

**RESOLUTION NO. 16-01-02**

**A RESOLUTION ABANDONING A DEDICATED 10' UTILITY EASEMENT WITHIN A RIGHT-OF-WAY DONATION AREA LOCATED IN THE EAST RIGHT-OF-WAY ZONE OF STATE ROAD 85 AND EAST COLLEGE BOULEVARD, NICEVILLE, FLORIDA; AUTHORIZING ABANDONMENT OF EASEMENT; AUTHORIZING DISCLAIMER OF EASEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, application and request has been made to the City Council of the City of Niceville, Florida, for abandonment of a 10' utility easement within a right-of-way zone on State Road 85 and East College Boulevard, and

**WHEREAS**, the City Council has been advised that notice of public hearing concerning same has been duly publicized and hearing being held this date, and

**WHEREAS**, objections, if any, have been voiced and considered to the granting of abandonment of utility easement/right-of-way zone, and

**WHEREAS**, there are no other concerned parties or property owners involved,

**WHEREAS**, there are no public utility providers affected by abandonment and the City will have access to any and all City utility needs and/or services, if any, in the future under this abandonment, and the City has otherwise no current or future needs of said easement other than utility access, and

**WHEREAS**, no public interest will be adversely affected by the abandonment of this utility easement/right-of-way zone, and

**WHEREAS**, the City Council has determined that such request for abandonment of utility easement/right-of-way zone should be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the City of Niceville, Florida:

**Section 1.** The City of Niceville, Florida, hereby abandons a 10' utility easement/right-of-way zone as set forth in Exhibit "A" (Map and Description) and more particularly described as follows:

A PORTION OF THE 10 FOOT WIDE CITY OF NICEVILLE UTILITY EASEMENT, LYING ALONG THE EAST RIGHT OF WAY LINE OF FLORIDA STATE ROAD 85, IN SECTION 6, TOWNSHIP 1 SOUTH, RANGE 22 WEST, CITY OF NICEVILLE, OKALOOSA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A GENERAL LAND OFFICE MONUMENT MARKING THE NORTHWEST CORNER OF SAID SECTION 6; THENCE S 87°49'32" E ALONG THE NORTH LINE OF SAID SECTION 6 AND THE COMMON SOUTH RIGHT OF WAY LINE OF COLLEGE BOULEVARD, A DISTANCE OF 303.83 FEET TO THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 85, LYING IN A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 7742.41 FEET; THENCE SOUTHERLY ALONG SAID CURVE AND RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 02°11'03", AN ARC DISTANCE OF 295.13 FEET, (CHORD BEARING = S 15°04'20" W, CHORD = 295.11 FEET) TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE, PROCEED S 76°38'21"E, A DISTANCE OF 10.00 FEET TO A POINT ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 7732.41 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°00'52", AN ARC DISTANCE OF 271.87 FEET, (CHORD BEARING = S 12°58'54" W, CHORD = 271.86 FEET); THENCE S 25°52'50" W, A DISTANCE OF 441.18 FEET TO THE AFORESAID EASTERLY RIGHT OF WAY LINE, LYING IN A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 7742.41 FEET; THENCE NORTHERLY ALONG SAID CURVE AND RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 02°18'34", AN ARC DISTANCE OF 312.09 FEET, (CHORD BEARING = N 12°50'00" E, CHORD = 312.07 FEET) TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2,928 SQ. FT., MORE OR LESS.

**Section 2.** The Mayor is hereby authorized and directed to execute a Disclaimer of Easement to abandon the City's interest in the above-described easement and substantially the form attached as Exhibit "B".

**Section 3.** The original Disclaimer, after execution by the Mayor, shall be recorded in the public's records of Okaloosa County, Florida by the City Clerk. Vacation and abandonment approved by this Resolution shall not take effect until the Disclaimer has been properly recorded in the public records.

**Section 4.** There are no public utility providers affected by abandonment and the City will have access to any and all City utility needs and/or services, if any, in the future under this abandonment, and the City has otherwise no current or future needs of said easement other than utility access.

**Section 5.** This Resolution shall become effective upon adoption, and final approval in accordance with the City Charter.

ADOPTED in regular session this 12th day of January, 2016.



*Daniel J. Doucet*  
CITY CLERK

*Randall Wise*  
MAYOR

# 10' CITY OF NICEVILLE EASEMENT WITHIN R/W DONATION AREA

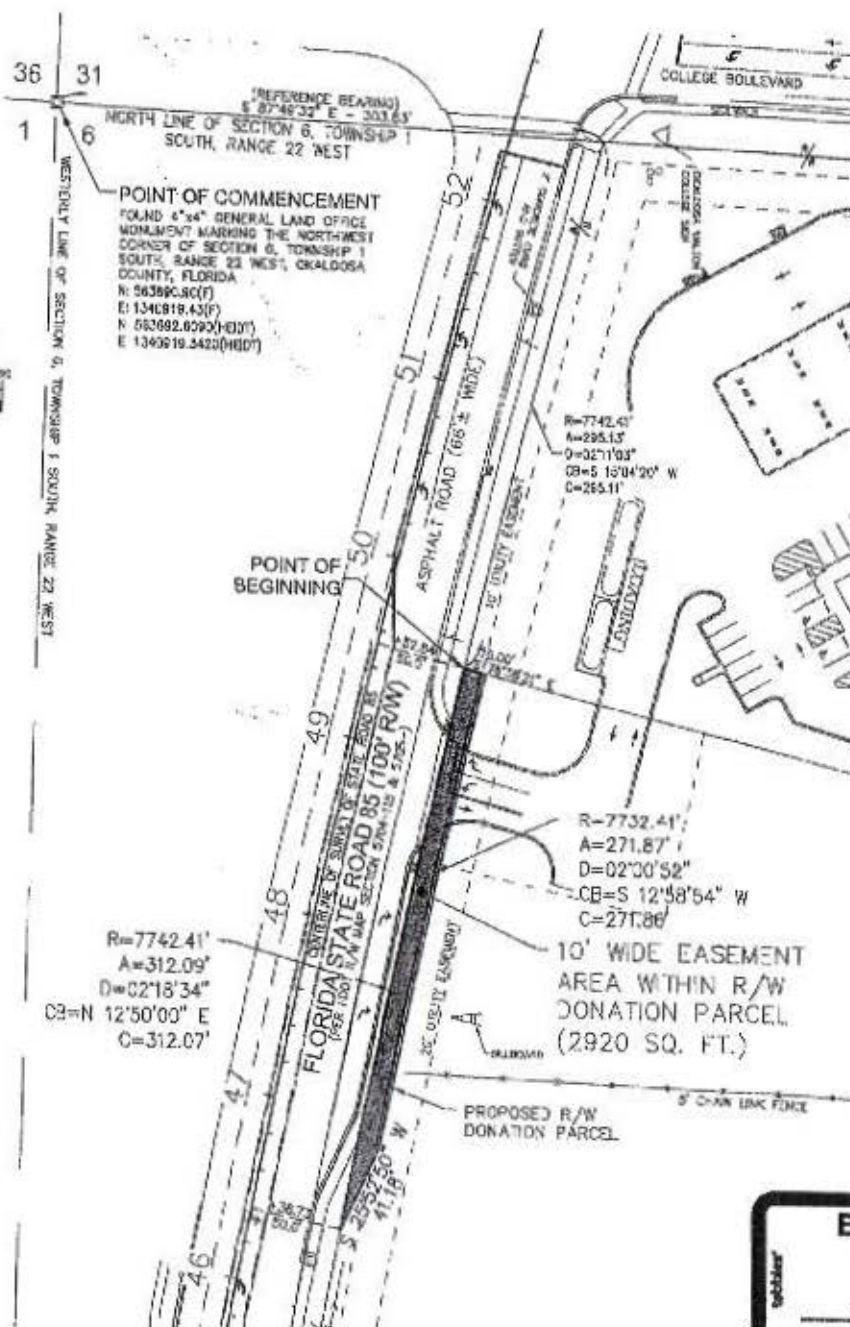
• NOT A BOUNDARY SURVEY •



GRAPHIC SCALE



( IN FEET )  
1 inch = 80' feet



SEE SHEET 2 OF 2 FOR DESCRIPTION, LEGEND AND SURVEY NOTES

CEFCO STATION AT COLLEGE BOULEVARD  
LYING IN SECTION 06, TOWNSHIP 1 SOUTH, RANGE 22 WEST, CITY OF NICEVILLE, OKALOOSA COUNTY, FLORIDA.

TYPE SURVEY	DESCRIPTION SKETCH
CLIENT	CITY OF NICEVILLE
FILE NO.	F.B. 9/A
FIELD DATE	N/A
OFFICE DATE	N/A

*Allen E. Tucker*  
ALLEN E. TUCKER, P.S.M. No. 4284  
HORACE WAYNE WALKER, JR., P.S.M. No. 8029  
JOSHUA P. WOOD, P.S.M. No. 6980

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

18 DEC 2015

**GUSTIN, COTHERN & TUCKER, INC.**  
LAND SURVEYING / CIVIL ENGINEERING  
(850) 678 - 5141 L.B. #3501  
121 HART STREET NICEVILLE, FL 32578  
www.gctsurveying.com

E14035

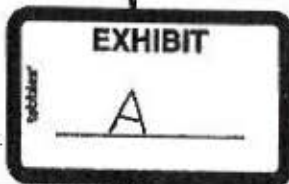
IN TEX  
155086

SHEET

1

OF 2

3:\temp\map\NINHA\_6752\E14035-155086 CEFCO COLLEGE BLVD GE BLOWG LL 12/14/2015 9:15am JZNT





## DESCRIPTION (AS WRITTEN):

### PROPOSED RIGHT OF WAY DONATION PARCEL

A PORTION OF THE 10 FOOT WIDE CITY OF NICEVILLE UTILITY EASEMENT, LYING ALONG THE EAST RIGHT OF WAY LINE OF FLORIDA STATE ROAD 85, IN SECTION 8, TOWNSHIP 1 SOUTH, RANGE 22 WEST, CITY OF NICEVILLE, OKALOOSA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A GENERAL LAND OFFICE MONUMENT MARKING THE NORTHWEST CORNER OF SAID SECTION 8; THENCE S 87°49'32" E ALONG THE NORTH LINE OF SAID SECTION 8 AND THE COMMON SOUTH RIGHT OF WAY LINE OF COLLEGE BOULEVARD, A DISTANCE OF 303.83 FEET TO THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 85, LYING IN A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 7742.41 FEET; THENCE SOUTHERLY ALONG SAID CURVE AND RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 02°11'03", AN ARC DISTANCE OF 295.13 FEET, (CHORD BEARING = S 15°04'20" W, CHORD = 295.11 FEET) TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE, PROCEED S 78°38'21" E, A DISTANCE OF 10.00 FEET TO A POINT ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 7732.41 FEET; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°00'52", AN ARC DISTANCE OF 271.87 FEET, (CHORD BEARING = S 12°55'54" W, CHORD = 271.88 FEET); THENCE S 25°52'50" W, A DISTANCE OF 441.18 FEET TO THE AFORESAID EASTERLY RIGHT OF WAY LINE, LYING IN A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 7742.41 FEET; THENCE NORTHERLY ALONG SAID CURVE AND RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 02°18'34", AN ARC DISTANCE OF 312.08 FEET, (CHORD BEARING = N 12°50'00" E, CHORD = 312.07 FEET) TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2,920 SQ. FT., MORE OR LESS.

## LEGEND:

- # = NUMBER
- = DISTANCE NOT TO SCALE
- L.B. = LICENSED BUSINESS
- U.S. = LICENSED SURVEYOR
- P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
- O.R. = OFFICIAL RECORDS
- = = MORE OR LESS
- R/W = RIGHT OF WAY
- E = CENTERLINE
- SC = SQUARE
- FT = FEET

## SURVEY NOTES:

1. NO SEARCH OF THE PUBLIC RECORDS WAS DONE BY GUSTIN, COTHERN & TUCKER, INC. VISIBLE EVIDENCE OF EASEMENTS WILL BE SHOWN HEREON, BUT NO CERTIFICATION IS GIVEN THAT EASEMENTS, DEED OVERLAPS, UNDERGROUND IMPROVEMENTS OR APPARENT USES DO NOT EXIST.
2. NO ENVIRONMENTAL JURISDICTIONAL LINES HAVE BEEN DETERMINED BY GUSTIN, COTHERN & TUCKER, INC.
3. NO APPARENT USES WERE DETERMINED. THIS IS NOT A BOUNDARY SURVEY.
4. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
5. BEARINGS SHOWN HEREON ARE REFERENCED TO THE LINE AS SHOWN ABOVE.
6. THE DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.

**GUSTIN, COTHERN & TUCKER, INC.**

LAND SURVEYING / CIVIL ENGINEERING

(850) 678-5141 L.B. #3501

121 HART STREET

www.gctengr.com

NICEVILLE, FL 32578

E14035

INDEX

155086

SHEET

2

OF 2

D:\Temp\As\Notes\155086-155086-0100 COLLEGE EMT 30 05 00 12 12/16/2015 9:23am J.W.M.

**DISCLAIMER OF EASEMENT**

**KNOW ALL MEN BY THESE PRESENTS:**

That the City of Niceville, Florida, a municipal corporation of the State of Florida, whose address is 208 N. Partin Drive, Niceville, Florida 32578, does hereby abandon and disclaim any interest in and to the Right-of-Way easement, situated and being in the City of Niceville, Florida, as more particularly described in the Map and Description attached hereto.

**IN WHITNESS WHEREOF**, the execution of this instrument by the City has been duly authorized by resolution of the City Council.

(Corporate Seal)

CITY OF NICEVILLE, FLORIDA  
a Florida municipal corporation



Daniel J. Doucet  
City Clerk

By: Randall Wise  
Randall Wise, Mayor

CITY ATTORNEY'S OFFICE  
Approved as to form and legality

By: Dixie Ann Powell

STATE OF FLORIDA                    )  
COUNTY OF OKALOOSA        ) SS:

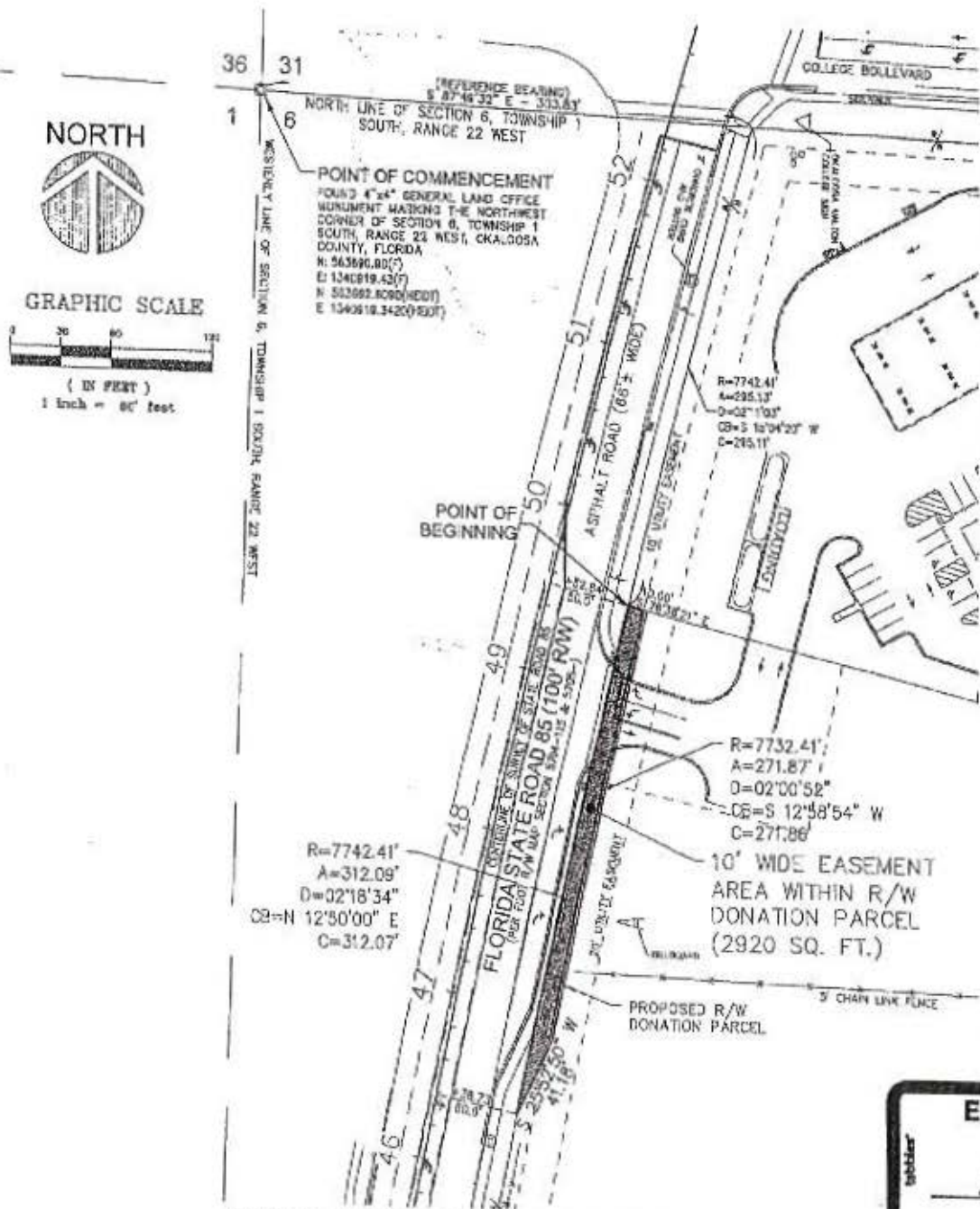
The foregoing instrument was acknowledged before me this 19 day of January, 2016, Randall Wise, Mayor, and Daniel J. Doucet, City Clerk, for the City of Niceville, Florida, both of whom are personally known to me.

Wendy K. Farmer  
Signature of Notary Public

(Print, type or stamp name) \_\_\_\_\_



# 10' CITY OF NICEVILLE EASEMENT WITHIN RW DONATION AREA • NOT A BOUNDARY SURVEY •



**EXHIBIT**  
A

SEE SHEET 2 OF 2 FOR DESCRIPTION, LEGEND AND SURVEY NOTES

CEFCO STATION AT COLLEGE BOULEVARD  
LYING IN SECTION 06, TOWNSHIP 1 SOUTH, RANGE 22 WEST, CITY OF NICEVILLE, OKALOOSA COUNTY, FLORIDA.

DESCRIPTION SKETCH	 ALLEN E. TUCKER, P.S.M. No. 4894 OR HORACE WAYNE WALKER, JR., P.S.M. No. 6029 OR JESSIEA P. WOOD, P.S.M. No. 5980 16 DEC 2015	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CLIENT: CITY OF NICEVILLE		
FIELD DATE: " P.D. N/A		
PROJ. NO: NAD 83		
DATE: N/A	<b>GUSTIN, COTHERN &amp; TUCKER, INC.</b> LAND SURVEYING / CIVIL ENGINEERING (850) 878-5141 L.B. #93501 121 HART STREET NICEVILLE, FL 32578 www.gctengineering.com	<b>E14035</b> INDEX <b>155086</b>
SHEET <b>1</b> OF 2		

12/16/2015 11:58 AM



## DESCRIPTION (AS WRITTEN):

### PROPOSED RIGHT OF WAY DONATION PARCEL

A PORTION OF THE 10 FOOT WIDE CITY OF NICEVILLE UTILITY EASEMENT, LYING ALONG THE EAST RIGHT OF WAY LINE OF FLORIDA STATE ROAD 88, IN SECTION 6, TOWNSHIP 1 SOUTH, RANGE 22 WEST, CITY OF NICEVILLE, OKALOOSA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A GENERAL LAND OFFICE MONUMENT MARKING THE NORTHWEST CORNER OF SAID SECTION 6; THENCE S 87°48'32" E ALONG THE NORTH LINE OF SAID SECTION 6 AND THE COMMON SOUTH RIGHT OF WAY LINE OF COLLEGE BOULEVARD, A DISTANCE OF 303.83 FEET TO THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 88, LYING IN A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 7742.41 FEET; THENCE SOUTHERLY ALONG SAID CURVE AND RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 02°11'03", AN ARC DISTANCE OF 295.13 FEET, (CHORD BEARING = S 15°04'20" W, CHORD = 295.11 FEET) TO THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY LINE, PROCEED S 78°38'21" E, A DISTANCE OF 10.00 FEET TO A POINT ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 7732.41 FEET; THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°00'52", AN ARC DISTANCE OF 271.87 FEET, (CHORD BEARING = S 12°55'54" W, CHORD = 271.85 FEET); THENCE S 25°52'50" W, A DISTANCE OF 441.18 FEET TO THE AFORESAID EASTERLY RIGHT OF WAY LINE, LYING IN A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 7742.41 FEET; THENCE NORTHERLY ALONG SAID CURVE AND RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 02°18'34", AN ARC DISTANCE OF 312.08 FEET, (CHORD BEARING = N 12°50'00" E, CHORD = 312.07 FEET) TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2,920 SQ. FT., MORE OR LESS.

## LEGEND:

- # = NUMBER
- = DISTANCE NOT TO SCALE
- L.B. = LICENSED BUSINESS
- L.S. = LICENSED SURVEYOR
- P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
- D.R. = OFFICIAL RECORDS
- ± = MORE OR LESS
- R/W = RIGHT OF WAY
- CL = CENTERLINE
- SQ = SQUARE
- FT = FEET

## SURVEY NOTES:

1. NO SEARCH OF THE PUBLIC RECORDS WAS DONE BY GUSTIN, COTHERN & TUCKER, INC. VISIBLE EVIDENCE OF EASEMENTS WILL BE SHOWN HEREON, BUT NO CERTIFICATION IS GIVEN THAT EASEMENTS, DEED OVERLAPS, UNDERGROUND IMPROVEMENTS OR APPARENT USES DO NOT EXIST.
2. NO ENVIRONMENTAL JURISDICTIONAL LINES HAVE BEEN DETERMINED BY GUSTIN, COTHERN & TUCKER, INC.
3. NO APPARENT USES WERE DETERMINED. THIS IS NOT A BOUNDARY SURVEY.
4. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
5. BEARINGS SHOWN HEREON ARE REFERENCED TO THE LINE AS SHOWN ABOVE.
6. THE DISTANCES SHOWN HEREON ARE IN U.S. SURVEY FEET.



GUSTIN, COTHERN & TUCKER, INC.

LAND SURVEYING / CIVIL ENGINEERING

121 HART STREET (850) 978-5141 L.S. #3801

www.gustin-corn-tucker.com

NICEVILLE, FL 32578

E14035

INDEX

155086

SHEET

2

OF 2

D:\temp\A370111-8502\14035-155086.dwg DATE OF PLOTTING 12/14/2012 2:25pm J.Kov