

D R A F T

ORDINANCE NO. _____
0-07-76

1
2
3
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 Tax Parcels 06687-
11 000-000, 06687-003-000, 06687-004-000, 06687-005-000, 06687-
12 006-000, 06687-007-000, and 06686-000-000, as more specifically
13 described in this ordinance, generally located south of the vicinity of
14 SW 20th Avenue, west of SW 43rd Street, north of SW 24th Avenue,
15 and east of the City limits and the vicinity of Interstate 75; providing
16 for inclusion of the area in Appendix I of the City Charter; providing
17 for land use and zoning regulations; providing directions to the City
18 Manager and Clerk of the Commission; providing a severability clause;
19 and providing an immediate effective date.
20
21

22 **WHEREAS**, Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382
23 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary
24 Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for
25 the annexation of contiguous, compact, unincorporated territory within a municipality's reserve
26 area; and

27 **WHEREAS**, on January 10, 2006, the Board of County Commissioners of Alachua County
28 designated the Reserve Area for the City of Gainesville pursuant to the Act; and

29 **WHEREAS**, On June 25, 2007 and July 23, 2007 the City Commission voted to accept the
30 Petitions for Voluntary Annexation submitted by the owners of the real property described herein
31 and determined that the Petitions bore the signatures of the owners of the property; and

D R A F T

1 **WHEREAS**, on August 27, 2007, the City Commission of the City of Gainesville adopted
2 Ordinance No. 070130, which adopted the Urban Services Report setting forth the plans to provide
3 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the
4 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 was provided to the owners of the real property affected by
7 this ordinance; and

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

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

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

D R A F T

1 boundary of another municipality or county. The City Commission finds the Area to be within its
2 Reserve Area and the annexation does not create an enclave.

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

5 See Legal Description attached hereto as Exhibit "A" (7 parcels), and
6 made a part hereof as if set forth in full.

7
8 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix
9 I, Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
10 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

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

D R A F T

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

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

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

8 **PASSED AND ADOPTED** this ____ day of _____, 2007.

9
10
11
12
13
14
15
16
17
18
19
20

ATTEST:

PEGEEN HANRAHAN,
MAYOR

Approved as to form and legality

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON,
CITY ATTORNEY

21 This Ordinance passed on first reading this ____ day of _____, 2007.

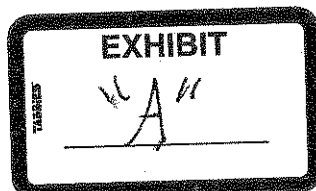
22 This Ordinance passed on second reading this ____ day of _____, 2007.

LEGAL DESCRIPTION

TOWNHOMES AT WESTWOOD L.L.C. & T. LANE PROPERTIES

A TRACT OF LAND SITUATED IN SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF MARCHWOOD, A SUBDIVISION AS RECORDED IN PLAT BOOK "M", PAGE 47 OF THE OFFICIAL RECORDS OF ALACHUA COUNTY, FLORIDA AS THE POINT OF BEGINNING; THENCE RUN SOUTH ALONG THE WEST LINE OF SAID SUBDIVISION TO THE SOUTHWEST CORNER OF SAID SUBDIVISION, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SOUTHFORK OAKS CONDOMINIUM PHASE I, ACCORDING TO THE DECLARATION OF CONDOMINIUM THEREOF AS RECORDED IN OFFICAL RECORDS BOOK 1568, PAGE 1065 OF THE OFFICIAL RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH ALONG THE WEST LINE OF SAID CONDOMINIUM TO THE SOUTHWEST CORNER OF SAID CONDOMINIUM, SAID POINT ALSO BEING THE NORTHWEST CORNER OF TAX PARCEL NUMBER 6685-1; THENCE RUN SOUTH ALONG THE WEST LINE OF SAID TAX PARCEL TO THE SOUTHEAST CORNER OF TAX PARCEL NUMBER 6687-3; THENCE RUN WEST ALONG THE SOUTH LINE OF SAID TAX PARCEL TO THE SOUTHWEST CORNER OF SAID TAX PARCEL; THENCE RUN NORTH ALONG THE WEST LINE OF SAID TAX PARCEL TO THE SOUTHEAST CORNER OF TAX PARCEL NUMBER 6687-5; THENCE RUN WEST ALONG THE SOUTH LINE OF SAID TAX PARCEL TO THE SOUTHWEST CORNER OF SAID TAX PARCEL, SAID CORNER ALSO BEING THE



SOUTHEAST CORNER OF TAX PARCEL NUMBER 6687-2; THENCE RUN NORTH ALONG THE EAST LINE OF TAX PARCEL NUMBER 6687-2 TO THE NORTHEAST CORNER OF SAID TAX PARCEL; THENCE RUN WEST ALONG THE NORTH LINE OF SAID TAX PARCEL TO THE NORTHWEST CORNER OF SAID TAX PARCEL; THENCE RUN NORTH ALONG THE WEST LINES OF TAX PARCEL NUMBER 6686 AND TAX PARCEL NUMBER 6687-4 TO THE NORTHWEST CORNER OF TAX PARCEL NUMBER 6686; THENCE RUN EAST ALONG THE NORTH LINE OF SAID TAX PARCEL TO THE POINT OF BEGINNING.