

RESOLUTION NO. \_\_\_\_\_ - \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA APPROVING THE DEDICATION OF PARCEL OF PROPERTY CONTAINING A DRA IN MARION OAKS UNIT NINE PURSUANT TO SECTION 95.361(2), FLORIDA STATUTES, AND AUTHORIZING THE RECORDING OF A MAINTENANCE MAP IN CONNECTION THEREWITH.**

**WHEREAS,**

- A. Section 95.361(2), Florida Statutes (2024), provides that roads not constructed by the County that have been regularly maintained or repaired for the immediate past seven (7) years by the County shall be deemed to be dedicated to the public to the extent of the width that actually has been maintained or repaired for the prescribed period; and
- B. The filing of a map in the office of the Clerk of the Circuit Court for Marion County showing the lands maintained and duly certified by the Chair and Clerk of the Board of County Commissioners for Marion County provides prima facie evidence of ownership by the County; and
- C. As set forth below, the County has continuously maintained the real property (the "Property") described on the attached **Exhibit A**, including the drainage retention area ("the DRA") located therein, for more than the immediate past seven (7) years.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, THAT:**

Section 1. RECITALS. The above recitals are hereby incorporated as a basis for the passage of this Resolution.

Section 2. FINDINGS. The Board of County Commissioners of Marion County, Florida, after due consideration, makes the following findings:

- 1. The County has continuously maintained the Property for more than the immediate past seven (7) years.
- 2. The extent of such maintenance has been for the entire Property as described in the attached **Exhibit A**.
- 3. No person, firm, corporation or entity having or claiming any interest in the Property filed a claim pursuant to Section 95.361(4) within one (1) year after the effective date of Section 95.361 or within seven (7) years after the initial date of maintenance of the Property by County.

Section 3. APPROVAL. The Board of County Commissioners of Marion County, Florida, does hereby declare that the Property described on the attached **Exhibit A** has been dedicated to the County pursuant to Section 95.361(2), Florida Statutes. Therefore, the County is vested with all rights, title, easement and appurtenances in and to such Property.

1. The County Engineer is authorized to prepare and file a map pursuant to Section 95.361(3), Florida Statutes and the Chair of the Board of County Commissioners and Clerk of the Court of Marion County are hereby authorize to certify such map.
2. Such map shall serve as prima facie evidence of ownership of the property by the County but the dedication of the property to the County shall be effective upon the date of this Resolution regardless of whether the map is recorded.

Section 4. SEVERABILITY. The provisions of this Resolution are severable. If any word, sentence, clause, phrase or provision of this Resolution for any reason is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this Resolution shall remain in full force and effect.

Section 5. CONFLICT. All Resolutions in conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.

Section 6. EFFECTIVE DATE. That this Resolution shall take effect immediately upon passage.

DULY ADOPTED by the Board of County Commissioners of Marion County, Florida, on the \_\_\_\_ day of \_\_\_\_\_, 2024.

**COUNTY**

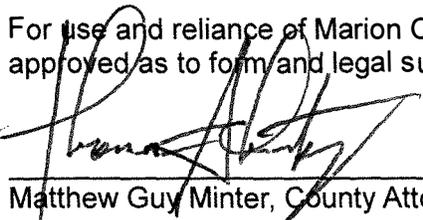
MARION COUNTY, FLORIDA, a political subdivision of the State of Florida, by its Board of County Commissioners

By: \_\_\_\_\_  
Kathy Bryant as Chairman

ATTEST:

\_\_\_\_\_  
Gregory C. Harrell, Clerk of Court and Comptroller

For use and reliance of Marion County only, approved as to form and legal sufficiency:

*for:*   
\_\_\_\_\_  
Matthew Guy Minter, County Attorney

## EXHIBIT A

Marion County Tax Parcel ID No.: 8009-1277+13

The unnumbered tract designated as *D.R.A.* and located between Lots 13 and 14 of Block 1278 of Marion Oaks Unit Nine as recorded in Plat Book O, Page 164, Public Records of Marion County, Florida.

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