

**LEGISLATIVE #**

**130339A**

**ORDINANCE NO. 130339**

**An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville reserve area, as petitioned for by the City as the property owner pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act, that includes Tax Parcel No. 10860-000-000, which is generally located south of NE 39<sup>th</sup> Avenue, west of Morningside Nature Center, north of E University Avenue, and east of NE Waldo Road; making certain findings; providing for inclusion of the area in Appendix I of the City Charter; 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 directions to the Clerk of the Commission; providing a severability clause; providing a repealing 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" ("Act"), which sets forth procedures for the annexation of contiguous, compact, unincorporated territory within a municipality's reserve area; and

**WHEREAS**, on October 9, 2011, the Board of County Commissioners of Alachua County designated an updated reserve area boundary for the City of Gainesville pursuant to the Act; and

**WHEREAS**, on August 1, 2013, the City Commission of the City of Gainesville received a petition for voluntary annexation of real property located in the unincorporated area of Alachua County and within the City of Gainesville's reserve area, as more specifically described in this ordinance, and determined that the petition included the signatures of all owners of property in the area proposed to be annexed; and

**WHEREAS**, on September 5, 2013, the City Commission adopted Ordinance No. 130119, which adopted the Urban Services Report setting forth the plans to provide urban services to that portion of the reserve area proposed to be annexed in accordance with the procedures provided in the Act; and

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

**WHEREAS**, the City of Gainesville desires to annex a certain portion of its reserve area that is compact and contiguous to the present corporate limits of the City; and

**WHEREAS**, pursuant to the Act, notice has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading notifying the public of this proposed ordinance and of public hearings in the City Commission Auditorium located on the first floor of City Hall in the City of Gainesville; and

**WHEREAS**, public hearings were held pursuant to the notice described above during which 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 Area described in Section 2 of this ordinance (“Area”) is reasonably compact and contiguous to the present corporate limits of the City of Gainesville and that no part of the Area is within the boundary of another municipality or outside of the county in which the City of Gainesville lies. The City Commission finds the Area to be within its reserve area and the annexation does not create an enclave.

**Section 2.** The following described Area 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 Area 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 Area as described in Section 2 of this ordinance within the corporate limits of the City of Gainesville, Florida.

**Section 4.** In accordance with Section 171.062, Florida Statutes, the Alachua County land use plan and zoning or subdivision regulations shall remain in full force and effect in the Area described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. Prior to the City's adoption of a comprehensive plan amendment that includes the annexed area, the City may rezone properties in the annexed area to an Alachua County zoning category that conforms with the Alachua County Comprehensive Plan. 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 5.** (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in any occupation, business, trade, or profession within the Area 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, 2014, 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, 2014.

(b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any construction trade, occupation, or business within the Area 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 Area, 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 6.** The Clerk of the Commission is directed to submit a certified copy of this ordinance to: 1) the Florida Department of State; and 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

**Section 7.** 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 8.** All other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

**Section 9.** This ordinance shall become effective immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
EDWARD B. BRADDY  
MAYOR

Attest:

Approved as to form and legality:

\_\_\_\_\_  
KURT LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY

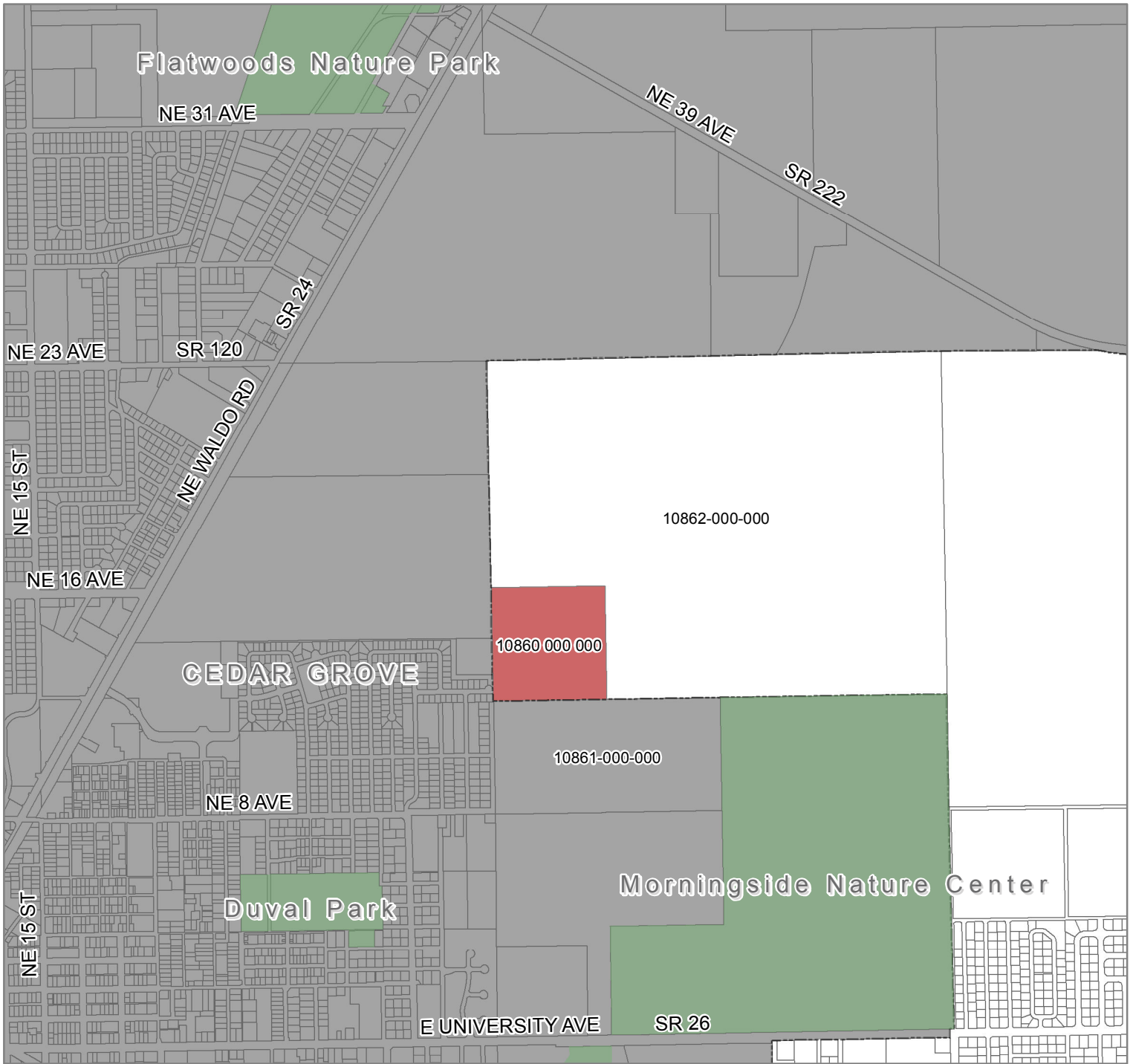
This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

## **LEGAL DESCRIPTION**

A PARCEL OF LAND IN SECTION 35, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA LYING IMMEDIATELY EAST OF AND ADJACENT TO THE EXISTING GAINESVILLE CITY LIMITS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS THIRTY-NINE (39), FORTY (40), FORTY-ONE (41) AND FORTY-TWO (42) OF THE GAINESVILLE DEVELOPMENT COMPANY SUBDIVISION AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 105 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, LYING IN AND BEING IN SECTION THIRTY-FIVE (35), TOWNSHIP NINE (9) SOUTH, RANGE TWENTY (20) EAST.



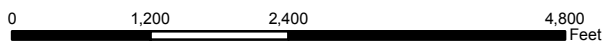
# Proposed Annexation: City-Owned Property North of Morningside

City of Gainesville, FL

 Proposed Annexation Area (~40.2 acres)

 Parks

 Gainesville City Limits



Prepared by Planning and Development Services/GIS August 9, 2012  
 File: T:\Projects\Planning\Urban\_Service\_Reports\City-Owned-North-Morningside\_08-09

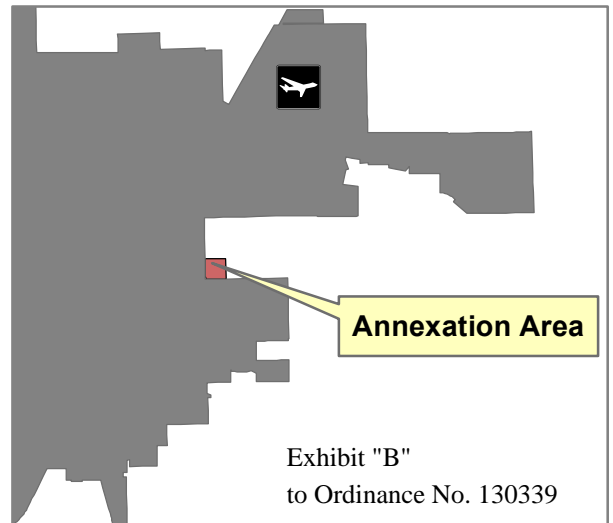


Exhibit "B"  
 to Ordinance No. 130339