

# **REVISION**

## **Consent – Attorney**

### **Item 7.1.1. SUBJECT: Request Approval of a Resolution Authorizing Acquisition of Real Property Interests by Gift, Purchase, or Eminent Domain for the NW 49th Street Phase 3 Road Improvement Project in Marion County, Florida**

This revision is being made to remove parcel number 55 from the resolution and update the cover page accordingly. The Description/Background was revised to reference the previous resolution and correct number of parcels for the new resolution. The Budget Impact was revised to reflect the reduced number of parcels and appraisal total.



# Marion County

## Board of County Commissioners

### Agenda Item

**File No.:** 2025-21487

**Agenda Date:** 12/16/2025

**Agenda No.:** 7.1.1.

#### **SUBJECT:**

**Request Approval of a Resolution Authorizing Acquisition of Real Property Interests by Gift, Purchase, or Eminent Domain for the NW 49<sup>th</sup> Street Phase 3 Road Improvement Project in Marion County, Florida**

#### **INITIATOR:**

**Matthew G. Minter, County Attorney**

#### **DEPARTMENT:**

**County Attorney**

#### **DESCRIPTION/BACKGROUND:**

~~This resolution is presented for Board approval for the acquisition of interests in real properties as to which we have not yet been able to acquire by negotiations.~~ On November 18, 2025, the Board approved Resolution 25-R-491 for the acquisition of interests in real properties related to the NW 49<sup>th</sup> Street Phase 3 Road Improvement Project, specifically, the acquisition of seven (7) project parcels that are necessary for the project. This new Resolution presented includes an additional 10 project parcels that are necessary for the project, for which we have not yet been able to acquire by negotiations. The County is seeking to acquire the project parcels to construct road improvements related to the NW 49<sup>th</sup> Street Phase 3 Road Improvement Project, which will construct a new four-lane roadway beginning at the intersection of NW Hwy 225A and NW 44<sup>th</sup> Lane and continue east to the intersection of NW 49<sup>th</sup> Avenue and NW 49<sup>th</sup> Street. From there, the existing two-lane roadway will be widened to a four-lane roadway. The project will also install a 5-foot sidewalk and a 12-foot multi-use path alongside the roadway. The project will end just west of the intersection of NW 49<sup>th</sup> Street and NW 44<sup>th</sup> Avenue, where the Florida Department of Transportation is constructing a Diverging Diamond Interchange at Interstate 75 (I-75). In conjunction with FDOT's project, this project will accommodate current and future traffic growth in northern Marion County. The resolution provides for acquisition either by negotiation, based on binding offers from the County for up to 140% of the full compensation values determined by our appraiser, or eminent domain. If negotiations are unsuccessful, then the resolution authorizes proceeding with acquisition by eminent domain. Florida Statutes require the adoption of a resolution authorizing the acquisition of property by eminent domain, and this resolution will satisfy that requirement.

#### **BUDGET/IMPACT:**

Budget impact is currently indeterminate but is initially based on the County's appraisals. The amount for the ~~14~~ 10 acquisition parcels included in this resolution is a combined total of ~~\$844,900~~ \$814,000. If litigation is required, the final value determinations will be made by either a jury trial or a mediated settlement, and the County will be responsible for statutory attorney fees and expert costs.

#### **RECOMMENDED ACTION:**

Motion to approve and authorize the Chairman and the Clerk of Court to execute the Resolution.

RESOLUTION NO. 25-R-\_\_\_\_\_

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PURSUANT TO ARTICLE X, SECTION 6, FLORIDA CONSTITUTION, AND CHAPTERS 73, 74, 127, and 337 FLORIDA STATUTES (2025), AUTHORIZING APPROPRIATE OFFICERS OR AGENTS OF THE COUNTY TO ACQUIRE CERTAIN INTERESTS IN REAL PROPERTY BY GIFT, PURCHASE, OR COMMENCEMENT OF EMINENT DOMAIN PROCEEDINGS FOR THE NW 49<sup>TH</sup> STREET PHASE 3A ROAD IMPROVEMENT PROJECT IN MARION COUNTY, FLORIDA; MAKING FINDINGS OF FACT FOR PUBLIC PURPOSE AND NECESSITY; AND PROVIDING AN EFFECTIVE DATE.

**SEE the attached “SCHEDULE A” for descriptions of Project Parcels subject to this Resolution**

WHEREAS, Art. X, Sec. 6, Florida Constitution, provides general restrictions on the government’s exercise of its power of eminent domain, including, but not limited to, the provision that no private property shall be taken except for a public purpose and with full compensation therefore paid to each owner or secured by deposit in the registry of the court and available to the owner; and

WHEREAS, Section 127.01, Fla. Stat. (2025), subsection (1)(a) provides that each county of the state is delegated authority to exercise the right and power of eminent domain; that is, the right to appropriate property, except state or federal, for any county purpose; and

WHEREAS, Section 127.02, Fla. Stat. (2025) provides that the board of county commissioners may not exercise its power of eminent domain unless the board adopts a resolution authorizing the acquisition of a property, real or personal, by eminent domain for any county use or purpose designated in such resolution, subject to the limitations set forth in Sections 73.013 and 73.014, Fla. Stat. (2025); and

WHEREAS, Section 127.01, Fla. Stat. (2025), subsection (1)(b) further provides that each county is further authorized to exercise the eminent domain power granted to the Department of Transportation by Section 337.27(1), Fla. Stat. (2025), the transportation corridor protection provisions of Section 337.273, Fla. Stat. (2025) and the right of entry onto property pursuant to Section 337.274, Fla. Stat. (2025); and

WHEREAS, Section 337.27, Fla. Stat. (2025), subsection (1) grants the Department of Transportation the power of eminent domain to condemn all necessary lands and property, including rights of access, air, view, and light, whether public or private, for the purpose of securing and utilizing transportation rights-of-way, including, but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of a facility, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the State Highway System or State Park Road System; or in a transportation corridor designated by the department; or for the purpose of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities. The department shall also have the power to condemn any material and property for such purposes; and

WHEREAS, Section 337.273, Fla. Stat. (2025) provides in part at subsection (1)(c) that the designation and management of transportation corridors and the planning and development of transportation facilities within transportation corridors will substantially assist in allowing government to alleviate traffic congestion and transportation facility overcrowding, aid in the development of an effective transportation system that is coordinated with land use planning, assist in planning for future growth, enable compliance with concurrency requirements, and alleviate the heretofore described health, safety, and welfare liabilities to the public; and

WHEREAS, the Board of County Commissioners of Marion County (hereafter, "Board") is undertaking a project for the construction of roadway and related improvements for the NW 49<sup>TH</sup> STREET PHASE 3A ROAD IMPROVEMENT PROJECT in Marion County, Florida (hereafter, "**Project**"); and

WHEREAS, the **Project** is described in the Preliminary Engineering Report ("PER") originally prepared by Guerra Development Corporation and approved by the Marion County Board of County Commissioners on June 1, 2010, with a revision being approved on June 20, 2023, and has been listed on the approved Transportation Improvement Program adopted by Marion County; and

WHEREAS, the **Project** may include the undertaking or making some or all of the following improvements, construction or related activities: construction of new roads for vehicular traffic, reconfiguring intersections, bike lanes, sidewalks, drainage swales, embankments, driveways and culverts, drainage retention areas and other stormwater drainage or retention facilities, intersection improvements; landscaping; relocating or reconstruction of power and traffic signal poles and traffic signal equipment; and improved utilities,

WHEREAS, the Board has determined that it is in the best interests of the citizens of Marion County and for the safe and efficient movement of vehicular and pedestrian

traffic, to construct the **Project** in Marion County, Florida, without limitation, by performing, undertaking or making, some or all of the following improvements, construction of new roads for vehicular traffic, reconfiguring intersections, bike lanes, sidewalks, drainage swales, embankments, driveways and culverts, drainage retention areas and other stormwater drainage or retention facilities, intersection improvements; landscaping; relocating or reconstruction of power and traffic signal poles and traffic signal equipment; and improved utilities, and

WHEREAS, the Project will construct a new four-lane roadway segment with a 5-foot sidewalk and 12-foot multi-use path, beginning at the intersection of NW HWY 225A and NW 44th Lane and continuing east for approximately 11,075 feet to the intersection of NW 49th Avenue and NW 49th Street. From that intersection, the roadway will continue east for an additional 2,524 feet, widening the existing two-lane roadway to a four-lane roadway and installing a 5-foot sidewalk and 12-foot multi-use path. This portion of the project will end 144 feet west of the intersection of NW 49th Street and NW 44th Avenue, which is currently being redesigned by the Florida Department of Transportation.

WHEREAS, the Project will also widen NW HWY 225A from a two-lane roadway to a four-lane roadway and install a 5-foot sidewalk and 12-foot multi-use path beginning 1,100 feet south of the intersection of NW HWY 225A and NW 44th Lane, and continuing 871 feet north of this intersection. North of this point, the roadway will transition back to a two-lane roadway and continue for an additional 552 feet along NW HWY 225A.

WHEREAS, the County Engineer has caused to be designed the **Project**, compiled construction plans for the **Project**, and has surveyed and located its line of construction for the Project and determined the area and location of the **Project Parcels** necessary for final construction of the **Project** and to accommodate anticipated right-of-way requirements in the reasonably foreseeable future, and intends in good faith to construct the Project on or over those **Parcels**. The County has determined the necessity to acquire the property interests of Fee Simple Partial Right of Way and Temporary Construction Easements (hereinafter, "the property interests") from **The Project Parcels** described in **SCHEDULE A, Exhibit "A," and Exhibit "B,"** attached hereto and incorporated herein by reference, in order to construct the **Project** as designed; and

WHEREAS, the Board of County Commissioners, as part of its approval of the foregoing Preliminary Engineering Report, considered alternative designs and routes, cost, safety, environmental factors, and long-term area planning in concluding that the acquisition of the specific property interests identified herein is necessary and in the best interests of the public; and

WHEREAS, Section 337.274, Fla. Stat. (2025), provides that the Department of Transportation and its authorized agents and employees are authorized to enter upon any lands, waters, and premises, upon giving reasonable notice to the landowner, for the purpose of making surveys, soundings, drillings, appraisals, environmental assessments,

archeological assessments, and examinations necessary to perform its duties and functions; and any such entry shall not be deemed a trespass or an entry that would constitute a taking in an eminent domain proceeding. The department shall make reimbursement for any actual damages to such lands, water, and premises as a result of such activities; and

WHEREAS, Ch. 73, Fla. Stat. (2025) provides general substantive and procedural requirements and limitations on a county's exercise of the power of eminent domain; and

WHEREAS, Section 73.015, Fla. Stat. (2025), subsection (1), provides requirements for pre-suit negotiation with the fee owner of the property to be acquired by eminent domain; and

WHEREAS, Section 73.015, Fla. Stat. (2025), subsection (2) provides requirements for notification of business owners, including lessees, who operate a business located on the property to be acquired; and

WHEREAS, the County has thus far been unable to acquire the **Project Parcels** described herein by gift or purchase;

WHEREAS, construction of the **Project** will be impeded unless the **Project Parcels** are acquired by the County, and any delay in acquiring the Parcels and the resulting delay in the construction of the Project is not in the best interests of the County or its citizens; and

WHEREAS, Chapter 74, Fla. Stat. (2025) provides authority and procedures for counties to take possession and title of parcels or property interests acquired by eminent domain in advance of entry of final judgment; and

WHEREAS, the Board hereby finds and determines that all conditions precedent to acquiring the property interests described and identified in **SCHEDULE A, Exhibit "A,"** and **Composite Exhibit "B"** have been met by Marion County. Specifically, before approving the acquisition of the property interests described herein, the Board has considered and weighed, where applicable, factors of safety, benefits to the public, costs, availability of alternatives, long-range area planning and environmental factors, as well as any other relevant factors. The Board further finds that the required notifications to appropriate state and local agencies have been made. The Board further finds that all necessary governmental permits have been obtained or there is a reasonable probability that such permits will be obtained.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, as follows:

Section 1. **Adoption.** The Board hereby adopts the facts contained in the foregoing WHEREAS Clauses and the same are made a part of this Resolution.

Section 2. **Construction Plans.** The County has surveyed and located its line or area of construction, and developed construction plans reflecting the property interests to be acquired from the **Project Parcels** described in **SCHEDULE A, and Exhibit "A"** hereof required for the **Project**, which plans and maps have been reviewed by the Board and are approved for use (as they now exist or as hereafter updated, revised or corrected as set forth below), and such plans and maps may be filed with the Clerk of the Circuit Court in and for Marion County, Florida, together with a certified copy of this Resolution. For those **Project Parcels** designated as easements in **SCHEDULE A and Exhibit "A,"** it is necessary to acquire the corresponding type of easement rights under the terms and conditions set forth in **Composite Exhibit "B."** (The information, if any, in the attached **SCHEDULE A, and Exhibit "A"** as to the name of the property owners, the properties' tax identification numbers, and the legal descriptions of the property interests to be acquired from **the Project Parcels** is for information purposes only. Such information may be corrected or updated by the County Attorney or County Engineer, or his or her designee.

Section 3. **Public Purpose and Necessity.** The Board hereby finds and determines that the road improvement **Project** described herein is for a public purpose and the condemnation of the property interests to be acquired from **the Project Parcels** is necessary for the construction of such Project.

Section 4. **Description of Property.** The Board further authorizes the County Surveyor or Project surveyor and County Attorney to correct minor errors or scrivener's errors to the description of the property interests to be acquired from **the Project Parcels** if any, with regard to the condemnation proceeding authorized herein without further action of this Board.

Section 5. **Purchase of Property.** The Office of the County Engineer is authorized to acquire the property interests described in the **Project Parcels** by gift, purchase, or condemnation. In furtherance thereof, the Office of the County Engineer is authorized to make binding offers to the property owners or their respective representatives to acquire such property interests in an amount not to exceed 140% of the current full compensation appraised value of such interests including any severance damages as determined by the county's engaged real estate appraiser in an up-to date appraisal, and business damages, if any, without further authorization from the Board. Should the County purchase the property interest to be acquired from **the Project Parcels**, prior to the commencement of condemnation proceedings, or prior to acquiring title to said **Parcel** in the condemnation proceedings, the County Attorney is authorized to omit or dismiss said **Parcel** so acquired from the condemnation proceedings.

Section 6. The County, its officers, employees, and attorneys, are hereby authorized and directed, if necessary, to institute and prosecute such actions as may be

proper for the acquisition of the property interests in **the Project Parcels** by eminent domain proceedings pursuant to Chapters 73 and 74, Florida Statutes.

Section 7. **Authority of County Engineer Regarding Construction Plans.** The County Engineer or her designee is authorized to have the construction plans updated, revised or corrected, and to utilize such plans in the condemnation action, including binding the Board to said plans, updates, revisions or corrections, without further action of the Board.

Section 8. **Interest to Be Acquired.** Pursuant to Section 127.01, Fla. Stat. (2025), subsection (1)(a), the fee simple absolute title to all property so taken and acquired shall vest in the county unless the County seeks to condemn a lesser particular right or estate in such property. For this Resolution, the Board hereby determines that the property interests to be acquired from **the Project Parcels** are Fee Simple Partial Right of Way and Temporary Construction Easements, and the Board authorizes the acquisition of such interests by the acquisition of said **Parcels**.

Section 9. **Acquisition in Advance of Final Judgment.** The Board hereby authorizes the County Attorney to take possession and title of the takings from **the Project Parcels** in advance of the entry of final judgment, including by filing a declaration of taking pursuant to Section 74.031, Florida Statutes. The County Attorney is further authorized to execute any motions for entry of stipulated orders of taking related to the **Project Parcels** with the concurrence of the County Engineer. The County Attorney is further authorized to enter into any settlement agreement, execute any motion for entry of stipulated final judgment and other necessary paperwork associated with a case settlement, provided that the total settlement amount, inclusive of any associated legal fees and costs and expert fees and costs, is within the confines of the approved **Project** budget and has approval of the County Engineer.

Section 10. **Directions to Clerk of Circuit Court.** The Clerk of the Circuit Court of Marion County, Florida, is directed to accept for deposit any and all funds delivered by the County with respect to the acquisition of the property interest from **the Project Parcels** and costs and expenses related thereto in the Registry of the Circuit Court for the Fifth Judicial Circuit in and for Marion County, Florida, as required by law in condemnation proceedings.

Section 11. **Severability.** If any one or more of the provisions of this Resolution should be held contrary to law or public policy, or should for any reason whatsoever be held invalid or unenforceable by a court of competent jurisdiction, then such provision or provisions shall be null and void and shall be deemed separate from the remaining provisions of this Resolution, which remaining provisions shall continue in full force and effect, provided that the remaining provisions can be given legal effect absent the invalid provisions.

Section 12. **Effective Date.** This Resolution shall take effect immediately upon adoption.

**DULY RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

BOARD OF COUNTY COMMISSIONERS  
MARION COUNTY, FLORIDA

\_\_\_\_\_  
CARL ZALAK, III, CHAIRMAN

ATTEST:

\_\_\_\_\_  
GREGORY C. HARRELL, CLERK

DRAFT

**SCHEDULE A**

**PROJECT PARCELS**

<b>Project Parcel #</b>	<b>Parcel ID</b>	<b>Owner(s)</b>	<b>Interest(s) to be acquired</b>
2	1369-1033006	Ocala Preserve Community Development District	Temporary Construction Easement
4	1369-0634004	Forestar USA Real Estate Group, Inc.	Fee Simple Right-of-Way Temporary Construction Easement
10	1369-0634003	Ocala Preserve Community Development District	Fee Simple Right-of-Way Temporary Construction Easement
22	13694-001-01	Ralph M. Hamp and Carol E. Hamp	Temporary Construction Easement
23	13694-001-02	Samuel Martin Christy and Evelyn A. Christy, as Trustees of the Christy Family Revocable Trust	Fee Simple Right-of-Way Temporary Construction Easement
25	13695-000-00	Doris E. Jackson and David L. Jackson, as Trustees of the Doris and David Jackson Revocable Trust UTD 07/13/2022	Fee Simple Right-of-Way
26	13696-002-00	Evelyn B. Kelly	Fee Simple Right-of-Way
27	13692-000-00	Evelyn B. Kelly	Fee Simple Right-of-Way
59	1369-1033007	Ocala Preserve Association, Inc.	Fee Simple Right-of-Way Temporary Construction Easement
59-A	1369-1033008	Ocala Preserve Association, Inc.	Fee Simple Right-of-Way

# EXHIBIT “A”

Legal Descriptions and Sketches  
of Project Parcels

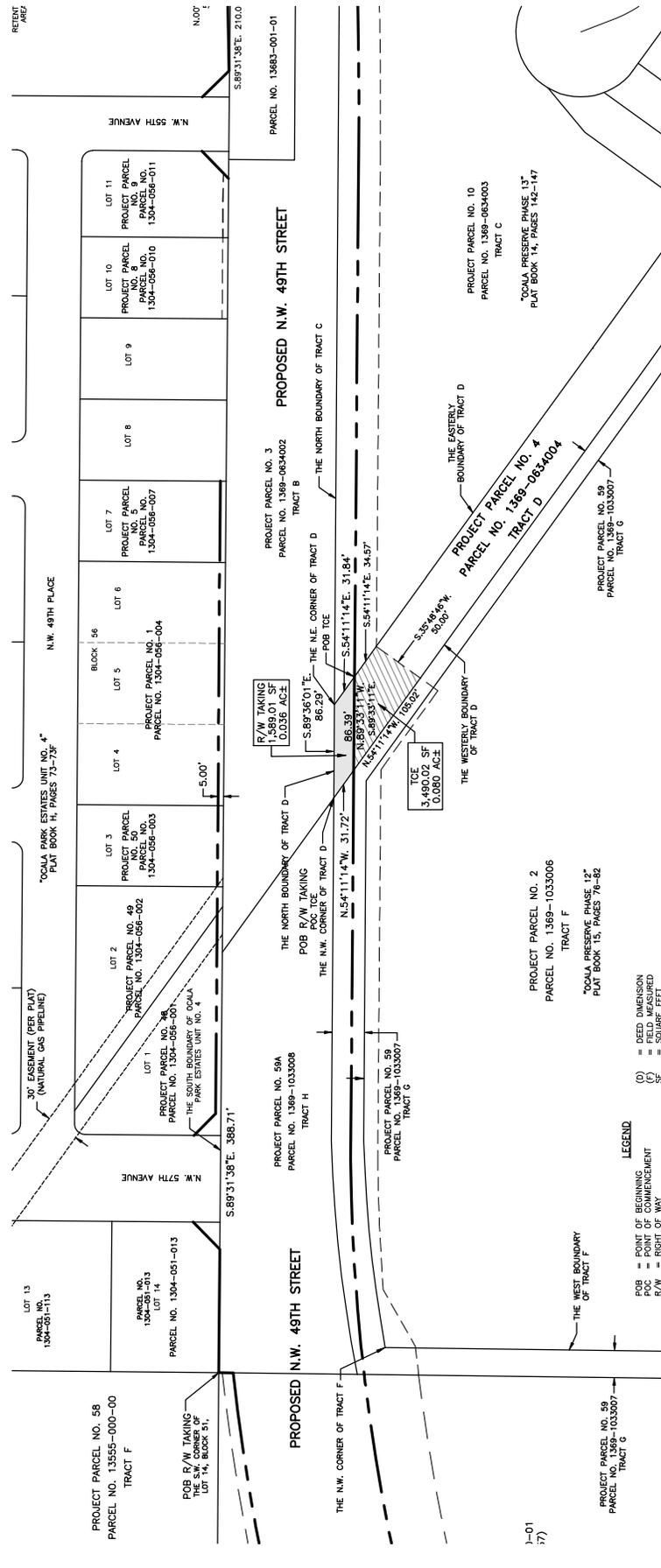


**DESCRIPTION:**

(R/W TAKING)  
 A PORTION OF TRACT D, "OCALA PRESERVE PHASE 13", AS PER PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGES 142 THROUGH 147, INCLUSIVE, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 BEGIN AT THE N.W. CORNER OF TRACT D, "OCALA PRESERVE PHASE 13", AS PER PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGES 142 THROUGH 147, INCLUSIVE, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE S.89°33'11"W, A DISTANCE OF 86.29 FEET TO THE N.E. CORNER OF SAID TRACT D, A DISTANCE OF 31.84 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.54°11'14"E, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 31.72 FEET TO THE WESTERLY BOUNDARY OF SAID TRACT D, A DISTANCE OF 86.39 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID TRACT D, THENCE N.54°11'14"W, ALONG SAID WESTERLY BOUNDARY, A DISTANCE OF 105.02 FEET; THENCE S.89°33'11"E, 86.39 FEET TO THE POINT OF BEGINNING.  
 (SAID LANDS CONTAINING 1,589.01 SQUARE FEET / 0.036 ACRES, MORE OR LESS)

**SKETCH OF DESCRIPTION FOR: MARION COUNTY PROJECT PARCEL NO. 4 (PROJECT NO. 1369-0634004)**

(TCE) - TEMPORARY CONSTRUCTION EASEMENT  
 A PORTION OF TRACT D, "OCALA PRESERVE PHASE 13", AS PER PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGES 142 THROUGH 147, INCLUSIVE, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCE AT THE N.W. CORNER OF TRACT D, "OCALA PRESERVE PHASE 13", AS PER PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGES 142 THROUGH 147, INCLUSIVE, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE S.89°33'11"E, ALONG THE NORTH BOUNDARY OF SAID TRACT D, A DISTANCE OF 86.29 FEET TO THE N.E. CORNER OF SAID TRACT D; THENCE DEPARTING SAID NORTH BOUNDARY, S.54°11'14"E, ALONG THE EASTERLY BOUNDARY OF SAID TRACT D, A DISTANCE OF 31.84 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.54°11'14"E, ALONG SAID EASTERLY BOUNDARY, 34.57 FEET; THENCE WESTERLY BOUNDARY OF SAID TRACT D, THENCE N.54°11'14"W, A DISTANCE OF 50.00 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID TRACT D, THENCE S.89°33'11"E, 86.39 FEET TO THE POINT OF BEGINNING.  
 (SAID LANDS CONTAINING 3490.02 SQUARE FEET / 0.080 ACRES, MORE OR LESS)



- LEGEND**
- (D) = DEED DIMENSION
  - (E) = EASEMENT
  - (F) = RIGHT OF WAY
  - (G) = SQUARE FEET
  - (H) = ACRES
  - (I) = RECORDS BOOK
  - (J) = PLAT BOOK
  - (K) = LICENSED BUSINESS
  - (L) = LICENSED SURVEYOR
  - (M) = UTILITY EASEMENT
  - (N) = BROKEN LINE, NOT TO SCALE
  - (O) = POINT OF BEGINNING
  - (P) = POINT OF BEGINNING
  - (Q) = RIGHT OF WAY
  - (R) = DRAINAGE RIGHT OF WAY
  - (S) = DRAINAGE RESTRICTION AREA
  - (T) = UTILITY EASEMENT
  - (U) = PLAT DIMENSION

**"THIS IS NOT A SURVEY"**  
 SURVEYOR'S CERTIFICATION:  
 THIS SKETCH WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FOR A SKETCH OF DESCRIPTION:



**BELLETTER PROFESSIONAL PARK**  
 2201 S.E. 30TH AVENUE, SUITE 102  
 OCALA, FL 34471  
 PHONE: (352) 351-0091  
 FAX: (352) 351-0093  
 EMAIL: glen@plainsc.us

DATE OF SKETCH:	JULY 18, 2023
REVISIONS	
BY	GHP
DATE	3/11/25
REVISIONS	
CHECKED:	G.H.P.
REVISIONS	
F.B./P.G.	N/A
FILE INFO:	
N.W. 49TH STREET	
SCALE:	1" = 100'
JOB ORDER#	21-098 (1369-0634004) P4R
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GLEN H. PREECE, JR., P.S.M. - LS 5427

(LICENSED BUSINESS NO. 73588)

LAND SURVEYING, INC.

STATE CERTIFIED SDVBE







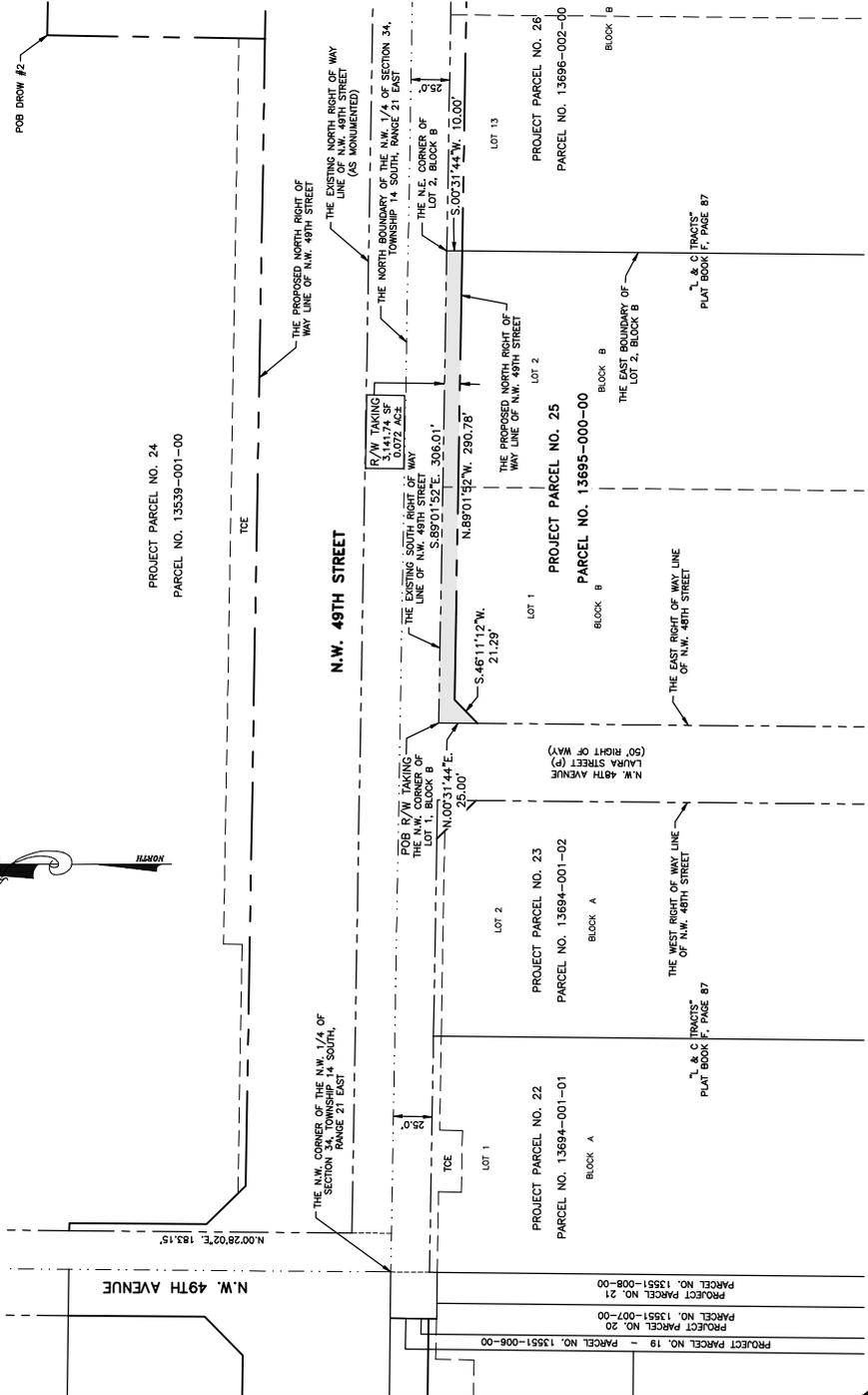
**SKETCH OF DESCRIPTION  
FOR:  
MARION COUNTY  
PROJECT PARCEL NO. 25  
(PARCEL NO. 13695-000-00)**



"THIS IS NOT A SURVEY"

**DESCRIPTION:**

(R/W) - RIGHT OF WAY TAKING  
A PORTION OF LOTS 1 AND 2, BLOCK B OF "A, B, & C TRACTS", AS PER PLAT THEREOF RECORDED IN PLAT BOOK F, PAGE 87, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGIN AT THE N.W. CORNER OF LOT 1, BLOCK B OF "A, B, & C TRACTS", AS PER PLAT THEREOF RECORDED IN PLAT BOOK F, PAGE 87, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE S.89°01'52"E., ALONG THE SOUTH RIGHT OF WAY LINE OF N.W. 49TH STREET (WIDTH VARIES), 306.01 FEET TO THE N.E. CORNER OF LOT 2, BLOCK B OF SAID PLAT; THENCE S.00°31'44"W., ALONG THE EAST BOUNDARY OF SAID LOT 2, 10.00 FEET; THENCE DEPARTING SAID EAST BOUNDARY, N.89°01'52"W., 290.78 FEET; THENCE S.46°11'12"W., 21.29 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF N.W. 48TH AVENUE (50 FEET WIDE); THENCE N.00°31'44"E., ALONG SAID EAST RIGHT OF WAY LINE, 25.00 FEET TO THE POINT OF BEGINNING.  
(SAID LANDS CONTAINING 3,141.74 SQUARE FEET / 0.072 ACRES, MORE OR LESS)



- LEGEND**
- (D) = DEED DIMENSION
  - (F) = FIELD MEASURED
  - SF = SQUARE FEET
  - AC = ACRES
  - OB = OFFICIAL RECORDS BOOK
  - LB = LICENSED BUSINESS
  - DE = DRAINAGE EASEMENT
  - DR = DRIVEWAY EASEMENT
  - TE = TEMPORARY CONSTRUCTION EASEMENT
  - TA = TEMPORARY ACCESS AREA
  - POB = POINT OF BEGINNING
  - POC = POINT OF COMMENCEMENT
  - R/W = RIGHT OF WAY
  - TCE = TEMPORARY CONSTRUCTION EASEMENT
  - UBA = UTILITY BURIAL AREA
  - DE = DRAINAGE EASEMENT
  - (P) = PLAT DIMENSION

DATE OF SKETCH: JULY 17, 2023	REVISIONS	BY	DATE
	REVISE R/W TAKING	GHP	3/13/25
DRAWN: J.R.C.	CHECKED: G.H.P.	F.B./P.G. N/A	FILE INFO:
		NW 49TH STREET	
COPYRIGHT © 2025		JOB ORDER# 21-098 (13695-000-00) P25 R	

**BELWETHER PROFESSIONAL PARK**  
2201 S.E. 30TH AVENUE, SUITE 102  
OCALA, FL 34471  
PHONE: (352) 351-0091  
FAX: (352) 351-0093 FAX  
EMAIL: glen@plains.us

**PREECE**  
LAND SURVEYING, INC.

(LICENSED BUSINESS NO. 73388)

**SURVEYOR'S CERTIFICATION:**  
THIS SKETCH WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FOR A SKETCH OF DESCRIPTION.

DATE: \_\_\_\_\_ GLEN H. PREECE, JR., P.S.M. - LS 5427

STATE CERTIFIED SDVBE

**SKETCH OF DESCRIPTION  
FOR:  
MARION COUNTY  
PROJECT PARCEL NO. 26  
(PARCEL NO. 13696-002-00)**

**DESCRIPTION:**

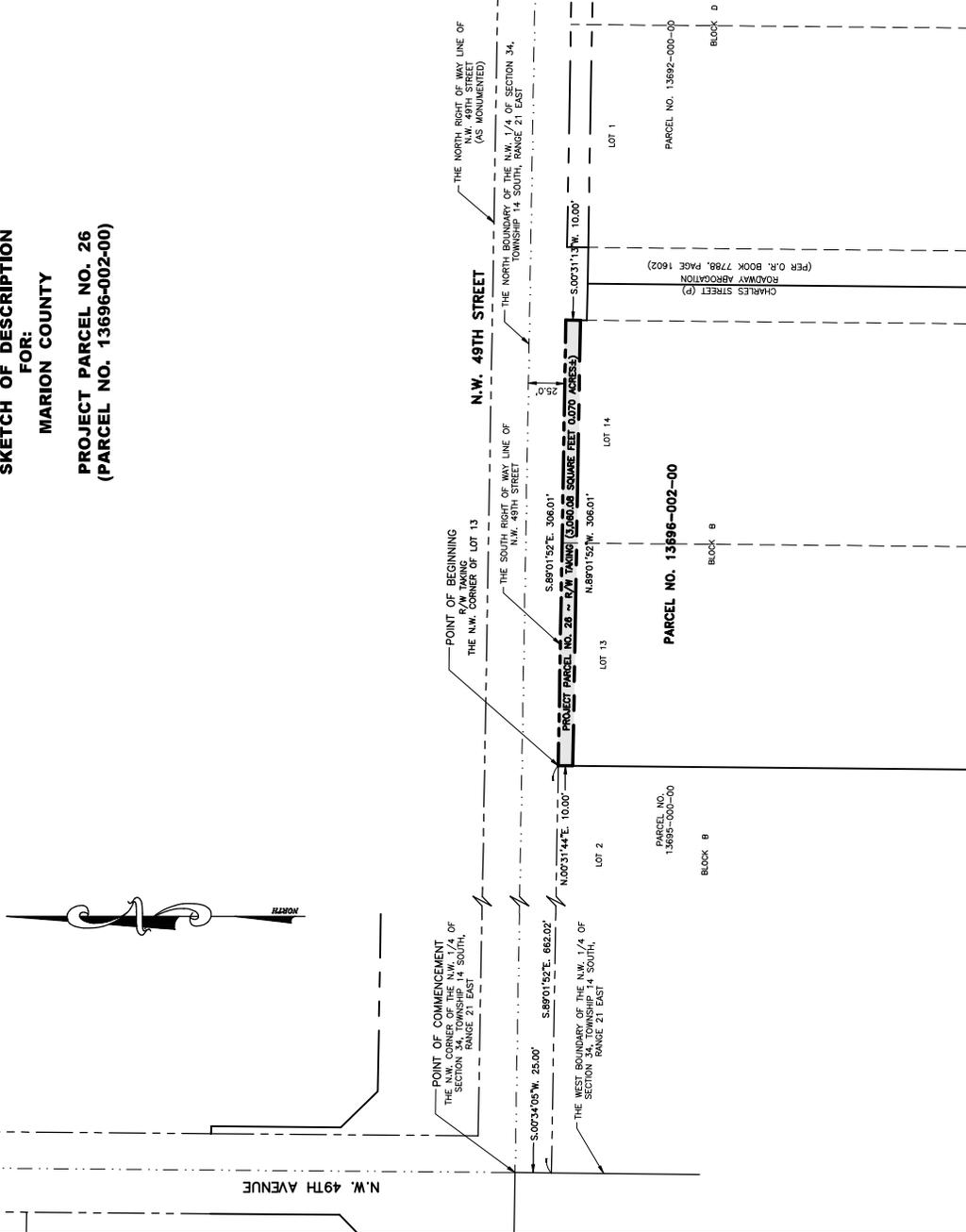
(R/W TAKING)

A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 14 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 10 FEET OF LOTS 13 AND 14, BLOCK B, L & C TRACTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK F, PAGE 87, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

COMMENCE AT THE N.W. CORNER OF SECTION 34, TOWNSHIP 14 SOUTH, RANGE 21 EAST; THENCE S.00°34'05"W., ALONG THE WEST BOUNDARY OF THE N.W. 1/4 OF SAID SECTION 34, A DISTANCE OF 25.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF N.W. 49TH STREET; THENCE DEPARTING SAID WEST BOUNDARY, S.89°01'52"E., ALONG SAID RIGHT OF WAY LINE, PARALLEL WITH AND 25.00 FEET DISTANT FROM THE NORTH BOUNDARY OF THE N.W. 1/4 OF SAID SECTION 34, A DISTANCE OF 662.02 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE S.89°01'52"E., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 306.01 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, S.00°31'13"W., A DISTANCE OF 10.00 FEET; THENCE N.89°01'52"W., A DISTANCE OF 306.01 FEET; THENCE N.00°31'44"E., A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

(SAID LANDS CONTAINING 3.06008 SQUARE FEET / 0.070 ACRES, MORE OR LESS)



**LEGEND**

- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- DROW = DRAINAGE RIGHT OF WAY
- R/W = RIGHT OF WAY LINE
- CB = CHAIN BOOK
- LB = LICENSED BUSINESS
- LS = LICENSED SURVEYOR
- N/A = NOT APPLICABLE
- = BROKEN LINE; NOT DRAWN TO SCALE

"THIS IS NOT A SURVEY"

DATE OF SKETCH:	JULY 17, 2023
REVISIONS	
BY	
DATE	
DRAWN:	J.R.C.
CHECKED:	G.H.P.
F.B./Pg.	N/A
FILE INFO:	34-14-21
SCALE:	1" = 80'
COPYRIGHT © 2023	JOB ORDER# 21-098 (13696-002-00)

**BELLWETHER PROFESSIONAL PARK**  
2201 S.E. 30TH AVENUE, SUITE 102  
OCALA, FL 34471  
PHONE: (352) 351-0091  
FAX: (352) 351-0093 FAX  
EMAIL: gjen@plains.us

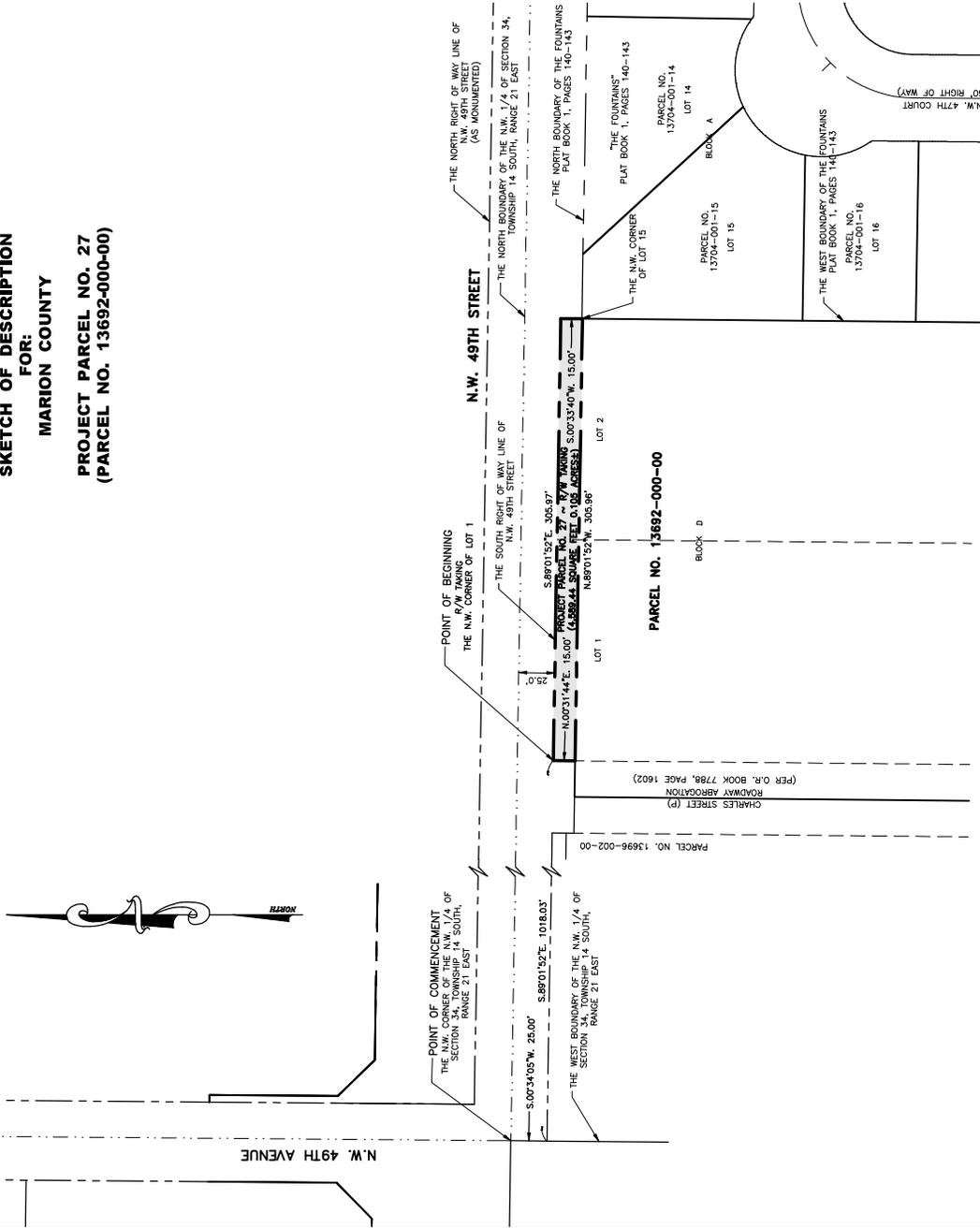
**PREECE**  
LAND SURVEYING, INC.  
(LICENSED BUSINESS NO. 7388)

**SURVEYOR'S CERTIFICATION:**  
THIS SKETCH WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FOR A SKETCH OF DESCRIPTION:

DATE: GLEN H. PREECE, JR., P.S.M. — LS 5427

STATE CERTIFIED SDVBE

**SKETCH OF DESCRIPTION  
FOR:  
MARION COUNTY  
PROJECT PARCEL NO. 27  
(PARCEL NO. 13692-000-00)**



**DESCRIPTION:**

(R/W TAKING)

A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 14 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH 15 FEET OF LOTS 1 AND 2, BLOCK D, L & C TRACTS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK F, PAGE 87, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA.

COMMENCE AT THE N.W. CORNER OF SECTION 34, TOWNSHIP 14 SOUTH, RANGE 21 EAST; THENCE S.00°34'05"W., ALONG THE WEST BOUNDARY OF THE N.W. 1/4 OF SAID SECTION 34, A DISTANCE OF 25.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF N.W. 49TH STREET; THENCE DEPARTING SAID WEST BOUNDARY, S.89°01'52"E., ALONG SAID RIGHT OF WAY LINE, PARALLEL WITH AND 25.00 FEET DISTANT FROM THE NORTH BOUNDARY OF THE N.W. 1/4 OF SAID SECTION 34, A DISTANCE OF 1018.03 FEET TO THE POINT OF BEGINNING. THENCE CONTINUE S.89°01'52"E., ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 305.97 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE, S.00°33'40"W., A DISTANCE OF 15.00 FEET TO THE N.W. CORNER OF LOT 15 OF THE FOUNTAINS, AS RECORDED IN PLAT BOOK 1, PAGES 140 THROUGH 143, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE N.89°01'52"W., A DISTANCE OF 305.96 FEET; THENCE N.00°31'44"E., A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

(SAID LANDS CONTAINING 4,589.44 SQUARE FEET / 0.105 ACRES, MORE OR LESS)

**LEGEND**

- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- DROW = DRAINAGE RIGHT OF WAY
- R/W = RIGHT OF WAY LINE
- QUB = QUAD BOUNDARY
- LS = LICENSED BUSINESS
- LS = LICENSED SURVEYOR
- N/A = NOT APPLICABLE
- = BROKEN LINE; NOT DRAWN TO SCALE

"THIS IS NOT A SURVEY"

DATE OF SKETCH:	JULY 13, 2023
REVISIONS	
BY	
DATE	
DRAWN:	J.R.C.
CHECKED:	G.H.P.
F.B./Pg.	N/A
FILE INFO:	34-14-21
SCALE:	1" = 80'
COPYRIGHT © 2023	JOB ORDER# 21-098 (13692-000-00)

**BELWETHER PROFESSIONAL PARK**  
2201 S.E. 30TH AVENUE, SUITE 102  
OCALA, FL 34471  
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FAX: (352) 351-0093 FAX  
EMAIL: gjen@plains.us

**PREECE**  
LAND SURVEYING, INC.  
(LICENSED BUSINESS NO. 7388)

**STATE CERTIFIED SDVBE**

DATE: \_\_\_\_\_

GLEN H. PREECE, JR., P.S.M. — LS 5427

**SURVEYOR'S CERTIFICATION:**  
THIS SKETCH WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FOR A SKETCH OF DESCRIPTION:



- LEGEND**
- POINT OF BEGINNING
  - POINT OF COMMENCEMENT
  - RIGHT OF WAY
  - TEMPORARY CONSTRUCTION EASEMENT
  - DRAINAGE RETENTION AREA
  - DRAINAGE EASEMENT
  - PLAT DIMENSION
  - (P) — PLAT DIMENSION
  - (D) — DEED DIMENSION
  - (S) — FIELD MEASURED
  - (S) — SQUARE FEET
  - (S) — OFFICIAL RECORDS BOOK
  - (S) — LICENSED BUSINESS
  - (S) — LICENSED SURVEYOR
  - (S) — BROKEN LINE: NOT TO SCALE

- POB — POINT OF BEGINNING
- PCC — POINT OF COMMENCEMENT
- R/W — RIGHT OF WAY
- ICE — TEMPORARY CONSTRUCTION EASEMENT
- DRA — DRAINAGE RETENTION AREA
- DE — DRAINAGE EASEMENT
- (P) — PLAT DIMENSION

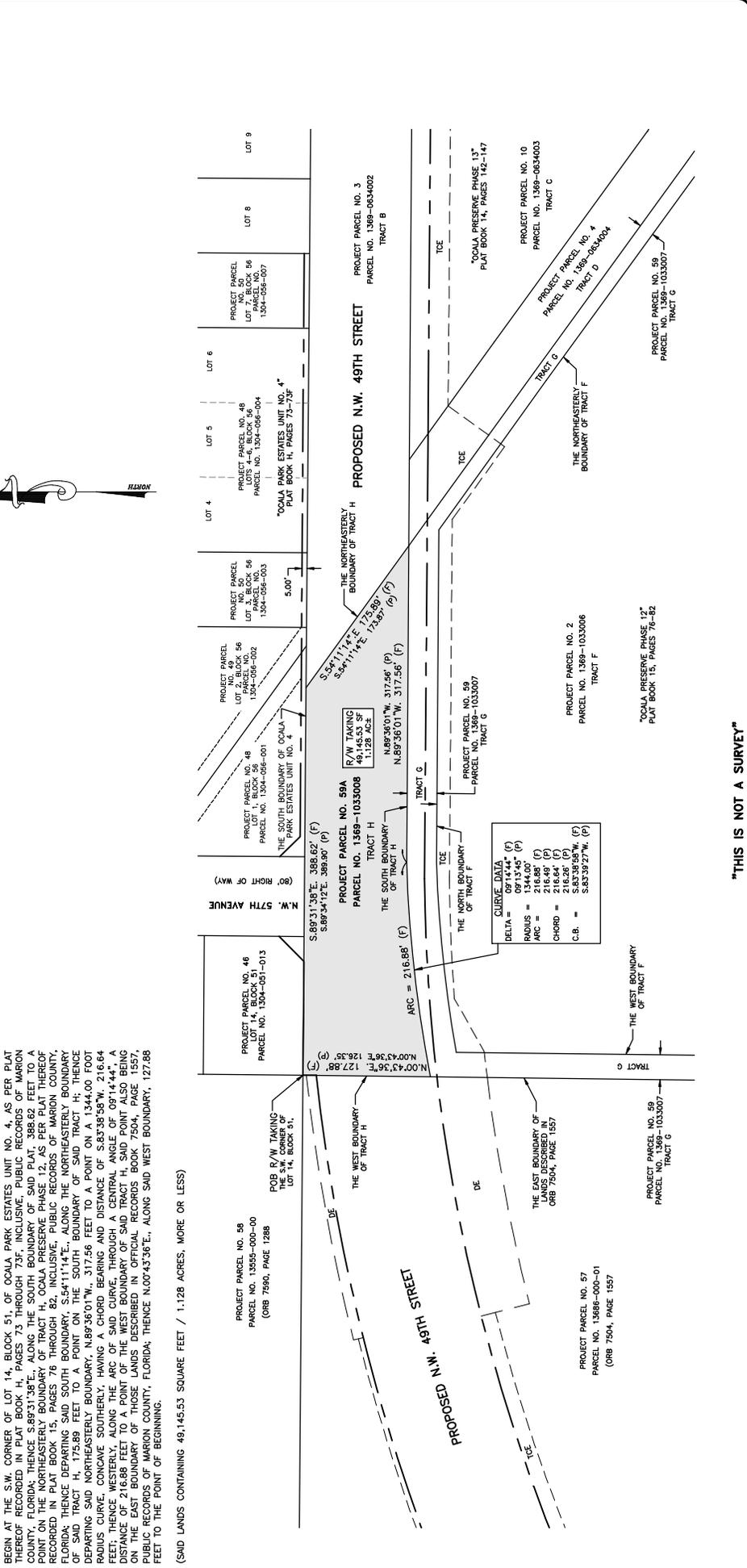


**SKETCH OF DESCRIPTION FOR:**  
**MARION COUNTY**  
**PROJECT PARCEL NO. 59A**  
**(PARCEL NO. 1369-1033008)**

**DESCRIPTION:**  
 (R/W TAKING)  
 TRACT H, Ocala Preserve Phase 12, as per plat thereof recorded in Plat Book 15, Pages 76 through 82, inclusive, Public Records of Marion County, Florida; being more particularly described as follows:  
 (AS SURVEYED)

BEGIN AT THE S.W. CORNER OF LOT 14, BLOCK 51, OF Ocala Park Estates Unit No. 4, as per plat thereof recorded in Plat Book H, Pages 73 through 75, inclusive, Public Records of Marion County, Florida; THENCE S.89°31'38"E., ALONG THE SOUTH BOUNDARY OF SAID PLAT, 388.62 FEET TO A POINT ON THE NORTHEASTERLY BOUNDARY OF TRACT H, Ocala Preserve Phase 12, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGES 76 THROUGH 82, INCLUSIVE, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTH BOUNDARY, S.54°11'14"E., ALONG THE NORTHEASTERLY BOUNDARY OF SAID TRACT H, 175.89 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID TRACT H; THENCE DEPARTING SAID NORTHEASTERLY BOUNDARY, N.89°36'01"W., 317.56 FEET TO A POINT ON A 1344.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, HAVING A CHORD BEARING AND DISTANCE OF S.83°38'58"W., 216.64 FEET; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09°14'44", A DISTANCE OF 216.88 FEET TO A POINT ON THE WEST BOUNDARY OF SAID TRACT H, SAID POINT ALSO BEING ON THE EAST BOUNDARY OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 7504, PAGE 1557, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE N.00°43'36"E., ALONG SAID WEST BOUNDARY, 127.88 FEET TO THE POINT OF BEGINNING.

(SAID LANDS CONTAINING 49,145.53 SQUARE FEET / 1.128 ACRES, MORE OR LESS)



**DATE OF SKETCH: MARCH 19, 2025**

DRAWN:	G.H.P.	REVISIONS	BY	DATE
CHECKED:	G.H.P.			
F.B./P.G.:	N/A			
FILE INFO:				
N.W. 49TH STREET				
SCALE: 1" = 100'				
COPYRIGHT © 2025				
JOB ORDER# 21-098				
(LICENSED BUSINESS NO. 73588)				

**"THIS IS NOT A SURVEY"**

**BELWETHER PROFESSIONAL PARK**  
 2201 S.E. 30TH AVENUE, SUITE 102  
 Ocala, FL 34471  
 PHONE: (352) 351-0091  
 FAX: (352) 351-0093  
 EMAIL: glen@preece.us

**PREECE**  
 LAND SURVEYING, INC.

(LICENSED BUSINESS NO. 73588)



**STATE CERTIFIED SDVBE**

**SURVEYOR'S CERTIFICATION:**  
 THIS SKETCH WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE ESTABLISHED IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, FOR A SKETCH OF DESCRIPTION:

DATE \_\_\_\_\_

GLEN H. PREECE, JR., P.S.M. — LS 5427

# COMPOSITE EXHIBIT “B”

NW 49<sup>th</sup> STREET PHASE 3 ROAD IMPROVEMENT PROJECT

EASEMENT RIGHTS TO BE CONDEMNED IN ACCORDANCE WITH EXHIBIT A

## **Permanent Drainage Easement**

Marion County (“the County”) shall acquire the following permanent drainage easement rights for the project labeled “NW 49<sup>th</sup> STREET PHASE 3 ROAD IMPROVEMENT PROJECT” (the “Project”), subject to the listed limitations:

1. An exclusive, permanent drainage easement over, above, across, through and under the designated parcels listed and described in Exhibit A as a Drainage Easement, located in Marion County, Florida (hereinafter the “Easement Area”).
2. The right, privilege, and authority within the Easement Area to perform such work as may be necessary to substantially conform the Easement Area to the design specifications set forth in the Project construction plans. Such work may include, but not be limited to, the addition, removal, relocation, re-contour, and/or grading of soils as well as the demolition removal, and reconstruction of certain improvements (including but not limited to any structures, driveways, site debris, billboard signs, and mobile homes).
3. The perpetual right, privilege and easement for and to construct, install, operate, maintain, replace, inspect, patrol, test, repair, remove and upgrade storm water drainage and storm water retention facilities, including the installation of yard drains below ground, and ancillary equipment for the purpose of facilitating the movement and retention of storm water, over, above, across, through and under the Easement Area.
4. The right of ingress to and egress from the Easement Area by means of adjacent public or private roadways, easements or rights-of-way owned or held or lawfully available to the County and its agents, including any other property over which the County has access rights.
5. The right to excavate and refill ditches and trenches for the location of the storm water retention and drainage facilities and further, the right to remove fences, bushes, trees, undergrowth, structures and any other obstructions interfering with the location, construction, operation, maintenance, repair, upgrade and replacement of the foregoing storm water facilities as more particularly described in the Project construction plans.
6. The County shall be entitled to assign this easement.
7. The right, but not the obligation, from time to time, to re-clear the Easement Area by cutting and removing therefrom, trees, brush and other obstructions that may, in the reasonable judgment of the County or its agents, injure, endanger or interfere with the use of the Easement Area. Periodic maintenance of any infrastructure improvements will be on an as-needed basis.
8. The County shall not unreasonably restrict ingress and egress to the owners' property abutting the Easement Area and shall provide reasonable ingress and egress across the Easement Area for the use of the owner. Notwithstanding the foregoing, the County, its agents and assigns shall be permitted to restrict ingress or egress to the property abutting the Easement Area for safety purposes in the reasonable discretion of the County's agents or assigns during construction activities.

9. The fee owner retains the right and may continue to use the Easement Area for any lawful purposes that does not directly interfere with the permanent drainage easement rights of the County. Determination as to whether a use directly interferes with the permanent drainage easement is in the sole discretion of the County.

## **Temporary Construction Easement**

Marion County (“the County”) shall acquire the following temporary construction easement rights for the project labeled “NW 49<sup>th</sup> STREET PHASE 3 ROAD IMPROVEMENT PROJECT” (the “Project”), subject to the listed limitations:

1. A non-exclusive, temporary construction easement, over, under, and across the properties listed and described in Exhibit A as Temporary Construction Easements located in Marion County, Florida (hereinafter the “Easement Area”).
2. The right, privilege, and authority within the Easement Area to perform such work as may be necessary upon the Easement Area in order to substantially conform the Easement Area to the design specifications set forth in the roadway construction plans labeled “NW 49<sup>th</sup> STREET PHASE 3 ROAD IMPROVEMENT PROJECT” (i.e., the Project). Such work may include, but not be limited to, the addition, removal, relocation, re-contour, and/or grading of soils as well as the demolition removal, and reconstruction of certain improvements (including, but not limited to any structures, driveways, site debris, billboard signs, and mobile homes).
3. During the term of the easement, neither Marion County nor its agents shall store equipment in the Easement Area, and all pre-existing access over and across the Easement Area shall be maintained.
4. Upon completion of construction, Marion County shall stabilize the Easement Area with seed, sod, or other ground cover so as to prevent erosion (where appropriate), and will restore any paved surface to a state that is as good or better than its pre-construction condition.
5. The temporary construction easement shall terminate twenty-four (24) months after the date the easement is acquired or upon completion of the Project’s construction, whichever occurs first.
6. Marion County shall be entitled to assign the easement.
7. During the term of the easement there will be no hazardous materials, wastes, or substances, toxic wastes or substances, or pollutants or contaminants deposited, located, placed, or released on the Easement Area by either Marion County, or its agents/assigns.
8. Marion County shall have the right of ingress and egress from the Easement Area by means of any adjacent public or private roadways, easements, or rights-of-way owned or held or lawfully available to Marion County and its agents, including any other property over which Marion County has access rights.
9. The property owner may utilize the Easement Area for all lawful purposes provided it does not interfere with or unreasonably burden Marion County’s easement rights during the term of the easement.