LEGISLATIVE # 171037A

1	ORDINANCE NO. 171037			
2 3 4 5 6 7 8 9 10 11 12 13	An ordinance of the City of Gainesville, Florida, annexing approximately 1.36 acres of privately-owned property that is generally located on the NW corner of W Newberry Road and NW 61 st Terrace and east of the North Florida Regional Medical Center, 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.			
14 15	WHEREAS, the Municipal Annexation or Contraction Act, Chapter 171, Florida Statutes, (the			
16	"Act"), sets forth criteria and procedures for adjusting the boundaries of municipalities through			
17	annexations or contractions of corporate limits; and			
18	WHEREAS, on May 17, 2018, the City Commission of the City of Gainesville received petitions for			
19	voluntary annexation of real property located in the unincorporated area of Alachua County, as			
20	more specifically described in this ordinance, and determined that the petitions included the			
21	signatures of all owners of property in the area proposed to be annexed; and			
22	WHEREAS, the subject property meets the criteria for annexation under the Act; and			
23	WHEREAS, the City has provided all notices required pursuant to the Act, including: 1) notice that			
24	has been published in a newspaper of general circulation at least once a week for two consecutive			
25	weeks prior to first reading, and which notice gives: a) the ordinance number, b) a brief, general			
26	description of the area proposed to be annexed together with a map clearly showing the area, and			
27	c) a statement that the ordinance and a complete legal description by metes and bounds of the			
28	annexation area can be obtained from the office of the Clerk of the Commission; and 2) not fewer			
29	than ten calendar days prior to publishing the newspaper notice, the City Commission has			

30 provided a copy of the notice, via certified mail, to the Alachua County Board of County31 Commissioners; and

32 **WHEREAS,** public hearings were held pursuant to the notice described above during which the 33 parties in interest and all others had an opportunity to be and were, in fact, heard.

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

SECTION 1. The City Commission finds that the property described in Section 2 of this ordinance is reasonably compact and contiguous to the present corporate limits of the City of Gainesville and that no part of the subject property is within the boundary of another municipality or outside of the county in which the City of Gainesville lies. The City Commission finds that annexing the subject property into the corporate limits of the City of Gainesville does not create an enclave of unincorporated property.

42 **SECTION 2.** The property described in **Exhibit A**, which is attached hereto and made a part hereof 43 as if set forth in full, is annexed and incorporated within the corporate limits of the City of 44 Gainesville, Florida.

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

48 **SECTION 4.** In accordance with Section 171.062, Florida Statutes, the Alachua County land use 49 plan and zoning or subdivision regulations shall remain in full force and effect in the property 50 described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment 51 that includes the annexed area. The City of Gainesville shall have jurisdiction to enforce the

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52 Alachua County land use plan and zoning or subdivision regulations through the City of 53 Gainesville's code enforcement and civil citation processes.

SECTION 5. (a) All persons who are, as of the effective date of this ordinance, lawfully engaged in any occupation, business, trade, or profession within the property area described in Section 2 of this ordinance shall have the right to continue such occupation, business, trade, or profession, but shall obtain a business tax receipt from the City of Gainesville for the term commencing on October 1, 2018, which tax receipt shall be issued upon payment of the appropriate fee in accordance with the Gainesville Code of Ordinances in effect on October 1, 2018.

60 (b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any 61 construction trade, occupation, or business within the property area described in Section 2 of this 62 ordinance and who possess a valid certificate of competency issued by Alachua County shall have 63 the right to continue the construction trade, occupation, or business within the entire corporate 64 limits of the City of Gainesville, including the subject area, subject to the terms, conditions, and 65 limitations imposed on the certificate by Alachua County, and provided that such persons register 66 the certificate with the Building Inspections Division of the City of Gainesville and the Department 67 of Business and Professional Regulation of the State of Florida, if applicable, on or before 4:00 p.m. 68 of the effective date of this ordinance.

69 SECTION 6. The Clerk of the Commission is directed to submit a certified copy of this ordinance to 70 the following parties within seven calendar days after the adoption of this ordinance: 1) the Florida 71 Department of State; 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for 72 Alachua County, Florida; and 3) the Chief Administrative Officer of Alachua County.

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73	SECTION 7. If any word, phrase, clause, paragraph, section, or provision of this ordinance or the			
74	application hereof to any person or circumstance is held invalid or unconstitutional, such			
75	finding shall not affect the other provisions or applications of this ordinance that can be given			
76	effect without the invalid or unconstitutional provision or application, and to this end the			
77	provisions of this ordinance are declared severable.			
78	SECTION 8. All other ordinances or parts of ordinances in conflict herewith are to the extent of			
79	such conflict hereby repealed.			
80	SECTION 9. This ordinance shall become effective immediately upon adoption.			
81	PASSED AND ADOPTED this day of	, 2018.		
82 83 84 85		LAUREN POE		
86 87 88 89 90	Attest:	MAYOR Approved as to form and legality:		
91 92				
93 94 95	OMICHELE D. GAINEY CLERK OF THE COMMISSION	NICOLLE M. SHALLEY CITY ATTORNEY		
96 97 08	This ordinance passed on first reading this _	day of	_, 2018.	
98 99	This ordinance passed on second reading the	is day of	, 2018.	

Legal Description

LOT 48, WEST HILLS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK E, PAGE 11, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

Exhibit "A" to Ordinance No. 171037 page 1 of 2

