

1 ORDINANCE NO. 070458
2 0-07-85

3
4 An Ordinance of the City of Gainesville, Florida, annexing a portion of
5 the City of Gainesville Reserve Area pursuant to Chapter 90-496,
6 Special Act, Laws of Florida, as amended by Chapter 91-382 and
7 Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua
8 County Boundary Adjustment Act; making certain findings; including
9 within the corporate limits of the City of Gainesville, Florida, that
10 certain compact and contiguous area comprised of Tax Parcels 07872-
11 003-001, 07872-014-002, 07872-014-003, and 07872-009-000, as
12 more specifically described in this ordinance, generally located south
13 of the vicinity of NE 63rd Avenue, west of the vicinity of L. Brown
14 Solid Waste Transfer Station, north of the City Limits and the vicinity
15 of NE 54th Place, and east of NE Waldo Road; providing for inclusion
16 of the area in Appendix I of the City Charter; providing for land use and
17 zoning regulations; providing for persons engaged in any occupation,
18 business, trade or profession within the area; providing directions to the
19 City Manager and Clerk of the Commission; providing a severability
20 clause; and providing an immediate effective date.
21

22
23 **WHEREAS**, Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382

24 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary
25 Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for
26 the annexation of contiguous, compact, unincorporated territory within a municipality's reserve
27 area; and

28 **WHEREAS**, on January 10, 2006, the Board of County Commissioners of Alachua County
29 designated the Reserve Area for the City of Gainesville pursuant to the Act; and

30 **WHEREAS**, on June 26, 2007, the City Commission voted to accept the Petition for
31 Voluntary Annexation submitted by the owners of the real property described herein and
32 determined that the Petition bore the signature of the owners of the property; and

1 **WHEREAS**, on September 10, 2007, the City Commission of the City of Gainesville
2 adopted Ordinance No. 070128, which adopted the Urban Services Report setting forth the plans to
3 provide urban services to that portion of the Reserve Area proposed to be annexed in accordance
4 with the procedures provided in the Act; and

5 **WHEREAS**, a copy of the Urban Services Report was filed with the Alachua County
6 Board of County Commissioners and was provided to the owners of the real property affected by
7 this ordinance; and

8 **WHEREAS**, the City of Gainesville desires to annex a certain portion of its Reserve Area
9 which is compact and contiguous to the present corporate limits of the City; and

10 **WHEREAS**, pursuant to law, notice of adoption of this ordinance was published for two
11 consecutive weeks prior to first reading in a newspaper of general circulation notifying the public of
12 the Public Hearing of this proposed Ordinance to be held in the City Commission meeting room,
13 First Floor, City Hall, in the City of Gainesville; and

14 **WHEREAS**, Public Hearings were held pursuant to the published notice described above at
15 which the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

18 **Section 1.** The City Commission finds that the Area described in Section 2 of this
19 Ordinance (hereinafter referred to as the "Area") is reasonably compact and contiguous to the
20 present corporate limits of the City of Gainesville, and that no part of the Area is within the

1 boundary of another municipality or county. The City Commission finds the Area to be within its
2 Reserve Area and the annexation does not create an enclave.

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

5 See Legal Description attached hereto as Exhibit "A" (4 parcels), and
6 made a part hereof as if set forth in full.
7

8 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix
9 I, Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
10 Section 2 within the corporate limits of the City of Gainesville, Florida.

11 **Section 4.** The City Manager is authorized and directed to make the necessary change in
12 the Code of Ordinances of the City of Gainesville, Florida, to comply with this ordinance.

13 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
14 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
15 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
16 that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement
17 officers shall have jurisdiction to enforce these regulations during the interim period through the
18 Gainesville Code Enforcement Board process as described in Division 8 of Article V of Chapter 2
19 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as described in
20 Division 6 of Article V of Chapter 2 of said Code. During the interim period, the City may rezone
21 properties in the annexed area to an Alachua County Zoning classification/category that conforms
22 with the Alachua County Comprehensive Plan.

1 **Section 6.** (a) Except as provided in subsections (b) and (c) below, all persons who are
2 lawfully engaged in any occupation, business, trade or profession within the area described in
3 Section 2 of this Ordinance as of November 26, 2007, shall have the right to continue such
4 occupation, business, trade or profession.

5 (b) Except as provided in subsection (c) below, all persons who are lawfully
6 engaged in any construction trade, occupation or business within the Area described in Section 2 of
7 this Ordinance as of November 26, 2007, and who possess a valid certificate of competency issued
8 by Alachua County shall have the right to continue the construction trade, occupation, or business
9 within the entire corporate limits of the City of Gainesville, including the Area described in Section
10 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by
11 Alachua County, and provided such persons register the certificate with the Building Inspections
12 Department of the City of Gainesville and the Department of Business and Professional Regulation
13 of the State of Florida on or before 4:00 p.m. on October 1, 2008.

14 (c) All persons lawfully engaged in any occupation, business, trade or profession
15 within the Area described in Section 2 of this Ordinance as of November 26, 2007, shall obtain a
16 business tax receipt (occupational license) from the City of Gainesville for the term commencing on
17 October 1, 2008, which license shall be issued upon payment of the appropriate fee in accordance
18 with the Gainesville Code of Ordinances in effect on October 1, 2008.

19 **Section 7.** If any portion of this Ordinance is declared by a court of competent jurisdiction
20 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining
21 portions of this Ordinance.


1 **Section 8.** The Clerk of the Commission is directed to submit a certified copy of this
2 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3)
3 the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.


4 **Section 9.** This Ordinance shall become effective immediately upon adoption.

5 **PASSED AND ADOPTED** this 26th day of November, 2007.

6
7 
8 PEGEEN HANRAHAN,
9 MAYOR

10 ATTEST:

11 
12
13
14 KURT LANNON,
15 CLERK OF THE COMMISSION

11 Approved as to form and legality
12 
13
14 MARION J. RADSON,
15 CITY ATTORNEY

NOV 27 2007

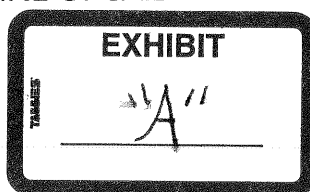
16
17
18 This Ordinance passed on first reading this 19th day of November, 2007.

19 This Ordinance passed on second reading this 26th day of November, 2007.

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN SECTIONS 13 AND 14, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 13, TOWNSHIP 9 SOUTH, RANGE 20 EAST AND RUN NORTH ALONG THE WEST LINE OF SAID SECTION 13 1,713.87 FEET TO THE SOUTHEAST CORNER OF TAX PARCEL NUMBER 7872-14-2 AND THE POINT OF BEGINNING, SAID CORNER BEING ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE; THENCE RUN WEST ALONG THE SOUTH LINE OF SAID TAX PARCEL AND SAID CITY LIMIT LINE TO THE SOUTHWEST CORNER OF SAID TAX PARCEL, SAID CORNER BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF THE ABANDONED SEABOARD COAST LINE RAILROAD; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE RUN WEST ALONG THE WESTERLY EXTENSION OF THE SOUTH LINE OF TAX PARCEL NUMBER 7872-14-2 AND SAID CITY LIMIT LINE TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NUMBER 24 (NORTHEAST WALDO ROAD); THENCE LEAVING SAID CITY LIMIT LINE RUN NORTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE WESTERLY EXTENSION OF THE NORTH LINE OF TAX PARCEL NUMBER 7872-3-1; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE RUN EAST ALONG SAID WESTERLY EXTENSION AND THE NORTH LINE THEREOF TO THE NORTHEAST CORNER OF SAID TAX PARCEL; THENCE RUN SOUTH ALONG THE EAST LINE OF SAID TAX PARCEL TO THE SOUTHEAST



CORNER OF SAID TAX PARCEL; THENCE RUN WEST ALONG THE SOUTH LINE OF SAID TAX PARCEL TO THE SOUTHWEST CORNER OF SAID TAX PARCEL, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF TAX PARCEL NUMBER 7872-14-3; THENCE RETURNING TO THE EXISTING CITY OF GAINESVILLE LIMIT LINE RUN SOUTH ALONG THE EAST LINE OF SAID TAX PARCEL TO THE SOUTHEAST CORNER OF SAID TAX PARCEL, SAID CORNER ALSO BEING THE SOUTHEAST CORNER OF TAX PARCEL NUMBER 7872-14-2 AND THE POINT OF BEGINNING.