



Legislation Text

File #: 180416., **Version:** 2

Voluntary Annexation - 5.07 Acres Located SW of the Intersection of NW 43rd ST and NW 39th AVE (B)

Ordinance No. 180416

An ordinance of the City of Gainesville, Florida, annexing approximately 5.07 acres of privately-owned property that is generally located south of NW 39th Avenue, west of NW 45th Street, north of parcel number 06111-007-000, and east of parcel number 06112-010-046, as more specifically described in this ordinance, as petitioned for by the property owner 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.

The City Commission adopt the proposed ordinance.

This ordinance, at the request of the property owners of the subject property, will annex into the corporate limits of the City of Gainesville approximately 5.07 acres of privately-owned property generally located south of NW 39th Avenue, west of NW 45th Street, north of parcel number 06111-007-000, and east of parcel number 06112-010-046. On October 18, 2018, the City Commission received and accepted a petition for voluntary annexation of the property and directed the City Attorney to prepare this annexation ordinance.

Municipal annexation in Florida is governed by the Municipal Annexation or Contraction Act (the "Act"), which is found in Chapter 171, Florida Statutes. Section 171.044, F.S., sets forth the requirements and procedure for voluntary annexation, whereby property owners may voluntarily request a municipality to include their property within the corporate limits of that municipality. Besides various procedural requirements, Section 171.044, F.S., sets forth the following substantive requirements for voluntary annexations: 1) the proposed annexation area must be "contiguous" to the municipality; 2) the proposed annexation area must be "reasonably compact"; and 3) the annexation must not create any "enclaves."

It is the opinion of city staff that the procedural and substantive requirements for voluntary annexation described in Section 171.044, F.S., have been met as follows: First, the annexation area is "contiguous" to the city limits because a substantial part of a boundary of the annexation area is coterminous with a part of the city boundary, and is touching or adjoining the city limits in a reasonably substantial sense. Second, the annexation area is "reasonably compact" because it is a reasonable concentration of property in a single area and does not create any enclaves, pockets, or finger areas in serpentine patterns. This annexation would not result in a pattern of land that is winding or turning, and would not create any small isolated unincorporated area that is left in a sea of incorporated property when viewed in relationship to the overall scope and configuration of the annexation area and surrounding municipal property. Third, this annexation would not create any "enclaves" because the annexation would not result in any unincorporated property that is either enclosed and bound on all sides by the city limits; or enclosed within and bounded by the city limits and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the city.

Therefore, and in light of the general purpose of municipal incorporation and the fact that a property owner has voluntarily requested to be annexed into the City of Gainesville, city staff recommends adoption of this voluntary annexation ordinance.

The City Commission must decide, based on the map of the annexation area, the opinion and testimony of city staff, and other competent substantial evidence included in the record, whether the proposed annexation meets the essential requirements of the applicable state annexation law as described herein.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings and will become effective immediately upon adoption.