



Legistar No. 050547

MEMORANDUM

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

Office of the City Attorney

TO: Mayor and City Commission

DATE: November 14, 2005
SECOND READING

FROM: City Attorney

SUBJECT: Ordinance No. 0-05-89

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 generally described as follows: south of the city limits, west of SW 34th Street and tax parcel 06688-000-000, and east of tax parcel number 06715-000-000; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; providing directions to the Clerk of the Commission; 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 11, 2005, at a regular city commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On August 8, 2005 and August 22, 2005, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

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.

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.

If adopted on first reading, the second and final reading of this ordinance will be November 14, 2005. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

Prepared by:


Dana L. Crosby,
Assistant City Attorney II

Approved and
Submitted by:


Marion J. Radson, City Attorney

MJR:DLC:sw

DRAFT

9-13-05

ORDINANCE NO. _____
0-05-89

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4 **An Ordinance of the City of Gainesville, Florida, annexing a**
5 **portion of the City of Gainesville Reserve Area Pursuant to**
6 **Chapter 90-496, as amended by Chapter 91-382 and Chapter**
7 **93-347, Special Acts, Laws of Florida, known as the Alachua**
8 **County Boundary Adjustment Act; making certain findings;**
9 **including within the corporate limits of the City of Gainesville,**
10 **Florida, that certain compact and contiguous area generally**
11 **described as follows: south of the city limits, west of SW 34th**
12 **Street and tax parcel 06688-000-000, and east of tax parcel**
13 **number 06715-000-000; providing for inclusion of the area in**
14 **Appendix I of the City Charter; providing for land use and**
15 **zoning regulations; providing directions to the Clerk of the**
16 **Commission; providing a severability clause; and providing an**
17 **immediate effective date.**

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

26 **WHEREAS**, on January 13, 1998, the Board of County Commissioners of Alachua
27 County designated the Reserve Area for the City of Gainesville pursuant to the Act; and

28 **WHEREAS**, on July 11, 2005, the owner of the real property described herein submitted
29 a Petition for Voluntary Annexation requesting the City to incorporate said property into the City
30 of Gainesville; and

1 **WHEREAS**, on July 11, 2005, the City Commission voted to accept said Petition and
2 determined that the Petition bore the signature of the owner of the property; and

3 **WHEREAS**, on August 22, 2005, the City Commission of the City of Gainesville
4 adopted Ordinance No. 050151, which adopted the Urban Services Report setting forth the plans
5 to provide urban services to that portion of the Reserve Area proposed to be annexed in
6 accordance with the procedures provided in the Act; and

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

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

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

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

18 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF**
19 **THE CITY OF GAINESVILLE, FLORIDA:**

20 **Section 1.** The City Commission finds that the Area described in Section 2 of this
21 Ordinance (hereinafter referred to as the "Area") is reasonably compact and contiguous to the

1 corporate limits of the City of Gainesville, and that no part of the Area is within the boundary of
2 another municipality or county. The City Commission finds the Area to be within its Reserve
3 Area and the annexation does not create an enclave.

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

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

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

13 **Section 4.** In accordance with Section 171.062, Florida Statutes, the Alachua County
14 land use plan and zoning or subdivision regulations shall remain in full force and effect in the
15 Area described in Section 2 of this Ordinance until the City adopts a comprehensive plan
16 amendment that includes the annexed area. The Gainesville Code Enforcement Board and code
17 enforcement officers shall have jurisdiction to enforce these regulations during the interim
18 period through the Gainesville Code Enforcement Board process as described in Division 8 of
19 Article V of Chapter 2 of the Code of Ordinances of the City of Gainesville and the Civil
20 Citation Process, as described in Division 6 of Article V of Chapter 2 of said Code. During the
21 interim period, the City may rezone properties in the annexed area to an Alachua County Zoning
22 classification/category that conforms with the Alachua County Comprehensive Plan.

D R A F T

9-13-05

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

Section 6. The Clerk of the Commission is directed to submit a certified copy of this Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida and make the necessary changes to Appendix I, City Charter, City of Gainesville, Florida, in accordance with this ordinance.

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

PASSED AND ADOPTED this _____ day of _____, 2005.

PEGEEN HANRAHAN,
MAYOR

ATTEST:

Approved as to form and legality

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON,
CITY ATTORNEY

This Ordinance passed on first reading this _____ day of _____, 2005.
This Ordinance passed on second reading this _____ day of _____, 2005.

Exhibit A

Legal Description for Parcel Numbers 06693-000-000 and 06694-000-000

Section 11, Township 10 South, Range 19 East

Lots 1 and 2 in Section 11, Township 10 South, Range 19 East, according to a survey plat of said Lot 2 made by J.W. Patton, in May 1923, recorded in Deed Book 250, page 397, of the Public Records of Alachua County, Florida, containing 376,200 square feet or 8.64 acres, more or less.

Legal Description for Parcel Numbers 06695-000-000

Section 11, Township 10 South, Range 19 East

Lot 3, of Thomas Sweat Subdivision of Lot 2, of Section 11, Township 10 South, Range 19 East, Alachua County, Florida. Said parcel contains 188,100 square feet or 4.32 acres, more or less.