

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA; RELATING TO AN AMENDMENT OF MORE THAN TEN ACRES OF LAND TO THE FUTURE LAND USE MAP OF THE CITY OF DUNNELLON COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION BY TOM SANDY, AGENT FOR MANKO COMPANY, INC., UNDER THE REGULAR AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES; CHANGING THE FUTURE LAND USE CLASSIFICATION FROM AGRICULTURE (COUNTY DESIGNATION) TO B-4 COMMERCIAL (CITY DESIGNATION) ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF DUNNELLON, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 166.021, Florida Statutes, empowers the City Council of the City of Dunnellon, Florida, hereinafter referred to as the City Council, to prepare, adopt and implement a Comprehensive Plan;

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Council to prepare, adopt and implement a Comprehensive Plan;

WHEREAS, an application, CPA 06-L1, for an amendment, as described below, to the Future Land Use Map of the City of Dunnellon Comprehensive Plan, hereinafter referred to as the City's Comprehensive Plan has been filed with the City;

WHEREAS, the Planning Commission of the City of Dunnellon has been designated as the Local Planning Agency;

WHEREAS, the Planning Commission of the City of Dunnellon did on January 17, 2006, hold the required public hearing, with public notice having been provided, on said application for an amendment, as described below, to the Future Land Use Plan of the City's Comprehensive Plan and at said public hearing, the Planning Commission, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing and the Amendment Report concerning said application for an amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan and recommended to the City Council approval of said application for amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan;

WHEREAS, the City Council held two public hearings, with public notices having been provided, under the provisions of the regular amendment public hearing procedures established in Sections 163.3161 through 163.3215, Florida Statutes, on said application for an amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan and at said public hearings, the City Council reviewed and considered all comments received during the public hearings, including the

recommendation of the Planning Commission, serving also as the Local Planning Agency, and the Amendment Report concerning said application for amendment, as described below, of the Future Land Use Map of the City's Comprehensive Plan;

WHEREAS, the City Council has determined and found said application for an amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan to be compatible with the Future Land Use Element objectives and policies, and those of other affected elements of the City's Comprehensive Plan; and

WHEREAS, the City Council has determined and found that approval of said application for an amendment, as described below, to the Future Land Use Map of the City's Comprehensive Plan, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, CPA 06-L1, by Tom Sandy, agent for Manko Company, Inc., the Future Land Use Map of the City's Comprehensive Plan, the future land use classification is hereby changed from AGRICULTURE (County Designation) to b-4 COMMERCIAL (City Designation), on the property described as follows:

LEGAL DESCRIPTION:

BEING A PORTION OF THE NORTH ONE-HALF OF SECTION 26, TOWNSHIP 16 SOUTH, RANGE 18 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM A POINT OF REFERENCE BEING THE SOUTHEAST CORNER OF THE NORTH ONE-HALF OF SAID SECTION 26, RUN THENCE SOUTH 89 DEGREES 53 MINUTES 07 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTH ONE-HALF, A DISTANCE OF 785.58 FEET TO A POINT ON THE WESTERLY MAINTAINED RIGHT-OF-WAY LINE OF U.S. HIGHWAY 41 (STATE ROAD NO. 45); THENCE NORTH 19 DEGREES 58 MINUTES 45 SECONDS EAST ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 126.44 FEET; THENCE NORTH 10 DEGREES 02 MINUTES 18 SECONDS EAST, A DISTANCE OF 315.09 FEET; THENCE NORTH 04 DEGREES 17 MINUTES 09 SECONDS EAST, A DISTANCE OF 869.31 FEET FOR THE POINT OF BEGINNING, SAID POINT ALSO BEING THE NORTHEAST CORNER OF PARCEL 1, AS DESCRIBED IN OFFICIAL RECORD BOOK 2822, PAGES 1187 THROUGH 1189, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE DEPARTING THE WESTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 41 NORTH 83 DEGREES 35 MINUTES 16 SECONDS WEST ALONG THE NORTH LINE OF SAID OFFICIAL RECORD BOOK, A DISTANCE OF 714.40 FEET; THENCE SOUTH 42 DEGREES 36 MINUTES 11 SECONDS WEST, A DISTANCE OF 51.32 FEET; THENCE SOUTH 06 DEGREES 24 MINUTES 44 SECONDS WEST, A DISTANCE OF 105.00 FEET; THENCE NORTH 83 DEGREES 35 MINUTES 16

SECONDS WEST, A DISTANCE OF 65.00 FEET; THENCE NORTH 40 DEGREES 38 MINUTES 04 SECONDS WEST, A DISTANCE OF 451.28 FEET; THENCE NORTH 06 DEGREES 24 MINUTES 44 SECONDS EAST, A DISTANCE OF 530.00 FEET; THENCE SOUTH 83 DEGREES 35 MINUTES 16 SECONDS EAST, A DISTANCE OF 1089.40 FEET TO A POINT ON THE WESTERLY LINE OF PARCEL "B" AS DESCRIBED IN OFFICIAL RECORD BOOK 3214, PAGES 692 THROUGH 694, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE SOUTH 03 DEGREES 55 MINUTES 31 SECONDS WEST ALONG THE SAID WESTERLY LINE, A DISTANCE OF 241.84; THENCE SOUTH 86 DEGREES 42 MINUTES 51 SECONDS EAST, A DISTANCE OF 17.00 FEET; THENCE SOUTH 03 DEGREES 17 MINUTES 10 SECONDS WEST, A DISTANCE OF 150.00 FEET; THENCE SOUTH 86 DEGREES 42 MINUTES 51 SECONDS EAST, A DISTANCE OF 3.80 FEET; THENCE SOUTH 04 DEGREES 17 MINUTES 09 SECONDS WEST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF AFORESAID U.S. HIGHWAY 41, A DISTANCE OF 301.04 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 17.907 ACRES MORE OR LESS.

Section 2. Severability. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 3. Conflicts Repealed. All ordinances or parts of ordinances in conflict with this Ordinance shall be repealed to the extent of such conflict. If any portion of this Ordinance is found to be invalid, then only that portion of this Ordinance shall be stricken.

Section 4. Effective Date. This Ordinance shall become effective immediately upon adoption.

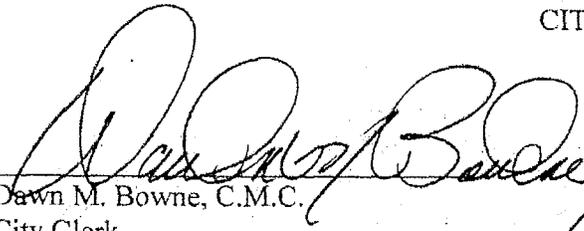
The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

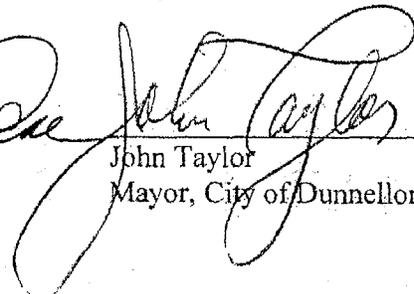
PASSED ON FIRST READING, THIS 12th DAY OF JUNE 2006.

PASSED AND DULY ADOPTED, with a quorum present and voting by the City Council of the City of Dunnellon, Florida, on final reading this 26th day of June 2006.

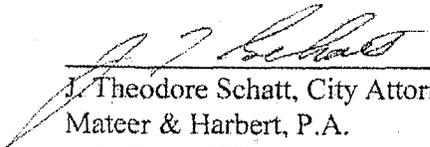
ATTEST:

CITY COUNCIL OF THE
CITY OF DUNNELLON, FLORIDA


Dawn M. Bowne, C.M.C.
City Clerk

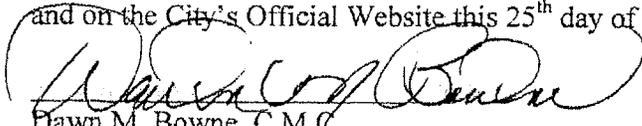

John Taylor
Mayor, City of Dunnellon

Approved as to Form and Correctness:


J. Theodore Schatt, City Attorney
Mateer & Harbert, P.A.
P.O. Box 3775
Ocala, FL 34478
Telephone: 352-351-8003
Facsimile: 352-351-9002

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 25th day of May 2006.


Dawn M. Bowne, C.M.C.
City Clerk