



## Legislation Details (With Text)

**File #:** RES-2024-14  
**Type:** Resolution  
**Status:** Tabled  
**File created:** 2/21/2024  
**In control:** City Council  
**On agenda:** 5/7/2024  
**Final action:** 3/5/2024  
**Title:** Adopt Resolution 2024-14 to vacate a 25-foot drainage and utility easement running along the southerly boundary of Lots 16 and 17, as shown on the Plat of Heath Brook North B-2, as recorded in Plat Book 9, Pages 149-152 (Parcel 23874-000-16 and 23874-000-17); approximately 0.16 acres. (Case PLV24-45524) (Quasi-Judicial) - Postponed from the March 5, 2024 City Council Meeting

### Sponsors:

### Code sections:

**Attachments:** 1. PLV24-45524 Packet Details, 2. Legal & Sketch, 3. Easement Depiction

Date	Ver.	Action By	Action	Result
3/5/2024	1	City Council	Tabled	Pass

Submitted By: Breah Miller

Presentation By: Endira Madraveren

Department: Growth Management

### STAFF RECOMMENDATION (Motion Ready):

Adopt Resolution 2024-14 to vacate a 25-foot drainage and utility easement running along the southerly boundary of Lots 16 and 17, as shown on the Plat of Heath Brook North B-2, as recorded in Plat Book 9, Pages 149-152 (Parcel 23874-000-16 and 23874-000-17); approximately 0.16 acres. (Case PLV24-45524) (Quasi-Judicial) - Postponed from the March 5, 2024 City Council Meeting

### OCALA'S RELEVANT STRATEGIC GOALS:

Quality of Place

### PROOF OF PUBLICATION:

N/A

### BACKGROUND:

- Petitioner: CDP Ocala VA, LLC
- Property Owner: CDP Ocala VA, LLC
- Agent: Austin Dailey, Esq. & Fred Roberts, Esq.
- The Plat of Heath Brook North B-2 includes 25-foot drainage and utility easement running along the southerly boundary of Lots 16 and 17.

- The property owner has submitted a request for a partial vacation to vacate the easement with future plans to develop Lots 16 and 17 with the parcel to the southwest (23877-000-10).
- Utility companies and internal departments have no objections to the proposed vacation with one condition that the applicant will provide Lumen with a private easement 12 feet in depth that will give Lumen access via a four-inch conduit.

**FINDINGS AND CONCLUSIONS:**

The vacation of these easements will not affect any other utility but Lumen/ Century Link. As long as the applicant provides Lumen with a private easement 12 feet in depth that will give Lumen access via a four-inch conduit in exchange for the partial plat vacation, there will be no objection.

**FISCAL IMPACT:**

N/A

**PROCUREMENT REVIEW:**

N/A

**LEGAL REVIEW:**

This Agreement will be reviewed and approved for form and legality by City Attorney, William E. Sexton.

**ALTERNATIVE:**

- Approve with amendments
- Deny
- Table

## **RESOLUTION 2024-14**

A RESOLUTION OF THE CITY OF OCALA, FLORIDA VACATING A 25-FOOT DRAINAGE AND UTILITY EASEMENT RUNNING THE SOUTHERLY BOUNDARY OF LOTS 16 AND 17, AS SHOWN ON THE PLAT OF HEATH BROOK NORTH B-2, AS RECORDED IN PLAT BOOK 9, PAGES 149-152, MARION COUNTY PUBLIC RECORDS, MARION COUNTY, FLORIDA

WHEREAS, CDP Ocala VA, LLC has filed a petition with the City of Ocala to vacate a 25-foot drainage and utility easement along the southerly boundary of Lots 16 and 17, as shown on the Plat of Heath Brook North B-2, as recorded in Plat Book 9, Pages 149-152 (Parcel 23874-000-16 and 23874-000-17); 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 that is located in the corporate limits of a municipality; and

WHEREAS comments regarding the effects of such a vacation on the public facilities of the City have been requested from appropriate city departments; and

WHEREAS all City departments were contacted and indicated that the vacation of the easement would not have a detrimental effect on public right-of-way, utilities, or other public facilities; and

WHEREAS on February 12, 2024, the Ocala Planning and Zoning Commission, in regular session, recommended approval of the vacation of the easement lying within the corporate limits of the City of Ocala;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OCALA, FLORIDA, in regular session duly assembled as follows:

1. The City of Ocala does hereby vacate the easement Plat of Heath Brook North B-2, Plat Book 9, Pages 149-152 of the Public Records of Marion County, Florida, more particularly described as follows:

A PORTION OF PARCELS 16 AND 17 OF "HEATH BROOK NORTH B-2" AS RECORDED IN PLAT BOOK 9, PAGE 149 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, LYING IN SECTION 34, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF PARCEL 2, LYING IN SECTION 34, TOWNSHIP 15 SOUTH, RANGE 21 EAST, MARION COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHERLY MOST CORNER OF PARCEL 2 OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8200, PAGE 766 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, SAID CORNER LYING ON THE NORTHERLY LINE PARCEL 1 OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8200, PAGE 766 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE NORTH 44°59'40" WEST, A DISTANCE OF 276.42 FEET ALONG SAID NORTHERLY LINE OF SAID PARCEL 1 AND THE SOUTHWESTERLY LINE OF SAID PARCEL 2 TO THE NORTHERLY MOST CORNER OF SAID PARCEL 1 OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8200, PAGE 766, SAID CORNER BEING THE WESTERLY MOST CORNER OF SAID PARCEL 2 OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8200, PAGE 766; THENCE NORTH 41°48'57" EAST, A DISTANCE OF 25.04 FEET ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 2 OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8200, PAGE 766; THENCE DEPARTING SAID NORTHWESTERLY LINE SOUTH 44°59'40" EAST, A DISTANCE OF 277.81 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID PARCEL 2 OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8200, PAGE 766; THENCE SOUTH 45°00'20" WEST, A DISTANCE OF 25.00 ALONG SAID SOUTHEASTERLY LINE OF PARCEL 2 OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8200, PAGE 766 TO THE POINT OF BEGINNING.

Containing 6,928 square feet, more or less.

2. A certified copy of the Resolution shall be recorded by the Clerk of the City of Ocala in the public records of Marion County, Florida.

This resolution adopted this 7th day of May, 2024.

**ATTEST:**

**CITY OF OCALA**

By:  
Angel B. Jacobs  
City Clerk

By:  
Barry Mansfield  
President, Ocala City Council

Approved as to form and legality:

By: \_\_\_\_\_  
William E. Sexton  
City Attorney