

LEGISLATIVE #

130440A

ORDINANCE NO. 130440

An ordinance of the City of Gainesville, Florida, finding that property located at 418 NW 4th Avenue, Gainesville, Florida, as more specifically described in this ordinance, qualifies for an ad valorem tax exemption for historic properties; granting an exemption from ad valorem tax for certain improvements beginning January 1, 2014, and continuing for 10 years under certain conditions; authorizing the Mayor and the Clerk of the Commission to sign the Historic Preservation Property Tax Exemption Covenant between the property owner and the City; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, Section 25-61 of the City of Gainesville Code of Ordinances authorizes ad valorem tax exemptions for historic properties pursuant to Sections 196.1997 and 196.1998, Florida Statutes, and

WHEREAS, the owner of the property at 418 NW 4th Avenue, Gainesville, Florida, as more specifically described in this ordinance, has applied for an ad valorem tax exemption pursuant to Chapter 25, Article IV, Code of Ordinances, City of Gainesville; and

WHEREAS, on August 6, 2011, the Historic Preservation Board approved Part 1 (Preconstruction Application) of the Historic Preservation Property Tax Exemption Application; and

WHEREAS, on October 1, 2013, the Historic Preservation Board approved Part 2 (Final Application for Review of Completed Work) of the Historic Preservation Property Tax Exemption Application; and

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

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

1 **WHEREAS**, pursuant to Section 25-65 of the City of Gainesville Code of Ordinances,
2 notice has also been given by mail to the property owner at least 10 days prior to the date of the
3 public hearing of the City Commission on this ordinance; and

4 **WHEREAS**, the public hearings were held pursuant to the notice described above at
5 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
6 heard.

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

9 **Section 1.** The City Commission finds that the property owned by Kathleen A. Davis
10 located at 418 NW 4th Avenue, Gainesville, Florida, as more particularly described in the
11 Historic Preservation Property Tax Exemption Covenant that is attached as Exhibit “A” and
12 made a part hereof as if set forth in full, (“Property”), is a contributing property located in a
13 historic district commonly known as the Pleasant Street Historic District, meets the requirements
14 of Section 196.1997, F.S., and Sections 25-61 thru 25-66 of the City of Gainesville Code of
15 Ordinances, and is 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 and as determined by the Alachua
19 County Property Appraiser. This exemption applies only to those ad valorem taxes levied on the
20 real property by the City of Gainesville that are not levied for the payment of bonds or
21 authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the
22 Florida Constitution.

1 **Section 3.** This exemption shall take effect on January 1, 2014, remain in effect for 10
 2 years and shall expire on December 31, 2023, as provided in the Historic Preservation Property
 3 Tax Exemption Covenant.

4 **Section 4.** Upon signature by the property owner, the Mayor and the Clerk of the
 5 Commission are authorized to sign the Historic Preservation Property Tax Exemption Covenant.
 6 The property owner is responsible for recording the fully executed covenant in the official
 7 records of Alachua County and for providing a certified copy of the recorded covenant to the
 8 City Manager or designee.

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

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

16 **Section 7.** This ordinance shall become effective immediately upon final adoption;
 17 however, the ad valorem tax exemption granted herein shall not become effective until the date
 18 specified in Section 3 of this ordinance.

19
 20 **PASSED AND ADOPTED** this ____ day of _____, 2013.
 21

22
 23 _____
 24 EDWARD B. BRADDY
 25 MAYOR

26
 27 Attest:

28 Approved as to form and legality:
 29

1 _____
2 KURT M. LANNON
3 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

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This ordinance passed on first reading this _____ day of _____, 2013.

This ordinance passed on second reading this _____ day of _____, 2013.