

ORDINANCE NO. 990947
0-00-12

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4 **An Ordinance of the City of Gainesville, Florida, annexing a**
5 **portion of the City of Gainesville Urban Reserve Area Pursuant**
6 **to Chapter 90-496, as amended by Chapter 91-382 and Chapter**
7 **93-347, Special Acts, Laws of Florida, known as the Alachua**
8 **County Boundary Adjustment Act; making certain findings;**
9 **including within the corporate limits of the City of Gainesville,**
10 **Florida, that certain compact and contiguous area generally**
11 **bounded on the north by the Gainesville city limits, on the east**
12 **by the Pinewood Apartments, on the west by the Gainesville city**
13 **limits and on the south by NW 39th Avenue; providing for**
14 **inclusion of the area in Appendix I of the City Charter;**
15 **providing for land use and zoning regulations; providing**
16 **directions to the City Manager and Clerk of the Commission;**
17 **providing a severability clause; and providing an immediate**
18 **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

28 **WHEREAS,** on October 7, 1999, the owner of the real property described herein
29 submitted a Petition for Voluntary Annexation requesting the City to incorporate said property into
30 the City of Gainesville; and

31 **WHEREAS,** on October 11, 1999, the City Commission voted to accept said Petition and
32 determined that the Petition bore the signature of the owner of the property; and

1 **WHEREAS**, on November 8 1999, the City Commission of the City of Gainesville
2 adopted Ordinance No. 990619, which adopted the Urban Services Report setting forth the plans to
3 provide urban services to that portion of the Reserve Area proposed to be annexed in accordance
4 with the procedures provided in the Act; and

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

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

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

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

16 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
17 **CITY OF GAINESVILLE, FLORIDA:**

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

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

3 See Legal Description attached hereto as Exhibit "A", and made a
4 part hereof as if set forth in full.
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6 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,
7 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
8 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

11 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
12 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
13 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
14 that includes the annexed area. During the interim period, the City may rezone properties in the
15 annexed area to an Alachua County Zoning classification/category that conforms with the Alachua
16 County Comprehensive Plan in accordance with Chapter 163, F.S.

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

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

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

2 **PASSED AND ADOPTED** this 10th day of January, 2000.

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MAYOR


8 **ATTEST:**

Approved as to form and legality

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KURT LANNON,
CLERK OF THE COMMISSION



MARION J. RADSON,
CITY ATTORNEY

JAN 1 1 2000

17 This Ordinance passed on first reading this 3rd day of January, 2000.

18 This Ordinance passed on second reading this 10th day of January, 2000.
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EXHIBIT A
LEGAL DESCRIPTION

A part of the East half (E ½) of the Southeast quarter (SE ¼) of Section 22, Township 9 South, Range 19 East, Alachua County, Florida: being more particularly described as follows:

Commence at the Southeast corner of said East half (E ½) of the Southeast quarter (SE ¼) and run thence North 89 degrees, 49 minutes, 38 seconds West, along the South boundary thereof, 1322.34 feet to the Southwest corner of said East half (E ½) of Southeast quarter (SE ¼), thence North 0 degrees, 06 minutes, 22 seconds East, along the West boundary of said East half (E ½) of Southeast quarter (SE ¼), 50.00 feet to the North right-of-way line of Northwest 39th Avenue and the point of beginning, thence continue North 0 degrees, 06 minutes, 22 seconds East, along said West boundary, 645.86 feet thence South 89 degrees, 49 minutes, 38 seconds East, 250.00 feet, thence South 0 degrees, 06 minutes, 22 seconds West, parallel to said West boundary, 645.86 feet to said North right-of-way line, thence North 89 degrees, 49 minutes, 38 seconds West, along said right-of-way line 250.00 feet to the point of beginning.