

**ORDINANCE 19-16**

**AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE LARGE SCALE AMENDMENT OF THE CITY OF ALACHUA COMPREHENSIVE PLAN FUTURE LAND USE MAP; AMENDING THE FUTURE LAND USE MAP CLASSIFICATION OF A ±354.07 ACRE PROPERTY FROM AGRICULTURE (ALACHUA COUNTY) TO AGRICULTURE; LOCATED NORTH OF NW 94<sup>TH</sup> AVE, EAST OF NW 202<sup>ND</sup> STREET; WEST OF NW COUNTY ROAD 235; TAX PARCEL NUMBERS 03990-013-000, 03990-012-000, 03990-011-000, 03990-010-000, 03990-009-000, 03990-001-000, 03990-014-000, 03990-000-000, 03990-003-001 AND PORTIONS OF 03992-010-010 AND 03992-010-011; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**RECITALS**

**WHEREAS**, an application for a large scale comprehensive plan amendment, as described below, to the Comprehensive Plan Future Land Use Map has been filed with the City; and,

**WHEREAS**, a duly advertised public hearing was conducted on the proposed amendment on January 8, 2019 by the Planning and Zoning Board, sitting as the Local Planning Agency (LPA) and the LPA reviewed and considered comments received during the public hearing concerning the application and made its recommendation for approval to the City Commission; and,

**WHEREAS**, the City Commission considered the recommendations of the LPA at a duly advertised public hearing on February 11, 2019, provided for and received public participation, and approved the amendment for transmittal to the Florida Department of Economic Opportunity (DEO) and reviewing agencies under the Expedited State Review process; and,

**WHEREAS**, the City Commission considered the recommendations of the LPA, DEO, and reviewing agencies at a duly advertised public hearing on \_\_\_\_\_, 20\_\_\_\_, and provided for and received public participation; and,

**WHEREAS**, the City Commission has determined and found said application for the amendment, to be consistent with the City of Alachua Comprehensive Plan and Land Development Regulations; and,

**WHEREAS**, for reasons set forth in this Ordinance that is hereby adopted and incorporated as findings of fact, that the Alachua City Commission finds and declares that the enactment of this amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF ALACHUA, FLORIDA:**

**Section 1. Findings of Fact and Conclusions of Law**

1. The above recitals are true and correct and incorporated herein by reference.
2. The proposed Future Land Use Map amendment is consistent with the Comprehensive Plan.
3. The amendment will not cause a reduction in the adopted level of service standards for transportation, potable water, sanitary sewer, solid waste, stormwater, recreation, or public schools.

**Section 2. Comprehensive Plan, Future Land Use Map Amended**

The Comprehensive Plan Future Land Use Map is hereby amended from Agriculture (Alachua County) to Agriculture on Tax Parcel Numbers 03990-013-000, 03990-012-000, 03990-011-000, 03990-010-000, 03990-009-000, 03990-001-000, 03990-014-

000, 03990-000-000, 03990-003-001 and portions of 03992-010-010 and 03992-010-011 as described by the legal descriptions and sketches found in Exhibit “A” and map found in Exhibit “B” attached hereto.

### **Section 3. Ordinance to be Construed Liberally**

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 Alachua, Florida.

### **Section 4. Repealing Clause**

All ordinance or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

### **Section 5. Severability**

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

### **Section 6. Effective Date**

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the City that the plan amendment package is complete in accordance with Chapter 163.3184 F.S. If timely challenged, this amendment shall become effective on the date the state land planning

agency or the Administrative Commission enters a final order determining this adopted amendment to be in compliance in accordance with Chapter 163.3184 F.S. No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before this plan amendment has become effective.

**PASSED** on first reading the 11<sup>th</sup> day of February, 2019.

**PASSED** and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

CITY COMMISSION OF THE  
CITY OF ALACHUA, FLORIDA

\_\_\_\_\_  
Gib Coerper, Mayor  
**SEAL**

**ATTEST:**

**APPROVED AS TO FORM**

\_\_\_\_\_  
Adam Boukari, City Manager/Clerk

\_\_\_\_\_  
Marian B. Rush, City Attorney

## EXHIBIT "A"

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### LEGAL DESCRIPTION OF PORTION TO BE AMENDED TO AGRICULTURE:

#### PARCEL 1

(O.R.B. 4181, PAGE 2193)

A PARCEL OF LAND SITUATED IN SECTION 31, TOWNSHIP 8 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 31; THENCE NORTH 05°14'05" WEST, ALONG THE WEST LINE OF SAID SECTION 31, A DISTANCE OF 40.13 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE, NORTH 05°14'05" WEST, A DISTANCE OF 4542.14 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED AS PARCEL 6 IN OFFICIAL RECORDS BOOK 3946, PAGE 1681 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 85°55'51" EAST, ALONG THE NORTH LINE OF SAID PARCEL 6 AND THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4181, PAGE 2193, A DISTANCE OF 1769.88 FEET; THENCE CONTINUE ALONG THE NORTHERLY LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 4181, PAGE 2193, THE FOLLOWING THREE (3) COURSES; (1) THENCE NORTH 88°13'01" EAST, 660.00; (2) THENCE SOUTH 02°05'28" EAST, 658.77 FEET; (3) THENCE SOUTH 89°17'33" EAST, 1372.00 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE THE FOLLOWING FOUR (4) COURSES ALONG THE EASTERLY LINE OF SAID LANDS; (1) THENCE SOUTH 01°22'25" EAST, 1555.70 FEET; (2) THENCE SOUTH 00°05'39" WEST, 1138.75 FEET; (3) THENCE SOUTH 89°23'44" WEST, 454.48 FEET; (4) THENCE SOUTH 02°32'24" EAST, 1264.39 FEET TO THE SOUTHEAST CORNER OF SAID LANDS, BEING SITUATED ON THE NORTH RIGHT OF WAY LINE OF NW 94th AVENUE; THENCE SOUTH 89°23'44" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 3043.79 FEET TO THE POINT OF BEGINNING.

SUBJECT TO THE MAINTAINED RIGHT OF WAY OF COUNTY ROAD NW 202nd STREET. THE ABOVE DESCRIBED LANDS CONTAIN 352.22 ACRES, MORE OR LESS.

#### TOGETHER WITH: PARCEL 2

(O.R.B. 4081, PAGE 258)

A TRACT OF LAND SITUATED IN SECTION 31, TOWNSHIP 8 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 31, TOWNSHIP 8 SOUTH, RANGE 18 EAST FOR THE POINT OF REFERENCE AND RUN NORTH 00°17'43" WEST, ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE

SOUTHEAST 14 OF SECTION 31, A DISTANCE OF 19.00 FEET TO THE INTERSECTION OF SAID WEST LINE WITH A FENCE LINE RUNNING EAST AND WEST; THENCE RUN NORTH 89°48'01" WEST, ALONG SAID FENCE LINE, A DISTANCE OF 58.65 FEET TO A FENCE CORNER AND THE TRUE POINT OF BEGINNING; THENCE RUN NORTH 00°20'21" WEST, ALONG A FENCE LINE, A DISTANCE OF 1107.95 FEET; THENCE RUN SOUTH 89°52'43" EAST, A DISTANCE OF 59.50 FEET; THENCE RUN NORTH 00°17'43" WEST, A DISTANCE OF 2.60 FEET TO A FENCE LINE RUNNING EAST AND WEST; THENCE RUN NORTH 89°55'53" WEST, ALONG SAID FENCE LINE, A DISTANCE OF 59.50 FEET TO A FENCE CORNER AT THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 2202, PAGE 2996 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 01°02'46" WEST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 1110.56 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE RUN SOUTH 89°48'01" EAST, A DISTANCE OF 26.85 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH: PARCEL 3

(O.R.B. 2314, PAGE 579)

A TRACT OF LAND SITUATED IN SECTION 31, TOWNSHIP 8 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE AFOREMENTIONED SECTION 31, TOWNSHIP 8 SOUTH, RANGE 18 EAST FOR THE POINT OF REFERENCE AND RUN N.00°17' 43"W., ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 31, A DISTANCE OF 19.00 FEET TO THE INTERSECTION OF SAID WEST LINE WITH A FENCE LINE RUNNING EAST AND WEST AND THE TRUE POINT OF BEGINNING; THENCE CONTINUE N.00°17'43' W., ALONG SAID WEST LINE, A DISTANCE OF 1108.02 FEET; THENCE RUN N.89°52'43"W., A DISTANCE OF 59.50 FEET TO A FENCE LINE RUNNING NORTH AND SOUTH; THENCE RUN S.00°20' 21"E., ALONG SAID FENCE LINE, A DISTANCE OF 1107.95 FEET TO A FENCE CORNER; THENCE RUN S.89°48'01"E., ALONG A FENCE LINE, A DISTANCE OF 58.65 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 1.503 ACRES MORE OR LESS.

## EXHIBIT "B"

