not assume responsibility to update this information or for any error or omission on this map. For specific information, you are directed to contact the City of Gainesville, Florida.

