



# MEMORANDUM

Office of the City Attorney

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**TO:** Mayor and City Commission

March 12, 2001  
**DATE:** ~~February 26, 2001~~  
CITY ATTORNEY  
~~FIRST READING~~  
SECOND READING

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-00-131

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, by Special Acts, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; including within the corporate limits of the City of Gainesville, Florida, that certain compact and contiguous area generally bounded on the north by the Gainesville city limits, on the west by the extension of N.W. 51<sup>st</sup> Street, on the east by the Gainesville city limits and on the south by the Gainesville city limits; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for enforcement of Alachua County land use plan, zoning and subdivision regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

The annexation ordinance for the Rustlewood Area was withdrawn from the City Commission meeting of January 22, 2001 because of concerns of some of the residents in the area. Staff has met with the residents and have worked through their concerns and issues.

The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, July 10, 2000, at a regular city commission meeting, the City Commission authorized the City Manager and Attorney to commence the annexation process. On October 23, 2000 and November 13, 2000, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act. A copy of the Report has been delivered to the Board of County Commissioners of Alachua County.

## ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted

as a nonemergency ordinance and to include one reasonably compact area. The ordinance will be submitted to a vote of the registered electors for their approval in a mail ballot election conducted on Tuesday, June 19, 2001.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager. The annexation is effective at 12:01 a.m. on June 20, 2001 unless there is a tie vote or majority vote against the annexation.

Sections 7 and 8 of the Ordinance relate to special matters which may be of interest to the owners and residents and those persons engaged in any business or occupation. The Alachua County land use plan and zoning or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment that includes the annexed area, and rezones the property to a city zoning category. During the interim period, the City may rezone the property in the annexed area to an Alachua County Zoning classification/category that conforms with the Alachua County Comprehensive Plan in accordance with Chapter 163, F.S. Those persons engaged in any occupation, business, trade or profession in the area proposed for annexation will have the right to continue their occupations, businesses, trades or professions and shall obtain an occupational license from the City of Gainesville for the term commencing on October 1, 2001.

Prepared and  
Submitted by:



Marion J. Radson  
City Attorney

MJR/afm

Passed on first reading by a vote of 5-0.