



RESOLUTION 10- 111

~~A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA, TO VACATE A PORTION OF COUNTY ROAD SE 193 AVENUE; AUTHORIZING THE CHAIR TO EXECUTE ALL DOCUMENTS RELATED THIS ACTION; AND PROVIDING AN EFFECTIVE DATE~~

WHEREAS, Section 336.09, Fla. Stat., and Chapter 324 of the Alachua County Code authorize and empower the Board of County Commissioners (Board), upon the petition of any person(s), to vacate any existing public or private street, and renounce the rights of both the county and the public in and to any land in connection with the vacated street, and

WHEREAS, the Board received a petition from Island Grove Properties, LLC (IGP) requesting that the Board consider vacating County Road SE 193 Avenue, lying Section 1, Township 12 South, Range 22 East, Alachua County, Florida, also described in Exhibit A, and

WHEREAS, the Board authorized the advertisement of a public hearing to consider vacating that certain street known as County Road SE 193 Avenue, which was published in accordance with the requirements of Section 336.10, Fla. Stat., and Section 324.02(1) of the Alachua County Code, and

WHEREAS, on September 28, 2010 at 5:00 p.m., a duly noticed public hearing was held to consider whether to vacate and close said street described in Exhibit A, and all interested parties were heard, and

WHEREAS, Section 324.02(8) of the Alachua County Code provides that if the Board of County Commissioners determines that closing the road, street, alleyway, or highway is in the best interest of the public welfare and will not be injurious to the public welfare or violate individual property rights, the Board may adopt a resolution closing the same, and

WHEREAS, the testimony and evidence produced at the hearing demonstrated that the applicant has purchased the property on both sides of said street and has established a blueberry farm; said street, as a public street, poses a security problem for the applicant; any private properties that are currently accessed by said street are vacant; there are no known plans for development of such properties; the properties are undevelopable or marginally developable due to wetlands, floodplains, size, or configuration; the private properties are in several cases functionally part of much larger parcels that are split by the Putnam-Marion county line; the private properties that are accessed by said street do not

presently have full legal access and regardless of the requested street vacation would require additional easements or other conveyances in order to have legal access for development or full use and enjoyment, and

WHEREAS, the Board determined, in accordance with the procedures set forth in Section 324.02(8) of the Alachua County Code, that vacating the said street is in the best interest of the public welfare and will not be injurious to the public welfare or violate individual property rights.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA, COUNTY FLORIDA:

Section 1. Findings. The Board finds, determines, and declares that the recitals in the preamble are true and correct, and hereby incorporates them by reference.

Section 2. Approval of the Petition to Vacate. That the portion of County Road SE 193 Avenue, as described in Exhibit A, is hereby vacated, abandoned, discontinued and closed.

Section 3. Renunciation of Rights. The Board renounces and disclaims any right of the county and the public in and to any land in connection with the vacation of County Road SE 193 Avenue, lying east of County Road 243<sup>rd</sup> Avenue.

Section 4. Authority of Chair. The Chair is hereby authorized to execute any documents approved by the County Attorney related to the vacation of County Road SE 193 Avenue, lying east of County Road 243<sup>rd</sup> Avenue.

Section 5. Effective Date. This resolution shall take effect when proof of publication for both the Notice of Public Hearing, and the Notice of Adoption of Resolution - 10-111, along with the original Resolution 10-111, are recorded in the official records of Alachua County, Florida.

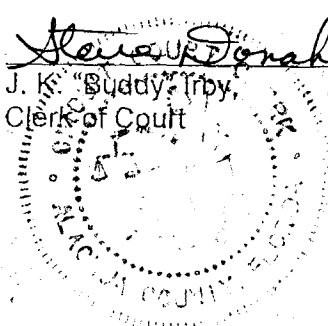
DULY ADOPTED in regular session, this 9<sup>th</sup> day of November, 2010.

BOARD OF COUNTY COMMISSIONERS  
ALACHUA COUNTY, FLORIDA

By: [Signature]  
Cynthia Moore Chestnut, Chair  
[Signature]

ATTEST:

[Signature]  
J. K. "Buddy" Tipy,  
Clerk of Court



APPROVED AS TO FORM:

[Signature]  
Alachua County Attorney

## EXHIBIT "A"

All of that part of County Road SE 193 Avenue lying east of its intersection with County Road SE 243 Street, lying and being in Section 1, Township 12 South, Range 22 East, Alachua County, Florida.

EXHIBIT "B"  
AFFIDAVIT OF PUBLICATION

The Gainesville Sun  
Published - Daily  
Gainesville, Alachua County, Florida

STATE OF FLORIDA  
COUNTY OF ALACHUA

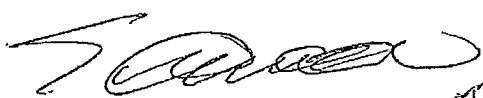
Before the undersigned, a Notary Public of Said County and State, Ernest Blake, III, who on oath says that he is Legal Advertising Coordinator of THE GAINESVILLE SUN, a daily newspaper published at Gainesville, in Alachua County, Florida; that the attached copy of advertisement, being a notice in the matter of

*NOTICE OF PUBLIC HEARING TO CONSIDER VACATING A PORTION OF COUNTY ROAD SE 193 AVENUE IN SECTION 1, TOWNSHIP 12 SOUTH, RANGE 22 EAST, ALACHUA COUNTY, FLORIDA NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Alachua County, Florida, will co*

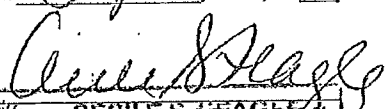
was published in said newspaper in the issues of:

9/14 1x

Affiant further says that the said THE GAINESVILLE SUN is a daily newspaper published at Gainesville, in said Alachua County, Florida, and that the said newspaper has heretofore been continuously published in said Alachua County, Florida, daily, and has been entered as second class mail matter at the post office in Gainesville in said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the person of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this 15 day of Sept, A.D., 2010

  
CECILE S. Neag, Notary Public  
MY COMMISSION # DD88997  
EXPIRES Augus: 05, 20  
40 (Print Type or Stamp Name of Notary Public)

My commission expires 5 day of Aug, 2011

Ad #: A000658091

TUESDAY, SEPTEMBER 14, 2010 | THE GAINESVILLE SUN

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## LEGALS

**NOTICE OF PUBLIC HEARING TO CONSIDER VACATING A PORTION OF COUNTY ROAD SEE 193 AVENUE IN SECTION 14, TOWNSHIP 12, SOUTH RANGE 22 EAST ALACHUA COUNTY, FLORIDA**

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners of Alachua County, Florida, will consider the adoption of a Resolution for vacating and abandoning a certain county maintained street at a public hearing to be held in Room 209 of the Alachua County Administration Building, 12 Southeast 1st Street, Gainesville, Florida, on the 29 day of September, A.D. 2010, at 5:00 o'clock p.m., or as soon thereafter as the matter may be heard, said portion of the plat being described as follows:

All of that part of County Road See 193 Avenue lying east of its intersection with County Road See 2431 Street, Ning and being in Section 14, Township 12, South Range 22 East Alachua County, Florida.

A detailed map and descriptions are available for review at the Public Works Department or the County Manager's Office.

All persons are advised that if they desire to appeal any decision made at this public hearing they will need a record of the proceedings and for such purpose they may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. All interested persons are invited to attend and be heard. Anyone with a disability who needs an accommodation, please call 352-374-5245 or TDD 352-374-5284.

Cynthia Moore Chestnut, Chair  
Board of County Commissioners

Tuesday, September 14th 2010  
#A000658091

# AFFIDAVIT OF PUBLICATION

**The Gainesville Sun**  
Published – Daily  
Gainesville, Alachua County, Florida

**STATE OF FLORIDA**  
**COUNTY OF ALACHUA**

Before the undersigned, a Notary Public of Said County and State, Ernest Blake, III, who on oath says that he is Legal Advertising Coordinator of THE GAINESVILLE SUN, a daily newspaper published at Gainesville, in Alachua County, Florida; that the attached copy of advertisement, being a notice in the matter of

***RESOLUTION 10-111 A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA, TO VACATE A PORTION OF COUNTY ROAD SE 193 AVENUE; AUTHORIZING THE CHAIR TO EXECUTE ALL DOCUMENTS RELATED THIS ACTION; AND PROVIDING AN EFFECTIVE DATE. WHEREAS***

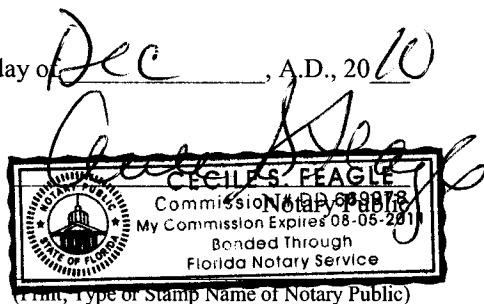
was published in said newspaper in the issues of:

12/7 1x

Affiant further says that the said THE GAINESVILLE SUN is a daily newspaper published at Gainesville, in said Alachua County, Florida, and that the said newspaper has heretofore been continuously published in said Alachua County, Florida, daily, and has been entered as second class mail matter at the post office in Gainesville in said Alachua County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the person of securing this advertisement for publication in the said newspaper.



Sworn to and subscribed before me this 8 day of Dec, A.D., 2010



My commission expires 5 day of Aug, 2011

Ad #: A000673461

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County Code, and

**WHEREAS**, on **September 28, 2010** at 5:00 p.m., a duly noticed public hearing was held to consider whether to vacate and close said street described in Exhibit A, and all interested parties were heard, and

**WHEREAS**, Section 324.02(8) of the Alachua County Code provides that if the Board of County Commissioners determines that closing the road, street, alleyway, or highway is in the best interest of the public welfare and will not be injurious to the public welfare or violate individual property rights, the Board may adopt a resolution closing the same, and

**WHEREAS**, the testimony and evidence produced at the hearing demonstrated that the applicant has purchased the property on both sides of said street and has established a blueberry farm; said street, as a public street, poses a security problem for the applicant; any private properties that are currently accessed by said street are vacant; (here are no known plans for development of such properties; the properties are undeveloped or marginally developable due to wetlands, floodplains, size, or configuration; the private properties are in several cases functionally part of much larger parcels that are split by the Putnam-Marion county line; the private properties that are accessed by said street do not presently have full legal access and regardless of the requested street vacation would require additional easements or other conveyances in order to have legal access for development or full use and enjoyment, and

**WHEREAS**, the Board determined, in accordance with the procedures set forth in Section 324.02(8) of the Alachua County Code, that vacating the said street is in the best interest of the public welfare and will not be injurious to the public welfare or violate individual property rights.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA, COUNTY FLORIDA:

**Section 1. Findings.** The Board finds, determines, and declares that the recitals in the preamble are true and correct, and hereby incorporates them by reference.

**Section 2. Approval of the Petition to Vacate.** That the portion of County Road SE 193 Avenue, as described in Exhibit A, is hereby vacated, abandoned, discontinued and closed.

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**Section 4. Authority of Chair.** The Chair is hereby authorized to execute any documents approved by the County Attorney related to the vacation of County Road SE 193 Avenue, lying east of County Road 243rd Avenue.

**Section 5. Effective Date.** This resolution shall take effect when proof of publication for both the Notice of Public Hearing, and the Notice of Adoption of Resolution - 10-111, along with the original Reso-

lution 10-111, are recorded in the official records of Alachua County Florida.

DULY ADOPTED in regular session, this 9th day of November, 2010.

BOARD OF COUNTY  
COMMISSIONERS  
ALACHUA COUNTY, FLORIDA

By:  
Lee Pinkoson, Chair

ATTEST:  
Steve Donaley, D.C.  
J.K. Irby  
Clerk of Court

APPROVED AS TO FORM:  
For Alachua County Attorney

EXHIBIT "A"

All of that part of County Road SE 193 Avenue lying east of its intersection with County Road SE 243 Street, lying and being in Section 1, Township 12 South, Range 22 East, Alachua County, Florida.

December 7, 2010  
#A000673461