

1
2
3
4
5
6 **ORDINANCE**
7 **NUMBER 2021-008**
8

9 **AN ORDINANCE OF LEVY COUNTY, FLORIDA,**
10 **APPROVING A REZONING FOR APPLICANT, WILLIAM**
11 **R. SPELL, III, REZONING 62.39 ACRES MORE OR**
12 **LESS LOCATED IN SECTION 7, TOWNSHIP 16**
13 **SOUTH, RANGE 17 EAST, LEVY COUNTY, FLORIDA,**
14 **FROM FORESTRY/RURAL RESIDENTIAL (F/RR) TO**
15 **AGRICULTURAL/RURAL RESIDENTIAL (A/RR),**
16 **APPLICATION CZ 01-21; PROVIDING FOR**
17 **EXCLUSION FROM CODIFICATION; PROVIDING AN**
18 **EFFECTIVE DATE.**
19

20
21 **WHEREAS**, in a public hearing held on May 4, 2021, the Board of County
22 Commissioners of Levy County, Florida (“Board”), reviewed Application CZ 01-21 which
23 requested a rezoning of 62.39 acres more or less from a Forestry/Rural Residential (F/RR)
24 zoning designation to Agricultural/Rural Residential (A/RR), on property owned by R & R
25 Land Holdings, LLC, represented by its manager, applicant William R. Spell, III, 315 NW
26 Magnolia Circle, Crystal River, FL 34428, which property is described in Exhibit "A"
27 attached hereto and by this reference incorporated herein; and

28 **WHEREAS**, the applicant, William R. Spell, III, seeks a rezoning to subdivide and
29 develop residential housing on the subject property; and

30 **WHEREAS**, the Levy County Planning Commission and the Board conducted public
31 hearings on January 4, 2021, and February 2, 2021, respectively, regarding the transmittal
32 of a Future Land Use Map Amendment from Forestry/Rural Residential to Agricultural/Rural
33 Residential designation on the Levy County Future Land Use Map for the subject property

1 (herein "the FLUM Amendment") to the state land planning agency and other agencies,
2 which transmittal was approved by the Board; and

3 **WHEREAS**, on even date herewith, the Board conducted a public hearing on the
4 FLUM Amendment and approved Ordinance 2021-007, adopting the FLUM Amendment for
5 the subject property; and

6 **WHEREAS**, the Levy County Planning Commission conducted a public hearing on
7 Application CZ 01-21 on April 5, 2021, and found the Application to be consistent with the
8 Levy County Comprehensive Plan and recommended approval of the Application, provided
9 that Ordinance 2021-007 was approved by the Board; and

10 **WHEREAS**, after due consideration, the Board of County Commissioners has found
11 that the request is consistent with the Levy County Comprehensive Plan and has
12 determined it to be in the best interest of the public to rezone the subject property from
13 F/RR to A/RR.

14 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
15 Levy County, Florida:

16 **SECTION 1.** That the following application for a rezoning is hereby approved:

17 Application CZ 01-21 rezoning 62.39 acres more or less of property from a
18 Forestry/Rural Residential (F/RR) zoning to an Agricultural/Rural Residential
19 (A/RR) zoning on property owned by R & R Land Holdings, LLC, c/o William
20 R. Spell, III, 315 NW Magnolia Circle, Crystal River, FL 34428, which
21 property is described in Exhibit "A" attached hereto and by this reference
22 incorporated herein.

23
24 **SECTION 2.** The zoning for this property shall run with the property and shall apply
25 to any subsequent owners, heirs and assigns.

1 **SECTION 3.** This ordinance shall not be included in the Code of Ordinances of Levy
2 County, Florida. This ordinance shall have all legal force and effect as a duly adopted
3 ordinance of Levy County, Florida.

4 **SECTION 4.** This ordinance shall take effect upon filing in the Office of the
5 Secretary of State, State of Florida.

6 **PASSED AND DULY ADOPTED** this 4th day of May, 2021.

7 **BOARD OF COUNTY COMMISSIONERS**
8 **OF LEVY COUNTY, FLORIDA**

9
10
11
12 _____

13 John Meeks, Chair

14
15 **ATTEST:**
16 Danny J. Shipp, Clerk of Circuit
17 Court and Ex-Officio Clerk to the
18 Board of County Commissioners
19

20
21
22 _____

23 Danny J. Shipp, Clerk

24 **APPROVED AS TO FORM**
25 **AND LEGAL SUFFICIENCY**

26 *Anne Bast Brown*
27 _____

28 Anne Bast Brown, County Attorney

29
30
31 z:\spell.rezone.doc
32 LR2021-006
33 04/05/2021
34

"EXHIBIT "A" COMPOSITE LEGAL.

LEGAL DESCRIPTION (SOUTHWEST PARCEL):

A PORTION OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 16 SOUTH, RANGE 17 EAST AND A PORTION OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 16 SOUTH, RANGE 16 EAST, LYING EAST OF U.S. HIGHWAY NO 19 (STATE ROAD 55), LEVY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 12; THENCE RUN NORTH 88°25'48" WEST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 12, A DISTANCE OF 58.65 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO 19 (STATE ROAD NO. 55, A 200 FOOT WIDE PUBLIC RIGHT-OF-WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 34050-2510); THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 01°02'43" EAST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 1204.56 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTHEAST 157TH PLACE (FORMERLY KNOWN AS SOUTHEAST GOATHE ROAD) AND THE POINT OF BEGINNING, SAID POINT BEING ON A 2584.63 FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE SOUTH, BEING SUBTENDED BY A CHORD BEARING OF NORTH 73°21'28" EAST AND A CHORD LENGTH OF 784.55 FEET. THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES AND DISTANCES: 1) THENCE RUN EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17°27'34", AN ARC DISTANCE OF 787.60 FEET TO A POINT OF REVERSE CURVATURE OF A 300.00 FOOT RADIUS CURVE CONCAVE TO THE NORTHWEST, BEING SUBTENDED BY A CHORD BEARING OF NORTH 66°01'40" EAST AND A CHORD LENGTH OF 165.98 FEET; 2) THENCE RUN NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32°07'10", AN ARC DISTANCE OF 168.18 FEET TO A POINT OF TANGENCY; 3) THENCE RUN NORTH 49°58'05" EAST, A DISTANCE OF 390.75 FEET TO A POINT OF CURVATURE OF A 80.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTH, BEING SUBTENDED BY A CHORD BEARING OF NORTH 72°17'17" EAST AND A CHORD LENGTH OF 60.76 FEET; 4) THENCE RUN EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°38'24", AN ARC DISTANCE OF 62.33 FEET TO A POINT OF TANGENCY; 5) THENCE RUN SOUTH 85°23'31" EAST, A DISTANCE OF 6.00 FEET TO A POINT ON THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1256, PAGE 856, OF THE PUBLIC RECORDS OF LEVY COUNTY, FLORIDA. THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY LINE, RUN SOUTH 00°42'47" WEST, ALONG SAID WEST LINE, A DISTANCE OF 493.98 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 89°27'43" EAST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF A DISTANCE OF 948.38 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE DEPARTING SAID SOUTH LINE, RUN SOUTH 00°41'55" WEST, ALONG THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID LANDS, A DISTANCE OF 200.76 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 7; THENCE DEPARTING SAID SOUTHERLY EXTENSION RUN NORTH 89°26'31" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 2185.00 FEET TO THE SOUTHWEST CORNER OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 7; THENCE DEPARTING SAID SOUTH LINE, RUN NORTH 89°12'28" WEST, ALONG THE SOUTH LINE OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 12, A DISTANCE OF 19.06 FEET TO A POINT ON THE AFORESAID EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO 19; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 01°02'43" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 120.60 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 14.837 ACRES, MORE OR LESS

"EXHIBIT "A" COMPOSITE LEGAL.

LEGAL DESCRIPTION (NORTHWEST PARCEL):

A PORTION OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 16 SOUTH RANGE 17 EAST AND A PORTION OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 16 SOUTH RANGE 16 EAST, LYING EAST OF U.S. HIGHWAY NO. 19 (STATE ROAD 55), LEVY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE WEST 1/4 CORNER OF SAID SECTION 7, THENCE RUN SOUTH 89°10'59" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 1228.01 FEET TO A POINT ON THE WEST LINE OF THE EAST 100 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 7, THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°39'27" WEST, ALONG SAID WEST LINE, A DISTANCE OF 251.30 FEET; THENCE DEPARTING SAID WEST LINE, RUN SOUTH 72°56'59" WEST, A DISTANCE OF 1330.05 FEET TO THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 19 (STATE ROAD NO. 55, A 200 FOOT WIDE PUBLIC RIGHT-OF-WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 34050-2510); THENCE RUN NORTH 01°02'43" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 660.50 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 12; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN SOUTH 88°25'48" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 58.65 FEET TO THE POINT OF BEGINNING

SAID LANDS CONTAINING 13.393 ACRES, MORE OR LESS.

"EXHIBIT "A" COMPOSITE LEGAL.

LEGAL DESCRIPTION (WEST PARCEL):

A PORTION OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 16 SOUTH, RANGE 17 EAST AND A PORTION OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 12, TOWNSHIP 16 SOUTH, RANGE 16 EAST, LYING EAST OF U.S. HIGHWAY NO. 19 (STATE ROAD 55), LEVY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 7; THENCE RUN SOUTH 89°10'59" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 1228.01 FEET TO A POINT ON THE WEST LINE OF THE EAST 100 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 7; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 00°39'27" WEST, ALONG SAID WEST LINE, A DISTANCE OF 251.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°39'27" WEST, ALONG SAID WEST LINE, A DISTANCE OF 331.83 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHEAST 157TH PLACE (FORMERLY KNOWN AS SOUTHEAST GOATHE ROAD), SAID POINT BEING A POINT ON A 120.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE SOUTH, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 70°54'10" WEST AND A CHORD LENGTH OF 85.75 FEET; THENCE DEPARTING SAID WEST LINE, RUN ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) THENCE RUN WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41°52'10", AN ARC DISTANCE OF 87.69 FEET TO A POINT OF TANGENCY; 2) THENCE RUN SOUTH 49°58'05" WEST, A DISTANCE OF 390.75 FEET TO A POINT OF CURVATURE OF A 260.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 66°01'40" WEST AND A CHORD LENGTH OF 143.85 FEET; 3) THENCE RUN SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32°07'10", AN ARC DISTANCE OF 145.75 FEET TO A POINT OF REVERSE CURVATURE OF A 2624.63 FOOT RADIUS CURVE CONCAVE TO THE SOUTH, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 73°33'18" WEST AND A CHORD LENGTH OF 778.84 FEET; 4) THENCE RUN WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 17°03'55", AN ARC DISTANCE OF 781.73 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 19 (STATE ROAD NO. 55, A 200 FOOT WIDE PUBLIC RIGHT-OF-WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 34050-2510); THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, RUN NORTH 01°02'43" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 500.23 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN NORTH 72°56'59" EAST, A DISTANCE OF 1330.05 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 13.406 ACRES, MORE OR LESS

"EXHIBIT "A" COMPOSITE LEGAL.

LEGAL DESCRIPTION (NORTHEAST PARCEL):

A PORTION OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 16 SOUTH, RANGE 17 EAST, LEVY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 7; THENCE RUN SOUTH 89°10'59" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 1963.02 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°10'59" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 693.00 FEET TO THE CENTER OF SAID SECTION 7; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 00°35'38" WEST, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 685.40 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHEAST 157TH PLACE (FORMERLY KNOWN AS SOUTHEAST GOATHIE ROAD); THENCE DEPARTING SAID EAST LINE, RUN ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES AND DISTANCES: 1) THENCE RUN NORTH 84°58'27" WEST, A DISTANCE OF 469.81 FEET; 2) THENCE RUN NORTH 84°50'13" WEST, A DISTANCE OF 225.31 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, RUN NORTH 00°35'38" EAST, A DISTANCE OF 633.85 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 10.497 ACRES, MORE OR LESS.

"EXHIBIT "A" COMPOSITE LEGAL.

LEGAL DESCRIPTION (CENTER PARCEL):

A PORTION OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 16 SOUTH RANGE 17 EAST, LEVY COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST 1/4 CORNER OF SAID SECTION 7; THENCE RUN SOUTH 89°10'59" EAST, ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 7, A DISTANCE OF 1228.01 FEET TO A POINT ON THE WEST LINE OF THE EAST 100 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 7 AND THE POINT OF BEGINNING; THENCE DEPARTING SAID WEST LINE, CONTINUE SOUTH 89°10'59" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 735.01 FEET; THENCE DEPARTING SAID NORTH LINE, RUN SOUTH 00°35'38" WEST, A DISTANCE OF 633.85 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SOUTHEAST 157th PLACE (FORMERLY KNOWN AS SOUTHEAST GOATHE ROAD); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING FOUR (4) COURSES AND DISTANCES: 1) THENCE RUN NORTH 84°50'13" WEST, A DISTANCE OF 214.99 FEET; 2) THENCE RUN NORTH 85°23'29" WEST, A DISTANCE OF 419.82 FEET; 3) THENCE RUN NORTH 85°23'31" WEST, A DISTANCE OF 97.00 FEET TO A POINT OF CURVATURE OF A 120.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTH, BEING SUBTENDED BY A CHORD BEARING OF NORTH 86°46'38" WEST AND A CHORD LENGTH OF 5.80 FEET; 4) THENCE RUN WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°46'14", AN ARC DISTANCE OF 5.80 FEET TO A POINT ON THE AFORESAID WEST LINE OF THE EAST 100 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 7; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, RUN NORTH 00°39'27" EAST, ALONG SAID WEST LINE, A DISTANCE OF 583.13 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 10.258 ACRES, MORE OR LESS