

LEGISLATIVE #

160216A

ORDINANCE NO. 160216

An ordinance of the City of Gainesville, Florida, annexing approximately 100 acres of city-owned and privately-owned property that is generally located south of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, west of SW 41st Boulevard and Interstate 75, north of SW Williston Road, and east of SW 75th Street, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, (the “Act”), sets forth criteria and procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits; and

WHEREAS, on August 4, 2016, the City Commission of the City of Gainesville received a petition for voluntary annexation of real property located in the unincorporated area of Alachua County, as more specifically described in this ordinance, and determined that the petition included the signatures of all owners of property in the area proposed to be annexed; and

WHEREAS, the subject property meets the criteria for annexation under the Act; and

WHEREAS, the City has provided all notices required pursuant to the Act, including notice that has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading that notified the public of this proposed ordinance and of public hearings in the City Commission Auditorium located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, public hearings were held pursuant to the notice described above during which the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

Section 1. The City Commission finds that the property described in Section 2 of this ordinance is reasonably compact and contiguous to the present corporate limits of the City of Gainesville and that no part of the subject property is within the boundary of another municipality or outside of the county in which the City of Gainesville lies. The City Commission finds that annexing the subject property into the corporate limits of the City of Gainesville does not create an enclave of unincorporated property.

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

See legal description attached hereto as **Exhibit A** and made a part hereof as if set forth in full. The location of the property is shown on **Exhibit B** for visual reference. In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

Section 3. The corporate limits of the City of Gainesville, Florida, as set forth in Appendix I, Charter Laws of the City of Gainesville, are amended and revised to include the property described in Section 2 of this ordinance.

Section 4. In accordance with Section 171.062, Florida Statutes, the Alachua County land use plan and zoning or subdivision regulations shall remain in full force and effect in the property described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the Alachua County land use plan and zoning or subdivision regulations through the City of Gainesville's code enforcement and civil citation processes.

Section 5. (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in any occupation, business, trade, or profession within the property area described in

Section 2 of this ordinance shall have the right to continue such occupation, business, trade, or profession, but shall obtain a business tax receipt from the City of Gainesville for the term commencing on October 1, 2017, which tax receipt shall be issued upon payment of the appropriate fee in accordance with the Gainesville Code of Ordinances in effect on October 1, 2017.

(b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any construction trade, occupation, or business within the property area described in Section 2 of this ordinance and who possess a valid certificate of competency issued by Alachua County shall have the right to continue the construction trade, occupation, or business within the entire corporate limits of the City of Gainesville, including the subject area, subject to the terms, conditions, and limitations imposed on the certificate by Alachua County, and provided that such persons register the certificate with the Building Inspections Division of the City of Gainesville and the Department of Business and Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. of the effective date of this ordinance.

Section 6. The Clerk of the Commission is directed to submit a certified copy of this ordinance to: 1) the Florida Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

Section 7. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

Section 8. All other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 9. This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

KURT LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2016.

This ordinance passed on second reading this _____ day of _____, 2016.

Legal Description

A TRACT OF LAND LYING AND BEING IN SECTIONS 22, 23, 26 AND 27 AND PORTIONS OF THE GAREY GRANT OF ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 070721, SAID POINT LYING N 40°28'21" W AT A DISTANCE OF 104.14 FEET FROM THE SOUTHWEST CORNER OF LOT 4 OF BROOKS ADDITION AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 40 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREIN AFTER ABBREVIATED "PRACF") SAID POINT OF BEGINNING ALSO BEING THE NORTHWEST CORNER OF PARCEL 5 (TAX PARCEL # 7245) OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3590, PAGE 155 (HEREAFTER ABBREVIATED "ORB#/P#"); THENCE ALONG SAID CITY LIMIT LINE, THE NORTH LINE OF SAID LANDS, THE NORTH LINES OF PARCELS 6 & 7 (TAX PARCEL # 7245-1 & 7245-2) OF SAID ORB 3590/P155 AND THE NORTH LINE OF THOSE LANDS DESCRIBED IN ORB 4311/ P 2337 (TAX PARCEL # 7245-3), N 83°01'44" E, A DISTANCE OF 2946.15 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE LEAVING SAID CITY LIMIT LINE, ALONG THE EAST LINE OF SAID LANDS S 01°05'11" W A DISTANCE OF 412.38 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE ALONG THE SOUTH LINE OF SAID LANDS THE FOLLOWING COURSES: 1.) S 89°17'32" W, 402.52 FEET, 2.) S 30°19'02" E, 32.42 FEET, 3.) S 88°38'17" W, 7.05 FEET TO A POINT ON THE EAST LINE OF PARCEL 2 OF THOSE LANDS DESCRIBED IN AFOREMENTIONED ORB 3590/P155 (TAX PARCEL # 6975-5); THENCE ALONG THE EAST LINE OF SAID PARCEL 2 AND ALONG THE EAST LINES OF PARCELS 3, 4 AND 10 OF SAID ORB 3590/P155 (TAX PARCELS # 6975-6, 6975-7 AND 7002-1-1) S 30°02'16" W A DISTANCE OF 1917.23 FEET TO THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE; THENCE RUN NORTHWESTERLY ALONG SAID RIGHT OF WAY LINE N 78°10'44" W, A DISTANCE OF 163.26 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH WITH A RADIAL BEARING OF S 11°44'07"W, HAVING A RADIUS OF 2716.10 FEET AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 79°22'15" E 104.87 FEET; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE AND CURVE AN ARC DISTANCE OF 104.87 FEET THROUGH A CENTRAL ANGLE OF 02°12'44"; THENCE N 00°09'35" E, A DISTANCE OF 1264.18 FEET TO A POINT ON THE SOUTHERLY LINE OF LANDS DESCRIBED IN ORB 3834/P500 (TAX PARCEL # 7002-1), THENCE S 89°22'38" E ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 25.00 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE ALONG THE EAST LINE OF SAID LANDS CONTINUE N 00°09'35" W A DISTANCE OF 338.81 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE ALONG THE NORTH LINE OF SAID LANDS, N 89°24'01" W A DISTANCE OF 671.85 FEET TO THE NORTHWEST CORNER OF THOSE LANDS DESCRIBED IN ORB 3950/P151 (TAX PARCEL # 6975-1); THENCE ALONG THE WEST LINE OF SAID LANDS S 00°36'58" E A DISTANCE OF 369.20 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE ALONG THE SOUTH LINE OF SAID LANDS S 82°06'32" E A DISTANCE OF 620.72 FEET TO THE SOUTHEAST CORNER OF SAID LANDS ALSO BEING THE NORTHEAST CORNER OF THOSE LANDS

DESCRIBED IN ORB 3590/P153 PRACF (TAX PARCEL # 6975-1-1); THENCE ALONG THE EAST LINE OF SAID LANDS AND THE EAST LINE OF THOSE LANDS DESCRIBED IN ORB 3590/P163 (TAX PARCEL # 6991-1) S 00°04'06" W A DISTANCE OF 548.96 FEET TO A POINT OF INTERSECTION ON THE EASTERLY LINE OF SAID LANDS; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING TWO COURSES: N 89°55'49 W, 588.04 FEET; S 00°26'51" W, 572.01 FEET TO THE SOUTHWEST CORNER OF SAID LANDS, ALSO BEING A POINT ON THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE; THENCE CONTINUE ALONG THE SOUTHERLY EXTENSION OF SAID EASTERLY LINE S 00°26'51" W A DISTANCE OF 62.70 FEET TO THE SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE, ALSO BEING A POINT ON THE NORTHERLY LINE OF THOSE LANDS DESCRIBED IN ORB 3495/P62 PRACF (TAX PARCEL # 7007-1); THENCE ALONG SAID NORTHERLY LINE AND SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE N 89°57'32" E A DISTANCE OF 228.14 FEET TO THE BEGINNING OF A NON TANGENT CURVE CONCAVE SOUTHERLY WITH A RADIAL BEARING OF S 00°00'05"E, HAVING A RADIUS OF 2120.06 FEET AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 86°58'47" E 223.52 FEET; THENCE SOUTHEASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND CURVE AN ARC DISTANCE OF 223.62 FEET THROUGH A CENTRAL ANGLE OF 06°02'37" TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN ORB 3495/P62 PRACF AT THE INTERSECTION OF SAID MAINTAINED RIGHT OF WAY LINE AND WITH THE WEST LINE OF THE FLORIDA TRANSMISSION GAS LINE EASEMENT (30 FEET WIDE EASEMENT); THENCE ALONG SAID EASEMENT LINE S 11°24'09" W A DISTANCE OF 1426.80 FEET, TO THE SOUTHEAST CORNER OF SAID LANDS ALSO BEING AT THE INTERSECTION OF SAID EASEMENT LINE AND THE EASTERLY BOUNDARY LINE OF THE PRAIRIE VIEW TRUST PARCEL PER LETTER DATED 11-4-85 FROM HENDERSON (TAX PARCEL # 07002); THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN ORB 3495/P62 PRACF ALSO BEING THE EASTERLY AND NORTHERLY LINE OF SAID PRAIRIE VIEW TRUST PARCEL THE FOLLOWING TWO COURSES: 1.) N 40°04'39" W, 472.89 FEET; 2.) S 89°15'08", 298.68 FEET TO THE SOUTHEAST CORNER OF THE "TOGETHER WITH" PORTION (DRAINAGE EASEMENT AND OPEN SPACE) OF "FINLEY WOODS, PHASE 1A" PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "29" PAGE 56, PRACF; THENCE LEAVING THE SOUTHERLY LINE OF SAID PARCEL DESCRIBED IN ORB 3495/P62 PRACF AND NORTHERLY LINE OF SAID PRAIRIE VIEW TRUST PARCEL CONTINUE ALONG THE EASTERLY LINE OF SAID "TOGETHER WITH" PORTION OF SAID PLAT THE FOLLOWING THREE COURSES: 1.) N 01°03'02" W, 123.72 FEET; 2.) N 55°48'50" W, 338.87 FEET; 3.) S 88°49'40" W, 53.87 FEET TO THE "POINT OF BEGINNING" OF SAID "TOGETHER WITH" PORTION ALSO BEING A POINT ON THE EASTERLY LINE OF "FINLEY WOODS, PHASE 1B" PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "29" PAGE 58, PRACF; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING THREE COURSES: 1.) N 06°05'16" W, 65.07 FEET; 2.) N 03°24'28" W, 66.05 FEET; 3.) N 16°14'07" W A DISTANCE OF 75.01 FEET TO A POINT ON THE EASTERLY LINE OF AFOREMENTIONED "FINLEY WOODS, PHASE 1A"; THENCE ALONG SAID EASTERLY LINE THE FOLLOWING SIX COURSES: 1.) N 32°38'50" W, 97.59 FEET; 2.) N 42°59'22" E, 46.31 FEET; 3.) N 47°00'38" W, 60.00 FEET TO A POINT ON A CURVE

CONCAVE SOUTHEASTERLY WITH A RADIAL BEARING OF S 47°00'38" E HAVING A RADIUS OF 525.42 FEET AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 46°18'54" E 60.95 FEET; 4.) SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 60.99 FEET THROUGH A CENTRAL ANGLE OF 06°39'03"; 5.) N 40°19'59" W, 109.50 FEET; 6.) N 01°30'39" W, 252.67 TO A POINT ON THE SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE; THENCE CONTINUE ON A NORTHERLY PROJECTION OF THE EAST LINE OF SAID FINLEY WOODS N 01°30'39" W A DISTANCE OF 63.97 FEET TO THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE; THENCE ALONG SAID RIGHT OF WAY LINE N 88°46'10" E A DISTANCE OF 56.73 FEET; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE S 89° 48' 58" W A DISTANCE OF 515.03 FEET TO THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN ORB 3590/P163 (TAX PARCEL # 6991-1); THENCE ALONG THE WEST LINE OF SAID LANDS N 00°27'29" W, A DISTANCE OF 727.74 FEET TO THE NORTHWEST CORNER OF SAID LANDS, ALSO BEING A POINT ON THE SOUTH BOUNDARY OF LANDS AS DESCRIBED IN ORB 3664/P375, PRACF (TAX BLOCK PARCEL # 6975-2) ; THENCE ALONG SAID A SOUTH BOUNDARY, S 89°11'00" W, A DISTANCE OF 310.28 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE ALONG THE WESTERLY BOUNDARY OF SAID LANDS THE FOLLOWING THREE COURSES: 1.) N 00°31'42 W, 850.24 FEET; 2.) N 89°10'59" E, 61.25 FEET; 3.) N 00°49'01"W, 6.83 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. SAID PARCEL CONTAINING 100.41 ACRES, MORE OR LESS.

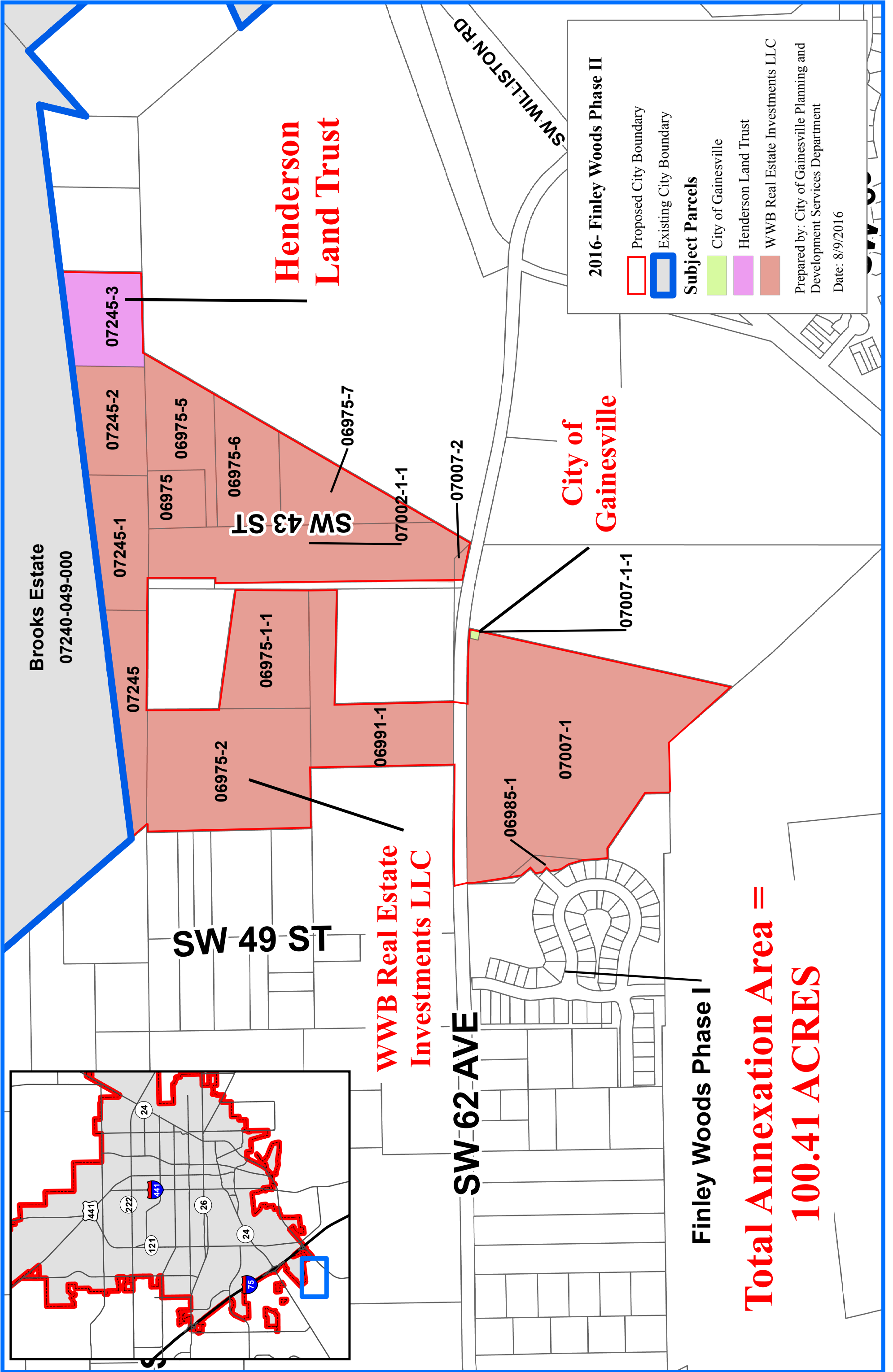


Exhibit "B" to Ordinance No. 160216