

ORDINANCE NO. 070457
0-07-84

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4 An Ordinance of the City of Gainesville, Florida, annexing a portion of
5 the City of Gainesville Reserve Area pursuant to Chapter 90-496,
6 Special Act, Laws of Florida, as amended by Chapter 91-382 and
7 Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua
8 County Boundary Adjustment Act; making certain findings; including
9 within the corporate limits of the City of Gainesville, Florida, that
10 certain compact and contiguous area comprised of City-owned Tax
11 Parcels 06909-001-001, 06909-001-002, 06909-001-003, 06909-001-
12 004, 06909-001-005, and 06909-001-006, as more specifically described
13 in this ordinance, generally located south of the City Limits and Tax
14 Parcel 06909-000-000, west of Tax Parcels 06911-025-000 and 06911-
15 026-000, north of SW 46th Place and east of Tax Parcel 06909-002-000;
16 providing for inclusion of the area in Appendix I of the City Charter;
17 providing for land use and zoning regulations; providing directions to
18 the City Manager and Clerk of the Commission; providing a severability
19 clause; and providing an immediate effective date.
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21 **WHEREAS**, Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382
22 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 10, 2006, the Board of County Commissioners of Alachua County
27 designated the Reserve Area for the City of Gainesville pursuant to the Act; and

28 **WHEREAS**, on June 11, 2007, the City Commission voted to accept the Petition for
29 Voluntary Annexation, submitted by the City as the owner of the real property described herein and
30 determined that the Petition bore the signatures of the owner of the property; and

31 **WHEREAS**, on September 10, 2007, the City Commission of the City of Gainesville
32 adopted Ordinance No. 070058, 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

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", and made a
23 part hereof as if set forth in full.

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2 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix
3 I, 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
6 the 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. The Gainesville Code Enforcement Board and code enforcement
11 officers shall have jurisdiction to enforce these regulations during the interim period through the
12 Gainesville Code Enforcement Board process as described in Division 8 of Article V of Chapter 2
13 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as described in
14 Division 6 of Article V of Chapter 2 of said Code. During the interim period, the City may rezone
15 properties in the annexed area to an Alachua County Zoning classification/category that conforms
16 with the Alachua County Comprehensive Plan.

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

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

LEGAL DESCRIPTION

CITY-OWNED PROPERTY – ADJACENT TO LAKE KANAPAHA

LOTS ONE (1) THROUGH SIX (6) INCLUSIVE, OF OAKS OF KANAPAHA UNIT 1,
A PLANNED UNIT DEVELOPMENT LYING IN A PORTION OF SECTION 22,
TOWNSHIP 10 SOUTH, RANGE 19 EAST AS RECORDED IN PLAT BOOK "M",
PAGE 34 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

