

ORDINANCE NO. 0-09-55

An ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan, Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from the City of Gainesville land use categories of "Public Facilities (PF)" and "Conservation (CON)" to the City of Gainesville land use category of "Business Industrial (BI)," consisting of approximately 74.48 acres, located in the vicinity of 2900 N.E. 39th Avenue, commonly known as the Alachua County Fairgrounds and Cooperative Extension Office; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, by initiation of a petition by the property owner, publication of notice of a public hearing was given that the Future Land Use Map be amended by changing the land use category of certain property, as more specifically described in this Ordinance, from the City of Gainesville land use categories of "Public Facilities (PF)" and "Conservation (CON)" to the City of Gainesville land use category of "Business Industrial (BI)," and

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

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

WHEREAS, pursuant to law, after the public hearing at the transmittal stage, the City of

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1 Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

2 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was
3 placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at the
4 adoption stage at least five (5) days after the day the second advertisement was published; and

5 **WHEREAS**, public hearings were held pursuant to the published notices described above at
6 which hearings the parties in interest and all others had an opportunity to be and 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 categories of the following described properties from the
13 City of Gainesville land use categories of "Public Facilities (PF)" and "Conservation (CON)," to the
14 City of Gainesville land use category of "Business Industrial (BI)."

15 See Legal Description of Parcel 1 (being changed from PF to BI)
16 attached hereto as Exhibit "A" and made a part hereof as if set forth in
17 full.

18 See Legal Description of Parcel 2 (being changed from CON to BI)
19 attached hereto as Exhibit "B" and made a part hereof as if set forth in
20 full.

21 Parcel 1, Parcel 2, and Parcel 3 (unaffected by this ordinance) are
22 visually depicted for ease of reference on the sketch attached as
23 Exhibit "C" and made a part hereof as if set forth in full. In the event
24 of conflict between the legal descriptions set forth in Exhibits "A" and
25 "B," and the sketch in Exhibit "C," Exhibits "A" and "B" shall
26 prevail.
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2 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
3 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or
4 portion thereof in order to comply with this ordinance.

5 **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance or
6 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 invalid or unconstitutional provisions or application, and to this end the
9 provisions of this ordinance are declared severable.

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

12 **Section 5.** This ordinance shall become effective immediately upon passage on second
13 reading; however, the effective date of this plan amendment shall be the date a final order is issued
14 by the Department of Community Affairs finding the amendment to be in compliance in accordance
15 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission
16 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

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1 PASSED AND ADOPTED this ____ day of _____, 2010.

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CRAIG LOWE
MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

KURT LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2010.

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



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Delivered with Integrity*

LEGAL DESCRIPTION

June 11, 2009
Project No. 07-0734
Parcel 1

LEGAL DESCRIPTION

A tract of land situated in Section 26, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the aforementioned Section 26, Township 9 South, Range 20 East and run S.01°18'05"E., along the West line of said Section 26, a distance of 1225.80 feet to the centerline of N. E. 39th Avenue; thence run S.60°28'57"E., along said centerline, a distance of 102.44 feet to the former Southeasterly right of way line of the Seaboard Coastline Railroad; thence run N.29°32'02"E., along said former right of way line, a distance of 53.75 feet to the Northeasterly right of way line of said N. E. 39th Avenue and the POINT OF BEGINNING; thence, leaving said Northeasterly right of way line of N. E. 39th Avenue, continue N.29°32'02"E., along said former right of way line, a distance of 265.75 feet; thence run N.89°03'25"E., along the North boundary of the lands described in Official Records Book 796, page 238 of the Public Records of Alachua County, Florida, a distance of 600.00 feet; thence run S.29°31'11"W., a distance of 505.00 feet; thence run S.60°28'57"E., a distance of 100.00 feet; thence run S.29°31'03"W., a distance of 68.68 feet to said Northeasterly right of way line of N. E. 39th Avenue; thence run Northwesterly, along said Northeasterly right of way line, the following three courses: (1) thence N.60°28'57"W., a distance of 189.18 feet; (2) thence N.59°30'33"W., a distance of 220.78 feet; (3) thence N.60°28'57"W., a distance of 207.34 feet to the POINT OF BEGINNING.

Containing 5.14 acres more or less.

RECEIVED
JUN 15 2009
PLANNING
DIVISION

Exhibit "A"
to Ordinance No. 090298



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LEGAL DESCRIPTION

June 11, 2009
Project No. 07-0734
Parcel 2

LEGAL DESCRIPTION

A tract of land situated in Section 26, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the aforementioned Section 26, Township 9 South, Range 20 East and run S.01°18'05"E., along the West line of said Section 26, a distance of 1225.80 feet to the centerline of N. E. 39th Avenue; thence run S.60°28'57"E., along said centerline, a distance of 102.44 feet to the former Southeasterly right of way line of the Seaboard Coastline Railroad; thence run N.29°32'02"E., along said former right of way line, a distance of 53.75 feet to the Northeastly right of way line of said N. E. 39th Avenue; thence, leaving said Northeastly right of way line of N. E. 39th Avenue, continue N.29°32'02"E., along said former right of way line, a distance of 265.75 feet; thence run N.89°03'25"E., along the North boundary of the lands described in Official Records Book 796, page 238 of the Public Records of Alachua County, Florida, a distance of 600.00 feet to the POINT OF BEGINNING; thence, leaving said North boundary, run S.29°31'11"W., a distance of 505.00 feet; thence run S.60°28'57"E., a distance of 100.00 feet; thence run S.29°31'03"W., a distance of 68.68 feet to said Northeastly right of way line of N. E. 39th Avenue; thence run S.60°58'57"E., along said Northeastly right of way line, a distance of 3704.42 feet; thence, leaving said Northeastly right of way line, run N.00°48'35"W, along the East boundary of said lands described in Official Records Book 796, page 238 of said Public Records, a distance of 648.99 feet; thence, leaving said East boundary, run S.42°50'54"W., a distance of 49.63 feet to the beginning of a curve concave Northerly, said curve having a radius of 75.00 feet; thence run Westerly, with said curve, through an arc angle of 92°53'09", an arc distance of 121.59 feet (chord bearing and distance of S.89°17'28"W., 108.70 feet respectively) to the end of said curve; thence run S.69°35'26"W., along a non-tangent line, a distance of 45.75 feet; thence run N.60°10'08"W., a distance of 250.44 feet; thence run N.84°43'04"W., a distance of 52.94 feet; thence run N.18°15'22"W., a distance of 349.28 feet; thence run N.04°58'01"W., a distance of 73.36 feet; thence run N.00°16'55"E., a distance of 61.49 feet; thence run N.78°16'18"W., a distance of 143.31 feet; thence run N.77°47'01"W., a distance of 21.98 feet; thence run S.67°07'13"W., a distance of 15.68 feet to the beginning of a curve concave Northerly, said curve having a radius of 75.00 feet; thence run Westerly, with said curve, through an arc angle of 87°13'44", an arc distance of 114.18 feet (chord bearing and distance of N.69°15'55"W., 103.47 feet respectively) to the end of said curve; thence run N.25°39'04"W., a distance of 43.22 feet to the beginning of a non-tangent curve concave Northerly, said curve having a radius of 75.00 feet; thence run Westerly, with said curve, through an arc angle of 71°15'40", an arc distance of 93.28 feet (chord bearing and distance of N.63°19'23"W., 87.38 feet respectively) to the end of said curve; thence run N.27°41'33"W., a distance of 50.03 feet to the beginning of a curve concave Easterly, said curve having a radius of 75.00 feet;

Exhibit "B"
to Ordinance No. 090298
(2 pages)

PARCEL 2- PAGE 2

thence run Northerly, with said curve, through an arc angle of $62^{\circ}07'50''$, an arc distance of 81.33 feet (chord bearing and distance of $N.03^{\circ}22'23''E.$, 77.40 feet respectively) to the end of said curve; thence run $N.34^{\circ}26'18''E.$, a distance of 16.71 feet; thence run $N.47^{\circ}51'04''W.$, a distance of 18.85 feet; thence run $N.57^{\circ}27'03''W.$, a distance of 27.95 feet; thence run $N.86^{\circ}00'34''W.$, a distance of 23.87 feet; thence run $N.77^{\circ}18'10''W.$, a distance of 62.20 feet; thence run $S.80^{\circ}50'12''W.$, a distance of 37.51 feet; thence run $S.73^{\circ}33'12''W.$, a distance of 66.55 feet; thence run $S.25^{\circ}08'32''E.$, a distance of 86.35 feet; thence run $S.31^{\circ}42'34''W.$, a distance of 101.21 feet; thence run $S.69^{\circ}32'32''W.$, a distance of 86.35 feet; thence run $N.86^{\circ}13'56''W.$, a distance of 84.60 feet; thence run $N.52^{\circ}53'00''E.$, a distance of 91.65 feet; thence run $N.35^{\circ}32'21''W.$, a distance of 42.43 feet to the beginning of a non-tangent curve concave Easterly, said curve having a radius of 75.00 feet; thence run Northerly, with said curve, through an arc angle of $74^{\circ}31'16''$, an arc distance of 97.55 feet (chord bearing and distance of $N.23^{\circ}55'56''W.$, 90.82 feet respectively) to the end of said curve; thence run $N.13^{\circ}19'42''E.$, a distance of 74.21 feet to the beginning of a non-tangent curve concave Southeasterly, said curve having a radius of 75.00 feet; thence run Easterly, with said curve, through an arc angle of $153^{\circ}04'18''$, an arc distance of 200.37 feet (chord bearing and distance of $N.52^{\circ}12'33''E.$, 145.88 feet respectively) to the end of said curve; thence run $S.51^{\circ}15'18''E.$, a distance of 45.25 feet; thence run $N.62^{\circ}47'26''E.$, a distance of 95.51 feet; thence run $N.74^{\circ}43'23''E.$, a distance of 138.52 feet; thence run $N.19^{\circ}05'24''W.$, a distance of 38.68 feet; thence run $N.07^{\circ}31'39''E.$, a distance of 99.86 feet to the beginning of a curve concave Easterly, said curve having a radius of 75.00 feet; thence run Northerly, with said curve, through an arc angle of $33^{\circ}06'46''$, an arc distance of 43.34 feet (chord bearing and distance of $N.24^{\circ}05'02''E.$, 42.74 feet respectively) to the end of said curve; thence run $N.01^{\circ}12'23''W.$, along a non-tangent line, a distance of 146.19 feet; thence run $N.00^{\circ}36'44''E.$, a distance of 104.60 feet; thence run $N.45^{\circ}59'22''W.$, a distance of 28.56 feet; thence run $N.83^{\circ}38'22''W.$, a distance of 76.51 feet; thence run $N.31^{\circ}23'16''W.$, a distance of 83.12 feet; thence run $N.18^{\circ}29'46''W.$, a distance of 72.70 feet; thence run $N.10^{\circ}38'13''W.$, a distance of 125.42 feet; thence run $S.89^{\circ}03'25''W.$, along said North boundary of the lands described in Official Records Book 796, page 238 of said Public Records, a distance of 1745.51 feet to the POINT OF BEGINNING.

Containing 69.34 acres more or less.

