

ORDINANCE NO. 080027
0-08-32

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the Alachua County land use category of "Rural/Agriculture" to the City of Gainesville land use category of "Conservation"; located in the 6600 block of Northeast 39th Avenue; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, publication of notice of a public hearing was given that the Future Land Use Map be amended by changing the land use category of certain property from the Alachua County land use category of "Rural/Agriculture" to City of Gainesville land use category of "Conservation"; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on May 15, 2008; and

WHEREAS, the amendment to the land use category of the City of Gainesville 2000-2010 Comprehensive Plan proposed herein directly relates to a small scale development activity as provided in Chapter 163, Florida Statutes; and

WHEREAS, the City of Gainesville will transmit copies of the public notice and this proposed ordinance to the State Land Planning Agency, the regional planning council, and any other person or entity who has requested a copy; and

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

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

3 **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose
4 property will be regulated by the adoption of this Ordinance, at least thirty (30) days prior to the
5 date set for a public hearing on this ordinance; and

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

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

11 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive
12 Plan is amended by changing the land use category of the following described property from the
13 Alachua County land use category of "Rural/Agriculture" to the City of Gainesville land use
14 category of "Conservation":

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

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

21 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance
22 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

1 finding shall not affect the other provisions or applications of the ordinance which can be given
2 effect without the invalid or unconstitutional provisions or application, and to this end the
3 provisions of this ordinance are declared severable.

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

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

1 Commission issues a final order determining the adopted amendment to be in compliance in
2 accordance with § 163.3187, F.S.

3 **PASSED AND ADOPTED** this 11th day of August, 2008.

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9 ATTEST:


PEGEEN HANRAHAN, MAYOR

APPROVED AS TO FORM AND LEGALITY:


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KURT LANNON
CLERK OF THE COMMISSION


MARION J. RADSON, CITY ATTORNEY
AUG 12 2008

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This ordinance passed this 11th day of August, 2008.

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LEGAL DESCRIPTION
AREA 1
PARCEL # 17752-004-000

A TRACT OF LAND SITUATED IN THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 9 SOUTH, RANGE 21 EAST ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 30, TOWNSHIP 9 SOUTH, RANGE 21 EAST FOR THE POINT OF BEGINNING; THENCE RUN NORTH $00^{\circ} 27' 33''$ WEST 300.63 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER S-232 AND THE EXISTING CITY OF GAINESVILLE LIMIT LINE; THENCE RUN NORTH $42^{\circ} 44' 22''$ EAST ALONG SAID RIGHT-OF-WAY LINE AND EXISTING CITY LIMIT LINE 429.70 FEET; THENCE CONTINUE ALONG THE CITY OF GAINESVILLE LIMIT LINES THE FOLLOWING THREE COURSES: SOUTH $36^{\circ} 52' 26''$ EAST 232.56 FEET; NORTH $77^{\circ} 33' 15''$ EAST 100.00 FEET; SOUTH $12^{\circ} 26' 45''$ EAST 450.98 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 30; THENCE LEAVING SAID CITY LIMIT LINE RUN SOUTH $89^{\circ} 29' 53''$ WEST ALONG SAID SOUTH LINE OF THE SOUTHWEST $\frac{1}{4}$ OF THE NORTHEAST $\frac{1}{4}$ 623.34 FEET TO THE POINT OF BEGINNING.

