ORDINANCE NO. 100455

An ordinance of the City of Gainesville, Florida, finding that property located at 835 E. University Avenue, Gainesville, Florida, as more specifically described in this Ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2011, and continuing for 10 years under certain conditions; authorizing the Mayor and Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, Section 25-61 of the City of Gainesville Code of Ordinances authorizes ad valorem tax exemptions for eligible improvements to eligible properties pursuant to Sections 196.1997 and 196.1998, Florida Statutes, and

WHEREAS, the owner of the property at 835 E. University Avenue, Gainesville, Florida, as more specifically described in this ordinance, has applied for an ad valorem tax exemption pursuant to Chapter 25, Article IV, Code of Ordinances, City of Gainesville; and

WHEREAS, on July 1, 2008, the Historic Preservation Board approved Part 1 (Preconstruction Application) of the application for ad valorem tax exemption; and

WHEREAS, on April 6, 2010, the Historic Preservation Board approved Part 2 (Final Application for Review of Completed Work) of the application for ad valorem tax exemption; and

WHEREAS, the Historic Preservation Board has recommended to the City Commission that the exemption be granted; and

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the City Commission Auditorium, City Hall, City of Gainesville;

WHEREAS, pursuant to City Code, notice has also been given by mail to the property owner, at least 10 days prior to the date set for the public hearing on this ordinance; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

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

Section 1. The City Commission finds that the property owned by Michael O. Massey and Patricia Duffy, husband and wife, and located at 835 E. University Avenue, Gainesville, Florida, as more particularly described in Exhibit "A" to the Historic Preservation Property Tax Exemption Covenant, attached as "Exhibit 1" of this ordinance and made a part hereof as if set forth in full (the "Property"), is a contributing property located in a historic district commonly known as the Northeast Residential Historic District, meets the requirements of Section 196.1997, F.S., and Section 25-61 thru 25-66, Code of Ordinances, City of Gainesville, and is eligible to receive an ad valorem tax exemption.

Section 2. The City Commission hereby grants an ad valorem tax exemption for 100 percent of the assessed value of eligible improvements made to the Property, as described in the Historic Preservation Property Tax Exemption application. This exemption applies only to those ad valorem taxes levied on the real property by the City of Gainesville that are not levied for the payment of bonds or authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution.

Section 3. This exemption shall take effect on January 1, 2011, remain in effect for 10 years and shall expire on December 31, 2020, as provided in the Historic Preservation Property Tax Exemption Covenant, attached as Exhibit "1" to this ordinance and made a part hereof as if set forth in full (the "Covenant").

Section 4. Upon signature by the property owner, the Mayor and Clerk of the Commission are authorized to sign the Covenant. The property owner is responsible for recording the fully executed Covenant in the official records of Alachua County and for providing a certified copy of the recorded Covenant to the City Manager or designee.

Section 5. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the valid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 6. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 7. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this 2nd day of December, 2010.

CRAIG LOWE, MAYOR

ATTEST:

KURT M. LANNON
CLERK OF THE COMMISSION

Approved as to form and legality

MARION J. RADSON
CITY ATTORNEY

DEC - 2 2010

This Ordinance passed on first reading this 18th day of November, 2010.
This Ordinance passed on second reading this 2nd day of December, 2010.