

LEGISLATIVE #

150912A

ORDINANCE NO. 150912

An ordinance of the City of Gainesville, Florida, annexing certain property that comprises Tax Parcel Nos. 06675-001-000, 06675-003-000, 06676-000-000, 06677-000-000, and 06680-004-000, which are generally located along SW 20th Avenue and west of Interstate 75, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, (the “Act”), sets forth criteria and procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits; and

WHEREAS, on April 21, 2016, the City Commission of the City of Gainesville received a petition for voluntary annexation of real property located in the unincorporated area of Alachua County, as more specifically described in this ordinance, and determined that the petition included the signatures of all owners of property in the area proposed to be annexed; and

WHEREAS, the subject property meets the criteria for annexation under the Act; and

WHEREAS, the City has provided all notices required pursuant to the Act, including notice that has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading that notified the public of this proposed ordinance and of public hearings in the City Commission Auditorium located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, public hearings were held pursuant to the notice described above during which the parties in interest and all others had an opportunity to be and were, in fact, heard.

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

Section 1. The City Commission finds that the property described in Section 2 of this ordinance is reasonably compact and contiguous to the present corporate limits of the City of Gainesville and that no part of the subject property is within the boundary of another municipality or outside of the county in which the City of Gainesville lies. The City Commission finds that annexing the subject property into the corporate limits of the City of Gainesville does not create an enclave of unincorporated property.

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

See legal description attached hereto as **Exhibit A** and made a part hereof as if set forth in full. The location of the property is shown on **Exhibit B** for visual reference. In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

Section 3. The corporate limits of the City of Gainesville, Florida, as set forth in Appendix I, Charter Laws of the City of Gainesville, are amended and revised to include the property described in Section 2 of this ordinance.

Section 4. In accordance with Section 171.062, Florida Statutes, the Alachua County land use plan and zoning or subdivision regulations shall remain in full force and effect in the property described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the Alachua County land use plan and zoning or subdivision regulations through the City of Gainesville's code enforcement and civil citation processes.

Section 5. (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in any occupation, business, trade, or profession within the property area described in Section 2 of this ordinance shall have the right to continue such occupation, business, trade, or profession, but shall obtain a business tax receipt from the City of Gainesville for the term

commencing on October 1, 2016, which tax receipt shall be issued upon payment of the appropriate fee in accordance with the Gainesville Code of Ordinances in effect on October 1, 2016.

(b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any construction trade, occupation, or business within the property area described in Section 2 of this ordinance and who possess a valid certificate of competency issued by Alachua County shall have the right to continue the construction trade, occupation, or business within the entire corporate limits of the City of Gainesville, including the subject area, subject to the terms, conditions, and limitations imposed on the certificate by Alachua County, and provided that such persons register the certificate with the Building Inspections Division of the City of Gainesville and the Department of Business and Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. of the effective date of this ordinance.

Section 6. The Clerk of the Commission is directed to submit a certified copy of this ordinance to: 1) the Florida Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

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

Section 8. All other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 9. This ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2016.

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

KURT LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this ____ day of _____, 2016.

This ordinance passed on second reading this ____ day of _____, 2016.

HENDERSON PROPERTY OFF SW 20TH AVENUE (COUNTY ROAD SW 30) ANNEXATION DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 01162, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF "PORTOFINO CLUSTER DEVELOPMENT PHASE II" AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 26, PAGE 70 OF THE PUBLIC RECORDS OF ALACHUA COUNTY FLORIDA (HEREAFTER ABBREVIATED PRACF), ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SW. 24TH AVENUE ALSO KNOWN AS COUNTY ROAD SW 30: THENCE N 64°25'07" W ALONG A NORTHWESTERLY PROJECTION OF THE SOUTHWESTERLY LINE OF SAID PORTOFINO A DISTANCE OF 100.39 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID S.W. 24TH AVENUE, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE NORTHWESTERLY WITH A RADIAL BEARING OF N 59°15'04"W, HAVING A RADIUS OF 1859.86 FEET AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 28°10'37" E, 166.82 FEET; THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND CURVE, AN ARC DISTANCE OF 166.97 FEET THROUGH A CENTRAL ANGLE OF 05°08'38"; THENCE CONTINUE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE N 25°36'18" E, A DISTANCE OF 1334.42 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF LOT 4 IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST; THENCE DEPARTING SAID RIGHT-OF-WAY LINE AND ALONG SAID SOUTH LINE OF LOT 4, S 89°11'49" W, A DISTANCE OF 2843.52 FEET TO THE EAST RIGHT-OF-WAY LINE OF S.W. 75TH STREET (ALSO KNOWN AS TOWER ROAD); THENCE ALONG SAID EAST RIGHT-OF-WAY LINE N 00°38'19" WEST A DISTANCE OF 1518.17 FEET TO A POINT ON THE NORTH LINE OF LOT THREE OF SAID SECTION 9; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE AND ALONG THE NORTH LINE OF SAID PARCEL AND LOT 3 N 89°09'38" E, A DISTANCE OF 1688.59 FEET TO THE SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 831, PAGE 492 (HEREAFTER ABBREVIATED ORB/P); THENCE ALONG THE EAST LINE OF SAID PARCEL N 00°35'55" W, A DISTANCE OF 323.56 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN ORB 4225/486 PRACF; THENCE N 89°14'17" E, A DISTANCE OF 493.90 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE ALONG THE EAST LINE OF SAID LANDS, N 00°36'09" W, A DISTANCE OF 329.92 FEET TO THE NORTHEAST CORNER SAID PARCEL; THENCE S 89°15'46" W, A DISTANCE OF 435.62 FEET TO A BOUNDARY CORNER OF SAID PARCEL; THENCE ALONG THE BOUNDARY OF SAID LANDS, N 00°38'51" W, A DISTANCE OF 105.96 FEET TO A POINT ON THE NORTH LINE OF LOT TWO OF SAID SECTION 9; THENCE ALONG SAID NORTH LINE, N 89°08'48" E, A DISTANCE OF 1535.15 FEET TO A POINT ON THE WEST LINE OF THE EAST 1980 FEET OF SAID SECTION 9; THENCE ALONG SAID WEST LINE, S 00°17'03" E, A DISTANCE OF 1645.96 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SW. 20TH AVENUE, ALSO BEING THE AFOREMENTIONED COUNTY ROAD SW 30 AND A POINT ON A CURVE CONCAVE SOUTHEASTERLY WITH A RADIAL BEARING OF S45°41'24" E, HAVING A RADIUS OF 1959.86 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 66°56'45" E, 1508.58 FEET; THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND CURVE AN ARC DISTANCE OF 1548.55 FEET THROUGH A CENTRAL ANGLE OF 45°16'17" TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT OF WAY THE FOLLOWING 3 COURSES: 1.) N 89°34'53" E, 1015.00 FEET; 2.) N 00°25'07" W, 25.00 FEET; 3.) N 89°34'53" E, 460.48 FEET TO A POINT ON THE WEST LIMITED ACCESS RIGHT-OF-WAY LINE OF INTERSTATE NUMBER 75 ALSO BEING A POINT ON A CURVE CONCAVE SOUTHWESTERLY, WITH A RADIAL BEARING OF S 53°21'51" W, HAVING

A RADIUS OF 22768.32 FEET , AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 36°24'10" E, 185.22 FEET: THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE AND CURVE AN ARC DISTANCE OF 185.22 FEET THROUGH A CENTRAL ANGLE OF 00°27'58" TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF S.W. 20TH AVENUE ALSO BEING COUNTY ROAD SW 30 AND THE NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED AS PARCEL "C" IN ORB 1997/2466 (TAX PARCEL # 6680-4); THENCE CONTINUE ALONG SAID EAST LINE, WEST RIGHT-OF-WAY OF INTERSTATE 75 AND CURVE, AN ARC DISTANCE OF 140.15 FEET THROUGH A CENTRAL ANGLE OF 00°21'10" WITH A CHORD BEARING AND DISTANCE OF S 35°59'22" E, 140.15 FEET TO A POINT OF INTERSECTION ON THE BOUNDARY OF SAID PARCEL "C" (TAX PARCEL 6680-4); THENCE DEPARTING FROM SAID WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 CONTINUE ALONG THE BOUNDARY OF SAID PARCEL "C" AND THE SOUTHERLY BOUNDARY OF THAT PARCEL OF LAND DESCRIBED AS LESS & EXCEPT PARCEL "C-1" IN ORB 1997/2466 (TAX PARCEL #S 6677 & 6676) THE FOLLOWING COURSES: 1.) S 89°34'37" W, 349.69 FEET; 2.) S 00°25'23" W, 220.00 FEET; 3.) S 59°34'37" W, 480.00 FEET; 4.) S 89°34'37" W, 809.87 FEET; 5.) N 60°24'48" W, 431.27; N 00°24'48" W, 230.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY WITH A RADIAL BEARING OF S09°49'46" E, HAVING A RADIUS OF 1729.86 FEET AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 69°57'03" W, 613.83 FEET; THENCE ALONG THE ARC OF SAID CURVE 617.09 FEET THROUGH A CENTRAL ANGLE OF 20°26'21" TO A POINT ON THE NORTHEASTERLY LINE OF "PORTOFINO CLUSTER DEVELOPMENT PHASE I" AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 25, PAGE 58; THENCE ALONG THE EASTERLY BOUNDARY OF SAID PORTOFINO PHASE I, N 30°15'33" W A DISTANCE OF 130.00 TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF S.W. 20TH AVENUE AND THE AFOREMENTIONED COUNTY ROAD 30, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE SOUTHEASTERLY WITH A RADIAL BEARING OF S 30°16'05" E, HAVING A RADIUS OF 1859.86 FEET BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 42°40'07" W, 1091.48 FEET; THENCE ALONG SAID CURVE, NORTHERLY LINE OF PORTIFINO PHASE I AND SOUTHERLY RIGHT-OF-WAY LINE, AN ARC DISTANCE OF 1107.78 FEET WITH A CENTRAL ANGLE OF 34°07'37"; THENCE CONTINUE ALONG SAID NORTHERLY BOUNDARY OF PORTIFINO PHASE I AND SOUTHERLY RIGHT-OF-WAY S 25°36'18" W A DISTANCE OF 21.37 FEET TO THE NORTH MOST CORNER OF AFOREMENTIONED PORTIFINO PHASE II; THENCE CONTINUE S 25°36'18" W ALONG THE NORTHWESTERLY LINE OF SAID PORTIFINO PHASE II AND SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 1444.11 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1959.86, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 28°02'40" W, 166.86 FEET; THENCE CONTINUE ALONG SAID NORTHWESTERLY LINE OF PORTIFINO PHASE II, SOUTHERLY RIGHT-OF-WAY LINE AND CURVE, AN ARC DISTANCE OF 166.91 FEET THROUGH A CENTRAL ANGLE OF 04°52'46" TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL.

