



# MEMORANDUM

Office of the City Attorney

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

**TO:** Mayor and City Commission

March 11, 2002  
~~DATE: February 23, 2002~~  
~~FIRST READING~~

**FROM:** City Attorney

SECOND READING

**SUBJECT:** Ordinance No. 0-02-08

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 located generally north of NW 73<sup>rd</sup> Avenue and Sterling Place subdivision, east of the city limits, south of the city limits and west of the city limits in the vicinity of NW 43<sup>rd</sup> Street; 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 persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

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, January 14, 2002, at a regular city commission meeting, the City Commission authorized the City Manager and Attorney to commence the annexation process. On January 28, 2002 and February 11, 2002, 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 on Tuesday, June 25, 2002.

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 September 1, 2002 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, 2002.

Submitted by:

  
Marion J. Radson  
City Attorney

MJR/afm

Attachment

PASSED ON FIRST READING BY A VOTE OF 5-0.

**D R A F T**

**2-18-02**

ORDINANCE NO. \_\_\_\_\_  
0-02-08

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**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 located generally north of NW 73<sup>rd</sup> Avenue and Sterling Place subdivision, east of the city limits, south of the city limits and west of the city limits in the vicinity of NW 43<sup>rd</sup> Street; 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 persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.**

**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" (hereinafter collectively referred to as "the Act") which sets forth procedures for the annexation of contiguous, compact, unincorporated territory within a municipality's reserve area; and

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

**WHEREAS**, on February 11, 2002, the City Commission of the City of Gainesville adopted Ordinance No. 002252, which adopted the Urban Services Report setting forth the plans to

**D R A F T**

**2-18-02**

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

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

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

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

11 **WHEREAS**, pursuant to law, at least five days notice has been given once by publication  
12 in a newspaper of general circulation notifying the public of the second Public Hearing of this  
13 proposed Ordinance to be held in the City Commission meeting room, First Floor, City Hall, in the  
14 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:**

20 **Section 1.** The City Commission finds that the Area described in Section 2 of this  
21 Ordinance (hereinafter referred to as the "Area") is contiguous and reasonably compact to the

**D R A F T**

**2-18-02**

1 present corporate limits of the City of Gainesville, and that no part of the Area is within the  
2 boundary of another municipality or county. The City Commission finds the Area to be within its  
3 Reserve Area and the annexation does not create an enclave. The City Commission finds that the  
4 area meets the criteria of this section that, it is adjacent to, on at least 60 percent of its external  
5 boundary, any combination of the municipal boundary and the boundary of an area or areas  
6 developed for urban purposes.

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

9 See Legal Description attached hereto as Exhibit "A", and made a  
10 part hereof as if set forth in full.  
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12 **Section 3.** Subject to the provisions of Section 4 of this Ordinance, the corporate limits of  
13 the City of Gainesville, Florida, as set forth in Article 1, Charter Laws of the City of Gainesville,  
14 are amended and revised to include the Area described in Section 2 within the corporate limits of  
15 the City of Gainesville, Florida.

16 **Section 4.** Pursuant to Section 8 of the Act, this Ordinance shall be submitted to a vote of  
17 the registered electors of the Area described in Section 2 of this Ordinance at a special election  
18 called for the purpose of holding the referendum. The referendum election shall be held on  
19 Tuesday, June 25, 2002. The referendum shall be conducted by the Alachua County Supervisor of  
20 Elections ("Supervisor") in accordance with the provisions of the Act and Chapter 9, Gainesville  
21 Code of Ordinances, as applicable. The Supervisor is requested and authorized to conduct a  
22 referendum election in accordance with the provisions of the Florida Statutes. The City Manager is  
23 authorized and directed to pay all lawful expenses associated with the election.

**D R A F T**

**2-18-02**

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

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

5                           "For annexation of property described in Ordinance Number  
6                           \_\_\_\_\_ of the City of Gainesville"

7  
8                           "Against annexation of property described in Ordinance Number  
9                           \_\_\_\_\_ of the City of Gainesville"

10  
11           **Section 7.** In accordance with Section 171.062, Florida Statutes, the Alachua County land  
12 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area  
13 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment  
14 that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement  
15 officers shall have jurisdiction to enforce these regulations during the interim period through the  
16 Gainesville Code Enforcement Board process as described in Division 8 of Article V of Chapter 2  
17 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as described in  
18 Division 6 of Article V of Chapter 2 of said Code. During the interim period, the City may rezone  
19 properties in the annexed area to an Alachua County Zoning classification/category that conforms  
20 with the Alachua County Comprehensive Plan.

21           **Section 8.** (a) Except as provided in subsections (b) and (c) below, all persons who are  
22 lawfully engaged in any occupation, business, trade or profession within the area described in  
23 Section 2 of this Ordinance as of September 1, 2002, shall have the right to continue such  
24 occupation, business, trade or profession.

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2-18-02

1 (b) Except as provided in subsection (c) below, all persons who are lawfully engaged in any  
2 construction trade, occupation or business within the Area described in Section 2 of this Ordinance  
3 as of September 1, 2002, and who possess a valid certificate of competency issued by Alachua  
4 County shall have the right to continue the construction trade, occupation, or business within the  
5 entire corporate limits of the City of Gainesville, including the Area described in Section 2 of this  
6 Ordinance, subject to the terms, conditions and limitations imposed on the certificate by Alachua  
7 County, and provided such persons register the certificate with the Building Inspections Department  
8 of the City of Gainesville and the Department of Business and Professional Regulation of the State  
9 of Florida, if applicable, on or before 4:00 p.m. on September 1, 2003.

10 (c) All persons lawfully engaged in any occupation, business, trade or profession within the  
11 Area described in Section 2 of this Ordinance on or after October 1, 2002, shall obtain an  
12 occupational license from the city of Gainesville for the term commencing on October 1, 2002,  
13 which license shall be issued upon payment of the appropriate fee in accordance with the  
14 Gainesville Code of Ordinances in effect on October 1, 2002.

15 **Section 9.** If any portion of this Ordinance is declared by a court of competent jurisdiction  
16 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining  
17 portions of this Ordinance.

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

**D R A F T**

**2-18-02**

1           **Section 11.** Sections 1, 4, 5, 6, 8, 9, 10 and 11 of this Ordinance shall become effective  
2 immediately upon adoption. Sections 2, 3, and 7 shall become effective at 12:01 a.m. on  
3 September 1, 2002, unless there is a tie vote or majority vote against the annexation at the special  
4 election called in Section 4 of this Ordinance.

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6           **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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Thomas D. Bussing, 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 February, 2002.

This Ordinance passed on second reading this \_\_\_\_ day of March, 2002.



## Exhibit "A"

For a Point of Reference Begin at the existing limits of the City of Gainesville at the Northwest corner of "Blues Creek Unit-4B", as per the plat thereof, as recorded in Plat Book "S" at page 86 of the Public Records of Alachua County, Florida; thence along the North line of said "Blues Creek Unit-4B" and said existing city limit the following courses: North 89° 39' 06" East, a distance of 440.00 feet to the Northeast corner of said "Blues Creek Unit-4B", said corner also being the Northwest corner of a Common Conservation Area and Drainage Easement of "Blues Creek Unit-4", as per the plat thereof, recorded in Plat Book "S" at page 3 of the Public Records of Alachua County, Florida; thence continue North 89° 39' 06" East, along the North line of said "Blues Creek Unit-4", a distance of 974.95 feet to a point of intersection on said North line; thence continuing along said North line of Blues Creek Unit-4, South 52° 07' 15" East, a distance of 327.46 feet to the Northeast corner of Lot 47 of said "Blues Creek Unit-4"; thence along the Southerly line of said Lot 47, South 37° 52' 45" West a distance of 115.00 feet to a point on the North Boundary line of "Blues Creek Unit-3C", as per the plat thereof, recorded in Plat Book "R" at page 23; thence along said North line South 52° 07' 15" East a distance of 60.00 feet to a point on the Northerly line of Lot 14 of "Blues Creek Unit-6A", as per the plat thereof, recorded in Plat Book "R" at page 67 of the Public Records of Alachua County, Florida; thence along said North line North 37° 52' 45" East a distance of 115.00 feet to the North most corner of said Lot 14; thence along the Easterly line of said "Blues Creek Unit-6A", South 52° 07' 15" East, a distance of 542.13 feet to the point of curvature of a curve concave Southwesterly and having a Radius of 520.00 feet, thence run Southeasterly along the arc of said curve, through a central angle of 33° 18' 15", an arc distance of 302.26 feet, and a chord bearing and distance of South 35° 28' 07" East, 298.02 feet to the Northwest corner of "Blues Creek Unit-6D", as per the plat thereof recorded in Plat Book "U", at page 74; thence run along the North line of said "Blues Creek Unit-6D" the following three courses: North 89° 27' 44" East, a distance 629.13 feet to the Southeast corner of said "Blues Creek Unit-6D", said corner also being the South line of "Blues Creek Unit-6E", as per plat thereof, recorded in Plat Book "22" at page 66 of the Public Records of Alachua County, Florida; thence South 00° 32' 16" East, a distance of 186.28 feet to a point on the North line of "Blues Creek Unit-6C", as per the plat thereof, recorded in Plat Book "U" at page 3 of the Public Records of Alachua County, Florida; thence North 89° 27' 44" East, a distance of 100.97 feet to the Northeast corner of said "Blues Creek Unit-6C"; thence continue South 00° 29' 42" East a distance of 265.00 feet to the Southeast corner of said "Blues Creek Unit-6C", said corner also being the Northeast corner of "Blues Creek Unit-6B Phase-2", as per the plat thereof, recorded in Plat Book "T" at page 48 of the Public Records of Alachua County, Florida; thence continue South 00° 29' 42" East a distance of 448.09 feet to a concrete monument on the Northerly Boundary of a Suwannee River Water Management District Jurisdictional Wetlands; thence run along said Northerly Boundary the following thirty-nine Courses: 1) South 67° 16' 02" West, 18.29 feet; 2) South 68° 31' 49" West 35.55 feet; 3) South 72° 55' 30" West, 21.24 feet; 4) South 77° 08' 46" West, 28.00 feet; 5) South 60° 05' 17" West, 34.00 feet; 6) South 82° 52' 19" West, 26.86 feet; 7) North 82° 20' 12" West, 37.15 feet; 8) North 46° 40' 12" West, 21.42 feet; 9) North 18° 54' 02" West, 29.20 feet; 10) North 48° 02' 21" West, 17.45 feet; 11) North 62° 37' 25" West, 27.96 feet; 12) North 49° 15' 38" West, 24.31 feet; 13) North 56° 46' 31" West, 26.95 feet; 14) North 53° 43' 25" West, 34.43 feet; 15) North 44° 43' 36"

West, 34.68; feet 16 )North 52° 44' 01" West, 39.20 feet; 17)North 53° 06' 50" West, 26.04; feet 18)North 66° 49' 45" West, 26.22 feet 19)North 64° 19' 32" West, 32.46 feet; 20)South 77° 32' 16" West, 37.96 feet; 21)South 76° 02' 21" West, 37.09 feet 22) South 67° 11' 15" West, 38.89 feet; 23) South 45° 13' 27" West, 44.20 feet; 24) South 62° 32' 34" West, 32.32 feet 25) South 36° 39' 48" West, 26.15 feet; 26)South 22° 53' 22" West, 38.34 feet; 27)South 01° 29' 19" West, 33.93 feet 28) South 12° 05' 16" East, 58.28 feet; 29)South 27° 13' 50" East, 33.63 feet; 30)South 12° 07' 11" East, 24.29 feet; 31) South 04° 57' 00" East, 38.17 feet; 32)South 34° 34' 11" West, 24.29 feet; 33)South 59° 56' 28" West, 20.02 feet 34) North 89° 44' 54" West, 22.36 feet; 35)South 68° 49' 09" West, 22.74 feet; 36)South 67° 53' 55" West, 35.97 feet; 37) South 71° 10' 38" West, 28.83 feet; 38) South 57° 28' 06" West, 26.05 feet 39) South 55° 58' 00" West, 17.18 feet to a concrete monument marking the South most corner of "Blues Creek Unit-6B Phase-1", as per the plat thereof recorded in Plat Book "T" at page 14 of the Public Records of Alachua County, Florida; thence leaving said Suwannee River Water Management District Jurisdictional Wetlands line run along the South line of said "Blues Creek Unit-6B Phase-1", North 63° 53' 15" West, a distance of 52.36 feet; thence leaving said South line, South 25° 49' 36" West, a distance of 128.75 feet; thence South 00° 10' 51" West, a distance of 183.52 feet; thence South 30° 10' 51" East, a distance of 71.93 feet, thence South 39° 49' 09" West, a distance of 63.95 feet to a point on the Northerly right of way line of NW 73<sup>rd</sup> Avenue and a point on the Boundary of "Blues Creek Unit-3A" as per the plat thereof, recorded in Plat Book "Q" at page 49 of the Public Records of Alachua County, Florida, said point also being on a curve concave to the North and having a radius of 280 feet and a central angle of 36° 34' 54"; thence along said Boundary of "Blues Creek Unit-3A" the following twelve courses: 1) along the arc of said right of way line and curve, a distance of 178.77 feet and a chord of South 74° 40' 18" East, 175.75 feet; 2) thence North 02° 57' 45" East, a distance of 10 feet; 3) thence North 87° 02' 15" East, a distance of 662.70 feet to the point of curvature of a curve concave to the North and having a radius of 9,540 feet and a central angle of 00° 25' 08"; 4) thence along said curve an arc distance of 69.74 feet a chord of North 87° 14' 49" East, 69.74 feet to a point on the East line of the West one half of Section 10, Township 9 South, Range 19 East; 5) thence South 00° 32' 16", a distance of 113.14 feet to the Northeast corner of "Sterling Place Unit One" as per the plat thereof recorded in Plat Book "R" at page 39; 7) thence leaving the existing limit of the City of Gainesville South 89° 37' 45" West, a distance of 1318.93 feet to the Northwest corner of said "Sterling Place Unit One" and a point on the Easterly right of way line of NW 52<sup>nd</sup> Terrace; 8) thence along said Easterly line, North 00° 27' 43" West, a distance of 40.00 feet; 9) thence leaving said right of way line and returning to the existing limit of the City of Gainesville, South 89° 32' 17" West, a distance of 60 feet to the West right of way line of said NW 52<sup>nd</sup> Terrace and a point on a curve concave to the East and having a radius of 330.07 feet and a central angle of 16° 17' 35", thence along said curve an arc distance of 93.86 feet and a chord of North 07° 41' 04" East, 93.55 feet to the South most corner of Lot 5 of said "Blues Creek Unit-3A"; 10) thence leaving said right of way of NW 52<sup>nd</sup> Terrace, North 37° 50' 00" West, a distance of 76.45 feet; 11) thence North 61° 10' 00" West, a distance of 300 feet; 12) thence North 12° 25' 00" West, a distance of 435.05 to the Northwest corner of said Blues Creek Unit-3A, said corner also being the Southwest corner of "Blues Creek Unit-3B" as per the Plat thereof recorded in Plat Book "Q" at page 92 of the Public Records of Alachua County, Florida; thence along the Westerly Boundary of said "Blues Creek Unit-3B" North 12° 25' 00" West, a distance of 264.95; thence North 25° 20' 00"

West, a distance of 89.87 feet to the Southeast corner of Lot 52, "Blues Creek Unit-3C" as per the plat thereof, recorded in Plat Book "R" at page 23 of the Public Records of Alachua County, Florida; thence run along the Southerly Boundary of said "Blues Creek Unit-3C" the following 3 courses; North 25° 20' 00" West, a distance of 90.13 feet; thence South 55 10' 00" West, a distance of 120.00 feet; thence North 51° 15' 00" West, a distance of 195.00 feet to the West most corner of said "Blues Creek Unit-3C"; said point also being the South most corner of the aforementioned "Blues Creek Unit-4"; thence run along the Southerly and Westerly boundaries of said "Blues Creek Unit-4" and the aforementioned "Blues Creek Unit-4B" the following 13 courses: 1) "thence North 51° 15' 00" West, a distance of 75.00 feet; 2) thence North 65° 40' 54" West, a distance of 155.37 feet; 3) thence South 89° 39' 06" West, a distance of 145.08 feet; 4) thence North 04° 09' 39' West, a distance of 370.35 feet; 5) thence South 89° 39' 06" West, a distance of 367.35 feet; 6) thence South 24° 20' 46" West, a distance of 136.20 feet; 7) thence North 25° 52' 04' West, a distance of 120 feet; 8) thence North 27° 20' 17" West, a distance of 407.19 feet; 9) thence North 74° 41' 57' East, a distance of 29.01 feet; 10) thence North 06° 01' 45" East, a distance of 168 feet; 11) thence South 83° 58' 15" East, a distance of 72.69 feet; 12) thence North 06° 01' 45' East, a distance of 60 feet; 13) thence North 00° 20' 54" West, a distance of 162.40 feet to the Northwest corner of aforementioned "Blues Creek Unit-4B" and the Point of Beginning. Containing 93.10 acres, more or less.

