



MEMORANDUM

Office of the City Attorney

001163

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: April 9, 2001

FROM: City Attorney

CITY ATTORNEY
FIRST READING

SUBJECT: Ordinance No. 0-01-07

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area Pursuant to Chapter 90-496, as amended, by 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 comprising ; approximately 21.71 acres (MOL) generally located north of Blues Creek Units 6-D and 3-C, west of the City limits, south of the City limits, east of Blues Creek 3-C; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for land use plan and zoning regulations; providing for enforcement of Alachua County, land use plan, zoning and subdivision regulations; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

Recommendation: The City Commission adopt the proposed ordinance.

The adoption of an annexation ordinance is the final stage in the annexation process under the provisions of the Alachua County Boundary Adjustment Act. On Monday, November 13, 2000, at a regular city commission meeting, the City Commission received and accepted the petition for voluntary annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On January 8, 2001 and January 22, 2001, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

ANNEXATION ORDINANCE

The annexation ordinance proposes to annex a contiguous, compact, unincorporated portion of the reserve area. The Boundary Adjustment Act requires the ordinance to be adopted as a nonemergency ordinance and to include one reasonably compact area.

In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

The Alachua County land use plan and zoning or subdivision regulations will remain in effect until the City adopts a comprehensive plan amendment that includes the annexed area, and rezones the property to a city zoning category. During the interim period, the City may rezone the property 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.

Prepared and
Submitted by:



Marion L. Radson
City Attorney

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02/16/01

ORDINANCE NO. _____
0-01-07

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4 **An Ordinance of the City of Gainesville, Florida, annexing a portion**
5 **of the City of Gainesville Reserve Area Pursuant to Chapter 90-496,**
6 **as amended, by Special Acts, Laws of Florida, known as the Alachua**
7 **County Boundary Adjustment Act; making certain findings;**
8 **including within the corporate limits of the City of Gainesville,**
9 **Florida, that certain compact and contiguous area comprising ;**
10 **approximately 21.71 acres (MOL) generally located north of Blues**
11 **Creek Units 6-D and 3-C, west of the City limits, south of the City**
12 **limits, east of Blues Creek 3-C; providing for inclusion of the area in**
13 **Appendix I of the City Charter; providing for land use and zoning**
14 **regulations; providing for land use plan and zoning regulations;**
15 **providing for enforcement of Alachua County, land use plan, zoning**
16 **and subdivision regulations; providing directions to the City Manager**
17 **and Clerk of the Commission; providing a severability clause; and**
18 **providing an immediate 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

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1 **WHEREAS**, on June 21, 2000, the owner of the real property described herein submitted a
2 Petition for Voluntary Annexation requesting the City to incorporate said property into the City of
3 Gainesville; and

4 **WHEREAS**, on November 13, 2000, the City Commission voted to accept said Petition
5 and determined that the Petition bore the signatures of the owners of the property; and

6 **WHEREAS**, on January 22, 2000, the City Commission of the City of Gainesville adopted
7 Ordinance No. 000798, which adopted the Urban Services Report setting forth the plans to provide
8 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the
9 procedures provided in the Act; and

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

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

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

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

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

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

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

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

15 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,
16 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
17 Section 2 within the corporate limits of the City of Gainesville, Florida.
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1 **Section 4.** The City Manager is authorized and directed to make the necessary change to the
2 legal description of the Municipal Corporate Limits as codified in Appendix 1 of the City Charter
3 of the City of Gainesville, Florida, to comply with this ordinance.

4 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
5 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
6 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
7 that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement
8 officers shall have jurisdiction to enforce these regulations during the interim period through the
9 Gainesville Code Enforcement Board process as described in Division 8 of Chapter 2 of the Code
10 of Ordinances of the City of Gainesville. During the interim period, the City may rezone properties
11 in the annexed area to an Alachua County Zoning classification/category that conforms with the
12 Alachua County Comprehensive Plan.

13 **Section 6.** 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 7.** 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.

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

2 **PASSED AND ADOPTED** this ___ day of _____, 2001.

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Paula M. DeLaney, Mayor

8 **ATTEST:**

Approved as to form and legality

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KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON,
CITY ATTORNEY

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This Ordinance passed on first reading this ___ day of _____, 2001.

This Ordinance passed on second reading this ___ day of _____, 2001.

EXHIBIT A
LEGAL DESCRIPTION FOR BLUES CREEK (AREA 4)

FOR A POINT OF REFERENCE AND A POINT OF BEGINNING, COMMENCE AT A CONCRETE MONUMENT AT THE NORTHWEST CORNER OF "BLUES CREEK UNIT 6-D", AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'U', AT PAGE 74 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID POINT ALSO BEING ON A CURVE ON THE EASTERLY BOUNDARY OF "BLUES CREEK UNIT 6-A", AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'R', AT PAGE 67 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 520.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE EASTERLY BOUNDARY OF SAID "BLUES CREEK UNIT 6-A" WITH SAID CURVE, THROUGH A CENTRAL ANGLE OF 33 DEG. 18 MIN. 15 SEC., AN ARC LENGTH OF 302.26 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 35 DEG. 28 MIN. 07 SEC. WEST, 298.02 FEET TO THE POINT OF TANGENCY; THENCE RUN ALONG THE NORTHERLY BOUNDARY LINE OF SAID "BLUES CREEK UNIT 6-A" NORTH 52 DEG. 07 MIN. 15 SEC. WEST, A DISTANCE OF 542.13 FEET TO THE NORTHWEST CORNER OF LOT 14 OF SAID "BLUES-CREEK UNIT 6-A"; THENCE RUN SOUTH 37 DEG. 52 MIN. 45 SEC. WEST ALONG THE WEST LINE OF SAID LOT 14, A DISTANCE OF 115.00 FEET TO A POINT ON THE NORTHERLY BOUNDARY OF "BLUES CREEK UNIT 3-G", AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'R', AT PAGE 23 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN NORTH 52 DEG. 07 MIN. 15 SEC. WEST ALONG SAID NORTHERLY BOUNDARY, A DISTANCE OF 60.00 FEET TO A POINT OF TANGENCY ON THE EASTERLY LINE OF LOT 47 OF "BLUES CREEK UNIT 4" AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'S', AT PAGE 3 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN NORTH 37 DEG. 52 MIN. 45 SEC. EAST ALONG THE EASTERLY LINE OF SAID LOT 47, A DISTANCE OF 115.00 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 47; THENCE RUN NORTH 52 DEG. 07 MIN. 15 SEC. WEST ALONG LOTS 47, 48 AND 49 OF SAID "BLUES CREEK UNIT 4", A DISTANCE OF 327.46 FEET TO A CONCRETE MONUMENT ON THE NORTH BOUNDARY OF BLUES CREEK DEVELOPMENT; THENCE RUN NORTH 89 DEG. 39 MIN. 06 SEC. EAST ALONG AN EASTERLY PROJECTION OF THE NORTH LINE OF SAID "BLUES CREEK UNIT 4", A DISTANCE OF 1627.88 FEET; THENCE RUN SOUTH 00 DEG. 29 MIN. 42 SEC. EAST ALONG THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, A DISTANCE OF 1003.13 FEET; THENCE RUN SOUTH 89 DEG. 34 MIN. 48 SEC. WEST, A DISTANCE OF 100.97 FEET TO A CONCRETE MONUMENT ON THE EAST LINE OF SAID "BLUES CREEK UNIT 6-D"; THENCE RUN NORTH 00 DEG. 32 MIN. 16 SEC. WEST, A DISTANCE OF 186.28 FEET TO A CONCRETE MONUMENT AT THE NORTHEAST CORNER OF SAID "BLUES CREEK UNIT 6-D"; THENCE RUN SOUTH 89 DEG. 27 MIN. 44 SEC. WEST ALONG THE NORTH BOUNDARY OF SAID "BLUES CREEK UNIT 6-D", A DISTANCE OF 629.13 FEET TO THE POINT OF BEGINNING.
CONTAINING 21.710 ACRES, MORE OR LESS.