

RESOLUTION NO. 24 - 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 CERTAIN ROADS AND TO RENOUNCE AND DISCLAIM ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SUCH ROADS; PROVIDING A FINDING THAT SUCH ROADS ARE NOT A PORTION OF FEDERAL OR STATE HIGHWAY SYSTEM; PROVIDING A FINDING THAT THE ROADS ARE NOT BEING USED BY THE GENERAL PUBLIC AS ROADS; PROVIDING A FINDING THAT IT IS NOT THE INTENT OF THE BOARD TO VACATE ANY EASEMENTS FOR PUBLIC UTILITIES THAT MAY EXIST WITHIN SUCH ROADS; PROVIDING A FINDING THAT VACATING, ABANDONING, DISCONTINUING, AND CLOSING SUCH ROADS AND DISCLAIMING ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SUCH ROADS WOULD BENEFIT THE GENERAL PUBLIC WELFARE AND WOULD BE IN THE BEST INTEREST OF THE PUBLIC; VACATING, ABANDONING, DISCONTINUING, AND CLOSING SUCH ROADS; RENOUNCING AND DISCLAIMING ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SUCH ROADS; CONVEYING SUCH ROADS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, **95th Street Holdings, LLC**, a Delaware limited liability company ("Petitioner"), petitioned to vacate, abandon, discontinue and close those certain roads described on **Exhibit A** hereto (the "Roads") 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, the Development Review Committee has reviewed the Petition and has recommended approval; 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.

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 Roads 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 Roads described on **Exhibit A** does not constitute a portion of the Federal or State highway system;
- C. The Roads described on **Exhibit A** are not being used by the general public as roads;
- D. It is not the intent of the Board to vacate any easements for public utilities that may exist within the Roads; and
- E. Vacating, abandoning, discontinuing, and closing the Roads 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 Roads described in **Exhibit A** hereto, in accordance with Chapter 336, Florida Statutes.
- B. Expressly reserves any easements for public utilities currently located within the Roads.
- C. 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 Roads described in **Exhibit A** hereto, and in accordance with Chapter 336, Florida Statutes, and hereby quit claims conveys any such rights to Petitioner, as to such Roads described in **Exhibit A**.

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 2nd day of July, 2024.

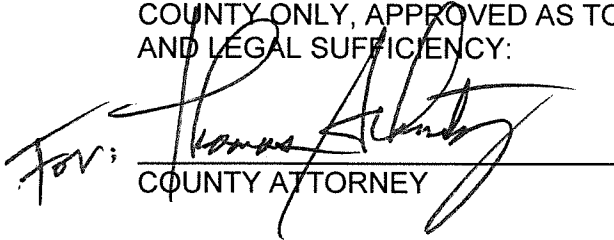
MARION COUNTY, A POLITICAL SUBDIVISION
OF THE STATE OF FLORIDA, BY ITS BOARD
OF COUNTY COMMISSIONERS

BY: _____
MICHELLE STONE
CHAIR

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:  _____
COUNTY ATTORNEY

**EXHIBIT A
ROADS**

The following real property deeded to Marion County in Deed recorded in Deed Book 310, Page 151, public records of Marion County, Florida:

The South 25 feet of the N 1/4 of Section 19, Township 16 South, Range 21 East, of State Road No. 200

The following real property being a portion of the property deeded to Marion County in Deed recorded in Deed Book 310, Page 150, public records of Marion County, Florida:

The West 1,707.35 feet of the South 25 feet of the South 1/2 of the South 1/2 of the NW 1/4 of Section 20, Township 16 South, Range 21 East.

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