

980186

CITY OF GAINESVILLE
Office of the City Attorney

Memorandum

334-5011/Fax 334-2229

Box No. 46

TO: Mayor and City Commission

DATE: August 10, 1998

FROM: City Attorney

CITY ATTORNEY
FIRST READING

SUBJECT: Ordinance No. 0-98-81

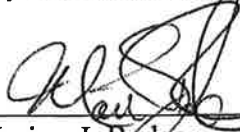
An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area bounded on the North by the Gainesville City Limits, on the East by the Gainesville City Limits, on the West by Deer Run Subdivision and on the South by the Gainesville City Limits and NW 53rd Avenue; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, 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 Act requires a municipality to prepare and adopt by nonemergency ordinance, a report setting forth the plans to provide urban services to any reserve area prior to commencing the annexation procedures under the Act.

After adoption by the City Commission, a copy of the Report will be filed with the Alachua County Board of County Commissioners and the owner(s) of the real properties.

Prepared and submitted by:



Marion J. Radson
City Attorney

usrordref. cvr

ORDINANCE NO. _____
0-98-81

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4 **An Ordinance of the City of Gainesville, Florida; adopting an Urban**
5 **Services Report which sets forth the plans to provide urban services to**
6 **an area bounded on the North by the Gainesville City Limits, on the**
7 **East by the Gainesville City Limits, on the West by Deer Run**
8 **Subdivision and on the South by the Gainesville City Limits and NW**
9 **53rd Avenue; the area is proposed for annexation by the City of**
10 **Gainesville pursuant to Chapter 90-496, as amended by Chapter 91-382**
11 **and Chapter 93-347, Special Acts, Laws of Florida, known as the**
12 **Alachua County Boundary Adjustment Act; providing directions to the**
13 **City Manager, the City Attorney and the Clerk of the Commission;**
14 **providing a repealing clause; providing a severability clause; and**
15 **providing an immediate effective date.**
16

17
18 **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida,
19 created the "Alachua County Boundary Adjustment Act" which sets
20 forth procedures for establishing municipal reserve areas and for
21 adjusting the boundaries of municipalities through annexations;
22 and

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

30 **WHEREAS,** the City of Gainesville is planning to commence the
31 annexation of certain unincorporated areas that are located within
32 its Reserve Area as defined in the Act and as redesignated by the

1 Board of County Commissioners of Alachua County on January 13,
2 1998;

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

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

11 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,**

12 **FLORIDA:**

13 **Section 1.** The Urban Services Report, a copy of which is
14 attached as Exhibit "A" and incorporated herein as if set forth in
15 full, which sets forth the plans to provide urban services to an
16 area generally bounded on the North by the Gainesville City
17 Limits, on the East by the Gainesville City Limits, on the West by
18 Deer Run Subdivision and on the South by the Gainesville City
19 Limits and NW 53rd Avenue, is approved and adopted for that
20 certain area defined in the Urban Services Report.

21 **Section 2.** The City Manager is directed to commence the
22 annexation of any portion or all of the area defined in the Urban
23 Services Report, and the City Attorney and Clerk of the Commission

1 are authorized to prepare and advertise the appropriate
2 ordinance(s).

3 **Section 3.** The Clerk of the Commission is directed to file a
4 copy of this Ordinance and the accompanying Urban Services Report
5 with the Board of County Commissioners of Alachua County.

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

10 **Section 5.** All ordinances, or parts of ordinances, in conflict
11 herewith are to the extent of such conflict hereby repealed,
12 except as stated in this ordinance.

13 **Section 6.** This Ordinance shall become effective immediately
14 upon adoption.

15 **PASSED AND ADOPTED** this _____ day of _____,
16 1998.

17 _____
18 MAYOR

19
20 ATTEST: APPROVED AS TO FORM AND LEGALITY:

21
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23
24
25 _____
26 KURT LANNON, MARION J. RADSON, CITY ATTORNEY
27 CLERK OF THE COMMISSION

28 This ordinance passed on first reading this _____ day of
29 _____, 1998.

30 This ordinance passed on second reading this _____ day of
31 _____, 1998.

32
33 usr ord (referendum)