FIRST READING!! FOR ATTORNEY ONLY, DO NOT SIGN!

**ORDINANCE NO. 2025-22**

Annexation 39

**AN ORDINANCE OF THE CITY OF NEWBERRY, FLORIDA, ANNEXING CERTAIN PORTIONS OF UNINCORPORATED ALACHUA COUNTY THAT INCLUDES PARCEL NO.** **04377-011-000, AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE, AS PETITIONED FOR BY THE PROPERTY OWNER 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 SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN 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:

**Property 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.

**One Tax Parcel No.:** 04377-011-000; **±22.87 acres**

Legal Description:

THAT PART OF SOUTHWEST ¼ OF SECTION 5, TOWNSHIP 10 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 5 FOR A POINT OF REFERENCE; THENCE NORTH 01 DEG. 42 MIN. 10 SEC. WEST ALONG WEST LINE OF SAID SECTION 5, A DISTANCE OF 1323.48 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ AND THE POINT OF BEGINNING; THENCE NORTH 89 DEG. 20 MIN. 08 SEC. EST ALONG NORTH LINE OF THE SOUTH ½ OF THE SAID SOUTHWEST 1/4 , A DISTANCE OF 1655.75 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE MURRY GASKINS TRACT, AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 1185, PAGE 68 OF THE PUBLIC RECORDS OF ALACHUA COUNTY; THENCE SOUTH 01 DEG. 17 MIN. 30 SEC. EAST ALONG THE SAID WEST LINE OF THE GASKINS TRACT, A DISTANCE OF 662.66 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH ½ OF THE SAID SOUTH ½ OF THE SOUTHWEST ½; THENCE SOUTH 89 DEG. 22 MIN. 51 SEC. WEST ALONG THE SAID SOUTH LINE OF THE NORTH ½ OF THE SOUTH ½ OF THE SOUTHWEST ¼, A DISTANCE OF 1231.02 FEET TO THE SOUTHEAST CORNER OF THE D.M. MCELROY TRACT, AS PER DESCRIPTION RECORDED IN OFFICIAL RECORD BOOK 1155, PAGE 843 OF THE SAID PUBLIC RECORDS; THENCE NORTH 01 DEG. 42 MIN. 10 SEC. WEST ALONG EAST BOUNDARY LINE OF THE SAID D.M. MCELROY TRACT AND BEING PARALLEL WITH THE SAID WEST SECTION LINE; A DISTANCE OF 210.0 FEET TO THE NORTHEAST CORNER OF THE SAID D.M. MCELROY TRACT; THENCE SOUTH 89 DEG. 22 MIN. 51 SEC. WEST ALONG THE NORTH BOUNDARY LINE OF THE SAID D.. MCELROY TRACT AND BEING PARALLEL WITH THE SAID SOUTH LINE OF THE BORTH ½ OF THE SOUTH ½ OF THE SOUTHWEST ¼, A DISTANCE OF 420.0 FEET TO THE NORTHWEST CORNER OF THE SAID D.M. MCELROY TRACT AT AN INTERSECTION WITH THE SAID WEST LINE OF SECTION 5; THENCE NORTH 01 DEG. 42 MIN. 10 SEC. WEST ALONG THE SAID WEST SECTION LINE, A DISTANCE OF 451.67 FEET TO THE SAID NORTHWEST CORNER OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ AND THE SAID POINT OF BEGINNING. CONTAINING 23.135 ACRES MORE OR LESS.

LESS AND EXCEPT, THE RIGHT OF WAY COUNTY ROAD NO. SW-15.

Owner: Danny M. & Tambre H. McElroy

Mailing: 1131 SW 186th St., Newberry, FL 32669

**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 28 day of July, 2025.

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 this 10 day of July, 2025; and 17 day of July, 2025.

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 11 day of August, 2025.

BY THE MAYOR OF THE CITY OF NEWBERRY, FLORIDA

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Honorable Timothy R. Marden, 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

Attachments (#): Exhibit A – Annexation Map

**EXHIBIT A**

**ANNEXATION MAP**

