

LEGISTAR #

100903



CITY OF GAINESVILLE

Office of the City Attorney

Legistar No. 100903
Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

FIRST READING
DATE: July 7, 2011

FROM: Marion J. Radson, City Attorney

SUBJECT: Ordinance No. 100903

URBAN SERVICES REPORT – East Side Properties

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcel Numbers 10890-000-000, 10889-000-000, 10889-002-000, 10889-003-000, 16127-003-000, 16127-003-001, 16125-005-000, 16125-000-000, 16126-000-000 and 16125-007-000. Tax parcel 10890-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcel 10890-002-000, and east of the Gainesville City Limits. Tax parcel 10889-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-002-002 and 16127-002-001, and east of tax parcels 10890-000-000 and 10890-002-000. Tax parcels 10889-002-000 and 10889-003-000 are generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-003-000 and 16125-001-001, and east of tax parcel 10889-000-000. Tax parcel 16127-003-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of the Gainesville City Limits. Tax parcel 16127-003-001 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of the Gainesville City Limits. Tax parcel 16125-005-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of tax parcel 16127-003-000. Tax parcel 16125-000-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of tax parcel 16125-007-000. Tax parcel 16126-000-000 is generally located south of South East Hawthorne Road, west of South East 43rd Terrace, north of Paynes Prairie Preserve State Park, and east of South East 39th Terrace. Tax parcel 16125-007-000 is generally located south of tax parcel 16127-003-001, west of S.E. 43rd Street, north of Hawthorne Road, and east of tax parcel 16127-003-001; the area is

proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The Alachua County Boundary Adjustment Act requires a municipality to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to any reserve area to be annexed prior to commencing the annexation procedures under the Act.


The report must generally include the following information:

- 1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed;
- 2) a statement indicating to what extent services to existing residents would need to be reduced within the next five years because of the annexation; to what extent taxes would need to be adjusted within the next five years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;
- 3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:
 - a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.
 - b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.

- c) if extensions of major trunk water mains and sewer mains into the area to be annexed are necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.
- d) set forth the method under which the City plans to finance extension of services into the area to be annexed.


If adopted on first reading, this Ordinance shall be heard on second reading on July 21, 2011. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

Prepared by:



Elizabeth A. Waratuke
Litigation Attorney

Approved and
Submitted by:



Marion J. Radson
City Attorney

MJR:EAW:cgow

ORDINANCE NO.: 100903

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5 Services Report which sets forth the plans to provide urban services
6 to an area comprised of Tax Parcel Numbers 10890-000-000, 10889-
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37 the area is proposed for annexation by the City of Gainesville
38 pursuant to Chapter 90-496, Special Acts, Laws of Florida, as
39 amended, known as the Alachua County Boundary Adjustment Act;
40 providing directions to the City Manager, the City Attorney and the
41 Clerk of the Commission; providing a repealing clause; providing a
42 severability clause; and providing an immediate effective date.
43

1 **WHEREAS**, Chapter 90-496, Special Acts, Laws of Florida, created the "Alachua County
2 Boundary Adjustment Act" which sets forth procedures for establishing municipal reserve areas and
3 for adjusting the boundaries of municipalities through annexations; and

4 **WHEREAS**, Chapter 90-496 was amended by Chapter 91-382 and Chapter 93-347,
5 Special Acts, Laws of Florida, (hereinafter collectively referred to as "the Act") which requires a
6 municipality to prepare and adopt by nonemergency ordinance, a report setting forth the plans to
7 provide urban services to any reserve area prior to commencing the annexation procedures under
8 the Act; and

9 **WHEREAS**, the City of Gainesville is planning to commence the annexation of certain
10 unincorporated areas, as more specifically described in this Ordinance, and that are located within
11 its Reserve Area as defined in the Act and as redesignated by the Board of County Commissioners
12 of Alachua County; and

13 **WHEREAS**, pursuant to law, at least ten days notice has been given prior to adoption by
14 publication in a newspaper of general circulation notifying the public of this proposed Ordinance
15 and of a Public Hearing to be held in the City Commission meeting room, First Floor, City Hall, in
16 the City of Gainesville; and

17 **WHEREAS**, Public Hearings were held pursuant to law, at which hearings the parties in
18 interest and all others had an opportunity to be and were, in fact heard.

19 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
20 **CITY OF GAINESVILLE, FLORIDA:**

21 **Section 1.** The Urban Services Report, a copy of which is attached as Exhibit "A" and
22 incorporated herein as if set forth in full, sets forth the plans to provide urban services to an area
23 comprised of Tax Parcel Numbers 10890-000-000, 10889-000-000, 10889-002-000, 10889-003-
24 000, 16127-003-000, 16127-003-001, 16125-005-000, 16125-000-000, 16126-000-000 and 16125-

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19 parcel 16127-003-001, west of S.E. 43rd Street, north of Hawthorne Road, and east of tax parcel
20 16127-003-001; and is hereby approved and adopted for that certain area as more specifically
21 described in the Urban Services Report.

22 **Section 2.** The City Manager is directed to file a copy of this Ordinance and the
23 accompanying Urban Services Report with the Board of County Commissioners of Alachua County
24 and to commence the annexation of the area defined in the Urban Services Report. The City

1 Attorney and Clerk of the Commission are authorized to prepare and advertise the appropriate
2 ordinance(s).

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

8 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
9 such conflict hereby repealed.

10 **Section 5.** This Ordinance shall become effective immediately upon adoption.

11 **PASSED AND ADOPTED** this 21st day of July, 2011.

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CRAIG LOWE
MAYOR

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19 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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Kurt Lannon
Clerk of the Commission

Marion J. Radson
City Attorney

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27 This ordinance passed on first reading this 7th day of July, 2011.

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29 This ordinance passed on second reading this 21st day of July, 2011.

CITY OF GAINESVILLE URBAN SERVICES REPORT

Exhibit A

Voluntary East Side Properties Area



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URBAN SERVICES REPORT

INTRODUCTION

This Urban Services Report satisfies all the criteria required under the Alachua County Boundary Adjustment Act, as provided in Chapter 90-496, Special Act, Laws of Florida, as amended by Chapters 91-382 and 93-347, Special Acts, Laws of Florida (the "Act") for municipal annexation. Section 13 of the Act outlines the prerequisites for annexation. This report, with accompanying documentation and maps, complies with the applicable provisions of the Act.

CHARACTER OF THE AREA TO BE ANNEXED

The area proposed for annexation is shown in Figure 1 ("Area") and is comprised of Tax Parcel Numbers 10890-000-000, 10889-000-000, 10889-002-000, 10889-003-000, 16127-003-000, 16127-003-001, 16125-005-000, 16125-000-000, 16126-000-000 and 16125-007-000. Tax parcel 10890-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcel 10890-002-000, and east of the Gainesville City Limits. Tax parcel 10889-000-000 is generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-002-002 and 16127-002-001, and east of tax parcels 10890-000-000 and 10890-002-000. Tax parcels 10889-002-000 and 10889-003-000 are generally located south of East University Avenue, west of the vicinity of S.E. 43rd Street, north of tax parcels 16127-003-000 and 16125-001-001, and east of tax parcel 10889-000-000. Tax parcel 16127-003-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of the Gainesville City Limits. Tax parcel 16127-003-001 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of the Gainesville City Limits. Tax parcel 16125-005-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of tax parcel 16127-003-000. Tax parcel 16125-000-000 is generally located south of East University Avenue, west of South East 43rd Street, north of South East Hawthorne Road, and east of tax parcel 16125-007-000. Tax parcel 16126-000-000 is generally located south of South East Hawthorne Road, west of South East 43rd Terrace, north of Paynes Prairie Preserve State Park, and east of South East 39th Terrace. Tax parcel 16125-007-000 is generally located south of tax parcel 16127-003-001, west of S.E. 43rd Street, north of Hawthorne Road, and east of tax parcel 16127-003-001; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date. The general land use pattern of the Area is shown in Figure 2.

Qualification of the Area under Section 9

Because this is a voluntary annexation, Section 9 of the Act does not apply; however, in accordance with Section 13 (b), the extent to which the Area does qualify under Section 9 is as follows:

Extent of Qualification under Section 9 (1) (a) - This Area meets all qualifications for this section. The Area is contiguous to Gainesville's boundaries and reasonably compact. No part of the Area is within the boundary of another county or another incorporated municipality. All of the Area is within the Gainesville Urban Reserve Area adopted by the Alachua County Commission on January 10, 2006, and which became final on March 13, 2006. The Annexation will not create an enclave.

THE PROVISION OF SERVICES

The Provision of Services under Section 13 (1) (b)

a) Services in the Next Five Years

It is anticipated that services to the Area will be improved within the next five years as a result of the annexation of the Area. It is not reasonably anticipated that services to current city residents will be reduced within the next five years as a result of the annexation of the Area. The following discussion outlines proposed services. All services are subject to the annual lawful appropriation of funds.

b) Taxes in the Next Five Years

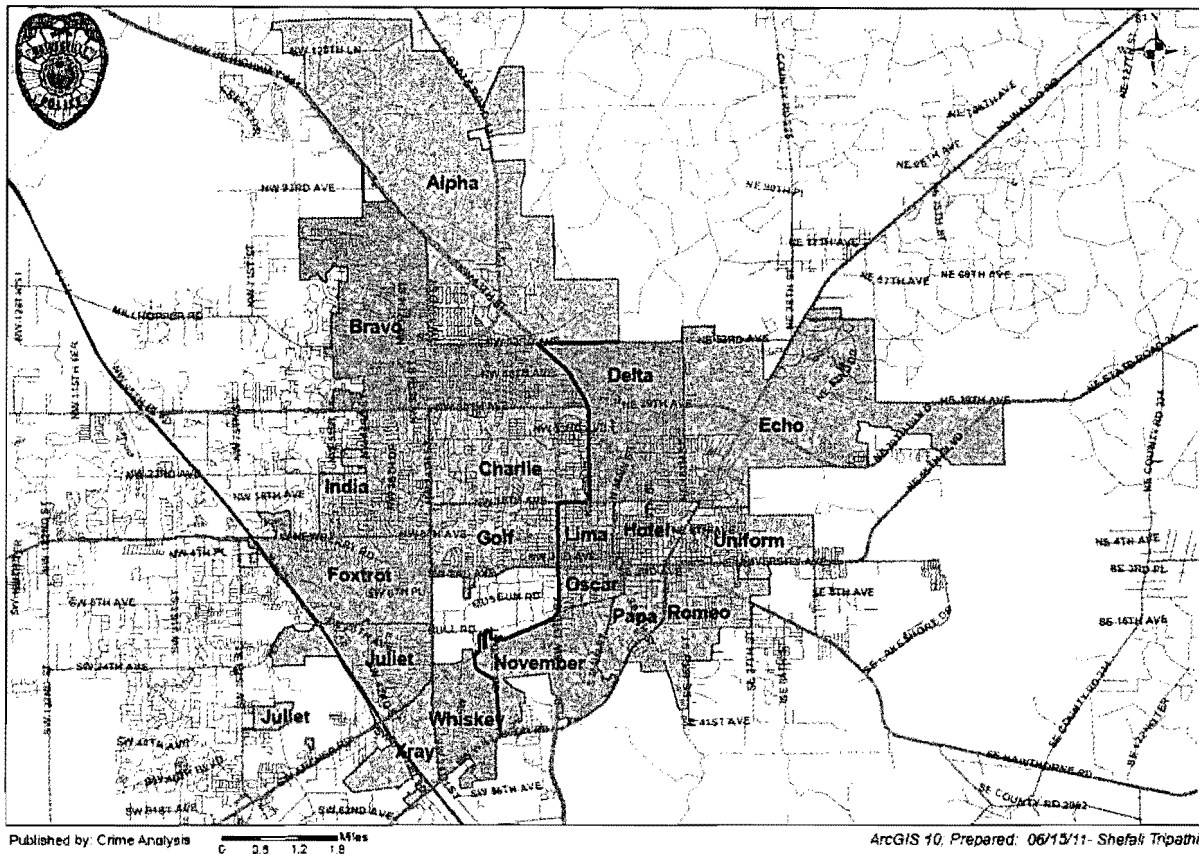
It is not reasonable to anticipate that the City's ad valorem taxes would need to be adjusted in the next five years to provide services to the Area as a result of the annexation of the Area. This includes services required by the Comprehensive Plan. Any level of service issue that is outlined in the City of Gainesville Comprehensive Plan or the Alachua County Comprehensive Plan, whichever applies at the time of development, must be addressed.

Police Services

Upon the effective date of annexation, police services will be provided to the Area by the Gainesville Police Department, utilizing similar policing strategies that are provided within the existing City limits. Police District Two, Romeo Zone will be extended to serve the area. The level of services will be dependent upon identified crime patterns and service demand within a prescribed area. The current staffing in the Department can provide these services to the Area.

Current police services include preventative patrol and criminal apprehension, criminal investigations, special operations, crime prevention, neighborhood police services, crime scene processing, Police Service Technicians, air support, traffic management, combined communications, and other support services including planning and research, fiscal management, records management, crime analysis, automated information services, property and evidence management, personnel and recruitment, and training. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation.

Gainesville Police Department Zones



Fire Protection

Gainesville Fire-Rescue Department (GFR) presently provides emergency and non-emergency services to portions of the unincorporated urban area of Alachua County. These services are required under the current Fire Services Assistance Agreement between the City and Alachua County. City of Gainesville Stations 3 and 1 provide services to this area. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation.

Fire hydrants in the unincorporated area of Alachua County are currently provided and maintained by the City of Gainesville in accordance with the 1990 Fire Hydrant and Public Street Lighting Services Agreement. Funding for fire hydrants is included in the base rates for water utility service.

Solid Waste Disposal

The City of Gainesville Solid Waste Department monitors residential solid waste and recycling collection services, provided under contract to residents living in single family houses and buildings containing less than five dwelling units. Other residents, businesses and

institutions contract for solid waste and recycling collection with one of several commercial providers operating under non-exclusive franchises with the City.

Alachua County contracts for residential solid waste, recycling and yard trash collection in the unincorporated mandatory service areas with the same company as does the City. Services will be extended and fees for this service will be collected through the utility billing process beginning the next October 1 after annexation.

Potable Water

Potable water services are addressed in the Gainesville Regional Utilities section of this report. That section outlines the current service level and plans for extensions after annexation.

Sanitary Sewer

Sanitary sewer services are addressed in the Gainesville Regional Utilities section of this report. That section outlines the current service level and plans for extensions after annexation.

Streets, Drainage and Flood Control

The City of Gainesville Public Works Department provides basic maintenance and repair services for all City streets within its current jurisdiction. This work includes maintenance of asphalt pavement, concrete sidewalks, concrete curbs and gutters, and roadside ditches. Basic maintenance services are also provided for public ditches and stormwater management detention/retention facilities.

The City of Gainesville currently charges a stormwater management utility fee. Any increase in impervious surfaces, without onsite mitigation, in accordance with ordinances, policies and regulations in effect at that time, will cause the stormwater management utility fee to be charged for the area that increases the total impervious surface. This fee pays for mosquito control, drainage improvements for public facilities and sweeping of streets within the City limits.

Street sweeping is an effective means of reducing the amount of debris and pollutants that enter the City's storm drain system and water resources. The Public Works Operations Division currently sweeps the City on a 4 to 6 week cycle, depending on weather and equipment. All City streets are currently swept 9 to 10 times a year.

Parks, Recreation and Cultural Affairs

The Parks, Recreation and Cultural Affairs Department currently provides organized recreation programs for youth and adults. The Department also provides passive nature facilities and programming for youth and adults. Organized recreation programs in the areas of aquatics, athletics, recreation centers, after-school and summer playground programs are provided, and a variety of special events are also available. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation. Fees for these

programs are charged at a differential rate depending upon residency. Upon annexation, any residents of this Area would be eligible for the City of Gainesville residents' rates.

The Parks Division is responsible for the cleaning and upkeep of all City parks. In addition, this Division provides cleaning of City-owned parking lots, removal and trimming of trees located on City property, maintenance of grounds around City-owned buildings and operation of the City's Evergreen Cemetery. Basic mowing of City rights-of-way is provided on a regular basis by the Public Works Department. The Area will receive the same services that are provided in the existing City limits upon the effective date of the annexation.

Ironwood Golf Course is owned and operated by the City of Gainesville. The facilities are available to all without restriction to residence. Fees for golf programs and services are currently charged at a differential rate depending upon residency. Upon annexation, any residents of the Area would be eligible for the same rates that are available to the residents of the City of Gainesville.

The Cultural Affairs Division provides for cultural enlightenment through various programs in the arts, historical interpretation, special events and cultural programs in the County school system. The Area will receive the same services that are provided in the existing City limits upon annexation.

Housing

The Building Inspections Department enforces building and fire codes. The Department is responsible for permitting and inspections of new construction and remodeling or repair of existing buildings. Building contractors are also licensed through the Department in accordance with state and local regulations. The Building Inspections Department will provide permitting, plan review and inspections for the Area. The current staffing for the department can provide inspection services and the permitting and plan review services. The current staff will deliver services to this area without significant delays.

The City's Code Enforcement Division enforces codes relating to zoning, housing, and vehicles, hazardous or perilous lands/buildings and special sales. The current staffing in the Department can provide these services to the Area.

The Housing Division provides grants for low and moderate income housing through the use of federal and state grant funds. The City of Gainesville is a Community Development Block Grant (CDBG) entitlement jurisdiction. Upon annexation, any eligible residents of the Area would be entitled to apply for programs funded by CDBG funds. HOME funds are also utilized in the provision of housing services. The Area will receive the same services that are provided in the existing City limits upon the effective date of annexation.

Street Lighting

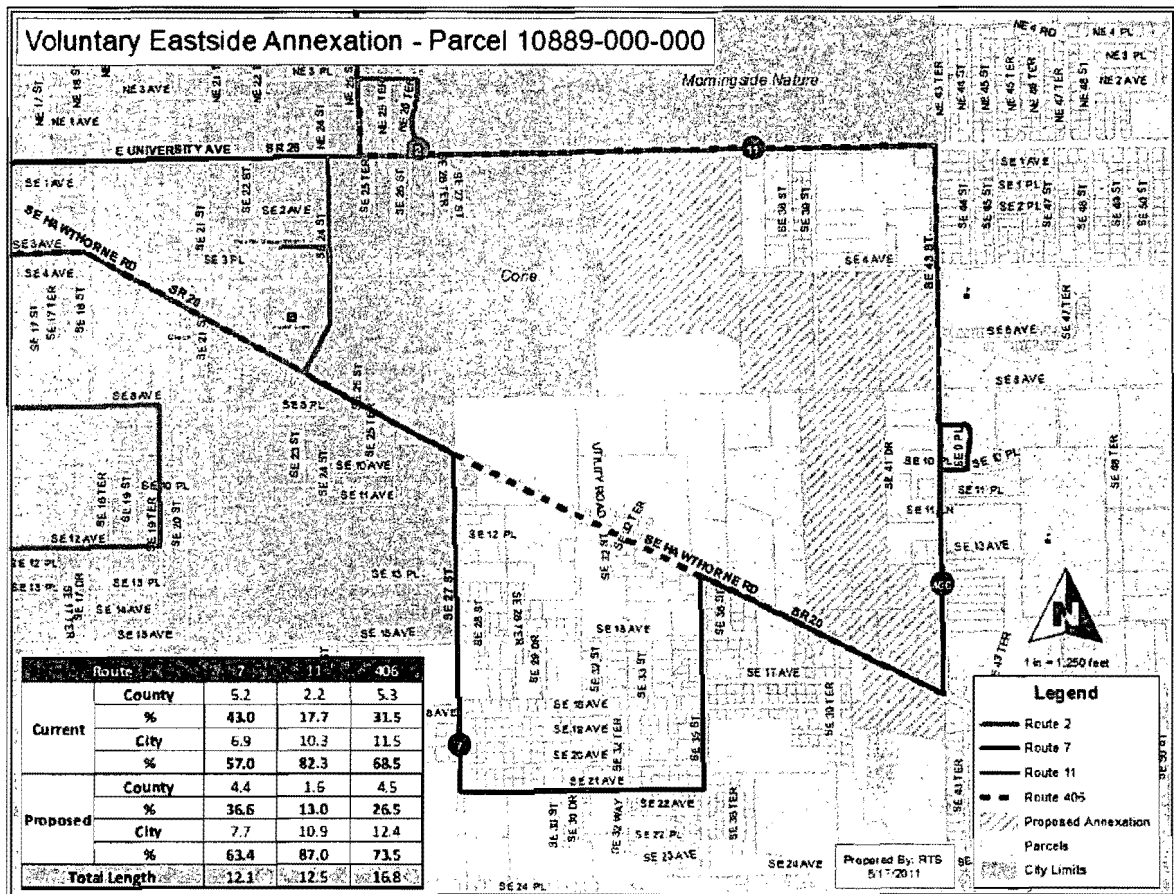
Street lighting in the unincorporated area of Alachua County is currently provided and funded by the City of Gainesville General Operating Fund along arterials and collectors for vehicle and pedestrian safety through the 1990 Fire Hydrant and Public Street Lighting Services Agreement. Additional streetlights may be provided in the Area in accordance with the guidelines of the City of Gainesville Transportation Services Division of the Public Works Department, as outlined in the "City of Gainesville Standards for Roadway Lighting".

Transportation

The City of Gainesville currently operates a public transportation system, the Gainesville Regional Transit System (RTS). There are bus stops located on and around the Area (see map below).

The Transportation Services Division is responsible for installation and maintenance of traffic signs, pavement markings on City streets, all parking meter operations, and mechanical traffic counts for traffic studies. The Transportation Services Division is also responsible for traffic signal operations and construction inspection services for all of Alachua County and the other municipalities, under the annual City-County Traffic Engineering Services Agreement. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation.

Regional Transit System Routes 7, 11 and 406



Planning and Zoning Services

The Planning and Development Services Department will provide planning and development assistance to the Area. The Alachua County Comprehensive Plan and Zoning Code will continue to regulate land use and zoning for any development in the Area until the Gainesville Comprehensive Plan is amended and the Area is rezoned to City of Gainesville zoning categories. All requests for development are reviewed by City staff and the City Plan Board or Development Review Board where appropriate. Following annexation, the City will undertake the necessary studies to amend the City Comprehensive Plan and zoning map to include the Area and will commence appropriate public hearings to complete such an amendment.

Other Governmental Services

Other services currently provided to the residents within the existing City limits of Gainesville shall be extended to the Area, where necessary, on substantially the same basis and in the same manner as such services are provided within the rest of the municipality.

WATER AND WASTEWATER FACILITIES

Gainesville Regional Utilities (GRU), owned and operated by the City of Gainesville, presently provides water and wastewater services to residents of the unincorporated area of Alachua County. Extension policies for serving new customers are the same in the City and in the proposed annexation Area.

Financing the Extension of Water and Wastewater Facilities

GRU's existing water/wastewater extension policy is that new water and wastewater customers pay the fully allocated cost for the service they receive. This cost includes the cost of the treatment facilities required for service in the form of plant connection fees. It also includes the cost of distribution or collection facilities in the form of transmission and distribution charges and/or collection system charges. Additionally, any developer requesting an extension pays a Contribution In Aid of Construction (CIAC) sufficient to ensure that GRU receives an appropriate rate of return on its portion of extension costs. This policy applies both in the City of Gainesville and in the surrounding unincorporated area of Alachua County.

Actual facility construction is funded through GRU's Construction Fund, the Utility Plant Improvement Fund (UPIF), or a combination from both funding sources. The Construction Fund consists of proceeds from the issuance of revenue bonds. The UPIF is funded by operating revenue.

Existing Major Trunk Water Mains and Proposed Extensions

In accordance with Section 13 (1) (a) of the Boundary Adjustment Act, Figure 3 shows existing major water mains in the City of Gainesville and the surrounding proposed annexation Area. Figure 4 shows water distribution system projects in GRU's approved 2008 budget. The fiscal year in which each project is proposed for construction is also shown in Figure 4. Additional funding is included in GRU's budget for extending water facilities to meet the needs of new customers and for those whose location will depend on development. Project timing is based on projected growth within the GRU service area. Actual construction times of the projects shown in Figure 4 may vary based on the actual rate or location of growth within the service area.


Existing Wastewater Collection System and Proposed Extensions


In accordance with Section 13 (1) (a), Figure 5 shows the existing major wastewater collection system in the City of Gainesville and the Area. Figure 6 shows wastewater collection system projects in GRU's approved 2008 budget. The fiscal year in which each project is proposed for construction is also shown in Figure 6. Additional funding is included in GRU's budget for extending wastewater facilities, to meet the needs of new customers and for those whose location will depend upon development. Project timing is based on projected growth within the GRU service area. Actual construction times may vary as a result of service being required either earlier or later than originally anticipated.

Figure 1: Area Proposed for Annexation



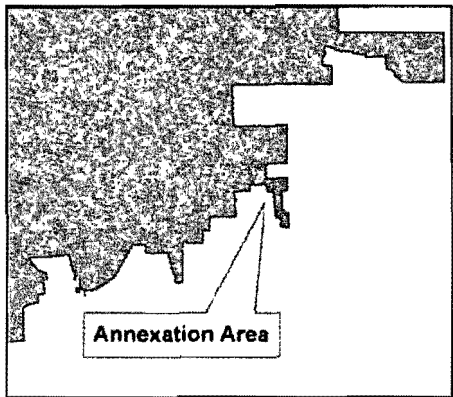

Voluntary East Side Properties Annexation
City of Gainesville, FL

 Proposed Annexation Area (approx. 228.9 acres)

 Gainesville City Limits

0 500 1000 2000 Feet

Prepared by Planning and Development Services/GIS May 12, 2011
File: T:\Projects\Planning\Urban_Service_Reports\Demetree-Metro_05-12-11



**Figure 2:
Alachua County General Land Use Surrounding Area**

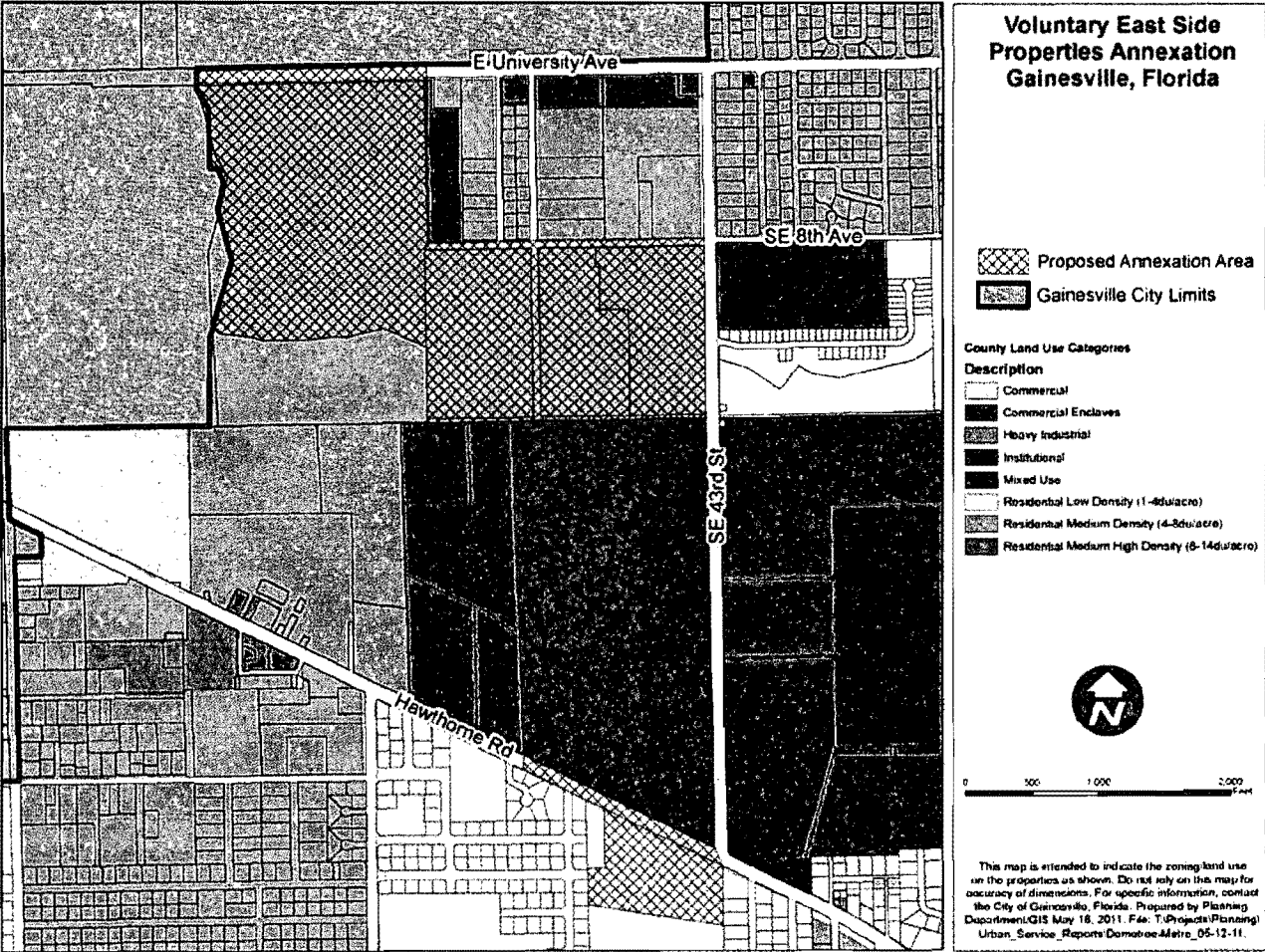


Figure 3: Major Water Mains

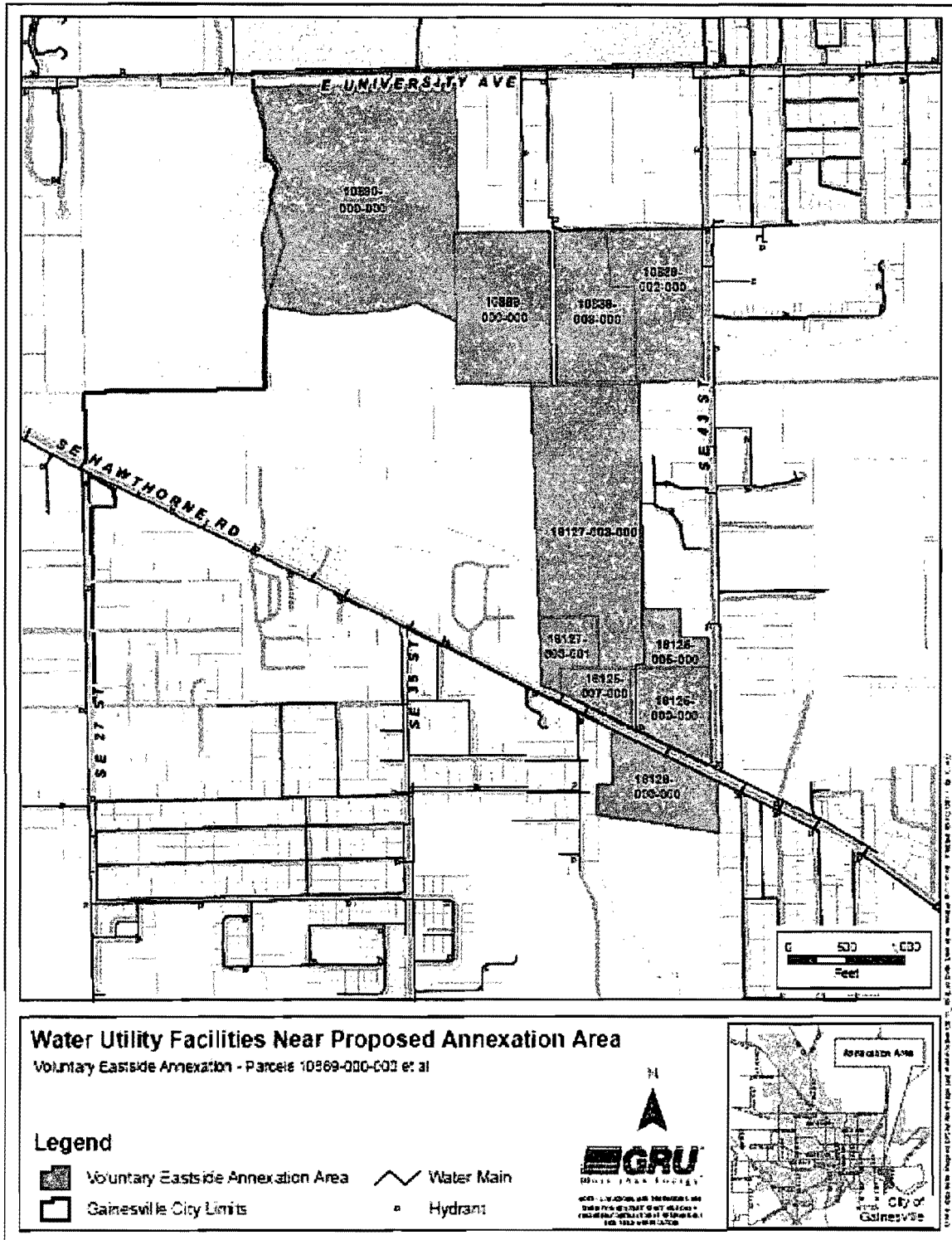


Figure 4: Major Water Systems Projects

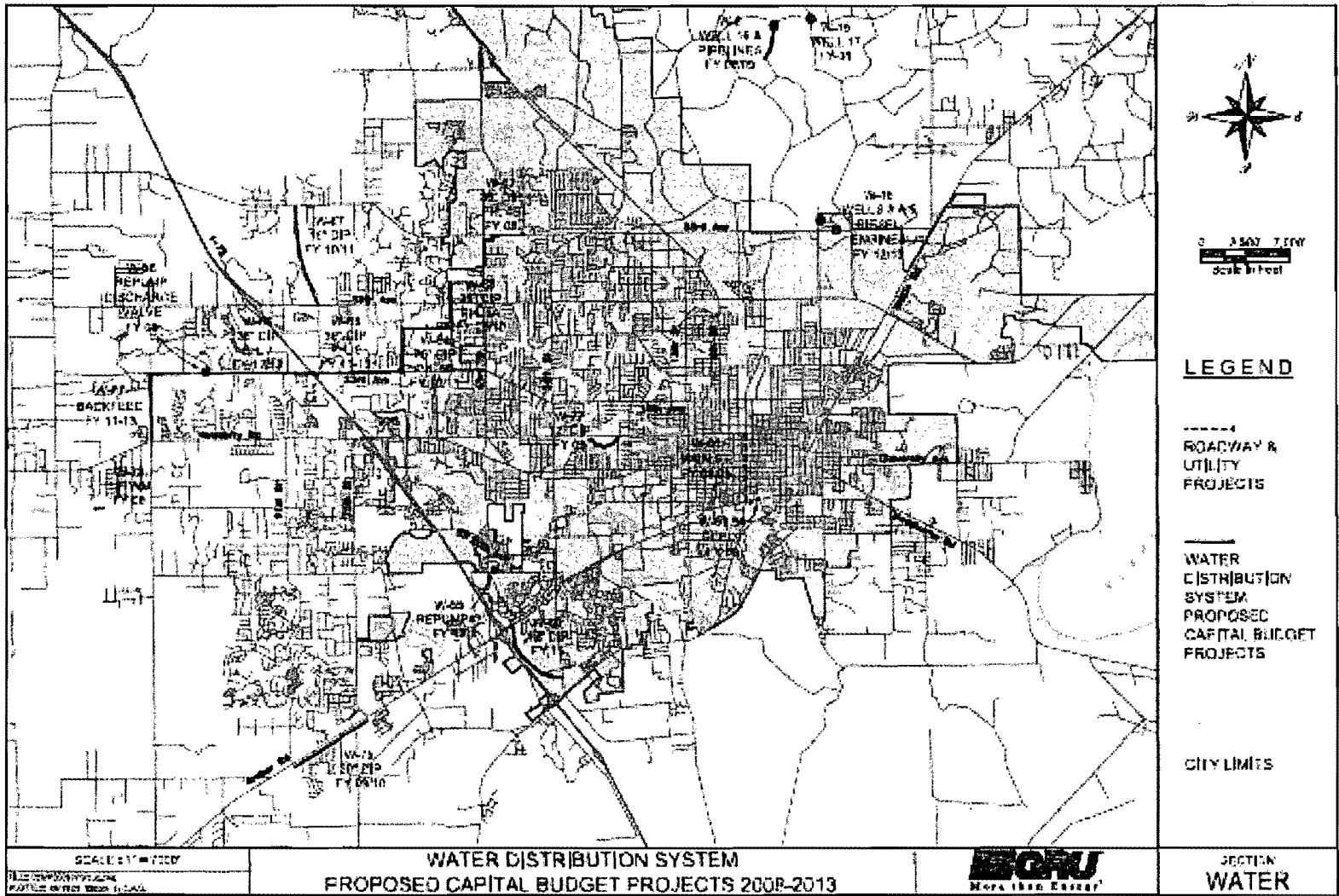
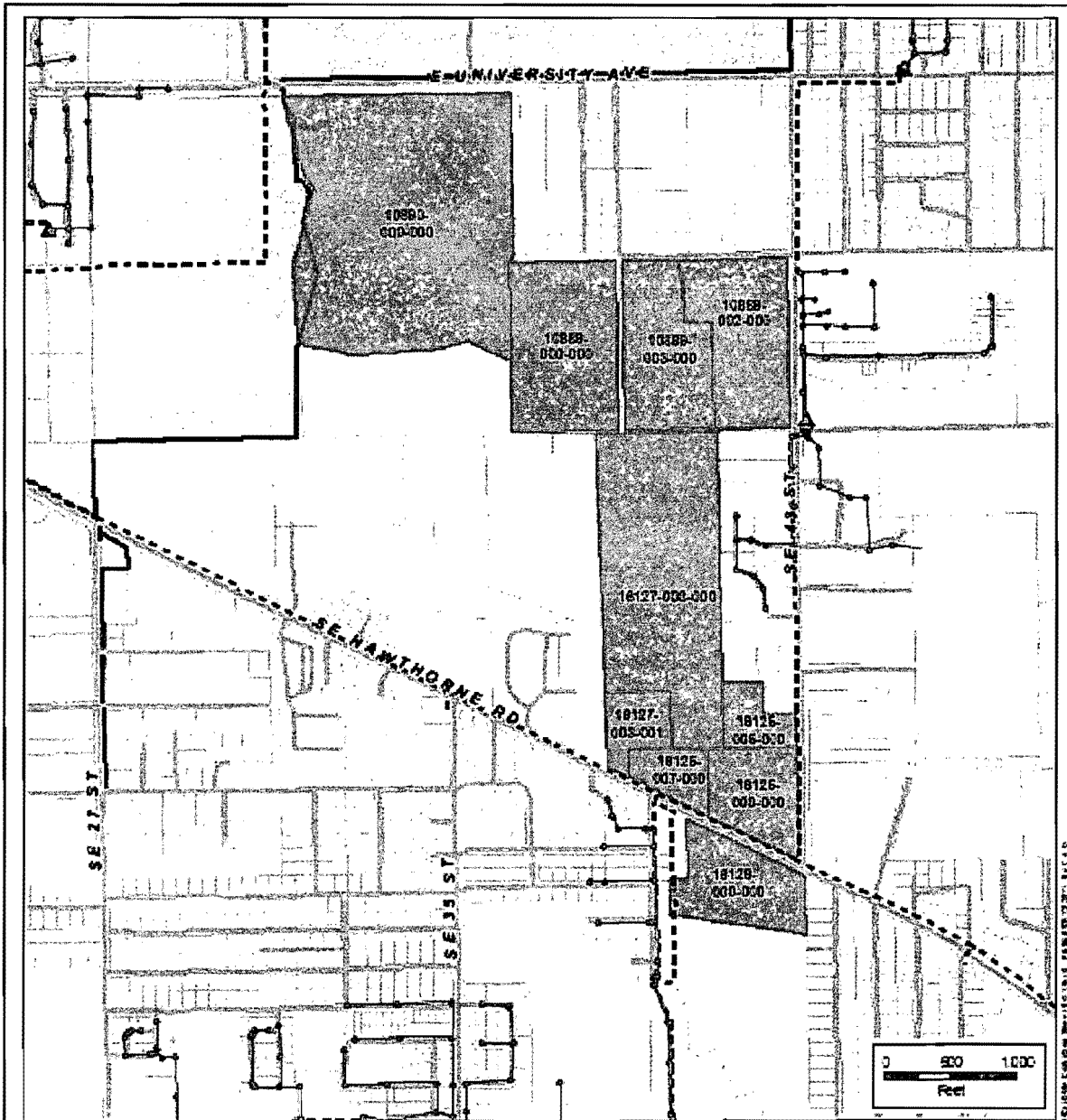








Figure 5: Wastewater Utility Facilities



Wastewater Utility Facilities Near Proposed Annexation Area

Voluntary Eastside Annexation - Parcels 10889-000-000 et al

Legend

-  Voluntary Eastside Annexation Area
-  Gainesville City Limits
-  Gravity Main
-  Manhole
-  Lift Station
-  Force Main

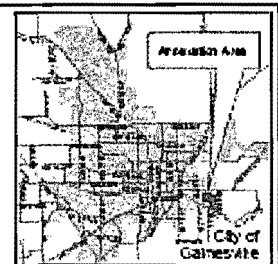


Figure 6: Wastewater Collection System Projects

