



MEMORANDUM

Office of the City Attorney

Legistar No. 041230

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

TO: Mayor and City Commission

DATE: May 9, 2005

SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-29

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 generally south of Tax Parcel 06714-000-000, west of the City Limits, SW 15th Place, SW 17th Place, and Tax Parcels 06699-000-000 and 06700-000-000, north of Tax Parcel 06712-001-000, and east of Tax Parcels 06711-000-000, 06711-001-000, SW 37th Street and the City limits; 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 Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

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, September 13, 2004, 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 that is the subject of this annexation. On January 24, 2005 and February 14, 2005, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

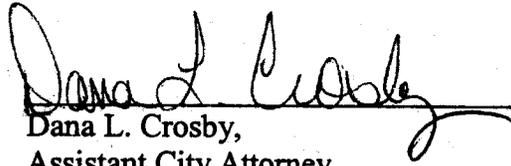
ANNEXATION ORDINANCE

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.

If adopted on first reading, the second and final reading of this ordinance will be May 9, 2005. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

Prepared by:



Dana L. Crosby,
Assistant City Attorney

Approved and
Submitted by:



Marion J. Radson,
City Attorney

MJR:DLC:sw

PASSED ON FIRST READING BY A VOTE OF 5-0.

ORDINANCE NO. _____
0-05-29

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 generally south of Tax Parcel 06714-000-000, west of the City Limits, SW 15th Place, SW 17th Place, and Tax Parcels 06699-000-000 and 06700-000-000, north of Tax Parcel 06712-001-000, and east of Tax Parcels 06711-000-000, 06711-001-000, SW 37th Street and the City limits; 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 Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

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 August 19, 2004, the owners of the real property described herein
2 submitted Petitions for Voluntary Annexation requesting the City to incorporate said property
3 into the City of Gainesville; and

4 **WHEREAS**, on September 13, 2004, the City Commission voted to accept said
5 Petitions and determined that the Petitions bore the signatures of the owners of the property; and

6 **WHEREAS**, on February 14, 2005, the City Commission of the City of Gainesville
7 adopted Ordinance No. 040409, which adopted the Urban Services Report setting forth the plans
8 to provide urban services to that portion of the Reserve Area proposed to be annexed in
9 accordance with the 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

12 **WHEREAS**, the City of Gainesville desires to annex a certain portion of its Reserve
13 Area 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 in a newspaper of
15 general circulation once a week for two consecutive weeks, notifying the public of the Public
16 Hearing of this proposed Ordinance to be held in the City Commission meeting room, First
17 Floor, City Hall, in the City of Gainesville; and

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

1 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
2 **THE 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 corporate limits of the City of Gainesville, and that no part of the Area is within the boundary of
6 another municipality or county. The City Commission finds the Area to be within its Reserve
7 Area and the annexation does not create an enclave.

8 **Section 2.** The following described Area is annexed and incorporated within the
9 corporate 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.
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13 **Section 3.** Subject to the provisions of Section 4 of this Ordinance, the corporate limits
14 of the City of Gainesville, Florida, as set forth in Article 1, Charter Laws of the City of
15 Gainesville, are amended and revised to include the Area described in Section 2 within the
16 corporate limits of the City of Gainesville, Florida.

17 **Section 4.** In accordance with Section 171.062, Florida Statutes, the Alachua County
18 land use plan and zoning or subdivision regulations shall remain in full force and effect in the
19 Area described in Section 2 of this Ordinance until the City adopts a comprehensive plan
20 amendment that includes the annexed area. The Gainesville Code Enforcement Board and code
21 enforcement officers shall have jurisdiction to enforce these regulations during the interim
22 period through the Gainesville Code Enforcement Board process as described in Division 8 of

1 Article V of Chapter 2 of the Code of Ordinances of the City of Gainesville and the Civil
2 Citation Process, as described in Division 6 of Article V of Chapter 2 of said Code. During the
3 interim period, the City may rezone properties in the annexed area to an Alachua County Zoning
4 classification/category that conforms with the Alachua County Comprehensive Plan.

5 **Section 5.** (a) Except as provided in subsections (b) and (c) below, all persons who
6 are lawfully engaged in any occupation, business, trade or profession within the area described in
7 Section 2 of this Ordinance as of May 10, 2005, shall have the right to continue such occupation,
8 business, trade or profession.

9 (b) Except as provided in subsection (c) below, all persons who are lawfully
10 engaged in any construction trade, occupation or business within the Area described in Section 2
11 of this Ordinance as of May 10, 2005, and who possess a valid certificate of competency issued
12 by Alachua County shall have the right to continue the construction trade, occupation, or
13 business within the entire corporate limits of the City of Gainesville, including the Area
14 described in Section 2 of this Ordinance, subject to the terms, conditions and limitations
15 imposed on the certificate by Alachua County, and provided such persons register the certificate
16 with the Building Inspections Department of the City of Gainesville and the Department of
17 Professional Regulation of the State of Florida on or before 4:00 p.m. on May 10, 2005.

18 (c) All persons lawfully engaged in any occupation, business, trade or profession
19 within the Area described in Section 2 of this Ordinance as of May 10, 2005, shall obtain an
20 occupational license from the City of Gainesville for the term commencing on October 1, 2005,

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1 which license shall be issued upon payment of the appropriate fee in accordance with the
2 Gainesville Code of Ordinances in effect on October 1, 2005.

3 **Section 6.** If any portion of this Ordinance is declared by a court of competent
4 jurisdiction to be invalid or unenforceable, such declaration shall not be deemed to affect the
5 remaining portions of this Ordinance.

6 **Section 7.** The Clerk of the Commission is directed to submit a certified copy of this
7 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and
8 3) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County,
9 Florida and make the necessary changes to Appendix I, City Charter, City of Gainesville,
10 Florida, in accordance with this ordinance.

11 **Section 8.** This Ordinance shall become effective immediately upon adoption.

12 **PASSED AND ADOPTED** this ____ day of May, 2005.

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ATTEST:

PEGEEN HANRAHAN,
MAYOR

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 April, 2005.
This Ordinance passed on second reading this ____ day of May, 2005.

EXHIBIT A
LEGAL DESCRIPTION FOR PARCEL 06711-002-000/UF Foundation

Parcel #1:

Commence at the Southeast Corner of Section 11, Township 10 South, Range 19 East, run thence North 00 Degrees, 46 minutes, 55 seconds West 1775.46 feet, run thence South 89 degrees, 10 minutes, 05 seconds West 1205.87 feet, run thence North 19 degrees, 06 minutes, 55 seconds West 250.29 feet, run thence South 85 degrees, 41 minutes, 05 seconds West 67.45 feet, run thence North 00 degrees, 56 minutes, 55 seconds West 5.39 feet to the point of beginning, which is also the intersection of the South line of Borrow Pit No. 1, Haul Road and Drain, left of Station 954+70.61 as described in Official Records Book 816 Page 211, continue thence North 00 degrees, 56 minutes, 55 seconds West 962.16 feet along the East line of Borrow Pit No. 1 as described in Official Records Book 816 Page 211, run thence North 89 Degrees, 03 minutes, 05 seconds East 31.10 feet along the easterly projection of the North line of Borrow Pit No. 1 as described in Official Records Book 816 Page 211, run thence South 00 degrees, 47 minutes, 10 seconds East 962.31 feet along the East line of Lot 3, of an unrecorded subdivision, in Section 11, Township 10 South, Range 19 East, run thence South 89 degrees, 19 minutes, 42 seconds West 28.37 feet along the South line of Borrow Pit No. 1, Haul Road and Drain, left of Station 954+70.61 as described in Official Records Book 816 Page 211, to close on the point of beginning, lying and being in Alachua County, Florida. **SUBJECT TO AND THE GRANTOR RETAINS** an easement for ingress and egress across the South 25 feet of said parcel.

Parcel #2:

TOGETHER WITH Commence at the Southeast corner of Section 11, Township 10 South, Range 19 East, run thence North 00 degrees, 46 minutes, 55 seconds West 1775.46 feet, run thence South 89 degrees, 10 minutes, 05 seconds West 1205.87 feet, run thence North 19 degrees, 06 minutes, 55 seconds West 250.29 feet, run thence South 85 degrees, 41 minutes, 05 seconds West 67.45 feet, run thence North 00 degrees, 56 minutes, 55 seconds West 5.39 feet to the point of beginning, which is also the intersection of the South line of Borrow Pit No.1, Haul Road and Drain, left of Station 954+70.61 as described in Official Records Book 816 Page 211; run thence South 00 degrees, 56 minutes, 55 seconds East 15.91 feet along a southerly extension of the East line of Borrow Pit No. 1 as described in Official Records Book 816 Page 211, to an intersection with the South line of the North 10 chains of the South ½ of the East 2/3 of Lot 3, Section 11, Township 10 South, Range 19 East; run thence North 89 degrees, 17 minutes, 20 seconds East 28.32 feet, along said South line, to the southeast corner of said North 10 chains of the South ½ of the 2/3 of Lot 3 of Section 11, Township 10 South, Range 19 East; run thence North 00 degrees, 47 minutes, 10 seconds West, 15.89 feet, along the East line of the said North 10 chains of the South ½ of the 2/3 of Lot 3 of Section 11, Township 10 South, range 19 East; run thence North 89 degrees, 19 minutes, 42 seconds West 28.37 feet, along an easterly projection of the southerly most line of Borrow Pit No. 1 as described in Official Records Book 816 page 211, to close on the said point of beginning. Lying and being in Alachua County, Florida. **SUBJECT TO AND THE GRANTOR RETAINS** an easement for ingress and egress across said parcel.