

**ORDINANCE NO. 040290**  
**0-04-69**

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5       **An Ordinance of the City of Gainesville, Florida, annexing a**  
6       **portion of the City of Gainesville Reserve Area pursuant to**  
7       **Chapter 90-496, as amended by Chapter 91-382 and Chapter 93-**  
8       **347, Special Acts, Laws of Florida, known as the Alachua**  
9       **County Boundary Adjustment Act; making certain findings;**  
10       **including within the corporate limits of the City of Gainesville,**  
11       **Florida, that certain compact and contiguous area located**  
12       **generally south of Blues Creek subdivision and the City limits,**  
13       **west of NW 51<sup>st</sup> Terrace, north of the vicinity of NW 54<sup>th</sup> Drive**  
14       **and 52<sup>nd</sup> Terrace, and east of NW 52<sup>nd</sup> Drive; providing for**  
15       **inclusion of the area in Appendix I of the City Charter;**  
16       **providing for a referendum election; providing directions to the**  
17       **City Manager and Clerk of the Commission; providing ballot**  
18       **language; providing for land use plan and zoning regulations;**  
19       **providing for persons engaged in any occupation, business,**  
20       **trade or profession; providing a severability clause; and**  
21       **providing effective dates.**  
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25       **WHEREAS,** Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-  
26       382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary  
27       Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for  
28       the annexation of contiguous, compact, unincorporated territory within a municipality's reserve  
29       area; and

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

32       **WHEREAS,** on August 9, 2004, the City Commission of the City of Gainesville adopted  
33       Ordinance No. 031302, which adopted the Urban Services Report setting forth the plans to provide

1 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the  
2 procedures provided in the Act; and

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

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

7 **WHEREAS**, pursuant to law, at least 10 days notice has been given by publication in a  
8 newspaper of general circulation notifying the public of the first Public Hearing of this proposed  
9 Ordinance to be held in the City Commission meeting room, First Floor, City Hall, in the City of  
10 Gainesville; and

11 **WHEREAS**, pursuant to law, at least 10 days notice has been given by publication in a  
12 newspaper of general circulation notifying the public of the second Public Hearing of this proposed  
13 Ordinance to be held in the City Commission meeting room, First Floor, City Hall, in the City of  
14 Gainesville; and

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

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

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

1 boundary of another municipality or county. The City Commission finds the Area to be within its  
2 Reserve Area and the annexation does not create an enclave. The City Commission finds the Area  
3 is developed for urban purposes because it has a total resident population of at least two persons per  
4 acre of land included within its boundaries.

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

14 **Section 4.** Pursuant to Section 8 of the Act, this Ordinance shall be submitted to a vote of  
15 the registered electors of the Area described in Section 2 of this Ordinance at a special election  
16 called for the purpose of holding the referendum. The referendum election shall be held on  
17 Tuesday, February 15, 2005. The referendum shall be conducted by the Alachua County  
18 Supervisor of Elections ("Supervisor") in accordance with the provisions of the Act and Chapter 9,  
19 Gainesville Code of Ordinances, as applicable. The Supervisor is requested and authorized to  
20 conduct a mail ballot election in this referendum in accordance with the provisions of the Mail  
21 Ballot Election Act as codified in Chapter 101, Florida Statutes. The City Manager is authorized  
22 and directed to pay all lawful expenses associated with the election.

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

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

3                   "For annexation of property described in Ordinance Number  
4                   \_\_\_\_\_ of the City of Gainesville"

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6                   "Against annexation of property described in Ordinance Number  
7                   \_\_\_\_\_ of the City of Gainesville"

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

19           **Section 8.** (a) Except as provided in subsections (b) and (c) below, all persons who are  
20 lawfully engaged in any occupation, business, trade or profession within the area described in  
21 Section 2 of this Ordinance as of March 1, 2005, shall have the right to continue such occupation,  
22 business, trade or profession.

23           (b) Except as provided in subsection (c) below, all persons who are lawfully engaged in any  
24 construction trade, occupation or business within the Area described in Section 2 of this Ordinance  
25 as of March 1, 2005, and who possess a valid certificate of competency issued by Alachua County

1 shall have the right to continue the construction trade, occupation, or business within the entire  
2 corporate limits of the City of Gainesville, including the Area described in Section 2 of this  
3 Ordinance, subject to the terms, conditions and limitations imposed on the certificate by Alachua  
4 County, and provided such persons register the certificate with the Building Inspections Department  
5 of the City of Gainesville and the Department of Business and Professional Regulation of the State  
6 of Florida, if applicable, on or before 4:00 p.m. on March 1, 2005.

7 (c) All persons lawfully engaged in any occupation, business, trade or profession within the  
8 Area described in Section 2 of this Ordinance on or after October 1, 2005, shall obtain an  
9 occupational license from the city of Gainesville for the term commencing on October 1, 2005,  
10 which license shall be issued upon payment of the appropriate fee in accordance with the  
11 Gainesville Code of Ordinances in effect on October 1, 2005.

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

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

18 **Section 11.** Sections 1, 4, 5, 6, 8, 9, 10 and 11 of this Ordinance shall become effective  
19 immediately upon adoption. Sections 2, 3, and 7 shall become effective at 12:01 a.m. on March 1,  
20 2005, unless there is a tie vote or majority vote against the annexation at the special election called  
21 in Section 4 of this Ordinance.

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**PASSED AND ADOPTED** this 13<sup>th</sup> day of September, 2004.



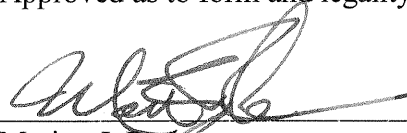
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PEGEEN HANRAHAN,  
MAYOR

ATTEST:

Approved as to form and legality



\_\_\_\_\_  
Kurt Lannon,  
Clerk of the Commission



\_\_\_\_\_  
Marion J. Radson,  
City Attorney

SEP 14 2004

This Ordinance passed on first reading this 23<sup>rd</sup> day of August, 2004.

This Ordinance passed on second reading this 13<sup>th</sup> day of September, 2004.

**Exhibit "A"**

**DESCRIPTION FOR BLUES CREEK UNIT 1 AND UNIT 1-A**

FOR A POINT OF BEGINNING COMMENCE AT THE EXISTING CITY OF GAINESVILLE LIMIT LINE AT THE NORTHEAST CORNER OF BLUES CREEK UNIT 1 AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "M", PAGE 95 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF NORTHWEST 52<sup>ND</sup> TERRACE; THENCE LEAVING SAID EXISTING CITY OF GAINESVILLE LIMIT RUN ALONG THE EAST LINE OF SAID 52<sup>ND</sup> TERRACE THE FOLLOWING 10 COURSES; S 00° 27' 43" E, A DISTANCE OF 100.00 FEET; THENCE S 89° 32' 17" W, A DISTANCE OF 12.53 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 405 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 300.42 FEET THROUGH A CENTRAL ANGLE OF 42° 30' 02" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 35° 04' 59" W, 293.58 FEET; THENCE S 56° 20' 00" W, A DISTANCE OF 166.60 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 345 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 341.91 FEET THROUGH A CENTRAL ANGLE OF 56° 46' 54" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 27° 56' 33" W, 328.08 FEET; THENCE S 00° 26' 54" E, A DISTANCE OF 54.17 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 344.97 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 102.36 FEET THROUGH A CENTRAL ANGLE OF 17° 00' 03" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 08° 56' 56" E, 101.98 FEET; THENCE S 17° 26' 57" E A DISTANCE OF 91.83 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST HAVING A RADIUS OF 405 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 282.74 FEET THROUGH A CENTRAL ANGLE OF 40° 00' 00" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 02° 33' 03" W, 277.04 FEET TO THE

BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 345 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 88.43 FEET THROUGH A CENTRAL ANGLE OF 14° 41' 09" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 15° 12' 28" W, 88.19 FEET TO A POINT ON THE SOUTH LINE OF SAID BLUES CREEK UNIT 1; THENCE LEAVING THE EAST RIGHT OF WAY LINE OF NORTHWEST 52<sup>ND</sup> TERRACE, S 89° 39' 06" W ALONG THE SOUTH LINE OF SAID BLUES CREEK UNIT 1, A DISTANCE OF 60.53 FEET TO THE SOUTHEAST CORNER OF BLUES CREEK UNIT-2 AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "O", PAGE 34 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA ALSO BEING A POINT ON THE WEST RIGHT OF WAY LINE OF SAID NORTHWEST 52<sup>ND</sup> TERRACE AND BEING ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 405 FEET; THENCE ALONG THE ARC OF SAID CURVE ALSO BEING THE EASTERLY BOUNDARY OF SAID BLUES CREEK UNIT-2 AND THE WEST RIGHT OF WAY LINE OF SAID NW 52<sup>ND</sup> TERRACE, A DISTANCE OF 61.99 FEET THROUGH A CENTRAL ANGLE OF 08° 46' 10" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF N 11° 01' 51" E, 61.93 FEET TO A POINT ON A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 25 FEET; THENCE LEAVING SAID WEST RIGHT OF WAY LINE OF NW 52<sup>ND</sup> TERRACE , CONTINUING ALONG THE NORTHEASTERLY BOUNDARY OF SAID BLUES CREEK UNIT-2 AND ALONG THE ARC OF SAID CURVE A DISTANCE OF 33.88 FEET THROUGH A CENTRAL ANGLE OF 77° 38' 29" AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 54° 14' 10" W, 31.34 FEET; THENCE CONTINUING ALONG SAID NORTHEASTERLY BOUNDARY OF BLUES CREEK UNIT-2, N 72° 41' 04" W, A DISTANCE OF 168.00 FEET; THENCE N 34° 15' 00" W, A DISTANCE OF 840.00 FEET TO THE NORTH MOST CORNER OF LOT 6 OF SAID BLUES CREEK UNIT-2 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE; THENCE LEAVING SAID NORTHEASTERLY BOUNDARY OF BLUES CREEK UNIT-2 AND ALONG SAID CITY OF GAINESVILLE LIMIT LINE THE FOLLOWING 6 COURSES: N 15° 57' 16" E, A DISTANCE OF 75.48 FEET TO A POINT ON THE WESTERLY BOUNDARY OF BLUES CREEK UNIT 1-A AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "N", PAGE 20 OF THE PUBLIC RECORDS OF



ALACHUA COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY BOUNDARY N 00° 27' 43" W, A DISTANCE OF 300.00 FEET TO THE NORTHWEST CORNER OF SAID BLUES CREEK UNIT 1-A; THENCE ALONG THE NORTH BOUNDARY OF SAID BLUES CREEK UNIT 1-A N 89° 32' 17" E, A DISTANCE OF 82.92 FEET TO THE NORTH LINE OF THE AFOREMENTIONED BLUES CREEK UNIT 1 ALSO BEING THE NORTH LINE OF BLUES CREEK UNIT 1 REPLAT OF LOTS 23, 24 & 25 AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK "N", PAGE 11 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID REPLAT AND BLUES CREEK UNIT 1 N 89° 32' 17" E, A DISTANCE OF 642.08 FEET; THENCE ALONG THE WEST LINE OF SAID REPLAT AND BLUES CREEK UNIT 1 N 00° 27' 43" W, A DISTANCE OF 159.06 FEET TO THE NORTH LINE OF SAID REPLAT AND BLUES CREEK UNIT 1; THENCE ALONG SAID NORTH LINE N 89° 32' 17" E, A DISTANCE OF 429.99 FEET TO THE NORTHEAST CORNER OF SAID BLUES CREEK UNIT 1 ALSO BEING A POINT ON THE EAST RIGHT OF WAY LINE OF NW 52<sup>ND</sup> TERRACE AND THE POINT OF BEGINNING.