



# MEMORANDUM

Office of the City Attorney

Legistar No. 020104

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

TO: Mayor and City Commission

DATE: August 26, 2002  
FIRST READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-02-37

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 Chapter 91-382 and Chapter 93-347, 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 north of the city limits in the vicinity of North Florida Regional Medical Center, west of the city limits and West Hills subdivision, south of the city limits and east of NW 69<sup>th</sup> Terrace, in particular Lot Two (2), NORTH FLORIDA REGIONAL DOCTORS OFFICE PARK, according to the plat thereof recorded in Plat Book "H", page 81, of the Public Records of Alachua County, Florida; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business trade or profession within the area; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

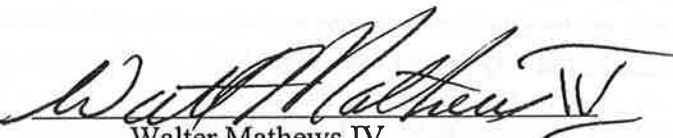
The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, July 8, 2002, at a regular city commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property this is the subject of this annexation. On May 13, 2002 and June 10, 2002, 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 area is rezoned by the City adopts a comprehensive plan amendment that includes the annexed area. During the interim period, the City may rezone properties 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 by:   
Walter Mathews IV  
Assistant City Attorney

Approved and  
submitted by:   
Marion J. Radson, City Attorney

MJR/WM/sw

**D R A F T**

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ORDINANCE NO. 0-02-37

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

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

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1           **WHEREAS**, on April 17, 2002, the owner of the real property described herein submitted a  
2 Petition for Voluntary Annexation requesting the City to incorporate said property into the City of  
3 Gainesville; and

4           **WHEREAS**, on July 8, 2002, the City Commission voted to accept said Petition and  
5 determined that the Petition bore the signature of the owner of the property; and

6           **WHEREAS**, on June 10, 2002, the City Commission of the City of Gainesville adopted  
7 Ordinance No. 002519, which adopted the Urban Services Report setting forth the plans to provide  
8 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the  
9 procedures provided in the Act; and

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

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

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

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

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1           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
2 **CITY OF GAINESVILLE, FLORIDA:**

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

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

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

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

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

17           **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land  
18 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area  
19 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment  
20 that includes the annexed area. During the interim period, the City may rezone properties in the  
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1 annexed area to an Alachua County Zoning classification/category that conforms with the Alachua  
2 County Comprehensive Plan.

3       **Section 6.** (a) Except as provided in subsections (b) and (c) below, all persons who are  
4 lawfully engaged in any occupation, business, trade or profession within the area described in  
5 Section 2 of this Ordinance as of August 26, 2002, shall have the right to continue such occupation,  
6 business, trade or profession.

7                   (b) Except as provided in subsection (c) below, all persons who are lawfully  
8 engaged in any construction trade, occupation or business within the Area described in Section 2 of  
9 this Ordinance as of August 26, 2002, and who possess a valid certificate of competency issued by  
10 Alachua County shall have the right to continue the construction trade, occupation, or business  
11 within the entire corporate limits of the City of Gainesville, including the Area described in Section  
12 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by  
13 Alachua County, and provided such persons register the certificate with the Building Inspections  
14 Department of the City of Gainesville and the Department of Professional Regulation of the State of  
15 Florida on or before 4:00 p.m. on September 30, 2002.

16                   (c) All persons lawfully engaged in any occupation, business, trade or  
17 profession within the Area described in Section 2 of this Ordinance on or after August 26, 2002,  
18 shall obtain an occupational license from the City of Gainesville for the term commencing on  
19 October 1, 2002, which license shall be issued upon payment of the appropriate fee in accordance  
20 with the Gainesville Code of Ordinances in effect on October 1, 2002.

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1        **Section 7.** If any portion of this Ordinance is declared by a court of competent jurisdiction  
2 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining  
3 portions of this Ordinance.

4        **Section 8.** The Clerk of the Commission is directed to submit a certified copy of this  
5 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3)  
6 the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

7        **Section 9.** This Ordinance shall become effective immediately upon adoption.

8        **PASSED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2002.

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THOMAS D. BUSSING,  
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 \_\_\_\_\_, 2002.

This Ordinance passed on second reading this \_\_\_ day of \_\_\_\_\_, 2002.

**EXHIBIT "A"**

**Lot Two (2), NORTH FLORIDA REGIONAL DOCTORS  
OFFICE PARK, according to the plat thereof recorded in  
Plat Book "H", page 81, of the Public Records of Alachua  
County, Florida.**