

LEGISLATIVE #

160744A

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ORDINANCE NO. 160744

An ordinance of the City of Gainesville, Florida, annexing approximately 108.3 acres of privately-owned property that is generally located south of SW Archer Road, west of Tax Parcel No. 07240-049-000 and the existing City of Gainesville boundary, north of SW 57th Avenue, and east of SW 63rd Boulevard, as more specifically described in this ordinance, as petitioned for by the property owners 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 March 2, 2017, the City Commission of the City of Gainesville received petitions 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 petitions 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.

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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, 2017, 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, 2017.

(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.

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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 _____, 2017.

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 _____, 2017.

This ordinance passed on second reading this _____ day of _____, 2017.

Exhibit "A"

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

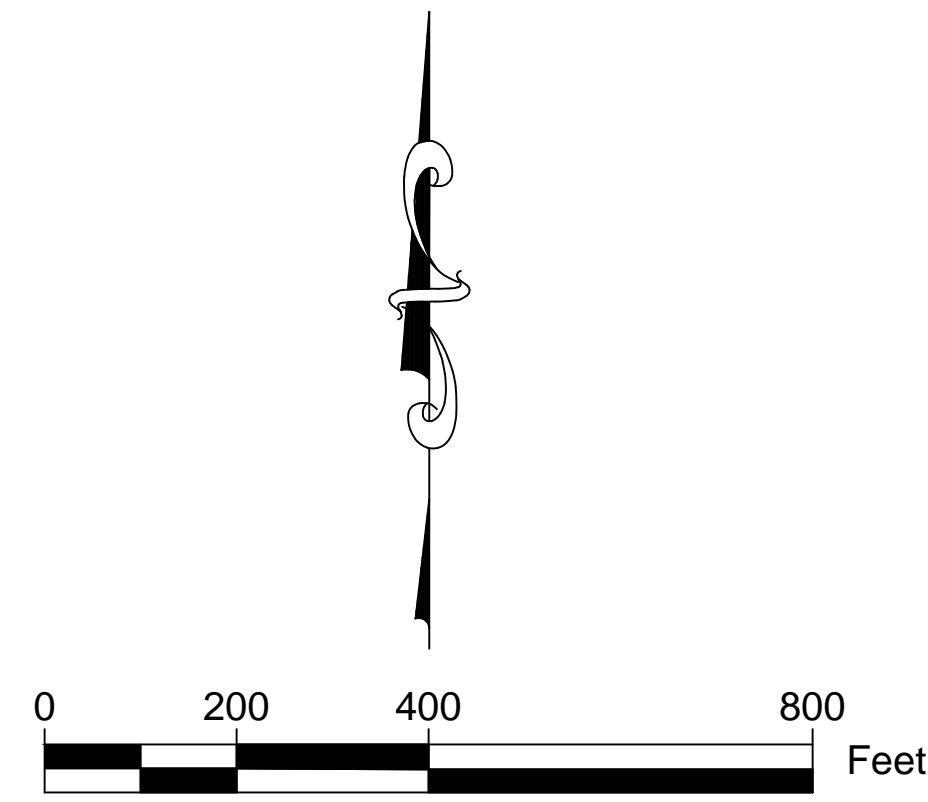
COMMENCE AT THE SOUTHWEST CORNER OF SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; THENCE NORTH 89 DEGREES, 16 MINUTES, 26 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SECTION 22, A DISTANCE OF 1490.64 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF PATTON'S SURVEY AS RECORDED IN PLAT BOOK "A", PAGE 21&1/2 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES, 16 MINUTES, 26 SECONDS EAST, ALONG SAID SOUTH LINE OF SECTION 22 AND ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 465.03 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 00 DEGREES, 59 MINUTES, 04 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 277.28 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 785 OF SAID PUBLIC RECORDS; THENCE NORTH 89 DEGREES, 16 MINUTES, 13 SECONDS EAST, ALONG THE SOUTHERLY LINE OF SAID LANDS, A DISTANCE OF 1233.30 FEET; THENCE NORTH 01 DEGREE, 00 MINUTES, 09 SECONDS WEST, CONTINUING ALONG SAID SOUTHERLY LINE, A DISTANCE OF 157.94 FEET; THENCE NORTH 89 DEGREES, 14 MINUTES, 10 SECONDS EAST, CONTINUING ALONG SAID SOUTHERLY LINE AND AN EXTENSION THEREOF, A DISTANCE OF 341.60 FEET TO A POINT ON THE EASTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 785, SAID LINE ALSO BEING THE SOUTHWESTERLY LINE OF BROOKS ESTATE AS RECORDED IN PLAT BOOK "A", PAGE 40 OF SAID PUBLIC RECORDS AND A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 080193; THENCE ALONG SAID CITY OF GAINESVILLE LIMIT LINE THE FOLLOWING FOUR (4) COURSES:

1.) NORTH 40 DEGREES, 39 MINUTES, 39 SECONDS WEST, ALONG SAID EASTERLY LINE AND SAID SOUTHWESTERLY LINE, A DISTANCE OF 227.85 FEET TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1070, PAGE 809 OF SAID PUBLIC RECORDS; 2.) NORTH 40 DEGREES, 53 MINUTES, 28 SECONDS WEST, ALONG SAID SOUTHWESTERLY LINE OF BROOKS ESTATES, A DISTANCE OF 511.18 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1070, PAGE 809, SAID CORNER ALSO BEING THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1821, PAGE 2875 OF SAID PUBLIC RECORDS; 3.) NORTH 46 DEGREES, 24 MINUTES, 45 SECONDS EAST ALONG THE NORTHWESTERLY LINE OF SAID BROOKS ESTATE, A DISTANCE OF 556.50 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3855, PAGE 776; 4.) CONTINUE ALONG SAID NORTHWESTERLY LINE, NORTH 46 DEGREES, 24 MINUTES, 45 SECONDS EAST, A DISTANCE OF 325.90 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID LANDS; THENCE LEAVING SAID EXISTING CITY OF GAINESVILLE LIMIT LINE AND NORTHWESTERLY LINE OF BROOKS ESTATE, SOUTH 89 DEGREES, 04 MINUTES, 52 SECONDS WEST, ALONG THE NORTH LINE OF SAID LANDS, A DISTANCE OF 463.50 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1985, PAGE 1349

OF SAID PUBLIC RECORDS; THENCE NORTH 02 DEGREES, 28 MINUTES, 37 SECONDS WEST, A DISTANCE OF 416.52 FEET TO THE NORTHEAST CORNER OF SAID LANDS, SAID CORNER BEING ON THE SOUTH LINE OF RICELAND SUBDIVISION, AS RECORDED IN PLAT BOOK "D", PAGE 74 OF SAID PUBLIC RECORDS; THENCE SOUTH 88 DEGREES, 34 MINUTES, 25 SECONDS WEST ALONG SAID SOUTH LINE, A DISTANCE OF 404.26 FEET TO THE SOUTHWEST CORNER OF SAID RICELAND SUBDIVISION; THENCE NORTH 01 DEGREE, 56 MINUTES, 27 SECONDS WEST, ALONG THE WEST LINE OF SAID RICELAND SUBDIVISION, A DISTANCE OF 1607.07 FEET TO A POINT ON THE SOUTHERLY LINE OF A CITY OF GAINESVILLE UTILITIES TRANSMISSION RIGHT-OF-WAY (FORMERLY KNOWN AS THE OLD S.A.L. RAILROAD); THENCE SOUTH 57 DEGREES, 54 MINUTES, 15 SECONDS WEST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 675.26 FEET TO THE NORTHEAST CORNER OF A 30 FOOT WIDE INGRESS-EGRESS EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 4454, PAGE 1046 OF SAID PUBLIC RECORDS; THENCE SOUTH 00 DEGREES, 04 MINUTES, 43 SECONDS WEST, A DISTANCE OF 875.61 FEET TO THE SOUTHEAST CORNER OF SAID EASEMENT AND TO A POINT ON THE NORTH LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4465, PAGE 1858 OF SAID PUBLIC RECORDS; THENCE NORTH 88 DEGREES, 08 MINUTES, 49 SECONDS EAST, A DISTANCE OF 123.14 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4465, PAGE 1858; THENCE SOUTH 20 DEGREES, 45 MINUTES, 44 SECONDS EAST, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 152.13 FEET; THENCE SOUTH 01 DEGREE, 54 MINUTES, 20 SECONDS EAST, ALONG SAID EAST LINE AND AN EXTENSION THEREOF, A DISTANCE OF 244.00 FEET TO A POINT ON THE NORTHERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3875, PAGE 349 OF SAID PUBLIC RECORDS; THENCE SOUTH 88 DEGREES, 32 MINUTES, 43 SECONDS WEST, ALONG SAID NORTHERLY LINE AND CONTINUING ALONG THE NORTHERLY LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 748, PAGE 394 OF SAID PUBLIC RECORDS, A DISTANCE OF 895.47 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE SOUTH 01 DEGREE, 01 MINUTE, 11 SECONDS EAST, ALONG THE WEST LINE OF SAID LANDS AND CONTINUING ALONG THE WEST LINE OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3875, PAGE 349, A DISTANCE OF 666.02 FEET TO THE NORTHEAST CORNER OF LOT 5 OF SAID PATTON'S SURVEY; THENCE SOUTH 88 DEGREES, 55 MINUTES, 00 SECONDS WEST ALONG THE NORTH LINE OF SAID LOT 5, A DISTANCE OF 658.88 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE SOUTH 00 DEGREES, 59 MINUTES, 22 SECONDS EAST, ALONG THE WEST LINE OF LOTS 5, 4 AND 3, RESPECTIVELY, OF SAID PATTON'S SURVEY, A DISTANCE OF 992.63 FEET TO THE SOUTHWEST CORNER OF SAID LOT 3; THENCE NORTH 89 DEGREES, 29 MINUTES, 41 SECONDS EAST, A DISTANCE OF 658.95 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 AND TO POINT ON THE WEST LINE OF LOT 1 OF SAID PATTON'S SURVEY; THENCE SOUTH 01 DEGREE, 01 MINUTE, 31 SECONDS EAST, A DISTANCE OF 329.46 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND THE POINT OF BEGINNING.

CONTAINING 108.3 ACRES, MORE OR LESS.

SW ARCHER ROAD AREA ANNEXATION
 LOCATED IN SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST ALACHUA COUNTY, FLORIDA
 SKETCH & DESCRIPTION



PROPOSED SOUTHWEST AREA ANNEXATION 2017 LEGAL DESCRIPTION

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CONTAINING 108.3 ACRES, MORE OR LESS.

SURVEYORS NOTES

1. THE BEARING AND COORDINATE STRUCTURE FOR THIS SKETCH AND DESCRIPTION IS BASED ON THE SOUTH LINE OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 19 EAST AS BEING NORTH 89° 16' 26" EAST.
2. ADDITIONAL DATA SHOWN HEREON IS DERIVED FROM A SKETCH AND DESCRIPTION PREPARED BY JARED ROGERS OF EDA ENGINEERS-SURVEYORS-PLANNERS, INC.
3. THIS SKETCH AND DESCRIPTION IS INTENDED TO SHOW THE PERIMETER BOUNDARY OF THOSE PARCELS TO BE INCLUDED IN THE PROPOSED ANNEXATION AND IN NO WAY IS PURPORTED TO BE AN ACCURATE BOUNDARY SURVEY MAP OF SAID PARCELS AND ADJOINERS.
4. THE SCALE FOR THIS SKETCH AND DESCRIPTION IS ONE INCH EQUALS 200 FEET AND IS MEANT TO BE PLOTTED ON A 24 BY 36 INCH SHEET.
5. THE OWNERSHIP DATA AS SHOWN HEREON REFLECTS DATA FROM THE ALACHUA COUNTY PROPERTY APPRAISER'S WEBSITE AND WAS CURRENT ON THE DATE SHOWN HEREON.
6. HATCHED AREA DEPICTS THE AREA PROPOSED FOR ANNEXATION.

ABBREVIATIONS:

POC POINT OF COMMENCEMENT
 POB POINT OF BEGINNING
 SEC SECTION
 TWN TOWNSHIP
 RNG RANGE
 PB PLAT BOOK
 O.R. OFFICIAL RECORDS BOOK
 Pg PAGE(S)
 R/W RIGHT-OF-WAY

PATRICK R. DURBIN RLS
 FLORIDA CERTIFICATION NO. 5368

THIS IS NOT A BOUNDARY SURVEY

CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT ENGINEERING SUPPORT SERVICES 405 NW 39TH AVENUE P.O. BOX 490 GAINESVILLE, FL 32627 OFFICE (352) 393-8194 FAX (352) 334-2093	DRAWN BY: PD	CHECKED BY: TH	DATE: MARCH 15, 2017
	ACAD FILENAME: ARCHER ROAD ANNEX SEC 22-105-19E		SHEET 1 OF 1