

CITY OF GAINESVILLE
Office of the City Attorney

980271
MEMORANDUM

Box No. 46
334-5011 / Fax 334-2229

TO: Mayor and City Commission
FROM: Marion J. Radson, City Attorney
SUBJECT: Ordinance No. 0-99-03, Petition No. 151LUC98PB

DATE: December 14, 1998
CITY ATTORNEY
FIRST READING

An Ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan, Future Land Use Map; by changing the future land use category of certain property from "Single Family (up to 8 units per acre)" to "Office"; located in the vicinity of 1605 and 1617 N.W. 16th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.


Recommendation: The City Commission adopt the proposed ordinance.

The above-referenced ordinance has been prepared pursuant to City Commission action requesting the City Attorney's Office to prepare the appropriate ordinance amending the City of Gainesville 1991-2001 Comprehensive Plan by changing the Land Use Classification of certain property.

The proposed amendment to the Comprehensive Plan is being treated as a small scale development activity. After the City Commission adopts the ordinance on first and second reading, it will be filed with the State Land Planning Agency.

The state land planning agency does not review or issue a notice of intent for small scale development amendments. Any affected person may file a petition with the Division of Administrative Hearings to request a hearing to challenge the compliance of a small scale development amendment with Ch. 163 within 30 days following the City's adoption of the amendment.

Small scale development amendments shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, small scale development amendments shall not become effective until the state land planning agency or the Administration Commission issues a final order that the adopted small scale development amendment is in compliance.

Prepared and
Submitted by: 
Marion J. Radson, City Attorney

MJR/afm
Attachment

1 any other person or entity who has requested a copy for their
2 comments subsequent to the passage of this ordinance; and

3 **WHEREAS**, at least ten (10) days notice has been given of a
4 public hearing once by publication in a newspaper of general
5 circulation notifying the public of this proposed ordinance and of
6 a public hearing in the City Commission meeting room, First Floor,
7 City Hall in the City of Gainesville; and

8 **WHEREAS**, pursuant to law, notice has also been given by mail
9 to the owner whose property will be regulated by the adoption of
10 this Ordinance, prior to the date set for a public hearing on this
11 ordinance; and

12 **WHEREAS**, public hearings were held pursuant to the
13 published notices described above at which hearings the parties in
14 interest and all others had an opportunity to be and were, in
15 fact, heard.

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

18 **Section 1.** The Future Land Use Map of the City of Gainesville
19 1991-2001 Comprehensive Plan is amended by changing the land use
20 category of the following described property "Single Family (up to
21 8 units per acre)" to "Office":

22 See legal description attached hereto as
23 Exhibit "A", and made a part hereof as if set
24 forth in full.
25

1 **Section 2.** The City Manager is authorized and directed to make
2 the necessary changes in maps and other data in the City of
3 Gainesville 1991-2001 Comprehensive Plan, or element, or portion
4 thereof in order to comply with this ordinance.

5 **Section 3.** If any section, sentence, clause or phrase of this
6 ordinance is held to be invalid or unconstitutional by any court
7 of competent jurisdiction, then said holding shall in no way
8 affect the validity of the remaining portions of this ordinance.

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

11 **Section 5.** This ordinance shall become effective immediately
12 upon passage on second reading; however, the amendment to the City
13 of Gainesville 1991-2001 Comprehensive Plan shall become effective
14 thirty one (31) days after adoption of this Ordinance on second
15 reading unless a petition is filed with the Division of
16 Administrative Hearings pursuant to § 163.3187(3), F.S. In this
17 event this Ordinance shall not become effective until the state
18 land planning agency issues a final order determining the adopted
19 amendment to be in compliance in accordance with S. 163.3187, or
20 until the Administration Commission issues a final order
21 determining the adopted amendment to be in compliance in

1 accordance with S. 163.3187, F.S.

2 **PASSED AND ADOPTED** this _____ day of _____,

3 1998.

4 _____
5 MAYOR

6
7
8 ATTEST: APPROVED AS TO FORM AND LEGALITY:

9
10
11
12
13 _____
14 KURT LANNON, MARION J. RADSON, CITY ATTORNEY
15 CLERK OF THE COMMISSION

16
17 This ordinance passed on first reading this _____ day of
18 _____, 1999.

19
20 This ordinance passed on second reading this _____ day of
21 _____, 1999.

22
23 MJR/afm
24 10/29/98
25 151LUC

LEGAL DESCRIPTION

Petitions 151LUC-98 PB and 152ZON-98 PB
Legislative Matter Nos. 980271 and 980272

Tax Parcel No. 09246-006-000, described as:

Commence at the Northeast corner of the Southeast Quarter (SE 1/4) of Section Thirty-one (31), Township Nine (9) South, Range Twenty (20) East, and run West 1150 feet, thence run South 15 feet to the point of beginning, thence run West 150 feet, thence run South 155 feet, thence run East 150 feet, thence run North 155 feet to the point of beginning. LESS Right of Way as per Deed Book 295, page 493 of the Public Records of Alachua County, Florida.

Tax Parcel No. 09246-007-000, described as:

Commence at the NE corner of the SE 1/4 of Section 31, Township 9 South, Range 20 East and run West 1000 feet, thence South 15 feet to Point of Beginning; thence run West 150 feet; South 155 Feet; East 150 feet; North 155 feet to Point of Beginning. LESS land deeded to State of Florida, being that part of NE 1/4 of Section 31, Township 9 South, Range 20 East bordering on Michigan Avenue described as follows: Commencing at the Northeast corner of the SE 1/4 of Section 31, Township 9 South, Range 20 East, run West 1000 feet; thence South 15 feet to Point of Beginning; thence run West 150 feet; thence South 155 feet; thence East 150 feet; thence North 155 feet to Point of Beginning.

Lying within 50 feet of the survey line of Michigan Avenue extension as surveyed and located by the State Road Department and shown on Official map title Section 2600-104; said survey line being described as passing over and across said Section 31 as follows: Beginning on the West boundary of Section 31, Township 9 South, Range 20 East at a point 2651.6 feet North from a marble monument locating the Southwest corner of said Section 31; thence run South 89 degrees 42' 43" East 5274.94 feet to the East boundary of said Section 31 at a point 2620.4 feet South from a R.R. Spike locating the Northeast corner of said Section 31; exclusive of area in existing road right-of-way.