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**ORDINANCE NO. 030457**  
**0-03-91**

5       **An Ordinance of the City of Gainesville, Florida, annexing a**  
6       **portion of the City of Gainesville Reserve Area Pursuant to**  
7       **Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-**  
8       **347, Special Acts, Laws of Florida, known as the Alachua**  
9       **County Boundary Adjustment Act; making certain findings;**  
10       **including within the corporate limits of the City of Gainesville,**  
11       **Florida, that certain compact and contiguous area described as**  
12       **Lots 1 and 22 through 26 of North Florida Regional Doctor's**  
13       **Office Park located in the vicinity of NW 64<sup>th</sup> Terrace and NW**  
14       **9<sup>th</sup> Boulevard; providing for inclusion of the area in Appendix I**  
15       **of the City Charter; providing for land use and zoning**  
16       **regulations; providing for persons engaged in any occupation,**  
17       **business trade or profession within the area; providing**  
18       **directions to the City Manager and Clerk of the Commission;**  
19       **providing a severability clause; and providing an immediate**  
20       **effective date.**

25       **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-  
26       382 and Chapter 93-347. Special Acts, Laws of Florida, created the "Alachua County Boundary  
27       Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for  
28       the annexation of contiguous, compact, unincorporated territory within a municipality's reserve  
29       area; and

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

32       **WHEREAS,** the owners of the real property described herein submitted Petitions for  
33       Voluntary Annexation requesting the City to incorporate said property into the City of Gainesville;  
34       and

1           **WHEREAS**, on August 11, 2003, the City Commission voted to accept said Petitions and  
2 determined that the Petitions bore the signatures of the owner of the property; and

3           **WHEREAS**, on June 10, 2002, the City Commission of the City of Gainesville adopted  
4 Ordinance No.002519, which adopted the Urban Services Report setting forth the plans to provide  
5 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the  
6 procedures provided in the Act; and

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

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

11           **WHEREAS**, pursuant to law, notice has been given by publication once a week for two  
12 consecutive weeks in a newspaper of general circulation notifying the public of this proposed  
13 Ordinance and of Public Hearings to be held in the City Commission meeting room, First Floor,  
14 City Hall, in the 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 reasonably compact and contiguous 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.

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

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

7  
8 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,  
9 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in  
10 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

13 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land  
14 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area  
15 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment  
16 that includes the annexed area. During the interim period, the City may rezone properties in the  
17 annexed area to an Alachua County Zoning classification/category that conforms with the Alachua  
18 County Comprehensive Plan.

19 **Section 6.** (a) Except as provided in subsections (b) and (c) below, all persons who are  
20 lawfully engaged in any occupation, business, trade or profession within the area described in  
21 Section 2 of this Ordinance as of December 9, 2003, shall have the right to continue such  
22 occupation, business, trade or profession.

23 (b) Except as provided in subsection (c) below, all persons who are lawfully  
24 engaged in any construction trade, occupation or business within the Area described in Section 2 of

1 this Ordinance as of December 9, 2003, and who possess a valid certificate of competency issued  
2 by Alachua County shall have the right to continue the construction trade, occupation, or business  
3 within the entire corporate limits of the City of Gainesville, including the Area described in Section  
4 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by  
5 Alachua County, and provided such persons register the certificate with the Building Inspections  
6 Department of the City of Gainesville and the Department of Professional Regulation of the State of  
7 Florida on or before 4:00 p.m. on December 9, 2003.

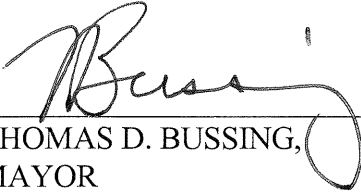
8 (c) All persons lawfully engaged in any occupation, business, trade or  
9 profession within the Area described in Section 2 of this Ordinance on or after December 9, 2003,  
10 shall obtain an occupational license from the City of Gainesville for the term commencing on  
11 October 1, 2004, which license shall be issued upon payment of the appropriate fee in accordance  
12 with the Gainesville Code of Ordinances in effect on October 1, 2004.

13 **Section 7.** 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 8.** 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.


19 **Section 9.** This Ordinance shall become effective immediately upon adoption.  
20


1 **PASSED AND ADOPTED** this 8<sup>th</sup> day of December, 2003.

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8 THOMAS D. BUSSING,  
9 MAYOR

10 ATTEST:

Approved as to form and legality

11   
12 \_\_\_\_\_  
13 KURT LANNON  
14 CLERK OF THE COMMISSION

15   
16 \_\_\_\_\_  
17 MARION J. RADSON  
18 CITY ATTORNEY

DEC - 9 2003

19 This Ordinance passed on first reading this 24<sup>th</sup> day of November, 2003.

20 This Ordinance passed on second reading this 8<sup>th</sup> day of December, 2003.

EXHIBIT A

LOTS ONE (1), AND TWENTY-TWO THROUGH TWENTY-SIX (22-26), OF  
NORTH FLORIDA REGIONAL DOCTORS OFFICE PARK, AS PER PLAT  
THEREOF RECORDED IN PLAT BOOK "H", PAGE 81 OF THE PUBLIC RECORDS  
OF ALACHUA COUNTY, FLORIDA.