

ORDINANCE NO. 020654
0-02-67

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4 **An Ordinance of the City of Gainesville, Florida, annexing a**
5 **portion of the City of Gainesville Reserve Area Pursuant to**
6 **Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-**
7 **347, Special Acts, Laws of Florida, known as the Alachua**
8 **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 generally**
11 **located north of the city limits, west of the city limits, south of**
12 **the SW 34th Street right-of-way, and east of the city limits, more**
13 **particularly the intersection of Archer Road and SW 34th Street;**
14 **providing for inclusion of the area in Appendix I of the City**
15 **Charter; providing for land use and zoning regulations;**
16 **providing directions to the City Manager and Clerk of the**
17 **Commission; providing a severability clause; and providing an**
18 **immediate effective date.**
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22 **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-
23 382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary
24 Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for
25 the annexation of contiguous, compact, unincorporated territory within a municipality's reserve
26 area; and

27 **WHEREAS,** on January 13, 1998, the Board of County Commissioners of Alachua County
28 designated the Reserve Area for the City of Gainesville pursuant to the Act; and

29 **WHEREAS,** on July 22, 2002, the owner of the real property described herein submitted a
30 Petition for Voluntary Annexation requesting the City to incorporate said property into the City of
31 Gainesville; and
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1 **WHEREAS**, on July 22, 2002, the City Commission voted to accept said Petition and
2 determined that the Petition bore the signature of the owner of the property; and

3 **WHEREAS**, on September 23, 2002, the City Commission of the City of Gainesville
4 adopted Ordinance No. 0-02-40, which adopted the Urban Services Report setting forth the plans to
5 provide urban services to that portion of the Reserve Area proposed to be annexed in accordance
6 with the procedures provided in the Act; and

7 **WHEREAS**, a copy of the Urban Services Report was filed with the Alachua County
8 Board of County Commissioners and the real property owner affected by this ordinance; and

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

11 **WHEREAS**, pursuant to law, notice has been given by publication once a week for two
12 consecutive weeks in a newspaper of general circulation notifying the public of this proposed
13 Ordinance and of Public Hearings to be held in the City Commission meeting room, First Floor,
14 City Hall, in the City of Gainesville; and

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

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

20 **Section 1.** The City Commission finds that the Area described in Section 2 of this
21 Ordinance (hereinafter referred to as the "Area") is reasonably compact and contiguous to the
22 present corporate limits of the City of Gainesville, and that no part of the Area is within the

1 boundary of another municipality or county. The City Commission finds the Area to be within its
2 Reserve Area and the annexation does not create an enclave.

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

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

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8 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,
9 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
10 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

13 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
14 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
15 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
16 that includes the annexed area. During the interim period, the City may rezone properties in the
17 annexed area to an Alachua County Zoning classification/category that conforms to the Alachua
18 County Comprehensive Plan.

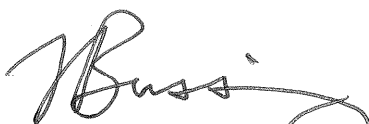
19 **Section 6.** If any portion of this Ordinance is declared by a court of competent jurisdiction
20 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining
21 portions of this Ordinance.

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

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

5 **PASSED AND ADOPTED** this 9th day of December, 2002.

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Thomas D. Bussing, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:



Kurt Lannon
Clerk of the Commission



Marion J. Radson, City Attorney

DEC 10 2002

This ordinance passed on first reading this 25th day of November, 2002.

This ordinance passed on second reading this 9th day of December, 2002.

EXHIBIT A

FOR A POINT OF REFERENCE COMMENCE AT THE CITY OF GAINESVILLE LIMIT LINE AS DESCRIBED ON NOVEMBER 26, 2001 IN CITY ORDINANCE NO. 001912 AT A POINT MARKING THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF S.W. ARCHER ROAD WITH THE SOUTHWEST CORNER OF THAT PARCEL AT THE NORTHWEST CORNER OF ARCHER ROAD AND SW 34TH STREE AS RECORDED IN THE OFFICIAL RECORDS BOOK 2025 PAGE 651 OF ALACHUA COUNTY, FLORIDA; THENCE CONTINUE ALONG SAID CITY LIMIT LINE THE FOLLOWING COURSES; CROSSING S.W. ARCHER ROAD ALONG A RADIAL LINE OF SOUTH 43°04'25" EAST A DISTANCE OF 128.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE FOR S.W. ARCHER ROAD, AND A POINT ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5,679.58 FEET AND A DELTA OF 03°13'48"; THENCE ALONG THE ARC OF SAID SOUTH RIGHT-OF-WAY LINE AND CROSSING S.W. 34TH STREET A DISTANCE OF 320.18 FEET TO A POINT MARKING THE NORTHWEST CORNER OF THAT PARCEL AS RECORDED IN THE OFFICIAL RECORDS BOOK 2195 PAGE 2889 OF ALACHUA COUNTY, FLORIDA; THENCE CROSSING S.W. ARCHER ROAD, NORTH 00°54'51" WEST A DISTANCE OF 163.33 FEET TO A POINT MARKING THE SOUTHEASTERLY CORNER OF THAT PARCEL AS RECORDED IN THE OFFICIAL RECORDS BOOK 2230 PAGE 1588 OF ALACHUA COUNTY, FLORIDA AND BEING THE NORTH RIGHT-OF-WAY LINE FOR S.W. ARCHER ROAD, SAID POINT ALSO BEING ON A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 41.25 FEET AND A DELTA OF 100°20'22"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 72.24 FEET TO THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF S.W. 34TH STREET AND A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 11,238.43 FEET AND A DELTA OF 00°03'01"; THENCE ALONG

THE EAST LINE OF S.W. 34TH STREET THROUGH THE ARC OF SAID CURVE A DISTANCE OF 9.88 FEET TO A POINT ON A EASTERLY EXTENSION OF THAT PROPERTY AFOREMENTIONED RECORDED IN OFFICIAL RECORDS BOOK 2025, PAGE 651 OF ALACHUA COUNTY, FLORIDA; THENCE LEAVING AFOREMENTIONED CITY LIMIT LINE ALONG SAID EASTERLY EXTENSION SOUTH 82°54'38" WEST A DISTANCE OF 122.46 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF S.W. 34TH STREET (STATE ROAD # 121) ALSO BEING THE NORTHEAST CORNER OF AFOREMENTIONED PARCEL FOUND IN OFFICIAL RECORDS BOOK 2025, PAGE 651 OF SAID PUBLIC RECORDS; SAID CORNER ALSO BEING A POINT ON A CURVE ON THE WESTERLY RIGHT OF WAY LINE OF SAID S.W. 34TH STREET HAVING A RADIUS OF 11,531.16 FEET AND A DELTA OF 00°35'00"; THENCE RUN ALONG THE EAST, SOUTHEAST AND SOUTHERLY BOUNDARY OF SAID PARCEL THE FOLLOWING COURSES; CONTINUE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 117.40 FEET TO A POINT OF CURVATURE WITH A CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 116.25 FEET AND A DELTA OF 36°45'46"; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 74.74 FEET TO A POINT OF INTERSECTION WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD 24 (ARCHER ROAD), SAID RIGHT OF WAY ALSO BEING ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5807.58 FEET AND A DELTA OF 01°52'28"; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 190.00 FEET TO THE SOUTHMOST CORNER OF AFOREMENTIONED PARCEL FOUND IN OFFICIAL RECORDS BOOK 2025, PAGE 651 OF SAID PUBLIC RECORDS AND AFOREMENTIONED CITY LIMIT LINE AND THE POINT OF BEGINNING.