

ORDINANCE NO. _____
0-08-87

An ordinance of the City of Gainesville, Florida; approving an amendment to the Charter Laws of the City of Gainesville; amending Article V of the Charter Laws, entitled "Special Provisions" pertaining to the protection of City-owned lands acquired or used for conservation, recreation, or cultural purposes; providing for submission of the charter amendment to the voters for approval or disapproval at the March 24, 2009 regular municipal election; approving the ballot title and summary to be placed on the ballot; providing that this charter amendment shall become effective immediately; providing directions to the codifier; providing directions to the clerk of the commission; providing a severability clause; providing a repealing clause; providing for liberal construction and interpretation; and providing an immediate effective date.

WHEREAS, the Charter Laws of the City of Gainesville, Florida, (hereinafter "City Charter") provides that the amendments to the City Charter may be proposed by an ordinance adopted by the City Commission by an affirmative vote of a four-fifths vote of the membership of the City Commission; and

WHEREAS, the permanent protection of the City's most significant conservation, recreation, and cultural sites is in the best interests of the citizens of the City of Gainesville and future generations; and

WHEREAS, the City Commission desires to propose for adoption an ordinance to amend the City Charter that would require referendum approval for the sale or conversion to another use of City-owned lands acquired or used for conservation, recreation, or cultural purposes; and

WHEREAS, the City Commission has considered this charter amendment, and by passage of this ordinance indicates its desire to approve the charter amendment as set forth herein, subject to approval of the electorate at the next regular municipal election; and

WHEREAS, the City Commission desires to amend the City Charter pursuant to the

procedures provided by law; and

WHEREAS, at least 10 days notice has been given by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, the Public Hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

Section 1. A new Section 5.09 is created and added to Article V of the Charter Laws of the City of Gainesville, Florida, for submission to the electors of the City of Gainesville, Florida, for approval or rejection at the next municipal election set for Tuesday, March 24, 2009:

5.09 Sale or conversion of City-owned lands used or acquired for conservation, recreation, or cultural purposes.

(1) A registry is hereby created, for the purpose of identifying real properties owned in fee simple by the City of Gainesville that are acquired or used for conservation, recreation, or cultural purposes, and that are deemed by the City Commission of the City of Gainesville to be worthy of the highest level of protection. The registry shall be known as the "City of Gainesville Registry of Protected Public Places." At a public hearing the City Commission may add properties to the Registry by adopting an ordinance by a five-sevenths vote of the membership of the City Commission. The ordinance shall contain the legal description(s) of the site(s) and a description of the value(s) that support their inclusion on the Registry, and shall be recorded in the official public records.

(2) Real properties, or portions of real properties, on the City of Gainesville Registry of Protected Public Places may not be sold, or converted to a use that will result in a loss of a value or values, as determined by the City Commission, for which a property was placed on the Registry, except by a majority vote of the electors voting in a city-wide referendum election.

(3) The above restrictions on divestiture or change of use of property shall not apply where the property is being taken for a public purpose by the state or federal government by way of eminent domain.

Section 2. The following ballot title and summary is approved for submission to the electors of the City of Gainesville, Florida, for approval or rejection at the next municipal election set for Tuesday, March 24, 2009:

CITY OF GAINESVILLE CHARTER AMENDMENT

Protection of City-owned Lands Acquired or Used for Conservation, Recreation, or Cultural Purposes

SHALL THE CITY OF GAINESVILLE CHARTER BE AMENDED TO REQUIRE THAT THE SALE OR CONVERSION TO ANOTHER USE OF CITY-OWNED LANDS ACQUIRED OR USED FOR CONSERVATION, RECREATION, OR CULTURAL PURPOSES BE EFFECTIVE ONLY IF APPROVED BY A MAJORITY OF THE ELECTORS IN THE CITY IN A CITY-WIDE REFERENDUM ELECTION?

_____ YES

_____ NO

Section 3. In the event that the charter amendment is approved by the voters at the March 24, 2009 municipal election, then: 1) the charter amendment will become effective immediately; 2) the codifier is directed to incorporate this amendment in the Charter Laws of the City of Gainesville; and 3) the Clerk of the Commission is directed to file a true copy of this ordinance with the Florida Department of State.

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.

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Section 6. This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Gainesville, Florida.

Section 7. This ordinance shall become effective immediately upon final adoption.

PASSED AND ADOPTED this _____ day of December, 2008.

Pegeen Hanrahan, Mayor

ATTEST: Approved as to form and legality

Kurt M. Lannon
Clerk of the Commission

Marion J. Radson
City Attorney

This Ordinance passed on first reading this _____ day of December, 2008.

This Ordinance passed on second reading this _____ day of December, 2008.

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