

ORDINANCE NO. 980859
0-99-11

2 An Ordinance of the City of Gainesville, Florida, annexing a portion of
3 the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as
4 amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of
5 Florida, known as the Alachua County Boundary Adjustment Act;
6 making certain findings; including within the corporate limits of the
7 City of Gainesville, Florida, that certain compact and contiguous area
8 generally bounded on the West by Morningside Nature Center and the
9 Gainesville city limits, on the North by the existing Gainesville City
10 Limits (N.E. 39th Avenue), on the East by a line extending directly south
11 from NE 39th Avenue to Lakeshore Drive, and on the South by
12 Hawthorne Road and Lakeshore Drive; providing for inclusion of the
13 area in Appendix I of the City Charter; providing for a referendum
14 election; providing directions to the Clerk of the Commission;
15 providing ballot language; providing for land use plan and zoning
16 regulations; providing for persons engaged in any occupation,
17 business, trade or profession; providing a severability clause; and
18 providing effective dates.
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23 WHEREAS, Chapter 90-496, Special Acts, Laws of Florida, as
24 amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws
25 of Florida, created the "Alachua County Boundary Adjustment Act"
26 (hereinafter collectively referred to as "the Act") which sets
27 forth procedures for the annexation of contiguous, compact,
28 unincorporated territory within a municipality's reserve area; and

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

32 WHEREAS, on November 23, 1998, the City Commission of the
33 City of Gainesville adopted Ordinance No. 980689, which adopted
34 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

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

WHEREAS, pursuant to law, at least ten days notice has been
given once by publication in a newspaper of general circulation
notifying the public of this proposed Ordinance and of Public
Hearings to be held in the City Commission meeting room, First
Floor, City Hall, in the City of Gainesville; and

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

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

Section 1. The City Commission finds that the Area described in
Section 2 of this Ordinance (hereinafter referred to as the
"Area") is reasonably compact and contiguous to the present
corporate limits of the City of Gainesville, and that no part of
the Area is within the boundary of another municipality or county.

The City Commission finds the Area to be within its Reserve Area
and the annexation does not create an enclave. The City

Commission finds that part or all of the Area is developed for urban purposes because it is developed so at least 60% of the total number of lots and tracts in the area at the time of annexation are used for urban purposes, and it is subdivided into lots and tracts so that at least 60% of the total acreage, not counting the acreage used at the time of annexation for nonresidential urban purposes, consists of lots and tracts 5 acres or less in size.

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

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

Section 3. Subject to the provisions of Section 4 of this Ordinance, the corporate limits of the City of Gainesville, Florida, as set forth in Article 1, Charter Laws of the City of Gainesville, are amended and revised to include the Area described in Section 2 within the corporate limits of the City of Gainesville, Florida.

Section 4. Pursuant to Section 8 of the Act, this Ordinance shall be submitted to a vote of the registered electors of the Area described in Section 2 of this Ordinance at a special election called for the purpose of holding the referendum. The referendum election shall be held on Tuesday, April 27, 1999. The referendum shall be conducted by the Alachua County Supervisor of

Elections ("Supervisor") in accordance with the provisions of the Act and Chapter 9, Gainesville Code of Ordinances, as applicable. The Supervisor is requested and authorized to conduct a referendum election in accordance with the provisions of the Florida Statutes. The City Manager is authorized and directed to pay all lawful expenses associated with the election.

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

Section 6. Pursuant to Section 8 of the Act, the language to appear on the ballot of the referendum election called in Section 4 shall be:

"For annexation of property described in Ordinance Number _____ of the City of Gainesville"

"Against annexation of property described in Ordinance Number _____ of the City of Gainesville"

Section 7. In accordance with Section 171.062, Florida Statutes, the Alachua County land use plan and zoning or subdivision regulations shall remain in full force and effect in the Area described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. During the interim period, the City may rezone properties 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.

Section 8. (a) Except as provided in subsections (b) and (c)

below, all persons who are lawfully engaged in any occupation, business, trade or profession within the area described in Section 2 of this Ordinance as of September 1, 1999, shall have the right to continue such occupation, business, trade or profession.

(b) Except as provided in subsection (c) below, all persons who are lawfully engaged in any construction trade, occupation or business within the Area described in Section 2 of this Ordinance as of September 1, 1999, and who possess a valid certificate of competency issued by Alachua County shall have the right to continue the construction trade, occupation, or business within the entire corporate limits of the City of Gainesville, including the Area described in Section 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by Alachua County, and provided such persons register the certificate with the Building Inspections Department of the City of Gainesville and the Department of Professional Regulation of the State of Florida on or before 4:00 p.m. on September 1, 1999.

(c) All persons lawfully engaged in any occupation, business, trade or profession within the Area described in Section 2 of this Ordinance on or after October 1, 1999, shall obtain an occupational license from the City of Gainesville for the term commencing on October 1, 1999, which license shall be issued upon payment of the appropriate fee in

accordance with the Gainesville Code of Ordinances in effect on
October 1, 1999.

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

Section 10. The Clerk of the Commission is directed to submit a
certified copy of this Ordinance to: 1) the Executive Office of
the Governor; 2) the Florida Department of State; and 3) the Clerk
of the Circuit Court of the Eighth Judicial Circuit in and for
Alachua County, Florida.

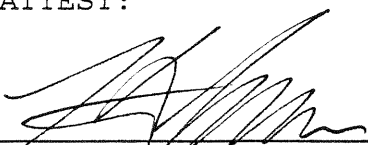
Section 11. Sections 1, 4, 5, 6, 8, 9, 10 and 11 of this
Ordinance shall become effective immediately upon adoption.
Sections 2, 3, and 7 shall become effective at 12:01 a.m. on
Wednesday, September 1, 1999, unless there is a tie vote or
majority vote against the annexation at the special election
called in Section 4 of this Ordinance.


PASSED AND ADOPTED this 14th day of December,
1998.


MAYOR

ATTEST:

Approved as to form and legality


KURT LANNON,
CLERK OF THE COMMISSION


MARION J. RADSON,
CITY ATTORNEY

DEC 16 1998

2 This Ordinance passed on first reading this 10th day of
3 December, 1998.

4 This Ordinance passed on second reading this 14th day of
5 December, 1998.

6
7 MJR/afm
8 11/10/98
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10 Annex Ref. Ord. (East)