

ORDINANCE NO. 171006

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**An ordinance of the City of Gainesville, Florida, annexing approximately 3.85 acres of privately-owned property that is generally located at 5200 SW 41<sup>st</sup> Boulevard, west of Interstate 75 and north of SW Williston Road, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

**WHEREAS**, on May 3, 2018, the City Commission of the City of Gainesville received a petition for voluntary annexation of real property located in the unincorporated area of Alachua County, as more specifically described in this ordinance, and determined that the petitions included the signatures of all owners of property in the area proposed to be annexed; and

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

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

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

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

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

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

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

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

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

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

53 **SECTION 5.** (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in  
54 any occupation, business, trade, or profession within the property area described in Section 2 of  
55 this ordinance shall have the right to continue such occupation, business, trade, or profession, but  
56 shall obtain a business tax receipt from the City of Gainesville for the term commencing on  
57 October 1, 2018, which tax receipt shall be issued upon payment of the appropriate fee in  
58 accordance with the Gainesville Code of Ordinances in effect on October 1, 2018.

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

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

72 **SECTION 7.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the  
73 application hereof to any person or circumstance is held invalid or unconstitutional, such  
74 finding shall not affect the other provisions or applications of this ordinance that can be given  
75 effect without the invalid or unconstitutional provision or application, and to this end the  
76 provisions of this ordinance are declared severable.

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

79 **SECTION 9.** This ordinance shall become effective immediately upon adoption.

80 **PASSED AND ADOPTED** this 4th day of October, 2018.

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LAUREN POE  
MAYOR

88 Attest:

Approved as to form and legality:

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OMICHELE D. GAIMEY  
CLERK OF THE COMMISSION



NICOLLE M. SHALLEY  
CITY ATTORNEY

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96 This ordinance passed on first reading this 20th day of September, 2018.

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98 This ordinance passed on second reading this 4th day of October, 2018.

**Legal Description**

A PARCEL OF LAND SITUATED IN THE GARY GRANT, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 070721, ALSO BEING THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1736, PAGE 2672 (CURRENT TAX PARCEL NO. 7242) OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED ORB \_\_, P \_\_) , AND THE SOUTHWEST CORNER OF LANDS DESCRIBED IN ORB 2208, P 2895 (CURRENT TAX PARCEL NO. 7240-26) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE LEAVING SAID CITY LIMIT LINE N 10° 10' 42" W ALONG THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 1736, P 2672 ALSO BEING THE WEST LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 323.24 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN SAID ORB 2208, P 2895; THENCE LEAVING THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 1736, P 2672 N 53° 48' 44" E ALONG THE NORTH LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 506.81 FEET TO THE NORTHEAST CORNER OF SAID LANDS, ALSO BEING THE NORTHWEST CORNER OF LANDS DESCRIBED IN ORB 4427, P 215 (CURRENT TAX PARCEL NO. 7240-24); THENCE S 36° 11' 16" E ALONG THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 ALSO BEING THE WEST LINE OF LANDS DESCRIBED IN SAID ORB 4427, P 215 A DISTANCE OF 290.51 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 AND THE SOUTHWEST CORNER OF LANDS DESCRIBED IN SAID ORB 4427, P 215 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 070721; THENCE S 53° 48' 44" W ALONG SAID CITY LIMIT LINE AND SOUTH LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 648.55 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 3.85 ACRES MORE OR LESS.

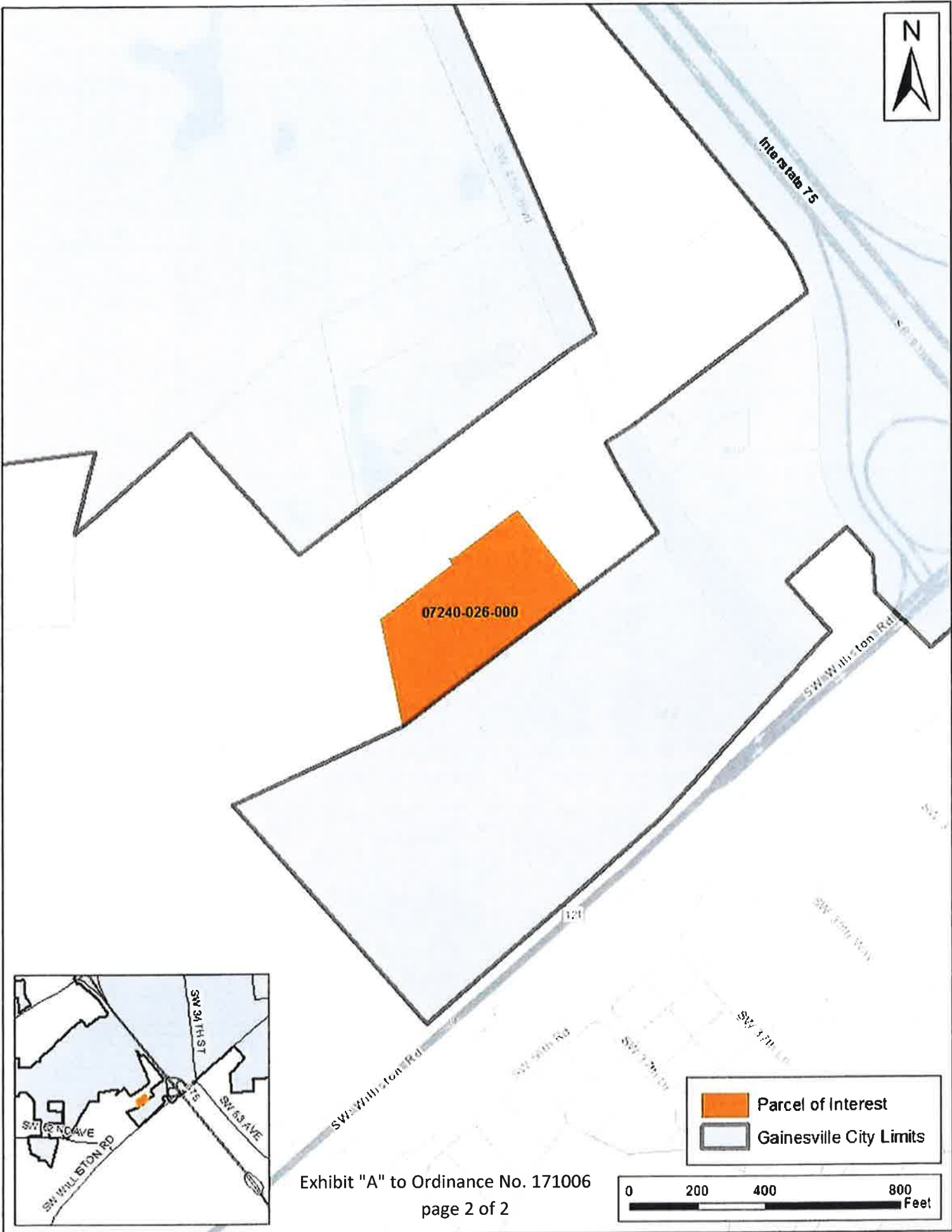




Exhibit "A" to Ordinance No. 171006  
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	Parcel of Interest
	Gainesville City Limits

