## LEGISLATIVE # 180311A

1	ORDINANCE NO. 180311			
2 3 4	An ordinance of the City of Gainesville, Florida, annexing approximately 1.79 acres of privately-owned property that is generally located south of parcel			
5 6	number 06800-006-001, west of Interstate 75, north of SW Archer Road, and east of SW 43 <sup>rd</sup> Street, as more specifically described in this ordinance, as			
7 8	petitioned for by the property owner(s) pursuant to Chapter 171, Florida			
8 9	Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for land use plan, zoning, and			
10 11	subdivision regulations, and enforcement of same; providing for persons engaged in any occupation, business, trade, or profession; providing directions			
12	to the Clerk of the Commission; providing a severability clause; providing a			
13	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 September 20, 2018, the City Commission of the City of Gainesville received			
19	petitions for voluntary annexation of real property located in the unincorporated area of Alachua			
20	County, as more specifically described in this ordinance, and determined that the petitions			
21	included the 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, 2019, 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, 2019.

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				
84 85		LAUREN POE		
86 87		MAYOR		
88 89 90 91	Attest:	Approved as to form and legality:		
92 93	OMICHELE D. GAINEY	NICOLLE M. SHALLEY		
94 95	CLERK OF THE COMMISSION	CITY ATTORNEY		
96 97	This ordinance passed on first reading this _	day of	, 2018.	
98 99	This ordinance passed on second reading thi	is day of	, 2018.	

## **LEGAL DESCRIPTION**

A PORTION OF THE SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A NAIL AND DISK (STAMPED "PRM 2228") FOUND AT THE NORTHWEST CORNER OF SAID SOUTHWEST 1/4 OF FRACTIONAL SECTION 14, TOWNSHIP 10 SOUTH, RANGE 19 EAST, AND RUN THENCE SOUTH 00°51'46" EAST, ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, A DISTANCE OF 2146.95 FEET; THENCE NORTH 89°08'14" EAST, 61.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°08'14" EAST, 398.35 FEET, TO A POINT ON THE WESTERLY LIMITED ACCESS RIGHT OF WAY LINE TO INTERSTATE HIGHWAY I-75 ALSO BEING A POINT ON THE EXISTING CITY OF GAINESVILLE LIMIT LINE PER CITY ORDINANCE NUMBER 080137; THENCE SOUTH 10°16' 25" WEST, ALONG SAID WESTERLY LIMITED ACCESS RIGHT OF WAY LINE AND EXISTING CITY OF GAINESVILLE LIMIT LINE, 226.15 FEET, TO A POINT ON THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 24 (ARCHER ROAD); THENCE LEAVING SAID WESTERLY LIMITED ACCESS RIGHT OF WAY LINE AND CITY LIMIT LINE SOUTH 57°59'54" WEST, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF ARCHER ROAD, 161.10 FEET; THENCE NORTH 05°44'04" WEST, 140.22 FEET; THENCE SOUTH 89°08'14" WEST, 204.87 FEET, TO A POINT LYING 61 FEET EASTERLY OF THE WEST LINE OF SAID SOUTHWEST 1/4; THENCE NORTH 00°51'46" WEST, PARALLEL WITH AND 61 FEET EASTERLY OF SAID WEST LINE, 165.48 FEET, TO THE POINT OF BEGINNING. CONTAINING 77,891 SQUARE FEET OR 1.788 ACRES, MORE OR LESS.

THE BEARING STRUCTURE OF THE HEREIN DESCRIBED PARCEL IS BASED ON THE DEED FOUND IN OFFICIAL RECORDS BOOK 2845, PAGE 111.

Exhibit A to Ordinance No. 180311 Page 1 of 2

