

RESOLUTION 23-02

A RESOLUTION RESCINDING RESOLUTION 22-24; VACATING PORTIONS OF THE PLAT OF TOWN OF BELLEVIEW, RECORDED IN PLAT BOOK A, PAGE 15, PUBLIC RECORDS OF MARION COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Bennah Oaks, LLC, owner of the subject parcel, has filed a Petition with the City of Belleview to vacate portions of the Plat of Town of Belleview, recorded in Plat Book A, Page 15, Public Records of Marion County, Florida, as described in the attached **Exhibit A**; and

WHEREAS, Bennah Oaks, LLC is the owner in fee simple of all the platted lands described herein-above except dedicated public areas as may therein be included; and

WHEREAS, the Development Services Department reviewed the Petition and has recommended approval; and

WHEREAS, the Public Works Department reviewed the Petition and recommended that the vacation of such portions of the Plat of Town of Belleview subdivision will not adversely affect City Utilities; and

WHEREAS, all utility service providers were contacted and did not object to the proposed vacation of such portions of the Plat of Town of Belleview subdivision, and such vacation would not have a detrimental effect on drainage, public right-of-way, utilities, or other public facilities; and

WHEREAS, an easement for any existing utilities currently located within the vacated area will be reserved by the City; and

WHEREAS, petitioner has caused the Notice of Intention to Vacate a Portion of the Plat to be published on June 16, 2022, and June 23, 2022, in the Voice of South Marion, a newspaper of general circulation, as required by Chapter 177, Florida Statutes, and a public hearing was held where pursuant to such notice all persons were invited to comment; and

WHEREAS, the City Commission found that the owners of property in the vicinity of the lands herein described and the general public would not be adversely affected by vacating the portions of the Plat of Town of Belleview subdivision set forth in the Petition; and

WHEREAS, an easement for any existing utilities currently located within the vacated area will be reserved by the City; and

WHEREAS, Florida Statutes, Chapter 177 requires a resolution from the governing body of the municipality when request has been made to vacate a plat, in whole or in part, of lands located within the corporate limits of a municipality; and

WHEREAS, at its regular meeting held on July 19, 2022, the City Commission of the City of Belleview approved the Plat of Bennah Oaks Phase 1 subdivision, which replatted portions of the Plat of Town of Belleview, by Resolution approved and adopted on July 19, 2022, and such Plat of Bennah Oaks was recorded in Plat Book 15, Page 20, Public Records of Marion County, Florida; and

WHEREAS, the Petitioner has requested that a separate Resolution be adopted vacating portions of the Plat of Town of Belleview subdivision, rather than by virtue of the Resolution adopted on July 19, 2022, to plat the Bennah Oaks Phase 1 subdivision; and

WHEREAS, the City Commission of the City of Belleview has determined that Resolution 22-24, which was adopted at its December 27, 2022 meeting should be rescinded.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Belleview, Florida, in regular session that the City of Belleview City Commission as follows:

Section 1. RECISSION OF RESOLUTION 22-24. Resolution 22-24 is hereby rescinded.

Section 2. VACATION PORTIONS OF PLAT OF TOWN OF BELLEVIEW: The City Commission of the City of Belleview does hereby vacate and annul the portions of the Plat of Town of Belleview subdivision recorded in Plat Book 15, Page 20, Public Records of Marion County, Florida, described in the attached **Exhibit A**; and the City of Belleview reserves an easement for any existing city utilities currently located within the vacated area.

CERTIFICATE OF ADOPTION AND APPROVAL

The above and foregoing Resolution was duly approved and adopted by a ___ to ___ vote of the Belleview City Commission at a Regular Meeting held on _____.

CHRISTINE DOBKOWSKI,
Mayor/Commissioner

Attest:

MARIAH MOODY

City Clerk

Approved as to Form and Legal Sufficiency
For the use and Benefit of the City of Belleview Only

FREDERICK E. LANDT, III
City Attorney

CERTIFICATE OF ADVERTISING

I HEREBY CERTIFY that foregoing Resolution was properly advertised for a Public Hearing in accordance with Florida Statutes and the Belleview City Code.

Mariah Moody
City Clerk

EXHIBIT

BLOCKS 81, 82, 83, A PORTION OF THE UNNUMBERED BLOCK LYING EAST OF TELEGRAPH AVENUE AND WEST OF ALICE AVENUE AND THOSE PORTIONS OF PLATTED RIGHTS OF WAY, LYING ADJACENT TO SUCH BLOCKS, CONTAINED WITHIN THE FOLLOWING DESCRIBED REAL PROPERTY:

A PORTION OF BLOCKS 81, 82, 83, 84, 85 AND A PORTION OF THE UNNUMBERED BLOCK LYING EAST OF TELEGRAPH AVENUE AND WEST OF ALICE AVENUE, TOGETHER WITH THOSE PORTIONS OF PLATTED RIGHTS OF WAY ADJACENT TO AFORESAID BLOCKS LYING IN SECTION 1, TOWNSHIP 17 SOUTH, RANGE 22 EAST, LYING EAST OF S.E. COUNTY HIGHWAY NO. 484, SOUTH OF BELMAR ESTATES AS RECORDED IN PLAT BOOK G, PAGE 17 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA AND WEST OF BELLE OAKS AS RECORDED IN PLAT BOOK 2, PAGE 47 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, ALL LYING AND BEING IN THE TOWN OF BELLEVIEW, AS PLATTED IN PLAT BOOK A, PAGE 15, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE NORTHEAST CORNER OF THE N.W. 1/4 OF SECTION 12, TOWNSHIP 17 SOUTH, RANGE 22 EAST, MARION COUNTY, FLORIDA; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID SECTION 12 THE FOLLOWING TWO (2) COURSES: (1.) S.89°32'37"W., 86.86 FEET; (2) THENCE S.89°40'28"W., 37.65 FEET TO THE EASTERLY RIGHT OF WAY OF CR 484, SAID POINT BEING A POINT ON A NON-TANGENT CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2,897.79 FEET, A CENTRAL ANGLE OF 11°57'55", AND A CHORD BEARING AND DISTANCE OF N.10°20'23"W., 604.06 FEET; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE OF CR 484, AND THE ARC OF SAID CURVE, A DISTANCE OF 605.16 FEET; THENCE CONTINUE ALONG SAID EASTERLY RIGHT OF WAY LINE OF CR 484 THE FOLLOWING TWO (2) COURSES: (1) N.04°21'36"E., 231.91 FEET; (2) THENCE N.02°56'53"E., 452.50 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3071, PAGE 471 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, ALONG THE SOUTH BOUNDARY OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS 3071, PAGE 471, AND THE SOUTHERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1071, PAGE 584, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, N.89°55'59"E., 230.06 FEET TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1071, PAGE 584; THENCE DEPARTING THE SOUTHERLY BOUNDARY OF SAID LANDS, ALONG THE WESTERLY BOUNDARY OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1071, PAGE 584, N.00°26'13"E., 49.95 FEET TO THE SOUTHEAST CORNER OF LOT 11, BLOCK 18 OF BELMAR ESTATES, AS RECORDED IN PLAT BOOK G, PAGES 17 AND 18 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE DEPARTING SAID WESTERLY BOUNDARY, ALONG THE SOUTHERLY BOUNDARY OF SAID BELMAR ESTATES, N.89°57'07"E., 925.03

FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5035, PAGE 1196, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTHERLY BOUNDARY, ALONG THE WESTERLY BOUNDARY OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 5035, PAGE 1196, S.00°02'14"E., 124.84 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE DEPARTING SAID WESTERLY BOUNDARY, ALONG THE SOUTHERLY BOUNDARY OF SAID LANDS, N.89°58'50"E., 169.97 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE DEPARTING SAID SOUTHERLY BOUNDARY, ALONG THE EASTERLY BOUNDARY OF SAID LANDS, N.00°05'17"E., 124.93 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE DEPARTING SAID EASTERLY BOUNDARY, ALONG AFORESAID SOUTHERLY BOUNDARY OF BELMAR ESTATES, N.89°57'02"E., 826.43 FEET TO THE NORTHWEST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3289, PAGE 1107 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE DEPARTING SAID SOUTHERLY BOUNDARY, ALONG THE WESTERLY BOUNDARY OF SAID LANDS, S.00°04'14"W., 300.06 FEET TO THE SOUTHWEST CORNER OF SAID LANDS; THENCE DEPARTING SAID WESTERLY BOUNDARY, ALONG THE SOUTHERLY BOUNDARY OF SAID LANDS, AND THE SOUTHERLY BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6487, PAGE 1395 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, N.89°56'22"E., 499.95 FEET TO THE SOUTHEAST CORNER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 6487, PAGE 1395; THENCE DEPARTING SAID SOUTHERLY BOUNDARY, ALONG THE WESTERLY BOUNDARY OF BELLE OAKS, AS PLATTED IN PLAT BOOK 2, PAGE 47, OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, S.00°02'27"W., 1,027.56 FEET TO THE NORTHEAST CORNER OF SAID SECTION 12, TOWNSHIP 17 SOUTH, RANGE 22 EAST; THENCE DEPARTING SAID WESTERLY BOUNDARY, ALONG AFORESAID NORTHERLY BOUNDARY OF SECTION 12 THE FOLLOWING THREE (3) COURSES: (1) N.89°59'55"W., 668.91 FEET TO THE NORTHEAST CORNER OF THE WEST 3/4 OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 12; (2) S.89°57'30"W., 1879.40 FEET TO NORTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4177, PAGE 98 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; (3) THENCE N.89°57'07"W., 127.50 FEET TO THE POINT OF BEGINNING.

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