

D R A F T

ORDINANCE NO. _____
0-07-23

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, 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 City-owned Tax Parcels, 06842-001-000, 06844-000-001, 06846-000-000, 06847-000-000, 06848-000-000, a portion of 06845-000-000, and a portion of 06837-000-000, generally located south of the City Limits and the vicinity of SW 24th Avenue, west of Kanapaha Lake and the vicinity of Interstate 75, north of the vicinity of SW Archer Road and east of the vicinity of SW 75th Street/Tower Road; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; 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 Act, 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 10, 2006, the Board of County Commissioners of Alachua County designated the Reserve Area for the City of Gainesville pursuant to the Act; and

D R A F T

1 **WHEREAS**, on September 11, 2006, the City Commission voted to accept the Petition for
2 Voluntary Annexation, submitted by the City as the owner of the real property described herein and
3 determined that the Petition bore the signatures of the owner of the property; and

4 **WHEREAS**, on February 12, 2007, the City Commission of the City of Gainesville
5 adopted Ordinance No. 060300, which adopted the Urban Services Report setting forth the plans to
6 provide urban services to that portion of the Reserve Area proposed to be annexed in accordance
7 with the procedures provided in the Act; and

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

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

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

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

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

D R A F T

1 **Section 1.** The City Commission finds that the Area described in Section 2 of this
2 Ordinance (hereinafter referred to as the “Area”), though separated from the city limits by the
3 presence of a publicly owned county park, is reasonably compact and contiguous to the present
4 corporate limits of the City of Gainesville. The City Commission further finds that the presence of
5 this publicly owned county park does not prevent the inhabitants from fully associating and trading
6 with each other, socially and economically, and that no part of the Area is within the boundary of
7 another municipality or county. The City Commission finds the Area to be within its Reserve Area
8 and the annexation does not create an enclave.

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

11 See Legal Description attached hereto as Exhibit "A", and made a
12 part hereof as if set forth in full.
13

14 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix
15 I, Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
16 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

19 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
20 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
21 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment

D R A F T

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

8 **Section 6.** If any portion of this Ordinance is declared by a court of competent jurisdiction
9 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining
10 portions of this Ordinance.

11 **Section 7.** The Clerk of the Commission is directed to submit a certified copy of this
12 Ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; and 3)
13 the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

14 **Section 8.** This Ordinance shall become effective immediately upon adoption.

15 **PASSED AND ADOPTED** this _____ day of _____, 2007.

16
17
18
19

PEGEEN HANRAHAN,
MAYOR

D R A F T

1 ATTEST:

2 Approved as to form and legality

3
4

5 _____
6 KURT LANNON,
7 CLERK OF THE COMMISSION

8 _____
9 MARION J. RADSON,
10 CITY ATTORNEY

7
8

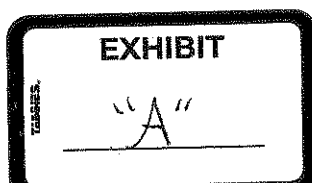
9 This Ordinance passed on first reading this _____ day of _____, 2007.

10 This Ordinance passed on second reading this _____ day of _____, 2007.

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN SECTION 16, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST LINE OF S.W. 63RD BOULEVARD AND THE SOUTH LINE OF TAX PARCEL NUMBER 6837 FOR A POINT OF BEGINNING; THENCE RUN WEST ALONG THE SOUTHERLY BOUNDARY OF SAID TAX PARCEL TO THE SOUTHWEST CORNER OF SAID TAX PARCEL ALSO BEING THE NORTHEAST CORNER OF TAX PARCEL NUMBER 6877-3; THENCE RUN WEST ALONG THE NORTH LINE OF TAX PARCEL NUMBER 6877-3 TO THE NORTHEAST CORNER OF LOT 1 OF GREEN LEAF UNIT NO. 1, A SUBDIVISION AS RECORDED IN PLAT BOOK "K" PAGE 81 OF THE OFFICIAL RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN WEST ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE NORTHWEST CORNER OF LOT 6 OF GREEN LEAF UNIT NO. 1; THENCE RUN WEST ALONG THE NORTH LINE OF TAX PARCEL NUMBER 6877-3 TO THE NORTHWEST CORNER OF SAID TAX PARCEL; THENCE RUN WEST ALONG THE NORTH LINE OF GREEN LEAF UNIT NO. 1 TO THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE RUN WEST ALONG THE NORTH LINE OF SECTION 21, TOWNSHIP 10 SOUTH, RANGE 19 EAST TO THE NORTHEAST CORNER OF TOWER VILLAGE, A SUBDIVISION AS RECORDED IN PLAT BOOK "J" PAGE 96 OF THE OFFICIAL RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN WEST ALONG THE NORTH LINE OF SAID SUBDIVISION TO THE NORTHWEST CORNER OF SAID SUBDIVISION, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY LINE OF



SOUTHWEST 75TH STREET (TOWER ROAD), ALSO KNOWN AS ALACHUA COUNTY ROAD SW 29; THENCE RUN NORTH ALONG SAID RIGHT-OF-WAY LINE AND THE WEST LINE OF TAX PARCEL NUMBER 6846 TO THE SOUTHWEST CORNER OF TAX PARCEL NUMBER 6846-1; THENCE RUN EAST ALONG THE SOUTH LINE OF SAID TAX PARCEL TO THE SOUTHEAST CORNER OF SAID TAX PARCEL; THENCE RUN NORTH ALONG THE EAST LINE OF SAID TAX PARCEL TO THE NORTHEAST CORNER OF SAID TAX PARCEL NUMBER 6846-1; THENCE RUN NORTH ALONG THE NORTHERLY EXTENSION OF SAID EAST LINE AND THE WEST LINE OF TAX PARCEL NUMBER 6842-1 TO THE NORTHWEST CORNER OF TAX PARCEL NUMBER 6842-1, SAID POINT ALSO BEING ON THE SOUTH LINE OF GARISON WAY PHASE I, A SUBDIVISION AS RECORDED IN PLAT BOOK 25, PAGE 75 OF THE OFFICIAL RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION AND THE NORTH LINE OF TAX PARCEL NUMBER 6842-1 AND THE NORTH LINE OF TAX PARCEL NUMBER 6845 TO THE NORTHEAST CORNER OF TAX PARCEL NUMBER 6845; THENCE RUN SOUTH ALONG THE EASTERLY LINE OF TAX PARCELS NUMBER 6845 & 6846 AND THE WEST LINE OF TAX PARCEL NUMBER 6837-1 TO THE SOUTHWEST CORNER OF TAX PARCEL NUMBER 6837-1; THENCE RUN EAST, NORTH AND WEST ALONG THE PERIMETER OF SAID TAX PARCEL TO A POINT ON THE NORTH LINE OF SAID TAX PARCEL BEING ON A SOUTHEASTERLY PROJECTION OF THE EAST LINE OF TAX PARCEL NUMBER 6841-4; THENCE RUN NORTHWESTERLY ALONG SAID PROJECTION AND EAST LINE TO THE NORTHEAST CORNER OF TAX PARCEL NUMBER 6841-4, SAID CORNER ALSO BEING A POINT ON THE SOUTH LINE OF TAX PARCEL 6836-9; THENCE RUN EAST ALONG SAID SOUTH LINE ALSO BEING THE

NORTH LINE OF TAX PARCEL NUMBER 6837 TO THE NORTHEAST CORNER OF SAID TAX PARCEL NUMBER 6837; THENCE RUN GENERALLY IN A SOUTHERLY AND SOUTHWESTERLY DIRECTION ALONG THE EASTERLY LINE OF SAID TAX PARCEL ALSO BEING THE WESTERLY LINE OF TAX PARCEL NUMBER 6836-4 TO THE NORTHEAST CORNER OF TAX PARCEL NUMBER 6837-2; THENCE RUN WEST AND SOUTH ALONG THE NORTHERLY AND WESTERLY LINES OF TAX PARCEL NUMBER 6837-2 ALSO BEING ON THE SOUTHERLY AND EASTERLY LINES OF TAX PARCEL NUMBER 6837 TO THE SOUTHWEST CORNER OF TAX PARCEL NUMBER 6837-2; THENCE RUN SOUTHERLY TO A POINT ON THE SOUTHERLY LINE OF TAX PARCEL NUMBER 6837 AT ITS INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF S.W. 63RD BOULEVARD AND THE POINT OF BEGINNING.