

ORDINANCE NO. _____

An ordinance of the City of Gainesville, Florida, contracting from the municipal boundaries approximately 2,626 acres of property generally located north of U.S. 441 and NW 53rd Avenue, east and west of SR 121 and CR 231, and south of NW 121st Avenue, as more specifically described in this ordinance, pursuant to Chapter 171, Florida Statutes; making certain findings; providing for exclusion of the property in Appendix I of the City Charter; providing for applicable laws, ordinances, and regulations; providing for the apportionment of debts and taxes; providing directions to the City Clerk; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, (the “Act”), sets forth criteria and procedures for adjusting the boundaries of municipalities through annexations or contractions of corporate limits; and

WHEREAS, on April 24, 1992, the City adopted Ordinance No. 3768 and annexed into the City from Alachua County approximately 460 acres of the southern portion of the property that is the subject of this ordinance; and

WHEREAS, on February 12, 2007, the City adopted Ordinance No. 060731 and annexed into the City from Alachua County approximately 1,318 acres of the northern portion of the property that is the subject of this ordinance; and

WHEREAS, ((we need to include the annexation history of the remaining portions of the total subject property)); and

WHEREAS, the subject property meets the criteria for contraction under the Act; and

WHEREAS, the City has provided all notices required pursuant to the Act, including: 1) notice that has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading, and which notice gives: a) the ordinance number, b) a brief, general description of the area proposed to be contracted together with a map clearly showing the area, c) a statement of findings to show that the area to be contracted fails to meet the criteria of Section

1 171.043, Florida Statutes, and d) a statement that the ordinance and a complete legal description
2 by metes and bounds of the contraction area can be obtained from the office of the City Clerk; and
3 2) not fewer than ten calendar days prior to publishing the newspaper notice, the City Commission
4 has provided a copy of the notice, via certified mail, to the Alachua County Board of County
5 Commissioners; and

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

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

10 **SECTION 1.** The City Commission finds that the property described in Section 2 of this ordinance
11 meets the criteria for contraction of municipal boundaries as set forth in Section 171.052, Florida
12 Statutes. Specifically, the subject property fails to meet the criteria of Section 171.043, Florida
13 Statutes, as the subject property:

- 14 a. is not developed for urban purposes as prescribed by Section 171.043(2), Florida Statutes;
15 and
- 16 b. does not lie between the post-contraction municipal boundary and an area developed for
17 urban purposes that is either not adjacent to the post-contraction municipal boundary or
18 cannot be served by the municipality without extending services or water or sewer lines
19 through the subject property; and
- 20 c. is not adjacent, on at least 60 percent of its external boundary, to any combination of the
21 post-contraction municipal boundary and the boundary of an area or areas developed for
22 urban purposes.

23
24 **SECTION 2.** The following described property is contracted and excluded from the corporate limits
25 of the City of Gainesville, Florida:

26 See legal description attached hereto as **Exhibit A** and made a part hereof as if set
27 forth in full. The location of the property is shown on **Exhibit B** for visual reference.
28 In the event of conflict or inconsistency, Exhibit A shall prevail over Exhibit B.
29

1 **SECTION 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix I, Charter
2 Laws of the City of Gainesville, are amended and revised to exclude the property described in Section
3 2 of this ordinance.

4 **SECTION 4.** Upon the effective date of this ordinance and in accordance with Section 171.062(3),
5 Florida Statutes, the subject property shall no longer be subject to any laws, ordinances, or
6 regulations in force in the City and shall no longer be entitled to the privileges and benefits accruing
7 to the area within the City boundaries, and the subject property shall be subject to all laws,
8 ordinances, and regulations in force in Alachua County.

9 **SECTION 5.** Upon the effective date of this ordinance and in accordance with Sections 171.052(2)
10 and 171.061(2), Florida Statutes, no existing indebtedness or property of the City shall be assumed
11 by Alachua County as a result of this ordinance and the contraction of the subject property.

12 **SECTION 6.** The City Clerk is directed to submit a certified copy of this ordinance to the following
13 parties within seven calendar days after the adoption of this ordinance: 1) the Florida Department
14 of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County,
15 Florida; and 3) the Chief Administrative Officer of Alachua County.

16 **SECTION 7.** If any word, phrase, clause, paragraph, section, or provision of this ordinance or the
17 application hereof to any person or circumstance is held invalid or unconstitutional, such finding
18 will not affect the other provisions or applications of this ordinance that can be given effect
19 without the invalid or unconstitutional provision or application, and to this end the provisions of
20 this ordinance are declared severable.

21 **SECTION 8.** All other ordinances or parts of ordinances in conflict herewith are to the extent of
22 such conflict hereby repealed.

23 **SECTION 9.** This ordinance will become effective immediately upon adoption.

1 **PASSED AND ADOPTED** this ____ day of _____, 20____.

2

3

4

5

6

7

8

9

Attest:

LAUREN POE
MAYOR

Approved as to form and legality:

10

11

12

13

14

15

16

OMICHELE D. GAINY
CITY CLERK

NICOLLE M. SHALLEY
CITY ATTORNEY

17

This ordinance passed on first reading this ____ day of _____, 20____.

18

19

This ordinance passed on second reading this ____ day of _____, 20____.