

ORDINANCE NO. 190420

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3 An ordinance of the City of Gainesville, Florida, annexing approximately 42.97  
4 acres of privately-owned property generally located west of Tower Road, south of  
5 SW 13<sup>th</sup> Road, north of SW 18<sup>th</sup> Boulevard, and east of SW 83<sup>rd</sup> Street, as more  
6 specifically described in this ordinance, as petitioned for by the property owner(s)  
7 pursuant to Chapter 171, Florida Statutes; making certain findings; providing for  
8 inclusion of the property in Appendix I of the City Charter; providing for land use  
9 plan, zoning, and subdivision regulations, and enforcement of same; providing  
10 for persons engaged in any occupation, business, trade, or profession;  
11 providing directions to the Clerk of the Commission; providing a severability  
12 clause; providing a repealing clause; and providing an immediate effective date.

13  
14 **WHEREAS**, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, (the  
15 "Act"), sets forth criteria and procedures for adjusting the boundaries of municipalities through  
16 annexations or contractions of corporate limits; and

17 **WHEREAS**, on October 3, 2019, the City Commission of the City of Gainesville received a petition  
18 for voluntary annexation of real property located in the unincorporated area of Alachua County, as  
19 more specifically described in this ordinance, and determined that the petition included the  
20 signatures of all owners of property in the area proposed to be annexed; and

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

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

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

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

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

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

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

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

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

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

53 **SECTION 5.** (a) As of the effective date of this ordinance, all persons who are lawfully engaged in  
54 any occupation, business, trade, or profession within the property area described in Section 2 of  
55 this ordinance may continue such occupation, business, trade, or profession, but shall obtain a  
56 business tax receipt from the City of Gainesville for the term commencing on October 1, 2020.

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

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

70 **SECTION 7.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the  
71 application hereof to any person or circumstance is held invalid or unconstitutional, such  
72 finding will not affect the other provisions or applications of this ordinance that can be given

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

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

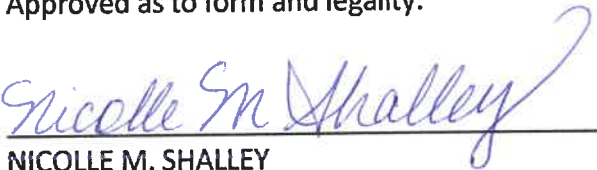
77 **SECTION 9.** This ordinance will become effective immediately upon adoption.


78 **PASSED AND ADOPTED** this 20<sup>th</sup> day of February, 2020.

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\_\_\_\_\_  
LAUREN POE  
MAYOR

86 Attest:

Approved as to form and legality:  
  
\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

87  
88   
89 \_\_\_\_\_  
90 OMICHELE D. GAINNEY  
91 CLERK OF THE COMMISSION

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This ordinance passed on first reading this 6<sup>th</sup> day of February, 2020.

This ordinance passed on second reading this 20<sup>th</sup> day of February, 2020.

**OAK HALL PROPERTY; TAX PARCELS 6668-2-3 & 6668-2-5**  
**DESCRIPTION FOR PROPOSED ANNEXATION IN SECTION 8, TOWNSHIP 10 SOUTH,**  
**RANGE 19 EAST, ALACHUA COUNTY, FLORIDA**

A PARCEL OF LAND LYING AND BEING IN SECTION 8, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF PARCEL # 3 OF MINOR SUBDIVISION BOOK 34, PAGE 62 FILED AS AN UNRECORDED MAP IN THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER REFERRED TO AS PRACF) ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 150912 AND AT THE POINT OF INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF S.W. 75<sup>TH</sup> STREET (ALSO KNOWN AS TOWER ROAD) AND THE SOUTH LINE OF LOT NUMBER 4 IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST SAID ALACHUA COUNTY, FLORIDA; THENCE N 00°51'18" W ALONG SAID CITY LIMIT LINE, THE WEST LINE OF SAID PARCEL # 3 AND THE EAST RIGHT-OF-WAY LINE OF S.W. 75<sup>TH</sup> STREET A DISTANCE OF 263.34 FEET TO A POINT OF INTERSECTION ON THE WEST LINE OF SAID LOT 3; THENCE LEAVING SAID WEST LINE OF LOT # 3 CONTINUE ALONG SAID CITY LIMIT LINE N 00°51'18" W A DISTANCE OF 132.03 FEET TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF "SUNRISE", PER THE PLAT THEREOF RECORDED IN PLAT BOOK "I", PAGE 23 PRACF; THENCE LEAVING SAID EXISTING CITY OF GAINESVILLE LIMIT LINE, S 88°53'38" W ALONG SAID EXTENSION A DISTANCE OF 103.04 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 4542, PAGE 244 (HEREAFTER ABBREVIATED ORB \_\_, P\_\_) PRACF ALSO BEING A POINT ON THE NORTH LINE OF SAID PLAT OF "SUNRISE"; THENCE CONTINUE S 88°53'38" W ALONG THE SOUTH LINE OF SAID PARCEL ALSO BEING THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 1612, P 2865 PRACF A DISTANCE OF 1.81 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE S 88°53'38" W ALONG THE SOUTH LINE OF SAID PARCEL AND NORTH LINE OF SAID PLAT A DISTANCE OF 1244.14 FEET TO THE NORTHWEST CORNER OF SAID PLAT ALSO BEING THE NORTHEAST CORNER OF "AVALON PHASE 2, UNIT III" PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "T", PAGE 6 PRACF; THENCE CONTINUE S 88°53'38" W ALONG THE NORTH LINE OF SAID PLAT, SOUTH LINE OF SAID PARCEL AND THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 720 P 383 (INCLUDING "LESS PORTION") A DISTANCE OF 1252.29 FEET TO THE NORTHWEST CORNER OF SAID PLAT ALSO BEING THE NORTHEAST CORNER OF "AVALON PHASE 2, UNIT II" PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "R", PAGE 54 PRACF; THENCE CONTINUE S 88°53'38" W ALONG THE NORTH LINE OF SAID PLAT, AND SOUTH LINE OF SAID PARCEL A DISTANCE OF 94.40 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL ALSO BEING THE SOUTHEAST CORNER OF "COBBLEFIELD UNIT II" PER THE PLAT THEREOF AS RECORDED IN PLAT

BOOK "23", PAGES 68 & 69 PRACF; THENCE N00°54'53" W ALONG THE EAST LINE OF SAID "COBBLEFIELD UNIT II" A DISTANCE OF 734.21 FEET TO THE NORTHWEST CORNER OF SAID LANDS DESCRIBED IN ORB 720, P 383 PRACF ALSO BEING THE SOUTHWEST CORNER OF "WESTWOOD" PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "1", PAGE 66 PRACF; THENCE LEAVING SAID EAST LINE OF "COBBLEFIELD UNIT II", N 89°14'19" E ALONG THE NORTH LINE OF LANDS DESCRIBED IN SAID ORB 720, P 382 PRACF ALSO BEING THE SOUTH LINE OF SAID PLAT A DISTANCE OF 1577.07 FEET TO THE NORTHEAST CORNER OF SAID LANDS DESCRIBED IN ORB 720, P 382 PRACF ALSO BEING THE NORTHWEST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN ORB 4225, P 417 PRACF; THENCE CONTINUE N 89°14'19" E ALONG THE SOUTH LINE OF SAID "WESTWOOD" AND NORTH LINE OF SAID LANDS DESCRIBED IN ORB 4525, P 417 PRACF A DISTANCE OF 1016.31 FEET TO THE NORTHEAST CORNER OF SAID LANDS ALSO BEING A POINT ON THE WEST RIGHT-OF-WAY LINE OF SAID S.W. 75<sup>TH</sup> STREET; THENCE S 00°51'18" E ALONG THE EAST LINE OF SAID LANDS AND WEST RIGHT-OF-WAY LINE OF SAID SW 75<sup>TH</sup> STREET A DISTANCE OF 428.61 FEET TO THE SOUTHEAST CORNER OF SAID LANDS ALSO BEING THE NORTHEAST CORNER OF LANDS DESCRIBED IN THE AFOREMENTIONED ORB 1612, P 2865 PRACF; THENCE CONTINUE S 00°51'18" E ALONG THE EAST LINE OF SAID PARCEL ALSO BEING THE WESTERLY LINE OF AFOREMENTIONED PARCEL OF LAND FOUND IN ORB 4542, P 244 AND THE WEST RIGHT-OF-WAY LINE OF SAID S.W. 75<sup>TH</sup> STREET A DISTANCE OF 39.16 FEET; THENCE LEAVING SAID EAST LINE OF PARCEL DESCRIBED IN ORB 1612, P 2865 PRACF CONTINUE ALONG THE WEST LINE OF PARCEL DESCRIBED IN SAID ORB 4542, P 244 AND THE WESTERLY RIGHT-OF-WAY OF SAID S.W. 75<sup>TH</sup> STREET THE FOLLOWING 8 COURSES: 1.) S 03°44'21" W, 17.04 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 200 FEET; 2.) ALONG THE ARC OF SAID CURVE 129.44 FEET THROUGH A CENTRAL ANGLE OF 37°04'59" BEING SUBTENDED BY A CHORD OF S 22°16'50" W, 127.20 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 50.00 FEET; 3.) ALONG THE ARC OF SAID CURVE 20.94 FEET THROUGH A CENTRAL ANGLE OF 23°59'52" BEING SUBTENDED BY A CHORD OF S 64°49'16" W, 20.79 FEET; 4.) S 64°49'12", 14.91 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 73.00 FEET; 5.) ALONG THE ARC OF SAID CURVE 27.27 FEET THROUGH A CENTRAL ANGLE OF 21°24'04" BEING SUBTENDED BY A CHORD OF S 75°31'14" W, 27.11; 6.) S 01°01'34", 65.09 FEET; 7.) S 87°38'07" E, 64.58 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 59.00 FEET; 8.) ALONG THE ARC OF SAID CURVE 49.05 FEET THROUGH A CENTRAL ANGLE OF 47°38'04" BEING SUBTENDED BY A CHORD OF S 61°32'04" W, 47.65 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. CONTAINING 1,871,926 SQUARE FEET OR 42.973 ACRES, MORE OR LESS.

SHEET 2 of 3: NOT COMPLETE WITHOUT ALL 3 SHEETS

Exhibit A to Ordinance No. 190420

**OAK HALL PROPERTY: TAX PARCELS # 6668-2-3 & 6668-2-5**  
 SKETCH & DESCRIPTION FOR PROPOSED ANNEXATION IN SECTION 8, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA

**SURVEYOR'S NOTES:**

1. THE BEARING BASIS FOR THIS SKETCH & DESCRIPTION IS THE WEST LINE OF MINOR SUB BOOK 34, PAGE 62 WITH A VALUE OF N 00°51'18" W. IT IS IDENTICAL TO THE EAST R/W LINE FOUND IN ORB 4542, P 244 FOR ADDITIONAL R/W GRANTED BY OAK HALL FOR SW 75TH STREET.
2. INFORMATION FROM THE PROPERTY APPRAISER'S WEB SITE, DEEDS AND PLATS OF RECORD, THE ALACHUA COUNTY CONTROL DENSIFICATION & IDENTIFICATION OF LAND CORNERS PROJECT AND A JOHN MEYERS SURVEY OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST PROVIDED TO THIS SURVEYOR WERE ALSO USED TO BEST REPRESENT THE LANDS INTENDED TO BE INCLUDED IN THIS SKETCH AND DESCRIPTION.
3. THE ADJACENT SUBDIVISION PLATS DEPICTION IS ADJUSTED TO FIT THE SUBJECT PERIMETER PROPERTY BOUNDARY AND DEEDS AND MAY NOT BE TO SCALE.

- LINE AND ABBREVIATIONS LEGEND:**
- PERIMETER OF DESCRIBED PROPERTY
  - EXISTING RIGHT OF WAY LINES
  - SECTION LINE
  - LOT, STREET AND SUBDIVISION LINES
  - EXISTING EASEMENT LINES
  - EAST LINE ORB 4542 P 244 (OLD R/W LINE)
  - HATCHED AREA REPRESENTS LIMITS OF DESCRIBED PROPERTY
- PLAT & PG = PLAT BOOK & PAGE**  
**ORB & P = OFFICIAL RECORDS BOOK & PAGE**  
**TP # = CURRENT TAX PARCEL NUMBER**  
**R/W = RIGHT-OF-WAY**  
**RLS = REGISTERED LAND SURVEYOR**  
**PRAC# = PUBLIC RECORDS ALACHUA COUNTY, FLORIDA**  
**L = LENGTH OF ARC**  
**R = RADIUS**  
**PUE = PUBLIC UTILITY EASEMENT**

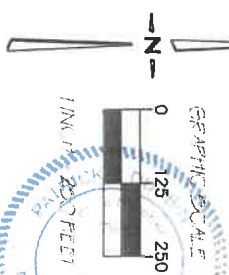
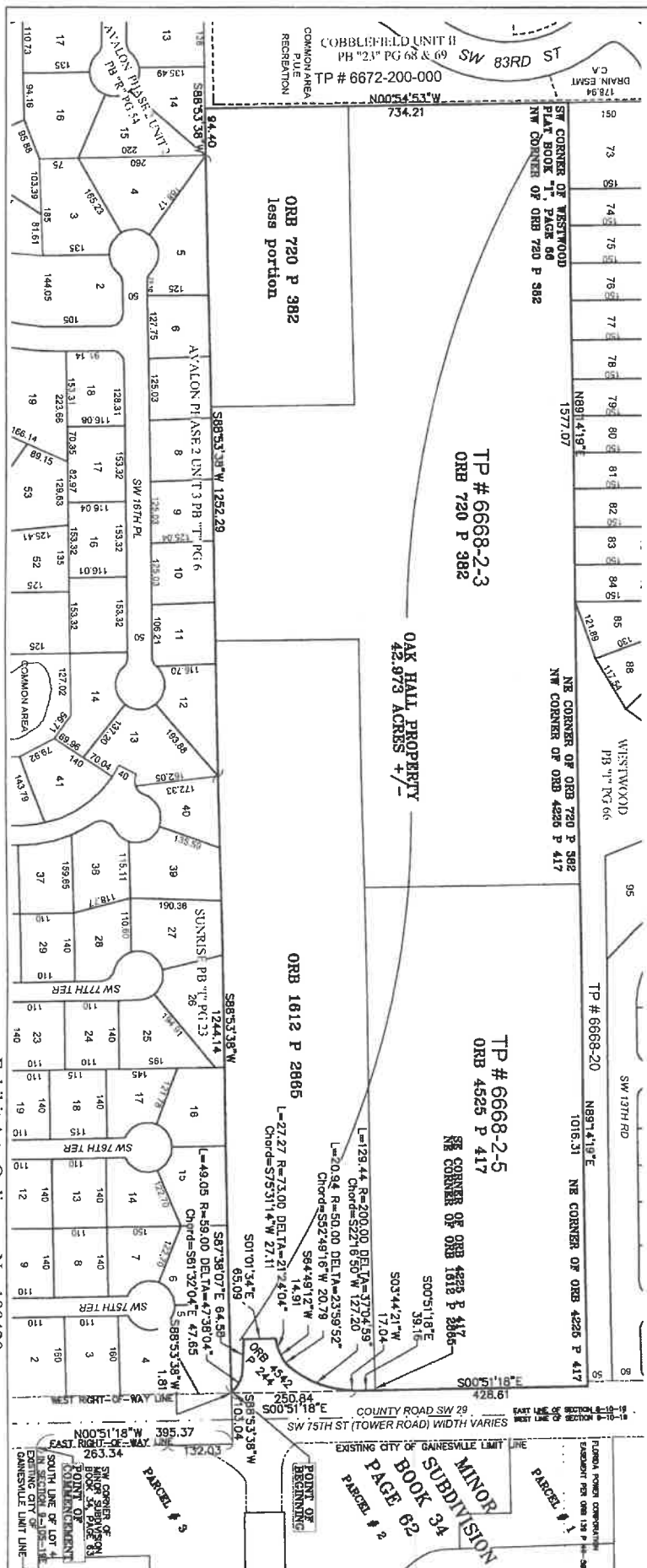


Exhibit A to Ordinance No. 190420