

LEGISLATIVE #

160156A

ORDINANCE NO. 160156

An ordinance of the City of Gainesville, Florida, annexing approximately 0.91 acres of property identified as Tax Parcel No. 06340-007-000, which is generally located north of W Newberry Road, south of NW 10th Place, east of NW 69th Terrace and Interstate 75, and west of NW 66th Street, 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 July 7, 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.

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 33, TOWNSHIP 9 SOUTH, RANGE 19 EAST IN ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER OF SAID SECTION 33, TOWNSHIP 9 SOUTH, RANGE 19 EAST; THENCE RUN SOUTH 89°23'10" EAST ALONG THE SOUTH LINE OF SAID SECTION 33 A DISTANCE OF 362.15 FEET; THENCE RUN NORTH 06°20'54" EAST A DISTANCE OF 450.25 FEET TO A POINT ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 798, PAGE 534 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 3979 AND BEING THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4056, PAGE 927 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE RUN NORTH 87°28'18" WEST ALONG THE SOUTH LINE OF SAID LANDS A DISTANCE OF 185.14 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE RUN NORTH 00°14'09" EAST ALONG THE WEST LINE OF SAID LANDS A DISTANCE OF 215.00 FEET TO THE NORTHWEST CORNER OF SAID LANDS ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 3979 AND BEING THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1636, PAGE 787; THENCE EASTERLY AND SOUTHERLY ALONG THE BOUNDARY OF SAID LANDS AND EXISTING CITY OF GAINESVILLE LIMIT LINE TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. SAID PARCEL CONTAINING 0.91 ACRES MORE OR LESS.

CVS at North Florida Regional Medical Center

Date: 7/13/2016

Prepared by: City of Gainesville Planning and Development Services Department

Legend

-  Subject Parcel
-  Unincorporated Area
-  Existing City Boundary

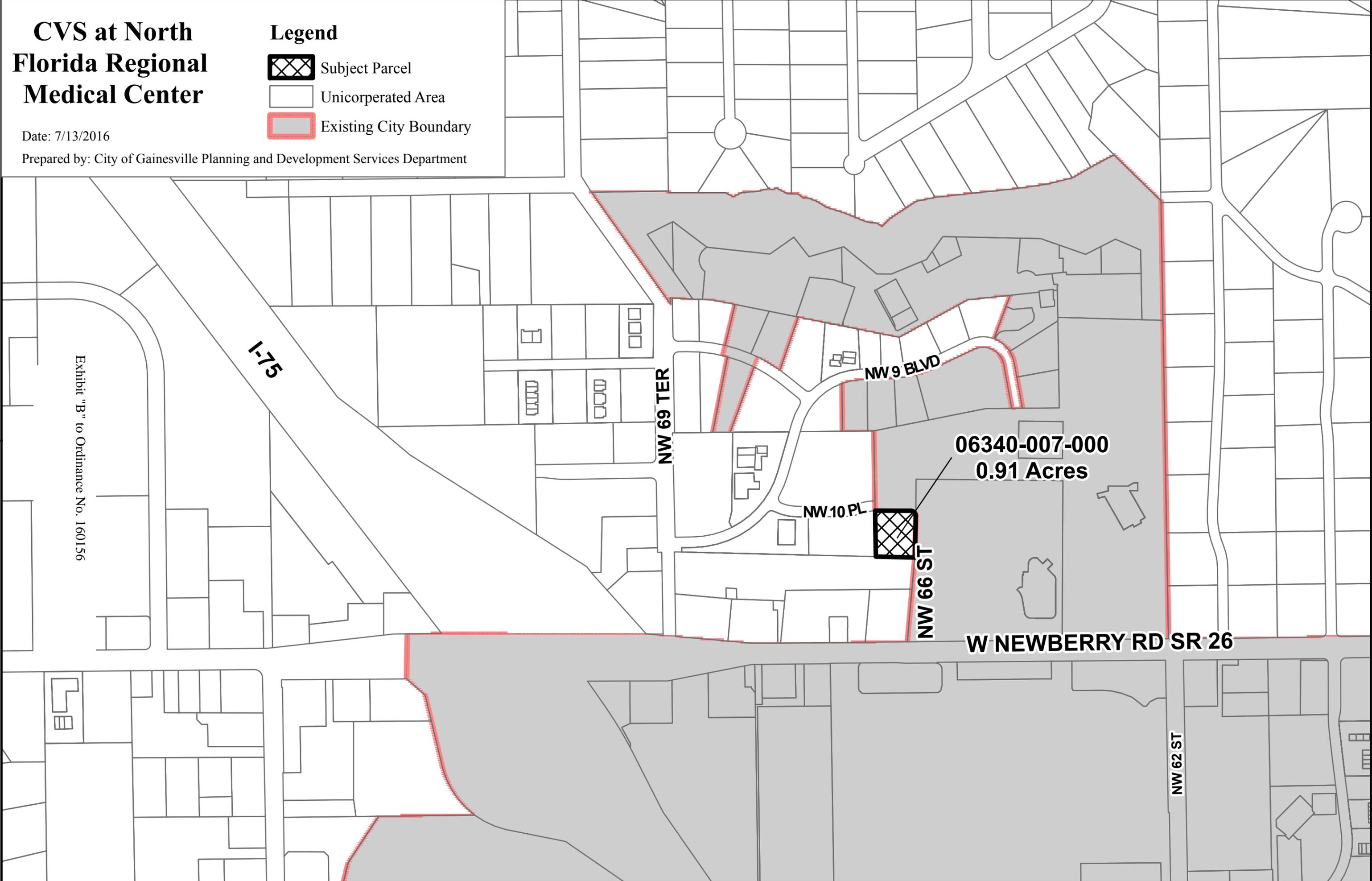


Exhibit "B" to Ordinance No. 160156

I-75

NW 69 TER

NW 9 BLVD

06340-007-000
0.91 Acres

NW 10 PL

NW 66 ST

W NEWBERRY RD SR 26

NW 62 ST