

**SUMTER COUNTY BOARD OF COMMISSIONERS  
EXECUTIVE SUMMARY**

**SUBJECT:** Set a Public Hearing for CR 107 Road Closing (Staff Recommends Approval).

**REQUESTED ACTION:** Set Public Hearing for December 8, 2009

Work Session (Report Only)

**DATE OF MEETING:** 10/27/2009

Regular Meeting

Special Meeting

**CONTRACT:**  N/A

Vendor/Entity: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Termination Date: \_\_\_\_\_

Managing Division / Dept: \_\_\_\_\_

**BUDGET IMPACT:** N/A

Annual

**FUNDING SOURCE:** N/A

Capital

**EXPENDITURE ACCOUNT:** N/A

N/A

---

**HISTORY/FACTS/ISSUES:**

First Baptist Church of Oxford is petitioning to close the Southerly 100 feet of CR 107, lying east of Lots 19 and 20 of Block 10 and lying west of Lots 13 and 14 of Block 11 of Bogues Subdivision, according to the Plat thereof recorded in Plat Book 1, Page 32 of the Public Records of Sumter County, Florida, subject to establishment of a utility easements for utilites.

Sumter County Public Works is requesting a public hearing be set for December 8, 2009, regarding the road closing petition.

---

**APPROVED**

October 27, 2009

NOTICE OF ROAD CLOSING HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held in Room 142, Government Annex, 910 North Main Street, Bushnell, Florida, at 5:00 o'clock p.m. on the 8<sup>th</sup> day of December, 2009 by the Board of Sumter County, Florida, to determine the advisability of closing and vacating that portion of the road, right-of-way or easement described as follows:

THAT PORTION OF COUNTY ROAD NO. 107, LYING EAST OF LOTS 18 AND 19, BLOCK 10 AND LYING WEST OF LOTS 13 AND 14, BLOCK 11 OF BOGUES SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 32 OF THE PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, SUBJECT TO A UTILITY EASEMENT OVER THAT PORTION OF THE ROADWAY DESCRIBED ABOVE, HEREBY GRANTED TO ALL PUBLIC AND PRIVATE UTILITY COMPANIES, INCLUDING CABLE TELEVISION COMPANIES.

Renouncing and disclaiming any right of Sumter County, Florida and the public in and to the land, or interest therein, as to the above described property. All interested persons may appear and be heard at said time and place.

APPEAL: NECESSITY OF RECORD In order to appeal the Board's decision in this matter, a verbatim record of the proceedings is required. The Board assumes no responsibility for furnishing said record.

BOARD OF COUNTY COMMISSIONERS  
SUMTER COUNTY, FLORIDA

  
Chairman

Publish:  
November 6, 2009  
December 1, 2009

SUMTER COUNTY RESOLUTION 2009-86

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, TO HOLD A PUBLIC HEARING ON THE ROAD CLOSING PETITION OF FIRST BAPTIST CHURCH OF OXFORD

WHEREAS, FIRST BAPTIST CHURCH OF OXFORD has filed a Petition to vacate a road, right-of-way or easement described as follows:

THAT PORTION OF COUNTY ROAD NO. 107, LYING EAST OF LOTS 18 AND 19, BLOCK 10 AND LYING WEST OF LOTS 13 AND 14, BLOCK 11 OF BOGUES SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 32 OF THE PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, SUBJECT TO A UTILITY EASEMENT OVER THAT PORTION OF THE ROADWAY DESCRIBED ABOVE, HEREBY GRANTED TO ALL PUBLIC AND PRIVATE UTILITY COMPANIES, INCLUDING CABLE TELEVISION COMPANIES

WHEREAS, this Board has determined to call a public hearing to consider the advisability of closing and vacating the public rights in and to the above described property, and

WHEREAS, it appears that a hearing should be held for that purpose pursuant to Florida Statutes Chapter 336 and Sumter County Code Chapter 20.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Sumter County, Florida, as follows:

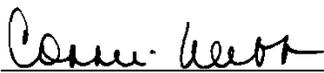
1. A public hearing shall be held at the Government Annex, Room 142, 910 North Main Street, Bushnell, at 5:00 o'clock p.m., or as soon thereafter as may be heard, on the 8<sup>th</sup> day of December, 2009, to determine the advisability of closing and vacating the public rights in and to the road, right-of-way or easement described above.

2. The notice of such hearing shall be published in The Villages Daily Sun at least two times, the first notice approximately 30 days prior to the hearing and the second notice approximately one week before the hearing.

DONE AND RESOLVED this 27<sup>th</sup> day of October, 2009, at The Villages, Sumter County, Florida.

ATTEST: GLORIA HAYWARD  
Clerk of Circuit Court



  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF SUMTER COUNTY, FLORIDA

  
By: Chairman



## PETITION FOR ROAD CLOSING

The undersigned petitions the Board of County Commissioners of Sumter County, Florida, to vacate and close the following described road, right-of-way or easement and alleges as follows:

1. The road, right-of-way or easement sought to be vacated is described as follows: (proper legal description must be furnished)

See attached Exhibit "A".

2. Attached is the instrument, if any, that identifies the title or interest which the County and public hold in the property sought to be vacated.

Plat Book 1, Page 32 of the public records of Sumter County, Florida.

3. Sumter County did not pay more than a nominal amount for the road, right-of-way or easement sought to be vacated in that said property was either dedicated to the County in a subdivision plat or title has passed through statutory dedication. (Attach written support of this claim)

This right-of-way was dedicated to the public by the plat of Bogues Subdivision (Plat Book 1, Page 32).

4. Attached is a list of all persons likely to be affected by the road closing, which include all persons owning property abutting the road or any extension thereof, as well as any other person who is known to Petitioner to use the road or easement for access to other property whether said other property abuts the road or easement or not.

First Baptist Church of Oxford.

5. Petitioner hereby certifies that the vacating will not deprive other persons of access to and from their property, whether the access involved is a binding, legal access, by prescription or otherwise.

Acknowledged.

6. Petitioner hereby certifies that at least thirty (30) days prior to the hearing on petition, petitioner has notified in writing, certified mail return receipt requested, all persons listed pursuant to paragraph 4 above advising such persons that petitioner seeks to have the county vacate the subject property and renounce any right to the public in same, copies of all mail receipts to be filed at the hearing. In lieu of this notice, the petitioner may present signatures from all such property owners waiving this notice.

First Baptist Church of Oxford is the only entity affected by this closing.

7. Attached are certificates from public utility companies with easements in the area that the vacating will neither interfere with their services nor encroach unreasonably upon their easement.

Utility Easement rights to remain pursuant to the legal description attached.

8. The Petitioner believes this Petition should be granted for the following reasons:

Southern most terminus of this same roadway was closed by resolution recorded in O.R. Book 408, Page 584 and deeded to the church pursuant to O.R. Book 433, Page 777. First Baptist Church of Oxford has since acquired the lands on each side of the portion of roadway requested to be closed by this petition and this portion of the roadway serves no use to the public for vehicular or pedestrian passage.

9. The vacating of the above described road or right-of-way is in compliance with the Sumter County Comprehensive Plan and long range goals and trends of the area of the property sought to be vacated for the following reasons:

No extension, renovation, or future use of this portion of CR No. 107 is proposed by Sumter County.

10. Attached is a map showing the general area around the right-of-way to be vacated.

DATED this 16<sup>th</sup> day of September, 2009.

Ann Marie Swatt  
Witness

George E. Rife, Chairman Trustee

Lucinda K Daves  
Witness

C.W. Mann Bailey, Treasurer

STATE OF FLORIDA

COUNTY OF Sumter

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared George E. Rife & C.W. Mann Bailey, who produced \_\_\_\_\_ or is known personally to me to be the person(s) described in and who executed the foregoing instrument and who did/did not taken an oath; and acknowledged before me that (he, she, they) executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this day 16<sup>th</sup> of September, 2009.

Gwen N. Smith  
Notary Signature

My Commission Expires:

(SEAL)

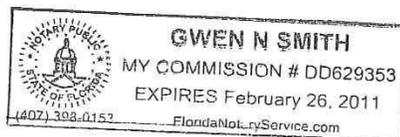


EXHIBIT "A"

LEGAL DESCRIPTION

THAT PORTION OF COUNTY ROAD NO. 107, LYING EAST OF LOT 18 AND 19, BLOCK 10 AND LYING WEST OF LOTS 13 AND 14, BLOCK 11 OF BOGUES SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 32 OF THE PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA, SUBJECT TO A UTILITY EASEMENT OVER THAT PORTION OF THE ROADWAY DESCRIBED ABOVE, HEREBY GRANTED TO ALL PUBLIC AND PRIVATE UTILITY COMPANIES, INCLUDING CABLE TELEVISION COMPANIES.

PORTION OF ROADWAY TO BE CLOSED BY THIS PETITION



PREVIOUSLY CLOSED BY RESOLUTION (O.R. BK. 408, PG. 584) & DECEDED TO CHURCH (O.R. BK. 433, PG. 777)

### Sumter County Property Appraiser

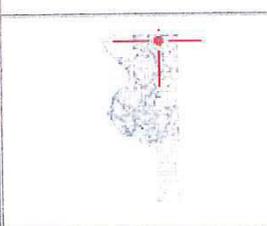
Ronnie Hawkins, CFA - Bushnell, Florida - 352-793-0210

#### PARCEL: D17A019 - CHURCH (07100)

LOTS 19 & 20 BLK 10 BOGUES SUB PB 1 PG 32-33

Name:	CHURCH: FIRST BAPTIST	LandVal	\$8,614.00
	CHURCH	JustVal	\$8,917.00
Site:	11654 CR 107	Assd	\$8,917.00
Mail:	PO BOX 5 OXFORD, FL 34484	Exmpt	09 - Charity, Religious, Scientific, Literary \$8,917
Sales	6/1/2004 \$70,000.00V (Q)	Taxable	\$0.00
Info	11/1/1997 \$100.00V (O)		

0 42 84 126 168 210 ft



This information, GIS Map Updated: 8/5/2009, was derived from data which was compiled by the Sumter County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, its use, or its interpretation. Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's office. The assessed values are NOT certified values and therefore are subject to change before being finalized for ad valorem assessment purposes.