

**ORDINANCE NO. 080605**  
**0-08-84**

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4       **An Ordinance of the City of Gainesville, Florida, annexing a portion of the**  
5       **City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Acts,**  
6       **Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347,**  
7       **Special Acts, Laws of Florida, known as the Alachua County Boundary**  
8       **Adjustment Act; making certain findings; including within the corporate**  
9       **limits of the City of Gainesville, Florida, that certain compact and**  
10       **contiguous area comprised of Tax Parcel Numbers 06916-000-000, 06929-**  
11       **000-000, 06916-001-000, 06933-000-000, 06935-001-000 and 06917-**  
12       **000-000, generally located south of Tax Parcel 06819-010-000, west of**  
13       **SW 47<sup>th</sup> Street, north of SW Archer Road, and east of Lake Kanapaha**  
14       **and the City limits, as more specifically described in this Ordinance;**  
15       **providing for inclusion of the area in Appendix I of the City Charter;**  
16       **providing for land use and zoning regulations; providing directions to the**  
17       **City Manager and Clerk of the Commission; providing a severability clause;**  
18       **and providing an immediate effective date.**  
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20       **WHEREAS**, Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382  
21 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary  
22 Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for the  
23 annexation of contiguous, compact, unincorporated territory within a municipality's reserve area; and

24       **WHEREAS**, on January 10, 2006, the Board of County Commissioners of Alachua County  
25 designated the Reserve Area for the City of Gainesville pursuant to the Act; and

26       **WHEREAS**, on September 18, 2008, the City Commission voted to accept the Petitions for  
27 Voluntary Annexation submitted by the owners of the real properties described herein and determined  
28 that the Petitions bore the signature of the owners of the properties; and

29       **WHEREAS**, on November 6, 2008, the City Commission of the City of Gainesville adopted  
30 Ordinance No. 080424, which adopted the Urban Services Report setting forth the plans to provide

1 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the  
2 procedures provided in the Act; and

3 **WHEREAS**, a copy of the Urban Services Report was filed with the Alachua County Board  
4 of County Commissioners and was provided to the owners of the real property affected by this  
5 ordinance; and

6 **WHEREAS**, the City of Gainesville desires to annex the remaining portions of a certain  
7 portion of its Reserve Area which is compact and contiguous to the present corporate limits of the  
8 City; and

9 **WHEREAS**, pursuant to law, notice of adoption of this ordinance was published for two  
10 consecutive weeks prior to first reading in a newspaper of general circulation notifying the public of the  
11 Public Hearing of this proposed Ordinance to be held in the City Commission meeting room, First  
12 Floor, City Hall, in the City of Gainesville; and

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

15 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
16 **CITY OF GAINESVILLE, FLORIDA:**

17 **Section 1.** The City Commission finds that the Area described in Section 2 of this Ordinance  
18 (hereinafter referred to as the "Area") is reasonably compact and contiguous to the present corporate  
19 limits of the City of Gainesville, and that no part of the Area is within the boundary of another  
20 municipality or county. The City Commission finds the Area to be within its Reserve Area and the  
21 annexation does not create an enclave.

1           **Section 2.** The following described Area is annexed and incorporated within the corporate  
2 limits of the City of Gainesville, Florida:

3                   See Legal Description attached hereto as Exhibit "A", and made a part  
4                   hereof as if set forth in full.  
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6           **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix I,  
7 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in  
8 Section 2 within the corporate limits of the City of Gainesville, Florida.

9           **Section 4.** The City Manager is authorized and directed to make the necessary change in the  
10 Code of Ordinances of the City of Gainesville, Florida, to comply with this ordinance.

11           **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land use  
12 plan and zoning or subdivision regulations shall remain in full force and effect in the Area described in  
13 Section 2 of this Ordinance until the City adopts a comprehensive plan amendment that includes the  
14 annexed area. The Gainesville Code Enforcement Board and code enforcement officers shall have  
15 jurisdiction to enforce these regulations during the interim period through the Gainesville Code  
16 Enforcement Board process as described in Division 8 of Article V of Chapter 2 of the Code of  
17 Ordinances of the City of Gainesville and the Civil Citation Process, as described in Division 6 of  
18 Article V of Chapter 2 of said Code. During the interim period, the City may rezone properties in the  
19 annexed area to an Alachua County Zoning classification/category that conforms with the Alachua  
20 County Comprehensive Plan.

21           **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the  
22 application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall  
23 not affect the other provisions or applications of the ordinance which can be given effect without the

1 valid or unconstitutional provisions or application, and to this end the provisions of this ordinance are  
2 declared severable.

3 **Section 7.** The Clerk of the Commission is directed to submit a certified copy of this  
4 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3) the  
5 Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

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

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8 **PASSED AND ADOPTED** this 5<sup>th</sup> day of February, 2009.

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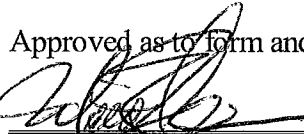
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PEGEEN HANRAHAN  
MAYOR

ATTEST:

  
KURT LANNON  
CLERK OF THE COMMISSION

Approved as to form and legality  
  
MARION J. RADSON  
CITY ATTORNEY

FEB - 5 2009

This Ordinance passed on first reading this 15<sup>th</sup> day of January, 2009.

This Ordinance passed on second reading this 5<sup>th</sup> day of February, 2009.

**Exhibit "A"**

A TRACT OF LAND SITUATED IN SECTIONS 15 AND 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALCHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT A POINT ON THE EAST LINE OF HOGTOWN PRAIRIE AND KANAPAHA LAKE PARK AS DESCRIBED IN OFFICIAL RECORDS BOOK 935 PAGE 279 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED AS ORB \_\_\_\_, PAGE \_\_\_\_\_ PRACF), ALSO BEING THE SOUTHWEST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN ORB 3560 PAGE 536 PRACF AND THE POINT OF BEGINNING; THENCE RUN NORTHEASTERLY ALONG THE WEST LINE OF SAID PARCEL TO THE NORTHWEST CORNER OF SAID PARCEL ALSO BEING A POINT ON THE SOUTHERLY LINE OF THAT PARCEL OF LAND AS DESCRIBED IN ORB 3490, PAGE 1086 PRACF SAID POINT BEING ON THE EASTERLY LINE OF THAT PARCEL OF LAND AS DESCRIBED IN ORB 935, PAGE 279 PRACF; THENCE RUN NORTH, WEST AND NORTH ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN ORB 935, PAGE 279 PRACF TO THE WESTERLY EXTENSION OF THE NORTH LINE OF THAT PARCEL OF LAND AS DESCRIBED IN ORB 3490, PAGE 1086; THENCE RUN EAST ALONG SAID EXTENSION AND THE NORTH LINE OF SAID PARCEL TO THE NORTHEAST CORNER OF SAID PARCEL, SAID CORNER BEING ON THE WEST LINE OF THAT PARCEL OF LAND AS DESCRIBED IN ORB 3296, PAGE 613

PRACF; THENCE RUN SOUTHEASTERLY ALONG SAID WEST LINE TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 24 ALSO KNOWN AS SOUTHWEST ARCHER ROAD; THENCE RUN SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE SOUTHWEST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN ORB 3490, PAGE 1078 PRACF; THENCE RUN NORTH ALONG THE WEST LINE OF SAID PARCEL TO THE NORTHWEST CORNER OF SAID PARCEL ALSO BEING A POINT ON THE SOUTH LINE OF THAT PARCEL OF LAND AS DESCRIBED IN ORB 3490, PAGE 1082 PRACF; THENCE RUN WEST ALONG THE SOUTH LINE OF SAID PARCEL TO THE SOUTHWEST CORNER OF SAID PARCEL ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTHWEST 50<sup>TH</sup> STREET; THENCE RUN NORTH ALONG THE WEST LINE OF SAID PARCEL AND EASTERLY RIGHT-OF-WAY LINE TO A POINT MARKING AN EASTERLY EXTENSION OF THE NORTH LINE OF THAT PARCEL OF LAND AS DESCRIBED IN ORB 1561, PAGE 2782 PRACF; THENCE RUN WEST ALONG SAID EXTENSION AND THE NORTH LINE OF SAID PARCEL TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE RUN SOUTH ALONG THE WEST LINE OF SAID PARCEL TO A POINT ON THE SOUTH LINE OF THAT PARCEL OF LAND AS DESCRIBED IN ORB 3560, PAGE 536 PRACF; THENCE RUN WEST ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID PARCEL AND THE POINT OF BEGINNING.