ORDINANCE NO. 110046

An Ordinance amending the City of Gainesville Comprehensive Plan Future Land Use Map; by changing the land use category of certain property, as more specifically described in this ordinance, from undesignated right-of-way and the Alachua County land use category of "Rural/Agriculture" to the City of Gainesville land use category of "Public Facilities"; consisting of approximately 35 acres, and located in the vicinity of the north side of North 53rd Avenue, extending from the Northwest 3400 block to the Northeast 3000 block; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, 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 properties from undesignated right-of-way and the Alachua County land use category of "Rural/Agriculture" to the City of Gainesville land use category of "Public Facilities"; and

WHEREAS, notice was given and publication made as required by law and a public hearing was held by the City Plan Board on May 26, 2011; 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 at the transmittal stage 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 Gainesville transmitted copies of this proposed change to the Reviewing Agencies and any other local government unit or state agency that requested same; and

WHEREAS, a second advertisement no less than two columns wide by 10 inches long was placed in the aforesaid newspaper notifying the public of the second public hearing to be

held at the adoption stage at least five (5) days after the day the second advertisement was published; and

WHEREAS, the public hearings were held pursuant to the published notices described above at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard; and

WHEREAS, prior to adoption of this ordinance, the City Commission has considered written comments, if any were received, concerning this plan amendment.

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

Section 1. The Future Land Use Map of the City of Gainesville Comprehensive Plan is amended by changing the land use category of the following described properties from undesignated right-of-way and the Alachua County land use category of "Rural/Agriculture" to the City of Gainesville land use category of "Public Facilities", as more specifically described below:

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

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

Section 3. Within 10 days of the transmittal (first) hearing, the City Manager is authorized and directed to transmit a comprehensive plan amendment package, including this ordinance, to the Reviewing Agencies and to any other local government unit or state agency that has filed a written request for same with the City. Within 10 days of the adoption (second) hearing, the City Manager is authorized and directed to transmit a comprehensive plan amendment package, including this

ordinance, to the State Land Planning Agency and to any other Reviewing Agency, local government unit or state agency that filed written comments with the City.

Section 4. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

Section 5. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 6. This ordinance shall become effective immediately upon passage on second reading; however, the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the State Land Planning Agency notifies the City that the plan amendment package is complete in accordance with Chapter 163.3184, F.S. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance in accordance with Chapter 163.3184, F.S. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan

amendment has become effective.

PASSED AND ADOPTED this 5th day of January, 2012.

Craig Lowe

CRAIG LOWE, MAYOR

ATTEST:

KURT M. LANNON
CLERK OF THE COMMISSION

APPROVED AS TO FORM AND LEGALITY:

MARION J. RADSON
CITY ATTORNEY

JAN - 5 2012

This Ordinance passed on first reading on this 20th day of October, 2011.

This Ordinance passed on second reading this 5th day of January, 2012.

Appendix C-2

Legal Descriptions

Parcel 07871-000-000

THT N 90 FT M/L OF THE S 150 FT OF SEC 16-9-20 LESS E 50 FT ALSO COM SE COR SEC 17-9-20 POB W 3186.67 FT N 45 DEG W215.13 FT E 3339 FT S 150 FT POB LESS THE S 60 FT M/L ALSO THE N 90 FT M/L OF THE S 150 FT OF SEC LYING W OFPARADISE-STRICKLAND GRADED RD IN SEC 18-9-20 ALSO THE N 90 FT M/L OF THE S 150 FT OF SEC 13-9-19 LESS W 50 FT LESSR/W FOR SR S-23 OR 485/275

Parcel 07874-001-001

COM SW COR OF SE1/4 SEC N 01 DEG 16 MIN 29 SEC W 150 FT POB N 01 DEG 16 MIN 29 SEC W 150 FT N 88 DEG 37 MIN 57 SEC E2645.36 FT N 88 DEG 58 MIN 08 SEC E 258.74 FT S 01 DEG 01 MIN 52 SEC E 150 FT S 88 DEG 58 MIN 08 SEC W 258.30 FTS 88 DEG 37 MIN 57 SEC W 2645.60 FT POB OR 3644/0893