

## **ORDINANCE 19-15**

**AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS; AMENDING THE OFFICIAL ZONING ATLAS FROM AGRICULTURAL (A) (ALACHUA COUNTY) TO AGRICULTURAL (A) ON A ±191.68 ACRE SUBJECT PROPERTY; LOCATED SOUTH OF NW 199TH AVE/ ALLIGATOR ROAD; WEST OF NW COUNTY ROAD 239; AND EAST OF COUNTY ROAD 241; TAX PARCEL NUMBERS 02975-000-000, 02972-001-000, 02975-003-004, 02978-000-000, 02975-004-000, 02981-000-000, 02979-000-000, 02980-003-000; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS**, an application for a Site-Specific Amendment to the Official Zoning Atlas (“Amendment”), as described below, has been filed with the City; and

**WHEREAS**, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”), on December 27, 2018; and

**WHEREAS**, the LPA conducted a quasi-judicial public hearing on the proposed Amendment on January 8, 2019, and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation for approval to the City Commission; and

**WHEREAS**, the City advertised public hearings to be held before the City Commission on January 31, 2019, and on \_\_\_\_\_, 2019; and

**WHEREAS**, the City Commission conducted quasi-judicial public hearings on the proposed Amendment on February 11, 2019, and \_\_\_\_\_, 2019, and provided for and received public participation at both public hearings; and

**WHEREAS**, the City Commission has determined and found the proposed Amendment to be consistent with the City of Alachua Comprehensive Plan and Land Development Regulations; and

**WHEREAS**, for reasons set forth in this Ordinance, the Alachua City Commission finds and declares that the enactment of the proposed 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**

The above recitals are true and correct and are incorporated into this ordinance by reference. The proposed Amendment is in compliance with the Land Development Regulations. The Amendment will not cause a reduction in the adopted level of service standards for roads, water, sewer, waste, stormwater, and recreation.

**Section 2. Official Zoning Atlas Amended**

The Official Zoning Atlas is hereby amended from Agricultural (A) (Alachua County) to Agricultural (A) in accordance with the legal description 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.

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**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**

This ordinance shall take effect immediately after its passage and adoption.

**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 \_\_\_\_\_, 2019.

CITY COMMISSION OF THE  
CITY OF ALACHUA, FLORIDA

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Gib Coerper, Mayor  
**SEAL**

**APPROVED AS TO FORM**

**ATTEST:**

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Adam Boukari, City Manager/Clerk

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Marian B. Rush, City Attorney

## EXHIBIT “A”

### LEGAL DESCRIPTION:

#### Legal Description

Tax Parcel 02975-000-000

A portion of the Southeast  $\frac{1}{4}$  of Section 36, Township 7 South, Range 18 East, Alachua County, Florida; being more particularly described as follows:

Begin at the southwest corner of the Northwest  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$  of Section 36, Township 7 South, Range 18 East, Alachua County, Florida and run thence South  $06^{\circ}14'56''$  West, along the west line of the Southwest  $\frac{1}{4}$  of Southeast  $\frac{1}{4}$  of said Section 36, a distance of 664.58 feet to the southwest corner of that certain parcel of land described in Official Records Book 1781, page 1793 of the Public Records of Alachua County, Florida; thence South  $89^{\circ}40'45''$  East, along the south line of said certain parcel of land, 500.00 feet to a corner on the west line of that certain parcel of land described in Official Records Book 2864, page 1495 of said Public Records; thence North  $06^{\circ}14'56''$  East, 812.74 feet to the northwest corner of said certain parcel of land (Official Records Book 2864, page 1495) and to a point on the south line of that certain parcel of land described in Official Records Book 3358, page 370 of said Public Records and to a point on the north line of said certain parcel of land described in Official Records Book 1781, page 1793; thence North  $89^{\circ}39'01''$  West, along the south line of said certain parcel of land (Official Records book 3358, page 370), and along said north line, 323.56 feet to the northeast corner of that certain parcel of land described in Official Records Book 2407, page 820 of said Public Records; thence North  $89^{\circ}38'36''$  West, along said south line (Official Records Book 3358, page 370), 176.28 feet to the northwest corner of said certain parcel of land described in Official Records Book 2407, page 820; thence South  $06^{\circ}18'04''$  West, 148.45 feet to the Point of Beginning.

Containing 9.28 Acres, more or less.

AND

Legal Description

Tax Parcel Nos. 02975-003-004, 02975-004-000, 02978-000-000, 02979-000-000, 02980-003-000 and 02981-000-000

A portion of Section 36, Township 7 South, Range 18 East, Alachua County, Florida; being more particularly described as follows:

Commence at the northeast corner of Section 36, Township 7 South, Range 18 East, Alachua County, Florida and run thence North 88°23'24" West, along the north line of said Section 36, a distance of 1112.41 feet to the northwest corner of the Northeast ¼ of the Northeast ¼ of said Section 36; thence South 03°52'36" West, along the west line of said Northeast ¼ of Northeast ¼, a distance of 1375.13 feet to a point on the south right of way line of N.W. 199<sup>th</sup> Avenue (80 foot right of way); thence North 88°21'39" West, along said south right of way line, 1981.77 feet to the northeast corner of that certain tract of land described in Official Records Book 3358, page 370 of the Public Records of Alachua County, Florida and to the Point of Beginning; thence southerly along the east line of said certain tract of land through the following six (6) courses: 1) South 05°12'46" East, 610.07 feet; 2) South 15°47'30" East, 120.11 feet; 3) South 03°52'24" West, 282.63 feet; 4) South 01°33'51" West, 520.37 feet; 5) South 64°02'22" East, 345.59 feet; 6) South 78°36'45" East, 128.94 feet; thence continue South 78°36'45" East, 15.87 feet to the centerline of a creek; thence easterly, along said centerline of the creek through the following eighteen (18) courses: 1) North 36°14'15" East, 82.97 feet; 2) South 58°39'14" East, 92.68 feet; 3) North 39°53'06" East, 120.86 feet; 4) North 25°09'01" East, 62.85 feet; 5) North 85°06'16" East, 48.50 feet; 6) North 60°20'01" East, 36.58 feet; 7) North 03°07'52" East, 69.39 feet; 8) North 68°23'04" East, 59.76 feet; 9) South 56°19'26" East, 62.63 feet; 10) North 75°48'29" East, 26.96 feet; 11) North 39°29'38" East, 32.90 feet; 12) South 79°34'06" East, 104.34 feet; 13) North 31°56'45" East, 94.17 feet; 14) South 29°49'29" East, 135.68 feet; 15) South 24°47'11" East, 41.15 feet; 16) North 58°26'10" East, 43.93 feet; 17) North 05°46'51" East, 109.17 feet; 18) South 57°24'32" East, 154.27 feet; thence North 18°16'41" East, 118.23 feet to a point on the north line of the Northwest ¼ of the Southeast ¼ of said Section 36; thence South 89°35'07" East, along said north line, 461.28 feet to the northeast corner of said Northwest ¼ of the Southeast ¼; thence continue South 89°35'07" East, 1225.94 feet to the northeast corner of the Northeast ¼ of the Southeast ¼ of said Section 36; thence South 01°45'35" West, along the east line of said Northeast ¼ of Southeast ¼, a distance of 552.42 feet to a point on the westerly right of way line of State Road No. 239 (100' Right of Way) and to a point lying on the arc of a curve, concave northwesterly, having a radius of 3769.72 feet; thence southwesterly along said westerly right of way line and along the arc of said curve, through a central angle of

09°22'35", an arc distance of 616.91 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 22°37'42" West, 616.22 feet; thence South 27°19'00" West, along said westerly right of way line, 809.94 feet to the beginning of a curve concave northwesterly, having a radius of 3769.72 feet; thence southwesterly along said westerly right of way line and along the arc of said curve, through a central angle of 02°19'43", an arc distance of 153.22 feet to a point on the south line of the Northeast ¼ of Southeast ¼ of Southeast ¼ of said Section 36, said arc being subtended by a chord having a bearing and distance of South 28°28'52" West, 153.20 feet to a point on the south line of the Northeast ¼ of Southeast ¼ of Southeast ¼ of Section 36; thence North 89°40'45" West, along said south line, 14.15 feet to a point on the east line of the West ½ of Southeast ¼ of Southeast ¼ of said Section 36; thence South 02°53'45" West, along said east line, 27.02 feet to a point on said westerly right of way line and to a point lying on the arc of a curve, concave northwesterly, having a radius of 3769.72 feet; thence southwesterly along said westerly right of way line and along the arc of said curve, through a central angle of 09°15'29", an arc distance of 609.12 feet, said arc being subtended by a chord having a bearing and distance of South 34°44'48" West, 608.46 feet; thence North 89°42'31" West, 341.05 feet to a point on the west line of the Southeast ¼ of Southeast ¼ of said Section 36; thence South 04°01'04" West, 131.61 feet to a point on the south line of said Section 36; thence North 89°42'15" West, along said south line, 561.90 feet; thence North 01°29'18" East, 50.00 feet; thence North 89°42'15" West, 17.22 feet; thence North 01°29'18" East, 249.74 feet; thence North 88°52'31" West, 150.75 feet; thence South 01°20'26" West, 54.39 feet; thence North 89°42'15" West, 579.66 feet to a point on the west line of the Southeast ¼ of said Section 36; thence North 06°14'56" East, 415.75 feet to the southwest corner of the North ½ of Southwest ¼ of Southeast ¼ of said Section 36 and to the southwest corner of that certain parcel of land described in Official Records Book 1781, page 1793 of the Public Records of Alachua County, Florida; thence South 89°40'45" East, along the south line of said North ½ of Southwest ¼ of Southeast ¼ and along the south line of said certain parcel of land (Official Records Book 1781, page 1793), a distance of 500.00 feet; thence North 06°14'56" East, 812.74 feet to a point on the north line of said certain parcel of land (Official Records Book 1781, page 1793); thence North 89°39'01" West, along said north line of said certain parcel of land (Official Records Book 1781, page 1793), 323.56 feet to the northeast corner of that certain parcel of land described in Official Records Book 2407, page 820 of said Public Records; thence North 89°38'36" West, along the north line of said certain parcel of land (Official Records Book 2407, page 820) and along the south line of said certain tract of land described in Official Records Book 3358, page 370 of said Public Records, 684.29 feet; thence South 00°55'57" West, along said south line of said certain tract of land (Official Records Book 3358, page 370), a distance of 83.76 feet; thence South 89°07'55" West, 886.15 feet to the southwest corner of said certain tract of land (Official Records Book 3358, page 370); thence northerly along the west line of said certain tract of land (Official Records Book 3358, page 370) through the following three (3) courses: 1) North 02°44'41" East, 1279.77 feet; 2) North 89°35'25" West, 88.00 feet; 3) North 00°24'43" East, 1367.57 feet to the northwest corner of said certain tract of land and to a point on said south right of way line of N.W. 199<sup>th</sup> Avenue;

thence South 88°21'39" East, along said south right of way line, 874.85 feet to the Point of Beginning.

Containing 181.39 Acres, more or less.

Together With:

A portion of the Northeast ¼ of the Southeast ¼ of Section 36, Township 7 South, Range 18 East, Alachua County, Florida; being more particularly described as follows:

Begin at the southeast corner of the Northeast ¼ of Southeast ¼ of Section 36, Township 7 South, Range 18 East, Alachua County, Florida and run thence North 01°45'35" East, along the east line of said Northeast ¼ of Southeast ¼, a distance of 451.37 feet to a point on the easterly right of way line of State Road No. 239 (100' Right of Way), said point lying on the arc of a curve, concave northwesterly, having a radius of 3869.72 feet; thence southwesterly along said right of way line and along the arc of said curve, through a central angle of 04°52'39", an arc distance of 329.42 feet to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 24°52'41" West, 329.32 feet; thence South 27°19'00" West, along said right of way line, 170.12 feet to a point on the south line of said Northeast ¼ of Southeast ¼; thence South 89°38'57" East, along said south line, 202.75 feet to the Point of Beginning.

Containing 1.01 Acres, more or less.

# EXHIBIT "B"

