

THIS INSTRUMENT WAS PREPARED
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THIS INSTRUMENT SHOULD BE RETURNED
TO:
Dawn Bowne, City Clerk
City of Dunnellon, Florida
20750 River Drive
Dunnellon, FL 34431

FOR RECORDING DEPARTMENT USE ONLY

ORDINANCE #ORD2015-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUNNELLO, MARION COUNTY, FLORIDA, VACATING AND ABANDONING A PORTION OF A PLATTED RIGHT OF WAY DEPICTED AS MICHELLE DRIVE ON THE BLUE COVE UNIT NO. 1 PLAT RECORDED AS PLAT BOOK H, PAGES 27 AND 27A, OF THE PUBLIC RECORDS OF MARION COUNTY; PROVIDING LEGISLATIVE FINDINGS; PROVIDING DIRECTIONS TO CITY MANAGER; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1965, Blue Cove Unit No. 1 Plat was recorded in Map Book H, pages 27 and 27A, of the Public Records of Marion County Florida; and

WHEREAS, a certain street ("Michelle Drive") is depicted on the Blue Cove Unit No. 1 Plat, and said Plat does not appear to dedicate Michelle Drive to the City of Dunnellon as a street; and

WHEREAS, Michelle Drive runs east and west on the northwest portion of the Blue Cove Unit No. 1 Plat; and

WHEREAS, the easterly portion of Michelle Drive dead ends into Camp Drive, and a portion of Michelle Drive overlaps and has become part of Camp Drive, a paved main thoroughfare in the Blue Cove Unit No. 1 Subdivision which has been accepted by the City as a public street; and

WHEREAS, with the exception of the easterly portion of Michelle Drive which overlaps and has become part of Camp Drive, Michelle Drive was never been accepted, maintained, or utilized as a street by the City of Dunnellon for the benefit of the public, is not paved, nor has a map ever been filed with the Clerk of the Marion County Circuit Court pursuant to § 95.361(2), Fla. Statutes; and

WHEREAS, in 1985, Blue Cove Unit No. 2 Plat was approved by the City and recorded in Plat Book X, Pages 50-52; and

WHEREAS, on the Blue Cove Unit No. 2 Plat, Cardinal Court connects with and dead ends into Michelle Drive and is paved, and a large “Dead End” sign has been constructed at the end of Cardinal Court, blocking vehicular access on to Michelle Drive from the Blue Cove Unit No. 2 Subdivision; and.

WHEREAS, this Ordinance has been legally publicly advertised in accordance with State law and the City’s Code of Ordinances; and

WHEREAS, the City Council has determined that, with the exception of the eastern portion of Michelle Drive which has become part of Camp Drive, Michelle Drive is not useful and not needed by the City or the public at large as a roadway, both currently and in the future, and vacating said roadway will not affect ingress and egress for adjacent and affected property owners; and

WHEREAS, under its home rule powers, the City Council is authorized to vacate a portion of Michelle Drive; and

WHEREAS, the City Council has determined that the vacation of a portion of said roadway is in the best interest, and promotes the general welfare of the City, and there is no detriment to the public by such vacation.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON FLORIDA, AS FOLLOWS:

SECTION 1. The recitals set forth above are hereby adopted as findings of the City Council of the City of Dunnellon.

SECTION 2. Michelle Drive described and depicted on the survey attached hereto as Exhibit “A” and incorporated herein by reference, is hereby vacated and abandoned as a public right of way **LESS AND EXCEPT:**

Beginning at the intersection of the north right of way line of Michelle Drive with the west right of way line of Camp Drive as depicted and described in Surveyor’s Note “D” of Exhibit “A,” extending southeast to the intersection of the south right of way line of Michelle Drive with the west right of way line of Camp Drive (per Plat) as depicted on the attached survey; said east portion of Michelle Drive shall hereafter be considered as part of Camp Drive, a public street.

SECTION 3. By operation of law, ownership of the vacated portion of Michelle Drive described and depicted on Exhibit “A” as the northerly and southerly portion of Michelle drive, less and except that portion of Michelle Drive described in Section 2 herein, shall enure to the abutting owners of those parcels lying directly north and south of the vacated street. Property

lines of parcels on both sides of the vacated parcel therefore shall extend to the center of the former right of way.

SECTION 4. Directions to City Manager or designee.

A. Pursuant to Sec. Sec. 54-62 of the Code of Ordinances, the City Manager or designee shall cause to be published within 30 days of adoption of this Ordinance a notice in a newspaper of general circulation within Marion County of the vacation and abandonment of a portion of Michelle Drive.

B. Within 30 days after the publication required in paragraph A above, the City Manager or designee shall cause a certified copy of this Ordinance to be recorded in Marion County public records together with proofs of publication of the ad for the public hearing of this Ordinance and the notice in the newspaper required in paragraph A.

C. The City Manager or designee shall send copies of this Ordinance with proofs of publication to the tax collector and property appraiser of Marion County.

D. The City Manager or designee shall send certified copies of this Ordinance and the proofs of publication by U.S. Mail to the owners of property abutting the vacated right of way.

E. This Ordinance shall not be codified.

SECTION 6. Conflicting Ordinances. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the remaining portion of this Ordinance.

SECTION 8. Effective Date. This Ordinance shall be effective immediately upon second reading.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 12th day of January 2015.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 9th day of February 2015.

Advertised on January 22, 2015 in the Riverland News and posted on the City's Website on December 26, 2014

[SIGNATURES TO FOLLOW]

ATTEST:

CITY OF DUNNELLON

Dawn M. Bowne, M.M.C.
City Clerk

Nathan Whitt, Mayor

Approved as to Form and Legal Sufficiency:

Virginia Cassady, City Attorney

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 26th day of December 2014.

Dawn M. Bowne M.M.C.
City Clerk

LOT 1
BLOCK A

LOT 18
BLOCK "F"
IMPROVEMENTS NOT LOCATED

IMPROVEMENTS NOT LOCATED

THE NORTHERLY
RIGHT OF WAY LINE
OF CAMP DRIVE (DEED)
THE WESTERLY
RIGHT OF WAY LINE
OF CAMP DRIVE (FIELD)
SEE SURVEYOR'S
NOTES "A" AND "C"

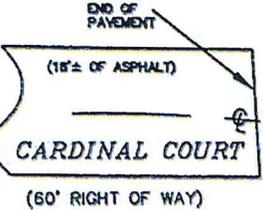
GRAPHIC SCALE



SEE SURVEYOR'S
NOTE "D"

POINT OF COMMENCEMENT
(SOUTHERLY PORTION OF MICHELLE DRIVE)
POINT OF BEGINNING
(NORTHERLY PORTION OF MICHELLE DRIVE)
PERMANENT REFERENCE MONUMENT
THE SOUTHWEST CORNER OF
LOT 18, BLOCK "F", BLUE
COVE UNIT No. 1
FOUND CONCRETE MONUMENT
"UNIDENTIFIED"

THE INTERSECTION OF THE CENTERLINE
OF MICHELLE DRIVE AND THE WEST
BOUNDARY OF BLUE COVE UNIT No. 1
SET 5/8" IRON ROD WITH 1"
PLASTIC CAP - PLS. 4127



CARDINAL COURT

(60' RIGHT OF WAY)

SEE SURVEYOR'S
NOTE "D"

165.91'(D)
166.10'(F)
114.68'(C)
97.83'(F)
132.96'(P)
114.68'(C)
S76°12'18"E
S76°17'52"E
S76°17'52"E
THE SOUTH BOUNDARY OF LOT 18,
BLOCK "F", BLUE COVE UNIT No. 1
THE NORTH RIGHT OF WAY
LINE OF MICHELLE DRIVE.

THE NORTHERLY PORTION
MICHELLE DRIVE

0.07 ACRES, MORE OR LESS
3,019 SQUARE FEET
THE SOUTHERLY PORTION
MICHELLE DRIVE

0.08 ACRES, MORE OR LESS
3,363 SQUARE FEET

THE WEST BOUNDARY OF BLUE COVE
UNIT No. 1, PLAT BOOK "H",
PAGE 27, PUBLIC RECORDS OF
MARION COUNTY, FLORIDA.
S76°17'52"E
S75°40'31"E
PERMANENT REFERENCE MONUMENT
THE NORTHWEST CORNER OF LOT 10,
BLUE COVE UNIT No. 1
CALCULATED POSITION
CORNER FALLS UNDER OAK TREE.

THE SOUTH RIGHT OF WAY
LINE OF MICHELLE DRIVE.

THE NORTH LINE OF
LOT 10, BLOCK "G"
BLUE COVE UNIT No. 1

PERMANENT CONTROL POINT
POINT OF TANGENCY
FOUND CONCRETE MONUMENT
"UNIDENTIFIED"

POINT OF BEGINNING
(SOUTHERLY PORTION OF MICHELLE DRIVE)
THE INTERSECTION OF THE CENTERLINE
OF MICHELLE DRIVE AND THE NORTHERLY
EXTENSION OF THE WEST RIGHT OF WAY
LINE OF CAMP DRIVE
SET 5/8" IRON ROD WITH 1"
PLASTIC CAP - PLS. 4127

THE NORTHERLY EXTENSION
OF THE WEST RIGHT OF WAY
LINE OF CAMP DRIVE

PERMANENT CONTROL POINT
POINT OF CURVATURE
FOUND CONCRETE MONUMENT
"UNIDENTIFIED"

SEE SURVEYOR'S NOTES "B" AND "C"
THE INTERSECTION OF
THE EASTERLY RIGHT OF WAY LINE
OF MICHELLE DRIVE AND THE
NORTHERLY RIGHT OF WAY LINE
OF CAMP DRIVE (DEED)
THE INTERSECTION OF
THE NORTHERLY RIGHT OF WAY LINE
OF MICHELLE DRIVE AND THE
WESTERLY RIGHT OF WAY LINE
OF CAMP DRIVE (FIELD)

Staff Recommendation



LOT 1
BLOCK B

BLUE COVE
UNIT NO. 2
PLAT BOOK "X"
PAGES 80-82

LOT 10
BLOCK "G"

CAMP DRIVE
(18'± OF ASPHALT)

S12°11'15"E
S12°10'32"E
84.85'
84.2'

THE WEST RIGHT OF WAY LINE
OF CAMP DRIVE - (PER PLAT)

"A"