

**RESOLUTION 13-**

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY FLORIDA, TO VACATE A PORTION OF THE PLAT OF BAILEY SURVEY; AUTHORIZING THE CHAIR TO EXECUTE ALL DOCUMENTS RELATED TO THE VACATED PORTION OF THE PLAT; PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners (Board) is authorized to adopt a resolution vacating plats, either in whole or in part, in subdivisions located in Alachua County pursuant to Section 177.101(3), Fla. Stat., and Chapter 402 of the Alachua County Code; and

WHEREAS, Baya Poco, LLC (Baya), owners of a portion of the plat of Bailey Survey, through their agent, Moorhead Engineering, Company, applied to the Alachua County Public Works Department to vacate portions of the plat described as follows:

Portions of Lots 2, 3, 6 & 7, including the 20-foot unnamed street along the west side of said lots in the Plat of Bailey Survey, as recorded in Plat Book "A", page 53 of the public records of Alachua County, Florida, and being more particularly described in **Exhibit "A"**, as attached hereto and by reference made a part herein.

Lying and being in Section 16, Township 12 South, Range 22 East, Alachua County, Florida

WHEREAS, as required by Section 177.101(3), Fla. Stat., and Section 402.63 of the Alachua County Code, Baya owns the fee simple title to the tracts covered by the portions of the plat sought to be vacated; and

WHEREAS, the Public Works Department, after conducting the investigation required under section 402.63 of the Alachua County Code, reached a favorable recommendation on Baya's application for the partial plat vacation; and

WHEREAS, Baya satisfied the publication of legal notice requirements of Section 177.101(4), Fla. Stat, and Section Ch. 402, Art. IV of the Alachua County Code, see EXHIBIT "B" attached hereto and by reference made a part hereof; and

WHEREAS, the platted subdivisions do not lie within the corporate limits of any incorporated municipality within Alachua County; and

WHEREAS, Baya has certified that all state and county taxes (and municipal taxes if applicable) have been paid as required by Section 177.101(4), Fla. Stat., and Section 402.63(a)2 of the Alachua County Code; and

WHEREAS, the Board, in accordance with Section 177.101(3), Fla. Stat., and Section 402.64 of the Alachua County Code, has determined that vacating the portions of the plat owned by Baya will not affect the ownership or right of convenient access of persons owning other parts of the subdivision or adjacent properties, and is in the best interest of the public welfare.

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 application to vacate portions of the plats.** The portions of Bailey Survey as described in Exhibit "A" is vacated, and the property covered by such portion of the plat, either in whole or in part, is returned to acreage.

**Section 3. Streets and alleys.** All streets and alleys within the portion of the vacated plat that are not highways necessary for use by the traveling public are also vacated.

**Section 4. Authority of the Chair.** The Chair is hereby authorized to execute any documents approved by the County Attorney related to that portion of the vacated plat.

**Section 5. Effective Date.** This resolution shall take effect when a certified copy of the adopted resolution 13-\_\_\_\_, together with a copy of the proof of publication of the Notice of Public Hearing, and a copy of the proof of publication for the adopted Resolution 13-\_\_\_\_ has been filed with the Clerk of the Circuit Court and duly recorded in the public records of Alachua County, Florida.

**DULY ADOPTED** in regular session, this \_\_\_\_ day of \_\_\_\_\_, A.D., 2013.

**BOARD OF COUNTY COMMISSIONERS  
OF ALACHUA COUNTY, FLORIDA**

(SEAL)

By: \_\_\_\_\_  
Mike Byerly, Chair

**ATTEST:**

\_\_\_\_\_  
J. K. Irby, Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Alachua County Attorney

# LEGAL DESCRIPTION EXHIBIT "A"

LEGAL DESCRIPTION:

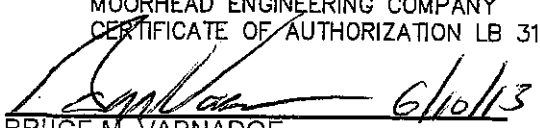
THAT PORTION OF THE PLAT OF "BAILEY SURVEY" BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING THE SOUTHEAST CORNER OF "BAILEY SURVEY", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK A, PAGE 53, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; RUN ALONG THE SOUTH BOUNDARY OF SAID "BAILEY SURVEY", S.88°39'01"W. A DISTANCE OF 40.01 FEET; THENCE N.00°01'54"W. A DISTANCE OF 481.37 FEET; THENCE S.89°58'06"W. A DISTANCE OF 94.45 FEET; THENCE N.00°01'54"W. A DISTANCE OF 157.22 FEET TO A POINT ON A CURVE OF THE SOUTH RIGHT OF WAY LINE OF COUNTY ROAD No.325; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID SOUTH RIGHT OF WAY CONCAVE TO THE NORTHEAST A DISTANCE OF 139.33 FEET, THROUGH A CENTRAL ANGLE OF 6°46'17", HAVING A RADIUS OF 1178.92 FEET, SUBTENDED BY A CHORD BEARING OF S.74°57'15"E. AND A DISTANCE OF 139.25 FEET TO A POINT ON THE EAST BOUNDARY OF SAID "BAILEY SURVEY"; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN S.00°01'54"E., ALONG SAID EAST BOUNDARY, A DISTANCE OF 601.44 FEET TO THE POINT OF BEGINNING.

CONTAINING 37,748.63 SQUARE FEET, 0.866 ACRES, MORE OR LESS.

DATED AT OCALA, FLORIDA THIS 5th DAY OF JUNE, 2013

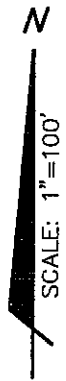
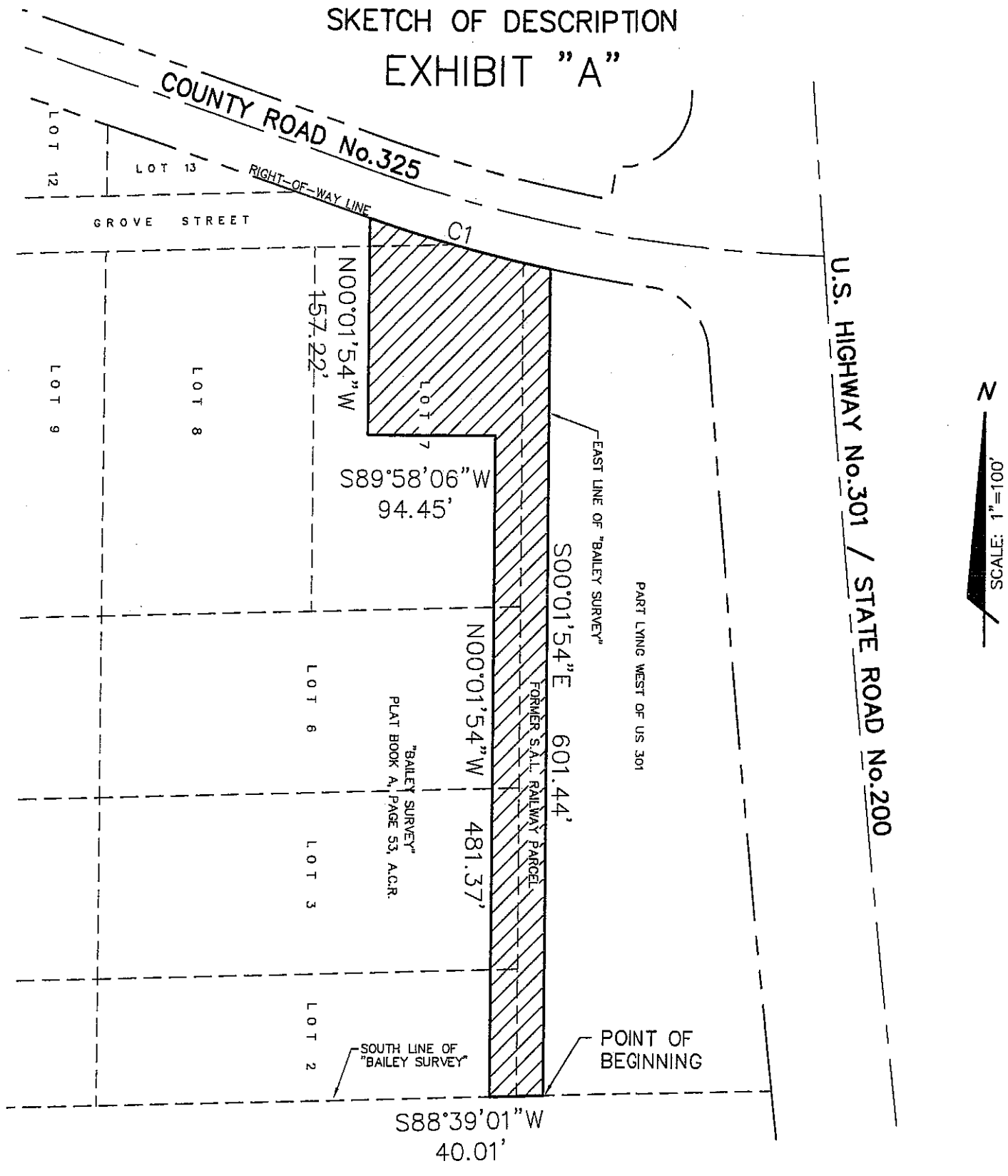
MOORHEAD ENGINEERING COMPANY  
CERTIFICATE OF AUTHORIZATION LB 315

  
BRUCE M. VARNADOE

PROFESSIONAL LAND SURVEYOR NO. 5870  
MOORHEAD ENGINEERING COMPANY LB#315

# SKETCH OF DESCRIPTION

## EXHIBIT "A"



CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD
C1	6°46'17"	1178.92'	139.33'	S74°57'15"E	139.25'

**MOORHEAD ENGINEERING COMPANY**  
 CONSULTING ENGINEERS - LAND SURVEYORS  
 LAND PLANNERS

Job No.: 13-014      Drawing No.: 13-014      Scale: 1"= 100'

P.O. BOX 998      305 S.E. 1st AVENUE      OCALA, FLORIDA  
 PHONE NO.: 352-732-4406      FAX NO.: 352-867-0112

Drawn by: EJM

Approved by: BMV

**EXHIBIT "B"**

**PROOF OF PUBLICATION  
WILL BE INSERTED  
HERE PRIOR  
TO THE  
PUBLIC HEARING.**