



MEMORANDUM
Office of the City Attorney

LEGISLATIVE ITEM NO. 000130

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: July 24, 2000
~~July 10, 2000~~

FROM: City Attorney

CITY ATTORNEY
~~FIRST READING~~
SECOND READING

SUBJECT: Ordinance No. 0-00-62

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 commonly known as Regency Oaks Apartments located in the vicinity of 3230 S.W. Archer Road; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

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, March 27, 2000, at a regular city commission meeting, the City Commission received and accepted the petition for voluntary annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On April 24, 2000 and May 8, 2000, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

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.

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 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.

Prepared and
Submitted by:



Marion J. Radson
City Attorney

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

D R A F T

06/02/00

ORDINANCE NO. _____
0-00-62

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4 **An Ordinance of the City of Gainesville, Florida, annexing a**
5 **portion of the City of Gainesville Reserve Area Pursuant to**
6 **Chapter 90-496, as amended, by Special Acts, Laws of Florida,**
7 **known as the Alachua County Boundary Adjustment Act;**
8 **making certain findings; including within the corporate limits of**
9 **the City of Gainesville, Florida, that certain compact and**
10 **contiguous area commonly known as Regency Oaks Apartments**
11 **located in the vicinity of 3230 S.W. Archer Road; providing for**
12 **inclusion of the area in Appendix I of the City Charter;**
13 **providing for land use and zoning regulations; providing for**
14 **persons engaged in any occupation, business, trade or**
15 **profession; providing directions to the City Manager and Clerk**
16 **of the Commission; providing a severability clause; and**
17 **providing an immediate effective date.**
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19
20 **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-
21 382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary
22 Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for
23 the annexation of contiguous, compact, unincorporated territory within a municipality's reserve
24 area; and

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

27 **WHEREAS,** on March 17, 2000, the owner of the real property described herein submitted
28 a Petition for Voluntary Annexation requesting the City to incorporate said property into the City of
29 Gainesville; and

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06/02/00

1 **WHEREAS**, on March 27, 2000, the City Commission voted to accept said Petition and
2 determined that the Petition bore the signatures of the owners of the property; and

3 **WHEREAS**, on May 8, 2000, the City Commission of the City of Gainesville adopted
4 Ordinance No. 991250, which adopted the Urban Services Report setting forth the plans to provide
5 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the
6 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 the real property owner affected by this ordinance; 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 has been given by publication once a week for two
12 consecutive weeks in a newspaper of general circulation notifying the public of this proposed
13 Ordinance and of Public Hearings to be held in the City Commission meeting room, First Floor,
14 City Hall, in the City of Gainesville; and

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

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

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06/02/00

1 **Section 1.** The City Commission finds that the Area described in Section 2 of this
2 Ordinance (hereinafter referred to as the "Area") is reasonably compact and contiguous to the
3 present corporate limits of the City of Gainesville, and that no part of the Area is within the
4 boundary of another municipality or county. The City Commission finds the Area to be within its
5 Reserve Area and the annexation does not create an enclave.

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

8 See Legal Description attached hereto as Exhibit "A", and made a
9 part hereof as if set forth in full.

10
11 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,
12 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
13 Section 2 within the corporate limits of the City of Gainesville, Florida.

14 **Section 4.** The City Manager is authorized and directed to make the necessary change to the
15 legal description of the Municipal Corporate Limits as codified in Appendix 1 of the City Charter
16 of the City of Gainesville, Florida, to comply with this ordinance.

17 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
18 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
19 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
20 that includes the annexed area. During the interim period, the City may rezone properties in the
21 annexed area to an Alachua County Zoning classification/category that conforms with the Alachua
22 County Comprehensive Plan.

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06/02/00

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 July 24, 2000, shall have the right to continue such occupation,
4 business, trade or profession.

5 (b) Except as provided in subsection (c) below, all persons who are lawfully engaged in any
6 construction trade, occupation or business within the Area described in Section 2 of this Ordinance
7 as of July 24, 2000, and who possess a valid certificate of competency acquired by passing an
8 independent testing agency's exam in the licensing category issued by Alachua County shall have
9 the right to continue the construction trade, occupation, or business within the entire corporate
10 limits of the City of Gainesville, including the Area described in Section 2 of this Ordinance,
11 subject to the terms, conditions and limitations imposed on the certificate by Alachua County, and
12 provided such persons register the certificate with the Building Inspections Department of the City
13 of Gainesville and the Department of Professional Regulation of the State of Florida on or before
14 4:00 p.m. on October 1, 2000.

15 (c) All persons lawfully engaged in any occupation, business, trade or profession within the
16 Area described in Section 2 of this Ordinance on or after July 24, 2000, shall obtain an occupational
17 license from the City of Gainesville for the term commencing on October 1, 2000, which license
18 shall be issued upon payment of the appropriate fee in accordance with the Gainesville Code of
19 Ordinances in effect on October 1, 2000.

D R A F T

06/02/00

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

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

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

8 **PASSED AND ADOPTED** this ___ day of _____, 2000.

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Paula M. DeLaney, Mayor

ATTEST:

Approved as to form and legality

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON,
CITY ATTORNEY

This Ordinance passed on first reading this ___ day of _____, 2000.

This Ordinance passed on second reading this ___ day of _____, 2000.

Exhibit A

Parcel #1 - 06784-001-000 and Parcel #2 - 06783-001-001 recognized by the Alachua County Property Appraiser, being more accurately defined by the legal description below:

PARCEL 1:

Commence at the Northwest corner of Section 13, Township 10 South, Range 19 East, and run North $88^{\circ}30'30''$ East, along the North line of said Section 13, 50.00 feet to the East right of way line of Southwest 34th Street and the Point of Beginning; thence continue North $88^{\circ}30'30''$ East, along said North line, 534.00 feet; thence run South $00^{\circ}48'30''$ East, 740.66 feet to a point on the Northwesterly right of way line of State Road No. 24, said point being on a curve concave to the Southeast and having a radius of 5807.58 feet; thence run in a Southwesterly direction along said right of way curve, an arc distance of 99.85 feet; thence run North $35^{\circ}35'$ West, 156.14 feet; thence run South $88^{\circ}10'16''$ West, 359.59 feet to a point on the said East right of way line of Southwest 34th Street, said point being on a curve concave to the East and having a radius of 11,409.16 feet; thence run in a Northerly direction, along said right of way curve, an arc distance of 110.18 feet to the Point of Tangency of said curve; thence run North $00^{\circ}58'30''$ West, along said East right of way line, 556.30 feet to the Point of Beginning. All being and lying in Section 13, Township 10 South, Range 19 East, Alachua County, Florida.

PARCEL 2:

A tract of land situated in Section 13, Township 10 South, Range 19 East, Alachua County, Florida, said tract of land being more particularly described as follows:

Commence at the Northwest corner of Section 13, Township 10 South, Range 19 East, and run South $89^{\circ}10'50''$ East, along the North line of said Section 13, a distance of 584.10 feet; thence run South $01^{\circ}25'17''$ West, 725.23 feet to the Point of Beginning; thence continue South $01^{\circ}25'17''$ West, 17.00 feet to the Northerly right of way line of State Road No. 24; thence run Northeasterly along said right of way line with a curve concave Southeasterly, said curve having a central angle of $00^{\circ}06'13''$, a radius of 7185.68 feet, an arc length of 13.00 feet and a chord bearing and distance of North $59^{\circ}25'07''$ East, 13.00 feet; thence run North $46^{\circ}02'10''$ West, 14.96 feet to the Point of Beginning.

Together with the following described easement:

A tract of land situated in Section 13, Township 10 South, Range 19 East, Alachua County, Florida, said tract of land being more particularly described as follows: Commence at the N.W. corner of Section 13, Township 10 South, Range 19 East, and run South $89^{\circ}10'50''$ East, along the North line of Section 13, 584.10 feet; thence run South $01^{\circ}25'17''$ West, 164.98 feet to the Point of Beginning; thence continue South $01^{\circ}25'17''$ West, 135.00 feet; thence run South $89^{\circ}10'50''$ East, 20.00 feet; thence run North $01^{\circ}25'17''$ East, 135.00 feet; thence run North $89^{\circ}10'50''$ West, 20.00 feet to the Point of Beginning.