



## Legislation Text

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**File #:** RES-2024-13, **Version:** 1

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Submitted By: Breah Miller

Presentation By: Endira Madraveren

Department: Growth Management

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### **STAFF RECOMMENDATION** (Motion Ready):

Adopt Resolution 2024-13 to vacate a 10-foot utility easement lying along the boundary between Lots 16 and 17, and the parallel access and drainage easement running parallel to and connecting to SW 46th Court and the northerly 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 0.33 acres. (Case PLV23-45481) (Quasi-Judicial)

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### **OCALA'S RELEVANT STRATEGIC GOALS:**

Economic Hub, Quality of Place

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### **PROOF OF PUBLICATION:**

N/A

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### **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 10-foot Utility Easement lying along the boundary between Lots 16 and 17, and the Parallel Access and Drainage Easement running parallel to and connecting to SW 46th Court and the northerly 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.

### **FINDINGS AND CONCLUSIONS:**

The vacation of these easements will not affect the existing infrastructure as long as the access to the 10-foot utility easement that lies above the northwestern property line and through Lots 13, 14 and 15 of the Heath Brook North B-2 Plat remain.

### **FISCAL IMPACT:** NA

**PROCUREMENT REVIEW: NA**

**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 2024-13**

A RESOLUTION OF THE CITY OF OCALA, FLORIDA VACATING A 10-FOOT UTILITY EASEMENT LYING ALONG THE BOUNDARY BETWEEN LOTS 16 AND 17, AND THE PARALLEL ACCESS AND DRAINAGE EASEMENT RUNNING PARALLEL TO AND CONNECTING TO SW 46TH COURT AND THE NORTHERLY 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 10-foot utility easement lying along the boundary between Lots 16 and 17, and the parallel access and drainage easement running parallel to and connecting to SW 46th Court and the northerly 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 a 10-foot utility easement lying along the boundary between Lots 16 and 17, and the parallel access and drainage easement running parallel to and connecting to SW 46th Court and the northerly 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, of the Public Records of Marion County, Florida, 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 easements 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 easements 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:

BEGIN AT THE NORTHERN MOST CORNER OF PARCEL 17 OF "HEATH BROOK NORTH B-2", AS RECORDED IN PLAT BOOK 9, PAGE 149 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE SOUTH 48°11'03" EAST, A DISTANCE OF 25.00 FEET ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 17, SAID NORTHEASTERLY LINE ALSO BEING THE SOUTHERLY RIGHT OF WAY LINE OF SW 46TH COURT (50' RIGHT OF WAY); THENCE DEPARTING SAID NORTHEASTERLY LINE AND SOUTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO (2) COURSES AND DISTANCES: SOUTH 41°48'57" WEST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 48°11'03" EAST, A DISTANCE OF 121.21 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF AFORESAID PARCEL 17; THENCE SOUTH 45°00'20" WEST, A DISTANCE OF 24.04 FEET ALONG SAID SOUTHEASTERLY LINE OF PARCEL 17; THENCE DEPARTING SAID SOUTHEASTERLY LINE OF PARCEL 17, NORTH 48°11'03" WEST, A DISTANCE OF 292.47 FEET TO A POINT ON THE NORTHWESTERLY LINE OF PARCEL 16 AS RECORDED IN SAID PLAT BOOK 9, PAGE 149 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE NORTH 41°48'57" EAST, A DISTANCE OF 24.00 FEET ALONG SAID NORTHWESTERLY LINE OF PARCEL 16; THENCE DEPARTING SAID NORTHWESTERLY LINE OF PARCEL 16 THE FOLLOWING TWO (2) COURSES AND DISTANCES: SOUTH 48°11'03" EAST, A DISTANCE OF 122.60 FEET; THENCE NORTH 41°48'57" EAST, A DISTANCE OF 25.00 FEET TO THE NORTHEASTERLY LINE OF SAID PARCEL 16, SAID NORTHEASTERLY LINE ALSO BEING THE AFORESAID SOUTHERLY RIGHT OF WAY LINE OF SW 46TH COURT; THENCE SOUTH 48°11'03" EAST, A DISTANCE OF 25.00 FEET ALONG SAID NORTHEASTERLY LINE AND SAID SOUTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING.

Containing 8,285 square feet, more or less.

AND

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:

COMMENCE AT THE NORTHERLY MOST CORNER OF PARCEL 17 OF "HEATH BROOK

NORTH B-2” AS RECORDED IN PLAT BOOK 9, PAGE 149 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA; THENCE SOUTH 41°48’56” WEST, A DISTANCE OF 10.00 FEET ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 17, SAID NORTHWESTERLY LINE ALSO BEING THE SOUTHEASTERLY LINE OF PARCEL 16 OF “HEATH BROOK NORTH B-2” AS RECORDED IN PLAT BOOK 9, PAGE 149 OF THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTHWESTERLY LINE THE FOLLOWING FIVE (5) COURSES AND DISTANCE: SOUTH 48° 11’03” EAST, A DISTANCE OF 10.00 FEET; THENCE SOUTH 41°48’56” WEST, A DISTANCE OF 303.04 FEET; THENCE NORTH 44°59’40” WEST, A DISTANCE OF 20.03 FEET; THENCE NORTH 41°48’56” EAST A DISTANCE OF 301.92 FEET; THENCE SOUTH 48°11’03” EAST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

Containing 6,050 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 5th day of March, 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