

LEGISLATIVE #

120307A

ORDINANCE NO. 120307

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2
3 **An ordinance of the City of Gainesville, Florida, annexing a portion of the City**
4 **of Gainesville Reserve Area pursuant to Chapter 90-496, as amended, Special**
5 **Act, Laws of Florida, known as the Alachua County Boundary Adjustment**
6 **Act; making certain findings; annexing to include within the corporate limits**
7 **of the City of Gainesville, Florida, certain compact and contiguous area**
8 **generally located: west of NW 43rd Street (& that portion west of NW 43rd**
9 **Street lying between NW 23rd & 29th Avenues east of NW 49th Terrace,**
10 **including Buck Ridge Unit 2, already in the city limits), east of NW 63rd Street,**
11 **north of NW 23rd Avenue and south of NW 39th Avenue, excluding tax**
12 **parcels No. 06111-001-000 and 06111-003-001 located at the southwest corner**
13 **of NW 39th Avenue and NW 43rd Street (already within the city limits), but**
14 **including tax parcel No. 06064-000-000 located at the northwest corner of NW**
15 **39th Avenue and NW 43rd Street (“Area 2”); providing for inclusion of the**
16 **area in Appendix I of the City Charter; providing for a referendum election;**
17 **providing directions to the City Manager and Clerk of the Commission;**
18 **providing ballot language; providing for land use plan, zoning and subdivision**
19 **regulations, and enforcement of same; providing for persons engaged in any**
20 **occupation, business, trade or profession; providing a severability clause; and**
21 **providing effective dates.**

22
23 **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-
24 382 and Chapter 93-347, Special Acts, Laws of Florida, created the “Alachua County Boundary
25 Adjustment Act” (“Act”), which sets forth procedures for the annexation of contiguous, compact,
26 unincorporated territory within a municipality's reserve area; and

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

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

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

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

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

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

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

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

17 **Section 1.** The City Commission finds that the Area described in Section 2 of this
18 ordinance (“Area 2”) is reasonably compact and contiguous to the present corporate limits of the
19 City of Gainesville and that Area 2 is in no part within the boundary of another municipality or
20 county. The City Commission finds Area 2 to be within its Reserve Area and the annexation does
21 not create an enclave. The City Commission finds that Area 2 is developed for urban purposes in

1 that it has a total resident population equal to at least two persons for each acre of land included
2 within its boundaries.

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

5 See legal description attached hereto as Exhibit "A" and
6 made a part hereof as if set forth in full. The location of Area
7 2 is shown on Exhibit "B" for visual reference. In the event
8 of conflict or inconsistency, Exhibit "A" shall prevail over
9 Exhibit "B."

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

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

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

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

1 "For annexation of property described in Ordinance Number 120307
2 of the City of Gainesville"

3
4 "Against annexation of property described in Ordinance Number
5 120307 of the City of Gainesville"

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

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

23 (b) All persons who are, as of June 1, 2013, lawfully engaged in any construction
24 trade, occupation or business within Area 2, as described in Section 2 of this ordinance, and who
25 possess a valid certificate of competency issued by Alachua County shall have the right to

1 continue the construction trade, occupation, or business within the entire corporate limits of the
2 City of Gainesville, including Area 2, subject to the terms, conditions and limitations imposed on
3 the certificate by Alachua County, and provided that such persons register the certificate with the
4 Building Inspections Division of the City of Gainesville and the Department of Business and
5 Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. on June 1,
6 2013.

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

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

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

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1 **PASSED AND ADOPTED** this _____ day of _____, 2012.

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CRAIG LOWE
MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

KURT LANNON
CLERK OF THE COMMISSION

NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this _____ day of _____, 2012.

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

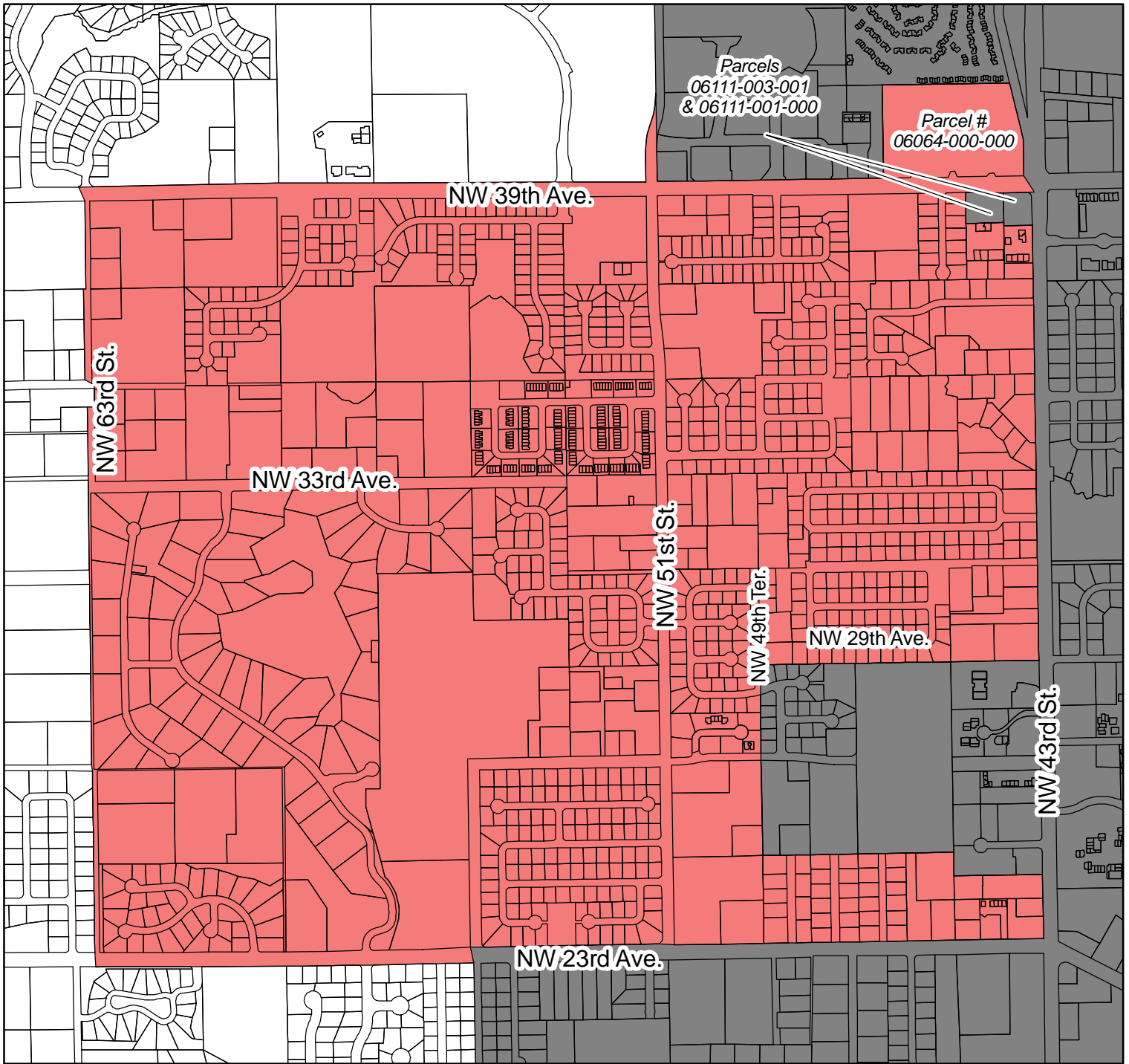
NW ANNEXATION AREA 2 LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN SECTIONS 22, 27, 28, 33 AND 34, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF NW 55TH STREET AND THE NORTH RIGHT-OF-WAY LINE OF NW 23RD AVENUE AND THE EXISTING CITY LIMIT LINE AS THE POINT OF BEGINNING; THENCE EAST ALONG SAID NORTH RIGHT-OF-WAY LINE TO ITS INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 232 (N.W. 43RD STREET); THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO THE SOUTHEAST CORNER OF THE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3700, PAGE 0529 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED ORB ____, PAGE ____ ACR); THENCE NORTH 89°55'11" WEST ALONG THE SOUTH LINE OF SAID LANDS AND THE SOUTH LINE OF THE LANDS AS DESCRIBED IN ORB 3340, PAGE 701 ACR A DISTANCE OF APPROXIMATELY 613.12 FEET TO THE SOUTHWEST CORNER OF THE LANDS AS DESCRIBED IN ORB 3340, PAGE 701 ACR, ALSO BEING A POINT ON THE EAST LINE OF LOT 63 OF THE "SUBDIVISION OF SECTION 27, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ARREDONDO GRANT" AS PER THE PLAT THEREOF AS RECORDED IN PLAT BOOK "A" AT PAGE 55 ACR; THENCE NORTH TO THE NORTHEAST CORNER OF SAID LOT 63; THENCE WEST, ALONG THE NORTH LINE OF SAID LOT 63 ALSO BEING THE SOUTH LINE OF LOT 50 OF SAID "ARREDONDO GRANT" A DISTANCE OF APPROXIMATELY 660 FEET TO THE SOUTHWEST CORNER OF SAID LOT 50; THENCE WEST ALONG THE SOUTH LINE OF LOT 51 OF SAID "ARREDONDO GRANT" A DISTANCE OF APPROXIMATELY 660 FEET TO THE SOUTHWEST CORNER OF SAID LOT 51; THENCE NORTH ALONG THE WEST LINE OF SAID LOT 51, A DISTANCE OF APPROXIMATELY 660 FEET TO THE NORTHWEST CORNER OF SAID LOT 51, SAID CORNER ALSO BEING THE SOUTHWEST CORNER OF "BUCK RIDGE UNIT-2" A SUBDIVISION AS RECORDED IN

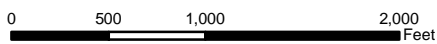
PLAT BOOK "R", AT PAGE 31 ACR; THENCE NORTH 00°15'19" EAST ALONG THE WEST LINE OF SAID "BUCK RIDGE UNIT-2", A DISTANCE OF 663.36 FEET TO THE NORTHWEST CORNER OF SAID "BUCK RIDGE UNIT-2"; THENCE SOUTH 89°42'46" EAST ALONG THE NORTH LINE OF SAID "BUCK RIDGE UNIT-2", , A DISTANCE OF 662.41 FEET TO THE NORTHEAST CORNER OF SAID BUCK RIDGE UNIT-2", SAID CORNER ALSO BEING THE NORTHWEST CORNER OF LOT 47 OF SAID "ARREDONDO GRANT"; THENCE EAST ALONG THE NORTH LINE OF SAID LOT 47 AND ALONG THE NORTH LINE OF LOT 48 OF SAID "ARREDONDO GRANT" ALSO BEING THE NORTH LINE OF "MADISON PARK", A CONDOMINIUM AS RECORDED IN CONDOMINIUM BOOK 10, PAGE 83 ACR A DISTANCE OF APPROXIMATELY 1276 FEET TO THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 232 (N.W. 43RD STREET); THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO THE SOUTHEAST CORNER OF THE LANDS AS DESCRIBED IN ORB 1453, PAGE 0076 ACR AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #040706; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LANDS TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LANDS TO THE SOUTHEAST CORNER OF THE LANDS AS DESCRIBED IN ORB 1747, PAGE 1636 ACR; THENCE SOUTH 89°04'10" WEST A DISTANCE OF 262.01 FEET TO A SET IRON PIN (#3524) MARKING THE INTERSECTION WITH THE EAST LINE OF CHULA VISTA PARK AS RECORDED IN PLAT BOOK "G", PAGE 67, AND PLAT BOOK "G", PAGE 75 ACR; THENCE NORTH 00°49'08" WEST ALONG SAID EAST LINE A DISTANCE OF 213.37 FEET TO A SET IRON PIN (#3524) MARKING THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 222 (NW 39TH AVENUE); THENCE SOUTH 87°02'50" EAST ALONG SAID LINE A DISTANCE OF 53.02 FEET TO A SET IRON PIN (#3524); THENCE NORTH 89°04'10" EAST ALONG SAID LINE A DISTANCE OF 208.54 FEET TO THE NORTHWEST CORNER OF THE LANDS AS DESCRIBED IN ORB 1453, PAGE 0076 ACR; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LANDS TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF COUNTY ROAD 232 (N.W. 43RD STREET);

THENCE NORTHERLY ALONG SAID WEST RIGHT-OF-WAY LINE TO THE SOUTH LINE OF BELLAMY FORGE CONDOMINIUM, AS RECORDED IN DECLARATION OF CONDOMINIUM IN ORB 876, PAGE 219 ACR, AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #3578; THENCE NORTH 89°37'37" WEST ALONG THE SOUTH LINE OF SAID BELLAMY FORGE CONDOMINIUM TO THE NORTHEAST CORNER OF THE LANDS AS DESCRIBED IN ORB 2212, PAGE 1500 ACR, AND THE EXISTING CITY LIMITS LINE AS PER ORDINANCE #990947; THENCE SOUTH 00°06'22" WEST, PARALLEL TO THE WEST LINE OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 22, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALONG THE EAST LINE OF SAID LANDS TO THE NORTH RIGHT-OF-WAY LINE OF N.W. 39TH AVENUE; THENCE WESTERLY ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 22, SAID LINE ALSO BEING THE EAST RIGHT-OF-WAY LINE OF NW 51ST STREET; THENCE NORTHERLY ALONG SAID WEST LINE TO ITS INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID NW 51ST STREET; THENCE SOUTH ALONG SAID WEST RIGHT-OF-WAY LINE TO ITS INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF NW 39TH AVENUE; THENCE WEST ALONG SAID NORTH RIGHT-OF-WAY LINE TO ITS INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF NW 63RD STREET; THENCE SOUTH ALONG SAID WEST RIGHT-OF-WAY LINE, ALSO BEING THE WEST LINE OF A ROAD RIGHT-OF-WAY AS PER MAP OF SECTION 28, RANGE 19E, TOWNSHIP 9S, ALACHUA COUNTY, FLORIDA AS RECORDED IN PLAT BOOK "A", PAGE 16 ACR, A PORTION OF WHICH IS ALSO THE WEST ROAD RIGHT-OF-WAY LINE AS PER THE MAP OF RUTLEDGE AS RECORDED IN PLAT BOOK "A", PAGE 21 ACR TO THE SOUTH RIGHT-OF-WAY LINE OF NW 23RD AVENUE; THENCE EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE TO ITS INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF NW 55TH STREET AND THE EXISTING CITY LIMIT LINE; THENCE NORTH ALONG SAID WEST RIGHT-OF-WAY LINE TO THE NORTH RIGHT-OF-WAY LINE OF NW 23RD AVENUE AND THE POINT OF BEGINNING.



Proposed Northwest Annexation Area 2

- Northwest Annexation, Area 2 (Approximately 758.5 acres)
- Gainesville City Limits



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
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