

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, **Southeast Consulting Services, Inc.**, a dissolved Florida corporation ("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 subject to the matters set forth in Section 4 below; 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, subject to the condition set forth in SECTION 4:

- 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:
 - 1. 95th Street Holdings, LLC, a Delaware limited liability company as to the portion of the Roads described on **Exhibit B**.
 - 2. Southeast Consulting Services, Inc., a Florida limited liability company, as to the portion of Roads described in the attached **Exhibit C**.

SECTION 4. CONDITION. This Resolution is contingent upon either: (a) the recording of a Plat that includes all of Marion County Tax Parcel ID No.(s): 35695-032-00, 35695-032-02, 35699-004-00, 35700-000-27, and 35700-000-28; or (b) the recording of a Plat that includes some of such parcels and a platted road to the parcels not included in the Plat; if the parcels not included in the plat are under common ownership, the road need connect only to the closest parcel under common ownership with another contiguous parcel. Upon the recording of such Plat, this condition shall be conclusively deemed to have occurred. Further, upon request of Petitioner, the County Administrator shall execute and deliver to Petitioner, or its successors in title, an instrument acknowledging the occurrence of the condition; by approving this Resolution, the Board of County Commissioners of Marion County, Florida, authorizes the County Administrator to execute and deliver such instrument without further approval by the Board.

SECTION 5. 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 6. CONFLICT. All Resolutions in conflict with this Resolution are repealed to the extent necessary to give this Resolution full force and effect.

SECTION 7. EFFECTIVE DATE. That this Resolution shall take effect immediately upon passage.

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DULY ADOPTED by the Board of County Commissioners of Marion County, Florida, on the 2nd day of July, 2024.

COUNTY

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:

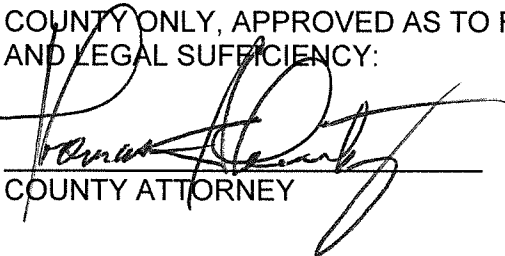
for: 
COUNTY ATTORNEY

EXHIBIT A ROADS

The following real property being a portion of the property deeded to Marion County in Deed recorded in Deed Book 309, Page 311, Public Records of Marion County, Florida:

The Western 390.71 feet of the South 25 feet of SE 1/4 of NE 1/4 of Section 20, Township 16 South, Range 21 East, and specifically excluding any real property (a) deeded to Marion County in OR Book 5554, Page 597, and OR Book 4523, Page 1359, all in the Public Records of Marion County; or (b) consisting of right of way for SW 95th Street Road as set forth on the "S.W. 95th Street Road, Phase 1 Right of Way Map" as recorded in ROW Book 1, Page 111, Public Records of Marion County, Florida.

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 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, less and except the West 1,707.35 feet thereof.

The following real property being a portion of the property deeded to Marion County in Deed recorded in OR Book 347, Page 555, Public Records of Marion County, Florida:

The South 25 feet of the Southwest 1/4 of the NE 1/4 of Section 20, Township 16 South, Range 21 East.

EXHIBIT B
PORTION OF ROADS CONVEYED TO 95TH STREET HOLDINGS, LLC

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, less and except the West 1,707.35 feet thereof and less and except the East 430.37 feet thereof

EXHIBIT C
PORTION OF ROADS CONVEYED TO SOUTHEAST CONSULTING SERVICES, INC.

The Western 390.71 feet of the South 25 feet of SE 1/4 of NE 1/4 of Section 20, Township 16 South, Range 21 East, and specifically excluding any real property (a) deeded to Marion County in OR Book 5554, Page 597, and OR Book 4523, Page 1359, all in the Public Records of Marion County; or (b) consisting of right of way for SW 95th Street Road as set forth on the "S.W. 95th Street Road, Phase 1 Right of Way Map" as recorded in ROW Book 1, Page 111, Public Records of Marion County, Florida.

East 430.37 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.

The South 25 feet of the Southwest 1/4 of the NE 1/4 of Section 20, Township 16 South, Range 21 East.

P:\JG\Vandeven\Cypress Pointe Subdivision\Vacation 2023\Resolution\Road Closing Resolution 5-9-24.docx