



# MEMORANDUM

Office of the City Attorney

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

**TO:** Mayor and City Commission

December 10, 2001  
**DATE:** ~~November 26, 2001~~

**FROM:** City Attorney

SECOND READING  
~~FIRST READING~~

**SUBJECT:** Ordinance No. 0-01-59

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 located on Lot 3, North Florida Regional Doctors Office Park Subdivision, located at 1201 NW 64<sup>th</sup> 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; providing directions to the City Manager and Clerk of the Commission; providing a severability clause; and providing an immediate effective date.

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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, July 23, 2001, 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 this is the subject of this annexation. On September 10, 2001 and September 24, 2001, the City Commission held advertised public hearings and adopted the Urban Services Report as mandated by the Boundary Adjustment Act.

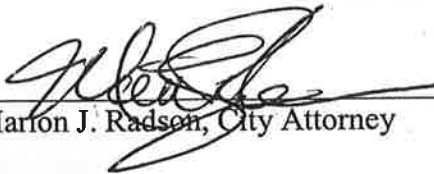
## ANNEXATION ORDINANCE

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 area is rezoned by the City adopts a comprehensive plan amendment that includes the annexed area. During the interim period, the City may rezone properties 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:

  
Marlon J. Radson, City Attorney

MJR/afm

Attachment

Passed on first reading by a vote of 5-0.

ORDINANCE NO. \_\_\_\_\_  
0-01-59

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4 An Ordinance of the City of Gainesville, Florida, annexing a  
5 portion of the City of Gainesville Reserve Area Pursuant to  
6 Chapter 90-496, as amended, by Special Acts, Laws of Florida,  
7 known as the Alachua County Boundary Adjustment Act;  
8 making certain findings; including within the corporate limits of  
9 the City of Gainesville, Florida, that certain compact and  
10 contiguous area located on Lot 3, North Florida Regional  
11 Doctors Office Park Subdivision, located at 1201 NW 64<sup>th</sup>  
12 Terrace; providing for inclusion of the area in Appendix I of the  
13 City Charter; providing for land use and zoning regulations;  
14 providing for persons engaged in any occupation, business,  
15 trade or profession; providing directions to the City Manager  
16 and Clerk of the Commission; providing a severability clause;  
17 and providing an immediate effective date.  
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19  
20 WHEREAS, Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-  
21 382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary  
22 Adjustment Act" (hereinafter collectively referred to as "the Act") which sets forth procedures for  
23 the annexation of contiguous, compact, unincorporated territory within a municipality's reserve  
24 area; and

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

27 WHEREAS, on July 3, 2001, the owner of the real property described herein submitted a  
28 Petition for Voluntary Annexation requesting the City to incorporate said property into the City of  
29 Gainesville; and

30 WHEREAS, on July 23, 2001, the City Commission voted to accept said Petition and  
31 determined that the Petition bore the signatures of the owners of the property; and

1           **WHEREAS**, on September 24, 2001, the City Commission of the City of Gainesville  
2 adopted Ordinance No. 001611, which adopted the Urban Services Report setting forth the plans to  
3 provide urban services to that portion of the Reserve Area proposed to be annexed in accordance  
4 with the 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 the real property owner affected by this ordinance; 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 has been given by publication once a week for two  
10 consecutive weeks in a newspaper of general circulation notifying the public of this proposed  
11 Ordinance and of Public Hearings to be held in the City Commission meeting room, First Floor,  
12 City Hall, in the City of Gainesville; and

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

16           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
17 **CITY OF GAINESVILLE, FLORIDA:**

18           **Section 1.** The City Commission finds that the Area described in Section 2 of this  
19 Ordinance (hereinafter referred to as the "Area") is reasonably compact and contiguous to the  
20 present corporate limits of the City of Gainesville, and that no part of the Area is within the  
21 boundary of another municipality or county. The City Commission finds the Area to be within its  
22 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", and made a  
4 part hereof as if set forth in full.  
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6           **Section 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Article 1,  
7 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 to the  
10 legal description of the Municipal Corporate Limits as codified in Appendix 1 of the City Charter  
11 of the City of Gainesville, Florida, to comply with this ordinance.

12           **Section 5.** In accordance with Section 171.062, Florida Statutes, the Alachua County land  
13 use plan and zoning or subdivision regulations shall remain in full force and effect in the Area  
14 described in Section 2 of this Ordinance until the City adopts a comprehensive plan amendment  
15 that includes the annexed area. During the interim period, the City may rezone properties in the  
16 annexed area to an Alachua County Zoning classification/category that conforms with the Alachua  
17 County Comprehensive Plan.

18           **Section 6.** (a) Except as provided in subsections (b) and (c) below, all persons who are  
19 lawfully engaged in any occupation, business, trade or profession within the area described in  
20 Section 2 of this Ordinance as of the date of adoption of this ordinance, shall have the right to  
21 continue such occupation, business, trade or profession.

22                       (b) Except as provided in subsection (c) below, all persons who are lawfully engaged in any  
23 construction trade, occupation or business within the Area described in Section 2 of this Ordinance

1 as of the date of adoption of this ordinance, and who possess a valid certificate of competency  
2 acquired by passing an independent testing agency's exam in the licensing category issued by  
3 Alachua County shall have the right to continue the construction trade, occupation, or business  
4 within the entire corporate limits of the City of Gainesville, including the Area described in Section  
5 2 of this Ordinance, subject to the terms, conditions and limitations imposed on the certificate by  
6 Alachua County, and provided such persons register the certificate with the Building Inspections  
7 Department of the City of Gainesville and the Department of Professional Regulation of the State of  
8 Florida on or before 4:00 p.m. on October 1, 2002.

9 (c) All persons lawfully engaged in any occupation, business, trade or profession within the  
10 Area described in Section 2 of this Ordinance on or after the date of adoption of this ordinance,  
11 shall obtain an occupational license from the City of Gainesville for the term commencing on  
12 October 1, 2002, which license shall be issued upon payment of the appropriate fee in accordance  
13 with the Gainesville Code of Ordinances in effect on October 1, 2002.

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

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

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

2            **PASSED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2001.

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Thomas D. Bussing, Mayor

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

Lot Three (3), of NORTH FLORIDA REGIONAL DOCTORS OFFICE PARK, as per plat thereof recorded in Plat Book "H", page 81, of the public records of Alachua County, Florida.