

ORDINANCE NO. 0-10-21
100071

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, 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 comprised of a portion of City-owned Tax Parcel 07871-000-000, generally located south of tax parcel 07876-002-000 and tax parcel 07876-000-000, west of the city limits, tax parcel 07875-000-000 and NE 15th Street, north of the city limits and the northern boundary of Section 21, Township 09, Range 20, and east of the city limits and tax parcel 07877-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; 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 Act, 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 10, 2006, the Board of County Commissioners of Alachua County designated the Reserve Area for the City of Gainesville pursuant to the Act; and

WHEREAS, on February 18, 2010, the City Commission voted to accept the Petition for Voluntary Annexation submitted by the City as the owner of the real property described herein and determined that the Petition bore the signatures of the owner of the property; and

WHEREAS, on May 6, 2010, the City Commission of the City of Gainesville adopted Ordinance No. 090733, which adopted the Urban Services Report setting forth the plans to provide

1 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the
2 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

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 of adoption of this ordinance was published for two
8 consecutive weeks prior to first reading in a newspaper of general circulation notifying the public of
9 the Public Hearing of this proposed Ordinance to be held in the City Commission meeting room,
10 First Floor, City Hall, in the City of Gainesville; and

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

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

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

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

22 See Legal Description attached hereto as Exhibit "A", (1 parcel)
23 parcel and made a part hereof as if set forth in full.
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1 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix
2 I, Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
3 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

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

16 **Section 6.** If any word, phrase, clause, paragraph, section or provision of this ordinance or
17 the application hereof to any person or circumstance is held invalid or unconstitutional, such
18 finding shall not affect the other provisions or applications of the ordinance which can be given
19 effect without the valid or unconstitutional provisions or application, and to this end the provisions
20 of this ordinance are declared severable.

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

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

2 **PASSED AND ADOPTED** this _____ day of _____, 2010.

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CRAIG LOWE
MAYOR

9 ATTEST:

Approved as to form and legality

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KURT LANNON
CLERK OF THE COMMISSION

MARION J. RADSON
CITY ATTORNEY

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17 This Ordinance passed on first reading this _____ day of _____, 2010.

18 This Ordinance passed on second reading this _____ day of _____, 2010.

TAX PARCEL NUMBER 07871

THAT PORTION OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 485,
PAGE 275 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA BEING
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 150 FEET OF SECTION 16, TOWNSHIP 9 SOUTH RANGE 20 EAST,
ALACHUA COUNTY, FLORIDA LESS THE EAST 50 FEET THEREOF LESS
THAT PORTION OF N.E. 53RD AVENUE ALREADY ANNEXED BY ORDINANCE
2773.