

LEGISLATIVE #

150818A

ORDINANCE NO. 150818

An ordinance of the City of Gainesville, Florida, annexing certain property that comprises Tax Parcel No. 07176-002-000 and a portion of Tax Parcel No. 07176-000-000, which are generally located south of SW Williston Road, west of Tax Parcel No. 07176-006-000 and the existing city limits, north of SW 56th Avenue, and east of Interstate 75, 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 March 17, 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 City of Gainesville desires to annex the subject property, which meets the criteria for annexation under the Act; and

WHEREAS, pursuant to the Act, notice has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading notifying 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, 2016, 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, 2016.

(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.

EDWARD B. BRADDY
MAYOR

Attest:

Approved as to form and legality:

KURT LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

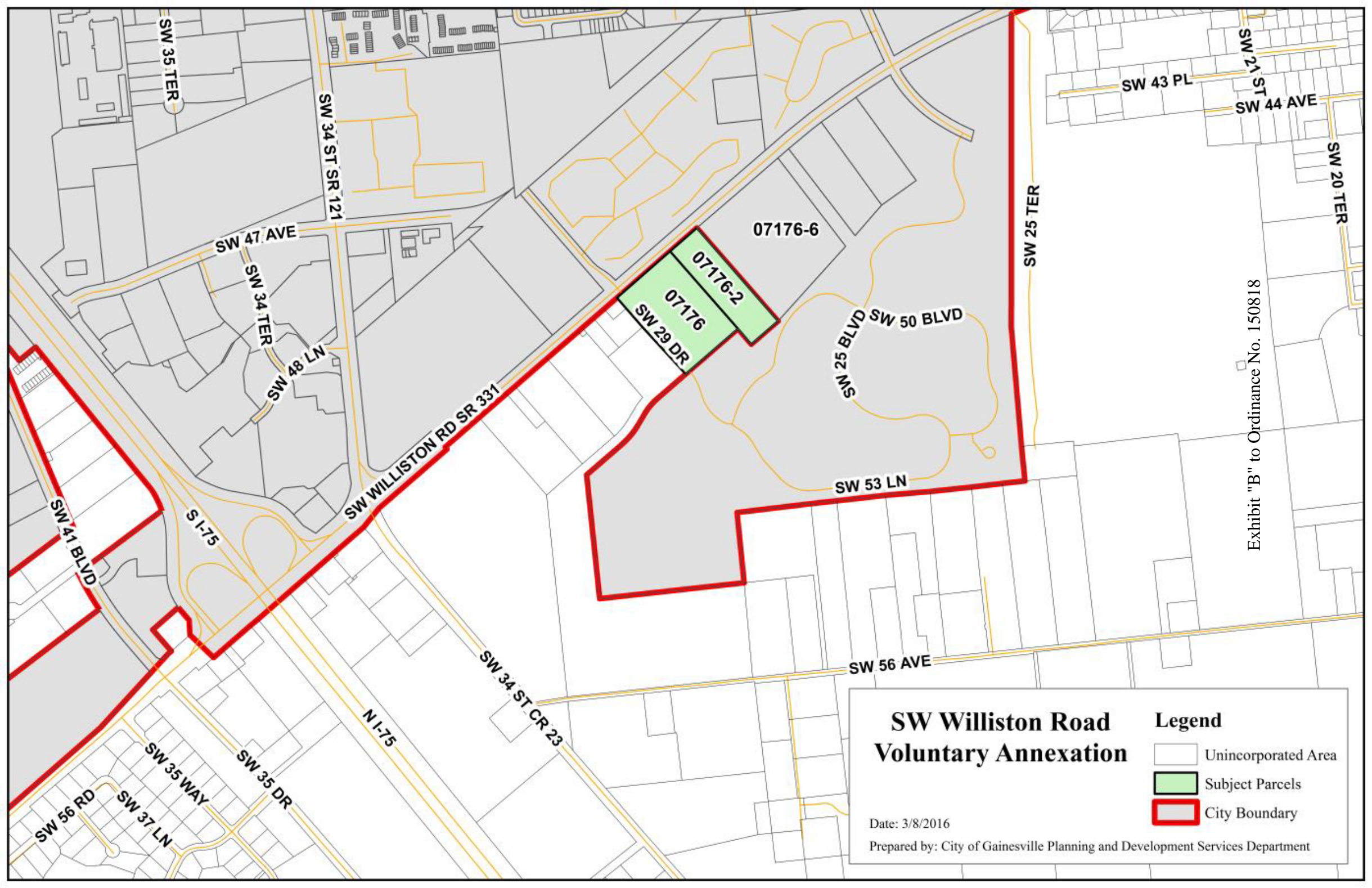
This ordinance passed on first reading this _____ day of _____, 2016.

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

SW WILLISTON ROAD VOLUNTARY ANNEXATION

A TRACT OF LAND BEING A PORTION OF LOTS 2 AND 6 OF SERENOLA PLANTATION, AS RECORDED IN DEED BOOK "L", PAGES 480 AND 481 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED PRACF); BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE BEGIN ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER CITY ORDINANCE NUMBER 001912 (0-01-57) AT A POINT MARKING THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 331 (ALSO KNOWN AS S.W. WILLISTON ROAD) AND THE WEST LINE OF S.W. 29TH DRIVE EXTENSION AS DESCRIBED IN OFFICIAL RECORDS BOOK 2499, PAGE 1000 (HEREAFTER ABBREVIATED ORB, PG), EXHIBIT "B", PRACF; THENCE CONTINUE ALONG SAID CITY LIMIT LINE THE FOLLOWING 3 COURSES: 1.) NORTH 49° 03' 23" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 80.00 FEET TO THE NORTHEASTERLY CORNER OF SAID EXHIBIT "B" ALSO BEING THE NORTHWESTERLY CORNER OF EXHIBIT "C" OR SAID ORB 2499, PG 1000; 2.) NORTH 49° 03' 23" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 419.94 FEET TO THE NORTHEASTERLY CORNER OF SAID EXHIBIT "C", ALSO BEING THE NORTHWESTERLY CORNER OF LANDS DESCRIBED IN ORB 3484, PG 1458, PRACF; 3.) NORTH 49° 03' 23" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 250.26 FEET TO THE NORTHEASTERLY CORNER OF LANDS DESCRIBED IN ORB 3484, PG 1458, PRACF, ALSO BEING THE NORTHWESTERLY CORNER OF PARCEL I OF LANDS DESCRIBED IN ORB 803, PG 289, PRACF AND A POINT OF INTERSECTION ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER CITY ORDINANCE NUMBER 030250 (0-03-67); THENCE CONTINUE ALONG SAID CITY OF GAINESVILLE LIMIT LINE THE FOLLOWING 5 COURSES: 1.) LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE AND ALONG THE EASTERLY LINE OF SAID PARCEL (ORB 3484, PG 1458), SOUTH 40° 54' 00" EAST, 871.55 FEET TO A CONCRETE MONUMENT AT THE SOUTHEASTERLY CORNER OF SAID PARCEL (ORB 3484, PG 1458) ALSO BEING THE SOUTHWESTERLY CORNER OF PARCEL I, DESCRIBED IN ORB 803, PG 289, PRACF; 2.) THENCE SOUTH 49° 05' 43" WEST, 250.26 FEET TO A CONCRETE MONUMENT FOUND AT THE SOUTHWESTERLY CORNER OF SAID PARCEL (ORB 3484, PG 1458); 3.) THENCE NORTH 40° 54' 00" WEST ALONG THE WEST BOUNDARY OF SAID PARCEL (ORB 2028, PG 254) A DISTANCE OF 144.98 FEET; 4.) THENCE SOUTH 49° 05' 14" WEST, PARALLEL WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 331, A DISTANCE OF 419.94 FEET TO THE SOUTHEASTERLY CORNER OF AFOREMENTIONED LANDS DESCRIBED IN ORB 2499, PG 1000 EXHIBIT "B" (SW 29TH DRIVE EXTENSION); 5.) THENCE SOUTH 49° 05' 14" WEST, PARALLEL WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID STATE ROAD NO. 331, A DISTANCE OF 80.00 FEET TO THE SOUTHWESTERLY CORNER OF AFOREMENTIONED LANDS DESCRIBED IN ORB 2499, PG 1000 EXHIBIT "B" (SW 29TH DRIVE EXTENSION); THENCE LEAVING SAID EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NUMBER 030250 (0-03-67) AND ALONG THE WEST LINE OF SAID EXHIBIT "B", NORTH 40° 54' 00" WEST A DISTANCE OF 725.71 FEET TO THE POINT OF BEGINNING. SAID TRACT CONTAINING 13.33 ACRES MORE OR LESS.



SW Williston Road Voluntary Annexation

- Legend**
- Unincorporated Area
 - Subject Parcels
 - City Boundary

Date: 3/8/2016
 Prepared by: City of Gainesville Planning and Development Services Department

Exhibit "B" to Ordinance No. 150818