

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 A PORTION OF A TWENTY (20) FOOT WIDE DRAINAGE RIGHT OF WAY (DROW) AND TO RENOUNCE AND DISCLAIM ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID PORTION OF THE DROW; PROVIDING A FINDING OF A NEED FOR A DRAINAGE EASEMENT THAT MUST BE CONVEYED AS A CONDITION TO APPROVAL OF THIS RESOLUTION; PROVIDING A FINDING THAT SAID PORTION OF THE DROW IS NOT A PORTION OF FEDERAL OR STATE HIGHWAY SYSTEM; PROVIDING A FINDING THAT THE SAID PORTION OF THE DROW IS NOT BEING USED BY THE GENERAL PUBLIC AS A ROAD(S); PROVIDING A FINDING THAT IT IS NOT THE INTENT OF THE BOARD TO VACATE ANY EASEMENTS FOR PUBLIC UTILITIES THAT MAY EXIST WITHIN SAID PORTION OF THE DROW; PROVIDING A FINDING THAT VACATING, ABANDONING, DISCONTINUING, AND CLOSING SAID PORTION OF THE DROW AND DISCLAIMING ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID PORTION OF THE DROW WOULD BENEFIT THE GENERAL PUBLIC WELFARE AND WOULD BE IN THE BEST INTEREST OF THE PUBLIC; VACATING, ABANDONING, DISCONTINUING, AND CLOSING SAID PORTION OF THE DROW; RENOUNCING AND DISCLAIMING ANY RIGHTS AND OBLIGATIONS OF MARION COUNTY AND THE PUBLIC IN AND TO ANY LAND IN CONNECTION WITH SAID PORTION OF THE DROW; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Jay Thomas Trust, has petitioned to vacate, abandon, discontinue and close a portion of a twenty (20) foot wide Drainage Right of Way (DROW) described on **Exhibit A** hereto (the "Road(s)") 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 a portion of the DROW 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 portion of the DROW described on **Exhibit A** does not constitute a portion of Federal or State highway system;
- C. The portion of the DROW described on **Exhibit A** is not being used by the general public as a road(s);
- D. It is not the intent of the Board to vacate any easements for public utilities that may exist within the portion of the DROW described on **Exhibit A**; and
- E. Vacating, abandoning, discontinuing, and closing the portion of the DROW 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, subject to the conveyance of a drainage easement provided in Section 3.C. 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 portion of the DROW 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 portion of the DROW 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 portion of the DROW described in **Exhibit A** hereto, and such easements are not included in this vacation and abandonment. Conditions the approval of this Resolution upon receipt of a conveyance of a drainage easement to Marion County in the form attached hereto as Exhibit B.

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 17th day of December, 2024.

ATTEST:

MARION COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF FLORIDA

GREGORY C. HARRELL,
CLERK OF THE COURT

BY: _____
KATHY BRYANT
CHAIRMAN

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

COUNTY ATTORNEY

EXHIBIT 'A'

That certain portion of the 20' wide DROW
lying north of and adjacent to Lot 6, Block A,
Cedar Shores Industrial Park, Plat Book U, Page 51, as
recorded
in Public Records of Marion County, Florida.