

ORDINANCE NO. 180538

An ordinance of the City of Gainesville, Florida, annexing approximately 3.987 acres of privately-owned property that is generally located south of Oak Park Village and tax parcel 06916-000-000, west of SW 47th Street, north of SW Archer Road, and east of SW 50th 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 October 18, 2018, the City Commission of the City of Gainesville received a petition for voluntary annexation for tax parcels 06932-000-000 and 069031-000-000 (Legistar No. 180415) 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, on December 6, 2018, the City Commission of the City of Gainesville received a petition for voluntary annexation for tax parcel 06931-001-000 (Legistar No. 180538) located in the unincorporated area of Alachua County, as more specifically described in this ordinance, and determined that the petitions 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

31 weeks prior to first reading, and which notice gives: a) the ordinance number, b) a brief, general
32 description of the area proposed to be annexed together with a map clearly showing the area, and
33 c) a statement that the ordinance and a complete legal description by metes and bounds of the
34 annexation area can be obtained from the office of the Clerk of the Commission; and 2) not fewer
35 than ten calendar days prior to publishing the newspaper notice, the City Commission has
36 provided a copy of the notice, via certified mail, to the Alachua County Board of County
37 Commissioners; and

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

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

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

48 **SECTION 2.** The property described in **Exhibit A**, which is attached hereto and made a part hereof
49 as if set forth in full, is annexed and incorporated within the corporate limits of the City of
50 Gainesville, Florida.

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

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

60 **SECTION 5.** (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in
61 any occupation, business, trade, or profession within the property area described in Section 2 of
62 this ordinance shall have the right to continue such occupation, business, trade, or profession, but
63 shall obtain a business tax receipt from the City of Gainesville for the term commencing on
64 October 1, 2019, which tax receipt shall be issued upon payment of the appropriate fee in
65 accordance with the Gainesville Code of Ordinances in effect on October 1, 2019.

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

75 **SECTION 6.** The Clerk of the Commission is directed to submit a certified copy of this ordinance to
76 the following parties within seven calendar days after the adoption of this ordinance: 1) the Florida

77 Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for
78 Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

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

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

86 **SECTION 9.** This ordinance shall become effective immediately upon adoption.

87 **PASSED AND ADOPTED** this 21st day of February, 2019.

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LAUREN POE
MAYOR

95 Attest:

Approved as to form and legality:

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98 _____
99 OMICHELE D. GAINNEY
100 CLERK OF THE COMMISSION



NICOLLE M. SHALLEY
CITY ATTORNEY

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This ordinance passed on first reading this 7th day of February, 2019.

This ordinance passed on second reading this 21st day of February, 2019.

LEGAL DESCRIPTION

DESCRIPTION FOR PROPOSED ANNEXATION OF TAX PARCEL #s 069031-000-000, 06931-001-000, 06932-000-000

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3490, PAGE 1078 (HEREAFTER ABBREVIATED ORB _ , P_), OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (ALL RECORDS CITED HEREIN ARE RECORDED IN ALACHUA COUNTY) ALSO BEING THE SOUTHWEST MOST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 4267, PAGE 1797 AND BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 080605 AT STATION 235 +63.70 ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 24 AS PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 26090 AS SHOWN ON SHEET 6 OF 6 ALSO KNOWN AS SOUTHWEST ARCHER ROAD; THENCE LEAVING SAID CITY OF GAINESVILLE LIMIT LINE S 57° 58' 54" W ALONG SAID NORTH RIGHT-OF-WAY LINE OF ARCHER ROAD AND ALONG THE SOUTH LINE OF THOSE CERTAIN PARCELS OF LAND AS DESCRIBED IN ORB 981, P. 948 AND ORB 3862, P. 1267 A DISTANCE OF 275.51 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN ORB 3862, P. 1267 ALSO BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF SOUTHWEST 50TH STREET; THENCE LEAVING THE NORTH RIGHT-OF-WAY LINE OF SAID ARCHER ROAD RUN N 05°28'06" W ALONG THE EAST RIGHT-OF-WAY LINE OF SAID SW 50TH STREET AND THE WEST LINES OF SAID PARCELS DESCRIBED IN ORB 3862, P. 1267 AND ORB 981, P. 948 AND THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 1168, P 523 A DISTANCE OF 704.38 FEET TO THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 2168, P 1678; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE OF SW 50TH STREET N 58°21'53" EAST ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN ORB 2168, P 1678 ALSO BEING THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 1168, P 523 A DISTANCE OF 275.67 FEET TO THE NORTHEAST CORNER OF SAID PARCEL ALSO BEING A POINT ON THE WESTERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 4267, P 1797 AND A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 080605; THENCE S 05°23'23" W ALONG SAID CITY LIMIT LINE AND WEST LINE OF SAID PARCEL ALSO BEING THE EAST LINE OF THOSE PARCELS OF LAND AS DESCRIBED IN ORB 1168, P. 563 AND ORB 981, P. 948 A DISTANCE OF 702.80 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID ARCHER ROAD AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, CONTAINING 3.987 ACRES MORE OR LESS.

Proposed Annexation - Archer Health

Parcels 06931-000-000, 06931-001-000, 06932-000-000 | Voluntary Annexation

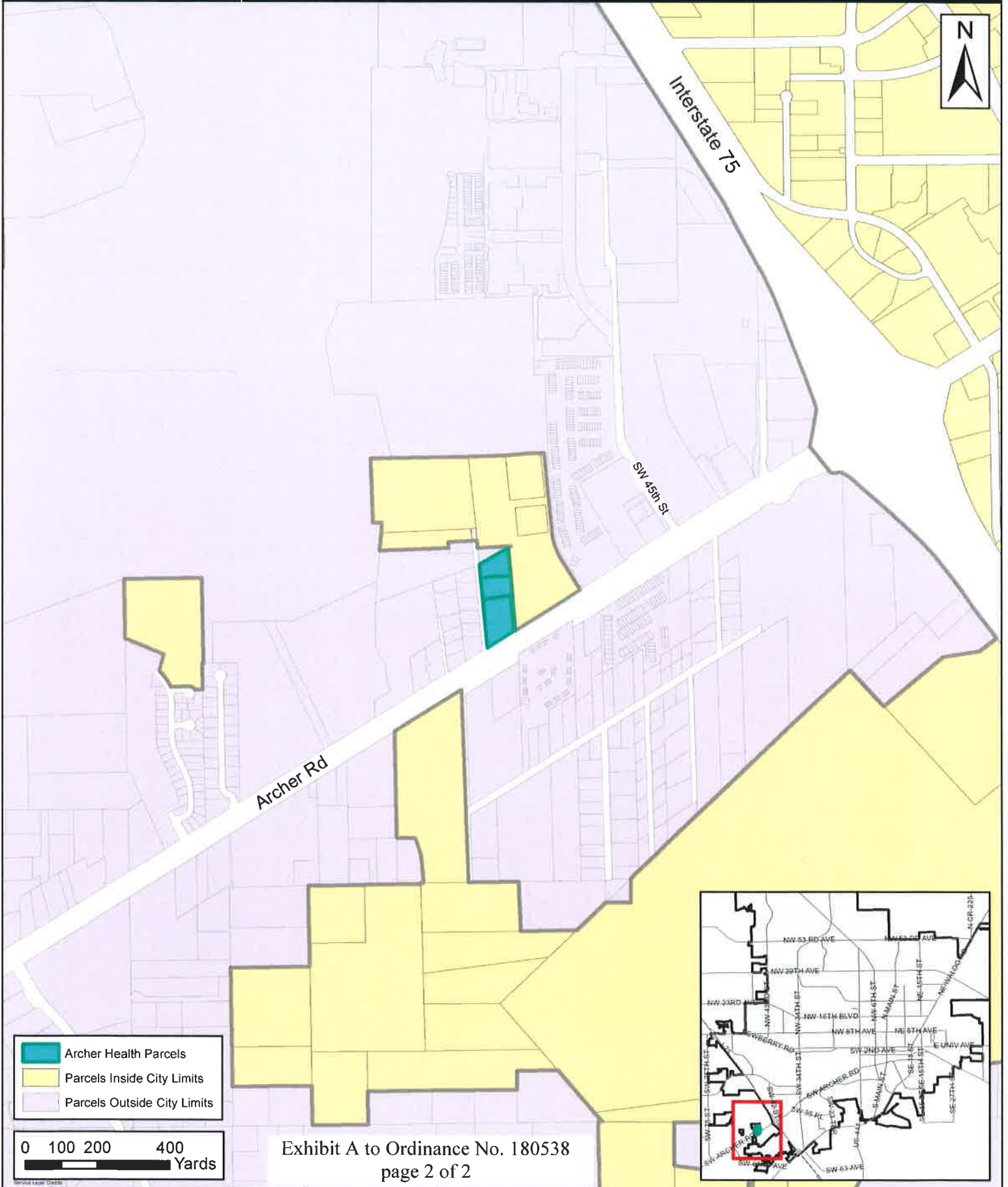


Exhibit A to Ordinance No. 180538
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