



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 001162

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: May 14, 2001
~~April 23, 2001~~
CITY ATTORNEY
~~FIRST READING~~
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-01-06

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, by 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 comprising approximately 128.20 acres (MOL) generally located north of NW 69th Lane and Blues Creek Unit-2, west of NW 52nd Terrace, NW 50th Street and the Blues Creek Subdivisions, south of the City limits, east of Section 9, Township 9S, Range 19E; providing for inclusion of the area in Appendix I of the City Charter; providing for land use plan and zoning regulations; providing for enforcement of Alachua County, land use plan, zoning and subdivision regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, November 13, 2000, at a regular city commission meeting, the City Commission received and accepted the petition for voluntary annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On January 8, 2001 and January 22, 2001, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

The Alachua County land use plan and zoning or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment that includes the annexed area, and rezones the property to a city zoning category. During the interim period, the City may rezone the property in the annexed area to an Alachua County Zoning classification/category that conforms with the Alachua County Comprehensive Plan in accordance with Chapter 163, F.S.

Prepared and
Submitted by:



Marion J. Radson
City Attorney

Passed on first reading by a vote of 5-0.

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04/12/01

ORDINANCE NO. _____
0-01-06

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4 **An Ordinance of the City of Gainesville, Florida, annexing a**
5 **portion of the City of Gainesville Reserve Area Pursuant to**
6 **Chapter 90-496, as amended, by Special Acts, Laws of Florida,**
7 **known as the Alachua County Boundary Adjustment Act;**
8 **making certain findings; including within the corporate limits of**
9 **the City of Gainesville, Florida, that certain compact and**
10 **contiguous area comprising approximately 128.20 acres (MOL)**
11 **generally located north of NW 69th Lane and Blues Creek Unit-**
12 **2, west of NW 52nd Terrace, NW 50th Street and the Blues Creek**
13 **Subdivisions, south of the City limits, east of Section 9,**
14 **Township 9S, Range 19E; providing for inclusion of the area in**
15 **Appendix I of the City Charter; providing for land use plan and**
16 **zoning regulations; providing for enforcement of Alachua**
17 **County, land use plan, zoning and subdivision regulations;**
18 **providing directions to the City Manager and Clerk of the**
19 **Commission; providing a severability clause; and providing an**
20 **immediate effective date.**

21
22 **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-
23
24 382 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 13, 1998, the Board of County Commissioners of Alachua County
29 designated the Reserve Area for the City of Gainesville pursuant to the Act; and

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1 **WHEREAS**, on June 21, 2000, the owner of the real property described herein submitted a
2 Petition for Voluntary Annexation requesting the City to incorporate said property into the City of
3 Gainesville; and

4 **WHEREAS**, on November 13, 2000, the City Commission voted to accept said Petition
5 and determined that the Petition bore the signatures of the owners of the property; and

6 **WHEREAS**, on January 22, 2000, the City Commission of the City of Gainesville adopted
7 Ordinance No. 000797, which adopted the Urban Services Report setting forth the plans to provide
8 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the
9 procedures provided in the Act; and

10 **WHEREAS**, a copy of the Urban Services Report was filed with the Alachua County
11 Board of County Commissioners and the real property owner affected by this ordinance; and

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

14 **WHEREAS**, pursuant to law, notice has been given by publication once a week for two
15 consecutive weeks in a newspaper of general circulation notifying the public of this proposed
16 Ordinance and of Public Hearings to be held in the City Commission meeting room, First Floor,
17 City Hall, in the City of Gainesville; and

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

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

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

11 **Section 2.** The following described Area 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
14 part hereof as if set forth in full.

15 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,
16 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
17 Section 2 within the corporate limits of the City of Gainesville, Florida.
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1 **Section 4.** The City Manager is authorized and directed to make the necessary change to the
2 legal description of the Municipal Corporate Limits as codified in Appendix 1 of the City Charter
3 of the City of Gainesville, Florida, to comply with this ordinance.

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

13 **Section 6.** If any portion of this Ordinance is declared by a court of competent jurisdiction
14 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining
15 portions of this Ordinance.

16 **Section 7.** The Clerk of the Commission is directed to submit a certified copy of this
17 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3)
18 the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

LEGAL DESCRIPTION (UNPLATTED LANDS OF BLUES CREEK DEVELOPMENT):

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, ALSO BEING THE SOUTHWEST CORNER OF "BLUES CREEK UNIT 2", AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'O', AT PAGE 34 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN NORTH 00 DEG. 23 MIN. 44 SEC. WEST ALONG THE WEST LINE OF SAID SECTION 10 AND THE WEST LINE OF SAID "BLUES CREEK UNIT 2", A DISTANCE OF 194.98 FEET TO THE NORTHWEST CORNER OF SAID "BLUES CREEK UNIT 2" AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEG. 23 MIN. 44 SEC. WEST ALONG THE WEST LINE OF SAID SECTION 10, A DISTANCE OF 3550.34 FEET; THENCE RUN NORTH 89 DEG. 39 MIN. 06 SEC. EAST, A DISTANCE OF 908.92 FEET TO THE NORTHWEST CORNER OF "BLUES CREEK UNIT 4-B", AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'S', AT PAGE 86 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN ALONG THE WESTERLY AND SOUTHERLY BOUNDARY OF SAID "BLUES CREEK UNIT 4-B" WITH THE FOLLOWING COURSES: SOUTH 00 DEG. 20 MIN. 54 SEC. EAST, 162.40 FEET; SOUTH 06 DEG. 01 MIN. 45 SEC. WEST, 60.00 FEET; NORTH 83 DEG. 58 MIN. 15 SEC. WEST, 72.69 FEET; SOUTH 06 DEG. 01 MIN. 45 SEC. WEST, 168.00 FEET; SOUTH 74 DEG. 41 MIN. 57 SEC. WEST, 29.01 FEET; SOUTH 27 DEG. 20 MIN. 17 SEC. EAST, 407.19 FEET; SOUTH 25 DEG. 52 MIN. 04 SEC. EAST, 120.00 FEET; NORTH 24 DEG. 20 MIN. 46 SEC. EAST, 136.20 FEET; NORTH 89 DEG. 39 MIN. 06 SEC. EAST, 367.35 FEET; SOUTH 04 DEG. 09 MIN. 39 SEC. EAST, 370.35 FEET; NORTH 89 DEG. 39 MIN. 06 SEC. EAST, 145.08 FEET; SOUTH 65 DEG. 40 MIN. 54 SEC. EAST, 99.50 FEET TO THE SOUTHEAST CORNER OF SAID "BLUES CREEK UNIT 4-B" AND THE SOUTHWEST CORNER OF "BLUES CREEK UNIT 4", AS RECORDED IN PLAT BOOK 'S', AT PAGE 3 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE CONTINUE SOUTH 65 DEG. 40 MIN. 54 SEC. EAST ALONG THE SOUTH BOUNDARY OF SAID "BLUES CREEK UNIT 4", A DISTANCE OF 55.87 FEET; THENCE RUN ALONG SAID SOUTH BOUNDARY SOUTH 51 DEG. 15 MIN. 00 SEC. EAST, A DISTANCE OF 75.00 FEET TO THE SOUTHEAST CORNER OF SAID "BLUES CREEK UNIT 4" AND THE SOUTHWEST CORNER OF "BLUES CREEK UNIT 3-C" AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'R', AT PAGE 23 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN ALONG THE SOUTHERLY BOUNDARY OF SAID "BLUES CREEK UNIT 3-C" AND THE WESTERLY BOUNDARIES OF "BLUES CREEK UNIT 3-B" AND "BLUES CREEK UNIT 3-A", AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'Q', AT PAGE 92 AND PLAT BOOK 'Q', AT PAGE 49 RESPECTIVELY, WITH THE FOLLOWING COURSES: SOUTH 51 DEG. 15 MIN. 00 SEC. EAST, 195.00 FEET; NORTH 55 DEG. 10 MIN. 00 SEC. EAST, 120.00 FEET; SOUTH 25 DEG. 20 MIN. 00 SEC. EAST, 179.88 FEET; SOUTH 12 DEG. 25 MIN. 00 SEC. EAST, 700.00 FEET; SOUTH 61 DEG. 10 MIN. 00 SEC. EAST, 300.00 FEET; SOUTH 16 DEG. 04 MIN. 34 SEC. WEST, A DISTANCE OF 75.06 FEET; SOUTH 37 DEG. 50 MIN. 00 SEC. EAST, 76.45 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTHWEST 52ND TERRACE, SAID POINT ALSO BEING ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 330.07 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 13 DEG. 17 MIN. 35 SEC., AN ARC LENGTH OF 93.86 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 07 DEG. 41 MIN. 04 SEC. WEST, 93.55 FEET TO A POINT ON THE NORTH BOUNDARY OF "BLUES CREEK UNIT 1", AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'M', AT PAGE 95 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 89 DEG. 32 MIN. 17 SEC. WEST ALONG THE NORTH BOUNDARY OF SAID "BLUES CREEK UNIT 1", A DISTANCE OF 369.99 FEET; THENCE RUN SOUTH 00 DEG. 27 MIN. 43 SEC. EAST, A DISTANCE OF 159.06 FEET; THENCE CONTINUE ALONG THE NORTH BOUNDARY OF SAID "BLUES CREEK UNIT 1" AND "BLUES CREEK UNIT 1-A", AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'N', AT PAGE 20 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SOUTH 89 DEG. 32 MIN. 17 SEC. WEST, A DISTANCE OF 725.01 FEET; THENCE RUN ALONG THE WESTERLY BOUNDARY OF SAID "BLUES CREEK UNIT 1-A" SOUTH 00 DEG. 27 MIN. 43 SEC. EAST, 300.00 FEET; THENCE RUN SOUTH 15 DEG. 52 MIN. 10 SEC. WEST, A DISTANCE OF 74.97 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF "BLUES CREEK UNIT 2", AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 'O' PAGE 34 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN ALONG SAID NORTHERLY LINE THE FOLLOWING COURSES: SOUTH 32 DEG. 25 MIN. 00 SEC. WEST, 240.00 FEET; SOUTH 70 DEG. 45 MIN. 00 SEC. WEST, 530.00 FEET; SOUTH 42 DEG. 10 MIN. 00 SEC. WEST, 140.00 FEET; SOUTH 61 DEG. 40 MIN. 00 SEC. WEST, 140.37 FEET; SOUTH 85 DEG. 37 MIN. 35 SEC. WEST, 415.29 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 50.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 36 DEG. 52 MIN. 11 SEC., AN ARC LENGTH OF 32.17 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 67 DEG. 11 MIN. 29 SEC. WEST, 31.62 FEET; THENCE RUN SOUTH 85 DEG. 37 MIN. 35 SEC. WEST, A DISTANCE OF 170.00 FEET TO THE POINT OF BEGINNING. CONTAINING 128.196 ACRES. MORE OR LESS.