

LEGISLATIVE #

170762A

ORDINANCE NO. 170762

An ordinance of the City of Gainesville, Florida, annexing approximately 23.40 acres of property known as “Finley Woods Phase I” that is generally located south of SW 62nd Avenue , west of SW Williston Road, north of SW 78th Lane, and east of SW 51st Terrace, as more specifically described in this ordinance, pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for a referendum election; providing directions to the Clerk of the Commission; providing ballot language; 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 a severability clause; and providing effective dates.

WHEREAS, the Municipal Annexation or Contraction Act, Part I of Chapter 171, Florida Statutes, (the “Act”), sets forth criteria and procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits; and

WHEREAS, the property that is the subject of this ordinance meets the criteria for annexation under the Act; and

WHEREAS, on February 15, 2018, and in accordance with Section 171.042, Florida Statutes, the City Commission of the City of Gainesville approved an Urban Services Report setting forth the plans to provide urban services to the subject property; and

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

WHEREAS, not less than 10 days prior to the date set for this ordinance’s first public hearing, written notice was mailed to each person who resides or owns property within the subject property; and

WHEREAS, an advertisement no less than two columns wide by ten inches long was placed in a newspaper of general circulation and provided the public with at least seven days’ advance

notice of this ordinance's first public hearing to be held by the City Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, a second advertisement no less than two columns wide by ten inches long was placed in the aforesaid newspaper and provided the public with at least five days' advance notice of this ordinance's second public hearing to be held by the City Commission in the City Hall Auditorium; and

WHEREAS, public hearings were held pursuant to the notice described above at which hearings 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 property described in Section 2 of this ordinance is reasonably compact and contiguous to the present corporate limits of the City of Gainesville and that no part of the subject property is within the boundary of another municipality or outside of the county in which the City of Gainesville lies. The City Commission finds that annexing the subject property into the corporate limits of the City of Gainesville does not create an enclave of unincorporated property. In addition, the City Commission finds that the subject property meets the general standards provided in Section 171.043, Florida Statutes.

SECTION 2. The following described property 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 property 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 property described in Section 2 of this ordinance.

SECTION 4. Pursuant to the Act, this ordinance shall be submitted to a vote of the registered electors within the proposed annexation area described in Section 2 of this ordinance at a referendum on annexation to be held during a special election on June 12, 2018. The referendum shall be conducted by the Alachua County Supervisor of Elections by mail ballot in accordance with the provisions of the Act, the Mail Ballot Election Act (Sections 101.6101-101.6107, Florida Statutes), and Chapter 9, Gainesville Code of Ordinances, as applicable. The City Manager is authorized and directed to pay all lawful expenses associated with this election.

SECTION 5. The Clerk of the Commission is authorized to publish notice of the referendum on annexation as prescribed by law.

SECTION 6. Pursuant to the Act, the language on the ballot of the referendum on annexation shall be:

"For annexation of property described in ordinance number 170762 of the City of Gainesville"

"Against annexation of property described in ordinance number 170762 of the City of Gainesville"

SECTION 7. In accordance with the Act, the Alachua County land use plan and zoning or subdivision regulations shall remain in full force and effect in the property described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. 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 8. (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in any occupation, business, trade, or profession within the property 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, 2018, 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, 2018.

(b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any construction trade, occupation, or business within the property 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 subject property, 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 9. The Clerk of the Commission is directed to: 1) file this ordinance as a revision of the charter boundary article with the Florida Department of State; and 2) submit a copy of this ordinance to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

SECTION 10. 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 11. Sections 1, 4, 5, 6, 10, and 11 of this ordinance shall become effective immediately upon adoption. Sections 2, 3, 7, 8, and 9 shall become effective at 12:01 a.m. on June 22, 2018, provided there is a majority vote for the annexation at the referendum called pursuant to this ordinance. If there is a tie vote or majority vote against the annexation, Sections 2, 3, 7, 8, and 9 shall not become effective.

PASSED AND ADOPTED this _____ day of _____, 2018.

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

OMICHELE GAINEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2018.

This ordinance passed on second reading this _____ day of _____, 2018.

PROPOSED SOUTHWEST AREA ANNEXATION DESCRIPTION FOR ALL OF THE LANDS CONTAINED WITHIN THE PLATS OF “FINLEY WOODS PHASE 1A” AND “FINLEY WOODS PHASE 1B” and ADJACENT RIGHT-OF-WAY OF SW 62ND AVENUE

A TRACT OF LAND LYING AND BEING IN SECTION 27, TOWNSHIP 10 SOUTH, RANGE 19 EAST OF ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE AS PER ORDINANCE NUMBER 160216, BEING THE NORTHEAST CORNER OF “FINLEY WOODS PHASE 1A” AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK “29”, PAGE 56 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREIN AFTER ABBREVIATED “PRACF”) ALSO BEING THE NORTHWEST CORNER OF “FINLEY WOODS PHASE 1C” AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK “34”, PAGE 19 OF THE PRACF; THENCE ALONG SAID CITY LIMIT LINE, THE EAST OF SAID OF “FINLEY WOODS PHASE 1A”, THE WEST LINE OF SAID “FINLEY WOODS PHASE 1C” THE FOLLOWING SIX COURSES: 1.) S 01°30’39” E, 254.22 FEET; 2.) S 40°19’59” E, 109.50 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIAL BEARING OF N 40° 28’31” W AND A RADIUS OF 525.42 FEET BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 46°11’58” W, 60.95 FEET; 3.) SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 60.99 FEET THROUGH A CENTRAL ANGLE OF 06°39’03”; 4.) S 47°00’38” E, 60.00 FEET; 5.) S 42°59’22” W, 46.81 FEET; 6.) S 32°38’50” E, 97.59 FEET TO THE SOUTHEAST CORNER OF SAID “FINLEY WOODS, PHASE 1A” ALSO BEING THE NORTHEAST CORNER OF “FINLEY WOODS, PHASE 1B”; THENCE ALONG THE EASTERLY LINE OF SAID “FINLEY WOODS, PHASE 1B” THE FOLLOWING THREE COURSES: 1.) S 16°14’07” E, 75.01 FEET; 2.) S 03°24’28” E, 66.05 FEET; 3.) S 06°05’16” E, 65.07 FEET TO THE “POINT OF BEGINNING” OF THE “TOGETHER WITH” PORTION OF SAID “FINLEY WOODS PHASE 1A”; THENCE ALONG THE EASTERLY AND SOUTHERLY BOUNDARY OF SAID “TOGETHER WITH” PORTION OF “FINLEY WOODS PHASE 1A” THE FOLLOWING SIX COURSES: 1.) N 88°49’40” E, 53.87 FEET; 2.) S 55°48’50” E, 338.87 FEET; 3.) S 01°03’02” E, 123.72 FEET; 4.) S 89° 15’ 08” W, 304.71 FEET; 5.) N 06° 57’37” W, 33.85 FEET; 6.) S 89° 30’ 56” W, 670.91 FEET TO THE SOUTHWEST CORNER OF SAID “TOGETHER WITH” PORTION ALSO BEING A POINT ON THE SOUTHERLY BOUNDARY OF “FINLEY WOODS PHASE 1B” PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK “29” PAGE 58, PRACF; THENCE ALONG THE SOUTHERLY, WESTERLY AND NORTHERLY BOUNDARY OF SAID “FINLEY WOODS PHASE 1B” THE FOLLOWING EIGHT COURSES: 1.) S 89°30’56” E, 215.18 FEET; 2.) N 00°22’34” W, 16.24 FEET; 3.) S 89°14’23” W, 13.87 FEET; 4.) S 89° 13’ 52” W, 309.22 FEET; 5.) N 00° 33’10” W, 230.36 FEET; 6.) N 89° 14’ 59” E, 309.10; 7.) N 89° 37’ 31” E, 14.70 FEET; 8.) N 00° 22’ 34” E, 79.40 FEET TO THE NORTHWEST CORNER OF SAID “FINLEY WOODS PHASE 1B” ALSO BEING THE SOUTHWEST CORNER OF “FINLEY WOODS PHASE 1A”; THENCE ALONG THE WEST LINE OF SAID “FINLEY WOODS PHASE 1A” N 00° 22’ 34” W A DISTANCE OF 667.15 FEET TO THE NORTHWEST CORNER OF SAID “FINLEY WOODS PHASE 1A” ALSO BEING A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF S.W. 62ND AVENUE; THENCE CONTINUE ON A NORTHERLY PROJECTION OF THE WEST LINE OF SAID “FINLEY WOODS, PHASE 1A” N 00°22’34” W A DISTANCE OF 72.12 FEET TO THE NORTHERLY MAINTAINED RIGHT OF WAY LINE OF S.W. 62ND AVENUE; THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES: 1.) N 88°02’14” E, 259.68 FEET; 2.) N 86° 35’ 15” E, 274.51 FEET 3.) N 88° 46’ 10” E, 200.21 FEET; THENCE LEAVING SAID NORTHERLY MAINTAINED RIGHT-OF-WAY ALONG A NORTHERLY PROJECTION OF THE EAST LINE OF SAID “FINLEY WOODS PHASE 1A” S 01° 30’ 39” E A DISTANCE OF 63.97 FEET TO THE NORTHEAST CORNER OF SAID “FINLEY WOODS PHASE 1A” ALSO BEING THE POINT OF BEGINNING. HEREIN DESCRIBED PARCEL CONTAINING 23.40 ACRES, MORE OR LESS.

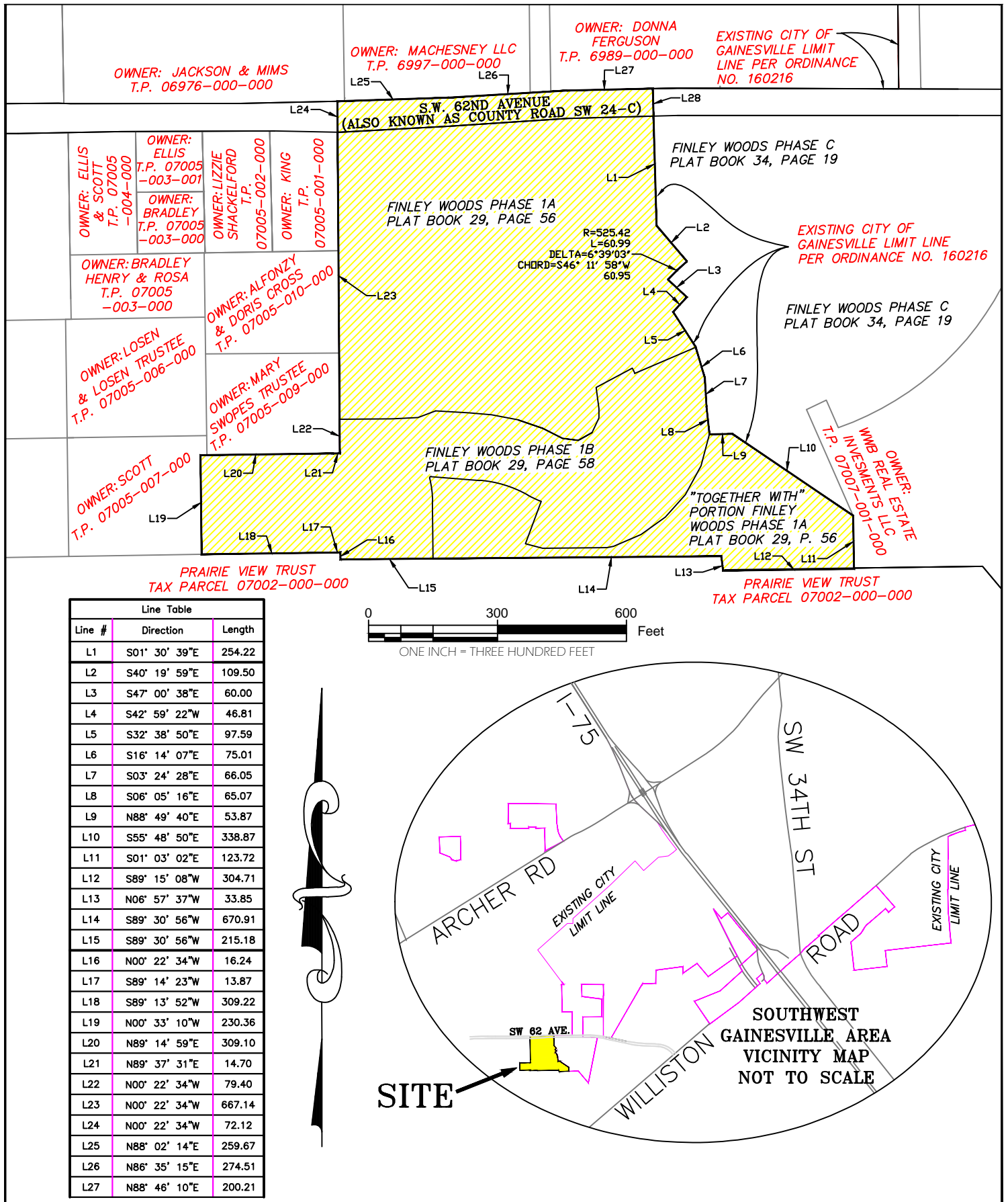


Exhibit B to Ordinance No. 170762