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02/14/07

ORDINANCE NO. _____
0-07-09

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area comprised of Tax Parcel 06810-001-008, as more specifically described in this ordinance, generally located in the vicinity of 3530 SW Archer Road; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

WHEREAS, Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for the annexation of contiguous, compact, unincorporated territory within a municipality's reserve area; and

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

WHEREAS, on November 13, 2006, the City Commission voted to accept the Petition for Voluntary Annexation submitted by the owner of the real property described herein and determined that the Petition bore the signature of the owner of the property; and

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1 **WHEREAS**, on February 12, 2007, the City Commission of the City of Gainesville
2 adopted Ordinance No. 060663, 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

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

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

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

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

17 **Section 1.** The City Commission finds that the Area described in Section 2 of this
18 Ordinance (hereinafter referred to as the "Area") is reasonably compact and contiguous to the
19 present corporate limits of the City of Gainesville, and that no part of the Area is within the
20 boundary of another municipality or county. The City Commission finds the Area to be within its
21 Reserve Area and the annexation does not create an enclave.

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

3 See Legal Description attached hereto as Exhibit "A" (1 parcel), and
4 made a part hereof as if set forth in full.
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6 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix
7 I, Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
8 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

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

21 **Section 6.** (a) Except as provided in subsections (b) and (c) below, all persons who are
22 lawfully engaged in any occupation, business, trade or profession within the area described in

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1 Section 2 of this Ordinance as of May 15, 2007, shall have the right to continue such occupation,
2 business, trade or profession.

3 (b) Except as provided in subsection (c) below, all persons who are lawfully
4 engaged in any construction trade, occupation or business within the Area described in Section 2 of
5 this Ordinance as of May 15, 2007, and who possess a valid certificate of competency issued by
6 Alachua County shall have the right to continue the construction trade, occupation, or business
7 within the entire corporate limits of the City of Gainesville, including the Area described in Section
8 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by
9 Alachua County, and provided such persons register the certificate with the Building Inspections
10 Department of the City of Gainesville and the Department of Business and Professional Regulation
11 of the State of Florida on or before 4:00 p.m. on May 15, 2007.

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

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

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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 _____ day of _____, 2007.

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ATTEST:

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KURT LANNON,
CLERK OF THE COMMISSION

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This Ordinance passed on first reading this _____ day of _____, 2007.

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This Ordinance passed on second reading this _____ day of _____, 2007.

PEGEEN HANRAHAN,
MAYOR

Approved as to form and legality

MARION J. RADSON,
CITY ATTORNEY

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TAX PARCEL NUMBER 6810-1-8 FOR THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 24 (ARCHER ROAD) AND THE EXISTING CITY OF GAINESVILLE LIMIT LINE; THENCE RUN SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE ALONG A CURVE CONCAVE NORTHWESTERLY, SAID CURVE HAVING A CENTRAL ANGLE OF $01^{\circ}42'24''$, A RADIUS OF 5170.68 FEET, AN ARC LENGTH OF 154.03 FEET AND A CHORD BEARING OF $S\ 39^{\circ}16'47''\ W$, 154.02 FEET; THENCE RUN $N\ 49^{\circ}42'06''\ W$, 260.00 FEET; THENCE RUN $N\ 40^{\circ}17'54''\ E$, 154.00 FEET, THENCE RUN $S\ 49^{\circ}42'06''\ E$, 257.26 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 24 AND THE POINT OF BEGINNING.

