

LEGISLATIVE #

130119A

ORDINANCE NO. 130119

An ordinance of the City of Gainesville, Florida, adopting an Urban Services Report that sets forth plans to provide urban services upon the voluntary annexation of City-owned Tax Parcel No. 10860-000-000, which is generally located south of NE 39th Avenue, west of Morningside Nature Center, north of E University Avenue, and east of NE Waldo Road, as petitioned for by the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, Chapter 90-496, Special Act, Laws of Florida, created the "Alachua County Boundary Adjustment Act," which sets forth procedures for establishing municipal reserve areas and for adjusting the boundaries of municipalities in Alachua County through annexations or contractions of corporate limits; and

WHEREAS, Chapter 90-496, as amended by Chapters 91-382 and 93-347, Special Acts, Laws of Florida, (hereinafter collectively referred to as "the Act") requires a municipality to prepare and adopt by nonemergency ordinance a report setting forth the plans to provide urban services to any reserve area prior to annexation; and

WHEREAS, the City of Gainesville as owner of the real property located in the unincorporated area of Alachua County and part of the City of Gainesville's reserve area, as more specifically described in this ordinance, has submitted a petition for voluntary annexation; and

WHEREAS, the City Commission on August 1, 2013, received the petition for voluntary annexation and directed the City Attorney to prepare and the Clerk of the Commission to advertise an urban services report ordinance and an annexation ordinance; and

WHEREAS, at least ten (10) days' notice has been given once by publication in a

1 newspaper of general circulation notifying the public of this proposed ordinance and of public
2 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of
3 Gainesville; and

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

6 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
7 **CITY OF GAINESVILLE, FLORIDA:**

8 **Section 1.** The Urban Services Report, attached as Exhibit "A" and incorporated herein as if
9 set forth in full, is approved and adopted for the area more specifically described in the Urban
10 Services Report, but which is generally described as follows:

11 Tax Parcel No. 10860-000-000 is generally located south of NE 39th Avenue and
12 Tax Parcel No. 10862-000-000, west of the vicinity of Morningside Nature
13 Center, north of E University Avenue and Tax Parcel No. 10861-000-000, and
14 east of NE Waldo Road and the Cedar Grove Subdivision.

15
16 **Section 2.** The City Manager is directed to commence the annexation of any portion or all
17 of the area defined in the Urban Services Report, and the City Attorney and Clerk of the
18 Commission are authorized to prepare and advertise the appropriate ordinances.

19 **Section 3.** The Clerk of the Commission is directed to file a copy of this ordinance and the
20 accompanying Urban Services Report with the Board of County Commissioners of Alachua
21 County.

22 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
23 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
24 finding shall not affect the other provisions or applications of this ordinance that can be given

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

3 **Section 5.** All other ordinances or parts of ordinances in conflict herewith are to the
4 extent of such conflict hereby repealed.

5 **Section 6.** This ordinance shall become effective immediately upon adoption.

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7 **PASSED AND ADOPTED** this _____ day of _____, 2013.

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EDWARD B. BRADDY
MAYOR

Attest:

Approved as to form and legality:

KURT LANNON
CLERK OF THE COMMISSION

NICOLLE SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2013.

This ordinance passed on second reading this _____ day of _____, 2013.

CITY OF GAINESVILLE URBAN SERVICES REPORT

Exhibit A

**Voluntary Annexation of City-owned Parcel North of
Morningside Nature Center**



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URBAN SERVICES REPORT

INTRODUCTION

This Urban Services Report satisfies all the criteria required under the Alachua County Boundary Adjustment Act, as provided in Chapter 90-496, Special Act, Laws of Florida, as amended by Chapters 91-382 and 93-347, Special Acts, Laws of Florida (the "Act") for municipal annexation. Section 13 of the Act outlines the prerequisites for annexation. This report, with accompanying documentation and maps, complies with the applicable provisions of the Act.

CHARACTER OF THE AREA TO BE ANNEXED

The area proposed for annexation is shown in Figure 1 ("Area") and is comprised of Tax Parcel Number 10860-000-000. The Area is generally located south of Northeast 39th Avenue and Tax Parcel 10862-000-000, west of Tax Parcel 10862-000-000 and the vicinity of Morningside Nature Center, north of East University Avenue and Tax Parcel 10861-000-000, and east of Northeast Waldo Road and the vicinity of Cedar Grove Subdivision; the Area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date. The general land use pattern of the Area is shown in Figure 2.

Qualification of the Area under Section 9

In accordance with Section 13 (b), the extent to which the Area meets the criteria in Section 9 is as follows:

Extent of Qualification under Section 9 (1) (a) - This Area meets all qualifications for this section. The Area is contiguous to Gainesville's boundaries and reasonably compact. No part of the Area is within the boundary of another county or another incorporated municipality. All of the Area is within the Gainesville Urban Reserve Area adopted by the Alachua County Commission on August 9, 2011, and which became final on October 9, 2011. The Annexation will not create an enclave.

THE PROVISION OF SERVICES

The Provision of Services under Section 13 (1) (b)

a) Services in the Next Five Years

It is anticipated that services to the Area will be improved within the next five years as a result of the annexation of the Area. It is not reasonably anticipated that services to current city residents will be reduced within the next five years as a result of the annexation of the Area. The following discussion outlines proposed services. All services are subject to the annual lawful appropriation of funds.

b) Taxes in the Next Five Years

It is not reasonable to anticipate that the City's ad valorem taxes would need to be adjusted in the next five years to provide services to the Area as a result of the annexation of the Area. This includes services required by the Comprehensive Plan. Any level of service issue that is outlined in the City of Gainesville Comprehensive Plan or the Alachua County Comprehensive Plan, whichever applies at the time of development, must be addressed.

Police Services

Upon the effective date of annexation, police services will be provided to the Area by the Gainesville Police Department, utilizing similar policing strategies that are provided within the existing City limits. Police District Two, Uniform Zone will be extended to serve the area. The level of services will be dependent upon identified crime patterns and service demand within a prescribed area. The current staffing in the Department can provide these services to the Area.

Current police services include preventative patrol and criminal apprehension, criminal investigations, special operations, crime prevention, neighborhood police services, crime scene processing, Police Service Technicians, air support, traffic management, combined communications, and other support services including planning and research, fiscal management, records management, crime analysis, automated information services, property and evidence management, personnel and recruitment, and training. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation.

Fire Protection

Gainesville Fire-Rescue Department (GFR) presently provides emergency and non-emergency services to portions of the unincorporated urban area of Alachua County. These services are required under the current Fire Services Assistance Agreement between the City and Alachua County. City of Gainesville Station 3 and Alachua County Station 12 provide services to this area. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation.

Fire hydrants in the unincorporated area of Alachua County are currently provided and maintained by the City of Gainesville in accordance with the 1990 Fire Hydrant and Public Street Lighting Services Agreement. Funding for fire hydrants is included in the base rates for water utility service.

Solid Waste Disposal

The City of Gainesville Solid Waste Division monitors residential solid waste and recycling collection services, provided under contract with Waste Corporation of America (WCA), to residents living in single family houses and buildings containing less than five dwelling units. Other residents, businesses and institutions contract for solid waste and recycling collection with one of several commercial providers operating under non-exclusive franchises with the City.

Alachua County contracts for residential solid waste, recycling and yard trash collection in the unincorporated mandatory service areas with the same company as does the City. Services will be extended and fees for this service will be collected through the utility billing process beginning the next October 1 after annexation.

Potable Water

Potable water services are addressed in the Gainesville Regional Utilities section of this report. That section outlines the current service level and plans for extensions after annexation.

Sanitary Sewer

Sanitary sewer services are addressed in the Gainesville Regional Utilities section of this report. That section outlines the current service level and plans for extensions after annexation.

Streets, Drainage and Flood Control

The City of Gainesville Public Works Department provides basic maintenance and repair services for all City streets within its current jurisdiction. This work includes maintenance of asphalt pavement, concrete sidewalks, concrete curbs and gutters, and roadside ditches. Basic maintenance services are also provided for public ditches and stormwater management detention/retention facilities.

The City of Gainesville currently charges a stormwater management utility fee. Any increase in impervious surfaces, without onsite mitigation, in accordance with ordinances, policies and regulations in effect at that time, will cause the stormwater management utility fee to be charged for the area that increases the total impervious surface. This fee pays for mosquito control, drainage improvements for public facilities and sweeping of streets within the City limits.

Street sweeping is an effective means of reducing the amount of debris and pollutants that enter the City's storm drain system and water resources. The Public Works Operations Division currently sweeps the City on a 4 to 6 week cycle, depending on weather and equipment. All City streets are currently swept 9 to 10 times a year.

Parks, Recreation and Cultural Affairs

The Parks, Recreation and Cultural Affairs Department currently provides organized recreation programs for youth and adults. The Department also provides passive nature facilities and programming for youth and adults. Organized recreation programs in the areas of aquatics, athletics, recreation centers, after-school and summer playground programs are provided, and a variety of special events are also available. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation. Fees for these programs are charged at a differential rate depending upon residency. Upon annexation, any residents of this Area would be eligible for the City of Gainesville residents' rates.

The Parks Division is responsible for the cleaning and upkeep of all City parks. In addition, this Division provides cleaning of City-owned parking lots, as well as maintenance of grounds around City-owned buildings. Basic mowing of City rights-of-way is provided on a regular basis by the Public Works Department. The Area will receive the same services that are provided in the existing City limits upon the effective date of the annexation.

The Cultural Affairs Division provides for cultural enlightenment through various programs in the arts, historical interpretation, special events and cultural programs in the County school system. The Area will receive the same services that are provided in the existing City limits upon annexation.

Housing

The Building Inspections Department enforces building and fire codes. The Department is responsible for permitting and inspections of new construction and remodeling or repair of existing buildings. Building contractors are also licensed through the Division in accordance with state and local regulations. The Building Inspections Division will provide permitting, plan review and inspections for the Area. The current staffing for the Division can provide inspection services and the permitting and plan review services. The current staff will deliver services to this area without significant delays.

The City's Code Enforcement Division enforces codes relating to zoning, housing, and vehicles, hazardous or perilous lands/buildings and special sales. The current staffing in the Division can provide these services to the Area.

The Housing Division provides grants for low and moderate income housing through the use of federal and state grant funds. The City of Gainesville is a Community Development Block Grant (CDBG) entitlement jurisdiction. Upon annexation, any eligible residents of the Area would be entitled to apply for programs funded by CDBG funds. HOME funds are also utilized in the provision of housing services. The Area will receive the same services that are provided in the existing City limits upon the effective date of annexation.

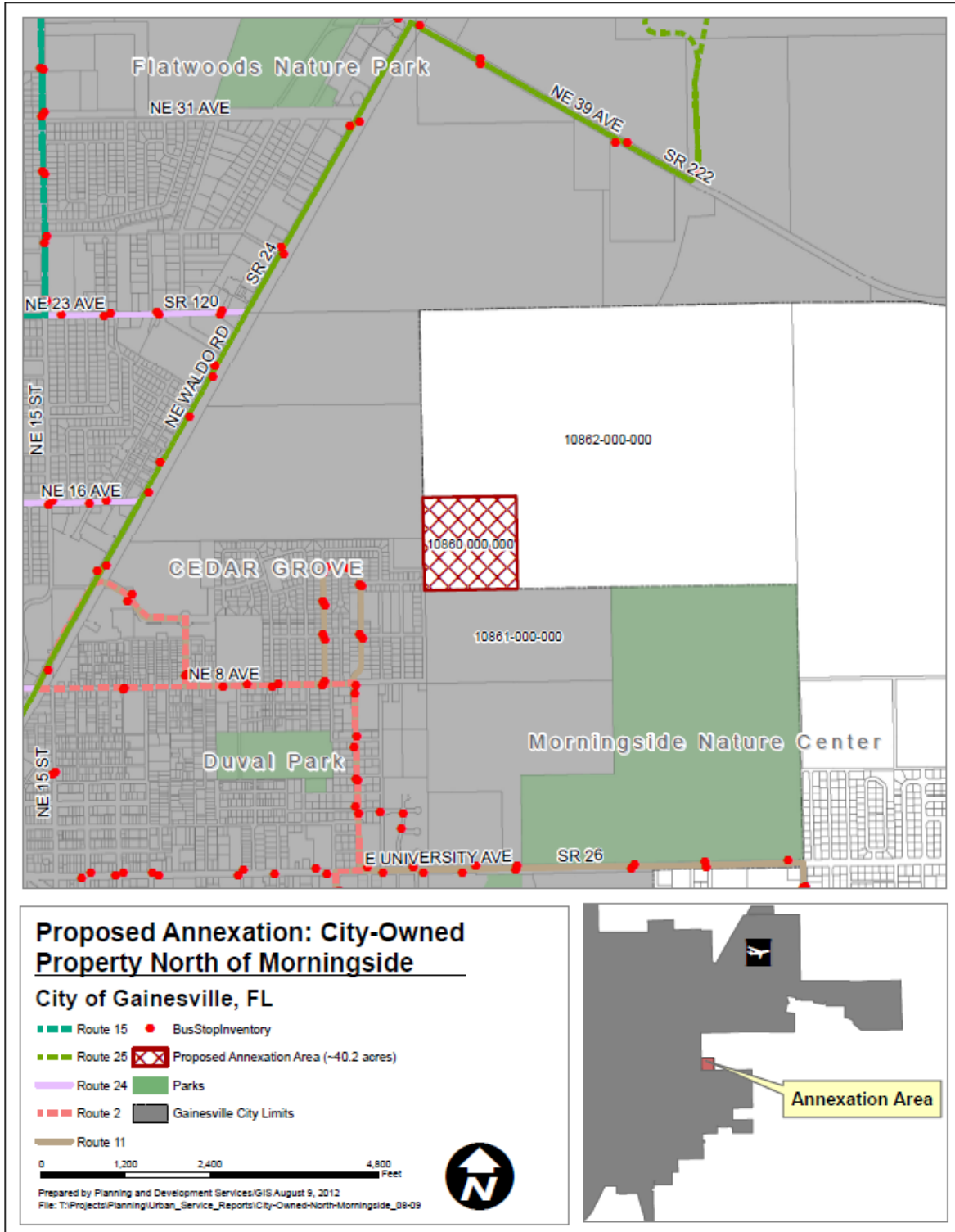
Street Lighting

Street lighting in the unincorporated area of Alachua County is currently provided and funded by the City of Gainesville General Operating Fund along arterials and collectors for vehicle and pedestrian safety through the 1990 Fire Hydrant and Public Street Lighting Services Agreement. Additional streetlights may be provided in the Area in accordance with the guidelines of the City of Gainesville Public Works Department, as outlined in the "City of Gainesville Standards for Roadway Lighting".

Transportation

The City of Gainesville currently operates a public transportation system, the Gainesville Regional Transit System (RTS). There are bus stops located near the Area (see map below).

Regional Transit System Routes 35 and 36



The Transportation Operations Division is responsible for installation and maintenance of traffic signs, pavement markings on City streets, all parking meter operations, and mechanical traffic counts for traffic studies. The Transportation Operations Division is also responsible for traffic signal operations and construction inspection services for all of Alachua County and the other municipalities, under the annual City-County Traffic Engineering Services Agreement. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation.

Planning and Zoning Services

The Planning and Development Services Department will provide planning and development assistance to the Area. The Alachua County Comprehensive Plan and Zoning Code will continue to regulate land use and zoning for any development in the Area until the Gainesville Comprehensive Plan is amended and the Area is rezoned to City of Gainesville zoning categories. All requests for development are reviewed by City staff and the City Plan Board or Development Review Board where appropriate. Following annexation, the City will undertake the necessary studies to amend the City Comprehensive Plan and zoning map to include the Area and will commence appropriate public hearings to complete such an amendment.

Other Governmental Services

Other services currently provided to the residents within the existing City limits of Gainesville shall be extended to the Area, where necessary, on substantially the same basis and in the same manner as such services are provided within the rest of the municipality.

WATER AND WASTEWATER FACILITIES

Gainesville Regional Utilities (GRU), owned and operated by the City of Gainesville, presently provides water and wastewater services to residents of the unincorporated area of Alachua County. Extension policies for serving new customers are the same in the City and in the proposed annexation Area.

Financing the Extension of Water and Wastewater Facilities

GRU's existing water/wastewater extension policy is that new water and wastewater customers pay the fully allocated cost for the service they receive. This cost includes the cost of the treatment facilities required for service in the form of plant connection fees. It also includes the cost of distribution or collection facilities in the form of transmission and distribution charges and/or collection system charges. Additionally, any developer requesting an extension pays a Contribution In Aid of Construction (CIAC) sufficient to ensure that GRU receives an appropriate rate of return on its portion of extension costs. This policy applies both in the City of Gainesville and in the surrounding unincorporated area of Alachua County.

Actual facility construction is funded through GRU's Construction Fund, the Utility Plant Improvement Fund (UPIF), or a combination from both funding sources. The Construction Fund consists of proceeds from the issuance of revenue bonds. The UPIF is funded by operating revenue.

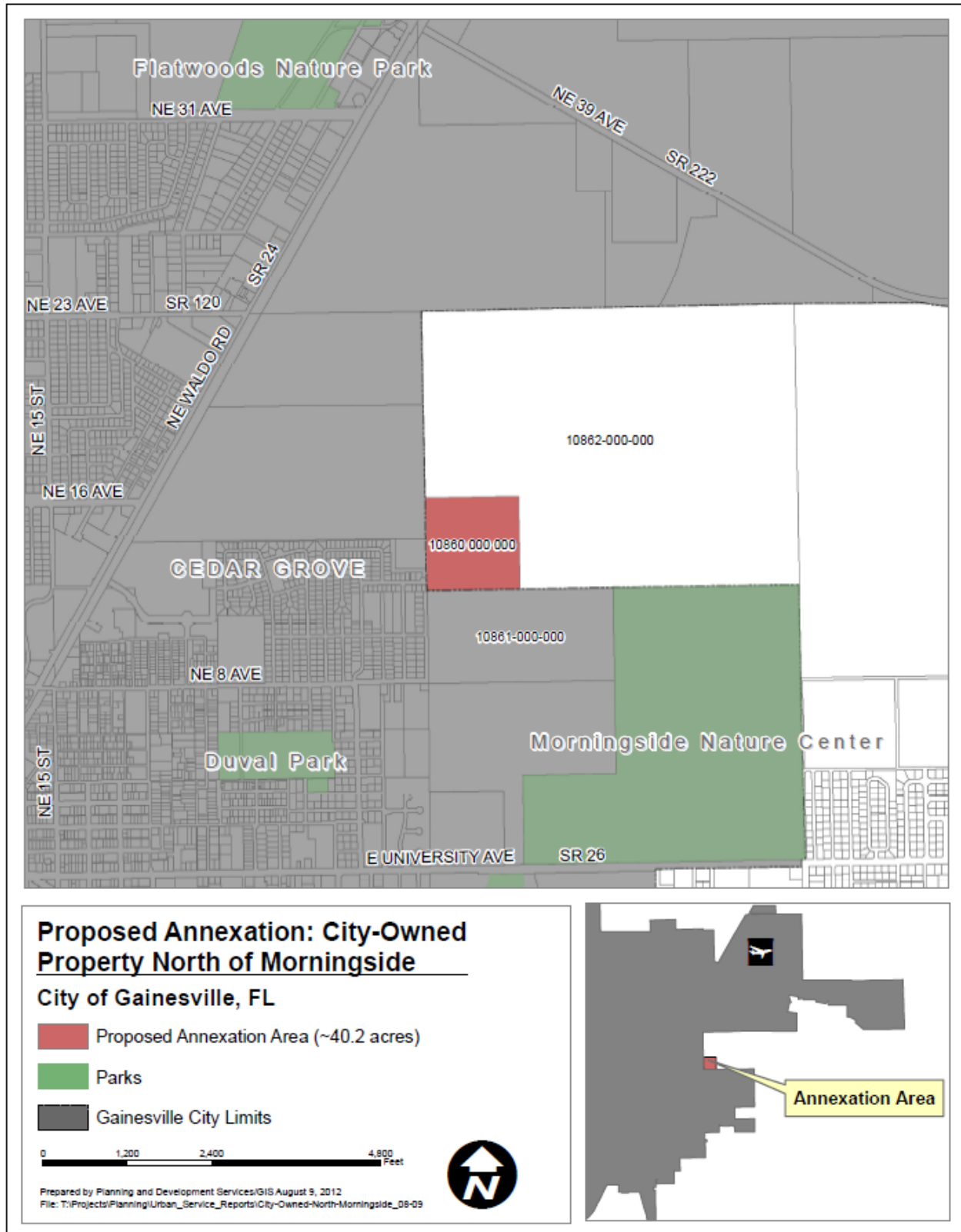
Existing Major Trunk Water Mains and Proposed Extensions

In accordance with Section 13 (1) (a) of the Boundary Adjustment Act, Figure 3 shows existing major water mains in the City of Gainesville and the surrounding proposed annexation Area. Figure 4 shows water distribution system projects in GRU's approved 2013 budget. The fiscal year in which each project is proposed for construction is also shown in Figure 4. Additional funding is included in GRU's budget for extending water facilities to meet the needs of new customers and for those whose location will depend on development. Project timing is based on projected growth within the GRU service area. Actual construction times of the projects shown in Figure 4 may vary based on the actual rate or location of growth within the service area.

Existing Wastewater Collection System and Proposed Extensions

In accordance with Section 13 (1) (a), Figure 5 shows the existing major wastewater collection system in the City of Gainesville and the Area. Figure 6 shows wastewater collection system projects in GRU's approved 2013 budget. The fiscal year in which each project is proposed for construction is also shown in Figure 6. Additional funding is included in GRU's budget for extending wastewater facilities, to meet the needs of new customers and for those whose location will depend upon development. Project timing is based on projected growth within the GRU service area. Actual construction times may vary as a result of service being required either earlier or later than originally anticipated.

Figure 1: Area Proposed for Annexation



**Figure 2:
Alachua County General Land Use Surrounding Area**

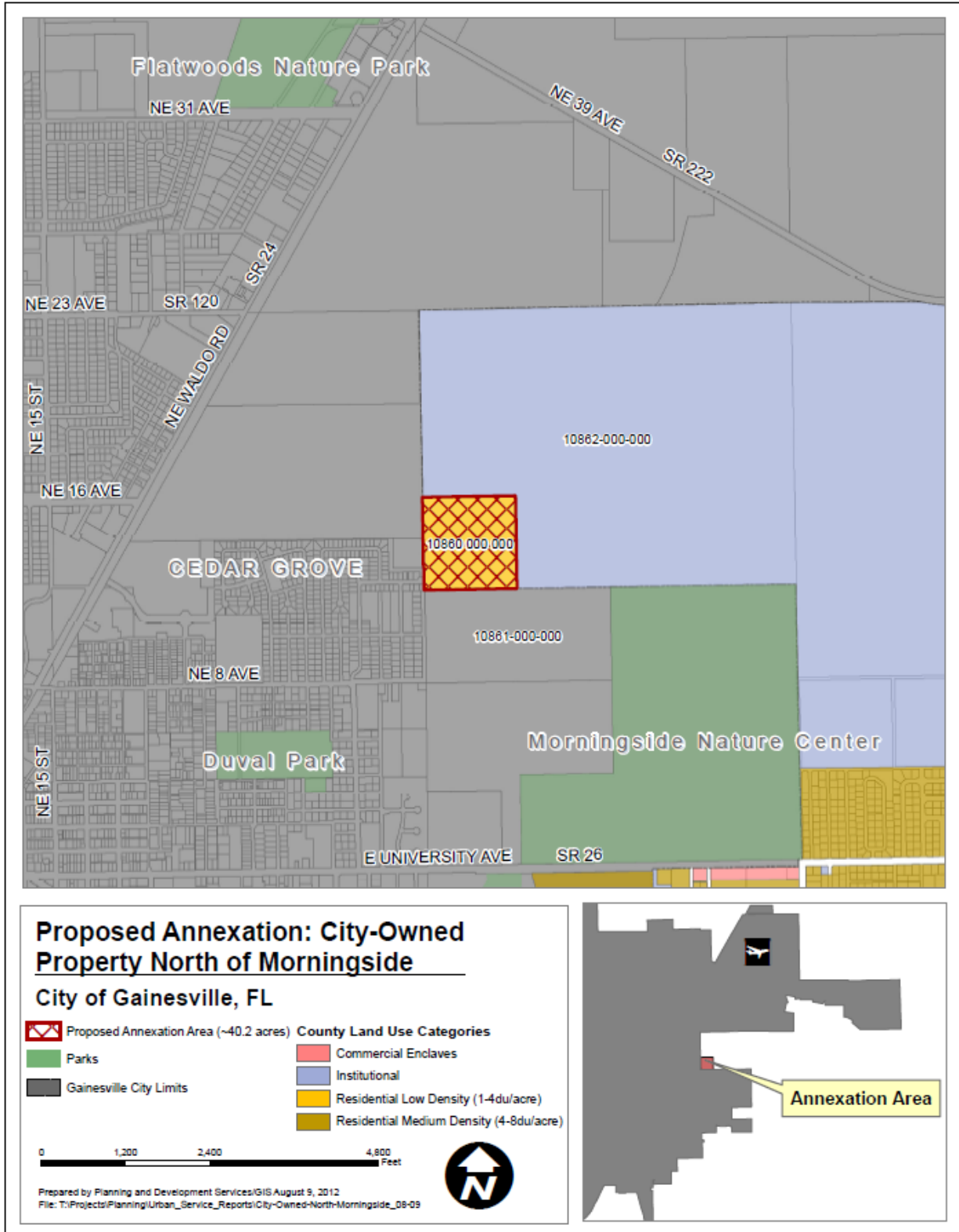


Figure 3: Major Water Mains

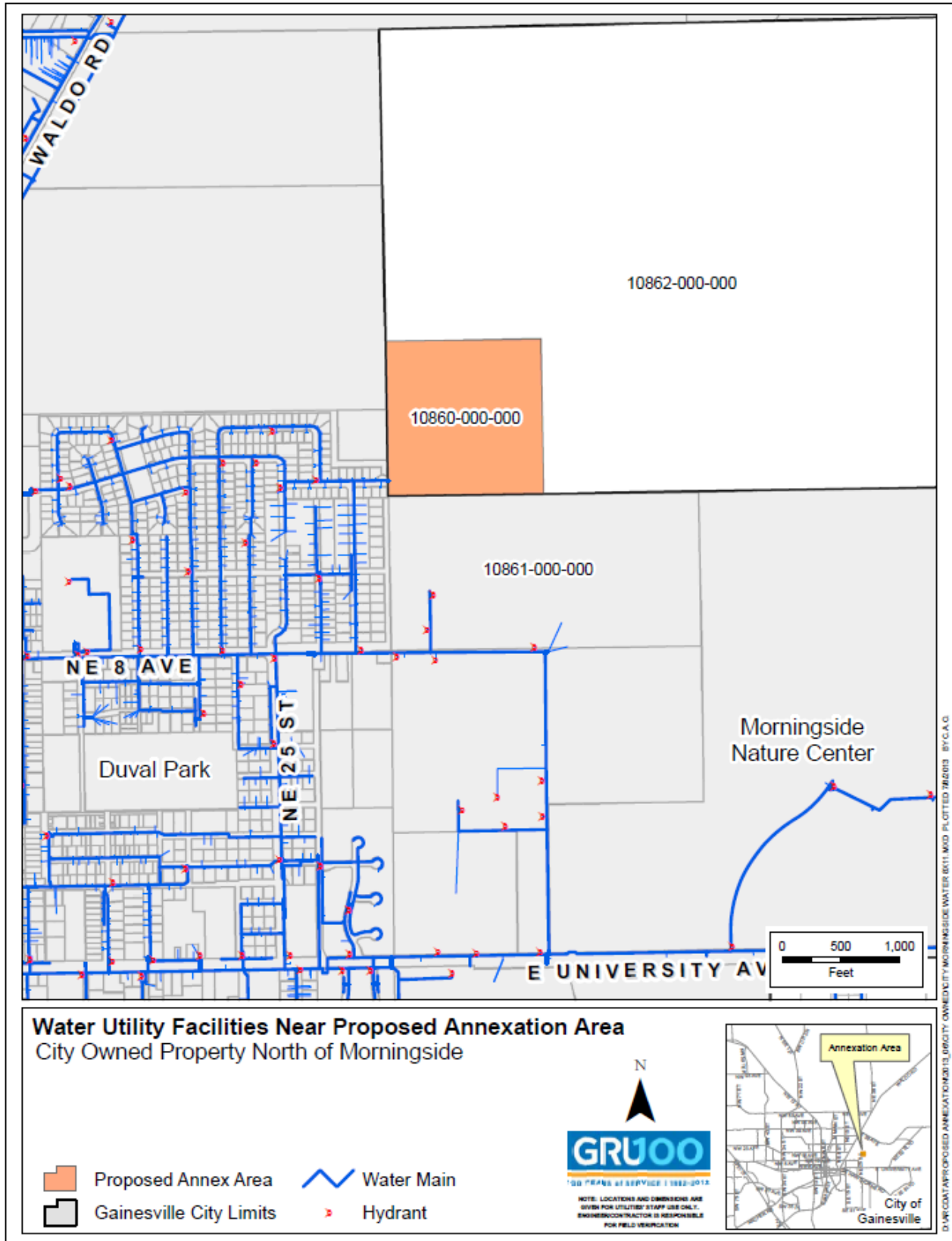


Figure 5: Wastewater Utility Facilities

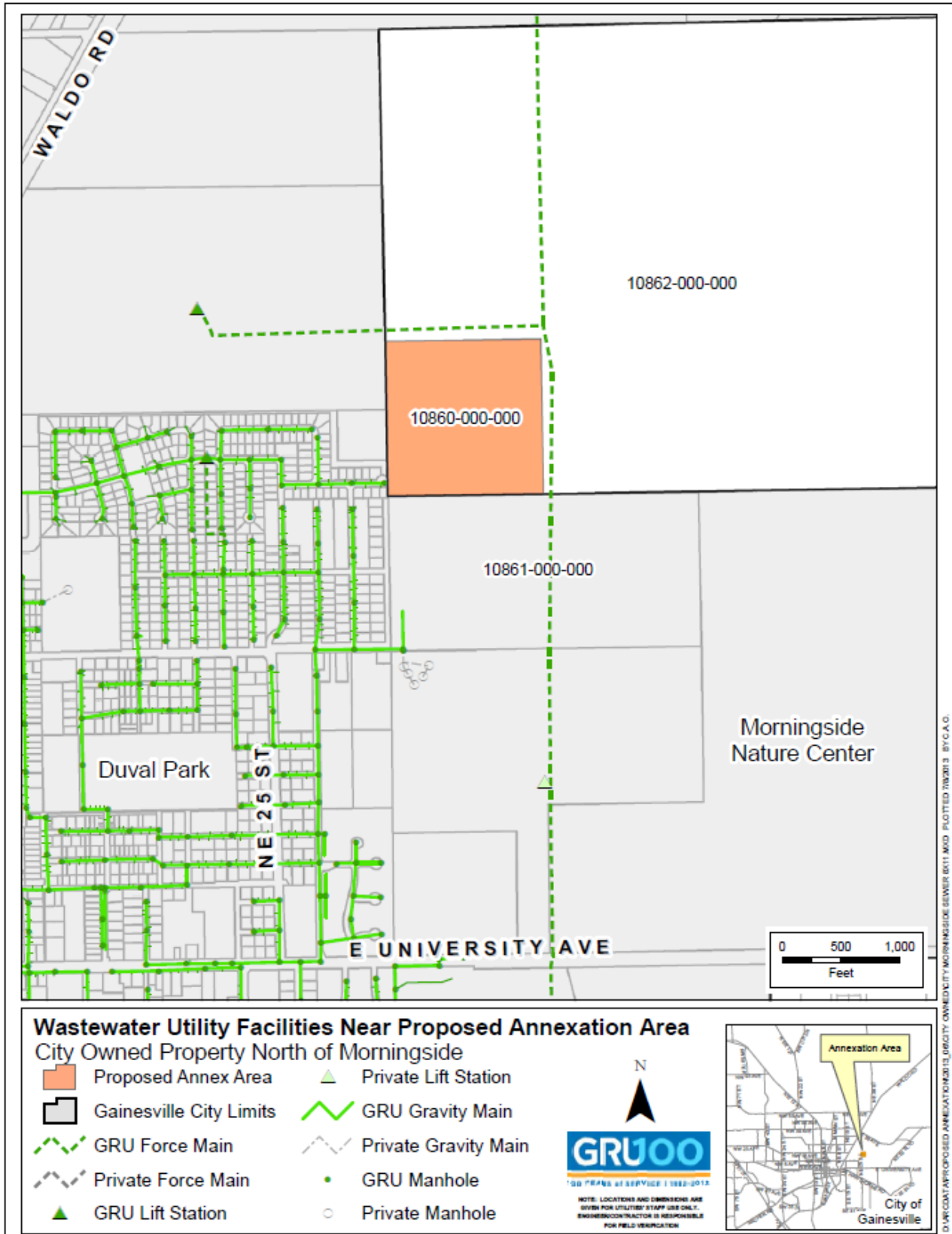


Figure 6: Wastewater Collection System Projects

