

D R A F T

11/17/2009

ORDINANCE NO. _____
0-09-59

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4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and rezoning certain property, as more specifically**
6 **described in this Ordinance, from the City of Gainesville zoning**
7 **categories of “BUS: General business district”; “RSF-1: 3.5**
8 **units/acre single-family residential district; “RMF-5: 12 units/acre**
9 **single-family/multiple-family residential district”; and “RMF-6: 8-15**
10 **units/acre multiple-family residential district” to “CON:**
11 **Conservation district”; consisting of approximately 61.6 acres; located**
12 **in the vicinity of 1500 Northwest 45th Avenue; providing a**
13 **severability clause; providing a repealing clause; and providing an**
14 **effective date.**

15
16
17 **WHEREAS,** publication of notice of a public hearing was given that the Zoning Map
18 Atlas be amended by rezoning certain property within the City from the City of Gainesville zoning
19 categories of “BUS: General business district”; “RSF-1: 3.5 units/acre single-family residential
20 district”; “RMF-5: 12 units/acre single-family/multiple-family residential district”; and “RMF-6:
21 8-15 units/acre multiple-family residential district” to “CON: Conservation district”; and

22 **WHEREAS,** notice was given and publication made as required by law and a public
23 hearing was held by the City Plan Board on June 25, 2009; and

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

26 **WHEREAS,** pursuant to law, an advertisement no less than two columns wide by 10 inches
27 long was placed in a newspaper of general circulation and of the public hearing to be held in the City

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1 Commission Meeting Room, First Floor, City Hall, in the City of Gainesville at least seven (7) days
2 after the day the first advertisement was published; 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 the
5 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 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
10 **CITY OF GAINESVILLE, FLORIDA:**

11 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by rezoning the
12 following described properties from the City of Gainesville zoning categories of "BUS: General
13 business district"; "RSF-1: 3.5 units/acre single-family residential district"; "RMF-5: 12
14 units/acre single-family/multiple-family residential district"; and "RMF-6: 8-15 units/acre
15 multiple-family residential district" to "CON: Conservation district":

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

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

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

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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
7 Section 5. This ordinance shall become effective immediately upon final adoption; however,
8 the rezoning shall not become effective until the amendment to the City of Gainesville 2000-2010
9 Comprehensive Plan adopted by Ordinance No. 090199 becomes effective as provided therein.

10 PASSED AND ADOPTED this ____ day of _____ 2010.

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Pegeen Hanrahan, Mayor

ATTEST:

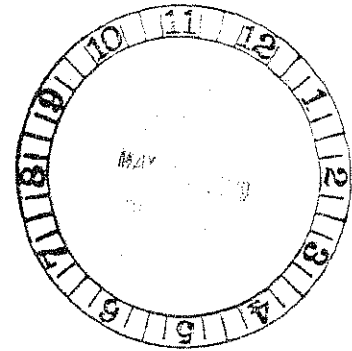
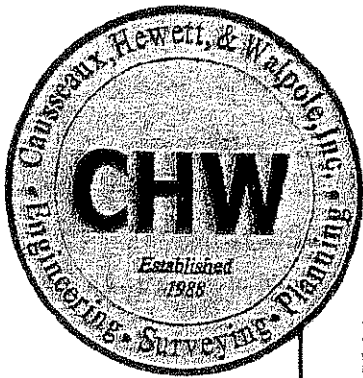
Approved as to form and legality:

20 _____ By: _____
21 KURT LANNON, MARION J. RADSON, CITY ATTORNEY
22 CLERK OF THE COMMISSION

23
24
25
26

This ordinance passed on first reading this ____ day of 2009.

This ordinance passed on second reading this ____ day of 2010.



Date: April 7, 2009
 For: The City of Gainesville
 Job No. 09-0090

Rory P. Causseaux, P.E.
 President

Kevin W. Hewett, P.L.S.
 Vice President - Surveying

Robert J. Waipole, P.E.
 Vice President -
 Engineering & Planning

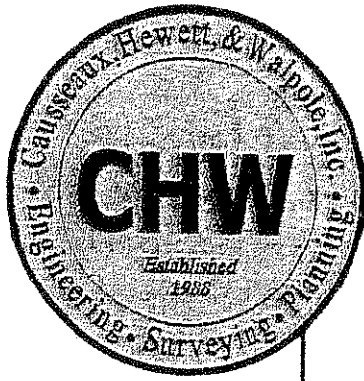
Legal Description:

Parcels 4 and 5 of a Minor Subdivision at the SW corner of Highway No. 441 and NW 53rd Avenue in Section 19, Township 9 South, Range 20 East, Alachua County, Florida recorded in Minor Subdivision Book 2, Pages 84-86, being more particularly described as follows:

Parcel 4

Commence at the Northwest corner of the Northwest ¼ of Section 19, Township 9 South, Range 20 East, Alachua County, Florida and run thence North 89°14'27" East along the North line of said Section 19, a distance of 2664.71 feet to an intersection with the Northerly projection of the East Right-of-Way line of NW 19th Street; thence run South 00°42'53" East, along said Northerly projection, 50.00 feet to the South Right-of-Way line of NW 53rd Avenue; thence run North 89°14'27" East along said South Right-of-Way line, a distance of 660.17 feet; thence run South 00°42'33" East, 655.50 feet; thence South 46°32'08" East, 658.39 feet to the point of curvature of a curve concave Northeasterly, having a radius of 512.72 feet and a central angle of 07°47'06"; thence run Southeasterly along the arc of said curve an arc distance of 69.66 feet to the point of beginning; thence run North 06°31'22" East, 69.55 feet; thence North 38°27'24" West, 51.57 feet; thence North 10°22'47" East, 29.85 feet, thence North 00°02'42" West, 52.18 feet; thence North 77°01'02" East, 50.14 feet; thence North 32°06'10" East, 135.13 feet; thence North 47°07'05" East, 55.68 feet; North 29°57'57" East, 77.00 feet; thence North 23°30'55" East, 17.27 feet; thence North 16°03'26" East, 4.00 feet; thence North 74°42'11" East 58.49 feet; thence North 65°23'58" East, 73.31 feet; thence North 82°30'34" East, 94.85 Feet; thence North 60°06'29" East, 59.75 feet; thence North 43°54'18" East, 31.28 feet; thence North 65°16'51" East, 48.46 feet to the Southwesterly Right-of-Way line of US Highway No. 441 (State Road No. 25 & NW 13th Street); thence run South 46°38'42" East along said Southwesterly Right-of-way line, 75.89 feet to a point of curvature of a curve concave Southwesterly, having a radius of 5679.58 feet and a central angle of 08°26'00" and being subtended by a chord bearing and distance of South 42°36'21" East, 835.22 feet, respectively, thence run Southeasterly along the arc of said curve,

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an arc distance of 835.98 feet; thence run South $89^{\circ}11'43''$ West, 373.70 feet; thence North $00^{\circ}42'01''$ West, 10.33 feet; thence South $89^{\circ}13'02''$ West, 464.51 feet to the point of curvature of a curve concave Northeasterly, having a radius of 512.72 feet and a central angle of $36^{\circ}27'44''$; thence run Northwesterly along the arc of said curve, an arc distance of 326.29 feet to the point of beginning. Containing 11.10 Acres, more or less.

Rory P. Causseaux, P.E.
President

Kevin W. Hewett, P.L.S.
Vice President - Surveying

Robert J. Walpole, P.E.
Vice President -
Engineering & Planning

Less and Except

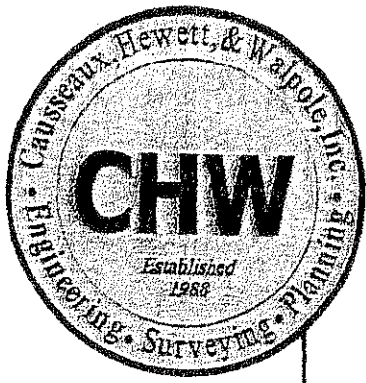
A parcel of land lying in Parcel 4 of a Minor Subdivision at the SW corner of Highway No. 441 and NW 53rd Avenue in Section 19, Township 9 South, Range 20 East, Alachua County, Florida recorded in Minor Subdivision Book 2, Pages 84-86, being more particularly described as follows:

Commence at the Northwest corner of the Northwest $\frac{1}{4}$ of Section 19, Township 9 South, Range 20 East, Alachua County, Florida and run thence North $89^{\circ}14'27''$ East along the North line of said Section 19, a distance of 2664.71 feet to an intersection with the Northerly projection of the East Right-of-Way line of NW 19th Street; thence run South $00^{\circ}42'53''$ East, along said Northerly projection, 50.00 feet to the South Right-of-Way line of NW 53rd Avenue; thence run North $89^{\circ}14'27''$ East along said South Right-of-Way line, a distance of 660.17 feet; thence run South $00^{\circ}42'33''$ East, 655.50 feet; thence South $46^{\circ}32'08''$ East, 658.39 feet to the point of curvature of a curve concave Northeasterly having a radius of 512.72 feet and a central angle of $44^{\circ}14'50''$; thence run Southeasterly along the arc of said curve an arc distance of 395.95 feet; thence run North $89^{\circ}13'02''$ East, 464.51 feet to the point of beginning; thence run North $00^{\circ}42'01''$ West, 426.55 feet to the Southwesterly Right-of-Way line of US Highway No 441 (State Road No 25 & NW 13th Street) and a point on a curve concave Southwesterly, having a radius of 5679.58 feet, a central angle of $05^{\circ}47'49''$ and being subtended by a chord bearing and distance of South $41^{\circ}17'15''$ East, 574.39 feet, respectively; thence run Southeasterly along said Southwesterly Right-of-Way line and the arc of said curve, an arc distance of 574.63 feet; thence run South $89^{\circ}11'43''$ West, a distance of 373.70 feet; thence run North $00^{\circ}42'01''$ West, 10.33 feet to the point of beginning. Containing 1.94 Acres, more or less.

Parcel 5

Commence at the Northwest corner of the Northwest $\frac{1}{4}$ of Section 19, Township 9 South, Range 20 East, Alachua County, Florida and run thence North $89^{\circ}14'27''$ East along the North line of said Section 19, a distance of 2664.71 feet to an intersection with the Northerly projection of the East Right-of-Way line of NW 19th Street; thence run South $00^{\circ}42'53''$ East, along said Northerly projection, 50.00 feet to the South Right-of-Way line of NW 53rd

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Avenue to the point of beginning; thence run North $89^{\circ}14'27''$ East along said South Right-of-Way line, a distance of 660.17 feet; thence run South $00^{\circ}42'33''$ East, 655.50 feet; thence South $46^{\circ}32'08''$ East, 658.39 feet to the point of curvature of a curve concave Northeasterly, having a radius of 512.72 feet and a central angel of $44^{\circ}14'50''$; thence run Southeasterly along the arc of said curve an arc distance of 395.95 feet; thence run North $89^{\circ}13'02''$ East, 464.90 feet; thence South $00^{\circ}42'01''$ East, 10.34 feet; thence run South $00^{\circ}42'02''$ East, 1297.21 feet to the North Right-of-Way line of NW 45th Avenue; thence Run South $89^{\circ}13'09''$ West, 894.79 feet; thence North $29^{\circ}36'50''$ West, 342.45 feet; thence South $89^{\circ}13'09''$ West, 259.54 feet; thence North $00^{\circ}42'33''$ West, 125.00 feet; thence South $89^{\circ}13'09''$ West, 150.68 feet; thence South $28^{\circ}56'32''$ West, 201.51 feet; thence South $89^{\circ}13'09''$ West, 80.00 feet ; thence South $00^{\circ}48'35''$ East, 140.00 feet; thence South $29^{\circ}24'49''$ East, 125.33 feet to said North Right-of-Way line; thence South $89^{\circ}13'09''$ West along said North Right-of-Way line, 295.00 feet; thence North $58^{\circ}01'35''$ West, 83.17 feet to the East Right-of-Way line of NW 19th Street; thence North $00^{\circ}42'53''$ West along said East Right-of-Way line, 566.07 feet; thence North $89^{\circ}13'05''$ East, 634.99 feet; thence North $00^{\circ}42'33''$ West, 686.08 feet; thence South $89^{\circ}13'02''$ West, 635.05 feet to said East Right-of-Way line, thence North $00^{\circ}42'53''$ West, 304.01 feet; thence North $89^{\circ}11'45''$ East, 305.04 feet; thence North $00^{\circ}42'43''$ West, 354.12 feet; thence South $89^{\circ}10'28''$ West, 305.06 feet; thence North $00^{\circ}42'53''$ West, 612.94 feet to the Point of Beginning. Containing 64.74 Acres, more or less.

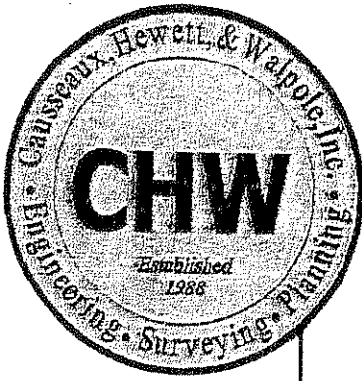
Less and Except

A portion of Parcel 5 of a Minor Subdivision at the SW corner of Highway No. 441 and NW 53rd Avenue in Section 19, Township 9 South, Range 20 East, Alachua County, Florida recorded in Minor Subdivision Book 2, Pages 84-86, being more particularly described as follows:

Commence at the Northwest corner of the Northwest $\frac{1}{4}$ of Section 19, Township 9 South, Range 20 East, Alachua County, Florida and run thence North $89^{\circ}14'27''$ East along the North line of said Section 19, a distance of 2664.71 feet to an intersection with the Northerly projection of the East Right-of-Way line of NW 19th Street; thence run South $00^{\circ}42'53''$ East, along said Northerly projection, 50.00 feet to the Northwest corner of said Parcel 5 and the Point of Beginning; thence run North $89^{\circ}14'27''$ East along the South Right-of-Way line of NW 53rd Avenue and along the North line of said Tract 5, a distance of 660.42 feet to the Northeast corner of said Tract 5; thence run South $00^{\circ}42'33''$ East along the East line of said Tract 5, a distance of 155.00 feet; thence South $89^{\circ}14'20''$ West, a distance of 360.00 feet; thence South $30^{\circ}06'11''$ West, a distance of 244.64 feet; thence South $89^{\circ}14'20''$ West, a distance of 175.00 feet to the East Right-of-Way line of NW 19th Street and the

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EXHIBIT "A" PAGE 3 OF 4



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President

Kevin W. Hewett, P.L.S.
Vice President - Surveying

Robert J. Walpole, P.E.
Vice President -
Engineering & Planning

West line of said Tract 5; thence run North $00^{\circ}43'31''$ West along said East Right-of-Way line and said West line, a distance of 365.00 feet to the Point of Beginning.

Less and Except

A parcel of land being a portion of Blocks 18, 19, 31, and 32 per the Plat of Paradise, as recorded in Plat Book "A", page 4, of the Public Records of Alachua County, Florida, all being situated in Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and being more particularly described as follows:

Commence at a $5/8''$ rebar & cap marked "LB 7148" at the intersection of the East line of said Block 31 with the North Right of Way line of Northwest 45th Avenue (a 100 foot Right of Way); thence South $89^{\circ}13'09''$ West, along said North Right of Way line, a distance of 333.71 feet to the Point of Beginning; thence continue South $89^{\circ}13'09''$ West, along said North Right of Way line, a distance of 561.08 feet; thence departing said North Right of Way line, North $00^{\circ}46'51''$ West, a distance of 683.19 feet; thence North $89^{\circ}13'09''$ East, a distance of 561.08 feet; thence South $00^{\circ}46'51''$ East, a distance of 683.19 feet to the Point of Beginning. Containing 8.80 acres, more or less.

The above described land contains a total net acreage of 61.60 acres, more or less.

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EXHIBIT "A" PAGE 4 OF 4