



MEMORANDUM

Office of the City Attorney

Legistar No. 061079

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

First Reading

DATE: ~~May 14, 2007~~

Second Reading

June 11, 2007

TO: Mayor and City Commission

FROM: City Attorney

SUBJECT: Ordinance No. 0-07-21

VOLUNTARY ANNEXATION – BEAR ARCHERY

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 Tax Parcel 07240-001-003, generally located south of the vicinity of the intersection of Interstate 75 and Archer Road, west of the City limits and Interstate 75, north of Tax Parcel 07240-000-000 and east of Tax Parcel 07240-000-000; 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.

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, 2006, at a regular City Commission meeting, the City Commission received and accepted the petition for annexation, and determined that the petition bore the signature of the owner of the property that is the subject of this annexation. On February 26, 2007 and March 12, 2007, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

PASSED ON FIRST READING BY A VOTE 7-0.


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.

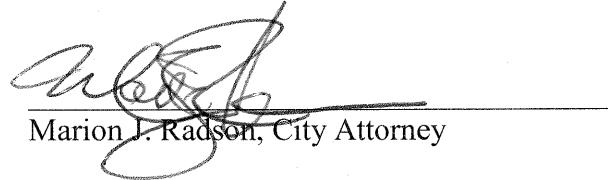
In the Ordinance the City Commission makes certain findings of fact related to the area proposed for annexation. The area must meet certain standards as required by the Boundary Adjustment Act. In this regard, your attention is drawn to Section 1 of this Ordinance and the presentation by the City Manager.

If adopted on first reading, the second and final reading of this ordinance will be June 11, 2007. Pursuant to the Boundary Adjustment Act, notice of adoption of this ordinance was published for two consecutive weeks prior to first reading.

Prepared by:


Natalie McKellips,
Assistant City Attorney

Approved and
Submitted by:


Marion J. Radson, City Attorney

MJR:NM:bs

ORDINANCE NO. 061079
0-07-21

1
2
3
4 An Ordinance of the City of Gainesville, Florida, annexing a portion of
5 the City of Gainesville Reserve Area pursuant to Chapter 90-496,
6 Special Act, Laws of Florida, as amended by Chapter 91-382 and
7 Chapter 93-347, Special Acts, Laws of Florida, known as the Alachua
8 County Boundary Adjustment Act; making certain findings; including
9 within the corporate limits of the City of Gainesville, Florida, that
10 certain compact and contiguous area comprised of Tax Parcel 07240-
11 001-003, generally located south of the vicinity of the intersection of
12 Interstate 75 and Archer Road, west of the City limits and Interstate 75,
13 north of Tax Parcel 07240-000-000 and east of Tax Parcel 07240-000-
14 000; providing for inclusion of the area in Appendix I of the City
15 Charter; providing for land use and zoning regulations; providing for
16 persons engaged in any occupation, business, trade or profession within
17 the area; providing directions to the City Manager and Clerk of the
18 Commission; providing a severability clause; and providing an
19 immediate effective date.
20
21
22

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

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

30 **WHEREAS**, on November 13, 2006, the City Commission voted to accept the Petition for
31 Voluntary Annexation submitted by the owner of the real property described herein and determined
32 that the Petition bore the signature of the owner of the property; and

1 **WHEREAS**, on March 12, 2007, the City Commission of the City of Gainesville adopted
2 Ordinance No. 060664, which adopted the Urban Services Report setting forth the plans to provide
3 urban services to that portion of the Reserve Area proposed to be annexed in accordance with the
4 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") is reasonably compact and contiguous to the
19 present corporate limits of the City of Gainesville, and that no part of the Area is within the
20 boundary of another municipality or county. The City Commission finds the Area to be within its
21 Reserve Area and the annexation does not create an enclave.

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

3 See Legal Description attached hereto as Exhibit "A" (1 parcel), and
4 made a part hereof as if set forth in full.
5

6 **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix
7 I, Charter Laws of the City of Gainesville, are amended and revised to include the Area described in
8 Section 2 within the corporate limits of the City of Gainesville, Florida.

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

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

21 **Section 6.** (a) Except as provided in subsections (b) and (c) below, all persons who are
22 lawfully engaged in any occupation, business, trade or profession within the area described in

1 Section 2 of this Ordinance as of June 11, 2007, shall have the right to continue such occupation,
2 business, trade or profession.

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

12 (c) All persons lawfully engaged in any occupation, business, trade or profession
13 within the Area described in Section 2 of this Ordinance as of June 11, 2007, shall obtain a business
14 tax receipt (occupational license) from the City of Gainesville for the term commencing on October
15 1, 2007, which license shall be issued upon payment of the appropriate fee in accordance with the
16 Gainesville Code of Ordinances in effect on October 1, 2007.

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

A TRACT OF LAND SITUATED IN THE GARY GRANT, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF BEGINNING COMMENCE AT THE EXISTING CITY OF GAINESVILLE LIMIT LINE LYING AT A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 BEING ON THE NORTHEASTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2701, PAGE 299 ET SEQ.; THENCE RUN SOUTH 52°22'10" WEST, ALONG SAID EXTENSION AND SOUTHEASTERLY LINE A DISTANCE OF APPROXIMATELY 1090 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE RUN NORTH 41°40'15" WEST ALONG THE WESTERLY LINE OF SAID PARCEL A DISTANCE OF APPROXIMATELY 1,113.68 FEET TO THE SOUTHWEST CORNER OF THAT PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2824, PAGE 1263 ET SEQ.; THENCE RUN ALONG THE SOUTHEASTERLY BOUNDARY OF SAID PARCEL THE FOLLOWING 3 COURSES: NORTH 51°10'52" EAST, A DISTANCE OF APPROXIMATELY 641.51 FEET; NORTH 82°08'57" EAST, A DISTANCE OF APPROXIMATELY 308.65 FEET; NORTH 53°14'32" EAST, A DISTANCE OF APPROXIMATELY 188.13 FEET; THENCE LEAVING SAID SOUTHEASTERLY BOUNDARY CONTINUE NORTH 53°14'32" EAST, A DISTANCE OF APPROXIMATELY 90 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF INTERSTATE 75 ALSO BEING ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE; THENCE RUN SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND CITY OF GAINESVILLE LIMIT LINE A DISTANCE OF APPROXIMATELY 968.78 FEET TO THE POINT OF BEGINNING.

