

ORDINANCE 19-24

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, AMENDING CHAPTER 38 OF THE CITY'S CODE OF ORDINANCES, ARTICLE VI. INFRASTRUCTURE IMPROVEMENT AREAS; PROVIDING FOR THE CREATION AND DESIGNATION OF THE ALACHUA EAST WATER INFRASTRUCTURE IMPROVEMENT AREA; PROVIDING FOR THE USE OF MASTER PLAN FOR THIS INFRASTRUCTURE IMPROVEMENT AREA; PROVIDING FOR THE PAYMENT FOR THE IMPROVEMENTS; ESTABLISHING CHARGES FOR THE USERS OF THE IMPROVEMENTS; PROVIDING FOR CODIFICATION OF THIS AMENDMENT IN THE CITY'S CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of Alachua (the "City") provides water service to many residents of the City;

WHEREAS, the City desires economic development and economic growth to occur within the City in an organized, planned and cost-effective manner in order to provide the best quality of life for the residents of the City;

WHEREAS, providing efficient water services throughout the City is an integral part of the City's delivery of utility services to its citizens;

WHEREAS, there is a need in certain areas of the City for the expansion of water infrastructure for providing delivery of potable water utility services for drinking and other public services such as fire protection;

WHEREAS, utilization of master plans for the expansion of water lines and related infrastructure will provide for the most effective and cost-efficient method for the expansion of these public services;

WHEREAS, the use of master plans for the expansion of water utility infrastructure will also provide relief to some existing infrastructure resulting in improving the efficiency of the overall systems and increasing the useful life of some existing infrastructure;

WHEREAS, this Ordinance amends Chapter 38 of the Code, Article VI. Infrastructure Improvement Areas, as set forth in attached Exhibit "A", providing for the creation and designation of the Alachua East Water Infrastructure Improvement Area;

WHEREAS, the City finds it to be within its police powers to establish regulations for infrastructure improvement areas to ensure the protection of the health, safety, and welfare of the general public;

WHEREAS, the City advertised public hearings to be held before the City Commission on April 22, 2019, and on May 13, 2019; and

WHEREAS, the City Commission has determined and found the Amendment in Exhibit "A" to be consistent with the City's Comprehensive Plan; and

WHEREAS, for reasons set forth in this Ordinance it is hereby adopted and incorporated as Findings of Fact, that the Alachua City Commission finds and declares that the enactment of the Amendment in Exhibit "A" is

in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare;

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

Section 1. Interpretation of Recitals

The above recitals are true and correct and incorporated in this Ordinance.

Section 2. Findings of Fact

The City Commission finds that it is feasible and beneficial for economic development to occur in an organized, planned and cost-effective manner in allowing the creation of the Alachua East Water Infrastructure Improvement Area, as there is an opportunity for master planning the infrastructure in this Area, which will also support development that will contribute toward the funding of the Area.

Section 3. Conclusions of Law

The authority for the enactment of this Ordinance is Chapter 163, Part I, Florida Statutes; Sections 166.021 and 166.041; and the City's Comprehensive Plan.

Section 4. Amendment to the City Code of Ordinances

The proposed Amendment to the City Code of Ordinances in attached Exhibit "A" is incorporated herein by reference.

Section 5. Codification of and Correction of Scrivener's Errors

The City Manager or designee, without public hearing, is authorized to correct any typographical errors which do not affect the intent of this Ordinance. A corrected copy shall be posted in the public record.

Section 6. Ordinance to be Construed Liberally

This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of the City of Alachua, Florida.

Section 7. Repealing Clause

All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 8. Severability

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this Ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this Ordinance, and the remainder of the Ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 9. Effective Date

This Ordinance shall take effect immediately upon its adoption by the City Commission, provided, however, it shall not apply to residential establishments and non-residential establishments for which building permits have already been issued by the City.

Passed on First Reading the 22nd day of April, 2019.

PASSED and ADOPTED, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this **06th day of May, 2019**.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor
SEAL

ATTEST:

APPROVED AS TO FORM

Adam Boukari, City Manager/Clerk

Marian B. Rush, City Attorney