

ORDINANCE NO. 0-10-22
100072

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4 An Ordinance of the City of Gainesville, Florida, annexing a portion
5 of the City of Gainesville Reserve Area pursuant to Chapter 90-496,
6 Special Act, Laws of Florida, as amended by Chapter 91-382 and
7 Chapter 93-347, Special Acts, Laws of Florida, known as the
8 Alachua County Boundary Adjustment Act; making certain findings;
9 including within the corporate limits of the City of Gainesville,
10 Florida, that certain compact and contiguous area comprised of City-
11 owned Tax Parcel 07874-001-001, generally located south of tax
12 parcel 07874-001-000 and tax parcel 07872-008-000, west of tax
13 parcel 07872-008-000 and the vicinity of NE Waldo Road, north of
14 the city limits and NE 53rd Avenue, and east of the city limits and tax
15 parcel 07875-000-000; providing for inclusion of the area in
16 Appendix I of the City Charter; providing for land use and zoning
17 regulations; providing directions to the City Manager and Clerk of
18 the Commission; providing a severability clause; and providing an
19 immediate effective date.
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21 **WHEREAS**, Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382
22 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary
23 Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for
24 the annexation of contiguous, compact, unincorporated territory within a municipality's reserve
25 area; and

26 **WHEREAS**, on January 10, 2006, the Board of County Commissioners of Alachua County
27 designated the Reserve Area for the City of Gainesville pursuant to the Act; and

28 **WHEREAS**, on February 18, 2010, the City Commission voted to accept the Petition for
29 Voluntary Annexation submitted by the City as the owner of the real property described herein and
30 determined that the Petition bore the signatures of the owner of the property; and

31 **WHEREAS**, on May 6, 2010, the City Commission of the City of Gainesville adopted
32 Ordinance No. 090733, 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
4 Board of County Commissioners; and

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

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

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

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

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

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

22 See Legal Description attached hereto as Exhibit "A", (1 parcel)
23 parcel and made a part hereof as if set forth in full.
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1 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix
2 I, Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
3 Section 2 within the corporate limits of the City of Gainesville, Florida.

4 **Section 4.** The City Manager is authorized and directed to make the necessary change in
5 the Code of Ordinances of the City of Gainesville, Florida, to comply with this ordinance.

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

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

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

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

2 **PASSED AND ADOPTED** this ____ day of _____, 2010.

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CRAIG LOWE
MAYOR

9 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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17 This Ordinance passed on first reading this ____ day of _____, 2010.

18 This Ordinance passed on second reading this ____ day of _____, 2010.

TAX PARCEL NUMBER 07874-001-001

A TRACT OF LAND SITUATED IN SECTIONS 14 AND 15, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER (SE ¼) OF THE AFOREMENTIONED SECTION 15 AND THENCE RUN NORTH 01°16'29" WEST, ALONG THE WEST LINE OF SAID SOUTHEAST ONE QUARTER (SE ¼), A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 01°16'29" WEST, ALONG SAID WEST LINE A DISTANCE OF 150.00 FEET; THENCE RUN NORTH 88° 37' 57" EAST, PARALLEL WITH THE SOUTH LINE OF SAID SECTION 15, A DISTANCE OF 2645.36 FEET; THENCE RUN NORTH 88° 37' 57" EAST, PARALLEL WITH THE SOUTH LINE OF THE AFOREMENTIONED SECTION 14, A DISTANCE OF 258.74 FEET; THENCE RUN SOUTH 01° 01' 52" EAST, PERPENDICULAR TO SAID SOUTH LINE OF SECTION 14 A DISTANCE OF 150.00 FEET; THENCE RUN SOUTH 88° 58' 08" WEST, PARALLEL WITH SAID SOUTH LINE OF SECTION 14 A DISTANCE OF 258.30 FEET; THENCE RUN SOUTH 88° 37' 57" WEST, PARALLEL WITH SAID SOUTH LINE OF SECTION 15, A DISTANCE OF 2645.60 FEET TO THE POINT OF BEGINNING, LESS THE RIGHT OF WAY OF N.E. 53RD AVENUE ALREADY ANNEXED AS PER ORDINANCE # 000738.