

**0-06-21**

**WHEREAS**, Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91- and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary Amendment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for annexation of contiguous, compact, unincorporated territory within a municipality's reserve

**WHEREAS**, on October 24, 2005, the owner of the real property described herein submitted to the City Commission a Petition for Voluntary Annexation requesting the City to incorporate said property into the City of Gainesville; and

1           **WHEREAS**, on October 24, 2005, 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 December 12, 2005, the City Commission of the City of Gainesville  
4 adopted Ordinance No. 050528, 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

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 of adoption of this ordinance was published for two  
12 consecutive weeks prior to first reading in a newspaper of general circulation notifying the public of  
13 the Public Hearing of this proposed Ordinance to be held in the City Commission meeting room,  
14 First Floor, City Hall, in the City of Gainesville; and

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

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

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

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

**Section 2.** The following described Area 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.

**Section 3.** Subject to the provisions of Section 4 of this Ordinance, the corporate limits of the City of Gainesville, Florida, as set forth in Article 1, Charter Laws of the City of Gainesville, are amended and revised to include the Area described in Section 2 within the corporate limits of the City of Gainesville, Florida.

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

**Section 5.** 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 Area described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement officers shall have jurisdiction to enforce these regulations during the interim period through the Gainesville Code Enforcement Board process as described in Division 8 of Article V of Chapter 2 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as described in Division 6 of Article V of Chapter 2 of said Code. During the interim period, the City may rezone properties in the annexed area to an Alachua County Zoning classification/category that conforms with the Alachua County Comprehensive Plan.

1           **Section 6.**     (a) Except as provided in subsections (b) and (c) below, all persons who are  
2 lawfully engaged in any occupation, business, trade or profession within the area described in  
3 Section 2 of this Ordinance as of February 28, 2006, shall have the right to continue such  
4 occupation, business, trade or profession.

5                   (b) Except as provided in subsection (c) below, all persons who are lawfully  
6 engaged in any construction trade, occupation or business within the Area described in Section 2 of  
7 this Ordinance as of February 28, 2006, and who possess a valid certificate of competency issued by  
8 Alachua County shall have the right to continue the construction trade, occupation, or business  
9 within the entire corporate limits of the City of Gainesville, including the Area described in Section  
10 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by  
11 Alachua County, and provided such persons register the certificate with the Building Inspections  
12 Department of the City of Gainesville and the Department of Professional Regulation of the State of  
13 Florida on or before 4:00 p.m. on February 28, 2006.

14                   (c) All persons lawfully engaged in any occupation, business, trade or profession  
15 within the Area described in Section 2 of this Ordinance as of February 28, 2006, shall obtain an  
16 occupational license from the City of Gainesville for the term commencing on October 1, 2006,  
17 which license shall be issued upon payment of the appropriate fee in accordance with the  
18 Gainesville Code of Ordinances in effect on October 1, 2006.

19           **Section 7.** 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.

**Section 8.** The Clerk of the Commission is directed to submit a certified copy of this Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

**Section 9.** This Ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** this 27<sup>th</sup> of February, 2006.

Peggy Hanrahan  
PEGEEN HANRAHAN,  
MAYOR

ATTEST:

Approved as to form and legality

KURT LANNON,  
CLERK OF THE COMMISSION

MARION J. RADSON,  
CITY ATTORNEY

FEB 28 2006

This Ordinance passed on first reading this 13<sup>th</sup> of February, 2006.

This Ordinance passed on second reading this 27<sup>th</sup> day of February, 2006.

CCGH South, Inc. Legal Description

LOTS 25, 26, 27, 28, 29, 30 AND LOTS 35, 36, 37, 38, 39, 40 OF SHADY FOREST  
AND THOSE PORTIONS OF S.W. 17<sup>TH</sup> AVENUE, SW 38<sup>TH</sup> TERRACE AND S.W.  
17<sup>TH</sup> PLACE LYING OPPOSITE OF AND/OR ADJACENT TO SAID LOTS OF SAID  
SHADY FOREST ACCORDING TO THE MAP OR PLAT THEREOF AS  
RECORDED IN OFFICIAL RECORDS BOOK 95, PAGE 255 OF THE PUBLIC  
RECORDS OF ALACHUA COUNT, FLORIDA

