



# MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. \_\_\_\_\_

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

TO: Mayor and City Commission

DATE: April 10, 2000  
~~March 27, 2000~~

FROM: City Attorney

CITY ATTORNEY  
~~FIRST READING~~  
SECOND READING

SUBJECT: Ordinance No. 0-00-38

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 generally bounded on the north by the Gainesville city limits, on the east by SW 21<sup>st</sup> Street and SW 20<sup>th</sup> Street, on the west by the Gainesville city limits, and on the south by Williston Road; 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.

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, December 13, 1999, at a regular city commission meeting, the City Commission received and accepted the petition for voluntary annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On January 10, 2000 and January 24, 2000, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

## 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.

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 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.

Prepared and  
Submitted by:



Marion J. Radson  
City Attorney

MJR/afm

Attachment

**Passed on first reading by a vote of 5-0.**

ORDINANCE NO. \_\_\_\_\_  
0-00-38

1  
2  
3  
4           **An Ordinance of the City of Gainesville, Florida, annexing a**  
5 **portion of the City of Gainesville Reserve Area Pursuant to**  
6 **Chapter 90-496, as amended, by Special Acts, Laws of Florida,**  
7 **known as the Alachua County Boundary Adjustment Act;**  
8 **making certain findings; including within the corporate limits of**  
9 **the City of Gainesville, Florida, that certain compact and**  
10 **contiguous area generally bounded on the north by the**  
11 **Gainesville city limits, on the east by SW 21<sup>st</sup> Street and SW 20<sup>th</sup>**  
12 **Street, on the west by the Gainesville city limits, and on the**  
13 **south by Williston Road; providing for inclusion of the area in**  
14 **Appendix I of the City Charter; providing for land use and**  
15 **zoning regulations; providing directions to the City Manager**  
16 **and Clerk of the Commission; providing a severability clause;**  
17 **and providing an immediate effective date.**  
18  
19

20           **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-  
21 382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary  
22 Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for  
23 the annexation of contiguous, compact, unincorporated territory within a municipality's reserve  
24 area; and

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

27           **WHEREAS,** on November 18, 1999, the owner of the real property described herein  
28 submitted a Petition for Voluntary Annexation requesting the City to incorporate said property into  
29 the City of Gainesville; and

30           **WHEREAS,** on December 13, 1999, the City Commission voted to accept said Petition  
31 and determined that the Petition bore the signatures of the owners of the property; and

1       **WHEREAS**, on January 24, 2000, the City Commission of the City of Gainesville adopted  
2 Ordinance No. 990866, which adopted the Urban Services Report setting forth the plans to provide  
3 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the  
4 procedures provided in the Act; and

5       **WHEREAS**, a copy of the Urban Services Report was filed with the Alachua County  
6 Board of County Commissioners and the real property owner affected by this ordinance; and

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

9       **WHEREAS**, pursuant to law, notice has been given by publication once a week for two  
10 consecutive weeks in a newspaper of general circulation notifying the public of this proposed  
11 Ordinance and of Public Hearings to be held in the City Commission meeting room, First Floor,  
12 City Hall, in the City of Gainesville; and

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

16       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
17 **CITY OF GAINESVILLE, FLORIDA:**

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

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

3                       See Legal Description attached hereto as Exhibit "A", and made a  
4 part hereof as if set forth in full.  
5

6       **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,  
7 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in  
8 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

11       **Section 5.** 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. During the interim period, the City may rezone properties in the  
15 annexed area to an Alachua County Zoning classification/category that conforms with the Alachua  
16 County Comprehensive Plan.

17       **Section 6.** If any portion of this Ordinance is declared by a court of competent jurisdiction  
18 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining  
19 portions of this Ordinance.

20       **Section 7.** The Clerk of the Commission is directed to submit a certified copy of this  
21 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3)  
22 the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

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

2 **PASSED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2000.

3  
4  
5

\_\_\_\_\_  
Paula M. DeLaney, Mayor

7

8 **ATTEST:** Approved as to form and legality

9

10

11

12

\_\_\_\_\_  
KURT LANNON,  
CLERK OF THE COMMISSION

\_\_\_\_\_  
MARION J. RADSON,  
CITY ATTORNEY

13

14

15

16

17 This Ordinance passed on first reading this \_\_\_ day of \_\_\_\_\_, 2000.

18

19

This Ordinance passed on second reading this \_\_\_ day of \_\_\_\_\_, 2000.

## Legal Description of the Kidd Property on SW Williston Road

### Description

Lots 5 and 6 of the Thomas Napier Grant according to the Plat recorded in Deed Book "T" Page 591 of the Public records of Alachua County, Florida, an area of 82.30 acres according to the Plat thereof; and less the East ½ of Lot 5 and less the South 14.14 chains of the West ½ of Lot 5 thereof.

#### And Less:

Commence at the Southwest corner of Lot 6 of the Thomas Napier Grant and run North 86 degrees 15 minutes East 17.01 chains; thence run North 4 degrees 30 minutes West 36.24 chains; to the point of beginning; thence run South 86 degrees 15 minutes West 140 feet; thence run South 4 degrees 30 minutes East 206.44 feet; thence run North 86 degrees 15 minutes East 140 feet; thence run North 4 degrees 30 minutes West 204.93 feet more or less to the point of beginning; as per Official Records Book 233/300. All lying and being in Lots 5 and 6 of the Thomas Napier Grant, according to the Plat thereof, recorded in Deed Book "T" Page 591 of the Public Records of Alachua County, Florida.

#### And Less:

Commence at the Southwest corner of Lot 6 of the Thomas Napier Grant and run North 86 degrees 15 minutes East 17.01 chains; thence run North 4 degrees 30 minutes West 14.14 chains to the point of beginning; thence run South 86 degrees 48 minutes West 200 feet; thence run North 4 degrees 30 minutes West 95.46 feet; thence run North 85 degrees 30 minutes East 200 feet; thence run South 4 degrees 30 minutes East 100 feet more or less to the point of beginning; as per Official Records Book 170/574, and designated as Lot "A" of Kenneth Kidd Land on an unrecorded survey prepared by A.A. Kitterhenry dated May 1, 1959. All lying and being in Lots 5 and 6 of the Thomas Napier Grant, according to Plat thereof, recorded in Deed Book "T" Page 591 of the Public Records of Alachua County, Florida.

#### And less:

Commence at the Southeast corner of Lot 6 of the Thomas Napier Grant as recorded in Deed Book "T" Page 591 of the Public Records of Alachua County, Florida; thence run North 4 degrees 13 minutes West 87.7 feet to the North R/W of State Road S-331; thence run North 4 degrees 49 minutes West 834.66 feet along the Westerly line of Lot 5; thence run South 86 degrees 54 minutes West 326.04 feet along the Northerly line of Napier Estates as recorded in Plat E-16 of the Public Records of Alachua County; thence run South 4 degrees 49 minutes East 834.44 feet along the Westerly line of Napier Estates to the North R/W of State Road S-331; thence run in a Northeasterly direction along said R/W 63.51 feet to the P.T. of a curve; thence run North 86 degrees 58 minutes East along said R/W 262.53 feet to the point of beginning. All lying and being in Lot 6 of the Thomas Napier Grant according to the Plat thereof, recorded in Deed Book "T" Page 591 of the Public Records of Alachua County, Florida.

