

ORDINANCE NO. 980467
0-98-100

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4 **An Ordinance of the City of Gainesville, Florida, annexing a portion of**
5 **the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as**
6 **amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of**
7 **Florida, known as the Alachua County Boundary Adjustment Act;**
8 **making certain findings; including within the corporate limits of the**
9 **City of Gainesville, Florida, that certain compact and contiguous area**
10 **generally located in an area bounded on the north by the Gainesville**
11 **City Limits, on the east by the Gainesville City Limits, on the west by**
12 **Deer Run Subdivision and on the south by the Gainesville City Limits**
13 **and NW 53rd Avenue; providing for inclusion of the area in Appendix I**
14 **of the City Charter; providing for a referendum election; providing**
15 **directions to the Clerk of the Commission; providing ballot language;**
16 **providing for Land Use Plan and Zoning Regulations; providing a**
17 **severability clause; and providing effective dates.**
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20 **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida, as
21 amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws
22 of Florida, created the "Alachua County Boundary Adjustment Act"
23 (hereinafter collectively referred to as "the Act") which sets
24 forth procedures for the annexation of contiguous, compact,
25 unincorporated territory within a municipality's reserve area; and

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

29 **WHEREAS,** on August 24, 1998, the City Commission of the City
30 of Gainesville adopted Ordinance No. 980186, which adopted the
31 Urban Services Report setting forth the plans to provide urban

1 services to that portion of the Reserve Area proposed to be
2 annexed in accordance with the procedures provided in the Act; and

3 **WHEREAS**, a copy of the Urban Services Report was filed with
4 the Alachua County Board of County Commissioners; and

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

8 **WHEREAS**, pursuant to law, at least ten days notice has been
9 given once by publication in a newspaper of general circulation
10 notifying the public of this proposed Ordinance and of Public
11 Hearings to be held in the City Commission meeting room, First
12 Floor, City Hall, in the City of Gainesville; and

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

16 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

17 **FLORIDA:**

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

23 The City Commission finds the Area to be within its Reserve Area
24 and the annexation does not create an enclave. The City

1 Commission finds that part or all of the Area is developed for
2 urban purposes because it is developed so at least 60% of the
3 total number of lots and tracts in the area at the time of
4 annexation are used for urban purposes, and it is subdivided into
5 lots and tracts so that at least 60% of the total acreage, not
6 counting the acreage used at the time of annexation for
7 nonresidential urban purposes, consists of lots and tracts 5 acres
8 or less in size. The Area is adjacent to, on at least 60 percent
9 of its external boundary, any combination of the municipal
10 boundary and the boundary of an area or areas developed for urban
11 purposes.

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

15 See Legal Description attached hereto as
16 Exhibit "A", and made a part hereof as if set
17 forth in full.
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19 **Section 3.** Subject to the provisions of Section 4 of this
20 Ordinance, the corporate limits of the City of Gainesville,
21 Florida, as set forth in Article 1, Charter Laws of the City of
22 Gainesville, are amended and revised to include the Area described
23 in Section 2 within the corporate limits of the City of
24 Gainesville, Florida.

25 **Section 4.** Pursuant to Section 8 of the Act, this Ordinance
26 shall be submitted to a vote of the registered electors of the
27 Area described in Section 2 of this Ordinance at a special

1 election called for the purpose of holding the referendum. The
2 referendum election shall be held on January 19, 1999. The
3 referendum shall be conducted by the Alachua County Supervisor of
4 Elections "Supervisor" in accordance with the provisions of the
5 Act and Chapter 9, Gainesville Code of Ordinances, as applicable.
6 The Supervisor is requested and authorized to conduct a mail
7 ballot election in this referendum in accordance with the
8 provisions of the Mail Ballot Election Act as codified in Chapter
9 101, Florida Statutes. The City Manager is authorized and
10 directed to pay all lawful expenses associated with the election.

11 **Section 5.** The Clerk of the Commission is authorized to publish
12 notice of the referendum on annexation as prescribed by law.

13 **Section 6.** Pursuant to Section 8 of the Act, the language to
14 appear on the ballot of the referendum election called in Section
15 4 shall be:

16 "For annexation of property described in
17 Ordinance Number 980467 of the City of
18 Gainesville"

19
20 "Against annexation of property described in
21 Ordinance Number 980467 of the City of
22 Gainesville"

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24 **Section 7.** In accordance with Section 171.062, Florida
25 Statutes, the Alachua County land use plan and zoning or
26 subdivision regulations shall remain in full force and effect in
27 the Area described in Section 2 of this Ordinance until the City
28 adopts a comprehensive plan amendment that includes the annexed
29 area. During the interim period, the City may rezone properties

1 in the annexed area to an Alachua County Zoning
2 classification/category that conforms with the Alachua County
3 Comprehensive Plan in accordance with Chapter 163, F.S.

4 **Section 8.** If any portion of this Ordinance is declared by a
5 court of competent jurisdiction to be invalid or unenforceable,
6 such declaration shall not be deemed to affect the remaining
7 portions of this Ordinance.

8 **Section 9.** The Clerk of the Commission is directed to submit a
9 certified copy of this Ordinance to: 1) the Executive Office of
10 the Governor; 2) the Florida Department of State; and 3) the Clerk
11 of the Circuit Court of the Eighth Judicial Circuit in and for
12 Alachua County, Florida.

13 **Section 10.** Sections 1, 4, 5, 6, 8, 9 and 10 of this Ordinance
14 shall become effective immediately upon adoption. Sections 2, 3,
15 7 and 8 shall become effective at 12:01 a.m. on Monday, February
16 1, 1999, unless there is a tie vote or majority vote against the
17 annexation at the special election called in Section 4 of this
18 Ordinance.


19 **PASSED AND ADOPTED** this 28th day of September,


20 1998.

21 
22 _____
23 MAYOR

24 ATTEST:

Approved as to form and legality

25 
26 _____
27 KURT LANNON,
28 CLERK OF THE COMMISSION

29 
30 _____
MARION J. RADSON,
CITY ATTORNEY

SEP 29 1998

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This Ordinance passed on first reading this 14th day of September, 1998.

This Ordinance passed on second reading this 28th day of September, 1998.

MJR/afm
9/2/98

Annexation 1998

A tract of land situated in Sections 10, 11, 14, 15 & 22, Township 9 South, Range 19 East and being more particularly described as follows:

Begin at a point on the south right of way line of County Road 232 (NW 53rd Ave.) approximately four hundred feet west of NW 43rd St. at its intersection with a southwesterly projection of the westerly line of that parcel as recorded in Order of Taking Division C-201-70 and referred to as parcel V in official records book 664, page 160 of the public records of Alachua County, Florida (known as the GRU Electric Systems Control Center); thence west along said southerly right of way of County Road 232 to the west line of the northeast one-quarter of said section 22; thence north to the north right of way line of said County Road 232; thence to the southeast corner of Lot 34 of Deer Run Unit I, as recorded in Plat Book "J", page 33 of the public records of Alachua County Florida; thence north along the east line of said Deer Run Unit I and the east line of Deer Run Unit II as recorded in Plat book "J", page 86 of the public records of Alachua County Florida, to a point on the southerly line of Lot 14, of said Deer Run Unit II; thence east along the southerly lines of Lots 14 through 17 of said Deer Run Unit II to the southeast corner of said Lot 17; thence north along the east line of said Deer Run Unit II to the southwest corner of Lot 129 of Deer Run Unit III as recorded in Plat Book "L", page 34 of the public records of Alachua County Florida; thence east to the southeast corner of said Lot 129; thence north along the east line of said Deer Run Unit III and a northerly projection of said east line to a point on the south line of Section 10, Township 9 South, Range 19 East, said point also being on the south line of Sterling Place Unit - 2 as recorded in Plat Book "R" page 81 of the public records of Alachua County, Florida; thence east along said south line of section 10 and said Sterling Place Unit - 2 to the southeast corner of said Sterling Place Unit - 2, said point also being the southwest corner of the east

EXHIBIT "A"

half of the southeast quarter of said Section 10; thence north along the east line of said Sterling Place Unit - 2 also being the west line of said east half of the southeast quarter of said section 10, and the east line of Sterling Place Unit - 1, a subdivision as recorded in plat book "R", page 39 of the public records of Alachua County, Florida, to the northwest corner of the east half of the southeast corner of said Section 10; thence east along the north line of said southeast quarter of Section 10 to the west right of way line of NW 43rd St.; thence north along said west right of way line to the north line of said section 10; thence easterly to the west line of a Gainesville Regional Utilities right of way; thence south along said west line of Gainesville Regional Utilities right of way in Sections 11 & 14, Township 9 South, Range 19 East to a point on a westerly extension of the south line of Grand Central Station Cluster Subdivision Phase II as recorded in plat book "R", pages 70 & 71 of the public records of Alachua County, Florida, said point also being on the westerly extension of the north line of that parcel described in official records book 1566, page 1625 owned by the School Board of Alachua County and known as William S. Talbot Elementary School; thence easterly along said northerly line the William S. Talbot Elementary School parcel to the northeast corner of said parcel; thence south along the east line of said parcel to the southeast corner of said parcel; thence west along the south line of said parcel to a point on the west line of said Section 14; thence south along the west line of said section 14 to a point on the northeasterly projection of the westerly line of said parcel as recorded in Order of Taking Division C-201-70 of the public records of Alachua County, Florida; thence southwesterly along said westerly projection to the west right of way line of NW 43rd St. and the southeasterly corner of Waterford Park as described in Official Records book 1841 page 1625; thence north along said west right of way line and the east line of said Waterford Park to the northeast corner of said Waterford Park; thence west to the northwest corner of said Waterford Park; thence south to the southwest corner of said Waterford Park and a point on the westerly line of said parcel as recorded in Order of Taking

Division C-201-70; thence southwesterly along said westerly line and a southwest projection thereof to the south line of County Road 232 and the Point of Beginning.