

LEGISLATIVE #

130243A

ORDINANCE NO. 130243

1
2
3 **An ordinance of the City of Gainesville, Florida, annexing a certain portion of**
4 **the City of Gainesville reserve area, as petitioned for by the property owner**
5 **pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known**
6 **as the Alachua County Boundary Adjustment Act, that comprises Tax Parcel**
7 **Nos. 07240-030-000, 07240-001-010, and 07242-001-000, along with a portion of**
8 **the right-of-way of SW 41st Boulevard, and which is generally located south of**
9 **SW Archer Road, west of Fred Bear Drive and I-75, north of SE Williston**
10 **Road, and east of SW 62nd Avenue; making certain findings; providing for**
11 **inclusion of the area in Appendix I of the City Charter; providing for land use**
12 **plan, zoning, and subdivision regulations, and enforcement of same;**
13 **providing for persons engaged in any occupation, business, trade, or**
14 **profession; providing directions to the Clerk of the Commission; providing a**
15 **severability clause; providing a repealing clause; and providing an immediate**
16 **effective date.**

17
18 **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-
19 382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary
20 Adjustment Act" ("Act"), which sets forth procedures for the annexation of contiguous, compact,
21 unincorporated territory within a municipality's reserve area; and

22 **WHEREAS,** on October 9, 2011, the Board of County Commissioners of Alachua County
23 designated an updated reserve area boundary for the City of Gainesville pursuant to the Act; and

24 **WHEREAS,** on June 6, 2013, the City Commission of the City of Gainesville received a
25 petition for voluntary annexation of real property located in the unincorporated area of Alachua
26 County and within the City of Gainesville’s reserve area, as more specifically described in this
27 ordinance, and determined that the petition included the signatures of all owners of property in the
28 area proposed to be annexed; and

29 **WHEREAS,** on August 1, 2013, the City Commission adopted Ordinance No. 130098,
30 which adopted the Urban Services Report setting forth the plans to provide urban services to that

1 portion of the reserve area proposed to be annexed in accordance with the procedures provided in
2 the Act; and

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

5 **WHEREAS**, the City of Gainesville desires to annex a certain portion of its reserve area
6 that is compact and contiguous to the present corporate limits of the City; and

7 **WHEREAS**, pursuant to the Act, notice has been published in a newspaper of general
8 circulation at least once a week for two consecutive weeks prior to first reading notifying the public
9 of this proposed ordinance and of public hearings in the City Commission Auditorium located on
10 the first floor of City Hall in the City of Gainesville; and

11 **WHEREAS**, public hearings were held pursuant to the notice described above during
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 (“Area”) is reasonably compact and contiguous to the present corporate limits of the City
17 of Gainesville and that no part of the Area is within the boundary of another municipality or outside
18 of the county in which the City of Gainesville lies. The City Commission finds the Area to be
19 within its 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
23 made a part hereof as if set forth in full. The location of the
24 Area is shown on Exhibit “B” for visual reference. In the

1 event of conflict or inconsistency, Exhibit “A” shall prevail
2 over Exhibit “B.”
3

4 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix
5 I, Charter Laws of the City of Gainesville, are amended and revised to include the Area as described
6 in Section 2 of this ordinance within the corporate limits of the City of Gainesville, Florida.

7 **Section 4.** 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 of Gainesville adopts a comprehensive plan
10 amendment that includes the annexed area. Prior to the City’s adoption of a comprehensive plan
11 amendment that includes the annexed area, the City may rezone properties in the annexed area to an
12 Alachua County zoning category that conforms with the Alachua County Comprehensive Plan. The
13 City of Gainesville shall have jurisdiction to enforce these regulations during the interim period
14 through the City of Gainesville code enforcement process as described in Division 8 of Article V of
15 Chapter 2 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as
16 described in Division 6 of Article V of Chapter 2 of said Code.

17 **Section 5.** (a) All persons who are, as of the effective date of this ordinance, lawfully
18 engaged in any occupation, business, trade, or profession within the Area described in Section 2 of
19 this ordinance shall have the right to continue such occupation, business, trade, or profession, but
20 shall obtain a business tax receipt from the City of Gainesville for the term commencing on October
21 1, 2014, which tax receipt shall be issued upon payment of the appropriate fee in accordance with
22 the Gainesville Code of Ordinances in effect on October 1, 2014.

23 (b) All persons who are, as of the effective date of this ordinance, lawfully engaged
24 in any construction trade, occupation, or business within the Area described in Section 2 of this

1 ordinance and who possess a valid certificate of competency issued by Alachua County shall have
 2 the right to continue the construction trade, occupation, or business within the entire corporate limits
 3 of the City of Gainesville, including the Area, subject to the terms, conditions, and limitations
 4 imposed on the certificate by Alachua County, and provided that such persons register the certificate
 5 with the Building Inspections Division of the City of Gainesville and the Department of Business
 6 and Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. of the
 7 effective date of this ordinance.

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

11 **Section 7.** If any word, phrase, clause, paragraph, section or provision of this ordinance
 12 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
 13 finding shall not affect the other provisions or applications of this ordinance that can be given
 14 effect without the invalid or unconstitutional provision or application, and to this end the
 15 provisions of this ordinance are declared severable.

16 **Section 8.** All other ordinances or parts of ordinances in conflict herewith are to the
 17 extent of such conflict hereby repealed.

18 **Section 9.** This ordinance shall become effective immediately upon adoption.
 19

20 **PASSED AND ADOPTED** this _____ day of _____, 2013.

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 22
 23
 24
 25

 EDWARD B. BRADDY
 MAYOR

1 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

2

3

4 _____
KURT LANNON
5 CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

6

7

8 This ordinance passed on first reading this _____ day of _____, 2013.

9

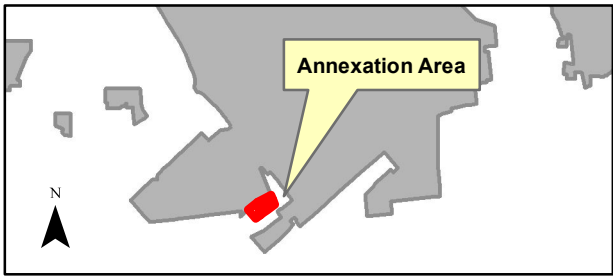
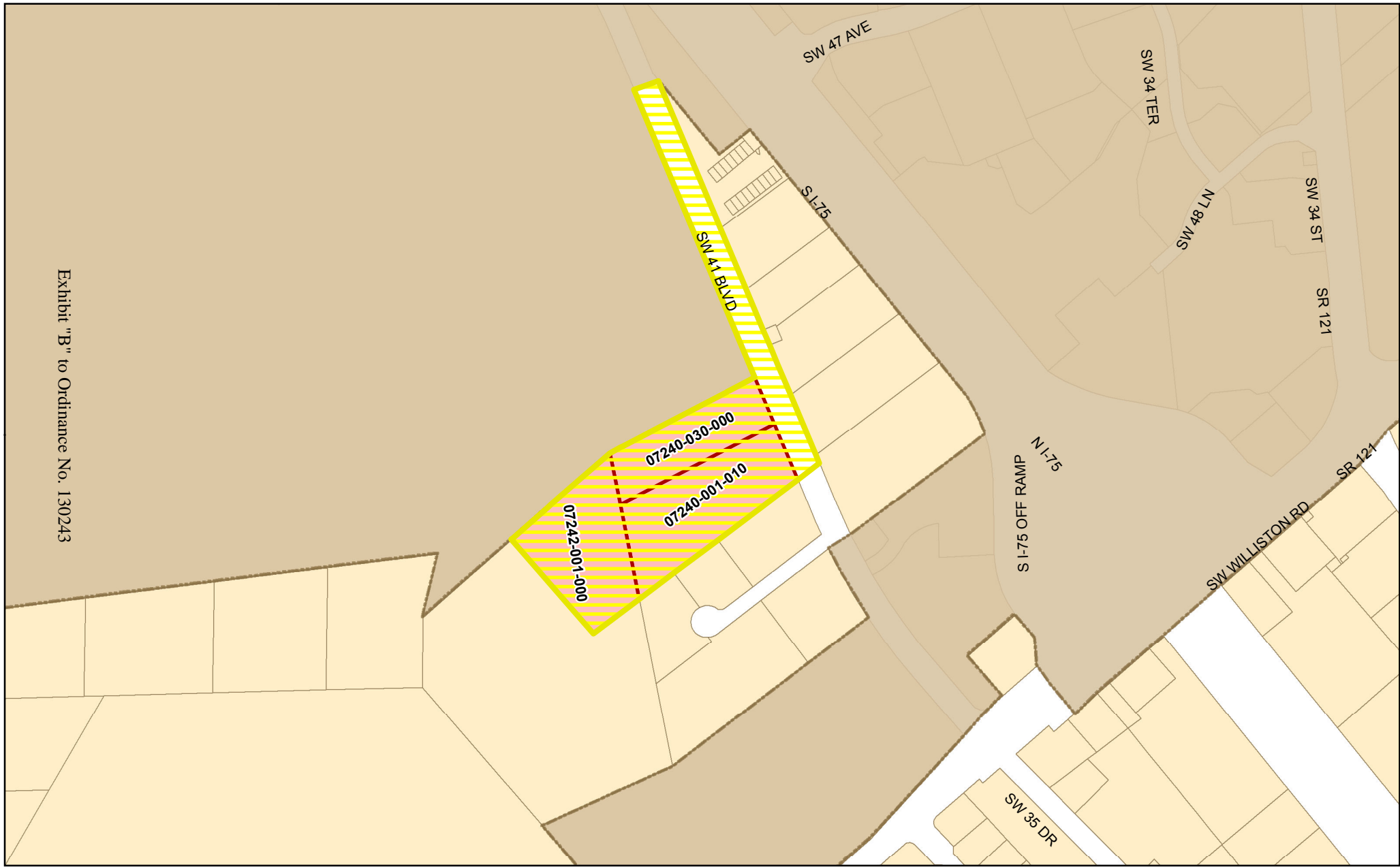
10 This ordinance passed on second reading this _____ day of _____, 2013.

LEGAL DESCRIPTION

THIS DESCRIPTION INCLUDES RIGHT-OF-WAY OF SW 41ST BOULEVARD

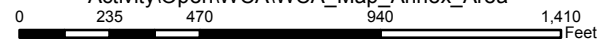
A TRACT OF LAND SITUATED IN THE GARY GRANT, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH CORNER OF THAT TRACT OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3242, PAGE 404 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED AS ORB, __PAGE __ ACR), ALSO BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SW 41ST BOULEVARD AND EXISTING CITY LIMIT LINE AS PER ORDINANCE #080193 AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT; THENCE RUN SOUTHEASTERLY ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF THAT TRACT OF LAND LISTED AS **PARCEL 1** AS DESCRIBED IN ORB 3827, PAGE 1316 ET SEQ. ACR; THENCE RUN SOUTHWESTERLY ALONG SAID EASTERLY EXTENSION AND THE SOUTH LINE OF SAID TRACT AND THE SOUTH LINE OF THAT TRACT OF LAND LISTED AS **PARCEL 4** AS DESCRIBED IN SAID ORB 3827, PAGE 1316 ACR TO THE SOUTHWEST CORNER OF SAID **PARCEL 4**; THENCE RUN NORTHWESTERLY ALONG THE WEST LINE OF SAID **PARCEL 4** TO THE NORTHWEST CORNER OF SAID **PARCEL 4**, ALSO BEING ON THE EXISTING CITY LIMIT LINE AS PER SAID ORDINANCE #080193; THENCE ALONG SAID CITY LIMIT LINE TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT.



Voluntary WCA Properties Annexation City of Gainesville, Florida

Prepared: Amber Cabrera | Administrative Services
 File: Administrative_Services\Strategic_Planning\Annexation\Activity\Open\WCA\WCA_Map_Annex_Area



The city limit layer shown in this map is not the original layer created by the City of Gainesville Planning Department. The layer shown has been modified to display the most current rendition of the city limits' legal description as interpreted by City Surveyors.

	Proposed Annexation Area ~15.1 acres
	Proposed Annexation Parcels
	City Limits
	City Parcels
	County Parcels