

RESOLUTION 17-01

A RESOLUTION OF THE CITY OF ALACHUA, FLORIDA; VACATING A PART OF CERTAIN PLATTED LANDS; CONSISTING OF LOT 1 OF PROGRESS TECHNOLOGY PARK, AS RECORDED IN PLAT BOOK 28, PAGES 86 AND 87 OF THE OFFICIAL RECORDS OF ALACHUA COUNTY, FLORIDA; AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS RELATED TO THIS RESOLUTION; DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE FILED IN THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; DIRECTING THAT A CERTIFIED COPY OF THIS RESOLUTION BE FURNISHED TO THE ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, Section 177.101, Florida Statutes, authorizes and empowers the City Commission of the City of Alachua (the “Commission”) to vacate plats, in whole or in part, and return the property covered by such plats either in whole or in part into acreage, upon the petition of the owner of such platted lands, the publication of legal notice in accordance with Section 177.101, Florida Statutes, certification showing that all state and county taxes have been paid, and demonstration that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated;

WHEREAS, the Commission received a petition from Alachua Foundation Park Holding Company, LLC, and the University of Florida Foundation, Inc., property owners (the “Petitioners”), requesting the Commission consider vacating part of certain platted lands, lying in Sections 13, 14, and 24, Township 8 South, Range 18 East, and consisting of Lot 1 of Progress Technology Park, as recorded in Plat Book 28, Pages 86 and 87 of the public records of Alachua County, Florida, as described and depicted in Exhibit “A”;

WHEREAS, in accordance with Section 177.101, Florida Statutes, the date of the public hearing of this resolution was noticed in two weekly issues of the Gainesville Sun on September 15, 2016, and September 22, 2016;

WHEREAS, the legal notice published in the Gainesville Sun on September 15, 2016, and September 22, 2016, stated the Commission’s intent to vacate a part of certain platted lands, consisting of Lot 1 of Progress Technology Park, as recorded in Plat Book 28, Pages 86 and 87 of the public records of Alachua County, Florida, and as described and depicted in Exhibit “A”;

WHEREAS, the Commission determined, in accordance with the procedures set forth in Section 177.101, Florida Statutes, that vacating that part of the plat described and depicted in Exhibit “A” will not affect the ownership or right of convenient access of persons owning other parts of the subdivision;

WHEREAS, the Commission has determined that vacating that part of the plat described and depicted in Exhibit “A” will not injure the public welfare;

WHEREAS, all state, county, and local taxes have been paid on the lands within the part of said plat to be vacated;

WHEREAS, the Petitioners own the fee simple title to that part of the tract covered by the plat sought to be vacated;

WHEREAS, it is in the public health, safety, economy, comfort, order, convenience, and welfare to vacate that part of the plat described in Exhibit “A”.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ALACHUA, FLORIDA:

Section 1. Findings.

The Commission finds, determines, and declares that the above recitals are true and correct and are hereby incorporated into this resolution by reference.

Section 2. Approval to Vacate.

That part of Progress Technology Park, as recorded in Plat Book 28, Pages 86 and 87 of the public records of Alachua County, Florida, identified as Lot 1, and as more particularly described and depicted in Exhibit “A”, is hereby vacated.

Section 3. Public Utilities Easements

The City of Alachua maintains public works and utility system infrastructure in existing public utilities easements as shown on the plat of Progress Technology Park, as recorded in Plat Book 28, Pages 86 and 87 of the public records of Alachua County, Florida. These facilities consist of electric system infrastructure, wastewater facilities, and water system infrastructure. These facilities are planned to remain in service. The City must have easement rights to operate and maintain this infrastructure. Public utilities easements shall be recorded by separate instrument for all existing public utilities easements within that part of the plat described and depicted in Exhibit “A”.

Section 4. Authority of Mayor.

The Mayor is hereby authorized to execute any documents approved by the City Attorney related to the vacation of that part of the plat described and depicted in Exhibit "A".

Section 5. Recording in the Public Records and Notice to the County.

In accordance with Section 177.101(4), Florida Statutes, a certified copy of this resolution shall be filed in the public records of Alachua County, Florida, and the Alachua County Board of County Commissioners shall be furnished with a certified copy of this resolution showing that the City has by suitable resolution vacated such part of the plat. The Petitioners shall be responsible for all costs associated with the recording of this resolution in the public records of Alachua County, Florida.

This Resolution shall take effect immediately upon passage and approval.

DULY ADOPTED in regular session, this 10th day of October, 2016.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA


Gib Coerper, Mayor

ATTEST:



Traci L. Gresham, City Manager/Clerk

EXHIBIT “A”

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LEGAL DESCRIPTION: LOT 1 OF PROGRESS TECHNOLOGY PARK AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 28, PAGES 86 AND 87 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

EXHIBIT "A"

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