



## Legislation Details (With Text)

**File #:** 170520. **Version:** 4 **Name:**  
**Type:** Ordinance **Status:** Adopted  
**File created:** 1/26/2018 **In control:** City Attorney  
**On agenda:** 4/19/2018 **Final action:** 4/19/2018  
**Title:** ANNEXATION BY REFERENDUM - 38.95 ACRES OF PROPERTY KNOWN AS STERLING PLACE (B)

Ordinance No. 170520

An ordinance of the City of Gainesville, Florida, annexing approximately 38.95 acres of property known as "Sterling Place" that is generally located south of NW 73rd Avenue, west of NW 43rd Street, north of NW 64th Boulevard, and east of NW 52nd Terrace, as more specifically described in this ordinance, pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for a referendum election; providing directions to the Clerk of the Commission; providing ballot language; 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 a severability clause; and providing effective dates.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. 170520A\_Letter from HOA requesting annexation\_20180215.pdf, 2. 170520B\_AnnexationMap\_20180215.pdf, 3. 170520C\_Sterling Place Voluntary Annexation USR\_20180215, 4. 170520B\_Staff PPT\_20180405.pdf, 5. 170520A\_draft ordinance\_20180405.pdf, 6. 170520B\_resolution\_20180419.pdf, 7. 170520C\_Mayoral Proclamation\_20180419.pdf, 8. 170520\_Ordinance Annexing Sterling Place\_20180419, 9. 170520\_Proclamation Calling Special Election\_20180419

Date	Ver.	Action By	Action	Result
4/19/2018	4	City Commission	Adopted on Final Reading (Ordinance)	Pass
4/5/2018	3	City Commission	Adopted on First Reading (Ordinance)	Pass
2/15/2018	2	City Commission	Approved as Recommended	
11/16/2017	1	City Commission	Approved as Recommended	

## ANNEXATION BY REFERENDUM - 38.95 ACRES OF PROPERTY KNOWN AS STERLING PLACE (B)

Ordinance No. 170520

An ordinance of the City of Gainesville, Florida, annexing approximately 38.95 acres of property known as "Sterling Place" that is generally located south of NW 73rd Avenue, west of NW 43rd Street, north of NW 64th Boulevard, and east of NW 52nd Terrace, as more specifically described in this ordinance, pursuant to Chapter 171, Florida Statutes; making certain findings; providing for inclusion of the property in Appendix I of the City Charter; providing for a referendum election; providing directions to the Clerk of the Commission; providing ballot language; 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 a severability clause; and providing effective dates.

The City Commission adopt the proposed ordinance.

Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act, which is found in Chapter 171, Florida Statutes. Under the Act, annexations can occur either by a referendum on annexation or by a voluntary annexation whereby each of the property owners of a given area petition the city to include their property within the city limits. Section 171.0413, F.S., sets forth the requirements and procedure for annexations by referendum. After the preparation of an Urban Services Report and the adoption of an annexation ordinance, the annexation ordinance is submitted to a vote of the registered electors of the proposed annexation area and the annexation does not become effective unless there is a majority vote for annexation.

This ordinance is a referendum annexation ordinance that proposes to annex into the corporate limits of the City of Gainesville approximately 38.95 acres of property that is generally located north of Millhopper Road and west of NW 43rd Street, known as Sterling Place. The subject area is unincorporated, compact, and contiguous to the current city boundaries. On February 15, 2018, the City Commission approved an Urban Services Report setting forth the plans to provide urban services to the subject property. If the City Commission adopts this annexation ordinance, the annexation will be submitted to a vote of the registered electors of the proposed annexation area at a special election by mail ballot on June 12, 2018. If there is a majority vote for the annexation, the annexation will be effective on June 22, 2018. If there is a tie vote or majority vote against the annexation, the annexation shall not become effective and the area shall not be the subject of another referendum annexation ordinance for a period of two years from the date of referendum.

Because this ordinance calls for a referendum by special election, Sections 9-4 and 9-5 of the Code of Ordinances requires the special election to be ordered by the City Commission by a resolution instructing the Mayor to issue a proclamation. The resolution and Mayoral Proclamation are included in the backup to this item.

#### **CITY ATTORNEY MEMORANDUM**

This ordinance requires two hearings and the annexation will not become effective until 10 days following a majority vote for annexation at the referendum on annexation.