

**LEGISLATIVE #**

**120308A**

**ORDINANCE NO. 120308**

**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 Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; annexing to include within the corporate limits of the City of Gainesville, Florida, certain compact and contiguous area generally located: west of NW 43rd Street, east of NW 51st Street (shown on the plat of Huntington Phase 6 as recorded in Plat book "S", Page 48 of the public records of Alachua County, Florida), north of the current city limits at tax parcel No. 06061-003-003 and Bellamy Forge Condominiums and south of the current city limits at the south line of the northeast quarter of Section 22, Township 9 South, Range 19 East and the county drainage easement & right of way lying immediately north of Rustlewood as recorded in Plat Book "K", page 52 ("Area 3"); 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, zoning and subdivision regulations, and enforcement of same; 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" ("Act"), which sets forth procedures for the annexation of contiguous, compact, unincorporated territory within a municipality's reserve area; and

**WHEREAS**, on October 9, 2011, the Board of County Commissioners of Alachua County designated an updated Reserve Area boundary for the City of Gainesville pursuant to the Act; and

**WHEREAS**, on July 19, 2012, the City Commission of the City of Gainesville adopted Ordinance No. 120042, which adopted the Urban Services Report setting forth the plans to provide urban services to that portion of the Reserve Area proposed to be annexed in accordance with the procedures provided in the Act; and

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

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

3           **WHEREAS**, pursuant to law, at least 10 days notice has been given by publication in a  
4 newspaper of general circulation notifying the public of the first public hearing of this proposed  
5 ordinance to be held in the City Commission Auditorium, First Floor, City Hall, in the City of  
6 Gainesville; and

7           **WHEREAS**, pursuant to law, at least 10 days notice has been given by publication in a  
8 newspaper of general circulation notifying the public of the second public hearing of this proposed  
9 ordinance to be held in the City Commission Auditorium, First Floor, City Hall, in the City of  
10 Gainesville; and

11           **WHEREAS**, public hearings were held pursuant to the published notice described above  
12 during which the parties in interest and all others had an opportunity to be and were, in fact, heard.

13           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
14 **CITY OF GAINESVILLE, FLORIDA:**

15           **Section 1.** The City Commission finds that the Area described in Section 2 of this  
16 ordinance (“Area 3”) is reasonably compact and contiguous to the present corporate limits of the  
17 City of Gainesville, and that Area 3 is in no part within the boundary of another municipality or  
18 county. The City Commission finds Area 3 to be within its Reserve Area and the annexation does  
19 not create an enclave. The City Commission finds that Area 3 is developed for urban purposes in  
20 that it has a total resident population equal to at least two persons for each acre of land included  
21 within its boundaries.

22           **Section 2.** The following described Area 3 is annexed and incorporated within the corporate  
23 limits of the City of Gainesville, Florida:

1 See legal description attached hereto as Exhibit "A" and  
2 made a part hereof as if set forth in full. The location of Area  
3 3 is shown on Exhibit "B" for visual reference. In the event  
4 of conflict or inconsistency, Exhibit "A" shall prevail over  
5 Exhibit "B."  
6

7 **Section 3.** Subject to the provisions of Section 4 of this ordinance, the corporate limits of the  
8 City of Gainesville, Florida, as set forth in Appendix I, Charter Laws of the City of Gainesville, are  
9 amended and revised to include Area 3, as described in Section 2 of this ordinance, within the  
10 corporate limits of the City of Gainesville, Florida.

11 **Section 4.** Pursuant to Section 8 of the Act, this ordinance shall be submitted to a vote of  
12 the registered electors of Area 3, as described in Section 2 of this ordinance, at a referendum on  
13 annexation to be held during a special election on Tuesday, April 9, 2013. The referendum shall be  
14 conducted by the Alachua County Supervisor of Elections in accordance with the provisions of the  
15 Act and Chapter 9, Gainesville Code of Ordinances, as applicable. The City Manager is authorized  
16 and directed to pay all lawful expenses associated with this election.

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

19 **Section 6.** Pursuant to Section 8 of the Act, the language to appear on the ballot of the  
20 referendum election so called shall be:

21 "For annexation of property described in Ordinance Number 120308  
22 of the City of Gainesville"

23  
24 "Against annexation of property described in Ordinance Number  
25 120308 of the City of Gainesville"  
26

27 **Section 7.** In accordance with Section 171.062, Florida Statutes, the Alachua County land  
28 use plan and zoning or subdivision regulations shall remain in full force and effect in Area 3, as  
29 described in Section 2 of this ordinance, until the City adopts a comprehensive plan amendment that

1 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 category that conforms with the  
7 Alachua County Comprehensive Plan.

8       **Section 8.** (a) All persons who are, as of June 1, 2013, lawfully engaged in any  
9 occupation, business, trade or profession within Area 3, as described in Section 2 of this ordinance,  
10 shall have the right to continue such occupation, business, trade or profession, but shall obtain a  
11 business tax receipt from the City of Gainesville for the term commencing on October 1, 2013,  
12 which tax receipt shall be issued upon payment of the appropriate fee in accordance with the  
13 Gainesville Code of Ordinances in effect on October 1, 2013.

14       (b) All persons who are, as of June 1, 2013, lawfully engaged in any construction  
15 trade, occupation or business within Area 3, as described in Section 2 of this ordinance, and who  
16 possess a valid certificate of competency issued by Alachua County shall have the right to continue  
17 the construction trade, occupation, or business within the entire corporate limits of the City of  
18 Gainesville, including Area 3, subject to the terms, conditions and limitations imposed on the  
19 certificate by Alachua County, and provided that such persons register the certificate with the  
20 Building Inspections Division of the City of Gainesville and the Department of Business and  
21 Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. on June 1,  
22 2013.

1           **Section 9.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
2 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
3 finding shall not affect the other provisions or applications of this ordinance that can be given  
4 effect without the invalid or unconstitutional provision or application, and to this end the  
5 provisions of this ordinance are declared severable.

6           **Section 10.** The Clerk of the Commission is directed to submit a certified copy of this  
7 ordinance to: 1) the Executive Office of the Governor; 2) the Florida Department of State; 3) the  
8 Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida; and 4)  
9 the Office of Economic and Demographic Research of the State of Florida along with a statement  
10 specifying the population census effect and the affected land area.

11           **Section 11.** Sections 1, 4, 5, 6, 9, and 11 of this ordinance shall become effective  
12 immediately upon adoption. If there is a majority vote for annexation at the election referenced in  
13 Section 4 of this ordinance, sections 2, 3, 7, 8 and 10 shall become effective at 12:01 a.m. on June 1,  
14 2013.

15 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

16  
17  
18 \_\_\_\_\_  
19 CRAIG LOWE  
20 MAYOR

21 ATTEST:

APPROVED AS TO FORM AND LEGALITY:

22  
23 \_\_\_\_\_  
24 KURT LANNON  
25 CLERK OF THE COMMISSION

26  
27 \_\_\_\_\_  
28 NICOLLE M. SHALLEY  
29 CITY ATTORNEY

30 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

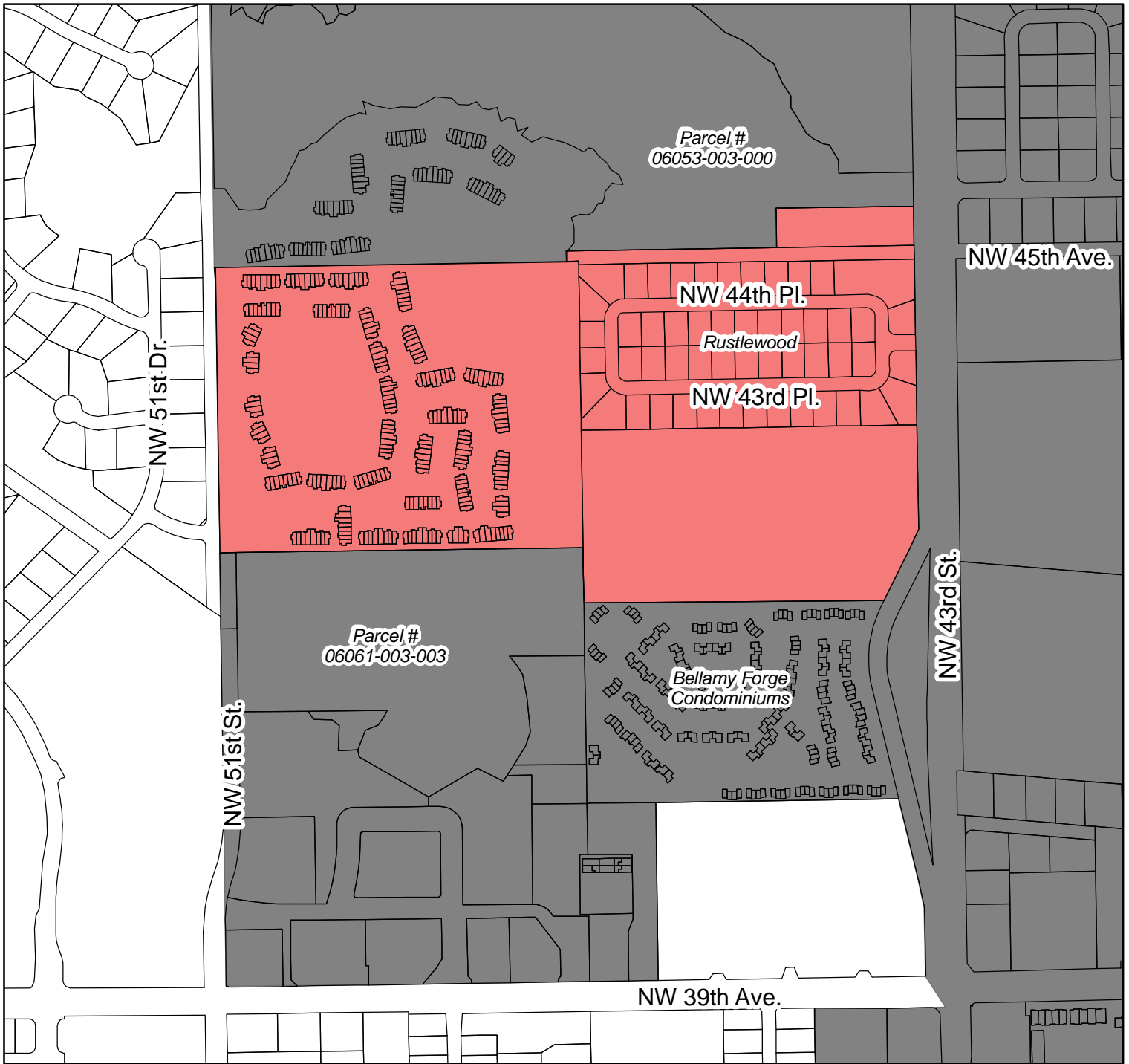
### **NW ANNEXATION AREA 3 LEGAL DESCRIPTION**

A TRACT OF LAND SITUATED IN SECTION 22, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF THE NORTH 1029.87 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 22 AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #3578, SAID INTERSECTION ALSO BEING THE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID SOUTH LINE TO THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 22; THENCE SOUTHERLY ALONG SAID EAST LINE TO THE NORTHWEST CORNER OF BELLAMY FORGE CONDOMINIUMS AS RECORDED IN DECLARATION OF CONDOMINIUM IN OFFICIAL RECORDS BOOK 876, PAGE 219 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED ORB \_\_\_\_, PAGE \_\_\_\_ ACR) AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #3578; THENCE NORTH 89°59'03" EAST ALONG THE NORTH LINE OF SAID BELLAMY FORGE CONDOMINIUMS A DISTANCE OF 1091.89 FEET TO THE WEST RIGHT-OF-WAY LINE OF N.W. 43<sup>RD</sup> STREET; THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO THE NORTH LINE OF A DRAINAGE RIGHT-OF-WAY AS DESCRIBED IN ORB 1741, PAGE 2148 ACR, AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #3614; THENCE SOUTH 89°35'40" WEST ALONG THE NORTH LINE OF SAID LANDS AND PARALLEL TO THE SOUTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION 22, A DISTANCE OF 499.89 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE SOUTH 00°24'20" EAST ALONG THE WEST LINE OF SAID LANDS A DISTANCE OF 143.17 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE SOUTH 89°31'35" WEST A DISTANCE OF APPROXIMATELY 761.18 FEET; THENCE SOUTH 00°27'55" EAST A DISTANCE OF APPROXIMATELY 50.00 FEET TO THE SOUTHWEST CORNER OF A DRAINAGE EASEMENT AS DESCRIBED IN ORB 1626, PAGE 1149 ACR, ALSO BEING ON THE

NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 20 EAST; THENCE RUN WESTERLY ALONG SAID NORTH LINE TO AN IRON PIPE FOUND AT THE NORTHWEST CORNER OF SAID SOUTHEAST ONE-QUARTER OF SAID SECTION 22; THENCE SOUTH ALONG THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 22 TO THE POINT OF BEGINNING.





## **Proposed Northwest Annexation**

### **Area 3**

 Northwest Annexation, Area 3 (Approximately 69.3 acres)

 Gainesville City Limits

0 250 500 1,000  
Feet

This map is intended for general reference purposes only. Do not rely on this map for accuracy of dimensions. For specific information, contact the City of Gainesville, Florida. Prepared by Planning and Development Services/GIS June 26, 2012  
File: T:\Projects\Planning\Urban\_Service\_Reports\Northwest-Annexation

