

LEGISLATIVE #

170520A

ORDINANCE NO. 170520

An ordinance of the City of Gainesville, Florida, annexing approximately 38.95 acres of property known as “Sterling Place” that is generally located south of NW 73rd Avenue, west of NW 43rd Street, north of NW 64th Boulevard, and east of NW 52nd Terrace, as more specifically described in this ordinance, pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for a referendum election; providing directions to the Clerk of the Commission; providing ballot language; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing a severability clause; and providing effective dates.

WHEREAS, the Municipal Annexation or Contraction Act, Part I of Chapter 171, Florida Statutes, (the “Act”), sets forth criteria and procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits; and

WHEREAS, the property that is the subject of this ordinance meets the criteria for annexation under the Act; and

WHEREAS, on February 15, 2018, and in accordance with Section 171.042, Florida Statutes, the City Commission of the City of Gainesville approved an Urban Services Report setting forth the plans to provide urban services to the subject property; and

WHEREAS, a copy of the Urban Services Report was filed with the Alachua County Board of County Commissioners; and

WHEREAS, not less than 10 days prior to the date set for this ordinance’s first public hearing, written notice was mailed to each person who resides or owns property within the subject property; and

WHEREAS, an advertisement no less than two columns wide by ten inches long was placed in a newspaper of general circulation and provided the public with at least seven days’ advance

notice of this ordinance's first public hearing to be held by the City Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, a second advertisement no less than two columns wide by ten inches long was placed in the aforesaid newspaper and provided the public with at least five days' advance notice of this ordinance's second public hearing to be held by the City Commission in the City Hall Auditorium; and

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

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

SECTION 1. The City Commission finds that the property described in Section 2 of this ordinance is reasonably compact and contiguous to the present corporate limits of the City of Gainesville and that no part of the subject property is within the boundary of another municipality or outside of the county in which the City of Gainesville lies. The City Commission finds that annexing the subject property into the corporate limits of the City of Gainesville does not create an enclave of unincorporated property. In addition, the City Commission finds that the subject property meets the general standards provided in Section 171.043, Florida Statutes.

SECTION 2. The following described property is annexed and incorporated within the corporate limits of the City of Gainesville, Florida:

See legal description attached hereto as **Exhibit A** and made a part hereof as if set forth in full. The location of the property is shown on **Exhibit B** for visual reference. In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

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

SECTION 4. Pursuant to the Act, this ordinance shall be submitted to a vote of the registered electors within the proposed annexation area described in Section 2 of this ordinance at a referendum on annexation to be held during a special election on June 12, 2018. The referendum shall be conducted by the Alachua County Supervisor of Elections by mail ballot in accordance with the provisions of the Act, the Mail Ballot Election Act (Sections 101.6101-101.6107, Florida Statutes), and Chapter 9, Gainesville Code of Ordinances, as applicable. The City Manager is authorized and directed to pay all lawful expenses associated with this election.

SECTION 5. The Clerk of the Commission is authorized to publish notice of the referendum on annexation as prescribed by law.

SECTION 6. Pursuant to the Act, the language on the ballot of the referendum on annexation shall be:

"For annexation of property described in ordinance number 170520 of the City of Gainesville"

"Against annexation of property described in ordinance number 170520 of the City of Gainesville"

SECTION 7. In accordance with the Act, the Alachua County land use plan and zoning or subdivision regulations shall remain in full force and effect in the property described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the Alachua County land use plan and zoning or subdivision regulations through the City of Gainesville's code enforcement and civil citation processes.

SECTION 8. (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in any occupation, business, trade, or profession within the property described in Section 2 of this ordinance shall have the right to continue such occupation, business, trade, or profession, but shall obtain a business tax receipt from the City of Gainesville for the term commencing on October 1, 2018, which tax receipt shall be issued upon payment of the appropriate fee in accordance with the Gainesville Code of Ordinances in effect on October 1, 2018.

(b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any construction trade, occupation, or business within the property described in Section 2 of this ordinance and who possess a valid certificate of competency issued by Alachua County shall have the right to continue the construction trade, occupation, or business within the entire corporate limits of the City of Gainesville, including the subject property, subject to the terms, conditions, and limitations imposed on the certificate by Alachua County, and provided that such persons register the certificate with the Building Inspections Division of the City of Gainesville and the Department of Business and Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. of the effective date of this ordinance.

SECTION 9. The Clerk of the Commission is directed to: 1) file this ordinance as a revision of the charter boundary article with the Florida Department of State; and 2) submit a copy of this ordinance to the Office of Economic and Demographic Research along with a statement specifying the population census effect and the affected land area.

SECTION 10. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance that can be given

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

SECTION 11. Sections 1, 4, 5, 6, 10, and 11 of this ordinance shall become effective immediately upon adoption. Sections 2, 3, 7, 8, and 9 shall become effective at 12:01 a.m. on June 22, 2018, provided there is a majority vote for the annexation at the referendum called pursuant to this ordinance. If there is a tie vote or majority vote against the annexation, Sections 2, 3, 7, 8, and 9 shall not become effective.

PASSED AND ADOPTED this _____ day of _____, 2018.

LAUREN POE
MAYOR

Attest:

Approved as to form and legality:

OMICHELE GAINEY
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

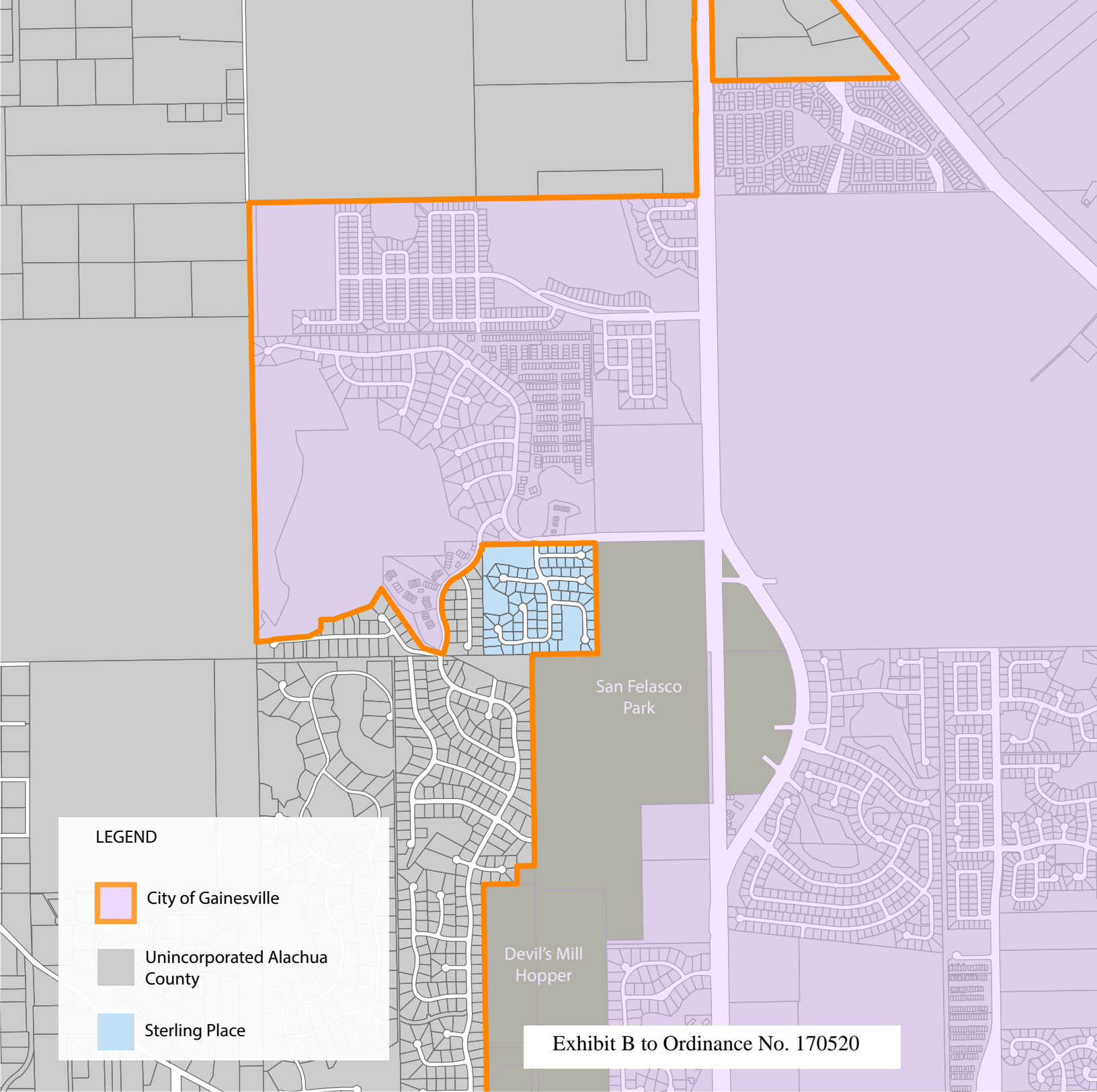
This ordinance passed on first reading this _____ day of _____, 2018.

This ordinance passed on second reading this _____ day of _____, 2018.

STERLING PLACE UNITS 1, 2 & 3 LEGAL DESCRIPTION FOR PROPOSED ANNEXATION

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA BEING ALL OF STERLING PLACE UNIT – 1 A SUBDIVISION AS RECORDED IN PLAT BOOK “R”, PAGE 39 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED PRACF), STERLING PLACE UNIT – 2, A SUBDIVISION AS RECORDED IN PLAT BOOK “R”, PAGE 81 OF THE PRACF AND STERLING PLACE UNIT – 3, A SUBDIVISION AS RECORDED IN PLAT BOOK “T”, PAGE 31 OF THE PRACF AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF STERLING PLACE UNIT – 1, A SUBDIVISION AS RECORDED IN PLAT BOOK “R”, PAGE 39 (PRACF) ALSO BEING A POINT ON THE EXISTING CITY LIMIT LINE AS PER ORDINANCE NO. 002393; THENCE SOUTH 89°37’45” WEST ALONG SAID CITY LIMITS LINE AND THE NORTH LINE OF SAID STERLING PLACE UNIT – 1 A DISTANCE OF 1318.93 FEET TO THE NORTHWEST CORNER OF SAID STERLING PLACE UNIT – 1 ALSO BEING ON THE EAST LINE OF BLUES CREEK UNIT 1, A SUBDIVISION AS RECORDED IN PLAT BOOK “M”, PAGE 95 OF THE PRACF AND BEING ON THE EAST RIGHT-OF-WAY LINE OF NW 52ND TERRACE AND THE EXISTING CITY LIMIT LINE AS PER ORDINANCE NO. 040290; THENCE ALONG SAID CITY LIMIT LINE AND EAST RIGHT-OF-WAY LINE OF SAID NW 52ND TERRACE AND BLUES CREEK UNIT 1 ALSO BEING THE WEST LINE OF SAID STERLING PLACE UNIT – 1, S 00° 27’ 27” E A DISTANCE OF 61.55 FEET TO A POINT OF INTERSECTION ON THE EAST RIGHT-OF-WAY LINE OF SAID NW 52ND TERRACE; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE AND EXISTING CITY LIMIT LINE CONTINUE ALONG THE WEST LINE OF SAID STERLING PLACE UNIT – 1 AND THE EAST LINE OF SAID BLUES CREEK UNIT 1, S 00° 27’ 27” E A DISTANCE OF 303.36 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID STERLING PLACE UNIT – 1, ALSO BEING THE NORTHWEST CORNER OF STERLING PLACE UNIT – 3, A SUBDIVISION AS RECORDED IN PLAT BOOK “T”, PAGE 31 OF THE PRACF; THENCE CONTINUE S 00° 27’ 27” E ALONG THE WEST LINE OF SAID STERLING PLACE UNIT – 3 A DISTANCE OF 920.70 FEET TO THE SOUTHWEST CORNER OF SAID STERLING PLACE UNIT – 3, ALSO BEING THE SOUTHWEST CORNER OF THE SOUTHEAST ONE QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 19 EAST; THENCE ALONG THE SOUTH LINE OF SAID SECTION 10 AND STERLING PLACE UNIT – 3 N 89° 38’ 47” E A DISTANCE OF 562.39 FEET TO A POINT OF INTERSECTION ON SAID SOUTH LINE OF STERLING PLACE UNIT – 3, ALSO BEING THE SOUTHWEST CORNER OF STERLING PLACE UNIT – 2, A SUBDIVISION AS RECORDED IN PLAT BOOK “R”, PAGE 81 OF THE PRACF; THENCE CONTINUE N 89° 38’ 47” E ALONG THE SOUTH LINE OF SAID STERLING PLACE UNIT – 2 A DISTANCE OF 758.05 FEET TO THE SOUTHEAST CORNER OF SAID STERLING PLACE UNIT – 2, ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 980467 AND THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10; THENCE N 00° 31’ 28” W ALONG SAID EXISTING CITY LIMIT LINE AND THE EAST LINE OF SAID STERLING PLACE UNIT – 2, ALSO BEING THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 A DISTANCE OF 1006.00 FEET TO THE NORTHEAST CORNER OF SAID STERLING PLACE UNIT – 2 ALSO BEING THE SOUTHEAST CORNER OF THE AFOREMENTIONED STERLING PLACE UNIT – 1; THENCE CONTINUE N 00° 31’ 28” W ALONG SAID EXISTING CITY LIMIT LINE AND THE EAST LINE OF SAID STERLING PLACE UNIT – 1, EXISTING CITY LIMIT LINE AND EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 10 A DISTANCE OF 280.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL. SAID PARCEL CONTAINING 38.95 ACRES MORE OR LESS.



LEGEND



City of Gainesville



Unincorporated Alachua
County



Sterling Place

San Felasco
Park

Devil's Mill
Hopper

Exhibit B to Ordinance No. 170520