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**ORDINANCE NO. 200038**

**An ordinance of the City of Gainesville, Florida, adding specified real properties owned in fee simple by the City of Gainesville to the City of Gainesville Registry of Protected Public Places; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

10       **WHEREAS**, Section 5.09, City of Gainesville Charter, creates a registry known as the  
11 “City of Gainesville Registry of Protected Public Places” (“Registry”) for the purpose of  
12 identifying real properties owned in fee simple by the City that are acquired or used for  
13 conservation, recreation or cultural purposes, and that are deemed worthy of the highest level of  
14 protection; and

15       **WHEREAS**, The City Commission may add properties to the Registry by adopting an  
16 ordinance by 5/7<sup>th</sup> vote of the Commission; and

17       **WHEREAS**, once placed on the Registry the properties may not be sold, or converted to  
18 a use that will result in a loss of values for which a property was placed on the Registry, except by  
19 majority vote of the electors in a city-wide referendum election;

20       **WHEREAS**, at least ten (10) days’ notice has been given once by publication in a  
21 newspaper of general circulation notifying the public of this proposed ordinance and of public  
22 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of  
23 Gainesville; and

24       **WHEREAS**, the public hearings were held pursuant to the notice described above at  
25 which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
26 heard, and the City Commission (by at least a 5/7 vote) approved adding the properties to the  
27 Registry.

28       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**

28 **CITY OF GAINESVILLE, FLORIDA:**

29 **Section 1.** The following real properties or portions of real properties that are owned in fee  
30 simple by the City of Gainesville; that were acquired or are used for conservation, recreation, or  
31 cultural purposes; and that are deemed worthy of the highest level of protection are added to the  
32 City of Gainesville Registry of Protected Public Places:

33 See legal description in Exhibit "A" attached and made a part hereof as if set forth  
34 in full. The properties are located as shown on Exhibit "B" for visual reference. In  
35 the event of conflict or inconsistency, Exhibit "A" shall prevail over Exhibit "B".  
36

37 **Section 2.** A description of the values that support inclusion on the Registry is stated in  
38 Exhibit "A" for each property.

39 **Section 3.** Each property described in this ordinance may not be sold or converted to a use  
40 that will result in a loss of a value or values, as determined by the City Commission, for which the  
41 property was placed on the Registry, except by a majority vote of the electors voting in a city-wide  
42 referendum election. This restriction does not apply where the property is taken for a public  
43 purpose by the state or federal government by way of eminent domain.

44 **Section 4.** The Clerk of the Commission is directed to record this ordinance in the Public  
45 Records of Alachua County, Florida.

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

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

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

54           **PASSED AND ADOPTED** this 21<sup>st</sup> day of October, 2021.

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LAUREN POE  
MAYOR

61   Attest:

Approved as to form and legality:

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63  
64



\_\_\_\_\_  
OMICHELE D. GAANEY  
CITY CLERK

*Marie P. Kessler  
Deputy Clerk*



\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

67  
68   This ordinance passed on first reading this 2<sup>nd</sup> day of September, 2021.

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70   This ordinance passed on second reading this 21<sup>st</sup> day of October, 2021.

**Exhibit A to Ordinance No. 200038**

**NOTICE OF REGISTRATION**

**City of Gainesville Registry of Protected Public Places**

The purpose of this document is to provide registration notification to the citizens of Gainesville. City of Gainesville Charter Section 5.09, which pertains to the protection of City-owned lands acquired or used for conservation, recreation, or cultural purposes, states that a registry will be created for the purpose of identifying fee-simple properties owned by the City of Gainesville that are deemed to be worthy of the highest level of protection. When listed on the registry, said properties may not be sold or converted to a use that will result in a loss of value for which the property was placed on the registry, except by a majority vote of the electors in a city-wide election. Staff evaluated city-owned properties and deemed the following conservation and/or recreation lands to be worthy of this level of protection. Below are the properties to be registered by adoption of this ordinance.

Name: 29<sup>th</sup> Road Nature Park Additions

Location: Vicinity of 1502 NW 29<sup>th</sup> Rd.

Acreage: 5.14 acres

Tax Parcel Number: 08964-011-002 (portions thereof)

Description: Located along the upper reaches of Hogtown Creek

Statement of Value for Placement on Registry:

Contains exemplary instances of Upland Hardwood Forest including seepage slopes; contains tributaries of Hogtown Creek; protects water quality of Hogtown Creek; provides habitat for wildlife and for plants listed by the State of Florida as Threatened or Endangered; buffers existing portions of 29<sup>th</sup> Road Nature Park from incompatible land use.

Lot 11 of Block 1 of Magnolia Park as per plat thereof recorded in Plat Book "C" at page 58 of the Public Records of Alachua County, Florida

And

Commence at the Southwest corner of Lot 11 Forest Park Farms as per the plat thereof recorded in Plat Book "C", page 46 of the Public Records of Alachua County Florida; thence North 3° 30' 47" East a distance of 174.03 Feet to the Point of Beginning; thence continue North 3° 30' 47" East a distance of 301.67 Feet to the Northwest corner of said Lot 11; thence North 88° 53' 48" East along the North line of said Lot 11 a distance of 410.42 Feet to the centerline of Hogtown Creek; run along the meander of Hogtown Creek the following thirteen (13) courses: (1) South 1

° 46' 09" West, 42.19 Feet; (2) South 21° 12' 12" West, 56.58 feet (3) South 21° 30' 24" West, 48.76 Feet; (4) South 17° 43' 42" West, 46.17 Feet; (5) South 0° 14' 38" East, 49.62 Feet; (6) South 9° 27' 09" East, 44.31 Feet; (7) South 21° 53' 18" East, 28.81 Feet; (8) South 36° 35' 46" East, 28.41 Feet; (9) South 84° 15' 12" East, 33.80 Feet (10) South 10° 19' 10" East 11.00 Feet; (11) South 42° 59' 38" East, 31.46 Feet; (12) South 36° 04' 24" West, 18.40 Feet; (13) South 33° 40' 04" West, 55.05 Feet; thence leaving said meander of Hogtown Creek North 86° 34' 12" West a distance of 272.74 Feet; thence North 36° 32' 49" West, 60.84 Feet; thence North 67° 15' 33" West, 131.18 feet to the Point of Beginning of the herein described parcel. Containing 154,345 square feet or 3.54 acres, more or less.

Name: Boulware Springs Park (in part)  
Location: 3300 SE 15<sup>th</sup> St.  
Acreage: 73  
Tax Parcel Number: 16244-000-000  
Description: Uplands located north of parking areas and between SE 15<sup>th</sup> St. and the Downtown Connector Rail Trail.

Statement of Value for placement on Registry:

Consists of remnant Longleaf Pine savanna habitat (sandhill) undergoing ecological restoration. Contains a diversity of rare and locally-rare pine-savanna-associated plant and animal species. Provides habitat and/or potential habitat for multiple state- and federally-listed threatened and endangered pine-savanna-associated plants and animals. Contains sinkholes and a wetland.

Legal Description:

Commence at the Northeast corner of Section 16, Township 10 South, Range 20 East, and run South 0 Degrees 13 Minutes West 659.5 feet to the Point of Beginning; thence run West 208.5 feet; thence run North 0 degrees 13 minutes East 461.5 feet; thence run North 89 degrees 32 minutes West 848 feet; thence run South 9 degrees 35 minutes East 429 feet; thence run South 89 degrees 5 minutes West 761.9 feet to a point on the East line of the Atlantic Coast Line Railroad right-of-way; thence run Southeasterly along the East right-of-way line of said Atlantic Coast Line Railroad to a point which is North 89 degrees 47 minutes West 1201.2 feet of a point on the East boundary of said Section and being 1989.3 feet South of the point of beginning for the land herein described; thence run South 89 degrees 47 minutes East 1201.2 feet to a point, thence run North 0 degrees 13 minutes East 1989.3 feet to the Point of Beginning;

LESS AND EXCEPT

That certain parcel of land heretofore conveyed by Deed recorded in Official Records Book 76, page 123, of the public records of Alachua County, Florida.

Commence at the Southwest corner of Lot Forty-five (45) of Breezy Acres Subdivision as per Plat recorded in Plat Book "E", page 25 of the public records of Alachua County, Florida, thence run North 89 degrees 56 minutes 30 seconds West 63.20 feet; thence run South 9 degrees 35 Minutes East 101.56 feet; thence run South 89 degrees 56 minutes 30 seconds East 1038.78 feet to the East line of Section 16, Township 10 South, Range 20 East, thence run North 0 degrees 01 minutes West 100 feet; thence run North 89 degrees 56 minutes 30 seconds West 100 feet; thence run North 89 degrees 56 minutes 30 seconds West 993.30 feet to the Point of Beginning. All being and lying in the Northeast

Quarter (NE1/4) of Section 16, Township 10 South, Range 20 East, Alachua County,  
Florida, Less the East 208.5 feet, containing 1.93 acres, more or less.

ALSO LESS

Right-of-way of State Road No. S-329-A.

Name: Boulware Springs Park (in part)  
Location: A portion of Section 16, Township 10 South, Range 20 East, Alachua County.  
Acreage: 4.5  
Tax Parcel Number: 16244-000-000  
Description: Northwest corner of Boulware Springs Park, adjacent to the Downtown Connector Trail

Statement of Value for placement on Registry:

Mature native forest. Buffers other portions of Boulware Springs Park from incompatible land uses.

Legal Description:

Commence at the NE corner of Section 16, Township 10 South, Range 20 East, thence run South 0 degrees, 01 minutes, East 659.5 feet along the East line of said Section 16, thence run North 89 degrees, 56 minutes, 30 seconds West 970.75 feet to the Point of Beginning, thence continue North 89 degrees, 56 minutes, 30 seconds West 769.27 feet to the East right of way of the A.C.L. Railroad, thence run North 15 degrees, 10 minutes, 15 seconds West along said right of way 258.75 feet, thence run South 89 degrees, 56 minutes, 30 seconds East 790.14 feet, thence run South 10 degrees, 38 minutes, 15 seconds East 254.11 feet to the Point of Beginning. All being and lying in Section 16, Township 10 South, Range 20 East, Alachua County, Florida.



Name: Colclough Pond Nature Park Additions  
Location: 2350 S. Main St.  
Acreage: 36.56  
Tax Parcel Number: 15701-052-000  
Description: Generally located between Colclough Hills Subdivision and S. Main St.

Statement of Value for placement on Registry:

Contains mature hardwood forest and oak hammock; contains a portion of the shore of Colclough Pond and associated wetlands; buffers Colclough Pond from incompatible land uses; provides habitat or potential habitat for state- and federally-listed threatened and endangered plants and animals.

Legal Description:

A tract of land situated in the D. L. Clinch Grant in T 10S R20E, and in section 16, T 10S, R20E, Alachua County, Florida, said tract of and being more particularly described as follows:

Commence at a railroad spike at the intersection of the North line of the D. L. Clinch Grant in T10 S, R 20E, and the centerline of the Rocky Point Road, and run S 18 degrees 07' 00" W, along said centerline, 846.66 feet; thence run S 71 degrees 53; 00" E, 50.00 feet to the East right of way line of said Rocky Point Road; thence run Southwesterly, along said right of way line, with a curve concave Southeasterly, said curve having a central angle of 01 degree 08; 00", a radius of 34,327.50 feet, a length of 679.01 feet and a chord of S 17 degrees 33' 00" W, 679 feet; thence run S 16 degrees 59' 00"W along said right of way line 1020.49 feet; thence run S 73 degrees 01' 00" E, 270.00 feet; thence run S 16 degrees 59; 00" W, 568.02 feet; thence run S 73 degrees 01; 00" E, 270.00 feet; thence run S 16 degrees 59' 00"W, 568.02 feet to the Point of Beginning; thence continue S 16 degrees 59' 00" W, 231.98 feet; thence run S 26 degrees 01' 25" E, 186.43 feet to the most Northerly corner of Lot 10 of Colclough Hill Unit No. 2, a subdivision as recorded in Plat Book "G., Page 60 of the Public Records of Alachua County, Florida; thence run S 20 degrees 58' 26" E, 687.23 feet to the most Easterly corner of said Lot 10 of said Colclough Hill Unit NO. 2; thence run N 49 degrees 51' 20" E, 150.00 feet; thence run S 40 degrees 08' 40" E, 432.32 feet to a point on the Westerly line of Lot 4 of said Colclough Hill Unit No. 2; thence run N 27 degrees 25' 45" E 553.03 feet to the most Northerly corner of Lot 1 of said Colclough Hill Unity No. 2' thence run S 62 degrees 34; 15" E, 490.00 feet to the Westerly right of way line of state R0oad No. 331; thence run N 27 degrees 25; 00" E, along said right of way line, 396.99 feet; thence run N 66 degrees 47' 27" W, 1679.45 feet to the Point of Beginning.

Less and except any portion thereof deeded to the Gainesville Environmental Improvement Association as per description recorded in Official Records Book 739, Page 46.

AND:

A tract of land situated in the D. L. Clinch Grant, Township 10 South, Range 20 East, Alachua County, Florida, said tract of land being more particularly described as follows:

Commence at a railroad spike at the intersection of the North line of the D. L. Clinch Grant in Township 10 South, Range 20 East, and the centerline of Rocky Point Road, and run S 18 degrees 07'00" W, along said centerline, 846.66 feet; thence run S 71 degrees 53' 00" E, 50.00 feet to the East right of way line of said Rocky Point Road; thence run Southwesterly, along said right of way line, with a curve concave Southeasterly, said curve having a central angle of 01 degree 08' 00", a radius of 34,327.50 feet, a length of 679.01 feet and a chord of S 17 degrees 33' 00" W, 679.00 feet; thence run S 16 59' 00" W, along said right of way line, 243.00 feet to the Point of Beginning; thence run N 73 degrees 01; 00", 199 feet to the Easterly right of way line of said Rocky Point Road, thence run N 16 degrees 59; 00" E, along said right of way line, 777.49 feet to the Point of Beginning.

Name: Forest Park Conservation Area (in part)  
Location: West of Marchwood as per Plat Book M, Page 47, Alachua County  
Acreage: 7  
Tax Parcel Number: 6680-007-000 (in part)  
Description: Generally located along lower Hogtown Creek East of I-75

Statement of Value for placement on Registry:

Contains hardwood forest and floodplain swamp surrounding Hogtown Creek. Buffers Hogtown Creek from incompatible land uses. Provides habitat for species listed by the State of Florida as Endangered or Threatened.

Legal Description:

A parcel of land being a portion of those lands described in official records book 3610, page 219 of the public records of Alachua County Florida, being situated in section 10, township 10 south, range 19 east, Alachua County, Florida, being more particularly described as follows:

Begin at the northeast corner of said lands, thence south 0 degrees 04 minutes 26 seconds east along the east line of said lands, a distance of 161.38 feet; thence departing said east line, south 51 degrees 34 36 west a distance of 422.17 feet to the westerly line of said lands; thence north 0 degrees 02 minutes 12 seconds west along said westerly line, a distance of 156.56 feet; thence south 89 degrees 57 minutes 48 seconds west along said westerly line, a distance of 330.00 feet; thence north 0 degrees 02 minutes 12 seconds west along said westerly line, a distance of 267.77 feet to the northwest corner of said lands described in official records book 3610, page 219; thence south 89 degrees 58 minutes 06 seconds east along north line of said lands a distance of 660.81 feet to the point of beginning.

AND

That part of section 10 township 10 south range 19 east Alachua county, Florida being more particularly described as follows:

Commence at a 4 inch by 4 inch concrete monument with brass nail marking the Southeast corner of said Section 10 for a point of reference; from said point of reference proceed North 89 deg 58 min 20 sec West along the South line of said Section 10 (to an old 4 inch by 4 inch concrete monument with no identification locally accepted as the southwest corner of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 10), a distance of 1320.87 feet; thence proceed North 00 degrees 00 minutes 05 seconds West along the West line of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 10 a distance of 660.0 feet to a 5/8 inch re-bar with a yellow plastic cap stamped

P.L.S. 2115 for a point of beginning; from said point of beginning continue North 00 degrees 00 minutes 05 seconds West along said West line of the Southeast 1/4 of the Southeast 1/4 of Section 10, a distance of 400.0 feet to a 5/8 inch re-bar with a yellow cap stamped, PLS 2115; from said re-bar thence proceed South 89 degrees 58 minutes 20 seconds East parallel to the South line of Section 10 a distance of 330.0 feet to a 5/8 inch re-bar with a yellow cap stamped, P.L.S. 2115; from said re-bar thence proceed South 00 degrees 00 minutes 05 seconds East parallel to said West line of the Southeast 1/4 of the Southeast 1/4 of Section 10, a distance of 400.0 feet to a 5/8 inch re-bar with a yellow cap stamped P.L.S. 2115; from said re-bar thence proceed North 89 degrees 58 minutes 20 seconds west parallel to the said South line of said Section 10 a distance of 330.0 feet to a 5/8 inch re-bar with a yellow plastic cap stamped, P.L.S. 2115 and the point of beginning.

Name: Loblolly Woods Additions  
Location: 921 NW 25<sup>th</sup> Ter; vicinity of 2800 NW 8<sup>th</sup> Ave.  
Acreage: 6.28  
Tax Parcel Number: 06435-000-000 (partial), 06438-055-000  
Description: Located in floodplain of Hogtown and Possum Creeks

Statement of Value for placement on Registry:

Contains floodplain of Possum Creek and Hogtown Creek. Provides habitat or potential habitat for species listed as Endangered or Threatened. Buffers creeks from incompatible land use. Buffers other portions of Loblolly Woods from incompatible land use.

Legal Description

Lot 55 of Mason Manor, Unit No. 1 as per plat recorded in Plat Book E, page 30 of the Public Records of Alachua County, Florida.

AND

A tract of land situated in Section 36, Township 9 South, Range 19 East, Alachua County, Florida, said tract of land being more particularly described as follows:

Commence at the SE corner of Section 36, Township 9 South, Range 19 East and run N 89 degrees 49' 33" W, along the South line of said Section 36, 2641.94 feet; thence run N 00 degrees 11' 55" E, 50.00 feet to the North right-of-way line of N.W. 8<sup>th</sup> Avenue and the Point of Beginning; thence continue N 00 degrees 11' 55" E, 910.00 feet to the southerly line of Ridgewood Park as recorded in Plat Book J, Page 60 of the Public Records of Alachua County, Florida; thence run S 45 degrees 11' 11" W, along said southerly line, 491.81 feet; thence run S 00 degrees 11' 55" W, 562.31 feet to the North right-of-way line of said NW 8<sup>th</sup> Avenue; thence run S 89 degrees 49' 33" E, along said North right-of-way line 347.69 feet to the Point of Beginning.

Name: Morningside Nature Center Additions  
Location: Vicinity of 2710 NE 11<sup>th</sup> Place  
Acreage: 138  
Tax Parcel Number: 10860-000-000; 10862-001-000  
Description: Flatwoods and swamps east of Cedar Grove subdivision

Statement of Value for placement on Registry:

Contains well-preserved examples of high-quality pine flatwoods and associated wetlands. Very high native plant and animal diversity. Provides known or potential habitat for federally and/or state-listed threatened or endangered animals and plants. Provides wildlife connectivity between Morningside and Newnans Lake State Forest. Protects water quality of Sunnyland Creek. Buffers the original Morningside property from potential incompatible land uses. Provides potential for hiking trails.

Legal Description:

A part of section 35, township 9 south, range 20 East, Alachua County, Florida, Being more particularly described as follows:

Commence at the southeast corner of said section 35, township 9 south, range 20 east; thence north 01 degrees 00 minutes 58 seconds west, along the east line of said section 35, a distance of 1323.61 feet to the northeast corner of the south ½ of the southeast ¼ of said section 35; thence south 89 degrees 04 minutes 03 seconds west, along the north line of the south ½ of the southeast ¼ of said section 35, a distance 500.00 feet to the point of beginning; thence continue south 89 degrees 04 minutes 03 seconds west, along said north line of said south 1/2 of the southeast ¼ and along the north line of the south ½ of the southwest 1/4 of said section 35, a distance 3473.41 feet to the southeast corner of the northwest quarter of the southwest quarter of said section 35; thence north 01 degrees 02 minutes 15 seconds west, along the east line of said northwest ¼ of the southwest ¼ of said section 35 and its northerly prolongation thereof, a distance of 1395.00 feet; thence north 89 degrees 04 minutes 03 seconds east, a distance of 2227.00 feet to an iron pipe and cap (LB 4603) thence south 15 degrees 17 minutes 34 seconds east, a distance of 228.00 feet to an iron pipe and cap (LB 4603); thence south 55 degrees 49 minutes 28 seconds east, a distance of 228.00 feet to an iron pipe and cap (LB 4603); thence south 74 degrees 33 minutes 40 seconds east, a distance of 442.00 feet to an iron pipe and cap (LB 4603); thence south 51 degrees 58 minutes 42 seconds east, a distance of 261.00 feet to an iron pipe and cap (LB 4603) thence north 78 degrees 37 minutes 00 seconds east, a distance of 340.00 feet to an iron pipe and cap (LB 4603) thence south 63 degrees 29 minutes 01 seconds east, a distance of 48.83 feet to a point 500 feet west of the east boundary of said section 35

thence south 01 degrees 00 minutes 58 seconds east, parallel to said east boundary of said section 35, a distance of 793.98 feet to the point of beginning.

Containing 97.98 acres more or less.

And

Lots Thirty-Nine (39), Forty (40), Forty-One (41) and Forty-Two (42) of the Gainesville Development Company Subdivision as per plat thereof recorded in Plat Book "A", page 105, of the Public Records of Alachua County, Florida, lying and being in Section Thirty-Five (35), Township Nine (9) South, Range Twenty (20) East, Alachua County, Florida.