



MEMORANDUM

Office of the City Attorney

Legistar No. 002252
Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission
FROM: Marion J. Radson, City Attorney
SUBJECT: Ordinance No. 0-02-02

February 11, 2002
DATE: ~~JANUARY 28, 2002~~

~~FIRST READING~~
SECOND READING

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area generally north of NW 73rd Avenue and Sterling Place subdivision, east of the city limits, south of the city limits and west of the city limits in the vicinity of NW 43rd Street; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The Alachua County Boundary Adjustment Acts requires a municipality to prepare and adopt by nonemergency ordinance, a report setting forth plans to provide urban services to any reserve area to be annexed prior to commencing the annexation procedures under the Act.


The report must generally include the following information:

- 1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed.
- 2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;
- 3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:

- a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.
- b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.
- c) if extensions of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.
- d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

After adoption by the City Commission, a copy of the Report will be filed with the Alachua County Board of County Commissioners.

Prepared by:


Walter Mathews, IV
Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson,
City Attorney

MJR:WM:sw

PASSED ON FIRST READING BY A VOTE OF 5-0, AS REVISED.

DRAFT

1-9-02

ORDINANCE NO. _____
0-02-02

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3
4 **An Ordinance of the City of Gainesville, Florida; adopting an**
5 **Urban Services Report which sets forth the plans to provide**
6 **urban services to an area generally north of NW 73rd Avenue**
7 **and Sterling Place subdivision, east of the city limits, south of**
8 **the city limits and west of the city limits in the vicinity of NW**
9 **43rd Street; the area is proposed for annexation by the City of**
10 **Gainesville pursuant to Chapter 90-496, as amended, Special**
11 **Acts, Laws of Florida, known as the Alachua County Boundary**
12 **Adjustment Act; providing directions to the City Manager, the**
13 **City Attorney and the Clerk of the Commission; providing a**
14 **repealing clause; providing a severability clause; and providing**
15 **an immediate effective date.**
16

17
18 **WHEREAS**, Chapter 90-496, Special Acts, Laws of Florida, created the "Alachua County
19 Boundary Adjustment Act" which sets forth procedures for establishing municipal reserve areas and
20 for adjusting the boundaries of municipalities through annexations; and

21 **WHEREAS**, Chapter 90-496 was amended by Chapter 91-382 and Chapter 93-347,
22 Special Acts, Laws of Florida, (hereinafter collectively referred to as "the Act") which requires a
23 municipality to prepare and adopt by nonemergency ordinance, a report setting forth the plans to
24 provide urban services to any reserve area prior to commencing the annexation procedures under
25 the Act;

26 **WHEREAS**, the City of Gainesville is planning to commence the annexation of certain
27 unincorporated areas, as more specifically described in this Ordinance, that are located within its
28 Reserve Area as defined in the Act and as redesignated by the Board of County Commissioners of
29 Alachua County;

DRAFT

1-9-02

1 **WHEREAS**, pursuant to law, at least ten days notice has been given prior to adoption by
2 publication in a newspaper of general circulation notifying the public of this proposed Ordinance
3 and of a Public Hearing to be held in the City Commission meeting room, First Floor, City Hall, in
4 the City of Gainesville; and

5 **WHEREAS**, Public Hearings were held pursuant to law, at which hearings the parties in
6 interest and all others had an opportunity to be and were, in fact heard.

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

9 **Section 1.** The Urban Services Report, a copy of which is attached as Exhibit "A" and
10 incorporated herein as if set forth in full, which sets forth the plans to provide urban services to an
11 area generally north of NW 73rd Avenue and Sterling Place subdivision, east of the city limits,
12 south of the city limits and west of the city limits in the vicinity of NW 43rd Street; is approved
13 and adopted for that certain area as more specifically described in the Urban Services Report.

14 **Section 2.** The City Manager is directed to commence the annexation of any portion or all
15 of the area defined in the Urban Services Report, and the City Attorney and Clerk of the
16 Commission are authorized to prepare and advertise the appropriate ordinance(s).

17 **Section 3.** The Clerk of the Commission is directed to file a copy of this Ordinance and the
18 accompanying Urban Services Report with the Board of County Commissioners of Alachua
19 County.

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1-9-02

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Section 4. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 5. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

Section 6. This Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED this ____ day of _____ 2002.

Thomas D. Bussing, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Kurt Lannon,
Clerk of the Commission

Marion J. Radson, City Attorney

This ordinance passed on first reading this ____ day of _____ 2002.

This ordinance passed on second reading this ____ day of _____ 2002.

A

002252.1

CITY OF GAINESVILLE URBAN SERVICES REPORT

Blues Creek, North Area Annexation



Effective September 1, 2002



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URBAN SERVICES REPORT

INTRODUCTION

This Urban Services Report satisfies all the criteria required under the Alachua County Boundary Adjustment Act, as provided in Chapter 90-496, as amended by Chapter 91-382 and 93-347, Special Acts, Laws of Florida (the "Act") for municipal annexation. Section 13 of the Act outlines the prerequisites for annexation. This report, and accompanying documentation and maps comply with the applicable provisions of the Act.

CHARACTER OF THE AREA TO BE ANNEXED

The area to be annexed is shown in Figure 1. The area proposed for annexation is generally north of NW 73rd Avenue and Sterling Place subdivision, east of the city limits, south of the city limits and west of the city limits in the vicinity of NW 43rd Street. The Area meets the criteria specified in Section 9 of the Act. The Act specifies the general standards of Section 9 "Character of the area to be annexed." The general land use pattern of the Area is shown in Figure 2.

Qualification of the Area under Section 9 (1) (a)

The Area is contiguous to Gainesville's boundaries and reasonably compact. No part of the Area is within the boundary of another county or another incorporated municipality. All of the Area is within the Gainesville Urban Reserve Area adopted by the Alachua County Commission on January 13, 1998, and which became final on March 15, 1998. No enclaves are created.

Qualification of the Area under Section 9 (1) (c) (2)

The Area meets the criteria of this section that, it is adjacent to, on at least 60 percent of its external boundary, any combination of the municipal boundary and the boundary of an area or areas developed for urban purposes. The Area is adjacent to the municipal boundary on over 60 percent of its external boundary.

THE PROVISION OF SERVICES

The Provision of Services under Section 13 (1) (b)

a) Services in the Next Five Years

It is anticipated that services to the Area will be improved within the next five years as a result of the annexation of the Area. It is not reasonably anticipated that services to residents will be reduced within the next five years as a result of the annexation of the Area. The following discussion outlines proposed services provision. The costs and revenues associated with service provision are outlined in Table 1.

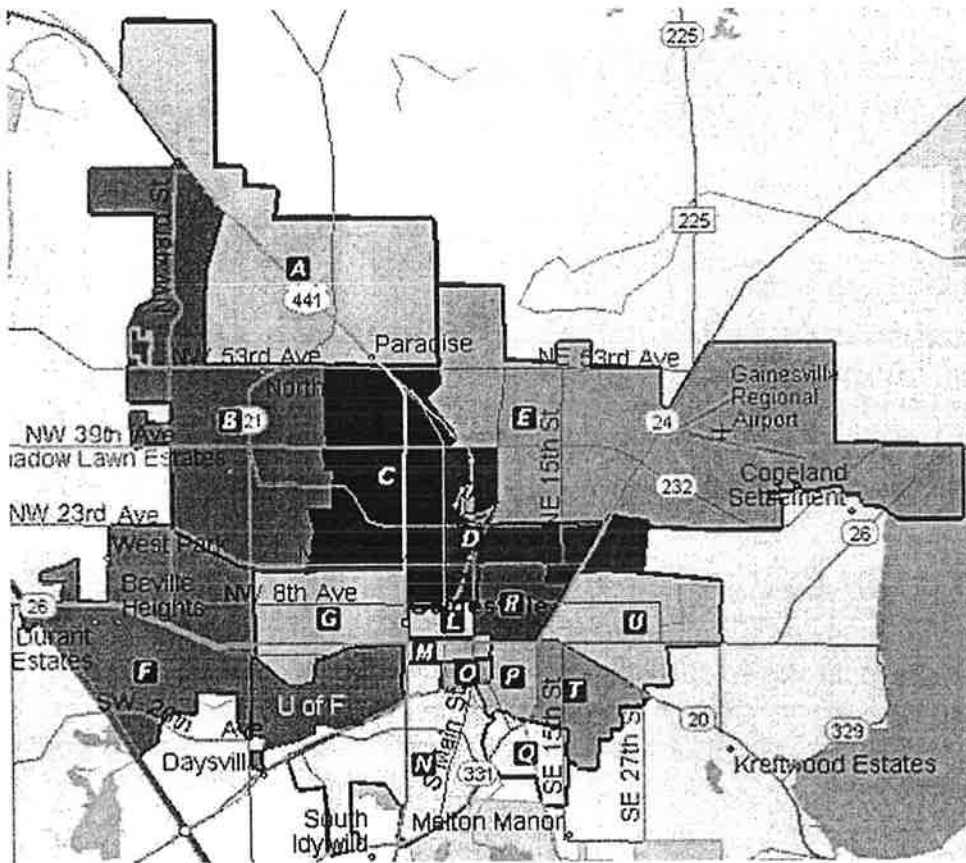
b) Taxes in the Next Five Years

It is not reasonable to anticipate that ad valorem taxes will need to be adjusted in the next five years, to provide services to the Area. This includes services required by the Comprehensive Plan. Any level of service issue that is outlined in the City of Gainesville Comprehensive Plan or the Alachua County Comprehensive Plan, which ever applies at the time of development, must be addressed.

Police Services

Upon the effective date of annexation, police services will be provided to the Area by the Gainesville Police Department, utilizing similar planning strategies that are provided within the existing City limits. Police zone B will be extended to serve the area. Public Safety personnel in Zone A will also service the area. The level of services will be dependent upon identified crime patterns and service demand within a prescribed area. The current staffing in the Department can provide these services to the Area. In accordance with current policing policies, this current level of service will be extended to the Area.

Police services to be provided include preventive patrol and criminal apprehension, criminal investigations, special operations, crime prevention, neighborhood police services, crime scene processing, Police Service Technicians, air support, traffic management, combined communications, and other support services including planning and research, fiscal management, records management, crime analysis, automated information services, property and evidence management, personnel and recruitment, and training. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation.



Fire Protection

Gainesville Fire-Rescue Department (GFR) presently provides emergency and non-emergency services to portions of the unincorporated urban area of Alachua County. These services are required under the current Designated Assistance Fire and Emergency Medical Services Agreement between the City and Alachua County. City of Gainesville Station 7 on NW 43rd Street, and Alachua County Station 16 on Fort Clark Boulevard provide services to this area. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation. The response numbers used in the Designated Assistance Agreement will be modified. Responses by Gainesville Fire Rescue units will no longer be reimbursed by Alachua County. Similarly, there will be payment, in accordance with the Designated Assistance Agreement, in the event of responses by Alachua County Fire Rescue units in the Area.

Fire hydrants in the unincorporated area of Alachua County are currently provided and funded by the City of Gainesville General Operating Fund through the 1990 Fire Hydrant and Public Street Lighting Services Agreement.

Solid Waste Disposal

The City of Gainesville Solid Waste Department monitors residential solid waste and recycling collection services, provided under contract with Waste Management of Central Florida, Inc., to residents living in single family houses and buildings containing less than five dwelling units. Other residents, businesses and institutions contract for solid waste and recycling collection with one of several commercial providers operating under non-exclusive franchise with the City. Services will be extended upon annexation and fees for this service will be collected through the utility billing process beginning the next October 1, after annexation. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation.

Alachua County contracts for residential solid waste, recycling and yard trash collection in the unincorporated mandatory service areas with the same company. The Alachua County contract includes all condominiums, even those with five or more dwelling units/buildings, as residential.

Potable Water

Potable water services are addressed in the Gainesville Regional Utilities section of this report. That section outlines the current service level and plans for extensions after annexation.

Sanitary Sewer

Sanitary sewer services are addressed in the Gainesville Regional Utilities section of this report. That section outlines the current service level and plans for extensions after annexation.

Streets, Drainage and Flood Control

The Gainesville Public Works Department provides basic maintenance and repair services for all City streets within its current jurisdiction. This work includes maintenance of asphalt pavement, concrete sidewalks, concrete curbs and gutters, and roadside ditches. Basic maintenance services are also provided for public ditches and stormwater management detention/retention facilities. These basic maintenance and repair services that are provided in the existing city limits will be provided to the Area upon the effective date of the annexation.

The City of Gainesville currently charges a stormwater management utility fee. Any increase in impervious surfaces, without onsite mitigation, in accordance with ordinances, policies and regulations in effect at that time, would cause the stormwater management utility fee to be charged for the area that increases the total impervious surface. This fee pays for mosquito control, drainage improvements and street sweeping

Street sweeping is an effective means of reducing the amount of debris and pollutants that enter the City's storm drain system and water resources. It is also a service that is visible and the aesthetic aspect is what the public appreciates and demands. The Public Works Operations Division sweeps the City on a 4 to 6 week cycle, dependant on weather and equipment. The entire City is swept 9 to 10 times a year.

Parks and Recreation

The Recreation and Parks Department currently provides organized recreation programs for youth and adults. The Recreation and Parks Department also provides passive nature facilities and programming for youth and adults. Organized recreation programs in the areas of aquatics, athletics, recreation centers, after-school and summer playground programs are provided, plus a variety of special events are also available. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation. Fees for these programs are charged at a differential rate depending upon residency. Upon annexation all residents of the Area will be eligible for the City of Gainesville rates.

The Parks Division is responsible for the cleaning and upkeep of all City parks. In addition, this Division provides basic mowing of City rights-of-way, cleaning of City-owned parking lots, removal and trimming of trees located on City property, maintenance of grounds around City-owned buildings and operation of the City's Evergreen Cemetery. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation.

Ironwood Golf Course is owned and operated by the City of Gainesville. The facilities are available to all without restriction to residence. Fees for golf programs and services are currently charged at a differential rate depending upon residency. Upon annexation all residents of the Area will be eligible for the same rates that are available to the residents of the City of Gainesville.

Housing

The Building Inspections Department enforces building and fire codes. The Department is responsible for permitting and inspections of new construction and remodeling or repair of existing buildings. Building contractors are also licensed through the Department in accordance with state and local regulations. The Building Inspections Department will provide permitting, plan review and inspections for the Area. The current staffing for the department can provide inspection services and the permitting and plan review services. The current staff will deliver services to this area without significant delays.

The Code Enforcement Division of the Gainesville Community Development Department enforces codes relating to zoning, housing, and vehicles, hazardous or perilous lands/buildings and special sales. The current staffing in the Department can provide these services to the Area.

The Housing Division provides grants for low and moderate income housing through the use of federal and state grant funds. The City of Gainesville is a Community Development Block Grant (CDBG) entitlement jurisdiction. Upon annexation any eligible residents will be entitled to apply for programs funded by CDBG funds. HOME funds are also utilized in the provision of housing services. The Area will receive the same services that are provided in the existing city limits upon the effective date of annexation.

Street Lighting

Street lighting in the unincorporated area of Alachua County is currently provided and funded by the City of Gainesville General Operating Fund along arterials and collectors for vehicle and pedestrian safety through the 1990 Fire Hydrant and Public Street Lighting Services Agreement. Additional streetlights will be available and provided in the Area in accordance with the guidelines of the City of Gainesville Transportation Services Division of the Public Works Department outlined in the "City of Gainesville Standards for Roadway Lighting".

Transportation

The City of Gainesville currently operates a public transportation system, the Gainesville Regional Transit System (RTS). No transit service is currently provided by RTS to the Area. The bus stop in closest proximity to the Area is at the intersection of NW 43rd Street and NW 39th Avenue, about 2.5 miles distance. Upon annexation the Area would be eligible for subsidized paratransit services paid for by RTS

The City of Gainesville Transportation Services Division currently provides transportation and traffic engineering services to portions of the Area. Transportation and traffic engineering activities are coordinated with the Florida Department of Transportation, Alachua County and the Metropolitan Transportation Planning Organization. The Transportation Services Division also prepares engineering studies, designs and reports, reviews development plans and is responsible for the operations of the Computerized Traffic Signal System.

The Transportation Services Division is responsible for installation and maintenance of traffic signs and pavement markings on City streets and all parking meter operations and mechanical traffic counts for traffic studies. The Transportation Services Division is also responsible for traffic signal operations and construction inspection services for all of Alachua County and the other municipalities, under the annual City-County Traffic Engineering Services Agreement. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation.

Planning and Zoning Services

The Department of Community Development will provide planning and development assistance to the Area. The Alachua County Comprehensive Plan and Zoning Code will continue to regulate land use and zoning for all development in the Area until the Gainesville Comprehensive Plan is amended and the Area is rezoned to City of Gainesville zoning categories. All requests for development are reviewed by City staff and the City Plan Board or Development Review Board where appropriate. Following annexation the City will undertake the necessary studies to amend the City Comprehensive Plan and zoning map to include the Area and will commence appropriate public hearings to complete such an amendment.

Cultural Affairs

The Department of Cultural Affairs provides for cultural enlightenment through various programs in the arts, historical interpretation, special events and cultural programs in the County school system. The Area will receive the same services that are provided in the existing city limits upon annexation.

Other Governmental Services

Other Services currently provided to the residents within the existing City limits of Gainesville shall be extended to the Area, where necessary, on substantially the same basis and in the same manner as such services are provided within the rest of the municipality.

WATER AND WASTEWATER FACILITIES

Gainesville Regional Utilities (GRU), owned and operated by the City of Gainesville, presently provides water and wastewater services to residents of the unincorporated area of Alachua County. Extension policies for serving new customers are the same in the City and in the proposed annexation Area. The City of Gainesville annually allocates funds from the surcharge on connection charges to pay to connect City of Gainesville residents and businesses to the GRU water and wastewater systems. Annexation will provide eligibility to the residents and businesses in the Area.

Financing the Extension of Water and Wastewater Facilities

GRU's existing water/wastewater extension policy is that new water and wastewater customers pay the fully allocated cost for the service they receive. This cost includes the cost of

the treatment facilities required for service in the form of plant connection fees, and the cost of distribution or collection facilities in the form of transmission and distribution charges and/or collection system charges. Additionally, any developer requesting an extension pays a Contribution In Aid of Construction (CIAC) sufficient to ensure that GRU receives an appropriate rate of return on its portion of extension costs. This policy applies both in the City of Gainesville and the surrounding unincorporated area of Alachua County.

Actual facility construction is funded from either one or both of GRU's Construction Fund or the Utility Plant Improvement Fund (UPIF). The Construction Fund consists of proceeds from the issuance of revenue bonds. The UPIF is funded by operating revenue.

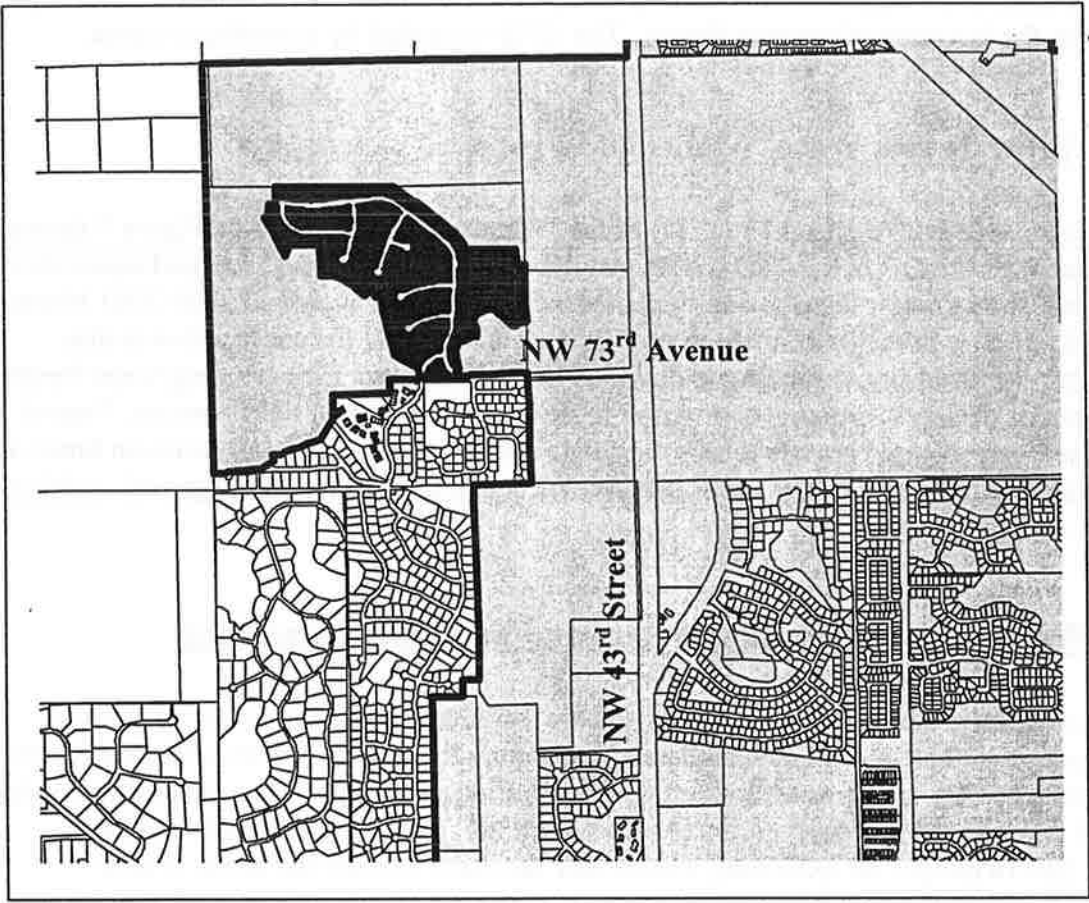
Existing Major Trunk Water Mains and Proposed Extensions

In accordance with Section 13 (1) (a) of the Boundary Adjustment Act, Figure 3 shows existing major water mains in the City of Gainesville and the surrounding proposed annexation Area. Figure 4 shows water distribution system projects in GRU's approved 2000-2001 Master Plan and budget. The fiscal year in which each project is proposed for construction is also shown in Figure 4. Additional funding is included in GRU's budget for extending water facilities to meet the needs of new customers and whose location will depend on development. Project timing is based on projected growth within the GRU service area. Actual construction times of the projects shown in Figure 4 may vary based on the actual rate or location of growth within the service area.

Existing Wastewater Collection System and Proposed Extensions

In accordance with Section 13 (1) (a), Figure 5 shows the existing major wastewater collection system in the City of Gainesville and the Area. Figure 6 shows wastewater collection system projects in GRU's approved 2000-2001 Master Plan and budget. The fiscal year in which each project is proposed for construction is also shown in Figure 6. Additional funding is included in GRU's budget for extending wastewater facilities, to meet the needs of new customers and whose location will depend upon development. Project timing is based on projected growth within the GRU service area. Actual construction times may vary as a result of service being required either earlier or later than originally anticipated.

Figure 1: Location of the Blues Creek North Area



 Area to be annexed

 City Limits

 Unincorporated Area
Parcels

 City of Gainesville
Parcels

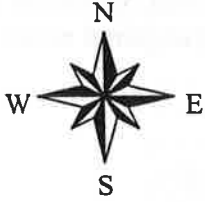
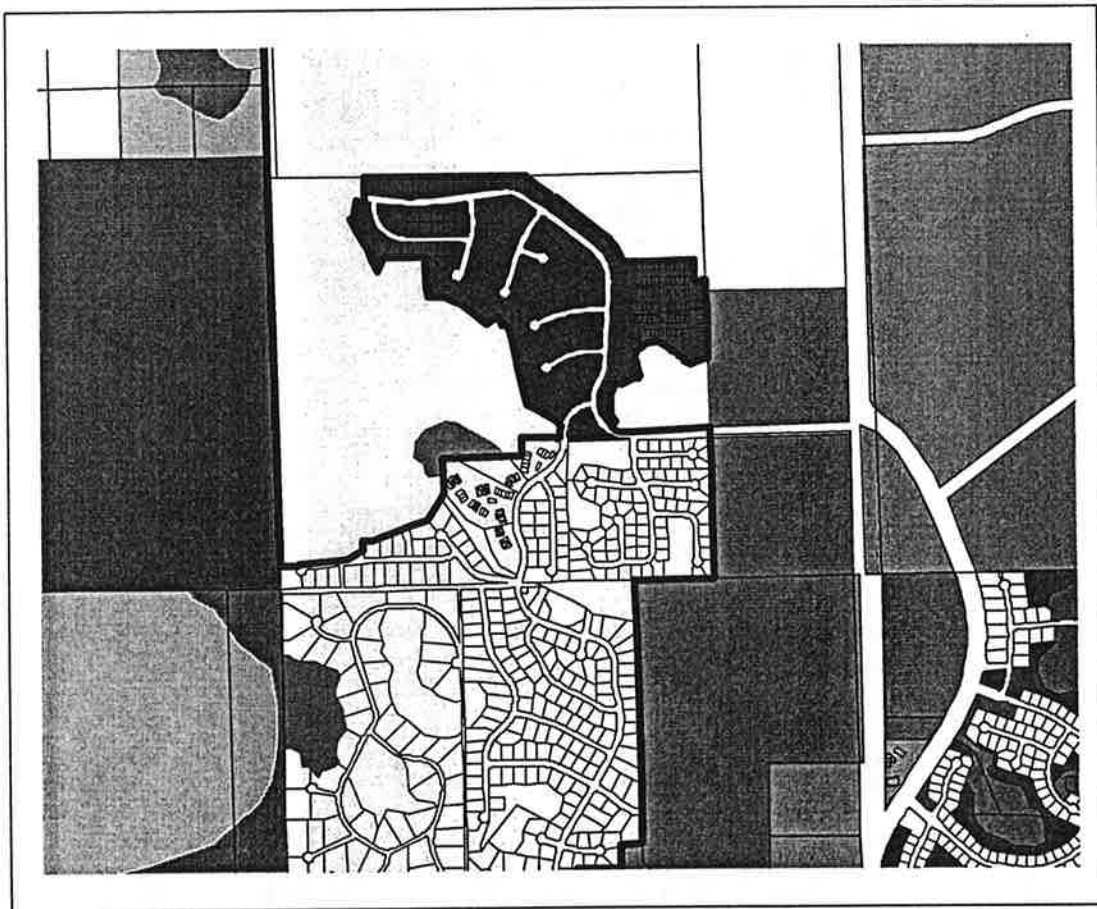








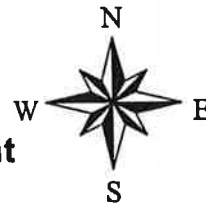
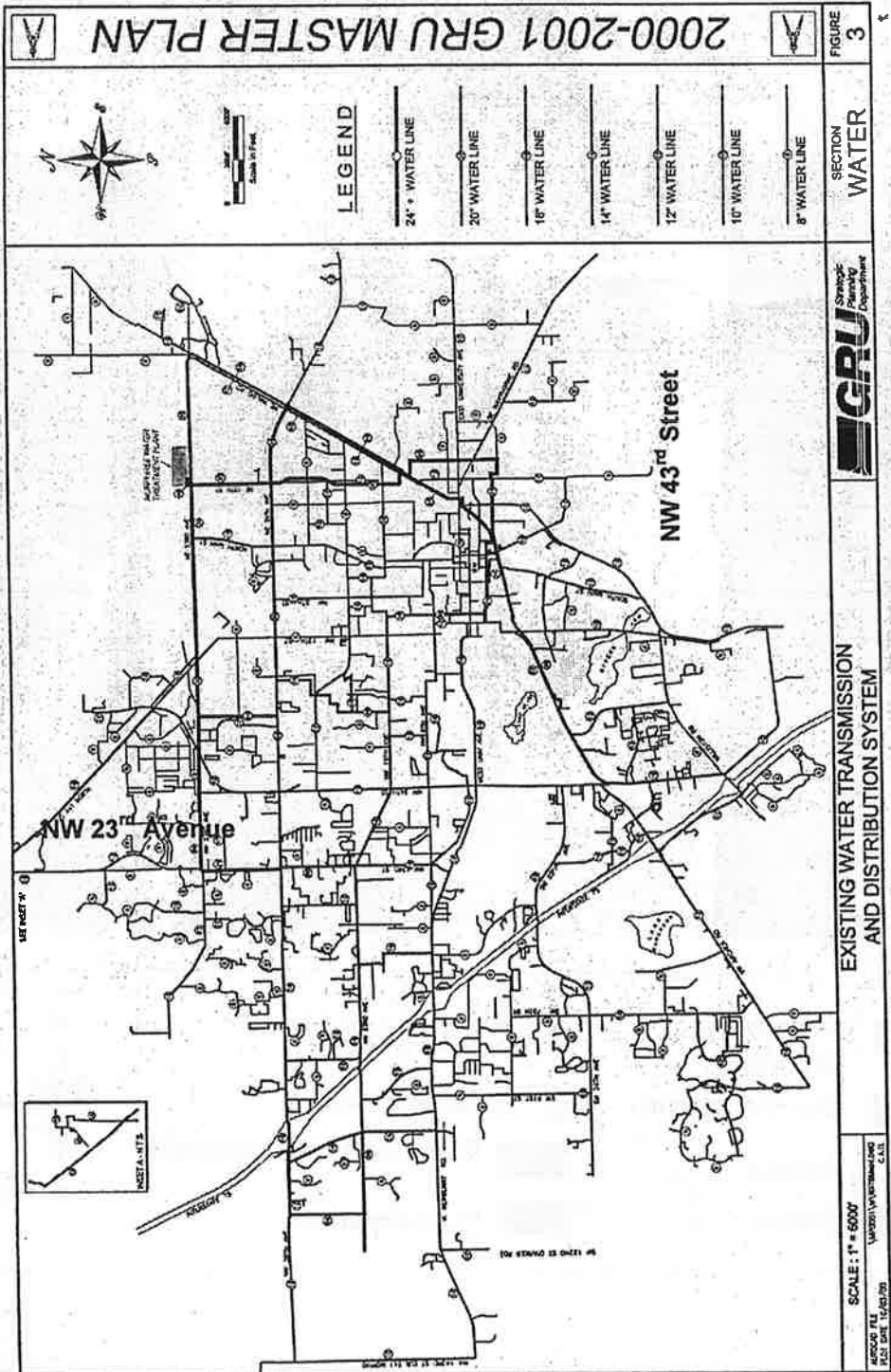


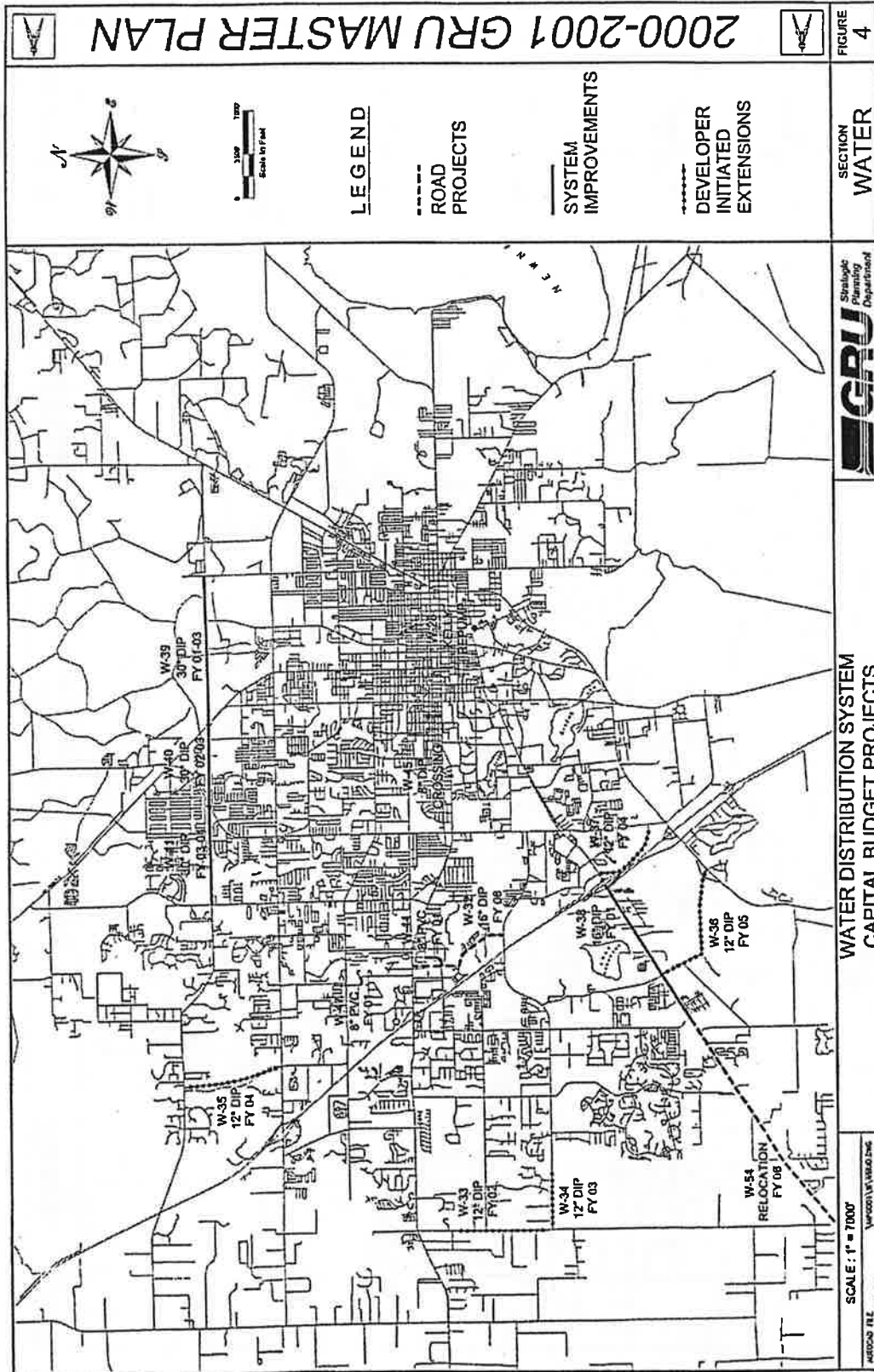
Figure 2: Adjacent Land Use of the Blues Creek, North Area

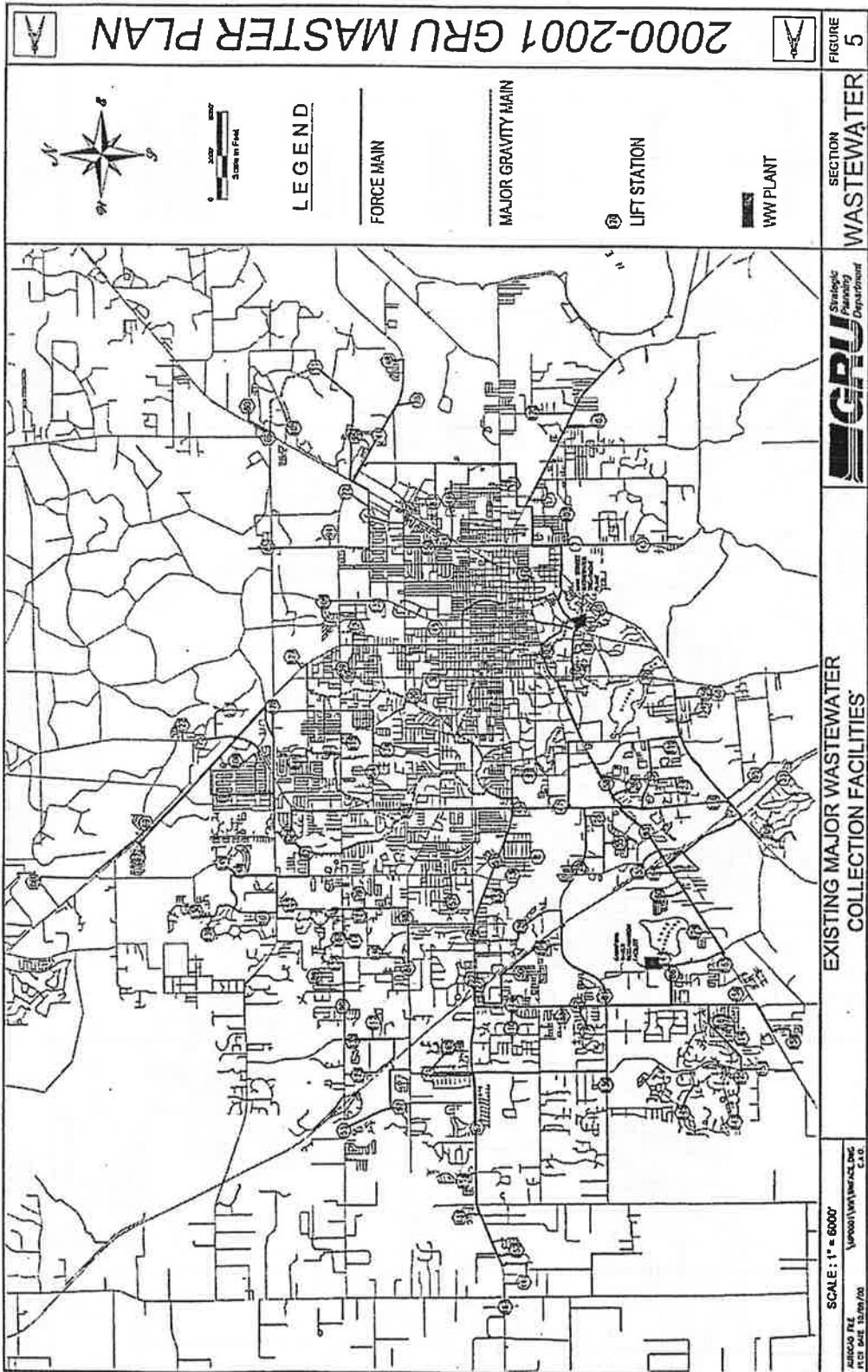


- | | | | |
|---|---------------------------|---|----------------------------|
|  | Area to be annexed |  | City Limits |
|  | Conservation |  | Residential |
|  | Estate |  | Planned Development |
|  | Office |  | Preservation |









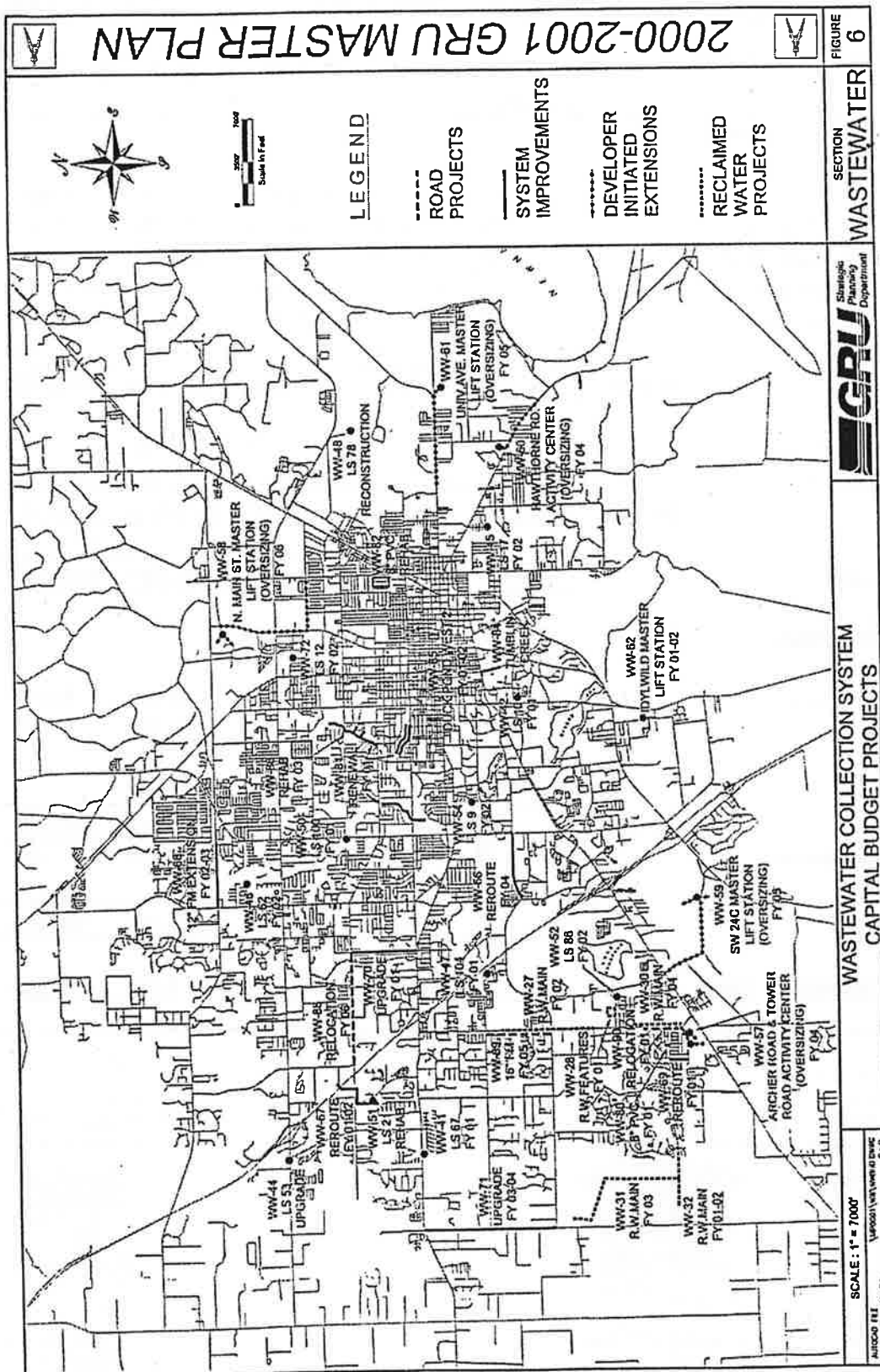


Table I
Financial Plan for Blues Creek, North Annexation (General Fund)

	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
	(1 month)					
SOURCES OF FUNDS:						
Revenues:						
Taxes	\$1,693	\$138,269	\$146,935	\$153,321	\$160,000	\$166,986
Licenses and Permits	\$0	\$6,259	\$6,555	\$6,866	\$7,192	\$7,533
Intergovernmental Revenue	\$0	\$4,383	\$27,203	\$27,978	\$28,775	\$29,595
Charges for Services	\$0	(\$10,028)	(\$10,035)	(\$10,043)	(\$10,050)	(\$10,058)
Fines and Forfeitures	\$0	\$3,343	\$3,441	\$3,541	\$3,644	\$3,750
Miscellaneous Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$1,693	\$142,226	\$174,099	\$181,663	\$189,560	\$197,806
Transfers:						
From Other Funds	\$0	\$0	\$0	\$0	\$0	\$0
Utility Transfer	(\$2,373)	(\$28,476)	(\$29,045)	(\$29,626)	(\$30,219)	(\$30,823)
Subtotal	(\$2,373)	(\$28,476)	(\$29,045)	(\$29,626)	(\$30,219)	(\$30,823)
Total Sources	(\$680)	\$113,751	\$145,054	\$152,037	\$159,342	\$166,983
USES OF FUNDS:						
Expenditures:						
Personal Services	\$0	82,400	85,284	88,269	90,917	93,645
Operating	\$700	52,100	53,663	55,273	56,931	58,639
Capital	\$0	12,000	0	0	0	13,200
Subtotal	700	146,500	138,947	143,542	147,848	165,484
Effect Upon Reserve	37	7,786	257	245	230	168
Total Uses	737	154,286	138,544	143,787	148,078	165,652
SOURCES MINUS USES	(1,417)	(40,535)	6,510	8,250	11,264	1,332