



MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: May 14, 2001
~~April 23, 2001~~

FROM: City Attorney

CITY ATTORNEY
~~FIRST READING~~
SECOND READING

SUBJECT: Ordinance No. 0-01-08

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 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 generally located south of SW 20th Avenue, east of the extension of SW 63rd Blvd., west of I-75 and north of Kanapaha Lake and Prairie; providing for inclusion of the area in Appendix I of the City Charter; providing for land use plan and zoning regulations; providing for enforcement of Alachua County, land use plan, zoning and subdivision regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, November 13, 2000, at a regular city commission meeting, the City Commission received and accepted the petition for voluntary annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. The City of Gainesville owns the real property that is the subject of this annexation. On January 8, 2001 and January 22, 2001, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary

Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

The Alachua County land use plan and zoning or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment that includes the annexed area, and rezones the property to a city zoning category. During the interim period, the City may rezone the property in the annexed area to an Alachua County Zoning classification/category that conforms with the Alachua County Comprehensive Plan in accordance with Chapter 163, F.S.

Prepared and
Submitted by:



Marion J. Radson
City Attorney

Passed on first reading by a vote of 5-0.

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04/12/01

ORDINANCE NO. _____
0-01-08

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5 portion of the City of Gainesville Reserve Area Pursuant to
6 Chapter 90-496, as amended, by Special Acts, Laws of Florida,
7 known as the Alachua County Boundary Adjustment Act;
8 making certain findings; including within the corporate limits of
9 the City of Gainesville, Florida, that certain compact and
10 contiguous area generally located south of SW 20th Avenue, east
11 of the extension of SW 63rd Blvd., west of I-75 and north of
12 Kanapaha Lake and Prairie; providing for inclusion of the area
13 in Appendix I of the City Charter; providing for land use plan
14 and zoning regulations; providing for enforcement of Alachua
15 County, land use plan, zoning and subdivision regulations;
16 providing directions to the City Manager and Clerk of the
17 Commission; providing a severability clause; and providing an
18 immediate effective date.
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21 WHEREAS, Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-
22 382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary
23 Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for
24 the annexation of contiguous, compact, unincorporated territory within a municipality's reserve
25 area; and

26 WHEREAS, on January 13, 1998, the Board of County Commissioners of Alachua County
27 designated the Reserve Area for the City of Gainesville pursuant to the Act; and

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1 **WHEREAS**, on November 13, 2000, the owner of the real property described herein
2 submitted a Petition for Voluntary Annexation requesting the City to incorporate said property into
3 the City of Gainesville; and

4 **WHEREAS**, on November 13, 2000, the City Commission voted to accept said Petition
5 and determined that the Petition bore the signatures of the owners of the property; and

6 **WHEREAS**, on January 22, 2000, the City Commission of the City of Gainesville adopted
7 Ordinance No. 000666, which adopted the Urban Services Report setting forth the plans to provide
8 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the
9 procedures provided in the Act; and

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

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

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

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

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

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

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

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

15 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,
16 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
17 Section 2 within the corporate limits of the City of Gainesville, Florida.
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1 **Section 4.** The City Manager is authorized and directed to make the necessary change to the
2 legal description of the Municipal Corporate Limits as codified in Appendix 1 of the City Charter
3 of the City of Gainesville, Florida, to comply with this ordinance.

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

13 **Section 6.** If any portion of this Ordinance is declared by a court of competent jurisdiction
14 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining
15 portions of this Ordinance.

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

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

2 **PASSED AND ADOPTED** this ____ day of _____, 2001.

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Paula M. DeLaney, Mayor

ATTEST:

Approved as to form and legality

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KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON,
CITY ATTORNEY

This Ordinance passed on first reading this __ day of _____, 2001.

This Ordinance passed on second reading this __ day of _____, 2001.

Exhibit A

Final Legal Description for Southwest Area

A PARCEL OF LAND SITUATED IN SECTIONS 9 & 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE SOUTHEAST CORNER OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST; THENCE RUN SOUTH $88^{\circ} 57' 51''$ WEST ALONG THE SOUTH LINE OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, A DISTANCE OF 2,630.04 FEET TO AN INTERSECTION WITH THE EAST LINE OF A 15 FOOT BY 15 FOOT EASEMENT TO J.C. DICKENSON III AND SARAH L. BINGHAM DICKENSON AS RECORDED IN OFFICIAL RECORD BOOK 1093, PAGE 740 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE FOLLOWING THE BOUNDARY OF SAID EASEMENT RUN NORTH $1^{\circ} 04' 12''$ WEST, A DISTANCE OF 15 FEET; THENCE RUN SOUTH $88^{\circ} 57' 51''$ WEST, A DISTANCE OF 15 FEET TO AN INTERSECTION WITH THE EAST LINE OF THAT PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 1589, PAGES 201-202 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE DEPARTING SAID EASEMENT RUN ALONG SAID EAST LINE NORTH $01^{\circ} 04' 12''$ WEST, A DISTANCE OF 632.54 FEET; THENCE LEAVING SAID EAST LINE RUN NORTH $88^{\circ} 55' 48''$ EAST, A DISTANCE OF 175.86 FEET; THENCE RUN NORTH $25^{\circ} 23' 02''$ EAST, A DISTANCE OF 1,632.01 FEET TO THE POINT OF CURVATURE OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1309.86 FEET, A TANGENT OF 402.11 FEET, A CENTRAL ANGLE OF $34^{\circ} 07' 54''$, AND A CHORD BEARING AND DISTANCE OF NORTH $42^{\circ} 26' 26''$ EAST, 768.81; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 780.29 FEET; THENCE RUN NORTH $30^{\circ} 29' 37''$ WEST, A DISTANCE OF 420 FEET TO AN INTERSECTION WITH A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHEAST, AND HAVING A RADIUS OF 1,729.86 FEET, A TANGENT OF 311.84 FEET, A CENTRAL ANGLE OF $20^{\circ} 26' 16''$, AND A CHORD BEARING AND DISTANCE OF NORTH $69^{\circ} 43' 36''$ EAST, 613.78 FEET; THENCE RUN ALONG SAID CURVE AN ARC DISTANCE OF 617.05 FEET; THENCE LEAVING SAID CURVE RUN SOUTH $00^{\circ} 37' 49''$ EAST, A DISTANCE OF 230.00 FEET; THENCE RUN SOUTH $60^{\circ} 37' 49''$ EAST, A DISTANCE OF 431.27 FEET; THENCE RUN NORTH $89^{\circ} 21' 36''$ EAST, A DISTANCE OF 809.87 FEET; THENCE RUN NORTH $59^{\circ} 21' 36''$ EAST, A DISTANCE OF 480.00 FEET; THENCE RUN NORTH $00^{\circ} 38' 24''$ WEST, A DISTANCE OF 220.00 FEET; THENCE RUN NORTH $89^{\circ} 21' 36''$ EAST, A DISTANCE OF 349.69 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF INTERSTATE 75 (STATE ROAD 93) AND THE CURRENTLY EXISTING LIMIT OF THE CITY OF GAINESVILLE, SAID POINT LYING ON A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 22,768.32 FEET, A TANGENT OF 667.67 FEET, A CENTRAL ANGLE OF $3^{\circ} 21' 34''$, AND A CHORD BEARING AND DISTANCE OF SOUTH $34^{\circ} 21' 21''$ EAST, 1334.77 FEET; THENCE RUN ALONG SAID CURVE, ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF SAID INTERSTATE 75 AND THE CURRENTLY EXISTING CITY LIMIT, AN ARC DISTANCE OF 1,334.96 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG SAID WESTERLY RIGHT OF WAY AND CURRENTLY EXISTING CITY LIMIT SOUTH $32^{\circ} 41' 04''$ EAST, A DISTANCE OF 1,617.18 FEET; THENCE DEPARTING SAID WESTERLY RIGHT OF AWAY AND CURRENTLY EXISTING CITY LIMIT RUN SOUTH $89^{\circ} 19' 07''$ WEST, A DISTANCE OF

2682.02 FEET TO AN INTERSECTION WITH THE WEST LINE OF SECTION 10,
TOWNSHIP 10 SOUTH, RANGE 19 EAST; THENCE RUN SOUTH 00° 30' 19" EAST
ALONG SAID WEST SECTION LINE, A DISTANCE OF 760.47 FEET TO THE POINT OF
BEGINNING.

