

**ORDINANCE NO. 090249**  
**0-09-43**

**An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area located generally East of Morningside Nature Center Park on East University Avenue, South of N.E. 5<sup>th</sup> Avenue, West of N. E. 51<sup>st</sup> Street and S.E. 51<sup>st</sup> Street, also including Tax Parcel No. 16177-001-000, North of the northern boundary of Section 13, Township 10 South, Range 20 East, North of Lake View Estates Subdivision and North of S.E. 24<sup>th</sup> Avenue and East of SE 27<sup>th</sup> Street and the City Limits, as more particularly described in the ordinance; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.**

**WHEREAS**, Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for the annexation of contiguous, compact, unincorporated territory within a municipality's reserve area; and

**WHEREAS**, on January 10, 2006, the Board of County Commissioners of Alachua County designated the Reserve Area for the City of Gainesville pursuant to the Act; and

**WHEREAS**, on July 22, 2009, the City Commission of the City of Gainesville adopted Ordinance No. 090115, which adopted the Urban Services Report setting forth the plans to provide

1 urban services to that portion of the Reserve Area, a portion of which is proposed to be annexed in  
2 accordance with the procedures provided in the Act; and

3 **WHEREAS**, a copy of the Urban Services Report was filed with the Alachua County  
4 Board of County Commissioners; and

5 **WHEREAS**, the City of Gainesville desires to annex a certain portion of its Reserve Area  
6 which is compact and contiguous to the present corporate limits of the City; and

7 **WHEREAS**, pursuant to law, at least seven days notice has been given once by publication  
8 in a newspaper of general circulation notifying the public of the first Public Hearing of this  
9 proposed Ordinance to be held in the City Commission meeting room, First Floor, City Hall, in the  
10 City of Gainesville; and

11 **WHEREAS**, pursuant to law, at least five days notice has been given once by publication  
12 in a newspaper of general circulation notifying the public of the second Public Hearing of this  
13 proposed Ordinance to be held in the City Commission meeting room, First Floor, City Hall, in the  
14 City of Gainesville; and

15 **WHEREAS**, Public Hearings were held pursuant to the published notice described above at  
16 which hearings the parties in interest and all others had an opportunity to be and were, in fact,  
17 heard.

18 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
19 **CITY OF GAINESVILLE, FLORIDA:**

20 **Section 1.** The City Commission finds that the Area described in Section 2 of this  
21 Ordinance (hereinafter referred to as the "Area") is reasonably compact and contiguous to the  
22 present corporate limits of the City of Gainesville, and that no part of the Area is within the

1 boundary of another municipality or county. The City Commission finds the Area to be within its  
2 Reserve Area and the annexation does not create an enclave. The City Commission finds that the  
3 area has a total resident population equal to at least 2 persons for each acre of land. The City  
4 Commission finds that part or all of the Area is developed for urban purposes because it has a total  
5 resident population equal to at least one person for each acre of land included within its boundaries  
6 and is subdivided into lots and tracts so that at least 60 percent of the total number of lots and tracts  
7 are 1 acre or less in size.

8 **Section 2.** The following described Area is annexed and incorporated within the corporate  
9 limits of the City of Gainesville, Florida:

10 See Legal Description attached hereto as Exhibit "A", and made a  
11 part hereof as if set forth in full.  
12

13 **Section 3.** Subject to the provisions of Section 4 of this Ordinance, the corporate limits of  
14 the City of Gainesville, Florida, as set forth in Article 1, Charter Laws of the City of Gainesville,  
15 are amended and revised to include the Area described in Section 2 within the corporate limits of  
16 the City of Gainesville, Florida.

17 **Section 4.** Pursuant to Section 8 of the Act, this Ordinance shall be submitted to a vote of  
18 the registered electors of the Area described in Section 2 of this Ordinance at a special election  
19 called for the purpose of holding the referendum. The referendum election shall be held on  
20 Tuesday, November 10, 2009. The referendum shall be conducted by the Alachua County  
21 Supervisor of Elections ("Supervisor") in accordance with the provisions of the Act and Chapter 9,  
22 Gainesville Code of Ordinances, as applicable. The Supervisor is requested and authorized to  
23 conduct a referendum election in accordance with the provisions of the Florida Statutes. The City

1 Manager is authorized and directed to pay all lawful expenses associated with the election. The  
2 City Manager is also directed to prepare a statement specifying the population census effect and the  
3 affected land area if the annexation is approved by the electorate at the referendum election.

4 **Section 5.** The Clerk of the Commission is authorized to publish notice of the referendum  
5 on annexation as prescribed by law.

6 **Section 6.** Pursuant to Section 8 of the Act, the language to appear on the ballot of the  
7 referendum election called in Section 4 shall be:

8 "For annexation of property described in Ordinance Number 090249  
9 of the City of Gainesville"

10  
11 "Against annexation of property described in Ordinance Number  
12 090249 of the City of Gainesville"

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14 **Section 7.** In accordance with Section 171.062, Florida Statutes, the Alachua County land  
15 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area  
16 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment  
17 that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement  
18 officers shall have jurisdiction to enforce these regulations during the interim period through the  
19 Gainesville Code Enforcement Board process as described in Division 8 of Article V of Chapter 2  
20 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as described in  
21 Division 6 of Article V of Chapter 2 of said Code. During the interim period, the City may rezone  
22 properties in the annexed area to an Alachua County Zoning classification/category that conforms  
23 with the Alachua County Comprehensive Plan.

24 **Section 8.** (a) Except as provided in subsections (b) and (c) below, all persons who are  
25 lawfully engaged in any occupation, business, trade or profession within the area described in

1 Section 2 of this Ordinance as of June 1, 2010, shall have the right to continue such occupation,  
2 business, trade or profession.

3 (b) Except as provided in subsection (c) below, all persons who are lawfully engaged in any  
4 construction trade, occupation or business within the Area described in Section 2 of this Ordinance  
5 as of June 1, 2010, and who possess a valid certificate of competency issued by Alachua County  
6 shall have the right to continue the construction trade, occupation, or business within the entire  
7 corporate limits of the City of Gainesville, including the Area described in Section 2 of this  
8 Ordinance, subject to the terms, conditions and limitations imposed on the certificate by Alachua  
9 County, and provided such persons register the certificate with the Building Inspections Department  
10 of the City of Gainesville and the Department of Business and Professional Regulation of the State  
11 of Florida, if applicable, on or before 4:00 p.m. on June 1, 2010.

12 (c) All persons lawfully engaged in any occupation, business, trade or profession within the  
13 Area described in Section 2 of this Ordinance on or after October 1, 2010, shall obtain an  
14 occupational license from the City of Gainesville for the term commencing on October 1, 2010,  
15 which license shall be issued upon payment of the appropriate fee in accordance with the  
16 Gainesville Code of Ordinances in effect on October 1, 2010.

17 **Section 9.** If any portion of this Ordinance is declared by a court of competent jurisdiction  
18 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining  
19 portions of this Ordinance.

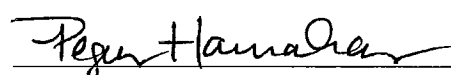
20 **Section 10.** The Clerk of the Commission is directed to submit a certified copy of this  
21 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; 3) the  
22 Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida; and 4)

1 the Office of Economic and Demographic Research along with a statement specifying the  
2 population census effect and the affected land area.

3 **Section 11.** Sections 1, 4, 5, 6, 8, 9, 10 and 11 of this Ordinance shall become effective  
4 immediately upon adoption. Sections 2, 3, and 7 shall become effective at 12:01 a.m. on Tuesday,  
5 June 1, 2010, unless there is a tie vote or majority vote against the annexation at the special election  
6 called in Section 4 of this Ordinance.

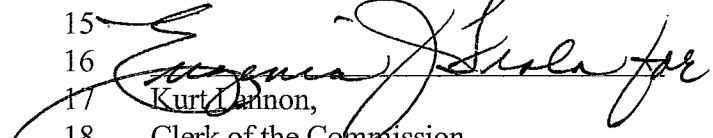
7 **PASSED AND ADOPTED** this 10<sup>th</sup> day of August, 2009.

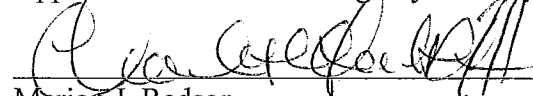
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PEGEEN HANRAHAN  
MAYOR

14 ATTEST:

Approved as to form and legality

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16 \_\_\_\_\_  
17 Kurt Dannon,  
18 Clerk of the Commission

  
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Marion J. Radson,  
City Attorney

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This Ordinance passed on first reading this 6<sup>th</sup> day of August, 2009.

This Ordinance passed on second reading this 10<sup>th</sup> day August, 2009.

## EXHIBIT "A"

A TRACT OF LAND LYING IN SECTIONS 1, 2, 10, 11 & 12, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA BEING ADJACENT TO AND CONTIGUOUS WITH THE EXISTING LIMITS OF THE CITY OF GAINESVILLE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

FOR A POINT OF BEGINNING COMMENCE ON THE EXISTING CITY LIMITS AS PER CITY OF GAINESVILLE ORDINANCE NUMBER 3865 AT A POINT MARKING THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF NORTHEAST 5<sup>TH</sup> AVENUE AND THE WEST LINE OF SECTION 1, TOWNSHIP 10 SOUTH, RANGE 20 EAST; THENCE LEAVING SAID EXISTING CITY LIMITS EAST ALONG SAID NORTH RIGHT-OF-WAY LINE OF NORTHEAST 5<sup>TH</sup> AVENUE TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF NORTHEAST 51<sup>ST</sup> STREET; THENCE SOUTH ALONG SAID EAST RIGHT-OF-WAY LINE ALSO BEING THE WEST LINE OF LOTS 75B AND 75 OF LAKE FOREST-GAINESVILLE LAKE FARMS, A SUBDIVISION AS RECORDED IN PLAT BOOK "A", PAGE 152 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED AS "ACR") TO THE SOUTHWEST CORNER OF SAID LOT 75 ALSO BEING THE NORTHEAST CORNER OF THE INTERSECTION OF SAID NORTHEAST 51<sup>ST</sup> STREET AND EAST UNIVERSITY AVENUE (ALSO KNOWN AS STATE ROAD NO. 26); THENCE CROSSING SAID EAST UNIVERSITY AVENUE CONTINUE SOUTH ALONG THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 51<sup>ST</sup> STREET ALSO BEING THE WEST LINE OF LOTS 26 AND 26A OF SAID LAKE FOREST-GAINESVILLE LAKE FARMS TO THE SOUTHWEST CORNER OF SAID LOT 26A ALSO BEING THE NORTHEAST CORNER OF THE INTERSECTION OF SAID SOUTHEAST 51<sup>ST</sup> STREET AND SOUTHEAST 4<sup>TH</sup> AVENUE; THENCE CONTINUE SOUTH ALONG SAID EAST RIGHT-OF-WAY LINE OF SOUTHEAST 51<sup>ST</sup> STREET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK (HEREAFTER ABBREVIATED AS ORB) 2194, PAGE 1486 ACR; THENCE WEST ALONG THE NORTH LINE OF SAID PARCEL ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF SOUTHEAST 4<sup>TH</sup> AVENUE TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE SOUTH ALONG THE WEST LINE OF SAID PARCEL AND ITS SOUTHERLY EXTENSION TO THE SOUTH RIGHT-OF-WAY LINE OF SOUTHEAST 8<sup>TH</sup> AVENUE; THENCE EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF LOT 5 OF THE PLAT OF SECTION 12, TOWNSHIP 10 SOUTH, RANGE 20 EAST AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 7 ACR TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 5 AND THE EAST LINE OF LOT 12 OF SAID PLAT TO THE SOUTHEAST CORNER OF SAID LOT 12 ALSO BEING THE NORTHWEST CORNER OF LOT 20 OF SAID PLAT; THENCE EAST, SOUTH AND WEST ALONG THE PERIMETER OF SAID LOT 20 TO THE SOUTHWEST CORNER THEREOF ALSO BEING THE NORTHWEST CORNER OF LOT 29 OF SAID PLAT; THENCE SOUTH ALONG THE WEST LINE OF LOT 29 AND THE WEST LINE OF LOT 36 OF SAID PLAT OF SECTION 12 TO A POINT ON THE NORTH LINE OF GREEN GROVE, A SUBDIVISION AS RECORDED IN PLAT BOOK "E", PAGE 62 ACR; THENCE EAST ALONG THE NORTH LINE OF SAID GREEN GROVE TO THE NORTHEAST CORNER OF SAID GREEN GROVE; THENCE SOUTH ALONG THE EAST LINE OF SAID GREEN GROVE ALSO BEING THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 51<sup>ST</sup> STREET TO THE SOUTHEAST CORNER OF SAID GREEN GROVE ALSO BEING A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF HAWTHORNE ROAD ALSO KNOWN AS STATE ROAD NO. 20; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND THE SOUTHERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN ORB 3528, PAGE 1466 ACR TO A POINT ON THE SOUTH LINE OF SAID PARCEL ALSO BEING A POINT ON THE EASTERLY EXTENSION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SOUTHEAST 24<sup>TH</sup> AVENUE ALSO BEING THE SOUTH LINE OF SECTION 12, TOWNSHIP 10 SOUTH, RANGE 20 EAST; THENCE WEST ALONG SAID EASTERLY EXTENSION AND SOUTHERLY RIGHT-OF-WAY LINE AND SECTION LINE TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN ORB 1440 PAGE 820 ACR; THENCE NORTH

ALONG THE EAST LINE OF SAID PARCEL TO THE SOUTHERLY RIGHT-OF- WAY LINE OF THE AFOREMENTIONED HAWTHORNE ROAD; THENCE NORTHWESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND NORTHERLY LINE OF SAID PARCEL TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN ORB 1899, PAGE 477 ACR; THENCE SOUTHWESTERLY ALONG THE EAST LINE OF SAID PARCEL TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE WEST TO THE SOUTHWEST CORNER OF SAID PARCEL ALSO BEING A POINT ON THE EAST LINE OF SHADY LAWN ESTATES, A SUBDIVISION AS RECORDED IN PLAT BOOK "B" PAGE 14 ACR; THENCE SOUTH ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF SAID SHADY LAWN ESTATES ALSO BEING THE SOUTHEAST CORNER OF LOT 58 OF AFOREMENTIONED PLAT OF SECTION 12, TOWNSHIP 10 SOUTH, RANGE 20 EAST; THENCE WEST ALONG THE SOUTH LINE OF SAID LOT 58 AND SHADY LAWN ESTATES TO THE SOUTHWEST CORNER OF SAID LOT 58 AND SHADY LAWN ESTATES ALSO BEING THE SOUTHEAST CORNER OF LOT 57 OF SAID PLAT OF SECTION 12, TOWNSHIP 10 SOUTH, RANGE 20 EAST AND THE SOUTHEAST CORNER OF KREFTWOOD ESTATES, AN UNRECORDED SUBDIVISION; THENCE CONTINUE WEST TO THE SOUTHWEST CORNER OF SAID KREFTWOOD ESTATES AND LOT 57 ALSO BEING THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN ORB 1384, PAGE 296 ACR; THENCE NORTH ALONG THE WEST LINE OF SAID KREFTWOOD ESTATES AND THE EAST LINE OF SAID PARCEL TO THE NORTHEAST CORNER OF SAID PARCEL ALSO BEING THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN ORB 1892, PAGE 78; THENCE NORTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID PARCEL TO A POINT ON THE WEST LINE OF DEVONSHIRE HILLS ADDITION, A SUBDIVISION AS RECORDED IN PLAT BOOK "H", PAGE 86 ACR; THENCE SOUTH ALONG SAID WEST LINE TO THE SOUTHEAST CORNER OF SAID DEVONSHIRE HILLS ADDITION; THENCE WEST ALONG THE SOUTH LINE OF SAID DEVONSHIRE HILLS ADDITION AND THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN ORB 3157, PAGE 1088 ACR TO THE NORTHEAST CORNER OF HAMMOCK OAKS, A SUBDIVISION AS RECORDED IN PLAT BOOK "J", PAGE 78 ACR; THENCE SOUTH ALONG THE EAST LINE OF SAID HAMMOCK OAKS TO THE SOUTHEAST CORNER OF HAMMOCK OAKS ALSO BEING A POINT ON THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN ORB 3792, PAGE 83 ACR; THENCE WEST ALONG THE SOUTH LINE OF SAID HAMMOCK OAKS ALSO BEING THE NORTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER OF HAMMOCK OAKS AND THE NORTHWEST CORNER OF SAID PARCEL ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF SOUTHEAST 35<sup>TH</sup> STREET; THENCE SOUTH ALONG SAID EAST RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF SAID PARCEL BEING ON AN EASTERLY EXTENSION OF THE SOUTH LINE OF GREENTREE VILLAGE, A SUBDIVISION AS RECORDED IN PLAT BOOK "J", PAGE 62 ACR; THENCE WEST ALONG SAID EASTERLY EXTENSION AND THE SOUTH LINE OF GREENTREE VILLAGE AND THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN ORB 2284, PAGE 2602 ACR TO THE SOUTHEAST CORNER OF CELEBRATION OAKS, PHASE 1, A SUBDIVISION AS RECORDED IN PLAT BOOK 24, PAGE 83 ACR; THENCE CONTINUE WEST ALONG THE SOUTH LINE OF SAID SUBDIVISION AND THE SOUTH LINES OF THOSE CERTAIN PARCELS OF LAND DESCRIBED IN ORB 2210, PAGE 1659 AND ORB 2083, PAGE 1107 ACR AND A WESTERLY EXTENSION THEREOF TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SOUTHEAST 27<sup>TH</sup> STREET ALSO BEING KNOWN AS STATE ROAD 329-A AND KINCAID ROAD; THENCE NORTH ALONG SAID WEST RIGHT-OF-WAY LINE TO A POINT ON THE SOUTH LINE OF THE NORTHEAST ONE QUARTER (NE ¼) OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 20 EAST ALACHUA COUNTY, FLORIDA ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE.