

RESOLUTION 18-28

A RESOLUTION OF THE CITY OF ALACHUA, FLORIDA; CONDITIONALLY VACATING THE PLAT FOR THE MERRILLWOOD SUBDIVISION, RECORDED IN PLAT BOOK H, PAGE 50 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 requesting the Commission consider vacating part of certain platted lands, lying in that part of the Northwest ¼ of Section 14, Township 8 South, Range 18 East, and consisting of Lots 1 through 69 of the Merrillwood Subdivision as recorded in Plat Book H, Page 50 of the Public Records of Alachua County, Florida as described on Exhibit “A” (the “Property”), depicted on Exhibit “B” (the “Plat”), and which is owned by the Alachua County Housing Authority (the “Petitioner”);

WHEREAS, the Alachua County Housing Authority intends to redevelop the Property in phases, and such redevelopment will necessitate the vacation of that portion of the existing Plat on that Property at the time the appropriate final development order for each phase of redevelopment is approved by the City;

WHEREAS, in order to receive the funding for this redevelopment, the Alachua County Housing Authority has requested assurances that the redevelopment can proceed for all phases notwithstanding the existing Plat on the Property;

WHEREAS, in order to provide these assurances, the City hereby declares that the Plat is vacated subject to the conditions contained in this Resolution set forth below;

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 August 30, 2018, and September 6, 2018;

WHEREAS, the legal notice published in the Gainesville Sun on August 30, 2018, and September 6, 2018, stated the Commission's intent to conditionally vacate the Plat on the Property;

WHEREAS, the Commission has determined that the conditional vacation of the Plat as set forth in this Resolution will not injure the public welfare and, in fact, it will foster the public welfare;

WHEREAS, all state, county, and local taxes have been paid on the lands within the Plat;

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

WHEREAS, it is in the public health, safety, economy, comfort, order, convenience, and welfare to vacate the Plat in accordance with the terms of this Resolution.

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. Conditional Vacation of Plat

That part of Merrillwood Subdivision, as recorded in Plat Book H, Page 50 of the Public Records of Alachua County, Florida, identified as Lots 1 through 69, and as more particularly described and depicted in Exhibit "A", is hereby vacated subject to the following conditions:

- a. Any public works and utility systems maintained by the City of Alachua reflected on the Plat, including, but not limited to electric, water and wastewater, shall remain in service and shall either remain on the existing Plat, shall be included in the new final development plan and order or be placed in a separate public utility easement to the City which will be filed in the Public Records of Alachua County, Florida at the time of the approval of the final development plan and order to make sure that there will not be any disruption in the delivery of service to the public; and,
- b. Upon the approval of a final development plan and order for the purpose of redeveloping all or part of the Property, the City shall file a certified copy of an Affidavit

signed by its Mayor substantially in the form attached hereto as Exhibit “C” in the Public Records of Alachua County, Florida, affirming that the conditions contained in this Resolution for vacation of the portion of the Plat addressed by the development plan and order have been met and provide a certified copy of the recorded affidavit to Alachua County Board of County Commissioners.

Section 3. Authority of Mayor.

The Mayor is hereby authorized to execute any documents approved by the City Attorney related to the completion of the conditions for the vacation of all or part of the Plat on the Property, including, but not limited to, affidavit(s) in the form of Exhibit “C”.

Section 4. 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 vacated the Plat subject to the conditions set forth in this Resolution. The Petitioner shall be responsible for all costs associated with the recording of this Resolution in the Public Records of Alachua County, Florida and any affidavits which are required as conditions to this vacation.

This Resolution shall take effect immediately upon passage and approval.

DULY ADOPTED in regular session, this 10th day of September, 2018.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA


Gib Coerper, Mayor

ATTEST:


Adam Boukari, City Manager/Clerk

EXHIBIT "A"

LEGAL DESCRIPTION:

That property described and recorded in Plat Book H, Page 50 of the Public Records of Alachua County, Florida, and further described below:

That part of the Northwest 1/4 of Section 14, Township 8 South, Range 18 East, Alachua, Alachua County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Northwest 1/4 of said Section 14, for a point of reference; from the point of reference run South 03 deg. 23 min. 20 sec. East, along the East line of the Northwest 1/4 of the said Section 14, said line being the East City Limits Line of Alachua, a distance of 572.31 feet To the point of beginning; from the point of beginning continue South 03 deg. 23 min. 20 sec. East along the said East line of the Northwest 1/4, a distance of 1426.00 feet; thence run South 87 deg. 46 min. 45 sec. West, a distance of 739.24 feet to an intersection with the Easterly Right of Way line of N.E. 7th Street; thence run North 01 deg. 45 min. 00 sec. West along said Right of Way line, a distance of 640.07 feet, to an intersection with the Southeasterly Right of Way line of College Avenue; thence run North 27 deg. 15 min. 45 sec. East along the said Southeasterly Right of Way line of College Avenue, a distance of 902.54 feet; thence run North 87 deg. 46 min. 45 sec. East, a distance of 260.71 feet to an intersection with the said East Line of the Northwest 1/4 and the said point of beginning.

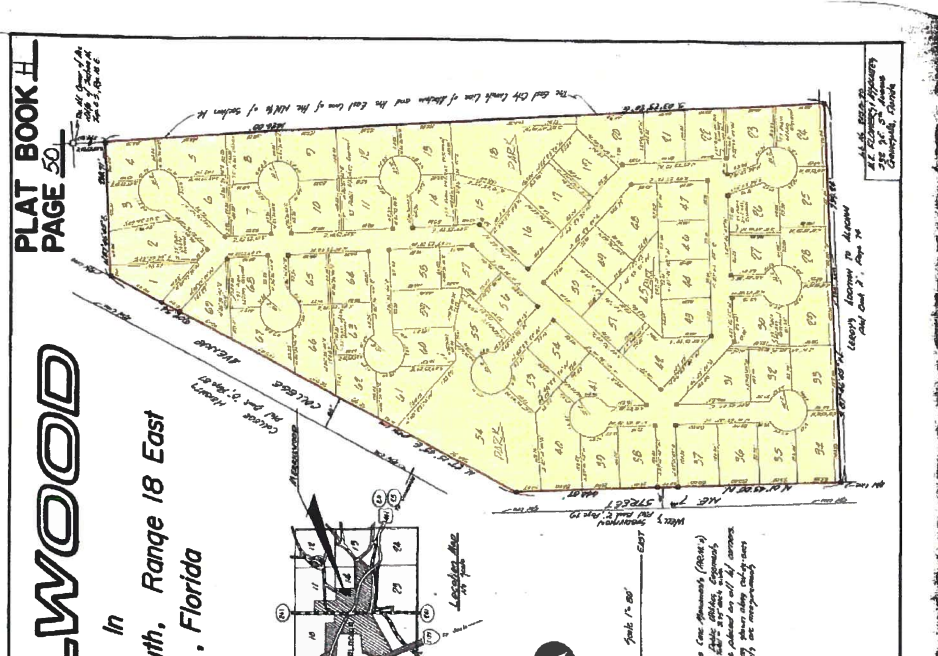
EXHIBIT "B"

H-50

MERRILLWOOD

Located in
Section 14, Township 8 South, Range 18 East
Alachua County, Florida

**PLAT BOOK H
PAGE 50**



The City Council of Alachua and the Board of Supervisors of Alachua County, Florida, do hereby certify that the above plat is a correct and true copy of the original as filed in the office of the Clerk of the Board of Supervisors of Alachua County, Florida, on this 15th day of July, 1972.

Approved by the Board of Supervisors of Alachua County, Florida:

_____ Mayor
 _____ Clerk

Approved by the City Council of Alachua, Florida:

_____ Mayor
 _____ Clerk

The City Council of Alachua and the Board of Supervisors of Alachua County, Florida, do hereby certify that the above plat is a correct and true copy of the original as filed in the office of the Clerk of the Board of Supervisors of Alachua County, Florida, on this 15th day of July, 1972.

Approved by the Board of Supervisors of Alachua County, Florida:

_____ Mayor
 _____ Clerk

Approved by the City Council of Alachua, Florida:

_____ Mayor
 _____ Clerk

H

EXHIBIT “C”

**AFFIDAVIT OF MAYOR ATTESTING TO COMPLETION OF CONDITIONS
FOR VACATION OF PLAT**

STATE OF FLORIDA
COUNTY OF ALACHUA

BEFORE ME the undersigned appeared, _____, who after first being sworn, deposes, and states:

1. My name is _____. I am over the age of 21, I am competent to provide this affidavit, and I have personal knowledge of the information set forth in this affidavit.

2. I am the Mayor of the City of Alachua (the “City”).

3. On September 10, 2018, the City passed Resolution 18-28 providing for the conditional vacation of all or part of the property in the plat of the Merrillwood Subdivision recorded in **Plat Book H, Page 50** of the Public Records of Alachua County, Florida (the “Plat”) in order to allow for the Alachua County Housing Authority, the owner of the property subject to Resolution 18-28, to redevelop it.

4. A certified copy of Resolution 18-28 is recorded in Official Records [or Plat] **Book** _____, **Page** _____, of the Public Records of Alachua County, Florida (the “Resolution”).

5. A condition of the Resolution requires Mayor of the City to file an affidavit attesting that that a final development plan and order has been approved by the City for all or part of the property on the Plat.

6. As the Mayor, and pursuant to the Resolution, I attest that the property described on attached Exhibit 1, which was formally included on the Plat, including lots [_____, _____], and is now included on the _____ [new plat or site plan] for this property approved by the City on _____. The _____ [plat or site plan] is a final development plan and order under the City’s Land Development Regulations.

7. I further attest that any of the public works and utility systems maintained by the City on the property in Exhibit 1 remains on the existing plat, has been included in the _____ [new plat or site plan] or has been placed in a separate public utility easement to the City which is filed in the Public Records of Alachua County, Florida.

8. The Alachua County Housing Authority has complied with the conditions of the Resolution and the vacation of the plat of the property in Exhibit 1 has been met.

FURTHER AFFIANT SAYETH NOT

[Signature of Mayor]
(type [name], Mayor)

THE FOREGOING Affidavit of Mayor Regarding Vacation of Plat was acknowledged before me on this _____ day of _____, 20____, by _____, who is known to me and who took an oath before signing it.

Notary Public, State of Florida
Commission No.:
Commission Expiration: [SEAL]