



# MEMORANDUM

Office of the City Attorney

Legistar No. 040409  
Phone: 334-5011/Fax 334-2229  
Box 46

**TO:** Mayor and City Commission

**DATE:** January 24, 2005

**FROM:** Marion J. Radson, City Attorney

FIRST READING

**SUBJECT:** Ordinance No. 0-05-15

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area located generally south of Tax Parcel 06714-000-000, west of the City Limits, SW 15<sup>th</sup> Place, SW 17<sup>th</sup> Place, and Tax Parcels 06699-000-000 and 06700-000-000, north of Tax Parcel 06712-001-000, and east of Tax Parcels 06711-000-000, 06711-001-000, SW 37<sup>th</sup> Street, and the City Limits; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.

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Recommendation: The City Commission adopt the proposed ordinance.

The Alachua County Boundary Adjustment Acts requires a municipality to prepare and adopt by nonemergency ordinance a report setting forth plans to provide urban services to any reserve area to be annexed prior to commencing the annexation procedures under the Act.

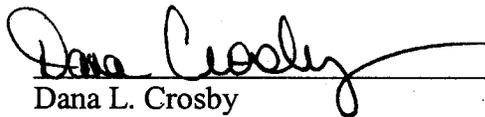
The report must generally include the following information:

- 1) a map or maps of the City and adjacent territory showing the present and proposed municipal boundaries, the present major trunk water mains and sewer interceptors and outfalls, the proposed extensions of such mains and outfalls, and the general land use pattern in the area to be annexed.
- 2) a statement indicating to what extent services to existing residents would need to be reduced within the next 5 years because of the annexation; to what extent taxes would need to be adjusted within the next 5 years to provide services to the areas to be annexed, including services required by the comprehensive plan of the municipality; and to what extent the area to be annexed meets the criteria of Section 9 of the Alachua County Boundary Adjustment Act;

- 3) a statement setting forth the plans of the City for extending to the area to be annexed each major municipal service performed within the municipality at the time of annexation, including:
- a) plans for extending urban services on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.
  - b) plans for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect for extending water and sewer lines to individual lots or subdivisions.
  - c) if extensions of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.
  - d) set forth the method under which the City plans to finance extension of services into the area to be annexed.

If adopted on first reading, this ordinance shall be heard on second reading on February 14, 2005. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

Prepared by:



Dana L. Crosby  
Assistant City Attorney

Approved and  
Submitted by:



Marion J. Radson,  
City Attorney

MJR:DC:sw

# DRAFT

1-3-05

ORDINANCE NO \_\_\_\_\_  
0-05-15

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4       **An Ordinance of the City of Gainesville, Florida; adopting an**  
5       **Urban Services Report which sets forth the plans to provide**  
6       **urban services to an area located generally south of Tax Parcel**  
7       **06714-000-000, west of the City Limits, SW 15<sup>th</sup> Place, SW 17<sup>th</sup>**  
8       **Place, and Tax Parcels 06699-000-000 and 06700-000-000,**  
9       **north of Tax Parcel 06712-001-000, and east of Tax Parcels**  
10       **06711-000-000, 06711-001-000, SW 37<sup>th</sup> Street, and the City**  
11       **Limits; the area is proposed for annexation by the City of**  
12       **Gainesville pursuant to Chapter 90-496, Special Acts, Laws of**  
13       **Florida, as amended, known as the Alachua County Boundary**  
14       **Adjustment Act; providing directions to the City Manager, the**  
15       **City Attorney and the Clerk of the Commission; providing a**  
16       **repealing clause; providing a severability clause; and providing**  
17       **an immediate effective date.**  
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19

20       **WHEREAS, Chapter 90-496, Special Acts, Laws of Florida, created the "Alachua County**  
21       **Boundary Adjustment Act" which sets forth procedures for establishing municipal reserve areas and**  
22       **for adjusting the boundaries of municipalities through annexations; and**

23       **WHEREAS, Chapter 90-496 was amended by Chapter 91-382 and Chapter 93-347,**  
24       **Special Acts, Laws of Florida, (hereinafter collectively referred to as "the Act") which requires a**  
25       **municipality to prepare and adopt by nonemergency ordinance, a report setting forth the plans to**  
26       **provide urban services to any reserve area prior to commencing the annexation procedures under**  
27       **the Act;**

28       **WHEREAS, the City of Gainesville is planning to commence the annexation of certain**  
29       **unincorporated areas, as more specifically described in this Ordinance, that are located within its**

# DRAFT

1-3-05

1 Reserve Area as defined in the Act and as redesignated by the Board of County Commissioners of  
2 Alachua County;

3 **WHEREAS**, pursuant to law, at least ten days notice has been given prior to adoption by  
4 publication in a newspaper of general circulation notifying the public of this proposed Ordinance  
5 and of a Public Hearing to be held in the City Commission meeting room, First Floor, City Hall, in  
6 the City of Gainesville; and

7 **WHEREAS**, Public Hearings were held pursuant to law, at which hearings the parties in  
8 interest and all others had an opportunity to be and were, in fact heard.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
10 **CITY OF GAINESVILLE, FLORIDA:**

11 **Section 1.** The Urban Services Report, a copy of which is attached as Exhibit "A" and  
12 incorporated herein as if set forth in full, sets forth the plans to provide urban services to an area  
13 generally south of Tax Parcel 06714-000-000, west of the City Limits and Tax Parcels 06699-  
14 000-000 and 06700-000-000, north of Tax Parcel 06712-001-000, and east of Tax Parcels 06711-  
15 000-000, 06711-001-000 and the City Limits, and is hereby approved and adopted for that certain  
16 area as more specifically described in the Urban Services Report.

17 **Section 2.** The City Manager is directed to commence the annexation of any portion or all  
18 of the area defined in the Urban Services Report, and the City Attorney and Clerk of the  
19 Commission are authorized to prepare and advertise the appropriate ordinance(s).

# DRAFT

1-3-05

1           **Section 3.** The Clerk of the Commission is directed to file a copy of this Ordinance and the  
2 accompanying Urban Services Report with the Board of County Commissioners of Alachua  
3 County.

4           **Section 4.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid  
5 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect  
6 the validity of the remaining portions of this Ordinance.

7           **Section 5.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
8 such conflict hereby repealed.

9           **Section 6.** This Ordinance shall become effective immediately upon adoption.

10           **PASSED AND ADOPTED** this \_\_\_\_ day of February, 2005.

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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 January, 2005.

This ordinance passed on second reading this \_\_\_\_ day of February, 2005.

# CITY OF GAINESVILLE URBAN SERVICES REPORT

Parcel Number 06711-002-000  
Annexation (UF Foundation)



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# URBAN SERVICES REPORT

## INTRODUCTION

This Urban Services Report satisfies all the criteria required under the Alachua County Boundary Adjustment Act, as provided in Chapter 90-496, as amended by Chapter 91-382 and 93-347, Special Acts, Laws of Florida (the "Act") for municipal annexation. Section 13 of the Act outlines the prerequisites for annexation. This report, and accompanying documentation and maps comply with the applicable provisions of the Act.

## CHARACTER OF THE AREA TO BE ANNEXED

The area proposed for annexation is shown in Figure 1 ("Area") and is generally south Tax Parcel 06714-000-000, west of the City Limits and Tax Parcels 06699-000-000 and 06700-000-000, north of Tax Parcel 06712-001-000, and east of Tax Parcels 06711-000-000, 06711-001-000 and the City limits. The general land use pattern of the Area is shown in Figure 2.

### **Qualification of the Area under Section 9**

Because this a voluntary annexation, Section 9 of the Act does not apply; however, in accordance with Section 13 (b), the extent to which the Area does qualify under Section 9 is as follows:

Extent of Qualification under Section 9 (1) (a) - This Area meets all qualifications for this section. The Area is contiguous to Gainesville's boundaries and reasonably compact. No part of the Area is within the boundary of another county or another incorporated municipality. All of the Area is within the Gainesville Urban Reserve Area adopted by the Alachua County Commission on January 13, 1998, and which became final on March 15, 1998. No enclaves are created.

# THE PROVISION OF SERVICES

## The Provision of Services under Section 13 (1) (b)

### **a) Services in the Next Five Years**

It is anticipated that services to the Area will be improved within the next five years as a result of the annexation of the Area. It is not reasonably anticipated that services to current city residents will be reduced within the next five years as a result of the annexation of the Area. The following discussion outlines proposed services.

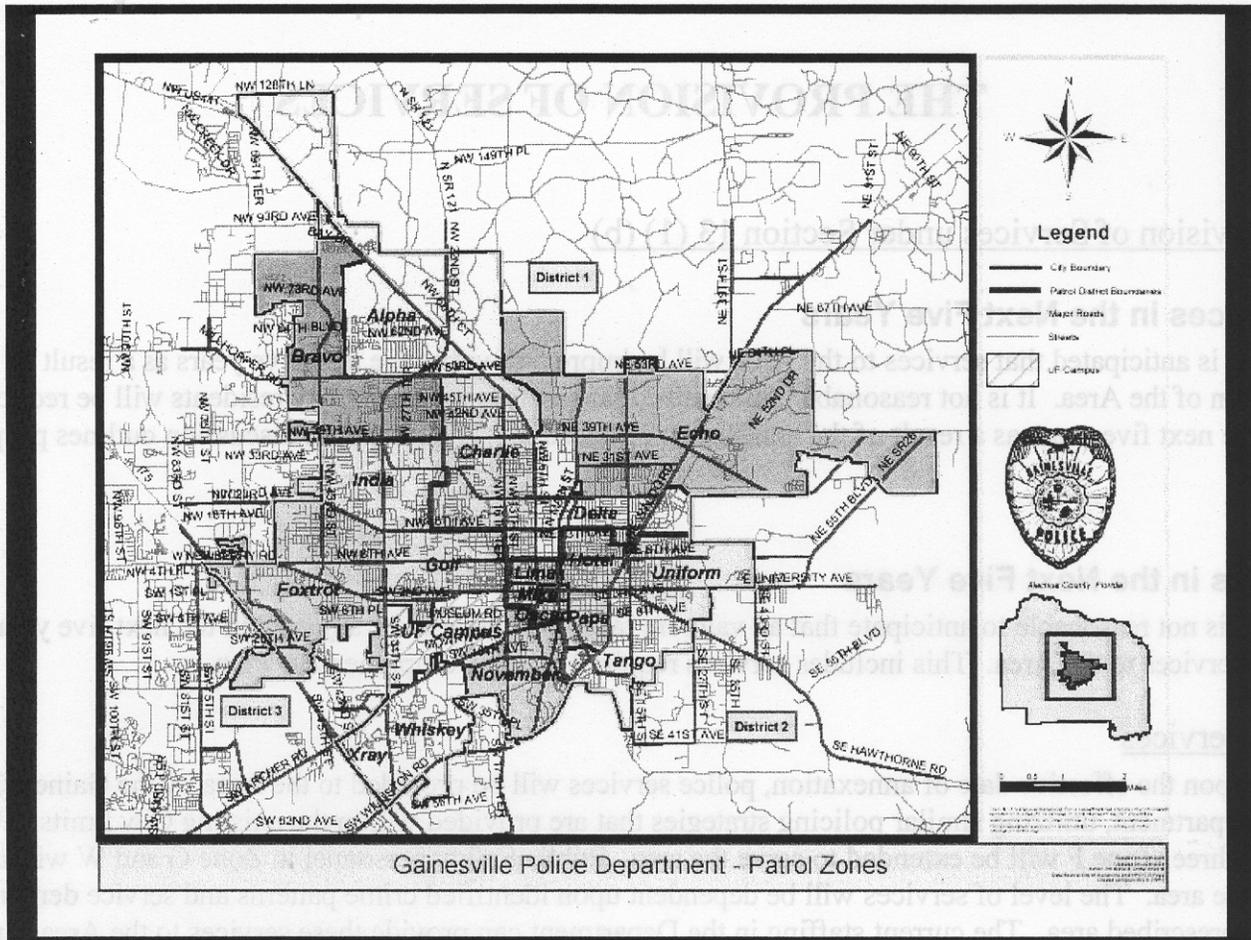
### **b) Taxes in the Next Five Years**

It is not reasonable to anticipate that ad valorem taxes will need to be adjusted in the next five years to provide services to the Area. This includes services required by the Comprehensive Plan.

### Police Services

Upon the effective date of annexation, police services will be provided to the Area by the Gainesville Police Department, utilizing similar policing strategies that are provided within the existing City limits. Police District Three, Zone F will be extended to serve the area. Public Safety personnel in Zone G and W will also service the area. The level of services will be dependent upon identified crime patterns and service demand within a prescribed area. The current staffing in the Department can provide these services to the Area. In accordance with current policing policies, this current level of service will be extended to the Area.

Police services to be provided include preventative patrol and criminal apprehension, criminal investigations, special operations, crime prevention, neighborhood police services, crime scene processing, Police Service Technicians, air support, traffic management, combined communications, and other support services including planning and research, fiscal management, records management, crime analysis, automated information services, property and evidence management, personnel and recruitment, and training. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation.



## Fire Protection

Gainesville Fire-Rescue Department (GFR) presently provides emergency and non-emergency services to portions of the unincorporated urban area of Alachua County. These services are required under the current Designated Assistance Fire and Emergency Medical Services Agreement between the City and Alachua County. City of Gainesville Station 2 and 4, and Alachua County Station 19 on SW 42<sup>nd</sup> Street provide services to this area. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation. The response numbers used in the Designated Assistance Agreement will be modified. Responses by Gainesville Fire Rescue units will no longer be reimbursed by Alachua County. Similarly, there will be payment, in accordance with the Designated Assistance Agreement, in the event of responses by Alachua County Fire Rescue units in the Area.

Fire hydrants in the unincorporated area of Alachua County are currently provided and funded by the City of Gainesville General Operating Fund through the 1990 Fire Hydrant and Public Street Lighting Services Agreement.

## Solid Waste Disposal

The City of Gainesville Solid Waste Department monitors residential solid waste and recycling collection services, provided under contract with Waste Management of Central Florida, Inc., to residents living in single family houses and buildings containing less than five dwelling units. Other residents, businesses and institutions contract for solid waste and recycling collection with one of several commercial providers operating under non-exclusive franchise with the City. Services will be extended upon annexation and fees for this service will be collected through the utility billing process beginning the next October 1 following the annexation.

## Potable Water

Potable water services are addressed in the Gainesville Regional Utilities section of this report. That section outlines the current service level and plans for extensions after annexation.

## Sanitary Sewer

Sanitary sewer services are addressed in the Gainesville Regional Utilities section of this report. That section outlines the current service level and plans for extensions after annexation.

## Streets, Drainage and Flood Control

The Gainesville Public Works Department provides basic maintenance and repair services for all City streets within its current jurisdiction. This work includes maintenance of asphalt pavement, concrete sidewalks, concrete curbs and gutters, and roadside ditches. Basic maintenance services are also provided for public ditches and stormwater management detention/retention facilities. These basic maintenance and repair services that are provided in the existing city limits will be provided to the Area upon the effective date of the annexation.

The City of Gainesville currently charges a stormwater management utility fee. Any increase in impervious surfaces, without onsite mitigation, in accordance with ordinances, policies and regulations in effect at that time, will cause the stormwater management utility fee to be charged for the area that increases the total impervious surface. This fee pays for mosquito control, drainage improvements for public facilities and sweeping of streets within the City limits.

Street sweeping is an effective means of reducing the amount of debris and pollutants that enter the City's storm drain system and water resources. It is also a service that is visible and the aesthetic aspect is what the public appreciates and demands. The Public Works Operations Division sweeps the City on a 4 to 6 week cycle, dependent on weather and equipment. All City streets are swept 9 to 10 times a year.

## Parks and Recreation

The Recreation and Parks Department currently provides organized recreation programs for youth and adults. The Recreation and Parks Department also provides passive nature facilities and programming for youth and adults. Organized recreation programs in the areas of aquatics, athletics, recreation centers, after-school and summer playground programs are provided, plus a variety of special events are also available. The Area will receive the same services that are provided in the existing city limits upon the effective date of the annexation. Fees for these programs are charged at a differential rate depending upon residency. Upon annexation, all residents of the Area will be eligible for the City of Gainesville residents' rates.

The Parks Division is responsible for the cleaning and upkeep of all City parks. In addition, this Division provides basic mowing of City rights-of-way, cleaning of City-owned parking lots, removal and trimming of trees located on City property, maintenance of grounds around City-owned buildings and operation of the City's Evergreen Cemetery. The Area will receive the same services that are provided in the existing City limits upon the effective date of the annexation.

Ironwood Golf Course is owned and operated by the City of Gainesville. The facilities are available to all without restriction to residence. Fees for golf programs and services are currently charged at a differential rate depending upon residency. Upon annexation, all residents of the Area will be eligible for the same rates that are available to the residents of the City of Gainesville.

## Housing

The Building Inspections Department enforces building and fire codes. The Department is responsible for permitting and inspections of new construction and remodeling or repair of existing buildings. Building contractors are also licensed through the Department in accordance with state and local regulations. The Building Inspections Department will provide permitting, plan review and inspections for the Area. The current staffing for the department can provide inspection services and the permitting and plan review services. The current staff will deliver services to this area without significant delays.

The Code Enforcement Division of the Gainesville Community Development Department enforces codes relating to zoning, housing, and vehicles, hazardous or perilous lands/buildings and special sales. The current staffing in the Department can provide these services to the Area.

The Housing Division provides grants for low and moderate income housing through the use of federal and state grant funds. The City of Gainesville is a Community Development Block Grant (CDBG) entitlement jurisdiction. Upon annexation any eligible residents will be entitled to apply for programs funded by CDBG funds. HOME funds are also utilized in the provision of housing services. The Area will receive the same services that are provided in the existing City limits upon the effective date of annexation.

## Street Lighting

Street lighting in the unincorporated area of Alachua County is currently provided and funded by the City of Gainesville General Operating Fund along arterials and collectors for vehicle and pedestrian safety through the 1990 Fire Hydrant and Public Street Lighting Services Agreement. Additional streetlights will be available and provided in the Area in accordance with the guidelines of the City of Gainesville Transportation