

ORDINANCE NO. 140618

An ordinance of the City of Gainesville, Florida, annexing a certain portion of the City of Gainesville urban reserve area that includes city-owned Tax Parcel Nos. 15672-002-001 and 16246-001-001, state-owned Tax Parcel No. 15672-001-000, and a portion of state-owned Tax Parcel Nos. 16246-003-001, 16246-001-000, 16258-042-000 and 16257-000-000, which are generally located south of Southeast Williston Road, west of the Gainesville-Hawthorne State Trail, north of Tax Parcel Nos. 16287-000-000 and 16286-000-000, and east of the intersection of South Main Street and Southwest Williston Road, as more specifically described in this ordinance, as petitioned for by the property owners pursuant to Chapter 90-496, as amended, Special Act, Laws of Florida, known as the Alachua County Boundary Adjustment Act; making certain findings; providing for inclusion of the area 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, Chapter 90-496, Special Acts, Laws of Florida, as amended by Chapter 91-382 and Chapter 93-347, Special Acts, Laws of Florida, created the "Alachua County Boundary Adjustment Act" ("Act"), which sets forth procedures for the annexation of contiguous, compact, unincorporated territory within a municipality's reserve area; and

WHEREAS, on October 9, 2011, the Board of County Commissioners of Alachua County designated an updated reserve area boundary for the City of Gainesville pursuant to the Act; and

WHEREAS, on October 2, 2014, 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 and within the City of Gainesville's reserve area, as more specifically described in this ordinance, and determined that the petition included the signatures of all owners of property in the area proposed to be annexed; and

WHEREAS, on December 18, 2014, the City Commission adopted Ordinance No. 140325, which adopted the Urban Services Report setting forth the plans to provide urban services to that

portion of the reserve area proposed to be annexed in accordance with the procedures provided in the Act; and

WHEREAS, a copy of the Urban Services Report was filed with the Alachua County Board of County Commissioners; and

WHEREAS, the City of Gainesville desires to annex the subject portion of its reserve area, which is compact and contiguous to the present corporate limits of the City; and

WHEREAS, pursuant to the Act, notice has been published in a newspaper of general circulation at least once a week for two consecutive weeks prior to first reading notifying the public of this proposed ordinance and of public hearings in the City Commission Auditorium located on the first floor of City Hall in the City of Gainesville; and

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.

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

Section 1. The City Commission finds that the Area described in Section 2 of this ordinance (“Area”) is reasonably compact and contiguous to the present corporate limits of the City of Gainesville and that no part of the Area is within the boundary of another municipality or outside of the county in which the City of Gainesville lies. The City Commission finds the Area to be within its reserve area and the annexation does not create an enclave.

Section 2. The following described Area is annexed and incorporated within the corporate limits of the City of Gainesville, Florida:

See legal description attached hereto as Exhibit “A” and made a part hereof as if set forth in full. The location of the Area is shown on Exhibit “B” for visual reference. In the event of conflict or inconsistency, Exhibit “A” shall prevail over Exhibit “B”.

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

Section 4. In accordance with Section 171.062, Florida Statutes, the Alachua County land use plan and zoning or subdivision regulations shall remain in full force and effect in the Area described in Section 2 of this ordinance until the City adopts a comprehensive plan amendment that includes the annexed area. Prior to the City's adoption of a comprehensive plan amendment that includes the annexed area, the City may rezone properties in the annexed area to an Alachua County zoning category that conforms with the Alachua County Comprehensive Plan. The City of Gainesville shall have jurisdiction to enforce the Alachua County land use plan and zoning or subdivision regulations through the City of 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 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, 2014, 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, 2014.

(b) All persons who are, as of the effective date of this ordinance, lawfully engaged in any construction trade, occupation, or business within the Area described in Section 2 of this ordinance and who possess a valid certificate of competency issued by Alachua County shall have the right to continue the construction trade, occupation, or business within the entire corporate limits of the City of Gainesville, including the Area, subject to the terms, conditions, and limitations imposed on the certificate by Alachua County, and provided that such persons register 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. of the effective date of this ordinance.


Section 6. The Clerk of the Commission is directed to submit a certified copy of this ordinance to: 1) the Florida Department of State; and 2) the Clerk of the Circuit Court of the Eighth Judicial Circuit in and for Alachua County, Florida.

Section 7. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.


Section 8. All other ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 9. This ordinance shall become effective immediately upon adoption.


PASSED AND ADOPTED this 16th day of April, 2015.


EDWARD B. BRADDY
MAYOR

Attest:


KURT LANNON
CLERK OF THE COMMISSION

Approved as to form and legality:


NICOLLE M. SHALLEY
CITY ATTORNEY

This ordinance passed on first reading this 2nd day of April, 2015.

This ordinance passed on second reading this 16th day of April, 2015.



PAYNES PRAIRIE SHEETFLOW RESTORATION PROJECT
LEGAL DESCRIPTIONS PROVIDED BY TERRENCE BRANNAN LAND SURVEYOR, INC.

LAND DESCRIPTION FOR CITY OF GAINESVILLE ANNEXATION AREA:

A PARCEL OF LAND LOCATED IN THE D.L. CLINCH GRANT, TOWNSHIP 10 SOUTH, RANGE 20 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE D.L. CLINCH GRANT, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, AND BEING THE POINT OF BEGINNING; THENCE NORTH 84°05'09" WEST, ALONG THE SOUTH LINE OF THE D.L. CLINCH GRANT AND ALONG THE SOUTH LINE OF THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 848, PAGE 238 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, A DISTANCE OF 2480.58 FEET TO A FOUND RAIL ROAD RAIL MARKING THE SOUTHWEST CORNER OF SAID PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 848, PAGE 238; THENCE NORTH 84°03'27" WEST, A DISTANCE OF 14.85 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE INTERSECTION WITH THE SOUTHEASTERLY LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3442, PAGE 1090; THENCE NORTH 63°16'54" EAST, ALONG SAID SOUTHEASTERLY LINE, A DISTANCE OF 230.15 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWEST, SAID CURVE HAVING A RADIUS OF 5701.88 FEET, A CENTRAL ANGLE OF 12°31'39" AND A CHORD BEARING AND DISTANCE OF NORTH 57°04'16" EAST, 1244.21 FEET; THENCE ALONG THE ARC OF SAID CURVE A DISTANCE OF 1246.69 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE NORTH 26°41'47" WEST, A DISTANCE OF 58.25 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING A POINT ON A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 118.00 FEET, A DELTA OF 42°28'35", AND A CHORD BEARING AND DISTANCE OF NORTH 50°59'40" WEST, 85.49 FEET; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 87.48 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE POINT ON A CURVE CONCAVE TO THE NORTHEAST WITH A RADIUS OF 130.65 FEET, A DELTA OF 28°51'48", AND A CHORD BEARING AND DISTANCE OF NORTH 63°49'55" WEST, 65.12 FEET; THENCE ALONG THE ARC OF SAID CURVE, 65.82 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE POINT ON A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 33.64 FEET, A DELTA OF 40°43'00", AND A CHORD BEARING AND DISTANCE OF NORTH 81°20'39" WEST, 23.40 FEET; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 23.90 FEET TO A SET 5/8" REBAR & CAP (#3524) ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD No. S-331 AND 24; THENCE NORTH 55°21'48" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 257.63 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE POINT ON A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 2924.79 FEET, A DELTA OF 20°25'35", AND A CHORD BEARING AND DISTANCE OF NORTH 45°06'50" EAST, 1037.20 FEET; THENCE ALONG THE ARC OF SAID CURVE, 1042.71 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 55°05'40" EAST A DISTANCE OF 60.06 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE POINT ON A CURVE CONCAVE TO THE NORTHWEST WITH A RADIUS OF 2924.79 FEET, A DELTA OF 10°53'18", AND A CHORD BEARING AND DISTANCE OF SOUTH 40°26'09" WEST, 554.99 FEET; THENCE ALONG



THE ARC OF SAID CURVE, 555.82 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE SOUTH 44°39'59" EAST, A DISTANCE OF 103.13 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE INTERSECTION WITH THE EASTERLY LINE OF A 150 FOOT WIDE ELECTRICAL TRANSMISSION LINE EASEMENT AS PER OFFICIAL RECORDS BOOK 824, PAGE 28; THENCE SOUTH 47°10'02" WEST, ALONG SAID EASTERLY LINE, A DISTANCE OF 174.19 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE, LEAVING SAID EASTERLY LINE, SOUTH 43°46'29" WEST, A DISTANCE OF 56.15 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE INTERSECTION WITH THE SOUTH LINE OF THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3442, PAGE 1090; THENCE NORTH 79°07'18" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 198.07 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE, LEAVING SAID SOUTH LINE, SOUTH 16°51'25" EAST, A DISTANCE OF 80.74 FEET TO A SET 5/8" REBAR & CAP (#3524) MARKING THE INTERSECTION WITH THE NORTH LINE OF PARCEL 1A AS DESCRIBED IN OFFICIAL RECORDS BOOK 932, PAGE 380; THENCE SOUTH 73°08'35" WEST, ALONG SAID NORTH LINE OF PARCEL 1A, A DISTANCE OF 374.09 FEET TO A FOUND 4"x4" CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF SAID PARCEL 1A; THENCE SOUTH 49°29'10" WEST, ALONG THE WEST LINE OF SAID PARCEL 1A, A DISTANCE OF 217.62 FEET TO A FOUND 4"x4" CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 848, PAGE 238 AND MARKING THE INTERSECTION WITH THE EAST LINE OF SAID 150 FOOT WIDE ELECTRICAL TRANSMISSION EASEMENT AS PER OFFICIAL RECORDS BOOK 824, PAGE 28; THENCE SOUTH 32°37'46" WEST, ALONG SAID EAST LINE, A DISTANCE OF 620.04 FEET TO A FOUND 4"x4" CONCRETE MONUMENT; THENCE, LEAVING SAID EAST LINE, NORTH 82°09'01" EAST, A DISTANCE OF 1517.96 FEET TO A FOUND 4"x4" CONCRETE MONUMENT; THENCE NORTH 18°07'33" EAST, A DISTANCE OF 557.54 FEET TO A FOUND 4"x4" CONCRETE MONUMENT; THENCE NORTH 33°20'23" EAST, A DISTANCE OF 293.39 FEET TO A FOUND 4"x4" CONCRETE MONUMENT; THENCE SOUTH 56°41'40" EAST, A DISTANCE OF 99.96 FEET TO A FOUND 4"x4" CONCRETE MONUMENT; THENCE SOUTH 33°18'24" WEST, A DISTANCE OF 280.28 FEET TO A SET 5/8" REBAR & CAP (#3524); THENCE SOUTH 18°10'12" WEST, A DISTANCE OF 555.25 FEET TO A FOUND 4"x4" CONCRETE MONUMENT; THENCE SOUTH 00°40'03" WEST, A DISTANCE OF 719.00 FEET TO A FOUND 4"x4" CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 848, PAGE 238; THENCE NORTH 89°20'32" WEST, A DISTANCE OF 82.29 FEET TO THE POINT OF BEGINNING.
CONTAINING ±36.00 ACRES, MORE OR LESS.

LAND DESCRIPTION FOR STATE OF FLORIDA ANNEXATION AREA:

BEGINNING AT THE SOUTHEAST CORNER OF THE D.L. CLINCH GRANT, TOWNSHIP 10 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA; THENCE SOUTH 89°20'27" EAST, A DISTANCE OF 82.29 FEET TO A FOUND CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF THAT CITY OF GAINESVILLE PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 848, PAGE 238; THENCE NORTH 00°38'19" EAST, ALONG THE EAST LINE OF SAID PARCEL, A DISTANCE OF 718.99 FEET TO A POINT; THENCE NORTH 18°12'12" EAST, A DISTANCE OF 555.37 FEET TO A POINT; THENCE NORTH 33°17'10" EAST, A DISTANCE OF 280.08 FEET TO A POINT; THENCE NORTH 56°42'50" WEST, A DISTANCE OF 100.00 FEET TO A POINT; THENCE SOUTH 33°17'10" WEST, A



DISTANCE OF 293.41 FEET TO A POINT; THENCE SOUTH 18°05'52" WEST, A DISTANCE OF 557.47 FEET TO A POINT; THENCE SOUTH 82°09'45" WEST, A DISTANCE OF 1518.15 FEET TO A FOUND CONCRETE MONUMENT; THENCE NORTH 32°34'32" EAST, A DISTANCE OF 620.01 FEET TO THE NORTHWEST CORNER OF THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 848, PAGE 238, AND THE INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF OLD T & J RAILROAD; THENCE NORTH 49°29'10" EAST ALONG SAID LINE, A DISTANCE OF 217.62 FEET TO A FOUND CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF PARCEL 1A AS DESCRIBED IN OFFICIAL RECORDS BOOK 932, PAGE 380; THENCE LEAVING SAID T & J RAILROAD LINE NORTH 73°08'35" EAST, ALONG THE NORTH LINE OF SAID PARCEL 1A, A DISTANCE OF 1145.09 FEET TO A FOUND CONCRETE MONUMENT; THENCE, LEAVING SAID NORTH LINE OF PARCEL 1A, NORTH 03°14'27" EAST, ALONG THE EAST LINE OF THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3442, PAGE 1090, A DISTANCE OF 179.86 FEET TO A POINT; THENCE, LEAVING SAID EAST LINE, NORTH 57°35'59" EAST, A DISTANCE OF 276.17 FEET TO A POINT; THENCE NORTH 42°51'59" EAST, A DISTANCE OF 280.13 FEET TO A POINT; THENCE NORTH 38°14'58" EAST, A DISTANCE OF 602.53 FEET TO A POINT; THENCE NORTH 56°03'11" EAST, A DISTANCE OF 645.89 FEET TO A POINT; THENCE NORTH 35°20'49" EAST, A DISTANCE OF 237.93 FEET TO A POINT; THENCE NORTH 65°27'13" EAST, A DISTANCE OF 88.05 FEET TO A POINT ON THE NORTH LINE OF THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 932, PAGE 384; THENCE SOUTH 85°23'27" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 169.72 FEET TO A POINT; THENCE, LEAVING SAID NORTH LINE, SOUTH 54°28'56" WEST, A DISTANCE OF 203.31 FEET TO A POINT; THENCE SOUTH 33°10'05" WEST, A DISTANCE OF 172.42 FEET TO A POINT; THENCE SOUTH 58°02'29" WEST, A DISTANCE OF 710.37 FEET TO A POINT; THENCE SOUTH 37°12'37" WEST, A DISTANCE OF 545.69 FEET TO A POINT; THENCE SOUTH 30°13'40" EAST, A DISTANCE OF 652.71 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 932, PAGE 384; THENCE SOUTH 86°28'46" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 218.07 FEET TO A POINT; THENCE, LEAVING SAID SOUTH LINE, SOUTH 41°48'36" EAST, A DISTANCE OF 367.13 FEET TO A POINT; THENCE SOUTH 72°32'01" EAST, A DISTANCE OF 298.54 FEET TO A POINT; THENCE SOUTH 68°49'22" EAST, A DISTANCE OF 994.39 FEET TO A POINT; THENCE SOUTH 65°55'47" EAST, A DISTANCE OF 1201.44 FEET TO A POINT; THENCE SOUTH 16°22'33" EAST, A DISTANCE OF 907.31 FEET TO A POINT; THENCE SOUTH 01°37'24" EAST, A DISTANCE OF 359.66 FEET TO POINT; THENCE SOUTH 87°25'03" WEST, A DISTANCE OF 987.18 FEET TO A POINT; THENCE NORTH 86°00'58" WEST, A DISTANCE OF 659.82 FEET TO A POINT; THENCE NORTH 80°14'21" WEST, A DISTANCE OF 884.89 FEET TO A POINT; THENCE NORTH 83°23'39" WEST, A DISTANCE OF 908.93 FEET TO A POINT; THENCE SOUTH 82°45'26" WEST, A DISTANCE OF 679.28 FEET TO A POINT; THENCE NORTH 73°10'19" WEST, A DISTANCE OF 1424.29 FEET TO A POINT; THENCE NORTH 88°25'14" WEST, A DISTANCE OF 424.34 FEET TO A POINT; THENCE NORTH 05°51'33" EAST, A DISTANCE OF 559.23 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 848, PAGE 238; THENCE, ALONG THE SOUTH LINE OF SAID PARCEL, SOUTH 84°04'42" EAST, A DISTANCE OF 1839.44 FEET TO THE POINT OF BEGINNING. CONTAINING ±222.18 ACRES, MORE OR LESS.

**Figure 1 - Paynes Prairie Sheetflow Restoration Project
Proposed Annexation Area**

