

RESOLUTION NO. ____ - 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 IN AN EFFECTIVE OR EFFICIENT MANNER, AND THAT BY VIRTUE OF THE AGREEMENT REFERRED TO BELOW, THE GENERAL PUBLIC WILL BE PROVIDED WITH BETTER ROADS THAT ARE CAPABLE OF SUCH USE; 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; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, TDC Deltona Land, L.L.C., a Delaware limited liability company (the "Petitioner"), has 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 Petitioner entering into an *Agreement Concerning Plat Vacation and Road Closing* with County; and

WHEREAS, Developer and County have entered into the Agreement Concerning Plat Vacation and Road Closing; 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 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 Federal or State highway system;
- C. The Roads described on **Exhibit A** are not being used by the general public as roads in an effective way or efficient manner and, by virtue of the *Agreement Concerning Plat Vacation and Road Closing*, the Roads will be replaced with transportation facilities providing better access;
- D. It is not the intent of the Board to vacate any easements for public utilities that may exist pursuant to the *Agreement Concerning Plat Vacation and Road Closing*; 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; provided, however, all rights of County, including those that benefit public utilities, under the *Agreement Concerning Plat Vacation and Road Closing* are not released pursuant to this Resolution; and
- 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 Roads described in **Exhibit A** hereto, in accordance with Chapter 336, Florida Statutes, and hereby quit claims conveys any such rights to Petitioner.

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 June, 2023.

COUNTY

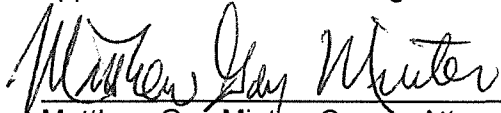
MARION COUNTY, FLORIDA, a political subdivision of the State of Florida, by its Board of County Commissioners

By: _____
Craig Curry as 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:



Matthew Guy Minter, County Attorney

EXHIBIT A

	Description	Tax Parcel ID
1.	Right of way deeded to Marion County in Deed Book 299, Page 347.	None
2.	Portion of right of way deeded to Marion County in Deed Book 299, Page 348 located in the West 25 feet of the SW ¼ of the SW 1/4 of Section 1, Township 17 South, Range 21 East	None
3.	Portion of right of way deeded to Marion County in Deed Book 299, Page 348 located in the East 25 feet of the south 3/4 of the SE 1/4 of Section 2, Township 17 South, Range 21 East	None

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