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ORDINANCE NO. _____
0-07-11

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Act, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, 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 comprised of City-owned Tax Parcel, 06909-000-000, generally located south of the City Limits, Kanapaha Lake and the vicinity of SW 24th Avenue, west of the vicinity of Interstate 75, north of the vicinity of SW Archer Road and east of the vicinity of SW 75th Street/Tower Road; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

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

WHEREAS, on January 10, 2006, the Board of County Commissioners of Alachua County designated the Reserve Area for the City of Gainesville pursuant to the Act; and

WHEREAS, on September 11, 2006, the City Commission voted to accept the Petition for Voluntary Annexation submitted by the City as the owner of the real property described herein and determined that the Petition bore the signatures of the owner of the property; and

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1 **WHEREAS**, on February 12, 2007, the City Commission of the City of Gainesville
2 adopted Ordinance No. 060300, 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

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 of adoption of this ordinance was published for two
10 consecutive weeks prior to first reading in a newspaper of general circulation notifying the public of
11 the Public Hearing of this proposed Ordinance to be held in the City Commission meeting room,
12 First Floor, City Hall, in the City of Gainesville; and

13 **WHEREAS**, Public Hearings were held pursuant to the published notice described above at
14 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 (hereinafter referred to as the "Area"), though separated from the city limits by the
19 presence of a publicly owned county park, is reasonably compact and contiguous to the present
20 corporate limits of the City of Gainesville. The City Commission further finds that the presence of

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1 this publicly owned county park does not prevent the inhabitants from fully associating and trading
2 with each other, socially and economically, and that no part of the Area is within the boundary of
3 another municipality or county. The City Commission finds the Area to be within its Reserve Area
4 and the annexation does not create an enclave.

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

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

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

15 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
16 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
17 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
18 that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement
19 officers shall have jurisdiction to enforce these regulations during the interim period through the
20 Gainesville Code Enforcement Board process as described in Division 8 of Article V of Chapter 2
21 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as described in

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1 Division 6 of Article V of Chapter 2 of said Code. During the interim period, the City may rezone
2 properties in the annexed area to an Alachua County Zoning classification/category that conforms
3 with the Alachua County Comprehensive Plan.

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

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

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

11 **PASSED AND ADOPTED** this ____ day of _____, 2007.

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ATTEST:

PEGEEN HANRAHAN,
MAYOR

Approved as to form and legality

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON,
CITY ATTORNEY

24 This Ordinance passed on first reading this ____ day of _____, 2007.

25 This Ordinance passed on second reading this ____ day of _____, 2007.

TAX PARCEL NUMBER 6909

A PORTION OF SECTION 22, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 22 TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, AND RUN THENCE NORTH 00°05'11" EAST ALONG THE WEST BOUNDARY OF SAID SECTION 2951.24 FEET TO A 5/8" IRON ROD (NO I.D.) FOUND ON THE NORTHERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 363, PAGE 309 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID IRON ROD BEING A CORNER ON THE WESTERLY LINE OF THAT CERTAIN TRACT OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1702, PAGE 1085 ET SEQ. OF SAID PUBLIC RECORDS; THENCE CONTINUE NORTH 00°05'11" EAST ALONG SAID WEST BOUNDARY AND SAID WESTERLY LINE 1113.37 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°05'11" EAST ALONG SAID WEST BOUNDARY AND SAID WESTERLY LINE 495.53 FEET TO A CONCRETE MONUMENT (STAMPED 'PLS 509') FOUND AT THE NORTHWEST CORNER OF SAID CERTAIN TRACT OF LAND; THENCE NORTH 89°56'16" EAST, 651.35 FEET TO A REBAR AND CAP (STAMPED 'ENG, DENMAN & ASSOC.')

SET AT THE NORTHEAST CORNER OF SAID CERTAIN TRACT OF LAND; THENCE SOUTH 00°05'11" WEST ALONG THE EAST LINE OF SAID CERTAIN TRACT OF LAND 717.50 FEET TO A REBAR AND CAP (STAMPED 'ENG, DENMAN & ASSOC.')

SET ON THE NORTH BOUNDARY OF 'BROKEN ARROW BLUFF', A SUBDIVISION AS PER THE PLAT THEREOF, RECORDED IN PLAT BOOK "H", PAGE 16 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 89°46'11" WEST ALONG SAID NORTH BOUNDARY OF 'BROKEN ARROW BLUFF', 9.19 FEET TO A CONCRETE MONUMENT (NOT IDENTIFIABLE) FOUND AT THE NORTHWEST CORNER OF LOT 1 OF 'OAKS OF KANAPAHA UNIT 1', A PLANNED UNIT DEVELOPMENT, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 34 OF SAID PUBLIC RECORDS; THENCE SOUTHWESTERLY AND NORTHWESTERLY ALONG THE NORTH LINES OF LOTS 1 THRU 6, INCLUSIVE, OF SAID 'OAKS OF KANAPAHA UNIT 1', THROUGH THE FOLLOWING FOUR (4) COURSES: 1) SOUTH 73°18'34" WEST, 136.28 FEET; 2) NORTH 74°13'55" WEST, 130.43 FEET TO A CONCRETE MONUMENT (NO I.D.); 3) NORTH 35°05'30" WEST, 104.21 FEET TO A NAIL AND DISC (STAMPED 'RLS 2047'); 4) NORTH 57°31'41" WEST, 4.26 FEET TO A REBAR AND CAP (STAMPED 'RLS 2047') FOUND AT THE NORTHWEST CORNER OF SAID LOT 6; THENCE NORTH 66°54'49" WEST, 350.32 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.65 ACRES MORE OR LESS.

