

ORDINANCE NO. 020789
0-03-09

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, 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: bounded on the south by the northern boundary of SW 24th Avenue as extended west to the western boundary of Interstate 75, bounded on the east by the City limits and the eastern boundary of Southwest 34th Street, bounded on the west by the western boundary of Interstate 75 and the City limits, and bounded on the north by the City limits; providing for inclusion of the area in Appendix I of the City Charter; providing for a referendum election; providing directions to the City Manager and Clerk of the Commission; providing ballot language; providing for land use plan and zoning regulations; providing for enforcement of Alachua County land use plan, zoning and subdivision regulations; providing for persons engaged in any occupation, business, trade or profession; providing a severability clause; and providing effective dates.

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, the Board of County Commissioners of Alachua County designated the Reserve Area for the City of Gainesville pursuant to the Act; and

WHEREAS, on January 21, 2003, the City Commission of the City of Gainesville adopted Ordinance No. 020730 which adopted the Urban Services Report setting forth the plans to provide

1 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the
2 procedures provided in the Act; and

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

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

7 **WHEREAS**, pursuant to law, at least seven days notice has been given once by publication
8 in a newspaper of general circulation notifying the public of the first Public Hearing of this
9 proposed Ordinance to be held in the City Commission meeting room, First Floor, City Hall, in the
10 City of Gainesville; and

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

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

18 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
19 **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 contiguous and reasonably compact to the
22 present corporate limits of the City of Gainesville, and that no part of the Area is within the

1 boundary of another municipality or county. The City Commission finds the Area to be within its
2 Reserve Area and the annexation does not create an enclave. The City Commission finds the Area
3 is developed for urban purposes because it has a total resident population of at least two persons per
4 acre of land included within its boundaries.

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

7 See Legal Description attached hereto as Exhibit "A", and
8 made a part hereof as if set forth in full.
9

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

14 **Section 4.** Pursuant to Section 8 of the Act, this Ordinance shall be submitted to a vote of
15 the registered electors of the Area described in Section 2 of this Ordinance at a special election
16 called for the purpose of holding the referendum. The referendum election shall be held on
17 Tuesday, April 29, 2003. The referendum shall be conducted by the Alachua County Supervisor of
18 Elections "Supervisor" in accordance with the provisions of the Act and Chapter 9, Gainesville
19 Code of Ordinances, as applicable. The City Manager is authorized and directed to pay all lawful
20 expenses associated with the election.

21 **Section 5.** The Clerk of the Commission is authorized to publish notice of the referendum
22 on annexation as prescribed by law.

1 **Section 6.** Pursuant to Section 8 of the Act, the language to appear on the ballot of the
2 referendum election called in Section 4 shall be:

3 "For annexation of property described in Ordinance Number
4 _____ of the City of Gainesville"

5
6 "Against annexation of property described in Ordinance Number
7 _____ of the City of Gainesville"

8
9 **Section 7.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
10 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
11 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
12 that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement
13 officers shall have jurisdiction to enforce these regulations during the interim period through the
14 Gainesville Code Enforcement Board process as described in Division 8 of Chapter 2 of the Code
15 of Ordinances of the City of Gainesville. During the interim period, the City may rezone properties
16 in the annexed area to an Alachua County Zoning classification/category that conforms with the
17 Alachua County Comprehensive Plan.

18 **Section 8.** (a) Except as provided in subsection (b) below, all persons who are lawfully
19 engaged in any occupation, business, trade or profession within the area described in Section 2 of
20 this Ordinance as of September 1, 2003, shall have the right to continue such occupation, business,
21 trade or profession.

22 (b) Except as provided in subsection (c) below, all persons who are lawfully
23 engaged in any construction trade, occupation or business within the Area described in Section 2 of
24 this Ordinance as of September 1, 2003, and who possess a valid certificate of competency issued
25 by Alachua County shall have the right to continue the construction trade, occupation, or business

1 within the entire corporate limits of the City of Gainesville, including the Area described in Section
2 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by
3 Alachua County, and provided such persons register the certificate with the Building Inspections
4 Department of the City of Gainesville and the Department of Business and Professional Regulation
5 of the State of Florida, if applicable, on or before 4:00 p.m. on September 1, 2004.

6 (c) All persons lawfully engaged in any occupation, business, trade or
7 profession within the Area described in Section 2 of this Ordinance on or after October 1, 2003,
8 shall obtain an occupational license from the City of Gainesville for the term commencing on
9 October 1, 2003, which license shall be issued upon payment of the appropriate fee in accordance
10 with the Gainesville Code of Ordinances in effect on October 1, 2003.

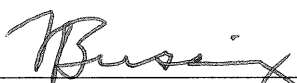
11 **Section 9.** If any portion of this Ordinance is declared by a court of competent jurisdiction
12 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining
13 portions of this Ordinance.

14 **Section 10.** The Clerk of the Commission is directed to submit a certified copy of this
15 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3)
16 the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

17 **Section 11.** Sections 1, 4, 5, 6, 9, and 11 of this Ordinance shall become effective
18 immediately upon adoption. Sections 2, 3, 7, 8 and 10 shall become effective at 12:01 a.m. on
19 September 1, 2003, unless there is a tie vote or majority vote against the annexation at the special
20 election called in Section 4 of this Ordinance.

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PASSED AND ADOPTED this 27th day of January, 2003.




Thomas D. Bussing, Mayor

ATTEST:

Approved as to form and legality



KURT LANNON,
CLERK OF THE COMMISSION



MARION J. RADSON,
CITY ATTORNEY

JAN 28 2003

This Ordinance passed on first reading this 23rd day of January, 2003.

This Ordinance passed on second reading this 27th day of January, 2003.

Exhibit "A"

THOSE PARCELS OF LAND LYING AND BEING IN SECTIONS 10, 11 AND 12, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE EXISTING CITY OF GAINESVILLE LIMIT LINE AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF INTERSTATE 75 AND THE CENTERLINE OF HOGTOWN CREEK AS ANNEXED BY CITY ORDINANCE 0-92-21 AND RUN ALONG SAID EXISTING CITY LIMIT LINE THE FOLLOWING COURSES:

NORTHEASTERLY ALONG THE CENTERLINE OF SAID HOGTOWN CREEK TO IT'S INTERSECTION WITH THE WEST LINE OF TAX PARCEL NO. 6745 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1391 AT PAGE 530; THENCE NORTH, ALONG SAID WEST LINE, TO THE NORTHWEST CORNER OF SAID PARCEL, SAID CORNER ALSO BEING ON THE NORTH LINE OF SECTION 11, TOWNSHIP 10 SOUTH, RANGE 19 EAST; THENCE EAST, ALONG THE NORTH LINE OF SAID SECTION, TO THE NORTHWEST CORNER OF TAX PARCEL NO. 6734-1; THENCE RUN SOUTH, EAST AND NORTH ALONG SAID PARCEL AND TAX PARCEL NO. 6734 AS ANNEXED BY THE CITY OF GAINESVILLE BY ORDINANCE NO. 0-90-15, TO THE NORTHEAST CORNER OF SAID PARCELS, SAID CORNER ALSO BEING ON THE NORTH LINE OF SAID SECTION 11; THENCE RUN EAST, ALONG SAID NORTH LINE, TO THE NORTHWEST CORNER OF TAX PARCEL NO. 6688, ALSO BEING THE NORTHWEST CORNER OF PARCEL "A" AS ANNEXED INTO THE CITY OF GAINESVILLE BY ORDINANCE NO. 0-94-96; THENCE RUN COUNTER CLOCKWISE AROUND THE WESTERLY AND SOUTHERLY PERIMETER OF SAID PARCEL "A" TO IT'S SOUTHEASTERLY CORNER, SAID CORNER ALSO BEING ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO.121, ALSO KNOWN AS NORTHWEST 34TH STREET; THENCE EASTERLY, ALONG AN EXTENTION OF THE SOUTHERLY BOUNDARY OF SAID PARCEL "A", TO THE EAST RIGHT OF

WAY LINE OF SAID STATE ROAD NO. 121, TO A POINT ON THE WEST LINE OF THE DOYLE CONNER BUILDING PROPERTY, ALSO BEING TAX PARCEL NO. 6758-1 AS ANNEXED INTO THE CITY OF GAINESVILLE BY ORDINANCE NO. 0-95-114; THENCE RUN SOUTHERLY, ALONG THE EAST RIGHT OF WAY LINE OF SAID STATE ROAD NO. 121, ALSO BEING THE WEST LINE OF SAID TAX PARCEL NO 6758-1, AND ALONG THE WEST LINE OF PARCEL "B" AS ANNEXED BY AFOREMENTIONED ORDINANCE NO.0-94-96, TO A POINT ON SAID EASTERLY RIGHT OF WAY LINE BEING ON AN EASTERLY EXTENTION OF THE NORTH RIGHT OF WAY LINE OF SOUTHWEST 24TH AVENUE; THENCE LEAVING SAID EXISTING CITY OF GAINESVILLE LIMIT LINE, WEST, ALONG SAID EXTENTION AND NORTH RIGHT OF WAY LINE, TO A POINT ON THE WEST RIGHT OF WAY LINE OF SOUTHWEST 43RD STREET, SAID POINT ALSO BEING ON THE EAST LINE OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST; THENCE RUN SOUTH TO THE SOUTHEAST CORNER OF SAID SECTION 10; THENCE RUN WEST, ALONG THE SOUTH LINE OF SAID SECTION 10, TO A POINT ON THE WEST RIGHT OF WAY LINE OF AFOREMENTIONED INTERSTATE 75; THENCE NORTHWESTERLY ALONG THE WEST LINE OF SAID INTERSTATE 75 TO IT'S INTERSECTION WITH THE CENTERLINE OF HOGTOWN CREEK AND TO THE CITY OF GAINESVILLE LIMITS LINE AND THE POINT OF BEGINNING. SAID PARCEL CONTAINING APPROXIMATELY 650 ACRES MORE OR LESS.