LEGISLATIVE # 171006A

ORDINANCE NO. 171006

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An ordinance of the City of Gainesville, Florida, annexing approximately 3.85 acres of privately-owned property that is generally located at 5200 SW 41st Boulevard, west of Interstate 75 and north of SW Williston Road, as more specifically described in this ordinance, as petitioned for by the property owner(s) pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions to the Clerk of the Commission; 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 May 3, 2018, the City Commission of the City of Gainesville received a petition for voluntary annexation of real property located in the unincorporated area of Alachua County, as more specifically described in this ordinance, and determined that the petitions included the signatures of all owners of property in the area proposed to be annexed; and

WHEREAS, the subject property meets the criteria for annexation 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 annexed together with a map clearly showing the area, and c) a statement that the ordinance and a complete legal description by metes and bounds of the annexation area can be obtained from the office of the Clerk of the Commission; and 2) not fewer than ten calendar days prior to publishing the newspaper notice, the City Commission has

- 29 provided a copy of the notice, via certified mail, to the Alachua County Board of County
- 30 Commissioners; and
- 31 WHEREAS, public hearings were held pursuant to the notice described above during which the
- parties in interest and all others had an opportunity to be and were, in fact, heard.
- 33 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE,
- 34 **FLORIDA**:
- 35 **SECTION 1.** The City Commission finds that the property described in Section 2 of this ordinance is
- 36 reasonably compact and contiguous to the present corporate limits of the City of Gainesville and
- 37 that no part of the subject property is within the boundary of another municipality or outside of
- 38 the county in which the City of Gainesville lies. The City Commission finds that annexing the
- 39 subject property into the corporate limits of the City of Gainesville does not create an enclave of
- 40 unincorporated property.
- 41 **SECTION 2.** The property described in **Exhibit A**, which is attached hereto and made a part hereof
- 42 as if set forth in full, is annexed and incorporated within the corporate limits of the City of
- 43 Gainesville, Florida.
- 44 **SECTION 3.** The corporate limits of the City of Gainesville, Florida, as set forth in Appendix I,
- 45 Charter Laws of the City of Gainesville, are amended and revised to include the property described
- 46 in Section 2 of this ordinance.
- 47 **SECTION 4.** In accordance with Section 171.062, Florida Statutes, the Alachua County land use
- 48 plan and zoning or subdivision regulations shall remain in full force and effect in the property
- described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment
- 50 that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the

51 Alachua County land use plan and zoning or subdivision regulations through the City of 52 Gainesville's code enforcement and civil citation processes. 53 **SECTION 5.** (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in 54 any occupation, business, trade, or profession within the property area described in Section 2 of 55 this ordinance shall have the right to continue such occupation, business, trade, or profession, but 56 shall obtain a business tax receipt from the City of Gainesville for the term commencing on 57 October 1, 2018, which tax receipt shall be issued upon payment of the appropriate fee in 58 accordance with the Gainesville Code of Ordinances in effect on October 1, 2018. 59 (b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any 60 construction trade, occupation, or business within the property area described in Section 2 of this 61 ordinance and who possess a valid certificate of competency issued by Alachua County shall have 62 the right to continue the construction trade, occupation, or business within the entire corporate 63 limits of the City of Gainesville, including the subject area, subject to the terms, conditions, and 64 limitations imposed on the certificate by Alachua County, and provided that such persons register 65 the certificate with the Building Inspections Division of the City of Gainesville and the Department of Business and Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. 66 67 of the effective date of this ordinance. 68 **SECTION 6.** The Clerk of the Commission is directed to submit a certified copy of this ordinance to 69 the following parties within seven calendar days after the adoption of this ordinance: 1) the Florida 70 Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for

Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

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72	SECTION 7. If any word, phrase, clause, paragraph, section, or provision of this ordinance or the		
73	application hereof to any person or circ	umstance is held invalid or uncor	nstitutional, such
74	finding shall not affect the other provisions or applications of this ordinance that can be given		
75	effect without the invalid or unconstitutional provision or application, and to this end the		
76	provisions of this ordinance are declared severable.		
77	SECTION 8. All other ordinances or parts of ordinances in conflict herewith are to the extent of		
78	such conflict hereby repealed.		
79	SECTION 9. This ordinance shall become effective immediately upon adoption.		
80	PASSED AND ADOPTED this day of	, 2018.	
81 82 83 84 85 86		LAUREN POE MAYOR	
87 88 89 90 91	Attest:	Approved as to form and legality:	
92 93 94 95	OMICHELE D. GAINEY CLERK OF THE COMMISSION	NICOLLE M. SHALLEY CITY ATTORNEY	
93 96 97	This ordinance passed on first reading this	day of	_, 2018.
98	This ordinance passed on second reading thi	s day of	, 2018.

Legal Description

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

FOR A POINT OF REFERENCE COMMENCE AT A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 070721, ALSO BEING THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1736. PAGE 2672 (CURRENT TAX PARCEL NO. 7242) OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (HEREAFTER ABBREVIATED ORB , P), AND THE SOUTHWEST CORNER OF LANDS DESCRIBED IN ORB 2208, P 2895 (CURRENT TAX PARCEL NO. 7240-26) AND THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE LEAVING SAID CITY LIMIT LINE N 10° 10' 42" W ALONG THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 1736, P 2672 ALSO BEING THE WEST LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 323.24 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN SAID ORB 2208, P 2895; THENCE LEAVING THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 1736, P 2672 N 53° 48' 44" E ALONG THE NORTH LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 506.81 FEET TO THE NORTHEAST CORNER OF SAID LANDS, ALSO BEING THE NORTHWEST CORNER OF LANDS DESCRIBED IN ORB 4427, P 215 (CURRENT TAX PARCEL NO. 7240-24); THENCE S 36° 11' 16" E ALONG THE EAST LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 ALSO BEING THE WEST LINE OF LANDS DESCRIBED IN SAID ORB 4427, P 215 A DISTANCE OF 290.51 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 AND THE SOUTHWEST CORNER OF LANDS DESCRIBED IN SAID ORB 4427, P 215 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER ORDINANCE NO. 070721; THENCE S 53° 48' 44" W ALONG SAID CITY LIMIT LINE AND SOUTH LINE OF LANDS DESCRIBED IN SAID ORB 2208, P 2895 A DISTANCE OF 648.55 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 3.85 ACRES MORE OR LESS.

