

RESOLUTION 22-24

A RESOLUTION OF THE CITY OF ALACHUA, FLORIDA : REGARDING A REQUEST BY TARA BAYWOOD, LLC, THE OWNER OF THE PROPERTY FOR THE PROJECT KNOWN AS TARA BAYWOOD PHASE 1, FOR OFF-SITE MITIGATION FOR THE REMOVAL OF TREES IN ACCORDANCE WITH SECTION 6.2.1 OF THE CITY'S LAND DEVELOPMENT REGULATIONS; ESTABLISHING THE FEE FOR THE OFF-SITE TREE MITIGATION; APPROVING THE OFF-SITE MITIGATION CONDITIONED UPON THE PAYMENT OF THE ESTABLISHED FEE PRIOR TO THE APPROVAL OF THE PLAT OR SUBDIVIDERS AGREEMENT FOR TARA BAYWOOD PHASE 1; PROVIDING FOR SCRIVENER'S ERROR; PROVIDING A REPEALING CLAUSE; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Section 6.2.1 of the City of Alachua's ("City") Land Development Regulations ("LDRs") establishes tree protection standards;

WHEREAS, Section 6.2.1 the LDRs allows off-site mitigation by payment of money into the City's designated tree bank fund in order to allow for the off-site tree mitigation;

WHEREAS, the fee for off-site tree mitigation under Section 6.2.1 is the estimated cost of the replacement tree (including labor and equipment for installation), plus the estimated maintenance for one year along with administrative costs;

WHEREAS, the City has received an application for a Final Plat for Tara Baywood Phase 1 Subdivision ("Plat") for the property described in attached exhibit ("A") (the "Property") and a proposed Subdividers Agreement which attached the Plat;

WHEREAS, the Owner has requested the City allow off-site tree mitigation for those trees that cannot be accommodated through on-site mitigation on the Property, due to the location of proposed structures, parking, and code-required tree plantings, in accordance with Section 6.2.1(D)(7) of the City's LDRs; and

WHEREAS, the Revised Construction Plans related to the Final Plat reflect that a total of 179 trees will be removed as part of the off-site tree mitigation;

WHEREAS, the Owner has agreed to pay the City a fee of \$29,127.47 for the off-site tree mitigation fee (estimated \$26,479.52 for cost of tree replacements; estimated \$2,647.95 for one year of maintenance and administrative costs) in accordance with Section 6.2.1 of the LDRs; and

WHEREAS, the Owner of the Property desires to proceed with the City Commission of the City of Alachua (“Commission”) considering the proposed Site Plan and Subdividers Agreement for Tara Baywood Phase 1.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Findings

The Commission finds, determines, and declares that the above recitals are true and correct and are incorporated as substantive portions of this Resolution by reference.

Section 2. Approval of Off-Site Mitigation

The Commission approves the request of the Owner, Tara Baywood, LLC, to provide payment for off-site mitigation for those trees that cannot be accommodated through on-site mitigation on the Plat for the Tara Baywood Phase 1 subdivision described in attached exhibit “A” conditioned upon the Owner paying the Off-Site Mitigation Fee set forth below to the City prior to the Commission considering the Plat or Subdividers Agreement for the Property.

Section 3. Off-Site Mitigation FEE

The off-site mitigation fee in the amount \$29,127.47 shall be paid by the Owner by certified check or bank check to the City prior to the Commission approving the Plat, Subdividers Agreement or any other final development order associated with the Property.

Section 4. Scriveners Errors

City staff is authorized to correct any scrivener’s errors which do not impact the intent of this Resolution.

Section 5. Repealing Clause

All resolutions or parts of resolutions in conflict with this Resolution No. R-22-24 are repealed to the extent of any such conflict.

Section 6. Severability

It is the intent of the City Commission of the City of Alachua that if any section, sentence, clause, phrase, or provision of this Resolution R-22-24 is for any reason held or declared

to be unconstitutional, void, or inoperative by court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provision of this resolution, and the remainder of this resolution after the exclusion of such part or parts shall be deemed to be valid.

Section 7. Effective Date

This Resolution shall be effective as of the date of its passage and adoption.

DULY ADOPTED in regular session, this 25th day of July, 2022.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor

SEAL

ATTEST:

Mike DaRoza, City Manager/Clerk

EXHIBIT "A"

A PARCEL OF LAND SITUATED IN SECTION 10, TOWNSHIP 8 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF BAYWOOD PHASE 1C AS PER THE PLAT RECORDED IN PLAT BOOK 29, PAGE 17 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING; THENCE RUN NORTH 89°56'50" EAST ALONG THE SOUTH LINE OF SAID PLAT OF BAYWOOD PHASE 1C A DISTANCE OF 85.50 FEET TO A NORTHWEST CORNER OF BAYWOOD PHASE 1B AS PER THE PLAT RECORDED IN PLAT BOOK 28, PAGE 78 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 04°52'19" WEST ALONG THE WEST LINE OF SAID PLAT OF BAYWOOD PHASE 1B A DISTANCE OF 60.27 FEET TO A SOUTHWEST CORNER OF SAID PLAT OF BAYWOOD PHASE 1B; THENCE DEPARTING SAID PLAT, RUN NORTH 89°54'58" WEST, A DISTANCE OF 280.91 FEET; THENCE RUN NORTH 01°44'31" WEST, A DISTANCE OF 4.97 FEET; THENCE RUN NORTH 89°55'41" WEST, A DISTANCE OF 99.84 FEET; THENCE RUN NORTH 00°05'03" EAST, A DISTANCE OF 123.84 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF NORTH 44°54'57" WEST, 35.36 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE NORTH 00°05'03" EAST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF NORTH 45°05'03" EAST, 35.36 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN SOUTH 89°54'57" EAST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF SOUTH 44°54'57" EAST, 35.36 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN NORTH 89°54'57" WEST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 125.00 FEET, WITH A CHORD BEARING AND DISTANCE OF NORTH 45°05'03" EAST, 176.78 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 196.35 FEET; THENCE RUN NORTH 00°05'03" EAST, A DISTANCE OF 334.70 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF NORTH 44°54'57" WEST, 35.36 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN NORTH 89°54'57" WEST, A DISTANCE OF 150.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF SOUTH 45°05'03" WEST, 35.36 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN NORTH 89°54'57" WEST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND

DISTANCE OF NORTH 44°54'57" WEST, 35.36 FEET; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN NORTH 89°54'57" WEST, A DISTANCE OF 75.00 FEET; THENCE RUN SOUTH 00°05'03" WEST, A DISTANCE OF 384.65 FEET; THENCE RUN NORTH 89°54'57" WEST, A DISTANCE OF 195.26 FEET; THENCE RUN SOUTH 00°05'03" WEST, A DISTANCE OF 298.90 FEET; THENCE RUN NORTH 89°55'41" WEST, A DISTANCE OF 26.79 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 115.00 FEET, WITH A CHORD BEARING AND DISTANCE OF NORTH 88°15'26" WEST, 7.60 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 7.60 FEET; THENCE RUN NORTH 89°54'28" WEST, A DISTANCE OF 499.80 FEET TO A POINT ON THE EAST BOUNDARY OF A 30 FOOT NON-EXCLUSIVE ELECTRIC EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 3819, PAGE 825 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 00°04'34" WEST ALONG THE EAST BOUNDARY OF SAID 30 FOOT EASEMENT A DISTANCE OF 576.90 FEET TO A POINT ON THE NORTH BOUNDARY OF BAYWOOD CENTER AS PER THE PLAT RECORDED IN PLAT BOOK 28, PAGE 91 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 89°57'21" WEST ALONG THE NORTH LINE OF SAID PLAT OF BAYWOOD CENTER A DISTANCE OF 29.75 FEET TO THE NORTHWEST CORNER OF SAID PLAT OF BAYWOOD CENTER; THENCE DEPARTING SAID NORTH LINE OF SAID PLAT OF BAYWOOD CENTER, RUN NORTH 00°03'20" EAST ALONG THE WEST BOUNDARY OF SAID 30 FOOT EASEMENT, A DISTANCE OF 576.97 FEET; THENCE RUN NORTH 00°05'03" EAST, A DISTANCE OF 583.26 FEET; THENCE RUN SOUTH 89°54'57" EAST, A DISTANCE OF 519.40 FEET; THENCE RUN NORTH 00°05'03" EAST, A DISTANCE OF 100.00 FEET; THENCE RUN NORTH 89°54'57" WEST, A DISTANCE OF 10.00 FEET; THENCE RUN NORTH 00°05'03" EAST, A DISTANCE OF 150.00 FEET; THENCE RUN NORTH 89°54'57" WEST, A DISTANCE OF 234.40 FEET; THENCE RUN NORTH 00°05'03" EAST, A DISTANCE OF 300.00 FEET; THENCE RUN SOUTH 89°54'57" EAST, A DISTANCE OF 20.00 FEET; THENCE RUN NORTH 00°05'03" EAST, A DISTANCE OF 73.48 FEET TO A POINT ON THE NORTH LINE OF TARA BAYWOOD, PER THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4749, PAGE 2301, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 89°26'48" EAST, A DISTANCE OF 1029.73 FEET TO A POINT ON THE WEST BOUNDARY OF ALACHUA REALTY COMPANY ADDITION TO THE CITY OF ALACHUA AS PER THE PLAT RECORDED IN PLAT BOOK A, PAGE 100 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 00°01'22" WEST ALONG THE WEST LINE OF SAID PLAT OF ALACHUA REALTY COMPANY ADDITION TO THE CITY OF ALACHUA, A DISTANCE OF 233.30 FEET; THENCE DEPARTING WEST LINE OF SAID PLAT OF ALACHUA REALTY COMPANY ADDITION TO THE CITY OF ALACHUA, RUN NORTH 89°54'57" WEST, A DISTANCE OF 155.54 FEET; THENCE RUN SOUTH 00°05'03" WEST, A DISTANCE OF 30.25 FEET; THENCE RUN NORTH 89°54'57" WEST, A DISTANCE OF 260.00 FEET; THENCE RUN NORTH 88°46'12" WEST, A DISTANCE OF 50.01 FEET; THENCE RUN NORTH 89°54'57" WEST, A DISTANCE OF 99.00 FEET; THENCE RUN SOUTH 01°01'24" WEST, A DISTANCE OF 61.01 FEET; THENCE RUN SOUTH 00°05'03" WEST, A DISTANCE OF 141.50 FEET; THENCE RUN SOUTH 89°54'57" EAST, A DISTANCE OF 75.00 FEET TO THE BEGINNING OF A CURVE CONCAVE

NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF NORTH 45°05'03" EAST, 35.36 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN SOUTH 89°54'57" EAST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF SOUTH 44°54'57" EAST, 35.36 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN SOUTH 89°54'57" EAST, A DISTANCE OF 150.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF NORTH 45°05'03" EAST, 35.36 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN NORTH 00°05'03" EAST, A DISTANCE OF 25.00 FEET; THENCE RUN SOUTH 89°54'57" EAST, A DISTANCE OF 50.00 FEET; THENCE RUN SOUTH 00°05'03" WEST, A DISTANCE OF 25.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF SOUTH 44°54'57" EAST, 35.36 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN SOUTH 89°51'25" EAST, A DISTANCE OF 34.64 FEET; THENCE RUN SOUTH 08°59'15" WEST, A DISTANCE OF 50.15 FEET; THENCE RUN SOUTH 89°11'58" WEST, A DISTANCE OF 26.88 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF SOUTH 45°05'03" WEST, 35.36 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN SOUTH 00°05'03" WEST, A DISTANCE OF 334.71 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 175.00 FEET, WITH A CHORD BEARING AND DISTANCE OF SOUTH 45°05'03" WEST, 247.49 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 274.89 FEET; THENCE RUN NORTH 89°54'57" WEST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF SOUTH 45°05'03" WEST, 35.36 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN SOUTH 00°05'02" WEST, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 25.00 FEET, WITH A CHORD BEARING AND DISTANCE OF SOUTH 44°54'57" EAST, 35.36 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 39.27 FEET; THENCE RUN SOUTH 89°54'57" EAST, A DISTANCE OF 213.49 FEET; THENCE RUN NORTH 63°07'23" EAST, A DISTANCE OF 13.41 FEET TO THE SOUTHWEST CORNER OF BAYWOOD PHASE 1C AND TO THE POINT OF BEGINNING.

CONTAINING 20.25 ACRES, MORE OR LESS.