

**ORDINANCE NO. 040705**  
**0-04-102**

**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 located generally south of Tax Parcel 06715-000-000 and the City limits, west of the City limits and Tax Parcel 06698-000-000, north of Tax Parcel 06714-000-000 and the vicinity of the City limits, and east of Tax Parcel 06715-000-000 and the vicinity of Tax Parcel 06724-000-000; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; 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 July 23, 2004, the owners of the real property described herein submitted Petitions for Voluntary Annexation requesting the City to incorporate said property into the City of Gainesville; and

**WHEREAS**, on August 9, 2004, the City Commission voted to accept said Petitions and determined that the Petitions bore the signatures of the owners of the property; and

1           **WHEREAS**, on September 13, 2004, the City Commission of the City of Gainesville  
2 adopted Ordinance No. 040279, which adopted the Urban Services Report setting forth the plans to  
3 provide urban services to that portion of the Reserve Area proposed to be annexed in accordance  
4 with the procedures provided in the Act; and

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

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

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

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

16           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
17 **CITY OF GAINESVILLE, FLORIDA:**

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

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

3                   See Legal Description attached hereto as Exhibit "A", and made a  
4 part hereof as if set forth in full.  
5

6           **Section 3.** Subject to the provisions of Section 4 of this Ordinance, the corporate limits of  
7 the City of Gainesville, Florida, as set forth in Article 1, Charter Laws of the City of Gainesville,  
8 are amended and revised to include the Area described in Section 2 within the corporate limits of  
9 the City of Gainesville, Florida.

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

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

22           **Section 6.**     (a) Except as provided in subsections (b) and (c) below, all persons who are  
23 lawfully engaged in any occupation, business, trade or profession within the area described in

1 Section 2 of this Ordinance as of December 14, 2004, shall have the right to continue such  
2 occupation, business, trade or profession.

3 (b) Except as provided in subsection (c) below, all persons who are lawfully  
4 engaged in any construction trade, occupation or business within the Area described in Section 2 of  
5 this Ordinance as of December 14, 2004, and who possess a valid certificate of competency issued  
6 by Alachua County shall have the right to continue the construction trade, occupation, or business  
7 within the entire corporate limits of the City of Gainesville, including the Area described in Section  
8 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by  
9 Alachua County, and provided such persons register the certificate with the Building Inspections  
10 Department of the City of Gainesville and the Department of Professional Regulation of the State of  
11 Florida on or before 4:00 p.m. on December 14, 2004.

12 (c) All persons lawfully engaged in any occupation, business, trade or profession  
13 within the Area described in Section 2 of this Ordinance as of December 14, 2004, shall obtain an  
14 occupational license from the City of Gainesville for the term commencing on October 1, 2005,  
15 which license shall be issued upon payment of the appropriate fee in accordance with the  
16 Gainesville Code of Ordinances in effect on October 1, 2005.

17 **Section 7.** 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 8.** 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.



**DESCRIPTION FOR ANNEXATION OF TAX PARCEL #6712**

A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 11, TOWNSHIP10 SOUTH, RANGE 19 EAST ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 11, TOWNSHIP10 SOUTH, RANGE 19 EAST; THENCE RUN SOUTH 89° 19' 42" WEST, ALONG THE NORTH LINE OF THE NORTHEAST ONE QUARTER OF SAID SECTION 11, A DISTANCE OF APPROXIMATELY 1323.80 FEET TO THE NORTHEAST CORNER OF LOT 3 OF SAID SECTION; THENCE RUN SOUTH 00°47'10" EAST, ALONG THE EASTERLY LINE OF SAID LOT 3, A DISTANCE OF APPROXIMATELY 1320.00 FEET TO THE POINT OF BEGINNING, ALSO BEING THE NORTHEAST CORNER OF THE SOUTH 15 CHAINS OF THE NORTH 35 CHAINS OF THE EAST 6.3 CHAINS OF SAID LOT 3; THENCE CONTINUE SOUTH 00°47'10" EAST, ALONG SAID EASTERLY LINE OF SAID LOT 3, A DISTANCE OF APPROXIMATELY 836.00 FEET TO THE NORTHEAST CORNER OF THAT PARCEL DESCRIBED IN DEED BOOK 202, PAGE 48 ALSO BEING THE NORTHEAST CORNER OF THE NORTH 210 FEET OF THE EAST 210 FEET OF THE SOUTH 20 & 2/3 ACRES OF THE CENTRAL 1/3 OF LOT 3 OF SAID LOT 3; THENCE LEAVING SAID EASTERLY LINE RUN SOUTH 89°19'42" WEST, PARALLEL TO THE NORTH LINE OF THE NORTHEAST ONE QUARTER OF SAID SECTION 11 AND ALONG THE NORTH LINE OF SAID NORTH 210 FEET, A DISTANCE OF APPROXIMATELY 210.00 FEET TO THE NORTHWEST CORNER OF SAID NORTH 210 FEET OF THE EAST 210 FEET; THENCE RUN SOUTH 00°47'10" EAST, ALONG THE WESTERLY LINE OF SAID NORTH 210 FEET OF THE EAST 210 FEET, A DISTANCE OF APPROXIMATELY 154 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTH 15 CHAINS OF THE NORTH 35 CHAINS OF THE EAST 6.3 CHAINS OF SAID LOT 3; THENCE RUN SOUTH 89°19'42" WEST, ALONG SAID SOUTH LINE ALSO BEING PARALLEL TO THE NORTH LINE OF THE NORTHEAST ONE QUARTER OF SAID SECTION 11 A DISTANCE OF APPROXIMATELY 205.8 FEET TO A POINT MARKING THE SOUTHWEST CORNER OF THE SOUTH 15 CHAINS OF THE NORTH 35 CHAINS OF THE EAST 6.3 CHAINS OF SAID LOT 3; THENCE RUN NORTH 00°47'10" WEST, ALONG THE WEST LINE OF SAID SOUTH 15 CHAINS OF THE NORTH 35 CHAINS OF THE EAST 6.3 CHAINS AND BEING PARALLEL TO THE EAST LINE OF SAID LOT 3, A DISTANCE OF APPROXIMATELY 990 FEET TO THE NORTHWEST CORNER OF SAID SOUTH 15 CHAINS OF THE NORTH 35 CHAINS OF THE EAST 6.3 CHAINS; THENCE RUN NORTH 89°19'42" EAST, ALONG THE NORTH LINE OF THE SOUTH 15 CHAINS OF THE NORTH 35 CHAINS OF THE EAST 6.3 CHAINS OF SAID LOT 3, A DISTANCE OF APPROXIMATELY 415.80 FEET TO THE NORTHEAST CORNER OF SAID SOUTH 15 CHAINS OF THE NORTH 35 CHAINS OF THE EAST 6.3 CHAINS AND THE POINT OF BEGINNING. SAID PARCEL CONTAINING 8.7 ACRES MORE OR LESS.

