

ORDINANCE NO. 170953

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3 An ordinance of the City of Gainesville, Florida, annexing approximately 0.87  
4 acres of privately-owned property that is generally located south of NW 4<sup>th</sup>  
5 Boulevard, west of Interstate 75, north of W University Avenue, and east of  
6 NW 75<sup>th</sup> Street, as more specifically described in this ordinance, as petitioned for  
7 by the property owner(s) pursuant to Chapter 171, Florida Statutes; making  
8 certain findings; providing for inclusion of the property in Appendix I of the City  
9 Charter; providing for land use plan, zoning, and subdivision regulations, and  
10 enforcement of same; providing for persons engaged in any occupation,  
11 business, trade, or profession; providing directions to the Clerk of the  
12 Commission; providing a severability clause; providing a repealing clause; and  
13 providing an immediate effective date.

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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 April 19, 2018, the City Commission of the City of Gainesville received petitions for  
19 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 petitions 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, 2018, 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, 2018.

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 6th day of September, 2018.

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LAUREN POE  
MAYOR

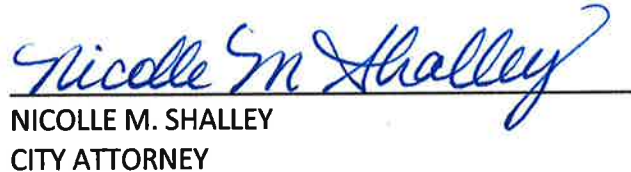
89 Attest:

Approved as to form and legality:

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OMICHELE D. GAINNEY  
CLERK OF THE COMMISSION



NICOLLE M. SHALLEY  
CITY ATTORNEY

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97 This ordinance passed on first reading this 16th day of August, 2018.

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99 This ordinance passed on second reading this 6th day of September, 2018.

**Legal Description**

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:




COMMENCE AT THE SOUTHWEST CORNER OF SECTION 4, TOWNSHIP 10 SOUTH, RANGE 19 EAST; THENCE N 00°50'48" W ALONG THE WEST LINE OF SAID SECTION 3634.41 FEET; THENCE S 89°57'23" E, 40.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 29 ALSO KNOWN AS NW 75<sup>TH</sup> STREET AND TOWER ROAD; THENCE RUN S 00°50'48 E, ALONG SAID RIGHT-OF-WAY 145.03 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 4567, PAGE 1567 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE ALONG THE PERIMETER OF SAID PARCEL THE FOLLOWING 5 COURSES: 1.) S 89°57'23" E, 201.97 FEET TO A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 090809; 2.) S 00° 02'37" WEST ALONG SAID CITY LIMIT LINE 154.95 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL; 3.) S 00° 02'37" WEST LEAVING SAID CITY LIMIT LINE 35.05 FEET 4.) N 89°57'23" W, 199.02 FEET TO THE EAST RIGHT-OF-WAY LINE OF SAID COUNTY ROAD; 5.) N 00°50'48" W, ALONG SAID RIGHT-OF-WAY 190.02 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 0.87 ACRES MORE OR LESS.

COMMONLY KNOWN AS: 209 NORTHWEST 75TH STREET, GAINESVILLE, FLORIDA 32608.

Tower Road/ NW 75th Street

W Newberry Rd

Interstate 75

- LEGEND**
-  Unincorporated area
  -  Parcel 06655-021-000
  -  City of Gainesville