Alachua County

Public Works

Staff Report

Plat Vacation

SUBJECT:

High Springs Manor Plat

DESCRIPTION:

Partial vacation of north 1/3 of High Springs Manor plat

APPLICANT:

John W. Clark and Saint Elmo Cherry-Clark

PROPERTY OWNER:

John W. Clark and Saint Elmo Cherry-Clark

PROPERTY DESCRIPTION:

All of the Lots, Blocks, Avenues and Streets lying north of the north line of Second Avenue within the plat of High Springs Manor, as per plat recorded in Plat Book "B", page 71 of the Public Records of Alachua County, Florida

LESS AND EXCEPT:

- 1. Santa Fe Street (a 50.0 foot right of way, a.k.a. NW 188 Street), and also;
- 2. Bay Street (a 40.0 foot right of way), and also;
- 3. An un-named Street (a 25.0 foot right of way) north of Blocks 1, 2, 3, 4 & 5, and also;

4. That part of Oak Street that lies south of the south right of way line of the said Un-named Street and north of the south lot line of Lot 13 of Block 7, and also;

5. Lot 13 of Block 7, Tax Parcel Identification Number 02926-000-000.

The plat of High Springs Manor is located in unincorporated Alachua County, northeast of the City of High Springs and west of I-75 in Section 29, Township 7 South, Range 18 East.

STAFF RECOMMENDATION:

Staff recommends approval of the application to vacate plat.

BACKGROUND:

The plat of High Springs Manor was recorded in 1926 in Plat Book B, Page 71, of the Public Records of Alachua County, Florida. The plat "dedicate[s] the streets as shown on this plat to public use forever." The dedication was formally accepted by the Alachua County Board of County Commissioners on August 9, 2016 by Resolution 16-71. The plat consisted of a grid of 423 lots, internal streets to serve the lots and external streets around the entire perimeter of the plat. The platted area has not been developed or improved per the plat. The south 2/3 of the plat of High Springs Manor was vacated on October 23, 2007 by Resolution 07-97, less and except the perimeter streets (Santa Fe Street, a.k.a. NW 188 Street, Bay Street and an unnamed 25 foot wide street along the south border of the plat.

The applicants are seeking to vacate 143 of the 144 lots located in the north 1/3 of the plat and all internal streets which do not provide direct access to the single remaining platted lot. If the vacation is approved, 422 of the 423 original lots and all internal streets which do not provide direct access to the remaining platted lot will be vacated.

Lot 13, Block 7 is a vacant lot owned by R.G. Floyd. Mr. Floyd acquired title by deed recorded on September 1, 1979, in Official Records Book 1234, Page 772. Mr. Floyd has not joined in the application to vacate and his lot will be the only remaining platted lot. The exterior streets, which could potentially serve adjoining properties outside of the platted area, and the interior streets which could provide access to Mr. Floyd's lot are not being vacated.

PLAT VACATION REQUIREMENTS:

Ownership: Applicants, John W. Clark and Saint Elmo Cherry-Clark, husband and wife, are the owners of that portion of the plat to be vacated. An Abstracted Title Search dated August 24, 2018 and Search Update dated June 28, 2019 prepared by First American Title Insurance Company showing title in the applicants is attached hereto. Staff finds the ownership requirement is met by applicants.

Effect on ownership of other persons: R.G. Floyd, as the owner of Lot 13, Block 7, is the only other person owning any other part of the platted subdivision. The southern 2/3 of the plat has been previously vacated and the applicants own all other property within the proposed vacation area. The plat consists only of lots and streets, there are no other easements, improvements or amenities to be vacated. Mr. Floyd will continue to have the same ownership rights in his lot upon partial vacation of the plat. The size, location, amenities and use of his lot will remain the same. Staff finds the proposed vacation will not affect the ownership of other persons (R.G. Floyd) owning other parts of the subdivision.

The only easements, improvements or amenities serving property owners adjacent to, but not within, the plat boundaries are the external streets around the boundary of the plat. These external streets are excluded from, and will not be impacted by, this plat vacation. Staff finds the proposed vacation will not affect the ownership of persons owning properties adjacent to the plat.

Effect on right of convenient access of other persons: The platted streets have not been constructed within the subdivision. The proposed vacation excludes certain internal and all external streets created by the plat. A copy of the recorded plat, with streets excluded from the vacation highlighted, is attached hereto. Since the southern 2/3 of the plat has already been vacated, the only person whose convenient access could be affected is R.G. Floyd. The vacation application excludes all external streets (Santa Fe Street, Bay Street and an unnamed street north of Blocks 1 through 5 on the northern boundary of the plat). The vacation application also excludes that portion of Oak Street from the northern border of the plat to the south lot line of Mr. Floyd's lot, Lot 13, Block 7. Mr. Floyd will continue to enjoy the most direct access to his lot on the streets excluded from the proposed vacation. Staff finds the proposed vacation will not affect right of convenient access of persons (R.G. Floyd) owning other parts of the subdivision.

Since the proposed vacation excludes all platted streets around the perimeter of the plat, adjacent property owners will have the same means of access to their properties as currently exist. Staff finds the proposed vacation will not affect the right of convenient access of persons owning adjoining properties.

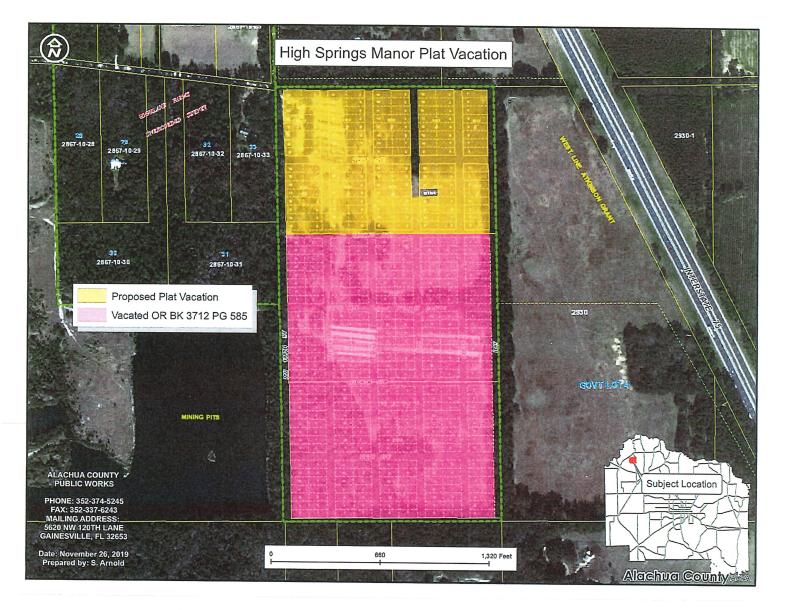
Publication of legal notice: Persons making applications for vacations of plats must give notice of their intention by publishing legal notice in a newspaper of general circulation in the county in which the property is located, in not less than two weekly issues of said newspaper. Proof of such publication is attached to the petition for vacation and a copy of proof of publication is attached hereto. Staff finds the notice requirement is met by petitioners.

Certification that all state and county taxes have been paid: Persons making applications for vacations of plats must attach certificates showing that all state and county taxes have been paid. Certificates showing paid taxes are attached to the petition for vacation and copies of the certificates are attached hereto. Staff finds the paid tax requirement is met by petitioners.

Action of incorporated city or town: If a proposed vacation is within the corporate limits of any incorporated city or town, the governing body of the county shall be furnished with a certified copy of a resolution of the town council or city commission showing that it has already, by suitable resolution, vacated such plat or subdivision. The proposed vacation of a portion of High Springs Manor is in unincorporated Alachua County and is not within any incorporated city or town. A map showing the location of High Springs Manor in relation to the city limits of High Springs is attached. No action by a town council or city commission is required. Staff finds action of an incorporated city or town is not applicable to this vacation.

CONCLUSION:

Staff finds that applicants have met all requirements for the vacation of a plat contained in Florida Statutes, Section 177.101 and Alachua County, Florida Code of Ordinances, Sections 402.63-64. Accordingly, staff recommends approval of the application to vacate plat.





First American

First American Title Insurance Company 3600 NW 43rd Street, Suite A2 Gainesville, FL 32606 Phn - (352)372-0474 Fax - (352)372-7552

Search Update No. 1

To: Scruggs, Carmichael & Wershow, P.A. 1 Southeast First Ave Gainesville, FL 32601

Attn.: Nola

 Re: FATIC FAST File No.: 1068-4109525
 Agent File No.: John Clark

 Property Address:
 21803 NW 188th St., High Springs, FL 32643-4039

Please contact **Joe** at (352)372-0474 with questions regarding this update. Date Prepared: July 03, 2019 Prepared by: Joseph Perlette

Search Dates:	From	08-24-2018 at 8:00 A.M.
	Through	06-28-2019 at 8:00 A.M.

The North 1/3 of the following described tract: HIGH SPRINGS MANOR, as per Plat Book "B," Page 71 of the Public Records of Alachua County, Florida, known as the NW 1/4 of the SW 1/4 and the SW 1/4 of the NW 1/4 of Section 29, Township 7 South, Range 18 East, Alachua County, Florida.

Also described as Blocks 1 through 10 of HIGH SPRINGS MANOR, according to the Plat thereof as recorded in Plat Book "B," Page 71 of the Public Records of Alachua County, Florida.

Subject to ingress and egress over and across the Westerly 50 feet of the above described tract of land.

LESS AND EXCEPT: Lot 13, Block 7, according to the Plat thereof as recorded in Plat Book "B," Page 71 of the Public Records of Alachua County, Florida.

Please be advised we have updated the above referenced file in the Public Records of **Alachua County**, Florida and find the following instrument(s) that affect title to the property as set forth in the above file:

None.

Property taxes as set forth in the above file are unchanged, or X see revised tax status below:

2018 taxes are PAID.

Other:

First American Title Insurance Company

Issued upon the terms and conditions of the initial search product referenced herein.

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Page 2 File No.: 1068-4109525

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ACCOUNTINUMBER	ESCROW CD		MILLAGE CODE
02922 000 000		APPLICABLE VALUES AND EXEMPTIONS BELOW	0300
			A 1999 March 199

21803 NW 188TH ST

CHERRY-CLARK & CLARK W/H PO BOX 401 ALACHUA, FL 32616

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N1/3 OF THE FOLLOWING HIGH SPRINGS MANOR PB B PG 71 LESS L See Additional Legal on Tax Roll ALATE IS GOL

AD VALOREM TAXES						
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TOTAL MILLAGE	20.8960	AD VALO	REM TAXES		\$2,286.24	
WANT TO RECEIVE YOUR BILL ELECTRON	ICALLY NEXT YEA				UP FOR E-BILLS!	
(PAY ONLINE WITH E-CHECK)	VYING AUTHORITY	NON-AD VAL	OREM ASSESSMEN	NTS	AMONINE	
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If Paid By Please Pay \$0.00						

JOHN POWER, CFC

2018 PAID REAL ESTATE NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

1010715

ALACHUA COUNTY TAX COLLECTOR NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS PLEASE PAY IN U.S. FUNDS (NO POSTDATED CHECKS) TO JOHN POWER, TAX COLLECTOR • 5830 NW 34TH BLVD • GAINESVILLE, FL 32653-2115

ACCOUNT NUMBER	SITUS	MESSAGE
02922 000 000	21803 NW 188TH ST	
02322 000 000	21003 100 100111 51	

CHERRY-CLARK & CLARK W/H					
PO BOX 401					
ALACHUA, FL	32616				

IF PAID BY	PLEASE PAY
Dec 31, 2018	\$0.00
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Abstracted Title Search

Ordered By: Scruggs, Carmichael & Wershow, P.A 1 Southeast First Ave Gainesville, FL 32601 Prepared By: First American Title Insurance Company 3600 NW 43rd Street, Suite A2 Gainesville, FL 32606

Agent File No. John Clark

File No.

1068-4109525

Effective Date: August 24, 2018 @ 8:00 a.m.

Description of Property Searched:

The North 1/3 of the following described tract: HIGH SPRINGS MANOR, as per Plat Book "B," Page 71 of the Public Records of Alachua County, Florida, known as the NW 1/4 of the SW 1/4 and the SW 1/4 of the NW 1/4 of Section 29, Township 7 South, Range 18 East, Alachua County, Florida.

Also described as Blocks 1 through 10 of HIGH SPRINGS MANOR, according to the Plat thereof as recorded in Plat Book "B," Page 71 of the Public Records of Alachua County, Florida.

Subject to ingress and egress over and across the Westerly 50 feet of the above described tract of land.

LESS AND EXCEPT: Lot 13, Block 7, according to the Plat thereof as recorded in Plat Book "B," Page 71 of the Public Records of Alachua County, Florida.

This title search is furnished to the agent identified above ("Agent") by First American Title Insurance Company ("First American") for the sole purpose of examining title to the real property described herein in order to determine the insurability thereof. The Agent is hereby authorized to rely upon this title search for the issuance of a First American policy or policies pursuant to the terms of the agency agreement between First American and the Agent.

THIS TITLE SEARCH IS FURNISHED BY FIRST AMERICAN SOLELY FOR USE BY THE AGENT IN CONNECTION WITH THE ISSUANCE OF A POLICY OR POLICIES OF TITLE INSURANCE OF FIRST AMERICAN. ALL OTHER USES AND PURPOSES ARE EXPRESSLY PROHIBITED, AND LIABILITY HEREUNDER IS LIMITED TO LIABILITY ARISING UNDER SUCH FIRST AMERICAN TITLE INSURANCE POLICY ISSUED IN RELIANCE UPON THIS TITLE SEARCH.

This title search does not insure or warrant the validity or enforceability of any document included in the search, nor is it intended to be a policy of title insurance, an opinion of title nor any type of guaranty or warranty of title. Any title defects, liens, encumbrances or other matters affecting title which are not disclosed by this title search but are known to or discovered by the Agent must be included in any title insurance commitment, policy or endorsement issued by Agent, and Agent shall be liable to First American for any loss or liability resulting from the omission thereof and for any errors or omissions in the examination process. This Abstracted Title Search hereby incorporates by reference herein the terms and provisions of the Agency Agreement between First American Title Insurance Company and Agent.

In examining title the Agent must follow the underwriting policies of First American, in addition to examination standards of the real estate title industry. Agent must also comply with all requirements of the Real Estate Settlement Procedures Act ("RESPA") and all regulations promulgated thereunder as well as Florida law and the rules and regulations of the Florida Department of Insurance. A complete title examination must include, but is not necessarily limited to the following:

a. Review and examination of all documents included with this search to determine insurability. If, upon examination the documents attached to this Abstracted Title Search, it becomes necessary as part of

the examination process to obtain and examine additional documents and/or court files, it is the responsibility of the Agent to request and obtain these additional documents and/or court files for examination;

- b. Verification in the state of formation the existence and good standing of all business entities that have held title to the property during the 10 year period preceding the effective date of this search;
- c. Verify that there is legal access to the property;
- d. Verify whether there are any unrecorded taxes, special assessments (including, but not limited to, municipality, special district and Chapter 159, Florida Statutes liens and assessments), association fees or other charges against the property;
- Review a current or prior survey of the property if available, and if First American underwriting guidelines require a survey to be obtained, to determine the existence of encroachments, boundary problems, submerged or filled lands issues or any other matters which would be disclosed by a survey;
- f. Follow the practices of a prudent title examiner, some of which are incorporated into First American's Underwriting Bulletins and contact First American's Underwriting Department to review matters which present questions of special concern;

First American has used its best efforts to include copies of all documents referenced in this title search. However, the Agent is responsible for verifying that a copy of each document has been included. If the Agent discovers that a copy of one or more documents has been omitted, the Agent should immediately contact the office which prepared this title search and request the omitted copies. The issuance of a title insurance commitment, policy or endorsement by the Agent based on this title search shall constitute an admission by the Agent that copies of all documents were received and examined by the Agent.

Prior to issuing a title insurance commitment, policy or endorsement which will have an effective date subsequent to the effective date of this title search, the Agent must obtain and examine a title update covering the period between the effective date of this title search and the effective date of the title insurance instrument to be issued.

1. Title base or prior policy for start of search: (In None

(Insert X if copy attached):

2. Title Holder in Most Recent Deed of Record:

John Clark and Saint Elmo Cherry-Clark, Husband and Wife

3. Recorded Title Documents:

Type of Instrument: Quit Claim Deed Quit Claim Deed	Book 4068 3397 3296 2316 2316 2054	Page 1684 849 194 721 1985 1983 48
3. Recorded Title Documents: <u>Type of Instrument:</u> Tax Deed Affidavit Warranty Deed Quit Claim Deed Quit Claim Deed Affidavit	<u>Book</u> 1911 1911 1616 1495 1487 1482	Page 453 450 1114 775 922 422

Affidavit	1482	421
4. Unsatisfied Mortgages: <u>Type of Instrument:</u> Mortgage	<u>Book</u> 4244	<u>Page</u> 690
5. Unsatisfied Judgments: <u>Type of Instrument:</u> Final Judgment Affidavit of Identity	<u>Book</u> 4364 4611	<u>Page</u> 1071 267
6. Other Unsatisfied Liens: Type of Instrument:	<u>Book</u>	<u>Page</u>
7. Covenants and Restrictions: <u>Type of Instrument:</u> Reservations unto the State of Florida for oil, gas, minerals, fissionable materials. Reservations unto the State of Florida for oil, gas, minerals, fissionable materials.	<u>Book</u> DB 198 2054	<u>Page</u> 153 48
8. Easements: <u>Type of Instrument:</u> Easement for State Road right of way Easement for State Road right of way	<u>Book</u> DB 198 2054	<u>Page</u> 153 48

9. Real Estate Tax Information:

Real Estate Taxes in the gross amount of \$2,664.58 (X) have () have not been paid for the tax year 2017 under Tax Identification Number 02922-000-000.

10. Results of Name Search on Proposed Mortgagor:

N/A

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Page 4 of 5 1068 - 4109525 **11. Additional Matters:** Plat Book B-71

NOTE: The public records do not show any legal right of access to or from the land, and, by reason thereof, the company does not insure any right of access to and from the property.

First American Title Insura pmpany By: Joe Pérjétte Dated: 08/30/2018

Note: All of the recording information contained herein refers to the Public Records of Alachua County, Florida, unless otherwise indicated. Any reference herein to a Book and Page is a reference to the Official Record Books of said county, unless indicated to the contrary.

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21803 NW 188TH ST

CHERRY-CLARK & CLARK W/H PO BOX 401 ALACHUA, FL 32616

N1/3 OF THE FOLLOWING HIGH SPRINGS MANOR PB B PG 71 LESS L See Additional Legal on Tax Roll

AD VALOREM TAXES							
TAXING AUTHORITY	MILL	AGE RATE	ASSESSED VALUE	EXEMPTION(S)	TAXABLE VALUE	TAXES LEVIED	
BOARD OF COUNTY COMMISSIO CNTY GENERAL MUNICIPAL SERVICES TAXING SHERIFF LAW ENFORCE ALACHUA CNTY LIBRARY DISTR LIBRARY GENERAL SCHOOL BOARD OF ALACHUA C SCHL DISCRNRY & CN (S01) SCHL DISCRNRY & CN (S01) SCHL GENERAL SCHOOL VOTED (S01) SUWANNEE RIVER WATER MGT	UNIT ICT COUNTY	8.2829 3.7240 1.2303 1.5000 0.7480 4.0160 1.0000 0.3948	150,720 150,720 150,720 150,720 150,720 150,720 150,720	50,000 50,000 25,000 25,000 25,000 25,000 50,000	100,720 100,720 125,720 125,720 125,720 125,720 125,720 100,720	834.25 375.08 123.92 188.58 94.04 504.89 125.72 39.76	
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SCAN TO PAY	NON-AD VALOREM ASSESSMEN	TS	\$470.87			
PAY ONLY ONE AMOUNT. () COMBINED TAXES AND ASSESSMENTS \$2,757.11						
If Paid By Please Pay \$0.00	8					

JOHN POWER, CFC

2018 PAID REAL ESTATE

1010715

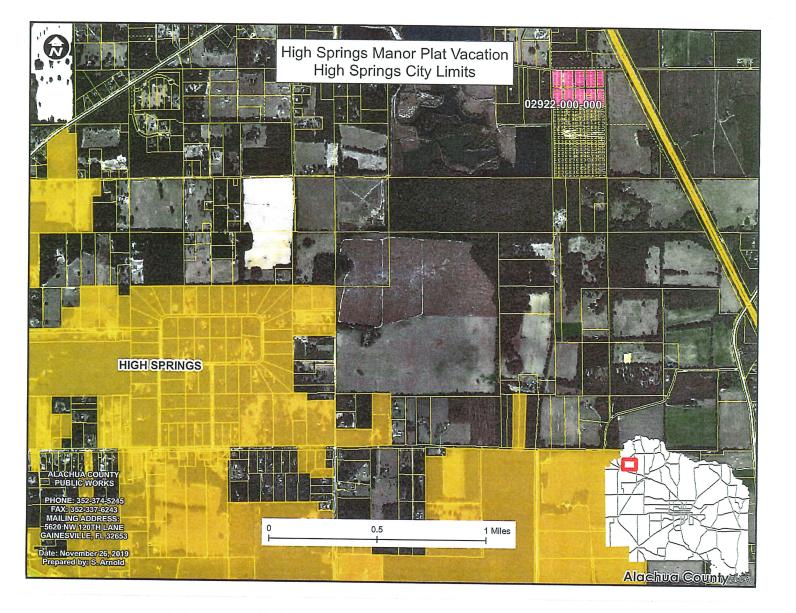
NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS ALACHUA COUNTY TAX COLLECTOR PLEASE PAY IN U.S. FUNDS (NO POSTDATED CHECKS) TO JOHN POWER, TAX COLLECTOR + 12 SE 1st ST. GAINES/ULLE EL 22601

ACCOUNT NUMBER	SITUS	MESSAGE
02922 000 000	21803 NW 188TH ST	

CHERRY-CLARK & CLARK W/H PO BOX 401 ALACHUA, FL 32616

IF PAID BY	PLEASE PAY
Dec 31, 2018	\$0.00

Receipt # 18-0067901



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 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 portion of the plat of High Springs Manor, at a public hearing to

was published in said newspaper in the issues of:

12/17 1x, s12/24 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.

NOTICE OF PUBLIC HEARING

NOTICE OF FUELIC REAKING 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 portion of the plat of High Springs Manor, at a public hearing to be held in Room 209 of the Alachua County Administration Building, 12 Southeast 1st Street, Ganesville, Florida, on the 14TH day of January, 2020 at 5:00 P.M., or as soon thereafter, as the matter may be heard; said portion of the plat boing de-scribed as follows

All of the Lots, Blocks, Avenues and Streets lying north of the north line of Second Avenue within the High Springs Manor subdivision, as per plat recorded in Plat Book 'B', page 71 of the Public Re-cords of Alachua Caunty, Florida that lie within Tax Parcel Number 02922-000-000

LESS AND EXCEPT

LESS AND EXCEPT 1) Santa Fe Street (a 50.0 foot right of way, a k a NW 189 Street) and also. 2) Bay Street (a 40.0 foot right of way); and also an 3) Un-named Street (a 25.0 foot right of way) north of Blocks 1, 2, 3 & 4; and also 4) That part of Oak Street that lies south of the south right of way line of tho said Un-named Street and north of the south tot line of Lot 13 of Block 7, Tax Parcet Identifica-tion Number 02926-000-000

A map showing the description boundary and proposed plat vacation can be re-viewed in the County Manager's office lo-cated on the second floor of the above County Administration Building

All persons are advised that, if they de-cide to appeal any decision made at this public hearing, they will need a record of the proceeding and, for such purpose, they may need to ensure that a verbalim record of the proceedings is made, which record of the proceedings is made, which dence 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 904-462-0055 or TID 711

Robert Hutchinson, Chair Board of County Commissioners

December 17, 24, 2019 #A000962452

Sworn to and subscribed be	efore me this 26	_ day of <u>Decemper</u> , A.D., 20 <u>19</u>
Not - State Game sion # Fr y Comm. Evolved	⊂ řlorida 3448 2. 2020	HARMONY STALTER (Print, Type or Stamp Name of Notary Public)
and the second	My commission exp	pires day of February 2010

Ad #: A000962452