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**ORDINANCE NO. 2023-35**

AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, ANNEXING CERTAIN PORTIONS OF UNINCORPORATED ALACHUA COUNTY THAT INCLUDES PARCEL NOS. 02579-005-000, 02579-006-000 AND 02579-007-000, AS MORE SPECIFICALLY DESCRIBED IN THIS ORDINANCE, AS PETITIONED FOR BY THE PROPERTY OWNERS PURSUANT TO SECTION 171.044, FLORIDA STATUTES; MAKING CERTAIN FINDINGS; PROVIDING FOR LAND USE, ZONING, AND LAND DEVELOPMENT REGULATIONS, AND ENFORCEMENT OF THE SAME; PROVIDING DIRECTIONS TO THE CLERK OF THE COMMISSION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

**WHEREAS,** Chapter 171, Florida Statutes provides the exclusive method of municipal annexation; and

**WHEREAS,** the City of Newberry has determined the areas to be annexed have met all the requirements of Chapter 171, Florida Statutes, including being contiguous to the City of Newberry and are reasonably compact; and

**WHEREAS,** the City of Newberry has determined it is able to provide certain essential services for the subject properties; and

**WHEREAS,** the City of Newberry has determined that the owners of the subject properties have executed a petition for voluntary annexation; and

**WHEREAS**, pursuant to the provisions of Section 171.044, Florida Statutes, Notice of this annexation has been provided to the Alachua County Board of County Commissioners, and published once a week for two (2) consecutive weeks in the Alachua County Today, a newspaper of general circulation in Alachua County, notifying the public of the proposed Ordinance and of the public hearings to be held; and

**WHEREAS**, the property owners listed in Section 1 below, having an ownership interest in all of the property hereinafter described and the same having voluntarily requested the City Limits of the City of Newberry be extended so as to include the land described in Section 1 and within the map hereinafter known as **EXHIBIT A** and attached hereto; and

**WHEREAS,** it is in the best interest of the public health, safety, and welfare of the citizens of the City of Newberry for the City Commission to annex the real property described in this Ordinance into the municipal boundaries of the City of Newberry.

**NOW THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF NEWBERRY, FLORIDA, as follows:**

**Section 1.** Pursuant to Florida Statutes, the Corporate Limits of the City of Newberry are hereby extended to include lands lying contiguous to the present corporate limits of the City of Newberry, in Alachua County, Florida, described below and shown on Exhibit A, as attached hereto and made a part hereof:

**Properties Included**

The following properties have been submitted to the city for annexation and has been found acceptable with regards to Section 171.044, Florida Statutes.

**Three (3) Tax Parcels totaling ±29 acres**

**1. Tax Parcel No.: 02579-005-000; ±20.00 acres**

Legal Description:

A portion of Alachua County Tax Parcel 2579-000-000 described as:

A parcel of land lying in the West 1/2 of the Northwest 1/4 of Section 17, Township 10 South, Range 17 East, Alachua County, Florida, being more particularly described as follows:

Commence at a concrete monument marking the Southeast corner of the West 1/2 of the Northwest 1/4 of Section 17, Township 10 South, Range 17 East, for the Point of Beginning and thence run S 87°45'06" W, along the South line of the West 1/2 of the Northwest 1/4 of said Section 17, a distance of 667.37 feet to an iron rod; thence run N 00°42'41" W, a distance of 727.61 feet to an iron rod; thence run S 85°15'49" W, a distance af 617.39 feet to an iron rod on the East right-of-way line of County Road No. C-337 {100.00' right-of-way); thence run N 00°36'43" W, along the East right-of-way line of County Road No. C-337, a distance of 40.10 feet to an iron rod; thence departing from said right-of-way line, run N 85°15'49" E, a distance of 697.66 feet to an iron rod; thence run N 00°42'41" W, a distance of 403.57 feet to an iron rod; thence run N 87°37'27" E, o distance of 55.78feet to an iron rod; thence run N 00°42'41" W, a distance of 182.00feet to an iron rod; thence run N 87°37'27" E, a distance of 529.00 feet to an iron rod on the East line of the West 1/2 of the Northwest 1/4 of said Section 17; thence run S 00°48'53" E, along the East line of the West 1/2 of the Northwest 1/4 of said Section 17, a distance of 1358.01 feet to the Point of Beginning.

Containing 20.00 acres more or less.

**2. Tax Parcel No. 02579-006-000, ±6.67 acres**

Legal Description:

A parcel of land lying in the West 1/2 of the Northwest 1/4 of Section 17, Township 10 South, Range 17 East, Alachua County, Florida, being more particularly described as follows:

Commence at a concrete monument marking the Southeast corner of the West 1/2 of the Northwest 1/4 of Section 17, Township 10 South, Range 17 East, for a Point of Reference and thence run S 87°45'06" W, along the South line of the West 1/2 of the Northwest 1/4 of said Section 17, a distance of 667.37 feet to an iron rod; thence run N 00°42'41" W, a distance of 727.61 feet to an iron rod; thence run S 85°15'49" W, a distance of 617.39 feet to an Iron rod on the East right-of-way line of County Road No. C-337 (100.00" right-of-way); thence run N 00°36'43" W, along the East right-of-way line of County Road No. C-337, a distance of 40.10 feet to an Iron rod and for the Point of Beginning; thence departing from said right-of-way line, run N 85°15'49" E, a distance of 697.66 feet to an iron rod; thence run N 00°42'41" W, a distance of 403.57 feet to an iron rod; thence run S 87°37'27" W, a distance of

695.48 feet to an iron rod on the East right-of-way line of County Road No. C-337 (100.00' right-of-way); thence run S 00°36'43" E, along the East right-of-way line of County Road No. C-337, a distance of 432.34 feet to the Point of Beginning.

Containing 6.67 acres more or less.

**3. Tax Parcel 02579-007-000; ±2.35 acres**

Legal Description:

A parcel of land lying in the West 1/2 of the Northwest 1/4 of Section 17, Township 10 South, Range 17 East, Alachua County, Florida, being more particularly described as follows:

Commence at a concrete monument marking the Southeast corner of the West 1/2 of the Northwest 114 of Section 17, Township JO South, Range 17 East,for a Point of Reference and thence run S 87°45'06" W, along the South line of the West 112 of the Northwest 1/4 of said Section 17, a distance of667.37 feet to an iron rod; thence run N 00°42'41" W, a distance of 727.61 feet to an iron rod; thence run S 85°15'49" W, a distance of 617.39 feet to an iron rod on the East right-of-way line of County Road No. C-337 (100.00' right-of-way); thence run N 00°36'43" W, along the East right-of-way line of County Road No. C-337, a distance of 472.44 feet to an iron rod and for the Point of Beginning; thence continue N 00°36'43" W, along the East right-of-way line of County Road No. C-337, a distance of 128.30 feet to an iron rod; thence departing from said right-of-way line, run N 85°34'35" E, a distance of 471.39 feet to an iron rod; thence run S 00°42'41" E, a distance of90.00 feet to an iron rod; thence run N 85°34'35" E, a distance of 97.00 feet to an iron rod; thence run N 00°42'41" W, a distance of 90.00 feet to an iron rod; thence run N 63°07'58" E, a distance of 51.57 feet to an iron rod; thence run N 00°42'41" W, a distance of 12.00 feet to an iron rod, said point being the Southwest corner of that certain parcel of land recorded in Official Records Book 2578, Page 1027, Public Records of Alachua County, Florida; thence run N 87°37'27" E, along the South line of said parcel, a distance of 137.30 feet to an iron rod; thence run S 00°42'41" E, a distance of 182.00feet to an iron rod; thence run S 87°37'27" W, a distance of

751.26 feet to the Point of Beginning.

Containing 2.35 acres, more or less.

**Section 2.** All laws, ordinances, rules, and regulations of the City of Newberry of general application throughout the existing boundaries and Corporate Limits shall also apply throughout the boundaries and Corporate Limits of said City as extended by this Ordinance.

**Section 3.** Until the City of Newberry shall exercise its zoning powers over territories annexed by this Ordinance, all of the valid and current effective zoning regulations, restrictions, and maps heretofore adopted by the Board of County Commissioners of Alachua County, Florida, shall continue in full force and effect throughout the said territory being annexed and shall be enforced by the City of Newberry.

**Section 4.** If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**Section 5.** Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 6.** Effective Date. This ordinance shall become effective upon adoption.

**Section 7.** Authority. This Ordinance is adopted pursuant to the authority granted by Section 166.021 and Section 171.044, Florida Statutes.

DONE THE FIRST READING, by the City Commission of the City of Newberry, Florida, at a regular meeting, this 27th day of \_November\_, 2023.

DONE THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Newberry, Florida, by the City Clerk of the City of Newberry, Florida on the \_16th\_ day of \_\_\_November\_\_, 2023; the\_23rd\_ day of \_\_\_November\_\_\_, 2023; and the \_\_30th\_\_\_ day of \_\_November\_\_, 2023.

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DONE THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Newberry, Florida, at a regular meeting, this 11th day of December , 2023.

BY THE MAYOR OF THE CITY OF NEWBERRY, FLORIDA

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Honorable Jordan Marlowe, Mayor

ATTEST, BY THE CLERK OF THE

CITY COMMISSION OF THE CITY OF

NEWBERRY, FLORIDA:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judy S. Rice, City Clerk

APPROVED AS TO FORM AND

LEGALITY:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Attorney’s Office

**EXHIBIT A**

**Tax Parcel Nos. 1 through 3:**  **02579-005-000, 02579-006-000, and 02579-007-000**

**A map of a city

Description automatically generated**