



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO.

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

December 18, 2000
DATE: ~~December 11, 2000~~
CITY ATTORNEY
~~FIRST READING~~
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-00-130

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, 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 generally bounded on the north by N.E. 53rd Avenue, on the west by the Gainesville city limits, on the east by Waldo Road and the Gainesville city limits and on the south by the Gainesville city limits; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, July 10, 2000, at a regular city commission meeting, the City Commission authorized the City Manager and Attorney to commence the annexation process. On October 23, 2000 and November 13, 2000, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act. A copy of the Report has been delivered to the Board of County Commissioners of Alachua County.


ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area. The ordinance will be submitted to a vote of the registered electors for their approval on Tuesday, March 20, 2001.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager. The annexation is effective at 12:01 a.m. on March 21, 2001 unless there is a tie vote or majority vote against the annexation.

Sections 7 and 8 of the Ordinance relate to special matters which may be of interest to the owners and residents and those persons engaged in any business or occupation. The Alachua County land use plan and zoning or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment that includes the annexed area, and rezones the property to a city zoning category. During the interim period, the City may rezone the property in the annexed area to an Alachua County Zoning classification/category that conforms with the Alachua County Comprehensive Plan in accordance with Chapter 163, F.S. Those persons engaged in any occupation, business, trade or profession in the area proposed for annexation will have the right to continue their occupations, businesses, trades or professions and shall obtain an occupational license from the City of Gainesville for the term commencing on October 1, 2001. If the ordinance is passed on first reading, second and final reading will be held at a special meeting on December 18, 2000.

Prepared and
Submitted by:



Marion J. Radson
City Attorney

MJR/afm

Passed on first reading by a vote of 5-0.

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ORDINANCE NO. _____
0-00-130

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 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 generally bounded on the north by N.E. 53rd Avenue, on the west by the Gainesville city limits, on the east by Waldo Road and the Gainesville city limits and on the south by the Gainesville city limits; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for persons engaged in any occupation, business, trade or profession; 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 November 13, 2000, the City Commission of the City of Gainesville adopted Ordinance No. 000137, which adopted the Urban Services Report setting forth the plans to

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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, at least ten days notice has been given once by publication in
8 a newspaper of general circulation notifying the public of this proposed Ordinance and of Public
9 Hearings to be held in the City Commission meeting room, First Floor, City Hall, in the City of
10 Gainesville; and

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

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

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

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1 or all of the Area is developed for urban purposes because it is developed so at least 60% of the
2 total number of lots and tracts in the area at the time of annexation are used for urban purposes, and
3 it is subdivided into lots and tracts so that at least 60% of the total acreage, not counting the acreage
4 used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres
5 or less in size.

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

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

10
11 **Section 3.** Subject to the provisions of Section 4 of this Ordinance, the corporate limits of
12 the City of Gainesville, Florida, as set forth in Article 1, Charter Laws of the City of Gainesville,
13 are amended and revised to include the Area described in Section 2 within the corporate limits of
14 the City of Gainesville, Florida.

15 **Section 4.** Pursuant to Section 8 of the Act, this Ordinance shall be submitted to a vote of
16 the registered electors of the Area described in Section 2 of this Ordinance at a special election called
17 for the purpose of holding the referendum. The referendum election shall be held on Tuesday,
18 March 20, 2001. The referendum shall be conducted by the Alachua County Supervisor of
19 Elections "Supervisor" in accordance with the provisions of the Act and Chapter 9, Gainesville
20 Code of Ordinances, as applicable. The Supervisor is requested and authorized to conduct a
21 referendum election in accordance with the provisions of the Florida Statutes. The City Manager is
22 authorized and directed to pay all lawful expenses associated with the election.

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1 **Section 5.** The Clerk of the Commission is authorized to publish notice of the referendum
2 on annexation as prescribed by law.

3 **Section 6.** Pursuant to Section 8 of the Act, the language to appear on the ballot of the
4 referendum election called in Section 4 shall be:

5 "For annexation of property described in Ordinance Number ____ of
6 the City of Gainesville"

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8 "Against annexation of property described in Ordinance Number ____
9 of the City of Gainesville"

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11 **Section 7.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
12 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
13 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
14 that includes the annexed area. During the interim period, the City may rezone properties in the
15 annexed area to an Alachua County Zoning classification/category that conforms with the Alachua
16 County Comprehensive Plan.

17 **Section 8.** (a) Except as provided in subsection (b) below, all persons who are lawfully
18 engaged in any occupation, business, trade or profession within the area described in Section 2 of
19 this Ordinance as of March 20, 2001, shall have the right to continue such occupation, business,
20 trade or profession.

21 (b) All persons lawfully engaged in any occupation, business, trade or profession
22 within the Area described in Section 2 of this Ordinance on or after March 20, 2001, shall obtain an
23 occupational license from the City of Gainesville for the term commencing on October 1, 2001,

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1 which license shall be issued upon payment of the appropriate fee in accordance with the
2 Gainesville Code of Ordinances in effect on October 1, 2001.

3 **Section 9.** If any portion of this Ordinance is declared by a court of competent jurisdiction
4 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining
5 portions of this Ordinance.

6 **Section 10.** The Clerk of the Commission is directed to submit a certified copy of this
7 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3)
8 the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

9 **Section 11.** Sections 1, 4, 5, 6, 8, 9, 10 and 11 of this Ordinance shall become effective
10 immediately upon adoption. Sections 2, 3 and 7 shall become effective at 12:01 a.m. on March
11 21, 2001, unless there is a tie vote or majority vote against the annexation at the special election
12 called in Section 4 of this Ordinance.

13 **PASSED AND ADOPTED** this ____ day of _____, 2000.

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Paula M. DeLaney, Mayor

ATTEST:

Approved as to form and legality

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON,
CITY ATTORNEY

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This Ordinance passed on first reading this ___ day of _____, 2000.

This Ordinance passed on second reading this ___ day of _____, 2000.

EXHIBIT "A"

Proposed Ironwood Area Annexation Description

Commence at the existing city limit at the intersection of the west right of way line of State Road No. 24, also known as Waldo Road and the north right of way line of State Road No. 222, also known as Northeast 39th Avenue, for a Point of Beginning: thence continue the following courses along the existing city limit; Northwesterly, along the north right of way line of Northeast 39th Avenue to its intersection with the east right of way line of Northeast 15th Street; thence Northerly, along the east right of way line of Northeast 15th street to its intersection with the south right of way line of Northeast 53rd Avenue also known as County Road 232; thence East, along the south right of way line of Northeast 53rd Avenue to the Southwest corner of the Southeast quarter of Section 15, Township 9 South, Range 20 East, said corner also being on a southerly projection of the east Boundary line of the Murphy Water Plant; thence North, along the west line of said Southeast quarter of Section 15, a distance of approximately 150 feet to a point on the north right of way line of Northeast 53rd Avenue, said point also being the southeast corner of said Murphy Water Plant: thence leaving the existing city limit run the following courses; East, along the north Right of way line of Northeast 53rd Avenue to a point on the northerly projection of the east line of the west half of the Northwest quarter of Section 23, Township 9 South, Range 20 East; thence South, leaving said north right of way line of Northeast 53rd Avenue and along said east line to the Southeast corner of the west half of said Northwest quarter; thence continue South, along the east line of the Southwest quarter of said Section 23, a distance of approximately 450 feet to a point on the existing city limit, said point also being the southeast corner of tax parcel number 8169: thence continue along said existing city limit the following courses; Westerly, along the southerly boundary line of said tax parcel

8169, a distance of approximately 994 feet; thence South, continuing along said line, a distance of approximately 35 feet; thence West, continuing along said line, a distance of approximately 328 feet to said tax parcel's southwest corner, said corner also being on the East line of Section 15, Township 9 South, Range 20 East and being the northwest corner of tax parcel No. 8172; Thence South, along said east line of said Section 15 and also being the west line of said tax parcel No. 8172, a distance of approximately 2,127.08 feet to the Southeast corner of said Section 15, also being the southwest corner of said tax parcel No. 8172 and a point on the north line of tax parcel No. 8189; thence Westerly along the south line of said Section 15 and the north line of said tax parcel No. 8189, a distance of approximately 364.73 feet to the northwesterly corner of said tax parcel No. 8189; thence Southwesterly, leaving said south line of Section 15, along the northwesterly boundary of said tax parcel No. 8189 to its southwesterly corner; Thence Southeasterly, along the southerly boundary of said tax parcel 8189 to its southeasterly corner, said corner also being the northeasterly corner of tax parcel No. 8189-2 and lying on the westerly right of way line of State Road No. 24 also known as Waldo Road; thence Southwesterly along said westerly right of way line of Waldo road, said line also being the easterly boundary line of tax parcels No. 8189-2 and 8198-7-2 to its intersection with the northerly right of way line of State Road No. 222 and the Point of Beginning. All lying and being in Sections 14, 15, 22, 23, 26 and 27, Township 9 South, Range 20 East, Alachua County, Florida.