

LEGISLATIVE #

170256A

ORDINANCE NO. 170256

An ordinance of the City of Gainesville, Florida, annexing approximately 8.33 acres of privately-owned property that is generally located south of Sugarfoot Oaks Subdivision, west of SW 61st Terrace, north of SW 20th Avenue, and east of Parcel 06675-004-000, 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 August 17, 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 property described in **Exhibit A**, which is attached hereto and made a part hereof as if set forth in full, is annexed and incorporated within the corporate limits of the City of Gainesville, Florida.

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, 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.

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.

**ANNEXATION DESCRIPTION FOR DUNCAN PROPERTY ALONG SW 20TH AVENUE
TAX PARCEL NUMBER 06675-006-000
A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4515, PAGE 860**

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 150912, SAID POINT ALSO BEING SOUTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 4475, PAGE 1519 (HEREAFTER ABBREVIATED ORB/P) OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED PRACF) AND AT THE POINT OF INTERSECTION OF THE WEST LINE OF THE EAST 1980 FEET OF SAID SECTION 9 AND THE NORTHERLY RIGHT-OF-WAY LINE OF S.W. 20TH AVENUE, ALSO BEING COUNTY ROAD SOUTHWEST 30 AND BEING 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 54°04'54" E, 665.27 FEET; THENCE NORTHEASTERLY ALONG SAID EXISTING CITY LIMIT LINE, NORTHERLY RIGHT-OF-WAY LINE AND CURVE AN ARC DISTANCE OF 668.51 FEET THROUGH A CENTRAL ANGLE OF 19°32'37" TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL ALSO BEING THE SOUTHWEST CORNER OF THOSE LANDS DESCRIBED IN ORB 4515, P 862; THENCE LEAVING SAID RIGHT-OF-WAY LINE AND EXISTING CITY OF GAINESVILLE LIMIT LINE N 00°16'52" W ALONG THE WEST LINE OF SAID LANDS A DISTANCE OF 823.07 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N 89°43'09" E, ALONG THE NORTH LINE OF SAID LANDS A DISTANCE OF 497.98 FEET TO THE NORTHWEST CORNER OF SUGARLANE AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "K", PAGE 84 OF THE PRACF; THENCE ALONG THE WESTERLY BOUNDARY OF SAID SUGARLANE S 00°16'52" E, A DISTANCE OF 659.53 FEET TO THE SOUTHWEST CORNER OF SAID SUGARLANE ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE, THE NORTHERLY RIGHT-OF-WAY LINE OF SAID S.W. 20TH AVENUE AND A POINT ON A CURVE CONCAVE SOUTHEASTERLY, WITH A RADIAL BEARING OF S 10°46'37" E, HAVING A RADIUS OF 1959.86 FEET , AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 71°32'18" W, 524.15 FEET; THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE, EXISTING CITY LIMIT LINE AND CURVE AN ARC DISTANCE OF 525.72 FEET THROUGH A CENTRAL ANGLE OF 15°22'09" TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. SAID PARCEL CONTAINING 362,997 SQUARE FEET OR 8.33 ACRES MORE OR LESS.

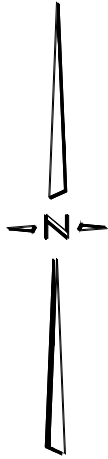
SHEET 1 OF 2: NOT COMPLETE WITHOUT SKETCH FOUND ON SHEET TWO

LANDS ANNEXED BY ORDINANCE
NUMBER 150912

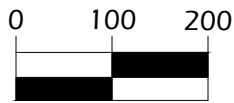
TP # 06675-008-000

TP # 06677-003-000

TP # 06675-004-000



GRAPHIC SCALE



(IN FEET)
1 Inch = 200 ft.

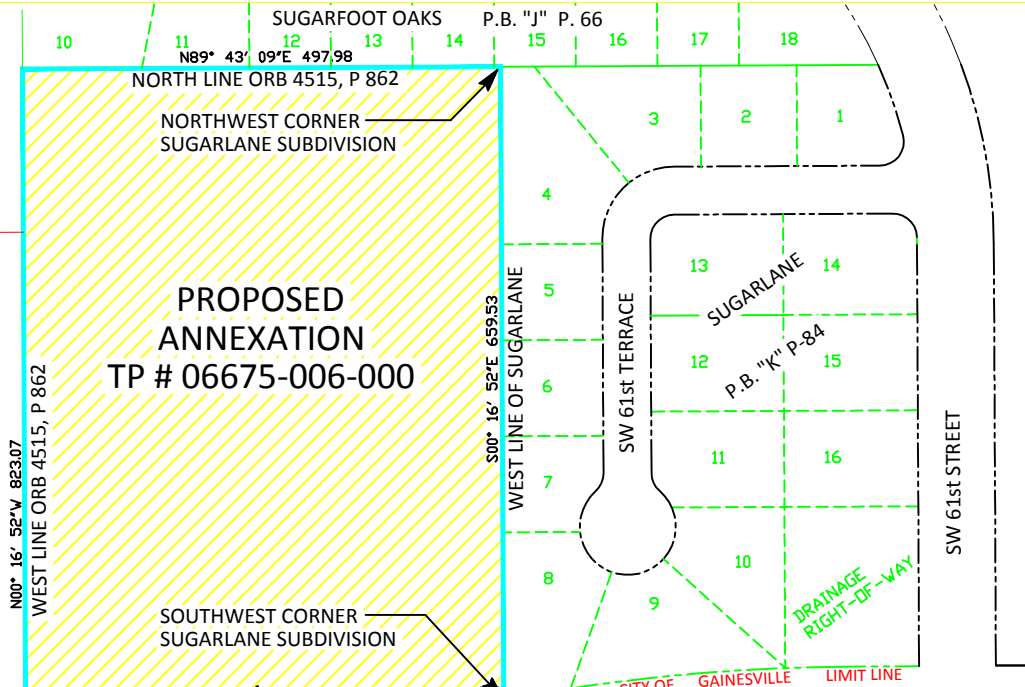
POINT OF COMMENCEMENT
S.E. CORNER LANDS DESCRIBED
IN OFFICIAL RECORDS BOOK
4475, PAGE 1519

EXISTING CITY OF GAINESVILLE LIMIT LINE
WEST LINE OF THE EAST 1980 FEET OF SECTION 9 TOWNSHIP 9 SOUTH, RANGE 19 EAST

RADIAL BEARING = $S45^{\circ}41'24''E$

EXISTING NORTH
SOUTH RIGHT-OF-WAY LINE S.W. 20TH AVENUE
PORTOFINO CLUSTER
SUBDIVISION P.B. 25 P-58

POINT OF BEGINNING
S.W. CORNER LANDS DESCRIBED
IN OFFICIAL RECORDS BOOK
4515, PAGE 862



- LEGEND:
- ORB OFFICIAL RECORDS BOOK
 - P PAGE
 - TP# TAX PARCEL NUMBER
 - RIGHT OF WAY LINES
 - - - - - PLATTED LOT LINES
 - OTHER PROPERTY LINES
 - PROPOSED ANNEXATION PERIMETER

THIS IS NOT A BOUNDARY SURVEY

NOT COMPLETE WITHOUT DESCRIPTION FOUND ON SHEET 1

CITY OF GAINESVILLE PUBLIC WORKS DEPARTMENT
ENGINEERING SUPPORT SERVICES
405 NW 39TH AVENUE P.O. BOX 490 GAINESVILLE, FL 32609-0490
OFFICE (352) 393-8194

PROPOSED ANNEXATION ALONG SW 20TH AVENUE
A PORTION OF ORB 4515, P 860
TAX PARCEL NO. 06675-006-000

FOR INFORMATION PURPOSES ONLY. NOT VALID WITHOUT
THE SIGNATURE AND ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.
PATRICK R. DURBIN, SURVEYOR & MAPPER
FLORIDA CERTIFICATION NUMBER 5368

DRAWN BY: PRD	ACAD FILENAME: TP 6675-6	8/29/17
CHECKED BY: TH	PROJECT: DUNCAN ANNEX	SHEET 2 OF 2

Exhibit "A" to Ordinance No. 170256