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**ORDINANCE NO. 120172**

**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, Special Act, 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 generally described as follows: Area 1 is generally located west of NW 55<sup>th</sup> Street, east of Interstate 75, North of Newberry Road and that portion of the North Florida Regional Doctor's Park & Hospital vicinity already within the City Limits and south of NW 23<sup>rd</sup> Avenue (above road rights-of-way inclusive) ("Area 1"); providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for enforcement of Alachua County land use plan, zoning and subdivision regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.**

23       **WHEREAS**, Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-  
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 October 9, 2011, 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 July 19, 2012, the City Commission of the City of Gainesville, on second  
31       reading, adopted Ordinance No. 120042 which adopted the Urban Services Report setting forth the  
32       plans to provide urban services to that portion of the Reserve Area proposed to be annexed in  
33       accordance with the procedures provided in the Act; and

1           **WHEREAS**, a copy of the Urban Services Report was filed with the Alachua County  
2 Board of County Commissioners; and

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

5           **WHEREAS**, pursuant to law, at least 10 days notice has been given by publication in a  
6 newspaper of general circulation notifying the public of the first Public Hearing of this proposed  
7 Ordinance to be held in the City Commission meeting room, First Floor, City Hall, in the City of  
8 Gainesville; and

9           **WHEREAS**, pursuant to law, at least 10 days notice has been given by publication in a  
10 newspaper of general circulation notifying the public of the second Public Hearing of this proposed  
11 Ordinance to be held in the City Commission meeting room, First Floor, City Hall, in the City of  
12 Gainesville; and

13           **WHEREAS**, Public Hearings were held pursuant to the published notice described above  
14 during 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 "Area 1") is contiguous and reasonably compact to the present  
19 corporate limits of the City of Gainesville, and that no part of Area 1 is within the boundary of  
20 another municipality or county. The City Commission finds Area 1 to be within its Reserve Area  
21 and the annexation does not create an enclave. The City Commission finds that Area 1 is so  
22 developed that at least 60 percent of the total number of lots and tracts in the area at the time of  
23 annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60

1 percent of the total acreage, not counting the acreage used at the time of annexation for  
2 nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

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

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

8 **Section 3.** Subject to the provisions of Section 4 of this Ordinance, the corporate limits of  
9 the City of Gainesville, Florida, as set forth in Appendix 1, Charter Laws of the City of Gainesville,  
10 are amended and revised to include Area 1 described in Section 2 within the corporate limits of the  
11 City of Gainesville, Florida.

12 **Section 4.** Pursuant to Section 8 of the Act, this Ordinance shall be submitted to a vote of  
13 the registered electors of Area 1 described in Section 2 of this Ordinance at a referendum on  
14 annexation to be held during the next General Election conducted by the Supervisor of Elections for  
15 County, State and Federal governments. The General Election shall be held on Tuesday, November  
16 6, 2012. The referendum shall be conducted by the Alachua County Supervisor of Elections  
17 ("Supervisor") in accordance with the provisions of the Act and Chapter 9, Gainesville Code of  
18 Ordinances, as applicable. The City Manager is authorized and directed to pay all lawful expenses  
19 associated with this election.

20 **Section 5.** The Clerk of the Commission is authorized to publish notice of the referendum  
21 on annexation as prescribed by law.

22 **Section 6.** Pursuant to Section 8 of the Act, the language to appear on the ballot of the  
23 referendum election so called shall be:

24 "For annexation of property described in Ordinance Number 120172  
25 of the City of Gainesville"

1  
2 "Against annexation of property described in Ordinance Number  
3 120172 of the City of Gainesville"  
4

5 **Section 7.** In accordance with Section 171.062, Florida Statutes, the Alachua County land  
6 use plan and zoning or subdivision regulations shall remain in full force and effect in Area 1  
7 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment  
8 that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement  
9 officers shall have jurisdiction to enforce these regulations during the interim period through the  
10 Gainesville Code Enforcement Board process as described in Division 8 of Article V of Chapter 2  
11 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as described in  
12 Division 6 of Article V of Chapter 2 of said Code. During the interim period, the City may rezone  
13 properties in the annexed area to an Alachua County Zoning classification/category that conforms  
14 with the Alachua County Comprehensive Plan.

15 **Section 8.** (a) Except as provided in subsection (b) below, all persons who are lawfully  
16 engaged in any occupation, business, trade or profession within the Area 1 described in Section 2 of  
17 this Ordinance, as of June 1, 2013, shall have the right to continue such occupation, business, trade  
18 or profession.

19 (b) Except as provided in subsection (c) below, all persons who are lawfully  
20 engaged in any construction trade, occupation or business within Area 1 described in Section 2 of  
21 this Ordinance, as of June 1, 2013, and who possess a valid certificate of competency issued by  
22 Alachua County shall have the right to continue the construction trade, occupation, or business  
23 within the entire corporate limits of the City of Gainesville, including Area 1 described in Section 2  
24 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by  
25 Alachua County, and provided that such persons register the certificate with the Building

1 Inspections Division of the City of Gainesville and the Department of Business and Professional  
2 Regulation of the State of Florida, if applicable, on or before 4:00 p.m. on June 1, 2013.

3 (c) All persons lawfully engaged in any occupation, business, trade or  
4 profession within Area 1 described in Section 2 of this Ordinance on or after June 1, 2013, shall  
5 obtain a business tax receipt from the City of Gainesville for the term commencing on October 1,  
6 2013, which license shall be issued upon payment of the appropriate fee in accordance with the  
7 Gainesville Code of Ordinances in effect on October 1, 2013.

8 **Section 9.** If any portion of this Ordinance is declared by a court of competent jurisdiction  
9 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining  
10 portions of this Ordinance.

11 **Section 10.** The Clerk of the Commission is directed to submit a certified copy of this  
12 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; 3) the  
13 Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida; and 4)  
14 the Office of Economic and Demographic Research of the State of Florida along with a statement  
15 specifying the population census effect and the affected land area.

16 **Section 11.** Sections 1, 4, 5, 6, 9, and 11 of this Ordinance shall become effective  
17 immediately upon adoption. Sections 2, 3, 7, 8 and 10 shall become effective at 12:01 a.m. on June  
18 1, 2013, unless there is a tie vote or majority vote against the annexation at the general election  
19 called in Section 4 of this Ordinance.

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**PASSED AND ADOPTED** this 2nd day of August, 2012.

*Craig Lowe*  
Craig Lowe, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

*Sharon D. Williams*  
Kurt Lannon,  
Clerk of the Commission

*Nicole M. Shalley, acting in  
absence of  
Marion Radson*  
Marion J. Radson,  
City Attorney

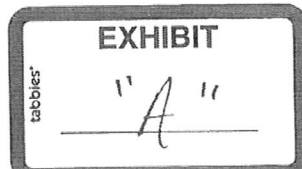
This ordinance passed on first reading this 24th day of July, 2012.

This ordinance passed on second reading this 2nd day of August, 2012.

**AREA 1 LEGAL DESCRIPTION**

A TRACT OF LAND SITUATED IN SECTIONS 27, 28, 29, 32, 33, AND 34, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 75 (STATE ROAD 93) AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #3769, SAID POINT ALSO BEING ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 26 AND THE POINT OF BEGINNING OF HEREIN DESCRIBED TRACT; THENCE EAST ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE WEST LINE OF THE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 0798, PAGE 0534 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED AS ORB, \_\_ PAGE \_\_ ACR) AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #3979; THENCE NORTHERLY ALONG SAID WEST LINE TO THE NORTH LINE OF THE LANDS AS DESCRIBED IN ORB 1123, PAGE 0353 ACR; THENCE WESTERLY ALONG SAID NORTH LINE TO THE NORTHWEST CORNER OF SAID LANDS AND THE SOUTHWEST CORNER OF THE LANDS AS DESCRIBED IN ORB 1636, PAGE 0787 ACR; THENCE NORTH ALONG THE WEST LINE OF SAID LANDS TO THE NORTHWEST CORNER OF SAID LANDS AND A POINT ON THE SOUTH LINE OF LOT 21 OF NORTH FLORIDA REGIONAL DOCTORS OFFICE PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK "H", PAGE 81 ACR, ALSO IDENTIFIED AS THE POINT OF BEGINNING OF SAID PLAT; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID PLAT TO THE WEST LINE OF LOT 20 OF SAID PLAT; THENCE NORTHERLY ALONG THE SAID WEST LINE TO THE SOUTH RIGHT-OF-WAY LINE OF N.W. 9<sup>TH</sup> BOULEVARD; THENCE EASTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE EAST LINE OF LOT 21 AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #030457; THENCE NORTHEASTERLY AND SOUTHERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF N.W. 9<sup>TH</sup> BOULEVARD AND THE NORTH AND EAST BOUNDARIES OF LOTS 22, 23, 24, 25 AND 26 TO THE SOUTH LINE OF SAID PLAT; THENCE CROSSING N.W. 64TH TERRACE, EASTERLY



TO THE EAST RIGHT-OF-WAY LINE OF N.W. 64TH TERRACE AND THE SOUTHWEST CORNER OF LOT 1 OF SAID PLAT; THENCE NORTHERLY ALONG SAID EAST RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF SAID LOT 1 AND THE SOUTHWEST CORNER OF LOT 2 AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #020104; THENCE NORTHWESTERLY ALONG SAID EAST RIGHT-OF-WAY LINE TO THE NORTHWEST CORNER OF LOT 2 AND THE SOUTHERN MOST CORNER OF LOT 3 AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #002124; THENCE NORTHWESTERLY ALONG SAID EAST RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF LOT 3 AND THE SOUTH EAST CORNER OF LOT 4; THENCE NORTHEASTERLY ALONG THE WEST LINE OF LOT 3 TO THE NORTH LINE OF SAID NORTH FLORIDA REGIONAL DOCTORS OFFICE PARK PLAT AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #3979; THENCE WESTERLY ALONG SAID NORTH LINE OF PLAT TO THE NORTHEAST CORNER OF LOT 10 OF SAID PLAT AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #030458; THENCE SOUTHWESTERLY ALONG THE EAST LINE OF LOT 10 AND A SOUTHERLY EXTENSION THEREOF TO THE SOUTH RIGHT-OF-WAY LINE OF N.W. 11<sup>TH</sup> PLACE; THENCE WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE NORTHEAST CORNER OF LOT 16 OF SAID PLAT; THENCE SOUTHWESTERLY ALONG THE EAST LINE OF LOT 16 TO THE SOUTHEAST CORNER OF LOT 16; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 16 TO THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTHEASTERLY ALONG THE WEST LINE OF LOT 16 TO THE NORTHWEST CORNER OF SAID LOT 16 AND THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF NW 11TH PLACE; THENCE NORTHWESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE SOUTHERLY PROJECTION OF THE WEST LINE OF LOT 11 OF SAID PLAT; THENCE NORTHEASTERLY ALONG SAID PROJECTION TO THE SOUTHWEST CORNER OF LOT 11; THENCE CONTINUE NORTHEASTERLY ALONG THE WEST LINE OF LOT 11 TO THE NORTH LINE OF NORTH FLORIDA REGIONAL DOCTORS OFFICE PARK PLAT AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #3979; THENCE WESTERLY TO THE NORTHWEST CORNER OF SAID PLAT; THENCE SOUTHERLY TO THE INTERSECTION OF THE WEST LINE OF SAID PLAT WITH THE EAST RIGHT-OF-



WAY LINE OF N.W. 69<sup>TH</sup> TERRACE; THENCE NORTHWESTERLY ALONG SAID EAST RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF THE LANDS AS DESCRIBED IN ORB 2434, PAGE 0241 ACR; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LANDS TO THE SOUTHWEST CORNER OF UNIVERSITY ACRES UNIT NO. 2, A SUBDIVISION AS RECORDED IN PLAT BOOK "H", PAGE 10 ACR; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID UNIVERSITY ACRES UNIT NO. 2 AND THE SOUTH LINE OF UNIVERSITY ACRES UNIT NO.1, A SUBDIVISION AS RECORDED IN PLAT BOOK "F", PAGE 88 ACR, TO THE SOUTHEAST CORNER OF SAID SUBDIVISION AND A POINT ON THE SOUTHWEST LINE OF THE LANDS AS DESCRIBED IN ORB 1315, PAGE 0726 ACR; THENCE SOUTHEASTERLY ALONG THE SOUTHWEST LINE OF SAID LANDS TO THE SOUTHEAST CORNER OF SAID LANDS BEING ON THE WEST LINE OF WEST HILLS, A SUBDIVISION AS RECORDED IN PLAT BOOK "E", PAGE 11 ACR; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID WEST HILLS TO INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 26 AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #3769; THENCE EASTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE WEST RIGHT-OF-WAY LINE OF N.W. 55<sup>TH</sup> STREET; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE THROUGH SECTION 34, TOWNSHIP 9 SOUTH, RANGE 19 EAST TO ITS INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF N.W. 23<sup>RD</sup> AVENUE; THENCE WESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE OF N.W. 23<sup>RD</sup> AVENUE TO ITS INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (STATE ROAD 93); THENCE SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 26 AND THE POINT OF BEGINNING.