

ORDINANCE NO. 100456

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5       **An ordinance of the City of Gainesville, Florida, finding that**  
6       **property located at 719 SE Second Avenue, Gainesville,**  
7       **Florida, as more specifically described in this Ordinance,**  
8       **qualifies for an ad valorem tax exemption for historic**  
9       **properties; granting an exemption from ad valorem tax for**  
10       **certain improvements beginning January 1, 2011, and**  
11       **continuing for 10 years under certain conditions; authorizing**  
12       **the Mayor and Clerk of the Commission to sign the Historic**  
13       **Preservation Property Tax Exemption Covenant between the**  
14       **property owner and the City; providing a severability clause;**  
15       **providing a repealing clause; and providing an immediate**  
16       **effective date.**

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19       **WHEREAS**, Section 25-61 of the City of Gainesville Code of Ordinances authorizes ad  
20       valorem tax exemptions for eligible improvements to eligible properties pursuant to Sections  
21       196.1997 and 196.1998, Florida Statutes, and

22       **WHEREAS**, the owner of the property at 719 SE Second Avenue, Gainesville, Florida,  
23       as more specifically described in this ordinance, has applied for an ad valorem tax exemption  
24       pursuant to Chapter 25, Article IV, Code of Ordinances, City of Gainesville; and

25       **WHEREAS**, on August 3, 2010, the Historic Preservation Board approved Part 1  
26       (Preconstruction Application) of the application for ad valorem tax exemption; and

27       **WHEREAS**, on September 7, 2010, the Historic Preservation Board approved Part 2  
28       (Final Application for Review of Completed Work) of the application for ad valorem tax  
29       exemption; and

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

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

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

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

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

8           **Section 1.** The City Commission finds that the property owned by James F. Moseley and  
9 Roxanne M. Luke Moseley, husband and wife, and located at 719 SE 2<sup>nd</sup> Avenue, Gainesville,  
10 Florida, as more particularly described in Exhibit “A” to the Historic Preservation Property Tax  
11 Exemption Covenant, attached as “Exhibit 1” of this ordinance and made a part hereof as if set  
12 forth in full (the “Property”), is a contributing property located in a historic district commonly  
13 known as the Southeast Gainesville Historic District, meets the requirements of Section  
14 196.1997, F.S., and Sections 25-61 thru 25-66, Code of Ordinances, City of Gainesville, and is  
15 eligible to receive an ad valorem tax exemption.

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

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

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

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

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

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

13           **PASSED AND ADOPTED** this 2<sup>nd</sup> day of December, 2010.

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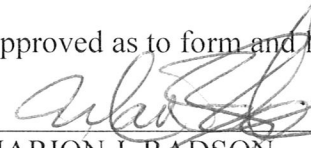
ATTEST:



KURT M. LANNON  
CLERK OF THE COMMISSION

  
CRAIG LOWE, MAYOR

Approved as to form and legality

  
MARION J. RADSON  
CITY ATTORNEY

DEC - 2 2010

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