

LEGISLATIVE #

130340A

ORDINANCE NO. 130340

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 16146-000-000 and a portion of the right-of-way of SE Hawthorne Road, and which is generally located south of E University Avenue and Fred Cone Park, west of Tax Parcel No. 16143-000-000, north of SE Hawthorne Road, and east of SE 24th Street and the Alachua County Sheriff's office; making certain findings; providing for inclusion of the area 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, Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary Adjustment Act" ("Act"), which sets forth procedures for the annexation of contiguous, compact, unincorporated territory within a municipality's reserve area; and

WHEREAS, on October 9, 2011, the Board of County Commissioners of Alachua County designated an updated reserve area boundary for the City of Gainesville pursuant to the Act; and

WHEREAS, on August 1, 2013, the City Commission of the City of Gainesville received a petition for voluntary annexation of real property located in the unincorporated area of Alachua County and within the City of Gainesville's reserve area, as more specifically described in this ordinance, and determined that the petition included the signatures of all owners of property in the area proposed to be annexed; and

WHEREAS, on September 5, 2013, the City Commission adopted Ordinance No. 130120, which adopted the Urban Services Report setting forth the plans to provide urban services to that

portion of the reserve area proposed to be annexed in accordance with the procedures provided in the Act; and

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

WHEREAS, the City of Gainesville desires to annex a certain portion of its reserve area that is compact and contiguous to the present corporate limits of the City; and

WHEREAS, pursuant to the Act, notice has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading notifying 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 Area described in Section 2 of this ordinance (“Area”) is reasonably compact and contiguous to the present corporate limits of the City of Gainesville and that no part of the Area is within the boundary of another municipality or outside of the county in which the City of Gainesville lies. 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. The location of the Area is shown on Exhibit “B” for visual reference. In the

event of conflict or inconsistency, Exhibit “A” shall prevail over Exhibit “B”.

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 Area as described in Section 2 of this ordinance within the corporate limits of the City of Gainesville, Florida.

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 Area described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. Prior to the City’s adoption of a comprehensive plan amendment that includes the annexed area, the City may rezone properties in the annexed area to an Alachua County zoning category that conforms with the Alachua County Comprehensive Plan. 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 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, 2014, 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, 2014.

(b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any construction trade, occupation, or business within the 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 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; and 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

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 _____, 2013.

EDWARD B. BRADDY
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 _____, 2013.

This ordinance passed on second reading this _____ day of _____, 2013.

LEGAL DESCRIPTION

A TRACT OF LAND ALL LYING AND BEING IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 20 EAST BEING A POINT ON THE EXISTING CITY OF GAINESVILLE CITY LIMIT LINE AS PER ORDINANCE #3865 AND THE POINT OF BEGINNING; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION AND CITY LIMIT LINE TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 11; THENCE SOUTH ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER TO THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 20 ALSO KNOWN AS HAWTHORNE ROAD; THENCE NORTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1509, PAGE 368 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED AS ORB, __PAGE__ ACR); THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE NORTH ALONG THE EAST LINE OF SAID LANDS TO THE NORTHEAST CORNER OF SAID LANDS; THENCE WEST ALONG THE NORTH LINE OF SAID LANDS TO THE WESTMOST CORNER OF SAID LANDS ALSO BEING A POINT ON THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 20; THENCE LEAVING SAID LANDS AND NORTHERLY RIGHT-OF-WAY LINE SOUTH PERPENDICULAR TO SAID NORTHERLY RIGHT-OF-WAY LINE TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 20; THENCE NORTHWESTERLY ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE NORTHEAST CORNER OF LANDS DESCRIBED IN ORB 2187, PAGE 603 ACR ALSO BEING A POINT ON THE EXISTING CITY LIMIT LINE PER ORDINANCE #951158; THENCE CONTINUE NORTHWESTERLY ALONG THE NORTH LINE OF SAID LANDS AND CITY LIMIT LINE AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 20 TO THE NORTHWEST CORNER OF SAID LANDS; THENCE CONTINUE NORTHWESTERLY ALONG SAID CITY LIMIT LINE AND A NORTHWESTERLY EXTENSION OF SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE WEST LINE OF SAID SECTION 11; THENCE NORTH ALONG THE WEST LINE OF SAID SECTION AND CITY LIMIT LINE TO THE NORTHWEST CORNER OF SAID SECTION AND THE POINT OF BEGINNING.

