

ORDINANCE NO. 020815

0-03-05

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 known as St. Elizabeth Greek Orthodox Church, generally located north of Hunters Glen Subdivision, west of the city limits, south of NW 53rd Avenue, and east of Hunters Glen Subdivision; 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 City Manager and 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

WHEREAS, on September 18, 2002, the owner of the real property described herein submitted a Petition for Voluntary Annexation requesting the City to incorporate said property into the City of Gainesville; and

WHEREAS, on October 14, 2002, the City Commission voted to accept said Petition and determined that the Petition bore the signature of the owner of the property; and

WHEREAS, on November 25, 2002, the City Commission of the City of Gainesville adopted Ordinance No. 020481, which adopted the Urban Services Report setting forth the plans to

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

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

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

7 **WHEREAS**, pursuant to law, notice has been given by publication once a week for two
8 consecutive weeks in a newspaper of general circulation notifying the public of this proposed
9 Ordinance and of Public Hearings to be held in the City Commission meeting room, First Floor,
10 City Hall, in the City of Gainesville; and

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

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

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

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

23 See Legal Description attached hereto as Exhibit "A", and made a
24 part hereof as if set forth in full.

1
2 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,
3 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
4 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

7 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
8 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
9 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
10 that includes the annexed area. During the interim period, the City may rezone properties in the
11 annexed area to an Alachua County Zoning classification/category that conforms with the Alachua
12 County Comprehensive Plan.

13 **Section 6.** (a) Except as provided in subsections (b) and (c) below, all persons who are
14 lawfully engaged in any occupation, business, trade or profession within the area described in
15 Section 2 of this Ordinance as of the date of annexation shall have the right to continue such
16 occupation, business, trade or profession.

17 (b) Except as provided in subsection (c) below, all persons who are lawfully
18 engaged in any construction trade, occupation or business within the Area described in Section 2 of
19 this Ordinance as of the date of annexation and who possess a valid certificate of competency
20 issued by Alachua County shall have the right to continue the construction trade, occupation, or
21 business within the entire corporate limits of the City of Gainesville, including the Area described
22 in Section 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the
23 certificate by Alachua County, and provided such persons register the certificate with the Building

1 Inspections Department of the City of Gainesville and the Department of Professional Regulation of
2 the State of Florida on or before 4:00 p.m. on October 1, 2003.

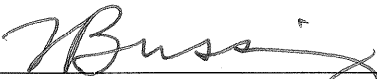
3 (c) All persons lawfully engaged in any occupation, business, trade or
4 profession within the Area described in Section 2 of this Ordinance on or after October 1, 2003,
5 shall obtain an occupational license from the City of Gainesville for the term commencing on
6 October 1, 2003, which license shall be issued upon payment of the appropriate fee in accordance
7 with the Gainesville Code of Ordinances in effect on October 1, 2003.

8 **Section 7.** If any portion of this Ordinance is declared by a court of competent jurisdiction
9 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining
10 portions of this Ordinance.

11 **Section 8.** The Clerk of the Commission is directed to submit a certified copy of this
12 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3)
13 the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

14 **Section 9.** This Ordinance shall become effective immediately upon adoption.

15 **PASSED AND ADOPTED** this 10th day of February, 2003.

16 
17 _____
18 THOMAS D. BUSSING, MAYOR

19 ATTEST:

20 
21 _____
22 KURT LANNON
23 CLERK OF THE COMMISSION

Approved as to form and legality

24 
25 _____
26 MARION J. RADSON
CITY ATTORNEY

FEB 11 2003

This Ordinance passed on first reading this 27th day of January, 2003.
This Ordinance passed on second reading this 10th day of February, 2003.

Exhibit "A"

Legal Description

That parcel of land located in the Northwest $\frac{1}{4}$ of Section 22, Township 9 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Northwest $\frac{1}{4}$ of Section 22 for a point of reference, thence run South $00^{\circ}25'40''$ East along the East line of said Northwest $\frac{1}{4}$, a distance of 33.00 ft., thence run South $89^{\circ}35'16''$ West, a distance of 50.00 ft. to the point of beginning, thence continue South $00^{\circ}25'40''$ East along East line of the Northwest $\frac{1}{4}$, a distance of 590 ft., thence run South $89^{\circ}35'16''$ West and parallel with the North line of said Northwest $\frac{1}{4}$, a distance of 515.00 ft., thence run North $00^{\circ}24'40''$ West and parallel with said East line of the Northwest $\frac{1}{4}$, a distance of 590.00 ft., thence run North $89^{\circ}35'16''$ East and parallel with said North line of the Northwest $\frac{1}{4}$, a distance of 515.00 ft. to the said point of beginning.