

ORDINANCE 19-29

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 AN APPROXIMATELY ±199 ACRE PROPERTY; LOCATED EAST OF COUNTY ROAD 241 AND SOUTH OF NW 88TH PLACE AND EAST OF COUNTY ROAD 241 AND NORTH OF MILLHOPPER ROAD; CONSISTING OF TAX PARCEL NUMBERS 04043-000-000, 04044-000-000, 04049-000-000, 04049-004-000, 04049-004-001, 04049-004-002, 04049-007-000 AND 04051-000-000; 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, on May 2, 2019, the City advertised a public hearing to be held before the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”); and

WHEREAS, on May 14, 2019, the LPA conducted a quasi-judicial public hearing on the proposed Amendment and the LPA reviewed and considered all comments received during the public hearing concerning the proposed Amendment and made its recommendation to the City Commission; and

WHEREAS, on May 30, 2019, and on June 13, 2019, the City advertised public hearings to be held before the City Commission; and

WHEREAS, on June 10, 2019, and on June 24, 2019, the City Commission conducted quasi-judicial public hearings on the proposed Amendment 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’s Comprehensive Plan and the City’s Land Development Regulations (“LDRs”); and

WHEREAS, for reasons set forth in this ordinance that is hereby adopted and incorporated as findings of fact, 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 CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Findings of Fact and Conclusions of Law

1. The above recitals are true and correct and are incorporated herein by reference.
2. The proposed Amendment is in compliance with the City's LDRs.
3. The proposed Amendment will not cause a reduction in the adopted level of service standards for transportation, water, sewer, waste, stormwater, recreation, and public schools.

Section 2. Official Zoning Atlas Amended

The Official Zoning Atlas is hereby amended from Agricultural (A) (Alachua County) to Agricultural (A) for Tax Parcel Numbers 04043-000-000, 04044-000-000, 04049-000-000, 04049-004-000, 04049-004-001, 04049-004-002, 04049-007-000, and 04051-000-000, in accordance with the legal description found in Exhibit "A" and map found in Exhibit "B" attached hereto and incorporated herein.

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 ordinances 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 upon its adoption by the City Commission and the signature of the Mayor.

PASSED on First Reading the 10th day of June 2019.

PASSED and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 24th day of June 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"

LEGAL DESCRIPTION:

THAT PART OF THE FRACTIONAL SECTION 3, TOWNSHIP 9 SOUTH, RANGE 18 EAST, LYING INSIDE THE ARREDONDO GRANT, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THAT PART OF THE SAID FRACTIONAL SECTION 3 LYING EAST OF THE STATE ROAD NO. 241 FOR A POINT OF REFERENCE; THENCE FROM SAID POINT OF REFERENCE RUN NORTH 88 DEG. 56 MIN. 12 SEC. EAST ALONG THE SOUTH LINE OF THE SAID FRACTIONAL SECTION 3, A DISTANCE OF 40.00 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 241 AND THE POINT OF BEGINNING; THENCE RUN NORTH 00 DEG. 04 MIN. 47 SEC. WEST ALONG THE SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 120.67 FEET TO A POINT OF CURVATURE OF A CURVE (P.C.), CONCAVED EASTERLY, HAVING A CENTRAL ANGLE OF 17 DEG. 07 MIN. 17 SEC. AND A RADIUS OF 2824.79 FEET; THENCE RUN ALONG THE ARC OF SAID CURVE AND THE SAID EAST RIGHT OF WAY LINE AN ARC DISTANCE OF 844.12 FEET TO A POINT ON THE SAID CURVE (CHORD BEARING AND DISTANCE BETWEEN SAID POINTS BEING NORTH 08 DEG. 28 MIN. 52 SEC. EAST, 840.00 FEET); THENCE LEAVING THE SAID CURVE AND THE SAID EAST RIGHT OF WAY LINE, RUN NORTH 88 DEG. 56 MIN. 12 SEC. EAST PARALLEL TO THE SAID SOUTH LINE OF THE FRACTIONAL SECTION 3, A DISTANCE OF 544.63 FEET; THENCE RUN SOUTH 01 DEG. 03 MIN. 48 SEC. EAST, A DISTANCE OF 950.00 FEET TO A POINT ON THE SAID SOUTH LINE OF FRACTIONAL SECTION 3; THENCE RUN SOUTH 88 DEG. 56 MIN. 12 SEC. WEST ALONG THE SAID SOUTH LINE OF THE FRACTIONAL SECTION 3, A DISTANCE OF 686.15 FEET TO THE SAID EAST RIGHT OF WAY LINE OF STATE ROAD NO. 241 AND THE AFOREMENTIONED POINT OF BEGINNING.

AND ALSO:

A PARCEL OF LAND LYING IN LOTS FIVE (5) AND SIX (6) OF FRACTIONAL SECTION TEN (10) INSIDE THE ARREDONDO GRANT, TOWNSHIP 9 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF FRACTIONAL SECTION 10, INSIDE THE ARREDONDO GRANT, TOWNSHIP 9 SOUTH, RANGE 18 EAST; THENCE N 00°04'39" W, ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 10 A DISTANCE OF 660.00 FEET; THENCE S 89°43'39" E, DEPARTING SAID WEST LINE, A DISTANCE OF 40.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 241 (AN 80' R/W); THENCE N 00°04'39"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 921.31 TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1542, PAGE 213, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE 89°14'01" E, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 593.00 FEET TO THE SOUTHEAST CORNER OF SAID LANDS, THENCE N 00°04'39" W, ALONG THE

EAST LINE OF SAID LANDS, A DISTANCE OF 367.37 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND THE POINT OF BEGINNING; THENCE S 89°14'01" W, ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 593.00 FEET TO THE NORTHWEST CORNER OF SAID LANDS AND THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 241; THENCE N 00°04'39" W, ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 677.90 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ONE-HALF OF SAID FRACTIONAL SECTION 10; THENCE N 89°35'30" E, ALONG SAID NORTH LINE, A DISTANCE OF 1762.73 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1493, PAGES 280-282, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE S 00°08'50" W, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 509.83 FEET; THENCE DEPARTING SAID WEST LINE S 81°35'09" W, A DISTANCE OF 1180.22 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED LANDS CONTAIN 25.085 ACRES, MORE OR LESS.

AND ALSO:

A PARCEL OF LAND LYING IN LOTS FIVE (5) AND SIX (6) OF FRACTIONAL SECTION TEN (10) INSIDE THE ARREDONDO GRANT, TOWNSHIP 9 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF FRACTIONAL SECTION 10, INSIDE THE ARREDONDO GRANT, TOWNSHIP 9 SOUTH, RANGE 18 EAST, THENCE N 00°04'39" W, ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 10 A DISTANCE OF 660.00 FEET; THENCE DEPARTING SAID WEST LINE S 89°43'39" E, A DISTANCE OF 40.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF STATE ROAD NO. 241 (AN 80' R/W) AND THE POINT OF BEGINNING; THENCE N 00°04'39" W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 416.85 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINES 89°43'40" E, A DISTANCE OF 1756.57 TO THE WEST BOUNDARY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1493, PAGES 280-282 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE S 00°08'50" W, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 1036.85 FEET TO THE SOUTHWEST CORNER OF SAID LANDS AND TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 232, (AN 80' R/W); THENCE N 89°43'39" W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,132.50 FEET; THENCE RUN N 00°04'39" W, A DISTANCE OF 620.00; THENCE N 89°43'39" W, DEPARTING SAID RIGHT-OF-WAY, A DISTANCE OF 620.00 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 32.938 ACRES, MORE OR LESS.

AND ALSO:

A PARCEL OF LAND LYING IN LOTS FIVE (5) AND SIX (6) OF FRACTIONAL SECTION TEN (10) INSIDE THE ARREDONDO GRANT, TOWNSHIP 9 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF FRACTIONAL SECTION 10, INSIDE THE ARREDONDO GRANT, TOWNSHIP 9 SOUTH, RANGE 18 EAST; THENCE N 00°04'39" W, ALONG THE WEST LINE OF SAID FRACTIONAL SECTION 10 A DISTANCE OF 660.00 FEET; THENCE S 89°43'39" E, DEPARTING SAID WEST LINE, A DISTANCE OF 40.00 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF STATE ROAD NO. 241 (AN 80' R/W); THENCE N 00004'39"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 416.85 TO THE POINT OF BEGINNING: THENCE CONTINUE N 00°04'39"W, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 504.45 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1542, PAGE 213, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE N 89°14'01" E, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 593.00 FEET TO THE SOUTHEAST CORNER OF SAID LANDS, THENCE N 00°04'39" W, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 367.37 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE N 81°35'09" E, A DISTANCE OF 1180.22 FEET TO THE WEST BOUNDARY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1493, PAGE 280-282, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE S 00°08'50" W, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 1060.80 FEET; THENCE DEPARTING SAID WEST LINE N 89°43'40"W, A DISTANCE OF 1756.57 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 32.938 ACRES, MORE OR LESS.

AND ALSO:

A PARCEL OF LAND LOCATED IN FRACTIONAL SECTION 2 AND FRACTIONAL SECTION 3, TOWNSHIP 9 SOUTH, RANGE 18 EAST, INSIDE THE ARREDONDO GRANT, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF FRACTIONAL SECTION 2, TOWNSHIP 9 SOUTH, RANGE 18 EAST, OUTSIDE THE ARREDONDO GRANT FOR A POINT OF REFERENCE AND RUN SOUTH 89°16'03" EAST, ALONG THE NORTH LINE OF SAID FRACTIONAL SECTION 2, A DISTANCE OF 30.91 FEET TO A P.R.M. CAP SET IN THE PAVEMENT, SAID P.R.M. CAP LYING ON THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 241 (80 FOOT RIGHT OF WAY), SAID EASTERLY RIGHT OF WAY LINE BEING A CURVE CONCAVE WESTERLY, SAID CURVE HAVING A RADIUS OF 2800.87 FEET, CENTRAL ANGLE OF 21°33'20", AND A CHORD BEARING AND DISTANCE OF SOUTH 14°13'19" WEST, 1047.53 FEET RESPECTIVELY; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT OF WAY LINE AND WITH SAID CURVE, AN ARC DISTANCE OF 1053.73 FEET TO A CONCRETE MONUMENT; THENCE RUN SOUTH 24°59'59" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 915.23 FEET TO A CONCRETE MONUMENT AND A CURVE CONCAVE EASTERLY, SAID CURVE HAVING A RADIUS OF 2824.79 FEET, A CENTRAL ANGLE OF 02°48'44" AND A CHORD BEARING AND DISTANCE OF SOUTH 23°35'37" WEST, 138.64 FEET RESPECTIVELY; THENCE RUN SOUTHWESTERLY, ALONG SAID RIGHT OF WAY LINE AND WITH SAID CURVE, AN ARC DISTANCE OF 138.65 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, SOUTH 89°50'30" EAST, ALONG THE NORTH LINE OF OFFICIAL RECORDS BOOK 1284, PAGE 958 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, A DISTANCE OF 2065.72

FEET; THENCE SOUTH 89°24'32" EAST, ALONG THE SOUTH LINE OF OFFICIAL RECORDS BOOK 1280, PAGE 969, A DISTANCE OF 667.62 FEET TO THE WEST LINE OF OFFICIAL RECORDS BOOK 4156, PAGE 101 OF THE SAID PUBLIC RECORDS; THENCE SOUTH 00°00'10" EAST, ALONG SAID WEST LINE OF SAID LANDS, A DISTANCE OF 251.86 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE SOUTH 89°34'33" EAST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 639.21 FEET TO AN INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINE OF OFFICIAL RECORDS BOOK 2127, PAGE 1732 OF THE SAID PUBLIC RECORDS; THENCE SOUTH 00°10'16" EAST, ALONG SAID NORTHERLY EXTENSION AND SAID WEST LINE, A DISTANCE OF 878.39 FEET TO THE SOUTH LINE OF SAID FRACTIONAL SECTION 2, INSIDE THE ARREDONDO GRANT; THENCE NORTH 89°33'58" WEST, ALONG SAID SOUTH LINE OF SAID FRACTIONAL SECTION 2, A DISTANCE OF 1305.01 FEET TO THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 2, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID FRACTIONAL SECTION 3 INSIDE THE ARREDONDO GRANT; THENCE SOUTH 88°52'19" WEST, ALONG THE SOUTH LINE OF SAID FRACTIONAL SECTION 3, A DISTANCE OF 1591.24 FEET TO THE SOUTHEAST CORNER OF OFFICIAL RECORDS BOOK 2125, PAGE 2955 OF SAID PUBLIC RECORDS; THENCE NORTH 01°07'41" WEST, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 950.00 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE SOUTH 88°52'19" WEST, ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 542.99 FEET TO THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 241 BEING ON THE ARC OF A NON-TANGENT CURVE, CONCAVE EASTERLY, SAID CURVE HAVING A RADIUS OF 2824.79 FEET, A CENTRAL ANGLE OF 04°57'17", AND A CHORD BEARING AND DISTANCE OF NORTH 19°42'36" EAST, 244.20 FEET RESPECTIVELY; THENCE RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND WITH SAID CURVE, AN ARC DISTANCE OF 244.27 FEET TO THE POINT OF BEGINNING. HE ABOVE DESCRIBED PARCEL CONTAINS 75.540 ACRES, MORE OR LESS.

AND ALSO:

COMMENCE AT THE SOUTHWEST COMER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 18 EAST, IN ARREDONDO GRANT, AND THENCE RUN EAST 10 CHAINS; THENCE RUN NORTH 10 CHAINS; THENCE RUN WEST 10 CHAINS; THENCE RUN SOUTH 10 CHAINS TO THE POINT OF BEGINNING, LESS RIGHT OF WAY FOR STATE ROAD #232, AND STATE ROAD #241.

EXHIBIT "B"

