

ORDINANCE NO. _____
0-06-129

An Ordinance of the City of Gainesville, Florida, annexing a portion of the City of Gainesville Reserve Area pursuant to Chapter 90-496, Special Acts, 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 comprising tax parcels 06706-044-000 and 06706-045-000, as more specifically described in this ordinance, generally located south of the City Limits and SW 17th Place, west of the vicinity of SW 34th Street, north of the vicinity of SW 20th Avenue and east of SW 38th Terrace; providing for inclusion of the area in Appendix I of the City Charter; providing for land use and zoning regulations; providing for persons engaged in any occupation, business, trade or profession within the area; 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 Acts, 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 13, 1998, and more recently 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

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

4 **WHEREAS**, on November 13, 2006, the City Commission of the City of Gainesville
5 adopted Ordinance No. 060385, which adopted the Urban Services Report setting forth the plans to
6 provide urban services to that portion of the Reserve Area proposed to be annexed in accordance
7 with the procedures provided in the Act; and

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

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

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

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

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

5 See Legal Description attached hereto as Exhibit "A" (2 parcels), and
6 made a part hereof as if set forth in full.
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8 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,
9 Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
10 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

13 **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land
14 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area
15 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment
16 that includes the annexed area. The Gainesville Code Enforcement Board and code enforcement
17 officers shall have jurisdiction to enforce these regulations during the interim period through the
18 Gainesville Code Enforcement Board process as described in Division 8 of Article V of Chapter 2
19 of the Code of Ordinances of the City of Gainesville and the Civil Citation Process, as described in
20 Division 6 of Article V of Chapter 2 of said Code. During the interim period, the City may rezone
21 properties in the annexed area to an Alachua County Zoning classification/category that conforms
22 with the Alachua County Comprehensive Plan.

1 **Section 6.** (a) Except as provided in subsections (b) and (c) below, all persons who are
2 lawfully engaged in any occupation, business, trade or profession within the area described in
3 Section 2 of this Ordinance as of February 12, 2007, shall have the right to continue such
4 occupation, business, trade or profession.

5 (b) Except as provided in subsection (c) below, all persons who are lawfully
6 engaged in any construction trade, occupation or business within the Area described in Section 2 of
7 this Ordinance as of February 12, 2007, and who possess a valid certificate of competency issued by
8 Alachua County shall have the right to continue the construction trade, occupation, or business
9 within the entire corporate limits of the City of Gainesville, including the Area described in Section
10 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by
11 Alachua County, and provided such persons register the certificate with the Building Inspections
12 Department of the City of Gainesville and the Department of Business and Professional Regulation
13 of the State of Florida on or before 4:00 p.m. on February 12, 2007.

14 (c) All persons lawfully engaged in any occupation, business, trade or profession
15 within the Area described in Section 2 of this Ordinance as of February 12, 2007, shall obtain an
16 occupational license from the City of Gainesville for the term commencing on October 1, 2007,
17 which license shall be issued upon payment of the appropriate fee in accordance with the
18 Gainesville Code of Ordinances in effect on October 1, 2007.

19 **Section 7.** If any portion of this Ordinance is declared by a court of competent jurisdiction
20 to be invalid or unenforceable, such declaration shall not be deemed to affect the remaining
21 portions of this Ordinance.

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

4 **Section 9.** This Ordinance shall become effective immediately upon adoption.

5 **PASSED AND ADOPTED** this _____ day of _____, 2007.

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10 ATTEST:

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PEGEEN HANRAHAN,
MAYOR

Approved as to form and legality

KURT LANNON,
CLERK OF THE COMMISSION

MARION J. RADSON,
CITY ATTORNEY

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

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

Annexation Description for tax parcels 6705-44 & 6706-45:

LOTS 44 & 45 OF SHADY FOREST AS PER PLAT OF SAID SUBDIVISION,
RECORDED IN OFFICIAL RECORDS BOOK 95, PAGE 255 OF THE PUBLIC
RECORDS OF ALACHUA COUNTY, FLORIDA AND THAT 210 FOOT BY 50
FOOT WIDE PORTION OF RIGHT OF WAY OF SOUTHWEST 17TH PLACE
LYING ADJACENT TO AND IMMEDIATELY NORTH OF SAID LOTS.

