

LEGISLATIVE #

180416A

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3 **ORDINANCE NO. 180416**

4 **An ordinance of the City of Gainesville, Florida, annexing approximately 5.07**
5 **acres of privately-owned property that is generally located south of NW 39th**
6 **Avenue, west of NW 45th Street, north of parcel number 06111-007-000, and**
7 **east of parcel number 06112-010-046, as more specifically described in this**
8 **ordinance, as petitioned for by the property owner pursuant to Chapter 171,**
9 **Florida Statutes; making certain findings; providing for inclusion of the property**
10 **in Appendix I of the City Charter; providing for land use plan, zoning, and**
11 **subdivision regulations, and enforcement of same; providing for persons**
12 **engaged in any occupation, business, trade, or profession; providing directions**
13 **to the Clerk of the Commission; providing a severability clause; providing a**
14 **repealing clause; and providing an immediate effective date.**

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

18 **WHEREAS,** on October 18, 2018, the City Commission of the City of Gainesville received a petition
19 for voluntary annexation of real property located in the unincorporated area of Alachua County, as
20 more specifically described in this ordinance, and determined that the petition included the
21 signatures of all owners of property in the area proposed to be annexed; and

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

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

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

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

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

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

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

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

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

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

54 **SECTION 5.** (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in
55 any occupation, business, trade, or profession within the property area described in Section 2 of
56 this ordinance shall have the right to continue such occupation, business, trade, or profession, but
57 shall obtain a business tax receipt from the City of Gainesville for the term commencing on
58 October 1, 2019, which tax receipt shall be issued upon payment of the appropriate fee in
59 accordance with the Gainesville Code of Ordinances in effect on October 1, 2019.

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

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

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

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

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

81 **PASSED AND ADOPTED** this _____ day of _____, 2019.

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LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. GAINNEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

96
97 This ordinance passed on first reading this _____ day of _____, 2019.

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99 This ordinance passed on second reading this _____ day of _____, 2019.

Legal Description

A PARCEL OF LAND LYING IN SECTIONS 22 AND 27, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A POINT MARKING THE INTERSECTION OF THE WEST LINE OF THE SOUTHEAST ONE QUARTER OF THE SOUTHEAST ONE QUARTER OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 19 EAST, AND THE NORTH RIGHT-OF-WAY LINE OF NORTHWEST 39TH AVENUE ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 990947 AND ALSO BEING THE SOUTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2212, PAGE 1500; THENCE LEAVING SAID WEST LINE, NORTH RIGHT-OF-WAY LINE AND CITY LIMIT LINE RUN SOUTH APPROXIMATELY 100.00 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID NORTHWEST 39TH AVENUE ALSO BEING A POINT ON THE WEST LINE OF THE WEST 484.56 FEET OF LOT 2 OF SECTION 27 TOWNSHIP 9 SOUTH, RANGE 19 EAST AND THE NORTHEAST CORNER OF AUTUMN WOODS A PLANNED UNIT DEVELOPMENT AS RECORDED IN PLAT BOOK "M", PAGE 44 OF THE PUBLIC RECORDS OF SAID ALACHUA COUNTY, FLORIDA; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE CONTINUE SOUTH ALONG THE WEST LINE OF THE WEST 484.56 FEET OF SAID LOT 2 ALSO BEING THE EAST LINE OF SAID AUTUMN WOODS, APPROXIMATELY 404.19 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 208.71 FEET OF SAID LOT 2; THENCE LEAVING SAID WEST LINE OF THE WEST 484.56 FEET OF LOT 2 AND SAID EAST LINE OF AUTUMN WOODS RUN EAST ALONG THE NORTH LINE OF SAID SOUTH 208.71 FEET APPROXIMATELY 484.56 FEET TO A POINT ON THE EAST LINE OF THE WEST 484.56 FEET OF SAID LOT 2 ALSO BEING ON THE WEST LINE OF CHULA VISTA PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK "G", PAGE 67 OF SAID PUBLIC RECORDS; THENCE LEAVING THE NORTH LINE OF SAID SOUTH 208.81 FEET RUN NORTH ALONG SAID WEST LINE OF CHULA VISTA PARK AND EAST LINE OF SAID WEST 484.56 FEET OF LOT 2 APPROXIMATELY 404.19 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF SAID NORTHWEST 39TH AVENUE; THENCE LEAVING SAID WEST LINE OF CHULA VISTA PARK AND EAST LINE OF THE WEST 484.56 FEET OF SAID LOT 2 RUN WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE APPROXIMATELY 234.56 FEET TO A POINT ON THE SOUTHERLY EXTENSION OF THE EAST LINE OF THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NUMBER 990947 ALSO BEING THE EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2212, PAGE 1500; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 39TH AVENUE RUN NORTH ALONG SAID SOUTHERLY EXTENSION TO THE NORTH RIGHT-OF-WAY LINE OF SAID NORTHWEST 39TH AVENUE ALSO BEING ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 990947; THENCE RUN WEST ALONG SAID NORTH RIGHT OF WAY LINE AND EXISTING CITY LIMIT LINE TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, CONTAINING 5.07 ACRES MORE OR LESS.

