



MEMORANDUM

Office of the City Attorney

Legistar No. 050297
Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: September 26, 2005

FROM: Marion J. Radson, City Attorney

SECOND READING

SUBJECT: Ordinance No. 0-05-82

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06706-001-000 through 06706-018-000, 06706-031-000 through 06706-034-000, 06714-000-000, and a portion of 06715-000-000, located generally south of the city limits, west of SW 34th Street and the city limits, north of the vicinity of SW 20th Avenue and east of Tax Parcel 06724-000-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The Alachua County Boundary Adjustment Acts requires a municipality to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to any reserve area to be annexed prior to commencing the annexation procedures under the Act.

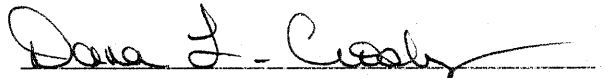
The report must generally include the following information:

- 1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed.
- 2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;

- 3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:
- a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.
 - b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.
 - c) if extensions of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.
 - d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

If adopted on first reading, this ordinance shall be heard on second reading on September 26, 2005. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

Prepared by:



Dana L. Crosby
Assistant City Attorney

Approved and
Submitted by:



Marion J. Baason
City Attorney

MJR:DC:sw

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

ORDINANCE NO
0-05-82

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3
4 **An Ordinance of the City of Gainesville, Florida; adopting an**
5 **Urban Services Report which sets forth the plans to provide**
6 **urban services to an area comprised of Tax Parcels 06706-001-**
7 **000 through 06706-018-000, 06706-031-000 through 06706-034-**
8 **000, 06714-000-000, and a portion of 06715-000-000, located**
9 **generally south of the city limits, west of SW 34th Street and the**
10 **city limits, north of the vicinity of SW 20th Avenue and east of**
11 **Tax Parcel 06724-000-000; the area is proposed for annexation**
12 **by the City of Gainesville pursuant to Chapter 90-496, Special**
13 **Acts, Laws of Florida, as amended, known as the Alachua**
14 **County Boundary Adjustment Act; providing directions to the**
15 **City Manager, the City Attorney and the Clerk of the**
16 **Commission; providing a repealing clause; providing a**
17 **severability clause; and providing an immediate effective date.**
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19
20 **WHEREAS**, Chapter 90-496, Special Acts, Laws of Florida, created the "Alachua County
21 Boundary Adjustment Act" which sets forth procedures for establishing municipal reserve areas and
22 for adjusting the boundaries of municipalities through annexations; and

23 **WHEREAS**, Chapter 90-496 was amended by Chapter 91-382 and Chapter 93-347,
24 Special Acts, Laws of Florida, (hereinafter collectively referred to as "the Act") which requires a
25 municipality to prepare and adopt by nonemergency ordinance, a report setting forth the plans to
26 provide urban services to any reserve area prior to commencing the annexation procedures under
27 the Act;

28 **WHEREAS**, the City of Gainesville is planning to commence the annexation of certain
29 unincorporated areas, as more specifically described in this Ordinance, that are located within its

1 Reserve Area as defined in the Act and as redesignated by the Board of County Commissioners of
2 Alachua County;

3 **WHEREAS**, pursuant to law, at least ten days notice has been given prior to adoption by
4 publication in a newspaper of general circulation notifying the public of this proposed Ordinance
5 and of a Public Hearing to be held in the City Commission meeting room, First Floor, City Hall, in
6 the City of Gainesville; and

7 **WHEREAS**, Public Hearings were held pursuant to law, at which hearings the parties in
8 interest and all others had an opportunity to be and were, in fact heard.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
10 **CITY OF GAINESVILLE, FLORIDA:**

11 **Section 1.** The Urban Services Report, a copy of which is attached as Exhibit "A" and
12 incorporated herein as if set forth in full, sets forth the plans to provide urban services to an area
13 comprised of Tax Parcels 06706-001-000 through 06706-018-000, 06706-031-000 through 06706-
14 034-000, 06714-000-000, and a portion of 06715-000-000, generally south of the city limits, west
15 of SW 34th Street and the city limits, north of the vicinity of SW 20th Avenue and east of Tax Parcel
16 06724-000-000 and is hereby approved and adopted for that certain area as more specifically
17 described in the Urban Services Report.

18 **Section 2.** The City Manager is directed to file a copy of this Ordinance and the
19 accompanying Urban Services Report with the Board of County Commissioners of Alachua County
20 and to commence the annexation of the area defined in the Urban Services Report, the City

1 Attorney and Clerk of the Commission are authorized to prepare and advertise the appropriate
2 ordinance(s).

3 **Section 3.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
4 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
5 the validity of the remaining portions of this Ordinance.

6 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
7 such conflict hereby repealed.

8 **Section 5.** This Ordinance shall become effective immediately upon adoption.

9 **PASSED AND ADOPTED** this ____ day of _____, 2005.

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PEGEEN HANRAHAN,
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 _____, 2005.

This ordinance passed on second reading this ____ of _____, 2005.

CITY OF GAINESVILLE URBAN SERVICES REPORT

Beville/King Annexation

(Parcel Numbers 06706-001-000 through 06706-018-000, 06706-031-000 through 06706-034-000, 06714-000-000, and a portion of 06715-000-000)

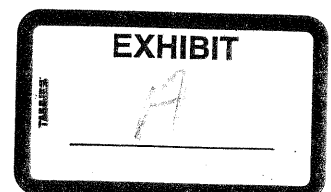


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URBAN SERVICES REPORT

INTRODUCTION

This Urban Services Report satisfies all the criteria required under the Alachua County Boundary Adjustment Act, as provided in Chapter 90-496, as amended by Chapter 91-382 and 93-347, Special Acts, Laws of Florida (the "Act") for municipal annexation. Section 13 of the Act outlines the prerequisites for annexation. This report, and accompanying documentation and maps comply with the applicable provisions of the Act.

CHARACTER OF THE AREA TO BE ANNEXED

The area proposed for annexation is shown in Figure 1 ("Area") and is comprised of parcels 06706-001-000 through 06706-018-000, 06706-031-000 through 06706-034-000, 06714-000-000, and a portion of 06715-000-000. The Area is generally located south of the City limits, west of SW 34th Street and the City limits, north of the vicinity of SW 20th Avenue and east of Tax Parcel 06724-000-000. The general land use pattern of the Area is shown in Figure 2.

Qualification of the Area under Section 9

Because this a voluntary annexation, Section 9 of the Act does not apply; however, in accordance with Section 13 (b), the extent to which the Area does qualify under Section 9 is as follows:

Extent of Qualification under Section 9 (1) (a) - This Area meets all qualifications for this section. The Area is contiguous to Gainesville's boundaries and reasonably compact. No part of the Area is within the boundary of another county or another incorporated municipality. All of the Area is within the Gainesville Urban Reserve Area adopted by the Alachua County Commission on January 13, 1998, and which became final on March 15, 1998. No enclaves are created.