

**D R A F T**

1/6/2009

**ORDINANCE NO. \_\_\_\_\_**  
**0-08-27**

1  
2  
3  
4       **An Ordinance amending the City of Gainesville 2000-2010**  
5       **Comprehensive Plan; by changing the land use category of**  
6       **certain property, as more specifically described in this**  
7       **ordinance, from the Alachua County land use category of**  
8       **“Medium Density Residential” to the City of Gainesville land**  
9       **use category of “Conservation” consisting of approximately**  
10       **11.00 acres, located in the vicinity of 5724 SW 46<sup>th</sup> Place,**  
11       **commonly known as “Broken Arrow Bluff Park”; providing a**  
12       **severability clause; providing a repealing clause; and providing**  
13       **an immediate effective date.**  
14  
15

16       **WHEREAS,** publication of notice of a public hearing that the Future Land Use Map be  
17 amended by changing the land use category of certain lands annexed within the City from the  
18 Alachua County land use category of “Medium Density Residential” to the City of Gainesville land  
19 use category of “Conservation”; and

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

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

27       **WHEREAS,** pursuant to law, after the public hearing at the transmittal stage, the City of  
28 Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

**D R A F T**

1/6/2009

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  
3 the 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           **WHEREAS**, prior to adoption of this ordinance the City Commission has considered the  
8 comments, recommendations and objections, if any, of the State Land Planning Agency.

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 "Medium Density Residential" to the City of Gainesville land  
14 use category of "Conservation";

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

17  
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

**D R A F T**

1/6/2009

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 on second  
7 reading; however, the effective date of this plan amendment shall be the date a final order is issued  
8 by the Department of Community Affairs finding the amendment to be in compliance in accordance  
9 with Section 163.3184, F.S.; or the date a final order is issued by the Administration Commission  
10 finding the amendment to be in compliance in accordance with Section 163.3184, F.S.

11       **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2009.

12  
13  
14 \_\_\_\_\_  
Pegeen Hanrahan, Mayor

15  
16 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

17  
18  
19  
20 \_\_\_\_\_  
21 Kurt Lannon,  
22 Clerk of the Commission

\_\_\_\_\_  
Marion J. Radson, City Attorney

23  
24       This ordinance passed on first reading this \_\_\_\_ day of \_\_\_\_\_, 2008.

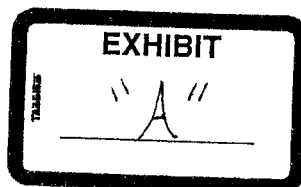
25  
26       This ordinance passed on second reading this \_\_\_\_ day of \_\_\_\_\_, 2009.

27  
28 MJR/jls  
29 H:\Marion Radson\Planning\24LUC-08PB PET.DOC

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.

