

DRAFT

3/17/2011

ORDINANCE NO. 100777

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3       **An ordinance amending the City of Gainesville 2000-2010**  
4       **Comprehensive Plan, Future Land Use Map; by changing the**  
5       **land use category of certain property, as more specifically**  
6       **described in this ordinance, from the land use category of**  
7       **“Residential Low-Density (up to 12 units per acre)” to**  
8       **“Education”; located in the vicinity of 2200 Northeast Waldo**  
9       **Road; providing a severability clause; providing a repealing**  
10       **clause; and providing an effective date.**

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13       **WHEREAS**, publication of notice of a public hearing was given that the Future Land Use  
14 Map be amended by changing the land use category of certain property from the land use category of  
15 “Residential Low-Density (up to 12 units per acre)” to “Education”; and

16       **WHEREAS**, notice was given and publication made as required by law and a public hearing  
17 was held by the City Plan Board on February 24, 2011; and

18       **WHEREAS**, the amendment to the land use category of the City of Gainesville 2000-2010  
19 Comprehensive Plan proposed herein directly relates to a small scale development activity as provided  
20 in Chapter 163, Florida Statutes; and

21       **WHEREAS**, the City of Gainesville will transmit copies of the public notice and this proposed  
22 ordinance to the State Land Planning Agency, the regional planning council, and any other person or  
23 entity who has requested a copy; and

24       **WHEREAS**, at least ten (10) days notice has been given of a public hearing once by  
25 publication in a newspaper of general circulation notifying the public of this proposed ordinance and of  
26 a Public Hearing in the City Commission meeting room, First Floor, City Hall in the City of Gainesville;  
27 and

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1           **WHEREAS**, pursuant to law, notice has also been given by mail to the property owner whose  
2 land the City will redesignate by enactment of this ordinance, at least ten days prior to the date set for a  
3 public hearing on this ordinance; and

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

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

8           **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive  
9 Plan is amended by changing the land use category of the following described property from the land  
10 use category of “Residential Low-Density (up to 12 units per acre)” to “Education”:

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

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14           **Section 2.** The City Manager is authorized and directed to make the necessary changes in  
15 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or portion  
16 thereof in order to comply with this ordinance.

17           **Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance or  
18 the application hereof to any person or circumstance is held invalid or unconstitutional, such  
19 finding shall not affect the other provisions or applications of the ordinance which can be given  
20 effect without the invalid or unconstitutional provisions or application, and to this end the  
21 provisions of this ordinance are declared severable.

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

3       **Section 5.** This ordinance shall become effective immediately upon passage; however, the  
4 amendment to the City of Gainesville 2000-2010 Comprehensive Plan shall become effective thirty one  
5 (31) days after passage and adoption of this Ordinance unless a petition is filed with the Division of  
6 Administrative Hearings pursuant to § 163.3187(3), F.S. In this event this Ordinance shall not become  
7 effective until the state land planning agency issues a final order determining the adopted amendment to  
8 be in compliance in accordance with § 163.3187, or until the Administration Commission issues a final  
9 order determining the adopted amendment to be in compliance in accordance with § 163.3187, F.S.

10       **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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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

23       This ordinance passed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

A PARCEL OF LAND SITUATED WITHIN THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1690, PAGE 2233, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND NAIL MARKING THE NORTHWEST CORNER OF SECTION 34, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, FOR A POINT OF REFERENCE; THENCE RUN S89°49'21"E, ALONG THE NORTH LINE OF SAID SECTION 34, A DISTANCE OF 1710.36 FEET; THENCE RUN S00°10'39"W, A DISTANCE OF 33.00 FEET TO A 1/2" STEEL ROD AND CAP (GFY LB021) LYING ON THE SOUTH RIGHT OF WAY LINE OF NORTHEAST 23RD AVENUE AND THE POINT OF BEGINNING; THENCE RUN S00°11'37"W, A DISTANCE OF 49.22 FEET TO A 5/8" STEEL ROD AND CAP (PLS 3224) MARKING THE INTERSECTION WITH THE NORTHEASTERLY LINE OF THE FORMER FLORIDA DEPARTMENT OF TRANSPORTATION PROPERTY; THENCE RUN S57°07'54"E, ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 907.82 FEET TO A 1/2" STEEL ROD AND CAP (PLS 3224) LYING ON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 24 (aka WALDO ROAD); THENCE RUN N30°41'38"E, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 114.45 FEET TO A 1/2" STEEL ROD AND CAP (GFY LB021); THENCE RUN N59°18'22"W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 17.00 FEET TO A 1/2" STEEL ROD AND CAP (GFY LB021); THENCE RUN N30°41'38"E, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 18.00 FEET TO A 1/2" STEEL ROD AND CAP (GFY LB021); THENCE RUN N61°04'41"W, LEAVING SAID RIGHT OF WAY LINE, A DISTANCE OF 538.87 FEET TO A 1/2" STEEL ROD AND CAP (GFY LB021); THENCE RUN N00°10'39"E, A DISTANCE OF 157.69 FEET TO A 1/2" STEEL ROD AND CAP (GFY LB021) LYING ON THE SOUTH RIGHT OF WAY LINE OF NORTHEAST 23RD AVENUE; THENCE RUN N88°49'21"W, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 344.15 FEET TO THE POINT OF BEGINNING.