

ORDINANCE NO. 070721
0-07-116

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, 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 comprised of a portion of Tax Parcel 07240-000-000, as more specifically described in this ordinance, generally located south of the vicinity of Archer Road and Interstate 75, west of Interstate 75 and the City limits, north of Williston Road, and east of SW 62nd Avenue and the vicinity of SW 63rd Boulevard; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

WHEREAS, Chapter 90-496, Special Act, 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 10, 2006, the Board of County Commissioners of Alachua County designated the Reserve Area for the City of Gainesville pursuant to the Act; and

WHEREAS, on September 10, 2007, the City Commission voted to accept the Petition for Voluntary Annexation submitted by the owner of the real property described herein and determined that the Petition bore the signature of the owner of the property; and

WHEREAS, on November 26, 2007, the City Commission of the City of Gainesville adopted Ordinance No. 070414, which adopted the Urban Services Report setting forth the plans to

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 was provided to the owners of the real property affected by
5 this ordinance; and

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

8 **WHEREAS**, pursuant to law, notice of adoption of this ordinance was published for two
9 consecutive weeks prior to first reading in a newspaper of general circulation notifying the public of
10 the Public Hearing of this proposed Ordinance to be held in the City Commission meeting room,
11 First Floor, City Hall, in the City of Gainesville; and

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

14 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
15 **CITY OF GAINESVILLE, FLORIDA:**

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

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

1 See Legal Description attached hereto as Exhibit "A", and made a
2 part hereof as if set forth in full.
3

4 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix
5 I, Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
6 Section 2 within the corporate limits of the City of Gainesville, Florida.

7 **Section 4.** The City Manager is authorized and directed to make the necessary change in
8 the Code of Ordinances of the City of Gainesville, Florida, to comply with this ordinance.

9 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
10 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
11 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
12 that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement
13 officers shall have jurisdiction to enforce these regulations during the interim period through the
14 Gainesville Code Enforcement Board process as described in Division 8 of Article V of Chapter 2
15 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as described in
16 Division 6 of Article V of Chapter 2 of said Code. During the interim period, the City may rezone
17 properties in the annexed area to an Alachua County Zoning classification/category that conforms
18 with the Alachua County Comprehensive Plan.

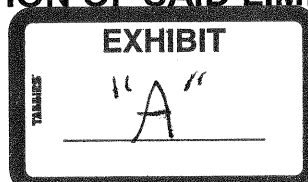
19 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance or
20 the application hereof to any person or circumstance is held invalid or unconstitutional, such
21 finding shall not affect the other provisions or applications of the ordinance which can be given
22 effect without the valid or unconstitutional provisions or application, and to this end the provisions
23 of this ordinance are declared severable.

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN SECTIONS 22, 23, AND 26,
TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY,
FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

PARTS C & D

COMMENCE AT A POINT AT THE INTERSECTION OF THE
NORTHEASTERLY LINE OF THAT CERTAIN TRACT OF LAND AS
DESCRIBED IN OFFICIAL RECORDS BOOK 2264 PAGE 43 OF
THE OFFICIAL RECORDS OF ALACHUA COUNTY, FLORIDA
(HEREAFTER ABBREVIATED AS ORB__ PAGE__ ACR) AND
THE WEST LIMITED ACCESS RIGHT-OF-WAY LINE OF
INTERSTATE 75 (US 93) AS SHOWN ON FLORIDA
DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY
HIGHWAY PLANS, SECTION 26260-2420, SAID POINT BEING ON
THE EXISTING CITY OF GAINESVILLE LIMIT LINE AND THE
POINT OF BEGINNING; THENCE RUN SOUTHEASTERLY ALONG
SAID RIGHT-OF-WAY LINE AND SAID CITY LIMIT LINE TO A
POINT MARKING THE INTERSECTION OF SAID LIMITED



ACCESS RIGHT-OF-WAY LINE WITH THE SOUTH RIGHT-OF-WAY LINE OF S.W. WILLISTON ROAD; THENCE LEAVING SAID CITY LIMIT LINE RUN SOUTHWESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE TO A POINT OPPOSITE FROM THE POINT MARKING THE INTERSECTION OF THE EAST LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3367 PAGE 145 ACR AND THE NORTH RIGHT-OF-WAY LINE OF SAID S.W. WILLISTON ROAD, SAID POINT ALSO BEING ON A LINE PERPENDICULAR TO SAID NORTH RIGHT-OF-WAY LINE; THENCE RUN NORTHWESTERLY ALONG SAID PERPENDICULAR LINE TO SAID INTERSECTION OF THE SOUTH LINE OF SAID TRACT AND THE NORTH RIGHT-OF-WAY LINE OF SAID S.W. WILLISTON ROAD; THENCE RUN NORTH AND NORTHWESTERLY ALONG THE EAST LINE OF SAID TRACT TO THE NORTHMOST CORNER OF SAID TRACT; THENCE RUN SOUTHWESTERLY ALONG THE NORTHERLY LINE OF SAID TRACT TO THE WEST CORNER OF SAID TRACT; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID TRACT TO THE SOUTH CORNER OF SAID TRACT, SAID CORNER BEING ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 331 (WILLISTON ROAD); THENCE RUN

SOUTHWESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE EASTMOST CORNER OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2821 PAGE 70 ACR; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE RUN NORTHWESTERLY ALONG THE EASTERLY LINE OF SAID TRACT TO THE SOUTHMOST CORNER OF CERTAIN TRACT OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1736 PAGE 2672 ACR; THENCE RUN NORTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID TRACT TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE RUN NORTHERLY ALONG THE EAST LINE OF SAID TRACT TO A POINT AT THE INTERSECTION OF SAID EAST LINE AND THE SOUTHWEST LINE THAT CERTAIN TRACT OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2208 PAGE 2889 ACR; THENCE RUN SOUTHEASTERLY ALONG SAID SOUTHWEST LINE TO THE SOUTH CORNER OF SAID TRACT; THENCE RUN NORTHEASTERLY ALONG THE SOUTHERLY LINE OF SAID TRACT AND THE SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2827 PAGE 1388 ACR TO THE WESTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 41ST BOULEVARD; THENCE RUN

**NORTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY
LINE TO THE SOUTHWESTERLY PROJECTION OF THE
SOUTHERLY LINE OF THAT CERTAIN TRACT OF LAND AS
DESCRIBED IN OFFICIAL RECORDS BOOK 2264 PAGE 43 ACR;
THENCE RUN NORTHEASTERLY ALONG SAID PROJECTION
AND THE SOUTHERLY LINE THEREOF TO THE SOUTHEAST
CORNER OF SAID TRACT; THENCE RUN NORTHWESTERLY
ALONG THE NORTHEASTERLY LINE OF SAID TRACT TO A
POINT AT THE INTERSECTION OF THE EASTERLY LINE OF
SAID TRACT AND THE WEST LIMITED ACCESS RIGHT-OF-WAY
LINE OF INTERSTATE 75 (US 93) AS SHOWN ON FLORIDA
DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY
HIGHWAY PLANS, SECTION 26260-2420, SAID POINT BEING ON
THE EXISTING CITY OF GAINESVILLE LIMIT LINE AND THE
POINT OF BEGINNING.**