

RESOLUTION NO. 21 - R _____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; INCORPORATING RECITALS; PROVIDING A FINDING THAT CHAPTER 336, FLORIDA STATUTES, AUTHORIZES AND EMPOWERS THE BOARD TO ACT ON THE PETITION TO VACATE, ABANDON, DISCONTINUE AND CLOSE A CERTAIN ROAD AND TO RENOUNCE AND DISCLAIM ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID CERTAIN ROAD; PROVIDING A FINDING THAT SAID CERTAIN ROAD IS NOT A PORTION OF FEDERAL OR STATE HIGHWAY SYSTEM; PROVIDING A FINDING THAT THE ROAD IS NOT BEING USED BY THE GENERAL PUBLIC AS A ROAD; PROVIDING A FINDING THAT IT IS NOT THE INTENT OF THE BOARD TO VACATE ANY EASEMENTS FOR PUBLIC UTILITIES THAT MAY EXIST WITHIN SAID CERTAIN ROAD; PROVIDING A FINDING THAT VACATING, ABANDONING, DISCONTINUING, AND CLOSING SAID CERTAIN ROAD AND DISCLAIMING ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID CERTAIN ROAD WOULD BENEFIT THE GENERAL PUBLIC WELFARE AND WOULD BE IN THE BEST INTEREST OF THE PUBLIC; VACATING, ABANDONING, DISCONTINUING, AND CLOSING SAID CERTAIN ROAD; RENOUNCING AND DISCLAIMING ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID CERTAIN ROAD; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, RLR Investments, LLC has petitioned to vacate, abandon, discontinue and close that certain road described on Exhibit A hereto (the "Road") and to renounce and disclaim any rights and obligations of the County and the Public in any land in connection therewith pursuant to the provisions of Chapter 336, Florida Statutes, (the "Petition"); and

WHEREAS, a Notice of Public Hearing was published in a newspaper of general circulation, as required by Chapter 336, Florida Statutes, all persons through such notice were invited to appear and comment; and

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:

- A. Pursuant to Chapter 336, Florida Statutes, the Board is authorized and empowered to act on the Petition and to vacate, abandon, discontinue and close the Road described on **Exhibit A** and to renounce and disclaim any rights and obligations of Marion County and the public in and to any land in connection therewith;
- B. The Road described on **Exhibit A** does not constitute a portion of Federal or State highway system;
- C. The Road described on **Exhibit A** is not being used by the general public as a road;
- D. It is not the intent of the Board to vacate any easements for public utilities that may exist within the Road described on **Exhibit A**; and
- E. Vacating, abandoning, discontinuing, and closing the Road described on **Exhibit A** and renouncing and disclaiming any rights and obligations of Marion County and the public in and to any land in connection therewith would benefit the general public welfare and would be in the best interest of the public;

SECTION 3. APPROVAL. The Board of County Commissioners of Marion County, Florida, does hereby:

- A. Vacate, abandon, discontinue and close the Road described in **Exhibit A** hereto, in accordance with Chapter 336, Florida Statutes;
- B. To the extent of the termination of any easement or the surrender of title vested, renounce and disclaim any rights and obligations of the County and the public in and to any land in connection with the Road described in **Exhibit A** hereto, in accordance with Chapter 336, Florida Statutes; and
- C. Expressly reserve any easements for public utilities currently located within the legal description of the Road described in **Exhibit A** hereto, and such easements are not included in this vacation and abandonment.

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 18th day of May, 2021.

ATTEST:

MARION COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF FLORIDA

GREGORY C. HARRELL
CLERK OF THE COURT

BY: _____
JEFF GOLD, CHAIRMAN

FOR USE AND RELIANCE OF MARION
COUNTY ONLY, APPROVED AS TO
FORM AND LEGAL SUFFICIENCY:



ELIZABETH ALT
SENIOR ASSISTANT COUNTY ATTORNEY

Exhibit 'A'

THAT PORTION OF WEST END OCALA, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "A", PAGE 57 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

ALL OF THAT ROAD LYING NORTH OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10 AND

ALL OF THE ROAD LYING BETWEEN LOTS 2 & 3, 4 & 5, 6 & 7, 8 & 9 AND

THAT PORTION OF THE ROAD LYING BETWEEN LOTS 24 & 41

AND

THAT PORTION OF THE ROADS LYING BETWEEN LOTS 24 & 25, 26 & 27, 28 & 29, 30 & 31, LYING WITHIN THE BOUNDARIES OF PARCEL ID NUMBER 21630-005-00 & 21630-002-01.