

# MEMORANDUM

Office of the City Attorney

Registrar No. 050151<sup>a</sup>

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

**TO:** Mayor and City Commission

**DATE:** August 8, 2005  
FIRST READING

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-05-78

An Ordinance of the City of Gainesville, Florida, adopting an Urban Services Report which sets forth the plans to provide urban services to certain properties owned by the City of Gainesville generally described as follows: south of the city limits, west of SW 34<sup>th</sup> Street and tax parcel 06688-000-000, and east of tax parcel number 06715-000-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, as amended, Special Acts, Laws of Florida, 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.

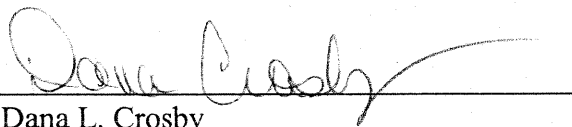
The report must generally include the following information:

- 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.

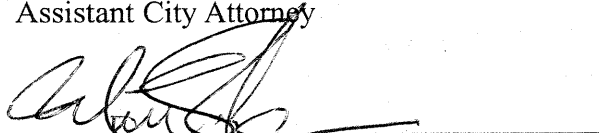
If adopted on first reading, this ordinance shall be heard on second reading on August 22, 2005. After final adoption by the City Commission, a copy of this Report will be filed with the Alachua County Board of County Commissioners.

Prepared by:



Dana L. Crosby  
Assistant City Attorney

Approved and  
Submitted by:



Marion J. Radson,  
City Attorney

MJR:DC:sw

# DRAFT

7-13-05

ORDINANCE NO. \_\_\_\_\_  
0-05-78

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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 certain properties owned by the City of**  
7       **Gainesville generally described as follows: south of the city**  
8       **limits, west of SW 34<sup>th</sup> Street and tax parcel 06688-000-000, and**  
9       **east of tax parcel number 06715-000-000; the area is proposed**  
10       **for annexation by the City of Gainesville pursuant to Chapter**  
11       **90-496, as amended, Special Acts, Laws of Florida, known as the**  
12       **Alachua County Boundary Adjustment Act; providing**  
13       **directions to the City Manager, the City Attorney and the Clerk**  
14       **of the Commission; providing a repealing clause; providing a**  
15       **severability clause; and providing an immediate effective date.**  
16

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

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

25       **WHEREAS**, the City of Gainesville is planning to commence the annexation of certain  
26       unincorporated areas, as more specifically described in this Ordinance, that are located within its  
27       Reserve Area as defined in the Act and as redesignated by the Board of County Commissioners of  
28       Alachua County;

# DRAFT

7-13-05

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

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

7           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
8 **CITY OF GAINESVILLE, FLORIDA:**

9           **Section 1.** The Urban Services Report, a copy of which is attached as Exhibit "A" and  
10 incorporated herein as if set forth in full, which sets forth the plans to provide urban services to an  
11 area generally south of the city limits, west of SW 34<sup>th</sup> Street and tax parcel 06688-000-000, and  
12 east of tax parcel number 06715-000-000, is approved and adopted for that certain area as more  
13 specifically described in the Urban Services Report.

14           **Section 2.** The City Manager is directed to file a copy of this Ordinance and the  
15 accompanying Urban Services Report with the Board of County Commissioners of Alachua County  
16 and to commence the annexation of the area defined in the Urban Services Report; the City  
17 Attorney and Clerk of the Commission are authorized to prepare and advertise the appropriate  
18 ordinance(s).

DRAFT

7-13-05

1 Section 3. If any section, sentence, clause or phrase of this Ordinance is held to be invalid  
2 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect  
3 the validity of the remaining portions of this Ordinance.

4 Section 4. This Ordinance shall become effective immediately upon adoption.  
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6 PASSED AND ADOPTED this \_\_\_\_ day of August, 2005.

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10 \_\_\_\_\_  
11 PEGEEN HANRAHAN,  
12 MAYOR

13  
14 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

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17 \_\_\_\_\_  
18 Kurt Lannon,  
19 Clerk of the Commission

20 \_\_\_\_\_  
21 Marion J. Radson, City Attorney

22 This ordinance passed on first reading this \_\_\_\_ day of August, 2005.

23 This ordinance passed on second reading this \_\_\_\_ day of August, 2005.  
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**ADVERTISEMENT  
NOTICE OF PROPOSED  
ENACTMENT OF  
ORDINANCE****BY CITY COMMISSION,  
GAINESVILLE, FLORIDA**

Notice is hereby given that the proposed ordinance, whose title appears below will be considered for First Reading on the 8th day of August, 2005, at the City Commission meeting and if then adopted on First Reading will be considered for Second and Final Reading and adoption on the 22nd day of August, 2005, at the City Commission meeting. The meetings begin at 6:00p.m. and the ordinances will be read as soon thereafter as may be heard. The meetings are held in the City Commission Auditorium, on the First Floor of City Hall, 200 East University Avenue, Gainesville, Florida. A copy of said ordinance may be inspected by any member of the public at the office of the Clerk of the Commission on the First Floor of City Hall during regular business hours located at 200 East University Avenue, Gainesville, Florida, and at the Public Library, Main Branch, located at 401 East University Avenue. On the dates mentioned above all interested parties may appear at the meeting and be heard with respect to the proposed ordinance. Persons with disabilities, who require assistance to participate in the meetings, are requested to notify the Equal Opportunity Office at 334-5051 or call the TDD phone line at least 2 business days in advance.

**ORDINANCE TITLE  
ORDINANCE NO. 050151**

An Ordinance of the City of Gainesville, Florida, adopting an Urban Services Report which sets forth the plans to provide urban services to certain properties owned by the City of Gainesville generally described as follows: south the of city limits; west of SW 34th Street and tax parcel 06688-000-000, and east of tax parcel number 06715-000-000; the area is proposed for annexation by the City of Gainesville pursuant to chapter 90-496, as amended, Special Acts, Laws of Florida, 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.

Note: "All persons are advised that, if any person decides to appeal any decision made at any of these meetings, they will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

July 28, 2005  
Publish Date

Kurt M. Lannon  
Clerk of the Commission

28812, 7/28/05  
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