



MEMORANDUM

Office of the City Attorney

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

TO: Mayor and City Commission

DATE: May 14, 2001
~~April 23, 2001~~

FROM: City Attorney

CITY ATTORNEY
FIRST READING
SECOND READING

SUBJECT: Ordinance No. 0-01-05

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, by 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 comprising approximately 12.79 acres (MOL), generally located north of NW 73rd Avenue, east of Blues Creek Unit 3-A and NW 50th Street, south of Blues Creek Unit 6B and west of the City limits; providing for inclusion of the area in Appendix I of the City Charter; providing for land use plan and zoning regulations; providing for enforcement of Alachua County, land use plan, zoning and subdivision regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, November 13, 2000, at a regular city commission meeting, the City Commission received and accepted the petition for voluntary annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On January 8, 2001 and January 22, 2001, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary

Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

The Alachua County land use plan and zoning or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment that includes the annexed area, and rezones the property to a city zoning category. During the interim period, the City may rezone the property in the annexed area to an Alachua County Zoning classification/category that conforms with the Alachua County Comprehensive Plan in accordance with Chapter 163, F.S.

Prepared and
Submitted by:



Marion J. Radson
City Attorney

Passed on first reading by a vote of 5-0.

D R A F T

04/12/01

ORDINANCE NO. _____
0-01-05

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4 **An Ordinance of the City of Gainesville, Florida, annexing a portion**
5 **of the City of Gainesville Reserve Area Pursuant to Chapter 90-496,**
6 **as amended, by Special Acts, Laws of Florida, known as the Alachua**
7 **County Boundary Adjustment Act; making certain findings;**
8 **including within the corporate limits of the City of Gainesville,**
9 **Florida, that certain compact and contiguous area comprising**
10 **approximately 12.79 acres (MOL), generally located north of NW**
11 **73rd Avenue, east of Blues Creek Unit 3-A and NW 50th Street, south**
12 **of Blues Creek Unit 6B and west of the City limits; providing for**
13 **inclusion of the area in Appendix I of the City Charter; providing for**
14 **land use plan and zoning regulations; providing for enforcement of**
15 **Alachua County, land use plan, zoning and subdivision regulations;**
16 **providing directions to the City Manager and Clerk of the**
17 **Commission; providing a severability clause; and providing an**
18 **immediate effective date.**
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21 **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-
22 382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary
23 Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for
24 the annexation of contiguous, compact, unincorporated territory within a municipality's reserve
25 area; and

26 **WHEREAS,** on January 13, 1998, the Board of County Commissioners of Alachua County
27 designated the Reserve Area for the City of Gainesville pursuant to the Act; and

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04/12/01

1 **WHEREAS**, on June 21, 2000, the owner of the real property described herein submitted a
2 Petition for Voluntary Annexation requesting the City to incorporate said property into the City of
3 Gainesville; and

4 **WHEREAS**, on November 13, 2000, the City Commission voted to accept said Petition
5 and determined that the Petition bore the signatures of the owners of the property; and

6 **WHEREAS**, on January 22, 2000, the City Commission of the City of Gainesville adopted
7 Ordinance No. 000665, which adopted the Urban Services Report setting forth the plans to provide
8 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the
9 procedures provided in the Act; and

10 **WHEREAS**, a copy of the Urban Services Report was filed with the Alachua County
11 Board of County Commissioners and the real property owner affected by this ordinance; and

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

14 **WHEREAS**, pursuant to law, notice has been given by publication once a week for two
15 consecutive weeks in a newspaper of general circulation notifying the public of this proposed
16 Ordinance and of Public Hearings to be held in the City Commission meeting room, First Floor,
17 City Hall, in the City of Gainesville; and

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

4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
5 **CITY OF GAINESVILLE, FLORIDA:**

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

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

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

15 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,
16 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
17 Section 2 within the corporate limits of the City of Gainesville, Florida.
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1 **Section 4.** The City Manager is authorized and directed to make the necessary change to the
2 legal description of the Municipal Corporate Limits as codified in Appendix 1 of the City Charter
3 of the City of Gainesville, Florida, to comply with this ordinance.

4 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
5 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
6 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
7 that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement
8 officers shall have jurisdiction to enforce these regulations during the interim period through the
9 Gainesville Code Enforcement Board process as described in Division 8 of Chapter 2 of the Code
10 of Ordinances of the City of Gainesville. During the interim period, the City may rezone properties
11 in the annexed area to an Alachua County Zoning classification/category that conforms with the
12 Alachua County Comprehensive Plan.

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

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

EXHIBIT A
LEGAL DESCRIPTION FOR BLUES CREEK (AREA 2)

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA AND RUN NORTH 00 DEG. 29 MIN. 42 SEC. WEST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4), A DISTANCE OF 73.14 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF NORTHWEST 73RD AVENUE AND THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED PARCEL, SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 9540.00 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEG. 25 MIN. 08 SEC., AN ARC LENGTH OF 69.74 FEET AND A CHORD BEARING AND DISTANCE OF SOUTH 87 DEG. 14 MIN. 49 SEC. WEST, 69.74 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID NORTHWEST 73RD AVENUE SOUTH 87 DEG. 02 MIN. 15 SEC. WEST, A DISTANCE OF 662.70 FEET; THENCE RUN SOUTH 02 DEG. 57 MIN. 45 SEC. EAST, A DISTANCE OF 10.00 FEET TO A POINT, SAID POINT BEING THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 280.00 FEET; THENCE RUN NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 36 DEG. 34 MIN. 54 SEC., AN ARC LENGTH OF 178.77 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 71 DEG. 42 MIN. 33 SEC. WEST, 175.75 FEET; THENCE RUN NORTH 39 DEG. 49 MIN. 09 SEC. EAST, A DISTANCE OF 63.95 FEET; THENCE RUN NORTH 30 DEG. 10 MIN. 51 SEC. WEST, A DISTANCE OF 71.93 FEET; THENCE RUN NORTH 00 DEG. 10 MIN. 51 SEC. WEST, A DISTANCE OF 183.52 FEET; THENCE RUN NORTH 25 DEG. 49 MIN. 36 SEC. EAST, A DISTANCE OF 128.75 FEET TO THE SOUTH BOUNDARY LINE OF "BLUES CREEK UNIT 6-B, PHASE 1", AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'T', AT PAGE 14 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN SOUTH 63 DEG. 53 MIN. 15 SEC. EAST ALONG SAID BOUNDARY LINE, A DISTANCE OF 52.36 FEET TO A CONCRETE MONUMENT (PLS #4788) AT THE MOST SOUTHERN CORNER OF SAID "BLUES CREEK UNIT 6-B, PHASE 1", SAID MONUMENT ALSO BEING ON THE NORTHERN BOUNDARY OF A SUWANNEE RIVER WATER MANAGEMENT DISTRICT JURISDICTIONAL WETLANDS; THENCE RUN ALONG SAID NORTHERN BOUNDARY WITH THE FOLLOWING THIRTY-NINE (39) COURSES: (1) NORTH 55 DEG. 58 MIN. 00 SEC. EAST, 17.18 FEET; (2) NORTH 57 DEG. 28 MIN. 06 SEC. EAST, 26.05 FEET; (3) NORTH 71 DEG. 10 MIN. 38 SEC. EAST, 28.83 FEET; (4) NORTH 67 DEG. 53 MIN. 55 SEC. EAST, 35.97 FEET; (5) NORTH 68 DEG. 49 MIN. 09 SEC. EAST, 22.74 FEET; (6) SOUTH 89 DEG. 44 MIN. 54 SEC. EAST, 22.36 FEET; (7) NORTH 59 DEG. 56 MIN. 28 SEC. EAST, 20.02 FEET; (8) NORTH 34 DEG. 34 MIN. 11 SEC. EAST, 24.29 FEET; (9) NORTH 04 DEG. 57 MIN. 00 SEC. WEST, 38.17 FEET; (10) NORTH 12 DEG. 07 MIN. 11 SEC. WEST, 24.29 FEET; (11) NORTH 27 DEG. 13 MIN. 50 SEC. WEST, 33.63 FEET; (12) NORTH 12 DEG. 05 MIN. 16 SEC. WEST, 58.28 FEET; (13) NORTH 01 DEG. 29 MIN. 19 SEC. EAST, 33.93 FEET; (14) NORTH 22 DEG. 53 MIN. 22 SEC. EAST, 38.34 FEET; (15) NORTH 36 DEG. 39 MIN. 48 SEC. EAST, 26.15 FEET; (16) NORTH 62 DEG. 32 MIN. 34 SEC. EAST, 32.32 FEET; (17) NORTH 45 DEG. 13 MIN. 27 SEC. EAST, 44.20 FEET; (18) NORTH 67 DEG. 11 MIN. 15 SEC. EAST, 38.89 FEET; (19) NORTH 76 DEG. 02 MIN. 21 SEC. EAST, 37.09 FEET; (20) NORTH 77 DEG. 32 MIN. 16 SEC. EAST, 37.96 FEET; (21) SOUTH 64 DEG. 19 MIN. 32 SEC. EAST, 32.46 FEET; (22) SOUTH 66 DEG. 49 MIN. 45 SEC. EAST, 26.22 FEET; (23) SOUTH 53 DEG. 06 MIN. 50 SEC. EAST, 26.04 FEET; (24) SOUTH 52 DEG. 44 MIN. 01

EXHIBIT A
LEGAL DESCRIPTION FOR BLUES CREEK (AREA 2)

SEC. EAST, 39.20 FEET; (25) SOUTH 44 DEG. 43 MIN. 36 SEC. EAST,
4.68 FEET; (26) SOUTH 53 DEG. 43 MIN. 25 SEC. EAST, 34.43 FEET;
(27) SOUTH 56 DEG. 46 MIN. 31 SEC. EAST, 26.95 FEET; (28) SOUTH 49
DEG. 15 MIN. 38 SEC. EAST, 24.31 FEET; (29) SOUTH 62 DEG. 37 MIN. 23
SEC. EAST, 27.96 FEET; (30) SOUTH 48 DEG. 02 MIN. 21 SEC. EAST,
7.45 FEET; (31) SOUTH 18 DEG. 54 MIN. 02 SEC. EAST, 29.20 FEET;
(32) SOUTH 46 DEG. 40 MIN. 12 SEC. EAST, 21.42 FEET; (33) SOUTH 82
DEG. 20 MIN. 12 SEC. EAST, 37.15 FEET; (34) NORTH 82 DEG. 52 MIN. 19
SEC. EAST, 26.86 FEET; (35) NORTH 60 DEG. 05 MIN. 17 SEC. EAST,
4.00 FEET; (36) NORTH 77 DEG. 08 MIN. 46 SEC. EAST, 28.00 FEET;
(37) NORTH 72 DEG. 55 MIN. 30 SEC. EAST, 21.24 FEET; (38) NORTH 68
DEG. 31 MIN. 49 SEC. EAST, 35.55 FEET; (39) NORTH 67 DEG. 16 MIN. 02
SEC. EAST, 18.29 FEET TO THE EAST LINE OF THE SAID NORTHWEST QUARTER
1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 10; THENCE RUN SOUTH
0 DEG. 29 MIN. 42 SEC. EAST ALONG SAID EAST LINE, A DISTANCE OF
30.16 FEET TO THE POINT OF BEGINNING.
CONTAINING 12.794 ACRES, MORE OR LESS.

