

LEGISLATIVE #

190420A

ORDINANCE NO. 190420

An ordinance of the City of Gainesville, Florida, annexing approximately 42.97 acres of privately-owned property generally located west of Tower Road, south of SW 13th Road, north of SW 18th Boulevard, and east of SW 83rd Street, 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 October 3, 2019, 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 petition 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) As of the effective date of this ordinance, all persons who are lawfully engaged in
54 any occupation, business, trade, or profession within the property area described in Section 2 of
55 this ordinance may continue such occupation, business, trade, or profession, but shall obtain a
56 business tax receipt from the City of Gainesville for the term commencing on October 1, 2020.

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

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

70 **SECTION 7.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
71 application hereof to any person or circumstance is held invalid or unconstitutional, such
72 finding will not affect the other provisions or applications of this ordinance that can be given

73 effect without the invalid or unconstitutional provision or application, and to this end the
74 provisions of this ordinance are declared severable.

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

77 **SECTION 9.** This ordinance will become effective immediately upon adoption.

78 **PASSED AND ADOPTED** this _____ day of _____, 2020.

79
80
81 _____
82 LAUREN POE
83 MAYOR

84
85
86 Attest: Approved as to form and legality:
87
88

89 _____
90 OMICHELE D. GAINNEY
91 CLERK OF THE COMMISSION
92
93 _____
94 NICOLLE M. SHALLEY
95 CITY ATTORNEY

94 This ordinance passed on first reading this _____ day of _____, 2020.

96 This ordinance passed on second reading this _____ day of _____, 2020.

OAK HALL PROPERTY; TAX PARCELS 6668-2-3 & 6668-2-5
DESCRIPTION FOR PROPOSED ANNEXATION IN SECTION 8, TOWNSHIP 10 SOUTH,
RANGE 19 EAST, ALACHUA COUNTY, FLORIDA

A PARCEL OF LAND LYING AND BEING IN SECTION 8, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF PARCEL # 3 OF MINOR SUBDIVISION BOOK 34, PAGE 62 FILED AS AN UNRECORDED MAP IN THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER REFERRED TO AS PRACF) ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 150912 AND AT THE POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF S.W. 75TH STREET (ALSO KNOWN AS TOWER ROAD) AND THE SOUTH LINE OF LOT NUMBER 4 IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST SAID ALACHUA COUNTY, FLORIDA; THENCE N 00°51'18" W ALONG SAID CITY LIMIT LINE, THE WEST LINE OF SAID PARCEL # 3 AND THE EAST RIGHT-OF-WAY LINE OF S.W. 75TH STREET A DISTANCE OF 263.34 FEET TO A POINT OF INTERSECTION ON THE WEST LINE OF SAID LOT 3; THENCE LEAVING SAID WEST LINE OF LOT # 3 CONTINUE ALONG SAID CITY LIMIT LINE N 00°51'18" W A DISTANCE OF 132.03 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF "SUNRISE", PER THE PLAT THEREOF RECORDED IN PLAT BOOK "I", PAGE 23 PRACF; THENCE LEAVING SAID EXISTING CITY OF GAINESVILLE LIMIT LINE, S 88°53'38" W ALONG SAID EXTENSION A DISTANCE OF 103.04 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 4542, PAGE 244 (HEREAFTER ABBREVIATED ORB __, P__) PRACF ALSO BEING A POINT ON THE NORTH LINE OF SAID PLAT OF "SUNRISE"; THENCE CONTINUE S 88°53'38" W ALONG THE SOUTH LINE OF SAID PARCEL ALSO BEING THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 1612, P 2865 PRACF A DISTANCE OF 1.81 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE S 88°53'38" W ALONG THE SOUTH LINE OF SAID PARCEL AND NORTH LINE OF SAID PLAT A DISTANCE OF 1244.14 FEET TO THE NORTHWEST CORNER OF SAID PLAT ALSO BEING THE NORTHEAST CORNER OF "AVALON PHASE 2, UNIT III" PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "T", PAGE 6 PRACF; THENCE CONTINUE S 88°53'38" W ALONG THE NORTH LINE OF SAID PLAT, SOUTH LINE OF SAID PARCEL AND THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 720 P 383 (INCLUDING "LESS PORTION") A DISTANCE OF 1252.29 FEET TO THE NORTHWEST CORNER OF SAID PLAT ALSO BEING THE NORTHEAST CORNER OF "AVALON PHASE 2, UNIT II" PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "R", PAGE 54 PRACF; THENCE CONTINUE S 88°53'38" W ALONG THE NORTH LINE OF SAID PLAT, AND SOUTH LINE OF SAID PARCEL A DISTANCE OF 94.40 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL ALSO BEING THE SOUTHEAST CORNER OF "COBBLEFIELD UNIT II" PER THE PLAT THEREOF AS RECORDED IN PLAT

BOOK "23", PAGES 68 & 69 PRACF; THENCE N00°54'53" W ALONG THE EAST LINE OF SAID "COBBLEFIELD UNIT II" A DISTANCE OF 734.21 FEET TO THE NORTHWEST CORNER OF SAID LANDS DESCRIBED IN ORB 720, P 383 PRACF ALSO BEING THE SOUTHWEST CORNER OF "WESTWOOD" PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "I", PAGE 66 PRACF; THENCE LEAVING SAID EAST LINE OF "COBBLEFIELD UNIT II", N 89°14'19" E ALONG THE NORTH LINE OF LANDS DESCRIBED IN SAID ORB 720, P 382 PRACF ALSO BEING THE SOUTH LINE OF SAID PLAT A DISTANCE OF 1577.07 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN ORB 720, P 382 PRACF ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 4225, P 417 PRACF; THENCE CONTINUE N 89°14'19" E ALONG THE SOUTH LINE OF SAID "WESTWOOD" AND NORTH LINE OF SAID LANDS DESCRIBED IN ORB 4525, P 417 PRACF A DISTANCE OF 1016.31 FEET TO THE NORTHEAST CORNER OF SAID LANDS ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID S.W. 75TH STREET; THENCE S 00°51'18" E ALONG THE EAST LINE OF SAID LANDS AND WEST RIGHT-OF-WAY LINE OF SAID SW 75TH STREET A DISTANCE OF 428.61 FEET TO THE SOUTHEAST CORNER OF SAID LANDS ALSO BEING THE NORTHEAST CORNER OF LANDS DESCRIBED IN THE AFOREMENTIONED ORB 1612, P 2865 PRACF; THENCE CONTINUE S 00°51'18" E ALONG THE EAST LINE OF SAID PARCEL ALSO BEING THE WESTERLY LINE OF AFOREMENTIONED PARCEL OF LAND FOUND IN ORB 4542, P 244 AND THE WEST RIGHT-OF-WAY LINE OF SAID S.W. 75TH STREET A DISTANCE OF 39.16 FEET; THENCE LEAVING SAID EAST LINE OF PARCEL DESCRIBED IN ORB 1612, P 2865 PRACF CONTINUE ALONG THE WEST LINE OF PARCEL DESCRIBED IN SAID ORB 4542, P 244 AND THE WESTERLY RIGHT-OF-WAY OF SAID S.W. 75TH STREET THE FOLLOWING 8 COURSES: 1.) S 03°44'21" W, 17.04 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 200 FEET; 2.) ALONG THE ARC OF SAID CURVE 129.44 FEET THROUGH A CENTRAL ANGLE OF 37°04'59" BEING SUBTENDED BY A CHORD OF S 22°16'50" W, 127.20 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 50.00 FEET; 3.) ALONG THE ARC OF SAID CURVE 20.94 FEET THROUGH A CENTRAL ANGLE OF 23°59'52" BEING SUBTENDED BY A CHORD OF S 64°49'16" W, 20.79 FEET; 4.) S 64°49'12", 14.91 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 73.00 FEET; 5.) ALONG THE ARC OF SAID CURVE 27.27 FEET THROUGH A CENTRAL ANGLE OF 21°24'04" BEING SUBTENDED BY A CHORD OF S 75°31'14" W, 27.11; 6.) S 01°01'34", 65.09 FEET; 7.) S 87°38'07" E, 64.58 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 59.00 FEET; 8.) ALONG THE ARC OF SAID CURVE 49.05 FEET THROUGH A CENTRAL ANGLE OF 47°38'04" BEING SUBTENDED BY A CHORD OF S 61°32'04" W, 47.65 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. CONTAINING 1,871,926 SQUARE FEET OR 42.973 ACRES, MORE OR LESS.

SHEET 2 of 3: NOT COMPLETE WITHOUT ALL 3 SHEETS

Exhibit A to Ordinance No. 190420

OAK HALL PROPERTY; TAX PARCELS # 6668-2-3 & 6668-2-5

SKETCH & DESCRIPTION FOR PROPOSED ANNEXATION IN SECTION 8, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA

SURVEYOR'S NOTES:

1. THE BEARING BASIS FOR THIS SKETCH & DESCRIPTION IS THE WEST LINE OF MINOR SUB BOOK 34, PAGE 62 WITH A VALUE OF N 00°51'18"W. IT IS IDENTICAL TO THE EAST R/W LINE FOUND IN ORB 4542, P 244 FOR ADDITIONAL R/W GRANTED BY OAK HALL FOR SW 75TH STREET,
2. INFORMATION FROM THE PROPERTY APPRAISER'S WEB SITE, DEEDS AND PLATS OF RECORD, THE ALACHUA COUNTY CONTROL DENSIFICATION & IDENTIFICATION OF LAND CORNERS PROJECT AND A JOHN MEYERS SURVEY OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST PROVIDED TO THIS SURVEYOR WERE ALSO USED TO BEST REPRESENT THE LANDS INTENDED TO BE INCLUDED IN THIS SKETCH AND DESCRIPTION.
3. THE ADJACENT SUBDIVISION PLATS DEPICTION IS ADJUSTED TO FIT THE SUBJECT PROPERTY PERIMETER BOUNDARY DEEDS AND MAY NOT BE TO SCALE.

LINE AND ABBREVIATIONS LEGEND:

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|--|--|--|
| | = PERIMETER OF DESCRIBED PROPERTY | PB & PG = PLAT BOOK & PAGE |
| | = EXISTING RIGHT OF WAY LINES | ORB & P = OFFICIAL RECORDS BOOK & PAGE |
| | = SECTION LINE | TP # = CURRENT TAX PARCEL NUMBER |
| | = LOT, STREET AND SUBDIVISION LINES | R/W = RIGHT-OF-WAY |
| | = EXISTING EASEMENT LINES | RLS = REGISTERED LAND SURVEYOR |
| | = EAST LINE ORB 4542 P 244 (OLD R/W LINE) | PRACF = PUBLIC RECORDS ALACHUA COUNTY, FLORIDA |
| | = HATCHED AREA REPRESENTS LIMITS OF DESCRIBED PROPERTY | L = LENGTH OF ARC |
| | | R = RADIUS |
| | | PUE = PUBLIC UTILITY EASEMENT |

GRAPHIC SCALE
0 125 250
1 INCH = 200 FEET
PATRICK R. DURBIN, RLS
STATE OF FLORIDA
REGISTERED LAND SURVEYOR
NO. 13668

SHEET 3 OF 3: NOT COMPLETE WITHOUT ALL SHEETS

DRAWN BY: PRD
CHECKED BY: TGH
DATE: 12/16/2019
CAD FILE NAME: OAKHALL-ANNEX

