

LEGISLATIVE #

190974A

ORDINANCE NO. 190974

An ordinance of the City of Gainesville, Florida, annexing approximately 4.25 acres of city-owned property generally located south of Gainesville Regional Utilities’ Water Reclamation Facility, west of Lake Kanapaha, north of Kanapaha Botanical Gardens, and east of SW 63rd 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 City Clerk; 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 February 20, 2020, 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: 1) notice that has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading, and which notice gives: a) the ordinance number, b) a brief, general description of the area proposed to be annexed together with a map clearly showing the area, and c) a statement that the ordinance and a complete legal description by metes and bounds of the annexation area can be obtained from the office of the City Clerk; and 2) not fewer than ten calendar days prior to publishing the newspaper notice, the City Commission has provided a copy of the notice, via certified mail, to the Alachua County Board of County Commissioners; and

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

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

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

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

13 See legal description attached hereto as **Exhibit A** and made a part hereof as if set
14 forth in full. The location of the property is shown on **Exhibit B** for visual reference.
15 In the event of conflict or inconsistency, Exhibit A shall prevail over Exhibit B.
16

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

20 **SECTION 4.** In accordance with Section 171.062, Florida Statutes, the Alachua County land use
21 plan and zoning or subdivision regulations will remain in full force and effect in the property
22 described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment
23 that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the

1 Alachua County land use plan and zoning or subdivision regulations through the City of
2 Gainesville's code enforcement and civil citation processes.

3 **SECTION 5.** (a) As of the effective date of this ordinance, all persons who are lawfully engaged in
4 any occupation, business, trade, or profession within the property area described in Section 2 of
5 this ordinance may continue such occupation, business, trade, or profession, but shall obtain a
6 business tax receipt from the City of Gainesville for the term commencing on October 1, 2020.

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

16 **SECTION 6.** The City Clerk is directed to submit a certified copy of this ordinance to the following
17 parties within seven calendar days after the adoption of this ordinance: 1) the Florida Department
18 of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County,
19 Florida; and 3) the Chief Administrative Officer of Alachua County.

20 **SECTION 7.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
21 application hereof to any person or circumstance is held invalid or unconstitutional, such
22 finding will not affect the other provisions or applications of this ordinance that can be given

1 effect without the invalid or unconstitutional provision or application, and to this end the
2 provisions of this ordinance are declared severable.

3 **SECTION 8.** All other ordinances or parts of ordinances in conflict herewith are to the extent of
4 such conflict hereby repealed.

5 **SECTION 9.** This ordinance will become effective immediately upon adoption.

6 **PASSED AND ADOPTED** this _____ day of _____, 2021.

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LAUREN POE
MAYOR

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14 Attest:

Approved as to form and legality:

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17

OMICHELE D. GAINNEY
CITY CLERK

NICOLLE M. SHALLEY
CITY ATTORNEY

18
19
20

22 This ordinance passed on first reading this _____ day of _____, 2021.

23

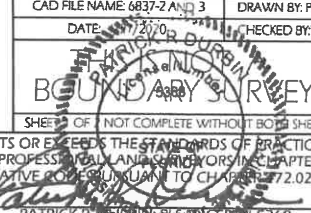
24 This ordinance passed on second reading this _____ day of _____, 2021.

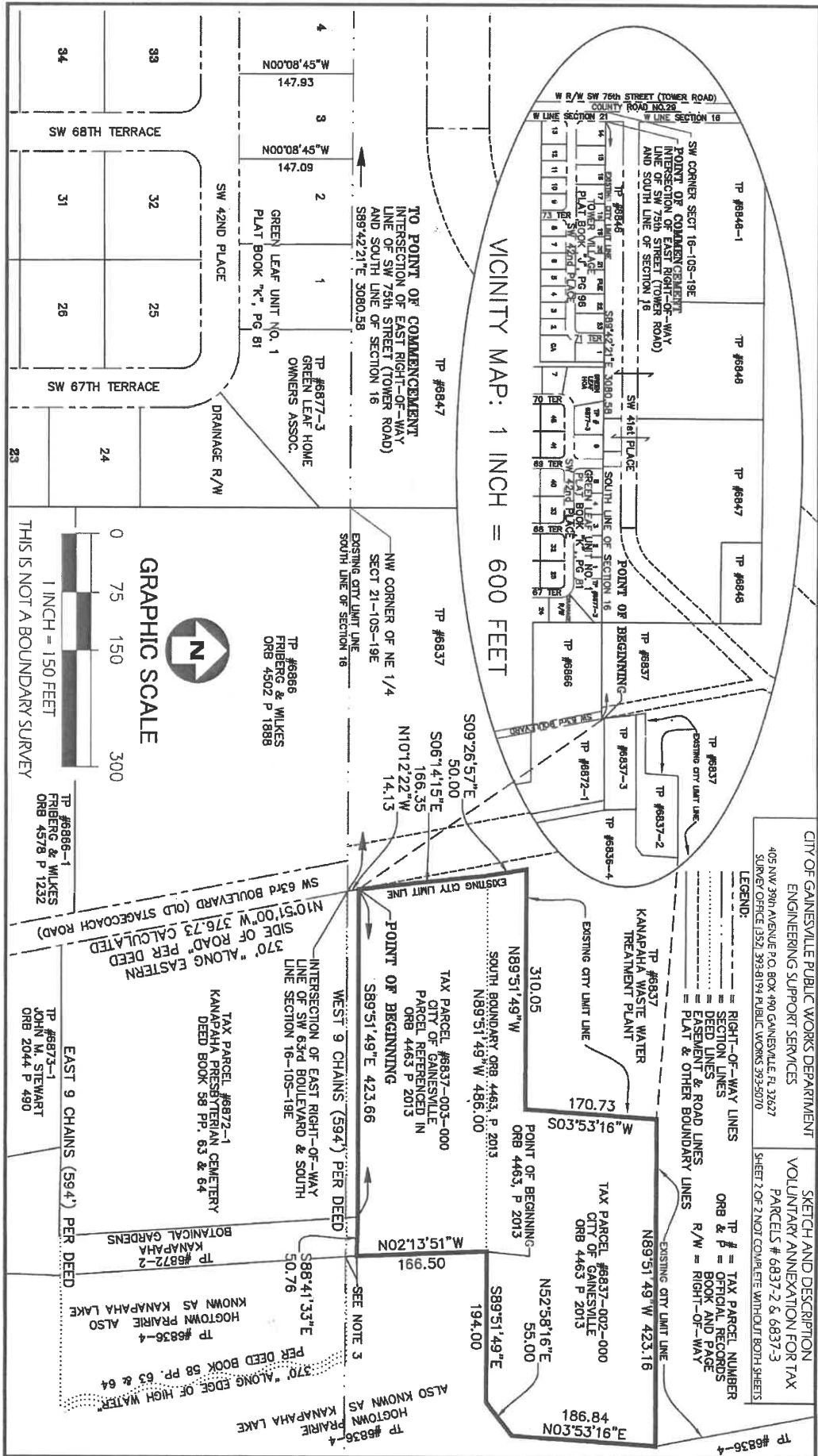
LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN SECTION 16, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT A POINT ON THE EXISTING CITY OF GAINESVILLE CITY LIMIT LINE PER ORDINANCE NUMBER 061147 MARKING THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST 75TH STREET (TOWER ROAD), ALSO KNOWN AS ALACHUA COUNTY ROAD SW 29 AND THE SOUTH LINE OF SAID SECTION 16 ALSO BEING THE NORTHWEST CORNER OF TOWER VILLAGE, A SUBDIVISION AS RECORDED IN PLAT BOOK "J" PAGE 96 OF THE OFFICIAL RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE S 89°42'21" E ALONG SAID CITY LIMIT LINE AND SOUTH LINE OF SAID SECTION 16 A DISTANCE OF 3080.58 FEET TO THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF S.W. 63RD BOULEVARD ALSO KNOWN AS THE OLD STAGECOACH ROAD AND BEING A POINT ON THE WEST LINE OF THE KANAPAHA PRESBYTERIAN CHURCH CEMETERY AS DESCRIBED IN DEED BOOK 58, PAGES 63 & 64; THENCE CONTINUE ALONG SAID CITY LIMIT LINE AND EAST RIGHT-OF-WAY LINE OF SAID SW 63RD BOULEVARD N 10°12' 22" W A DISTANCE OF 14.13 FEET TO THE SOUTHWEST CORNER OF TAX PARCEL NUMBER 6837-3 FOR WHICH A DEED COULD NOT BE LOCATED BUT PERIMETER APPEARS TO BE REFERENCED IN THE DEED FOR THE PARCEL TO THE NORTH FOUND IN OFFICIAL RECORDS BOOK 4463, PAGE 2013 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE LEAVING SAID EAST RIGHT OF WAY AND CITY LIMIT LINE S 89°51'49" E ALONG SAID REFERENCED PERIMETER A DISTANCE OF 423.66 FEET; THENCE CONTINUE ALONG SAID PERIMETER S 88°41'33" E A DISTANCE OF 50.76 FEET; THENCE CONTINUE ALONG SAID PERIMETER N 02°13'51 W A DISTANCE OF 166.50 FEET TO THE POINT OF BEGINNING AND A POINT ON THE SOUTHERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN THE AFOREMENTIONED OFFICIAL RECORDS BOOK 4463, PAGE 2013; THENCE LEAVING SAID PERIMETER ALONG THE SOUTHERLY AND EASTERLY BOUNDARY OF SAID PARCEL THE FOLLOWING THREE (3) COURSES; 1.) S 89°51'49"E, 194.00 FEET 2.) N 52°58'16" E, 55.00 FEET, 3.) N 3°53'16" E 186.84 FEET TO THE NORTHEAST CORNER OF SAID PARCEL AND A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER SAID ORDINANCE NUMBER 061147; THENCE ALONG SAID CITY LIMIT LINE AND NORTHERLY BOUNDARY OF SAID PARCEL THE FOLLOWING 3 COURSES; 1.) N 89°51'49 W, 423.16 FEET; 2.) S 03°53'16" W, 170.73 FEET; 3.) N 89°51'49 W, 310.05 FEET; THENCE CONTINUE ALONG THE WESTERLY BOUNDARY OF SAID PARCEL AND CITY LIMIT LINE S 09°26'57" E A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN SAID OFFICIAL RECORDS BOOK 4463 PAGE 2013 ALSO BEING THE NORTHWEST CORNER OF SAID TAX PARCEL 6837-3; THENCE CONTINUE ALONG THE WEST LINE OF SAID TAX PARCEL AND CITY LIMIT LINE, S 06°41'15" E A DISTANCE OF 166.35 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL SAID PARCEL CONTAINING 4.25, ACRES MORE OR LESS.

SURVEYOR'S NOTES:

1. THE BEARING BASIS FOR THIS SKETCH AND DESCRIPTION IS THE DEED FOUND IN OFFICIAL RECORDS BOOK 4463, PAGE 2013.
2. A DEED WAS NOT LOCATED FOR TAX PARCEL 6837-3. THE DEED FOR TAX PARCEL 6837-2 FOUND IN ORB 4463, P 2013 APPEARS TO REFERENCE A PERIMETER BOUNDARY (INCLUDING CONCRETE MONUMENTS) THAT WERE USED BY THIS SURVEYOR LACKING MORE DEFINITIVE DATA.
3. USING SAID DEED, THERE APPEARS TO BE A GAP BETWEEN THE SOUTH LINE OF SAID TAX PARCEL 6837-2 AND THE SECTION LINE.
4. THE DEED FOR THE ABUTTING PROPERTY TO THE SOUTH (TAX PARCEL TAX PARCEL 6872-1) FOUND IN DEED BOOK 58 PAGES 563 & 564 IS VAGUE AND DOES NOT REFERENCE THE SECTION LINE.
5. IT IS THE INTENT OF THIS SKETCH AND DESCRIPTION TO INCLUDE THE LANDS LYING BETWEEN ORB 4463, P 2013 (TAX PARCEL 6837-2) AND DEED BOOK 58, PP. 63 & 64 (TAX PARCEL 6872-1) IN THE ANNEXATION.
6. INFORMATION FROM THE PROPERTY APPRAISERS WEBSITE WAS USED TO GRAPHICALLY ILLUSTRATE SOME OF THE ADJACENT PROPERTIES SHOWN ON THIS SKETCH AND MY NOT BE ACCURATE.

<p>SKETCH AND DESCRIPTION</p> <p>VOLUNTARY ANNEXATION FOR TAX PARCELS # 6837-2 & 6837-3</p>	CAD FILE NAME: 6837-2 AND 3	DRAWN BY: PRD
	DATE: 7/27/20	CHECKED BY: TGH
		
SHEET 2 OF 2 NOT COMPLETE WITHOUT BOTH SHEETS		
CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT ENGINEERING SUPPORT SERVICES 405 NW 39th AVENUE P.O. BOX 490 GAINESVILLE, FL 32627 SURVEY OFFICE (352) 393-8194 PUBLIC WORKS 393-5070	THIS SKETCH & DESCRIPTION MEETS OR EXCEEDS THE STANDARDS OF PRACTICE AS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE SUBJECT TO CHAPTER 772.027, FLORIDA STATUTES. PATRICK R. TURBIN LICENSE # 3988	



CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT
 ENGINEERING SUPPORT SERVICES
 405 NW 28th AVENUE PO BOX 490 GAINESVILLE FL 32627
 SURVEY OFFICE 1321 37348154 PUBLIC WORKS 373-5070

SKETCH AND DESCRIPTION
 VOLUNTARY ANNEXATION FOR TAX
 PARCELS # 6837-2 & 6837-3
 SHEET 2 OF 2 NOT COMPLETE WITHOUT BOTH SHEETS

LEGEND:
 — RIGHT-OF-WAY LINES
 - - - DEED LINES
 = EASEMENT & ROAD LINES
 = PLAT & OTHER BOUNDARY LINES
 TP # = TAX PARCEL NUMBER
 ORB & P = OFFICIAL RECORDS BOOK AND PAGE
 R/W = RIGHT-OF-WAY

VICINITY MAP: 1 INCH = 600 FEET

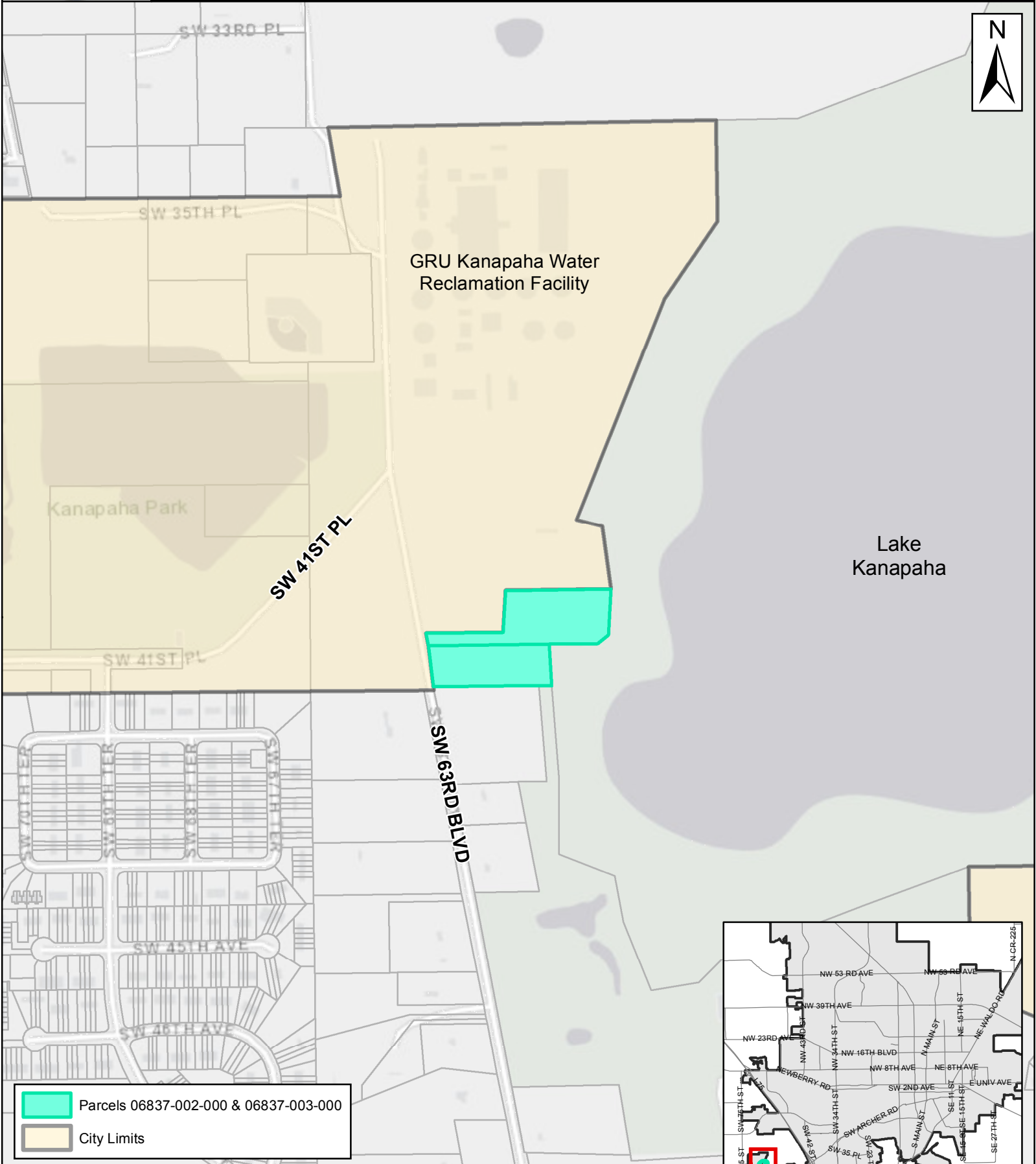




THIS IS NOT A BOUNDARY SURVEY



Proposed Annexation - Kanapaha Lake Property

Parcels 06837-002-000 & 06837-003-000 | Voluntary Annexation



	Parcels 06837-002-000 & 06837-003-000
	City Limits

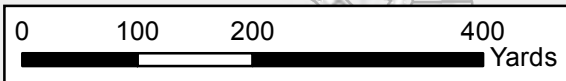
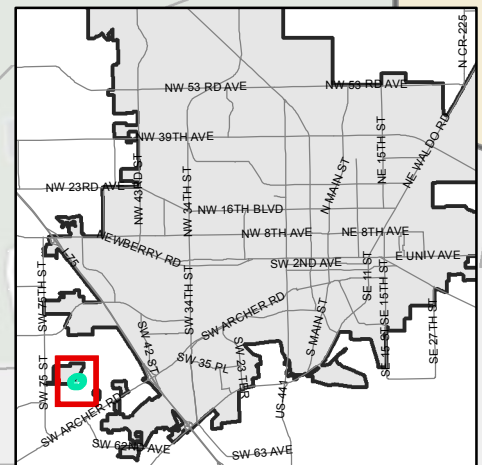


Exhibit B to Ordinance No. 190974
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