

ORDINANCE 19-20

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 ±35.23 ACRE PROPERTY FROM RURAL EMPLOYMENT CENTER (ALACHUA COUNTY) TO INDUSTRIAL; LOCATED IN THE 12000 BLOCK OF NW US HIGHWAY 441); A PORTION OF TAX PARCEL NUMBER 05855-004-000; 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 April 8, 2019, 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 Rural Employment Center (Alachua County) to Industrial on a portion of Tax Parcel Number

05855-004-000 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 11th 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 8th day of April, 2019.

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 INDUSTRIAL:

Legal Description

**Section 20, Township 8 South, Range 19 East
City of Alachua, Alachua County, Florida**

Parcel A as recorded in Official Records Book 3527, Page 1217 of the Public Records of Alachua County, Florida, LESS AND EXCEPT the following described parcels of land:

LESS AND EXCEPT PARCEL 1

COMMENCE at the Southeast corner of said Parcel A, said corner being on the Northerly right-of-way line of U.S. Highway 441 (200 foot right-of-way); thence on the boundary of said Parcel A the following seven (7) courses and distances:

- 1) leaving said Northerly right-of-way line, North 23 degrees 59 minutes 25 seconds East, a distance of 664.68 feet;
 - 2) thence North 66 degrees 04 minutes 35 seconds West, a distance of 265.85 feet;
 - 3) thence North 24 degrees 28 minutes 46 seconds East, a distance of 680.88 feet;
 - 4) thence North 65 degrees 49 minutes 12 seconds West, a distance of 500.01 feet to the POINT OF BEGINNING of LESS AND EXCEPT PARCEL 1;
 - 5) thence North 24 degrees 11 minutes 00 seconds East, a distance of 870.43 feet to a point on the South right-of-way line of the Seaboard Coast Line Railroad (200' right-of-way);
 - 6) thence North 58 degrees 45 minutes 42 seconds West, on said South right-of-way line, a distance of 881.26 feet;
 - 7) thence South 23 degrees 50 minutes 23 seconds West, a distance of 1504.88 feet;
- thence leaving said boundary South 65 degrees 30 minutes 13 seconds East, a distance of 699.02 feet; thence North 24 degrees 02 minutes 31 seconds East, a distance of 530.00 feet to a point on the Northwesterly projection of the boundary of said Parcel A; thence South 65 degrees 49 minutes 12 seconds East on said Northwesterly projection, a distance of 167.86 feet to the POINT OF BEGINNING of LESS AND EXCEPT PARCEL 1.

AND

LESS AND EXCEPT PARCEL 2:

COMMENCE at said Southeast corner; thence North 66 degrees 00 minutes 17 seconds West, on said right-of-way line a distance of 101.41 feet to the POINT OF BEGINNING of LESS AND EXCEPT PARCEL 2; thence continue North 66 degrees 00 minutes 17 seconds West, on said right-of-way line, a distance of 188.59 feet to the Easterly easement line of a Duke Energy 160 foot wide right-of-way, (formerly Florida Power Corporation) as described and recorded in Official Records Book 219, Page 571, of the Public Records of Alachua County, Florida; thence North 23 degrees 58 minutes 26 seconds East, departing from said right-of-way line and on said easement line, a distance of 237.92 feet; thence run South 66 degrees 00 minutes 17 seconds East, departing said easement line, a distance of 188.71 feet; thence South 24 degrees 00 minutes 13 seconds West, a distance of 237.92 feet to a point on said Northerly right-of-way and the POINT OF BEGINNING of LESS AND EXCEPT PARCEL 2.

Note: The legal description for LESS AND EXCEPT PARCEL 2 was obtained from the Boundary and Topographic Survey by CHW, Inc., Project Number 18-0031, Dated 11/08/2018. This surveyor does not guarantee the location of the aforementioned 160 foot wide Duke Energy Easement to be in the correct location.

Said lands lying and being in the City of Alachua, Alachua County, Florida and containing a net area of 35.23 acres more or less.

EXHIBIT "B"

