

ORDINANCE NO. 181064

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3 **An ordinance of the City of Gainesville, Florida, annexing approximately 11.18**
4 **acres of privately-owned property generally located south of E University**
5 **Avenue, west of SE 38th Street, north of parcel numbers 10889-000-000 and**
6 **10893-015-000, and east of parcel number 10890-000-000, as more specifically**
7 **described in this ordinance, as petitioned for by the property owner(s) pursuant**
8 **to Chapter 171, Florida Statutes; making certain findings; providing for inclusion**
9 **of the property in Appendix I of the City Charter; providing for land use plan,**
10 **zoning, and subdivision regulations, and enforcement of same; providing for**
11 **persons engaged in any occupation, business, trade, or profession; providing**
12 **directions to the Clerk of the Commission; providing a severability clause;**
13 **providing a repealing clause; and providing an immediate effective date.**

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

18 **WHEREAS**, on June 6, 2019, the City Commission of the City of Gainesville received a petition for
19 voluntary annexation of real property located in the unincorporated area of Alachua County, as
20 more specifically described in this ordinance, and determined that the petition included the
21 signatures of all owners of property in the area proposed to be annexed; and

22 **WHEREAS**, the subject property meets the criteria for annexation under the Act; and

23 **WHEREAS**, the City has provided all notices required pursuant to the Act, including: 1) notice that
24 has been published in a newspaper of general circulation at least once a week for two consecutive
25 weeks prior to first reading, and which notice gives: a) the ordinance number, b) a brief, general
26 description of the area proposed to be annexed together with a map clearly showing the area, and
27 c) a statement that the ordinance and a complete legal description by metes and bounds of the
28 annexation area can be obtained from the office of the Clerk of the Commission; and 2) not fewer
29 than ten calendar days prior to publishing the newspaper notice, the City Commission has

30 provided a copy of the notice, via certified mail, to the Alachua County Board of County
31 Commissioners; and

32 **WHEREAS**, public hearings were held pursuant to the notice described above during which the
33 parties in interest and all others had an opportunity to be and were, in fact, heard.

34 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**
35 **FLORIDA:**

36 **SECTION 1.** The City Commission finds that the property described in Section 2 of this ordinance is
37 reasonably compact and contiguous to the present corporate limits of the City of Gainesville and
38 that no part of the subject property is within the boundary of another municipality or outside of
39 the county in which the City of Gainesville lies. The City Commission finds that annexing the
40 subject property into the corporate limits of the City of Gainesville does not create an enclave of
41 unincorporated property.

42 **SECTION 2.** The property described in **Exhibit A**, which is attached hereto and made a part hereof
43 as if set forth in full, is annexed and incorporated within the corporate limits of the City of
44 Gainesville, Florida.

45 **SECTION 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix I,
46 Charter Laws of the City of Gainesville, are amended and revised to include the property described
47 in Section 2 of this ordinance.

48 **SECTION 4.** In accordance with Section 171.062, Florida Statutes, the Alachua County land use
49 plan and zoning or subdivision regulations shall remain in full force and effect in the property
50 described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment
51 that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the

52 Alachua County land use plan and zoning or subdivision regulations through the City of
53 Gainesville's code enforcement and civil citation processes.

54 **SECTION 5.** (a) As of the effective date of this ordinance, all persons who are lawfully engaged in
55 any occupation, business, trade, or profession within the property area described in Section 2 of
56 this ordinance may continue such occupation, business, trade, or profession, but shall obtain a
57 business tax receipt from the City of Gainesville for the term commencing on October 1, 2019.

58 (b) As of the effective date of this ordinance, all persons who possess a valid certificate of
59 competency issued by Alachua County that are lawfully engaged in any construction trade,
60 occupation, or business within the property area described in Section 2 of this ordinance may
61 continue the construction trade, occupation, or business within the subject area and the entire
62 corporate limits of the City of Gainesville, subject to the terms, conditions, and limitations imposed
63 on the certificate by Alachua County, and provided that such persons register the certificate with
64 the Building Inspections Division of the City of Gainesville and the Department of Business and
65 Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. of the effective
66 date of this ordinance.

67 **SECTION 6.** The Clerk of the Commission is directed to submit a certified copy of this ordinance to
68 the following parties within seven calendar days after the adoption of this ordinance: 1) the Florida
69 Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for
70 Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

71 **SECTION 7.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
72 application hereof to any person or circumstance is held invalid or unconstitutional, such
73 finding will not affect the other provisions or applications of this ordinance that can be given

74 effect without the invalid or unconstitutional provision or application, and to this end the
75 provisions of this ordinance are declared severable.

76 **SECTION 8.** All other ordinances or parts of ordinances in conflict herewith are to the extent of
77 such conflict hereby repealed.

78 **SECTION 9.** This ordinance will become effective immediately upon adoption.

79 **PASSED AND ADOPTED** this 15th day of August, 2019.

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LAUREN POE
MAYOR

87 **Attest:**

Approved as to form and legality:

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OMICHELE D. GAINNEY
CLERK OF THE COMMISSION



NICOLLE M. SHALLEY
CITY ATTORNEY

95 This ordinance passed on first reading this 1st day of August, 2019.

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97 This ordinance passed on second reading this 15th day of August, 2019.

