

**ORDINANCE NO. 080193**  
**0-07-115**

**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 a portion of Tax Parcel 07240-000-000, as more specifically described in this Ordinance, generally located south of the vicinity of Archer Road and Interstate 75, west of Interstate 75 and the City limits, north of Williston Road and SW 62<sup>nd</sup> Avenue and east of SW 63rd Boulevard; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; 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 September 10, 2007, 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

**WHEREAS**, on November 26, 2007, the City Commission of the City of Gainesville adopted Ordinance No. 070414, which adopted the Urban Services Report setting forth the plans to provide

1 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the  
2 procedures provided in the Act; and

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

6 **WHEREAS**, the City Commission previously annexed a portion of the annexation area on  
7 February 11, 2008 by Ordinance No. 070721; and

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

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

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

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

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

1 municipality or county. The City Commission finds the Area to be within its Reserve Area and the  
2 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", and made a part  
6 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 I,  
9 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 the  
12 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 use  
14 plan and zoning or subdivision regulations shall remain in full force and effect in the Area described in  
15 Section 2 of this Ordinance until the City adopts a comprehensive plan amendment that includes the  
16 annexed area. The Gainesville Code Enforcement Board and code enforcement officers shall have  
17 jurisdiction to enforce these regulations during the interim period through the Gainesville Code  
18 Enforcement Board process as described in Division 8 of Article V of Chapter 2 of the Code of  
19 Ordinances of the City of Gainesville and the Civil Citation Process, as described in Division 6 of  
20 Article V of Chapter 2 of said Code. During the interim period, the City may rezone properties in the  
21 annexed area to an Alachua County Zoning classification/category that conforms with the Alachua  
22 County Comprehensive Plan.

1           **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the  
2 application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall  
3 not affect the other provisions or applications of the ordinance which can be given effect without the  
4 valid or unconstitutional provisions or application, and to this end the provisions of this ordinance are  
5 declared severable.

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

9           **Section 8.** This Ordinance shall become effective immediately upon adoption.

10          **PASSED AND ADOPTED** this 4<sup>th</sup> day of September, 2008.

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15       ATTEST:

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20       KURT LANNON  
21       CLERK OF THE COMMISSION

  
          PEGEEN HANRAHAN  
          MAYOR

          Approved as to form and legality

  
          MARION J. RADSON  
          CITY ATTORNEY

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22       This Ordinance passed on first reading this 21<sup>st</sup> day of August, 2008.

23       This Ordinance passed on second reading this 4<sup>th</sup> day of September, 2008.

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**A TRACT OF LAND SITUATED IN SECTIONS 22 AND 23,  
TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY,  
FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS  
FOLLOWS:**

**COMMENCE AT A POINT AT THE INTERSECTION OF THE  
NORTHEASTERLY PROJECTION OF THE SOUTHERLY LINE OF  
THAT CERTAIN TRACT OF LAND AS DESCRIBED IN OFFICIAL  
RECORDS BOOK 2824 PAGE 1263 OF THE OFFICIAL RECORDS  
OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED  
AS ORB\_\_ PAGE\_\_ ACR) AND THE WEST RIGHT-OF-WAY LINE  
OF INTERSTATE 75 (US 93) FOR THE POINT OF BEGINNING,  
SAID POINT BEING ON THE EXISTING CITY OF GAINESVILLE  
LIMIT LINE PER ORDINANCE #061079; THENCE RUN  
SOUTHEASTERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO  
THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND  
AS DESCRIBED IN ORB 3242 PAGE 404 ACR; THENCE LEAVING  
SAID CITY LIMIT LINE RUN SOUTHWESTERLY AND**

NORTHWESTERLY ALONG THE NORTHERLY LINE OF SAID TRACT TO THE NORTH CORNER OF SAID TRACT, SAID CORNER BEING ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 41<sup>ST</sup> BOULEVARD; THENCE RUN WESTERLY, PERPENDICULAR TO SAID RIGHT-OF-WAY LINE, TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID SOUTHWEST 41<sup>ST</sup> BOULEVARD; THENCE RUN SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE TO THE NORTHEAST CORNER OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN ORB 2267 PAGE 1441 ACR; THENCE RUN SOUTHWESTERLY ALONG THE NORTH LINE OF SAID TRACT AND THE NORTH LINES OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN ORB 2246 PAGE 1343 ACR AND THAT CERTAIN TRACT OF LAND AS DESCRIBED IN ORB 1736 PAGE 2672 ACR TO A POINT ON THE EAST LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN ORB 3051 PAGE 1418 ACR; THENCE RUN NORTH ALONG THE EAST LINE OF SAID TRACT TO THE NORTHEAST CORNER OF SAID TRACT; THENCE RUN SOUTHWESTERLY ALONG THE NORTH LINES OF THE 6 TRACTS OF LAND AS DESCRIBED IN THE FOLLOWING

OFFICIAL RECORDS: 1) ORB 3051 PAGE 1418 ACR; 2) ORB 3051 PAGE 1419 ACR; 3) ORB 2537 PAGE 389 ACR; 4) ORB 3051 PAGE 1420 ACR; 5) ORB 3051 PAGE 1422 ACR; 6) ORB 3051 PAGE 1421 ACR TO THE NORTHWEST CORNER OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN ORB 3051 PAGE 1421 ACR, SAID CORNER BEING ON THE WEST LINE OF THE GARY GRANT; THENCE RUN NORTHWEST ALONG THE WEST LINE OF SAID GARY GRANT TO THE SOUTHEAST CORNER OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN ORB 1821 PAGE 2875 ACR; THENCE RUN NORTHEAST ALONG THE NORTH LINE OF SAID GARY GRANT TO THE WEST CORNER OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN ORB 2507 PAGE 1285 ACR; THENCE LEAVING SAID NORTH LINE OF THE GARY GRANT RUN EAST ALONG THE SOUTH LINE OF SAID TRACT TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE RUN NORTH ALONG THE EAST LINE OF SAID TRACT TO THE NORTH CORNER OF SAID TRACT, SAID CORNER BEING ON THE NORTH LINE OF THE GARY GRANT; THENCE RUN NORTHEAST ALONG SAID NORTH LINE OF THE GARY GRANT TO A POINT LYING ON A NORTHWESTERLY

EXTENSION OF THE WESTERLY LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN ORB 3478 PAGE 798 ACR, SAID POINT ALSO BEING ON THE NORTH LINE OF A 150' WIDE CITY OF GAINESVILLE POWER LINE EASEMENT; THENCE LEAVING THE NORTH LINE OF THE GARY GRANT AND SAID POWER LINE EASEMENT RUN SOUTHEASTERLY ALONG SAID EXTENSION TO THE WEST MOST CORNER OF SAID TRACT DESCRIBED IN 3478 PAGE 798 ACR (BEING THE SAME TRACT DESCRIBED IN ORB 2824 PAGE 1263 ACR); THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID TRACT TO THE SOUTH CORNER OF SAID TRACT BEING ON THE EXISTING CITY LIMIT LINE AS PER ORDINANCE #061079; THENCE RUN NORTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID TRACT AND SAID CITY LIMIT LINE TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 41<sup>ST</sup> BOULEVARD; THENCE CONTINUE NORTHEASTERLY ALONG THE NORTHEASTERLY PROJECTION OF THE SOUTHERLY LINE OF SAID TRACT AND SAID CITY LIMIT LINE TO THE POINT OF BEGINNING.