

**ORDINANCE NO. 060097**  
**0-06-41**

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, Special Acts, Laws of Florida, 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 comprised of Tax Parcels 06711-000-000 and 06711-003-000, generally located south of the city limits, west of the vicinity of SW 34<sup>th</sup> Street and the City limits, north of the vicinity of SW 20<sup>th</sup> Avenue and east of SW 37<sup>th</sup> Street; 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 City Manager and Clerk of the Commission; 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, and more recently on January 10, 2006, 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 28, 2005, the City Commission voted to accept the Petition for Voluntary Annexation submitted by the owner of the real property described herein and determined that the Petition bore the signature of the owner of the property; and

1           **WHEREAS**, on May 8, 2006, the City Commission of the City of Gainesville adopted  
2 Ordinance No. 051161, 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

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

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

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

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

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

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

3                         See Legal Description attached hereto as Exhibit "A," and made a  
4                         part hereof as if set forth in full.  
5

6           **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,  
7 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in  
8 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

11           **Section 5.** 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. The Gainesville Code Enforcement Board and code enforcement  
15 officers shall have jurisdiction to enforce these regulations during the interim period through the  
16 Gainesville Code Enforcement Board process as described in Division 8 of Article V of Chapter 2  
17 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as described in  
18 Division 6 of Article V of Chapter 2 of said Code. During the interim period, the City may rezone  
19 properties in the annexed area to an Alachua County Zoning classification/category that conforms  
20 with the Alachua County Comprehensive Plan.

21           **Section 6.**     (a) Except as provided in subsections (b) and (c) below, all persons who are  
22 lawfully engaged in any occupation, business, trade or profession within the area described in

1 Section 2 of this Ordinance as of July 25, 2006, shall have the right to continue such occupation,  
2 business, trade or profession.

3 (b) Except as provided in subsection (c) below, all persons who are lawfully  
4 engaged in any construction trade, occupation or business within the Area described in Section 2 of  
5 this Ordinance as of July 25, 2006, and who possess a valid certificate of competency issued by  
6 Alachua County shall have the right to continue the construction trade, occupation, or business  
7 within the entire corporate limits of the City of Gainesville, including the Area described in Section  
8 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by  
9 Alachua County, and provided such persons register the certificate with the Building Inspections  
10 Department of the City of Gainesville and the Department of Professional Regulation of the State of  
11 Florida on or before 4:00 p.m. on July 25, 2006.

12 (c) All persons lawfully engaged in any occupation, business, trade or profession  
13 within the Area described in Section 2 of this Ordinance as of July 25, 2006, shall obtain an  
14 occupational license from the City of Gainesville for the term commencing on October 1, 2006,  
15 which license shall be issued upon payment of the appropriate fee in accordance with the  
16 Gainesville Code of Ordinances in effect on October 1, 2006.

17 **Section 7.** If any portion of this Ordinance is declared by a court of competent jurisdiction  
18 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining  
19 portions of this Ordinance.

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



PREPARED FOR: COLLEGE BOUND GAINESVILLE LLC

LEGAL DESCRIPTION FOR: PARCEL 1

DRAWING FILE NUMBER: 05-0749.01.DWG

Date: NOVEMBER 3, 2005 (REVISED NOVEMBER 11, 2005)

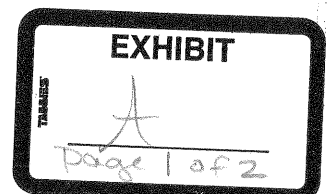
LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 19 EAST, IN THE CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 11; THENCE NORTH  $00^{\circ}47'06''$  EAST ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 1775.46 FEET; THENCE SOUTH  $89^{\circ}09'54''$  WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 1205.87 FEET; THENCE NORTH  $19^{\circ}07'06''$  WEST, A DISTANCE OF 250.29 FEET; THENCE SOUTH  $86^{\circ}03'47''$  WEST, A DISTANCE OF 67.42 FEET TO THE SOUTH LINE OF A HAUL ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 816, PAGE 211 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE SOUTH  $89^{\circ}16'24''$  WEST ALONG SAID SOUTH LINE, A DISTANCE OF 40.35 FEET; THENCE NORTH  $00^{\circ}54'23''$  WEST, ALONG THE WEST LINE OF SAID HAUL ROAD, A DISTANCE OF 350.28 FEET TO A POINT ON THE NORTHERLY LINE OF AN EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 44, PAGE 200 OF SAID PUBLIC RECORDS, SAID POINT BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST LINE, SOUTH  $89^{\circ}43'01''$  WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 371.96 FEET TO THE WEST LINE OF THE EAST 2/3 OF LOT 3 OF AN UNRECORDED SUBDIVISION; THENCE NORTH  $00^{\circ}47'01''$  WEST ALONG SAID WEST LINE, A DISTANCE OF 626.86 FEET TO AN EXISTING 5/8" IRON ROD & CAP MARKED (PLS 4788) BEING ON THE NORTH LINE OF THE SOUTH 5 CHAINS OF THE NORTH 1/2 OF SAID LOT 3; THENCE NORTH  $89^{\circ}20'54''$  EAST ALONG SAID NORTH LINE, A DISTANCE OF 98.49 FEET TO A POINT "A" BEING AN EXISTING 5/8" IRON ROD & CAP MARKED (PLS 4788) ON THE WESTERLY LINE OF A BORROW PIT DRAIN AS RECORDED IN OFFICIAL RECORDS BOOK 150, PAGE 566 OF SAID PUBLIC RECORDS; THENCE NORTH  $89^{\circ}05'43''$  EAST ALONG SAID NORTH LINE, A DISTANCE OF 20.14 FEET TO A POINT "B" BEING AN EXISTING 5/8" IRON ROD & CAP MARKED (PLS 4788) ON THE EASTERLY LINE OF SAID BORROW PIT DRAIN; THENCE CONTINUE ALONG SAID NORTH LINE NORTH  $89^{\circ}17'51''$  EAST, A DISTANCE OF 112.83 FEET TO THE WEST LINE OF THE PROPERTY DESCRIBED IN OFFICIAL RECORDS BOOK 995 PAGE 727 OF SAID PUBLIC RECORDS; THENCE SOUTH  $00^{\circ}47'30''$  EAST ALONG SAID WEST LINE, A DISTANCE OF 13.54 FEET TO THE NORTH LINE OF BORROW PIT NO. 1 AS RECORDED IN OFFICIAL RECORDS BOOK 816, PAGE 211 OF THE SAID PUBLIC RECORDS; THENCE SOUTH  $89^{\circ}00'09''$  WEST ALONG SAID NORTH LINE A DISTANCE OF 111.06 FEET TO AN EXISTING 5/8" IRON ROD & CAP MARKED (C&E, INC. LB 5075) ON THE AFOREMENTIONED EASTERLY LINE OF THE BORROW PIT DRAIN; THENCE NORTH  $07^{\circ}55'18''$  WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 14.22 FEET TO THE AFOREMENTIONED POINT "B"; THENCE SOUTH  $89^{\circ}05'43''$  WEST, A DISTANCE OF 20.14 FEET TO THE AFOREMENTIONED POINT "A", AND THE WESTERLY LINE OF THE SAID BORROW PIT DRAIN; THENCE SOUTH  $07^{\circ}45'00''$  EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 99.87 FEET TO AN EXISTING 5/8" IRON ROD (NO IDENTIFICATION) ON THE WESTERLY LINE OF AFOREMENTIONED BORROW PIT NO. 1; THENCE SOUTH  $00^{\circ}55'36''$  EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 314.65 FEET TO AN EXISTING 4" X 4" CONCRETE MONUMENT (NO IDENTIFICATION) ON THE SOUTH LINE OF SAID BORROW PIT NO. 1; THENCE NORTH  $89^{\circ}05'18''$  EAST ALONG SAID SOUTH LINE, A DISTANCE OF 260.10 FEET TO AN EXISTING 4" X 4" CONCRETE MONUMENT (NO IDENTIFICATION) ON THE

AFOREMENTIONED WESTERLY LINE OF THE HAUL ROAD; THENCE SOUTH  $00^{\circ}54'23''$  EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 216.69 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 2.91 ACRES, MORE OR LESS.



PREPARED FOR: 19<sup>TH</sup> Ave, LLC  
LEGAL DESCRIPTION FOR: PARCEL 2  
DRAWING FILE NUMBER: 05-0749.01.DWG  
Date: November 3, 2005

LEGAL DESCRIPTION:

A PARCEL OF LAND SITUATED IN SECTION 11, TOWNSHIP 10 SOUTH, RANGE 19 EAST, IN THE CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 11; THENCE NORTH 00°47'06" EAST ALONG THE EAST LINE OF SAID SECTION 11, A DISTANCE OF 1775.46 FEET; THENCE SOUTH 89°09'54" WEST, DEPARTING SAID EAST LINE, A DISTANCE OF 1205.87 FEET; THENCE NORTH 19°07'06" WEST, A DISTANCE OF 250.29 FEET; THENCE SOUTH 86°03'47" WEST, A DISTANCE OF 67.42 FEET TO A POINT BEING AN EXISTING 5/8" IRON ROD ON SOUTH LINE OF A HAUL ROAD, AS RECORDED IN OFFICIAL RECORDS BOOK 816, PAGE 211 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 01°28'12" EAST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 10.36 FEET TO AN EXISTING 5/8" IRON ROD ON THE SOUTH LINE OF THE NORTH 10 CHAINS OF THE SOUTH 1/2 OF THE EAST 2/3 OF LOT 3 OF AN UNRECORDED SUBDIVISION; THENCE SOUTH 89°17'39" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 413.18 FEET TO AN EXISTING 5/8" IRON ROD BEING ON THE WEST LINE OF THE EAST 2/3 OF SAID LOT 3; THENCE NORTH 00°47'01" WEST ALONG SAID WEST LINE, A DISTANCE OF 363.37 FEET TO THE NORTHERLY LINE OF AN EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 44, PAGE 200 OF SAID PUBLIC RECORDS; THENCE NORTH 89°43'01" EAST ALONG SAID NORTHERLY LINE, A DISTANCE OF 371.96 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED HAUL ROAD; THENCE SOUTH 00°54'23" EAST ALONG SAID WESTERLY LINE, A DISTANCE OF 350.28 FEET TO AN EXISTING 5/8" IRON ROD BEING ON THE SOUTHERLY LINE OF SAID HAUL ROAD; THENCE NORTH 89°16'24" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 40.35 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 3.10 ACRES, MORE OR LESS.

