

**ORDINANCE NO. 070706**  
**0-07-120**

**An Ordinance of the City of Gainesville, Florida; rezoning certain lands in the City, as more specifically described in this Ordinance, from "BUS: general business district" to "Planned Development", commonly known as "Gainesville Auto Town Center", located in the vicinity of the 3900 block of N. Main Street, west side; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**WHEREAS**, by initiation of a petition by the property owners, publication of notice of a public hearing was given that the Zoning Map Atlas be amended by rezoning certain properties from the zoning category of "BUS: general business district" to the zoning category of "Planned Development District"; and

**WHEREAS**, notice was given and publication made as required by law of a Public Hearing which was then held by the City Plan Board on October 25, 2007; and

**WHEREAS**, notice was given and publication made of a Public Hearing which was then held by the City Commission on December 10, 2007; and

**WHEREAS**, the City Commission finds that the amendment of the Planned Development District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

**WHEREAS**, the City Commission finds that the development allowed by this Planned Development Ordinance will unavoidably adversely impact at least 4.04 acres of wetland; and

**WHEREAS**, the City Commission finds that the unavoidable impacts to wetlands allowed by this Planned Development District Ordinance can be offset by off-site mitigation, subject to the

1 petitioner (owner/developer) demonstrating compliance with the requirements and conditions of the  
2 City's Land Development Code, and any other regulatory jurisdictions, as more specifically set  
3 forth in this Ordinance; and

4 **WHEREAS**, at least ten (10) days notice has been given once by publication in a  
5 newspaper of general circulation prior to the adoption public hearing notifying the public of this  
6 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,  
7 City Hall, in the City of Gainesville; and

8 **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose  
9 property will be regulated by the adoption of this Ordinance, at least ten days prior to the  
10 adoption of this ordinance; and

11 **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices  
12 described at which hearings the parties in interest and all others had an opportunity to be and were,  
13 in fact, heard.

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

16 **Section 1.** The City Commission adopts the foregoing findings and incorporates  
17 them into this Ordinance.

18 **Section 2.** The Zoning Map Atlas of the City of Gainesville is amended by  
19 rezoning the following described property from the zoning category of "BUS: General  
20 business district" to the zoning category of "Planned Development District";

21 See Exhibit "A" attached hereto and made a part hereof as  
22 if set forth in full.  
23

1           **Section 3.** The City Manager or designee is authorized and directed to make the  
2 necessary change in the Zoning Map Atlas to comply with this Ordinance.

3           **Section 4.** The Development Plan attached to this Ordinance, which consists of  
4 the following:

- 5           1.       the development plan report entitled "Gainesville Auto Town Center  
6           Planned Development Report", revised January 2008, attached and  
7           identified as Exhibit "B".
- 8           2.       development plan maps consisting of 7 sheets: 1) "Cover Sheet", dated January  
9           2008; 2) "Existing Conditions Plan" dated January 2008; 3) "Existing Vegetation  
10          Plan" dated January 2008; 4) "Existing Tree Survey", dated January 2008; 5) "PD  
11          Layout Plan Map", dated January 2008; 6) "General Architectural Theme", dated  
12          January 2008; and 7) "General Architectural Theme", dated January 2008;  
13          attached hereto as Composite Exhibit "C" are incorporated and made a part of this  
14          Ordinance as if set forth in full.

15       The terms, conditions, and limitations of the Development Plan shall regulate the use and  
16       development of the land described herein zoned to the category of Planned Development District  
17       as provided in Chapter 30, Land Development Code of the City of Gainesville (hereinafter  
18       referred to as "Land Development Code"). In the event of conflict between the provisions of the  
19       development plan report (Exhibit "B") and the development plan maps (Exhibit "C"), the  
20       provisions, regulations, and restrictions of the development plan maps (Exhibit "C") shall govern  
21       and prevail.

1           **Section 5.** Any provision of this Ordinance to the contrary notwithstanding, the following

2 additional conditions, restrictions and regulations shall apply and govern the development and use

3 of the property:

4       Condition 1.

5       The alternative fuels dispensing area and associated facilities shall be designed with a separate  
6 access and circulation pattern which is clearly separated and does not conflict with the areas  
7 designated for automobile storage and service areas. The final location, configuration and design  
8 shall be determined by the City Plan Board during development plan review. The use,  
9 construction and operation of a future fuel station as shown on Sheet No. 5 of 7 of Exhibit “C”,  
10 with a maximum of three (3) gasoline pump islands to include a maximum of six stations for the  
11 dispensing of alternative fuels, located adjacent to the learning center, is expressly conditioned  
12 upon the owner/developer filing an application and successfully obtaining a Wellfield Protection  
13 Special Use Permit. The applicant shall meet the Concurrency Management Element  
14 requirements in effect at the time of application. Additionally, the owner/developer shall apply  
15 for and obtain all required state and local approvals for the operation of the fuel station. The fuel  
16 station shall be clearly identified with a circulation and access pattern that separates general  
17 public access from automobile storage and other internal circulation. This Condition does not  
18 prohibit vehicular access to the alternative fuel station from the primary southern entrance drive  
19 on Main Street.

20  
21       Condition 2.

22       The planned development shall comply with the concurrency requirements of the Comprehensive  
23 Plan and shall demonstrate compliance during development plan review. An Application for a  
24 Certificate of Final concurrency shall be filed by the owner/developer at the time of development  
25 plan review.

26  
27       Condition 3.

28       The development plan shows certain development activities in the wetlands, as conceptually  
29 shown on Sheet 5 of Exhibit “C”. This plan would require mitigation for the unavoidable loss of  
30 a minimum of 4.04 acres of wetlands. Prior to the issuance of any development permit for this  
31 planned development, the owner/developer shall, at the time of development plan review,  
32 demonstrate compliance with the conditions for the issuance of a development permit as required  
33 by Section 30-302.1 of the Land Development Code, subject to approval by the City Plan Board.  
34       The mitigation plan for development activities in wetlands as described in the “Gainesville Auto  
35 Town Center Approved Mitigation”, attached as a compact disc and labeled Exhibit “E”, is  
36 hereby referenced as an example of the type of mitigation that would be required.

37  
38       Condition 4.

39       All buildings shall have pedestrian access from 39<sup>th</sup> Avenue and North Main Street. The  
40 dimensions and specifications for said pedestrian access shall be in accordance with the

1 requirements of the Land Development Code, subject to approval by the City Plan Board during  
2 development plan review.

3  
4 Condition 5.

5 Permitted uses within the planned development shall be as set forth in Exhibit "D" attached  
6 hereto and made a part hereof as if set forth in full. Machine and body work is not permitted,  
7 except in a completely enclosed building that shall remain closed at all times of operation.

8  
9 Condition 6.

10 All buildings within the planned development shall have a design and architectural pattern that is  
11 compatible with each other and similar to the elevations as shown on Sheets 6 and 7 of Exhibit  
12 "C". Color tones shall be consistent with the City Advisory Color Guidelines and reflect the  
13 general color tones in the vicinity. The amount of glazing and percentage of materials shall meet  
14 the standard as shown on Sheets 6 and 7. Architectural relief shall be provided along both the  
15 east and south sides of the building placed nearest to the intersection of North Main Street and  
16 Northwest 39<sup>th</sup> Avenue. All of the foregoing matters shall be subject to approval by the city plan  
17 board during development plan review.

18  
19 Condition 7.

20 External buffers for the planned development are as generally shown on Sheet 5 of Exhibit "C",  
21 and shall meet the following minimum standards:

- 22
- 23 i. A 25 foot wide buffer with a 6 foot (6'), 100% opaque vinyl fence shall be constructed  
24 along the north boundary of the subject property to provide screening and buffering for  
25 the residential developments.
  - 26
  - 27 ii. A 75 foot wide buffer, including the ditch, shall be created along the west boundary of the  
28 subject property between the development activities of the planned development and the  
29 residential area to the west. The City Plan Board may allow a variation of up to 10 feet in  
30 the buffer width north of the "Stormwater Management Facilities".
  - 31
  - 32 iii. The City Plan Board, during development plan review, shall determine the type and exact  
33 location of fencing provided for security purposes along the west boundary of the  
34 property.
  - 35
  - 36 iv. The stormwater basin shall be designed so as to serve a dual purpose as a passive  
37 recreation and stormwater facility. These functions shall be maintained in perpetuity.
  - 38

39 Condition 8.

40 The owner/developer shall landscape and maintain in perpetuity the drainage easement and  
41 stormwater management facilities as shown on Sheet 5 of Exhibit "C", without compromising  
42 maintenance needs and drainage function as determined by Public Works. The amount and type  
43 of landscape materials shall be determined by the city plan board during development plan

1 review. The final alignment and design of the ditch shall be subject to approval by the City's  
2 Public Works Department during development plan review based on calculations submitted  
3 justifying the proposed ditch diversion and alignment. Necessary easements that serve this  
4 development related to the ditch and its diverted portion shall be required and conveyed to the  
5 City, at no additional cost or expense to the City, during development plan review. Access points  
6 and adequate access widths shall be provided by the owner/developer to facilitate maintenance of  
7 the ditch by Public Works, subject to approval by the city plan board during development plan  
8 review.

9  
10 Condition 9.

11 There shall be no outdoor public address / loud speaker system used by any operator or use  
12 within this planned development.

13  
14 Condition 10.

15 All lighting shall be in accordance with the City's Land Development Code, specifically  
16 addressing intensity, glare, spillage, and safety needs, subject to approval of the city plan board  
17 during development plan review.

18  
19 Condition 11.

20 There shall be no elevated display of any motor vehicle, equipment or materials sold above the  
21 height of the street buffer hedge, which is generally at least four feet in height.

22  
23 Condition 12.

24 The owner/developer shall construct and maintain noise attenuation devices/buffers, subject to  
25 approval of the city plan board during development plan review, to reduce operational noise  
26 emanating from the planned development onto adjacent properties. In the event the noise  
27 attenuation devices are not sufficient or adequate, in the sole opinion of the City, to reduce  
28 plainly audible noise levels emanating from the subject property to adjoining properties,  
29 particularly residential properties, then the city may require additional structural and operational  
30 modifications. The City's decision shall be based upon the recommendations of an independent  
31 noise consultant retained by the owner/developer and acceptable to the City. All fees and costs  
32 shall be borne by the owner/developer.

33  
34 Condition 13.

35 Wall mounted and free-standing signs are permitted in accordance with the Land Development  
36 Regulations, subject to approval of the city plan board during development plan review. No  
37 electronic or animated signage is allowed.

38  
39 Condition 14.

40 With respect to the north boundary of the planned development, except as otherwise indicated,  
41 landscaping in accordance with the buffer matrix for single-family/commercial shall at a  
42 minimum be provided within the area between the proposed development and existing driveway

1 and the fence. (See Section 30-253. of the Land Development Code relating to landscape buffer  
2 requirements for buffer strip areas.)

3  
4 Condition 15.

5 Landscaping materials shall meet code requirements as to quality, and shall, at a minimum, be  
6 30-65 gallon trees as required by the city arborist.

7  
8 Condition 16.

9 Any provision of this planned development to the contrary notwithstanding, the maximum  
10 allowable square footage for all buildings and structures on the subject property is 150,000  
11 square feet.

12  
13 Condition 17.

14 Any provision of this planned development to the contrary notwithstanding, the planned  
15 development shall maintain a minimum of 20% open space within the planned development.

16  
17 Condition 18.

18 Design, placement and configuration of the limited access driveways/connectivity points shall be  
19 subject to approval by the city plan board during development plan review upon recommendation  
20 of the city departments having jurisdiction.

21 Condition 19.

22 During development plan review, the owner/developer shall be required to conduct a traffic  
23 engineering study by a licensed traffic engineer, and make the necessary improvements to the  
24 traffic and roadway system commensurate with the potential impacts of the development on the  
25 roadway system and related traffic signalization system. The required improvements are subject  
26 to approval of the city plan board during development plan review.

27  
28 Condition 20.

29 Off-street parking is subject to the requirements of the City's Land Development Code. No  
30 parking of motor vehicles is allowed within the public right-of-way, including trucks loading and  
31 unloading. The owner/developer shall place signage directing all loading and unloading to  
32 designated areas. The location and other details of those directional signs shall be subject to  
33 approval of the city plan board during development plan review.

34  
35 Conditions 21.

36 In order to serve this development, sidewalks shall be provided by the owner/developer along  
37 Northeast 2<sup>nd</sup> Way fronting the subject property; the sidewalk shall extend to Northeast 39<sup>th</sup>  
38 Avenue.

39  
40 Conditions 22.

41 In areas immediately adjoining the planned development where existing sidewalks are  
42 deficient or deteriorated, the owner/developer shall provide sidewalks at its own cost and

1 expense, that meet city standards, subject to approval of the city plan board during  
2 development plan review.

3  
4 Condition 23.

5 The planned development may be constructed and completed in two phases as shown on Sheet 5  
6 of Exhibit "C". Prior to issuance of a certificate of occupancy for a particular phase, all  
7 infrastructure and accessory facilities related to finalization of that particular phase shall be  
8 completed and approved by the City's Development Services Department. Development plan  
9 review for Phase I shall be filed by the owner/developer no later than six months after approval  
10 of this ordinance adopting the PD. Construction must commence no later than eighteen (18)  
11 months after adoption of this PD Ordinance. Once construction commences, the development  
12 must maintain an active building permit in accordance with the requirements of the Building  
13 Code. Failure to comply with those requirements shall render this development order null and  
14 void.

15  
16 Condition 24.

17 Development plan review for Phase II shall be filed no later than three years after approval of the  
18 ordinance adopting the PD. Construction must commence no later than eighteen (18) months  
19 after the approval of the Final Development Order for Phase II. Once construction commences,  
20 the development must maintain an active building permit in accordance with the requirements of  
21 the Building Code. If an active building permit is maintained, the development may diligently  
22 proceed towards completion of the planned development. Failure to comply with those  
23 requirements shall render this development order null and void.

24  
25 Condition 25.

26 Any required bonding will be addressed during development plan review and shall be determined  
27 by the city plan board during development plan review.

28  
29 Condition 26.

30 The southerly-most dealership building (Mercedes Benz Dealership) and alternative fuels  
31 learning center building, as shown on Sheet 5 of Exhibit "C", shall be constructed in accordance  
32 with "LEED" energy efficiency standards adopted as of the date of this Ordinance.

33  
34 Condition 27.

35 A maximum of two (2) vehicular access roadways shall be allowed on Main Street, as shown on  
36 Sheet 5 of Exhibit "C".

37 Condition 28.

38 This planned development is located in Zone B of the Transportation Concurrency Exception  
39 Area. The Development shall meet Concurrency Management Element Policy 1.1.4, 1.1.5, and  
40 1.1.6 standards. The transportation related improvements that are required due to site related  
41 impacts are supplemental, and in addition to, the Concurrency Management Element TCEA  
42 Policy standards. The owner/developer shall execute a TCEA Zone B Agreement for the



1 provision of the required Concurrency Management Element Policy 1.1.6 standards (at a  
2 minimum for Phase I) prior to second and final reading of this Ordinance. Prior to issuance of a  
3 final development order for Phase II, the owner/developer shall sign a TCEA Zone B Agreement  
4 for provision of the required standards for Phase II.

5 Condition 29.

6 The Planned Development is valid for a period of five (5) years from the date of final adoption of  
7 this Ordinance. The City Commission may grant an additional one year extension if a request for  
8 good cause is filed in writing with the Clerk of the Commission at least one month prior to the 5-  
9 year expiration date. The City Commission shall be the sole arbiter of good cause and its decision  
10 shall be final. The development order approval by this Planned Development Zoning Ordinance  
11 expires and shall be deemed null and void after the 5-year period unless an extension is granted by  
12 the City Commission. In the event a building permit is issued but the development or portion of the  
13 development fails to proceed to completion with due diligence and in good faith resulting in the  
14 expiration of a building permit or other development order, then this development order shall expire  
15 and be deemed null and void after the expiration of 5 years from the date of final adoption of this  
16 Ordinance. If any time period expires with no extension being requested or granted and the  
17 development order is void, then the City will designate other appropriate zoning consistent with the  
18 Comprehensive Plan.

19  
20 Condition 30.

21 This Ordinance does not eliminate the necessity of the owner/developer from applying for and  
22 obtaining any required federal, state, local and special district authorizations prior to the start of  
23 any development activity approved by this Ordinance. This Ordinance does not convey to the  
24 owner/developer or create in the owner/developer any property right, or any interest in real  
25 property, nor does it authorize any entrance upon or activities on property which is not owned or  
26 controlled by the owner/developer, or convey any rights or privileges.

27  
28 Condition 31.

29 Except as expressly provided herein, the use, regulations and development of the subject property  
30 shall be governed as if this land were zoned BA (automotive-oriented business district).

31  
32 **Section 6.** If it is determined by the City Manager that a violation of this Ordinance exists,  
33 the City Manager may issue and deliver an order to cease and desist from such violation to correct a  
34 violation, to preclude occupancy of the affected building or area, or to vacate the premises. The  
35 City Manager, through the City Attorney, may seek an injunction in a court of competent  
36 jurisdiction and seek any other remedy available at law.

1           **Section 7.** Any person who violates any of the provisions of this ordinance shall be deemed  
2 guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as provided  
3 by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,  
4 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate  
5 offense.

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

11           **Section 9.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
12 such conflict hereby repealed.

13           **Section 10.** This ordinance shall become effective immediately upon final adoption.

14           **PASSED AND ADOPTED** this 14<sup>th</sup> day of April, 2008.


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Pegeen Hanrahan, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

  
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Kurt Lannon,  
Clerk of the Commission

  
\_\_\_\_\_

Marion J. Radson, City Attorney

This ordinance passed on first reading this 24th day of March, 2008.

This ordinance passed on second reading this 14<sup>th</sup> day of April, 2008.

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## Legal Description

## Parcel 1-A:

A tract of land situated in Section 21, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the aforementioned Section 21 for a point of reference and run North 00 degrees, 00 minutes, 54 seconds East along the West line of said Section, a distance of 40.00 feet to the North right-of-way line of Northeast 39th Avenue; thence run South 89 degrees, 28 minutes, 26 seconds East, along said North right-of-way line, a distance of 465.46 feet to an iron pipe; thence run South 89 degrees, 50 minutes, 38 seconds East along said North right-of-way line, a distance of 46.48 feet to an iron pipe; thence run North 00 degrees, 03 minutes, 22 seconds East, a distance of 230.00 feet to a concrete monument; thence run South 89 degrees, 50 minutes, 38 seconds East, a distance of 429.13 feet to an iron pipe located on the West right-of-way line of North Main Street Extension (a 100 foot right-of-way); thence run North 00 degrees, 03 minutes, 38 seconds West along said West right-of-way line, a distance of 746.67 feet to the point of beginning;

thence continue North 00 degrees, 03 minutes, 38 seconds West along said West right-of-way line, a distance of 210.00 feet, to an iron pipe; thence run North 89 degrees, 28 minutes, 26 seconds West, a distance of 50.00 feet; thence run North 00 degrees, 03 minutes, 38 seconds West, parallel with said West right-of-way line, a distance of 50.00 feet to an iron pipe located on the Southerly boundary line of PINE FOREST ESTATES, UNIT NO. TWO, a subdivision, as per plat recorded in Plat Book "K", Page 70, of the Public Records of Alachua County, Florida; thence run North 89 degrees, 28 minutes, 26 seconds West along said Southerly line, a distance of 250.01 feet; thence run South 00 degrees, 03 minutes, 38 seconds East, parallel with the aforementioned West right-of-way line of North Main Street Extension, a distance of 260.00 feet; thence run South 89 degrees, 28 minutes, 26 seconds East, a distance of 300.01 feet to the West right-of-way line of North Main Street Extension and the point of beginning.

## PARCEL 2:

A tract of land situated in Section 21, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows: Commence at the Southwest corner of the aforementioned Section 21 for a point of reference and run North 00°00'54" East along the West line of said Section 21, a distance of 40.00 feet to the North right of way line of Northeast 39th Avenue; thence run South 89°28'26" East, along said North right of way line, a distance of 465.56 feet to an iron pipe; thence run South 89°50'38" East along said North right of way line, a distance of 46.48 feet to an iron pipe; thence run North 00°09'22" East a distance of 230.00 feet to a concrete monument; thence run South 89°50'38" East, a distance of 129.13 feet to the Point of Beginning; thence continue South 89°50'38" East, a distance of 300.00 feet to an iron pipe located on the West right of way line of North Main Street Extension (a 100 foot right of way); thence run North 00°03'38" West, along said West right of way, a distance of 569.81 feet to the P.C. of a curve concave to the Northeast, said curve having a radius of 3,869.72 feet; thence run Northeasterly along said curve and West right of way line, through a central angle of 02°37'19", an arc distance of 177.08 feet, and a chord bearing and distance of North 01°16'24" East, 177.07 feet to a concrete monument; thence run North 89°28'26" West, a distance of 304.14 feet to a concrete monument; thence run South 00°03'38" East, a distance of 748.81 feet to the Point of Beginning.

## Parcel 3-A:

A parcel of land situated in Section 21, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows: Commence at the Southwest corner of Section 21, Township 9 South, Range 20 East, and run North 00°00'54" East, along the West line of said Section 21, 40.00 feet to the North right of way line of N.W. 39th Avenue; thence run South 89°28'26" East, along said right of way line 465.47 feet; thence continue South 89°50'38" East, along said right of way line 346.48 feet to the Point of Beginning; thence continue South 89°50'38" East, along said right of way line, 130.00 feet; thence run North 00°03'38" West, 230.00 feet; thence run North 89°50'38" West, 130.00 feet; thence run South 00°03'38" East, 230.00 feet to the Point of Beginning. Less and Except that portion conveyed to Alachua County in Official Records Book 1484, page 243, and portion conveyed to State of Florida Department of Transportation recorded in Official Records Book 1586, page 572, of the public records of Alachua County, Florida.

## Parcel 1-B:

A tract of land situated in Sections 20 and 21, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows: Commence at the Southwest corner of the aforementioned Section 21 for a point of reference and run North 00°00'54" East along the West line of said Section, a distance of 40.00 feet to the North right of way line of Northeast 39th Avenue; thence run South 89°28'26" East along said North right of way line, a distance of 10.03 feet to an iron pipe, said pipe being located on the East right of way line of Northeast Second Way (a 60 foot right of way); thence run North 00°31'34" East along said East right of way line, a distance of 65.96 feet to an iron pipe at the P.C. of a curve concave Westerly, said curve having a radius of 1586.95 feet; thence run Northwesterly along said East right of way line with said curve through a central angle of 5°56'38" (chord bearing and distance of North 2°26'41" West, 154.56 feet respectively) an arc distance of 154.63 feet, to the Point of Beginning; thence run South 89°28'26" East, a distance of 508.95 feet to a concrete monument; thence run South 89°50'38" East, a distance of 129.13 feet; thence run North 00°03'38" West, a distance of 1008.61 feet to the Southerly boundary line of Pine Forest Estates, Unit No. Two, a subdivision as per plat recorded in Plat Book "K", page 70, of the public records of Alachua County, Florida; thence run North 89°28'26" West along said Southerly line, a distance of 102.65 feet to a steel rod; thence run South 41°02'31" West along said Southerly line, a distance of 138.12 feet to a concrete monument; thence run North 89°28'26" West along said Southerly line, a distance of 130.27 feet to a concrete monument; thence run South 00°31'34" West, along said Southerly line, a distance of 400.00 feet to an iron pipe; thence run South 50°59'54" West, along said Southerly line, a distance of 154.68 feet to an iron pipe; thence run South 72°34'21" West, along said Southerly line, a distance of 270.00 feet to a concrete monument located on the East right of way line of the aforementioned right of way line of the Northeast Second Way; thence run South Southerly along said East right of way line and with a curve concave Westerly, said curve having a central angle of 12°00'35" and a radius of 1586.95 feet (chord bearing and distance of South 11°25'24" East 132.64 feet respectively) an arc distance of 132.64 feet to the Point of Beginning. Subject to the following described easement:

A drainage easement situated in Section 20 and Section 21, Township 9 South, Range 20 East, Alachua County, Florida, said easement being more particularly described as follows: Commence at the Southwest corner of Section 21, Township 9 South, Range 20 East, and run North 00 degrees, 00 minutes, 54 seconds East, along the West line of said Section 21, a distance of 40.00 feet to the North right-of-way line of Northeast 39th Avenue; thence run South 89 degrees, 28 minutes, 26 seconds East, along said North right-of-way line, a distance of 10.03 feet to the Southeast corner of PINE FOREST ESTATES, UNIT NO. ONE, a subdivision as recorded in Plat Book "T", Page 13, of the Public Records of Alachua County, Florida; thence run North 00 degrees, 03 minutes, 34 seconds East, along the East right-of-way line of Northeast Second Way, a distance of 65.96 feet; thence run Northerly along said East right-of-way line with a curve concave Southwesterly, said curve having a central angle of 06 degrees, 24 minutes, 09 seconds, a radius of 1586.95 feet, an arc length of 177.34 feet, and a chord bearing and distance of North 02 degrees, 40 minutes, 31 seconds West 177.24 feet to the point of beginning; thence continue Northwesterly along said East right-of-way with a curve concave Southwesterly, said curve having a central angle of 08 degrees, 49 minutes, 12 seconds, a radius of 1586.95 feet, an arc length of 50.41 feet and a chord bearing of North 06 degrees, 47 minutes, 11 seconds West, 50.41 feet respectively; thence run South 89 degrees, 28 minutes, 26 seconds East, a distance of 210.14 feet; thence run North 09 degrees, 26 minutes, 22 seconds West, a distance of 337.15 feet; thence run North 72 degrees, 34 minutes, 21 seconds East, a distance of 40.25 feet; thence run North 30 degrees, 59 minutes, 54 seconds East, a distance of 151.68 feet; thence run North 00 degrees, 31 minutes, 34 seconds East, a distance of 400.00 feet; thence run South 89 degrees, 28 minutes, 26 seconds East, a distance of 60.00 feet; thence run South 00 degrees, 31 minutes, 34 seconds West, a distance of 449.43 feet; thence run North 89 degrees, 28 minutes, 26 seconds West, a distance of 41.34 feet; thence run South 50 degrees, 59 minutes, 54 seconds West, a distance of 152.34 feet; thence run South 08 degrees, 26 minutes, 22 seconds East, a distance of 349.93 feet; thence run North 89 degrees, 28 minutes, 26 seconds West, a distance of 362.24 feet, to the Easterly right-of-way line of Northeast Second Way and the Point of Beginning of said drainage easement.

## Parcel 1-B:

A parcel of land situated in Section 21, Township 9 South, Range 20 East, Alachua County, Florida; said parcel of land being more particularly described as follows: Commence at the Southwest corner of Section 21, Township 9 South, Range 20 East, and run North 00°00'54" East, along the West line of said Section 21, 40.00 feet to the North right of way line of N.W. 39th Avenue; thence run South 89°28'26" East, along said right of way line 465.47 feet; thence continue South 89°50'38" East, along said right of way line 346.48 feet to the Point of Beginning; thence continue South 89°50'38" East, along said right of way line, 100.00 feet; thence run North 00°03'38" West 230.00 feet; thence run North 89°50'38" West, 100.00 feet; thence run South 00°03'38" East, 230.00 feet to the Point of Beginning.