

RESOLUTION NO. 19-03-01

**A RESOLUTION TO VACATE AND ABANDON A PORTION
OF THE RIGHT-OF-WAY OF ELLIS AVENUE, LOCATED
IN NICEVILLE, FLORIDA; AUTHORIZING VACATING
AND ABANDONMENT OF SAID RIGHT-OF-WAY;
AUTHORIZING DISCLAIMER OF SAID RIGHT-OF-WAY;
AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, application and request has been made to the City Council of the City of Niceville, Florida, by Randy Wise Homes, Inc. for vacating and abandonment of a portion of the right-of-way of Ellis Avenue located in Niceville, Florida, 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 vacating and abandonment of a portion of the right-of-way of Ellis Avenue, and

WHEREAS, there are no other concerned parties or property owners involved that raised any objection to the request to abandon and vacate the said portion of the right-of-way, and

WHEREAS, there are no public utility providers that will be adversely affected by the vacating and abandonment of said right-of-way and any public utility providers and the City will have continued access to any and all public utility needs and/or services within said right-of-way if needed. All public utility providers and the City have no other current or future needs of said right-of-way other than utility access, and

WHEREAS, no public interest will be adversely affected by the vacating and abandonment of a portion of the right-of-way of Ellis Avenue, and

WHEREAS, Randy Wise Homes, Inc. shall hereinafter accept title, interest and ownership and all other responsibilities to the said right-of-way of Ellis Avenue, and

WHEREAS, the City Council has determined that said property is not needed for present or future right-of-way purposes and that such request for vacating and abandonment of said right-of-way should be granted.

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

Section 1. The City of Niceville, Florida, hereby vacates and abandons the right-of-way as set forth in Exhibit "A" (Survey) and more particularly described as follows:

PROPOSED RIGHT-OF-WAY VACATION

COMMENCE AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 4, SECTION 7, TOWNSHIP 1 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA, SAID POINT LYING ON THE WEST RIGHT OF WAY LINE OF CEDAR AVENUE SOUTH (RIGHT OF WAY VARIES) AND BEING MARKED BY A ½" CAPPED IRON ROD (NO IDENTIFICATION); THENCE ALONG SAID WEST RIGHT OF WAY LINE RUN N 02°26'54" E, A DISTANCE OF 144.39 FEET TO A 6" ROUND CONCRETE MONUMENT (NO IDENTIFICATION); THENCE DEPARTING SAID WEST RIGHT OF WAY LINE RUN N 87°16'36" W, A DISTANCE OF 130.23 FEET TO A 4"X4" CONCRETE MONUMENT (NO IDENTIFICATION), SAID POINT LYING ON THE EAST RIGHT OF WAY LINE OF ELLIS AVENUE (RIGHT OF WAY VARIES), AND BEING THE POINT OF BEGINNING; THENCE ALONG EAST RIGHT OF WAY LINE RUN N 02°20'48" E, A DISTANCE OF 382.98 FEET TO A 1/2" CAPPED IRON ROD L.B. #3501; THENCE DEPARTING EAST RIGHT OF WAY LINE RUN N 88°55'42" W, A DISTANCE OF 41.74 FEET TO A 1/2" CAPPED IRON ROD L.B. #3501, SAID POINT LYING ON THE WEST RIGHT OF WAY LINE OF ELLIS AVENUE (RIGHT OF WAY VARIES); THENCE ALONG SAID WEST RIGHT OF WAY LINE RUN S 02°06'42" W, A DISTANCE OF 381.79 FEET TO A 1/2" CAPPED IRON ROD L.B. #3501; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE RUN S 87°16'38" E, A DISTANCE OF 39.66 FEET TO A 4"X4" CONCRETE MONUMENT (NO IDENTIFICATION), SAID POINT LYING ON THE EAST RIGHT OF WAY LINE OF ELLIS AVENUE (RIGHT OF WAY VARIES), AND BEING THE POINT OF BEGINNING SAID VACATED RIGHT OF WAY CONTAINS ±0.36 ACRES (±15,586 SQUARE FEET), MORE OR LESS.

Section 2. The Mayor, is hereby authorized and directed to execute a Disclaimer of Interest in, and a Quit-Claim Deed to said right-of-way to vacate and abandon the City's interest in the above-described right-of-way.

Section 3. The original Disclaimer and Quit-Claim Deed, after execution by the Mayor, along with this Resolution, shall be recorded in the public records of Okaloosa County, Florida by the City Clerk, and the vacation and abandonment approved by this Resolution shall not take effect until the Disclaimer and Quit-Claim Deed have been properly recorded in the public records of Okaloosa County, Florida.

Section 4. There are no other concerned parties or property owners involved that raised any objection to the request to abandon and vacate the said portion of the right-of-way.

Section 5. There are no public utility providers that will be adversely affected by the vacating and abandonment of said right-of-way and any public utility providers and the City will have continued access to any and all public utility needs and/or services within said right-of-way if needed. All public utility providers and the City have no other current or future needs of said right-of-way other than utility access.

Section 6. No public interest will be adversely affected by the vacating and abandonment of a portion of the right-of-way of Ellis Avenue.

Section 7. Randy Wise Homes, Inc. shall hereinafter accept title, interest and ownership and all other responsibilities to the said right-of-way of Ellis Avenue.

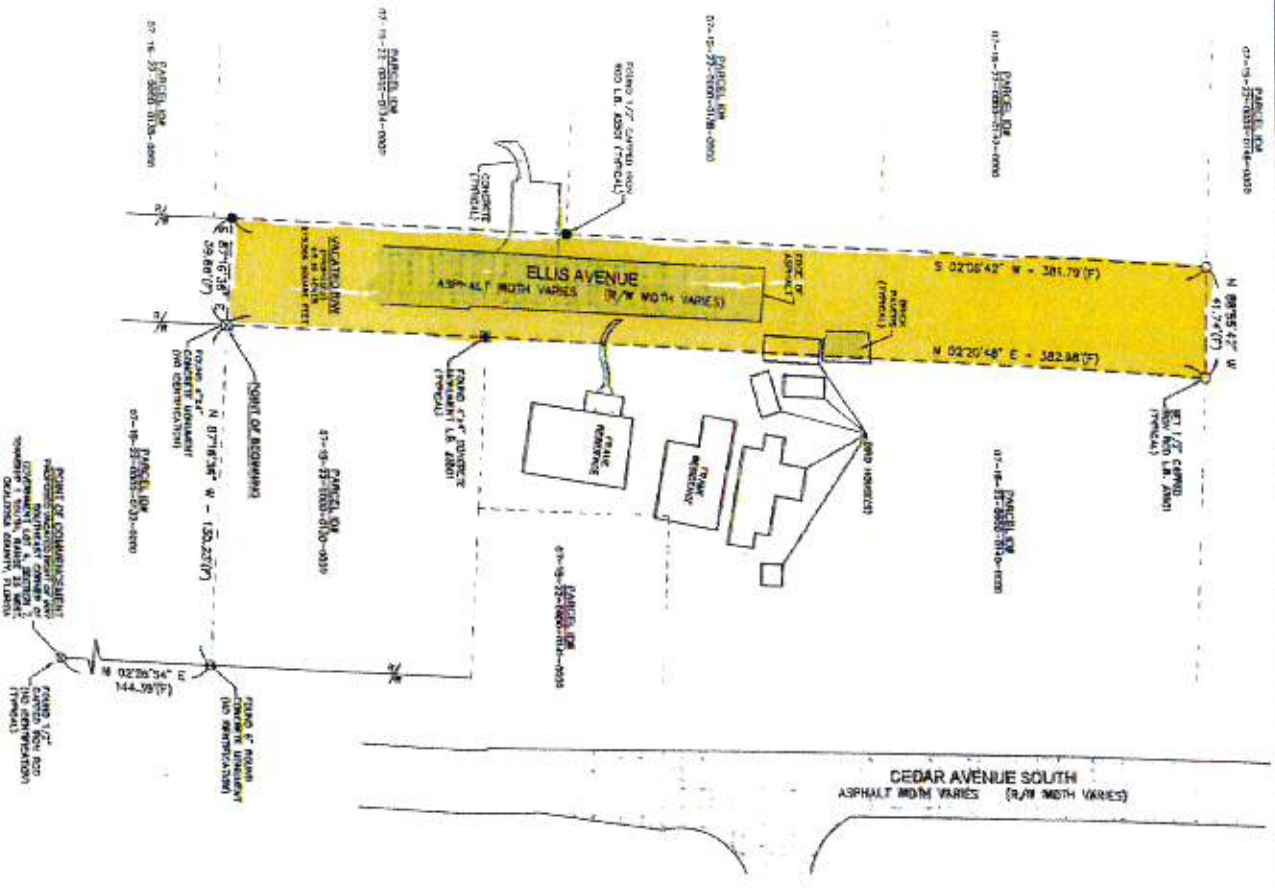
Section 8. This Resolution shall become effective upon adoption, and final approval in accordance with the City Charter.

ADOPTED in regular session this 12th day of March, 2019.

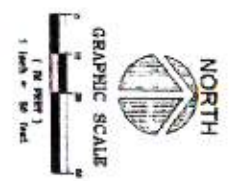

MAYOR

ATTEST:


CITY CLERK



NOT A BOUNDARY SURVEY



LEGEND:
 9 MA = 9th May

- # 00 00 = BLANK
 ~~~~ = ON STICK NOT TO SCALE  
 L.M. = LUTHERAN MISSION  
 L.D. = LUTHERAN DISTRICT  
 P.H. = PROTESTANT HOSPITAL  
 AND SUFFRAGE  
 G.R. = GENERAL RECORDS  
 A. = AUSTRIAN STATE  
 B.O. = BAPTIST OF NEW  
 T. = TOWN  
 M.A. = MOST AUSTRIAN

## SURVEY REPORT:

- [illegible]

LEGAL DESCRIPTION (AS WRITTEN):  
PROPOSED VACATED RIGHT OF WAY

[illegible]

A PROPOSED VACATED RIGHT OF WAY LYING IN SECTION 7, TOWNSHIP 1 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY FLORIDA

[illegible]



Clk's Rec. Fee: \$  
St. Doc. Stamp Tax: \$  
TOTAL: \$

THIS DEED PREPARED BY  
Dixie Dan Powell, Esq.  
602 S. Main Street  
Crestview, Florida 32536

**STATE OF FLORIDA  
COUNTY OF OKALOOSA**

**QUIT-CLAIM DEED**

This Quit-Claim Deed is made this 12th day of March, 2019 by City of Niceville, Florida, a Municipal Corporation, whose post office address is 208 N. Partin Drive, Niceville, Florida 32578; Hereinafter called GRANTOR, to Randy Wise Homes Inc., whose address is 127 N Partin Drive, Niceville, Florida 32578, Hereinafter called GRANTEE:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: *That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, quit-claims, confirms and dedicates unto the Grantee, all of Grantor's rights, titles and interest, claim and demand which the said Grantor has in the real property which comprises a portion of the right-of-way of Ellis Avenue upon that certain land situate in Okaloosa County, Florida, more particularly described to wit:*

COMMENCE AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 4, SECTION 7, TOWNSHIP 1 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA, SAID POINT LYING ON THE WEST RIGHT OF WAY LINE OF CEDAR AVENUE SOUTH (RIGHT OF WAY VARIES) AND BEING MARKED BY A ½" CAPPED IRON ROD (NO IDENTIFICATION); THENCE ALONG SAID WEST RIGHT OF WAY LINE RUN N 02°26'54" E, A DISTANCE OF 144.39 FEET TO A 6" ROUND CONCRETE MONUMENT (NO IDENTIFICATION); THENCE DEPARTING SAID WEST RIGHT OF WAY LINE RUN N 87°16'36" W, A DISTANCE OF 130.23 FEET TO A 4"X4" CONCRETE MONUMENT (NO IDENTIFICATION), SAID POINT LYING ON THE EAST RIGHT OF WAY LINE OF ELLIS AVENUE (RIGHT OF WAY VARIES), AND BEING THE POINT OF BEGINNING; THENCE ALONG EAST RIGHT OF WAY LINE RUN N 02°20'48" E, A DISTANCE OF 382.98



FEET TO A 1/2" CAPPED IRON ROD L.B. #3501; THENCE DEPARTING EAST RIGHT OF WAY LINE RUN N 88°55'42" W, A DISTANCE OF 41.74 FEET TO A 1/2" CAPPED IRON ROD L.B. #3501, SAID POINT LYING ON THE WEST RIGHT OF WAY LINE OF ELLIS AVENUE (RIGHT OF WAY VARIES); THENCE ALONG SAID WEST RIGHT OF WAY LINE RUN S 02°06'42" W, A DISTANCE OF 381.79 FEET TO A 1/2" CAPPED IRON ROD L.B. #3501; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE RUN S 87°16'38" E, A DISTANCE OF 39.66 FEET TO A 4"X4" CONCRETE MONUMENT (NO IDENTIFICATION), SAID POINT LYING ON THE EAST RIGHT OF WAY LINE OF ELLIS AVENUE (RIGHT OF WAY VARIES), AND BEING THE POINT OF BEGINNING SAID VACATED RIGHT OF WAY CONTAINS ±0.36 ACRES (±15,586 SQUARE FEET), MORE OR LESS.

To Have and to Hold the same together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said Grantor, either in law or equity, to the only proper use, benefit, and behalf of the said Grantee forever.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Julie A. Cole  
Witness Signature  
Julie A. Cole  
Printed Name

City of Niceville, Florida  
a Florida Municipal Corporation

By: Randall Wise  
Randall Wise, Mayor

Steven A. Rausch  
Witness Signature  
Steven A. Rausch  
Printed Name

**STATE OF FLORIDA  
COUNTY OF OKALOOSA**

THE FOREGOING INSTRUMENT was acknowledged before me this 14 day of March, 2019, by Randall Wise, Mayor of the City of Niceville, Florida, Grantor herein, who is personally known to me or who has produced Personally Known as identification.



Wendy K. Farmer  
NOTARY PUBLIC  
My Commission Expires:



**DISCLAIMER OF INTEREST IN RIGHT-OF-WAY**

**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 that portion of the right-of-way, at Ellis Avenue in the City of Niceville, Florida, as shown in Exhibit "A" (Survey) attached hereto and more particularly described as follows:

COMMENCE AT THE SOUTHEAST CORNER OF GOVERNMENT LOT 4, SECTION 7, TOWNSHIP 1 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA, SAID POINT LYING ON THE WEST RIGHT OF WAY LINE OF CEDAR AVENUE SOUTH (RIGHT OF WAY VARIES) AND BEING MARKED BY A 1/2" CAPPED IRON ROD (NO IDENTIFICATION); THENCE ALONG SAID WEST RIGHT OF WAY LINE RUN N 02°26'54" E, A DISTANCE OF 144.39 FEET TO A 6" ROUND CONCRETE MONUMENT (NO IDENTIFICATION); THENCE DEPARTING SAID WEST RIGHT OF WAY LINE RUN N 87°16'36" W, A DISTANCE OF 130.23 FEET TO A 4"X4" CONCRETE MONUMENT (NO IDENTIFICATION), SAID POINT LYING ON THE EAST RIGHT OF WAY LINE OF ELLIS AVENUE (RIGHT OF WAY VARIES), AND BEING THE POINT OF BEGINNING; THENCE ALONG EAST RIGHT OF WAY LINE RUN N 02°20'48" E, A DISTANCE OF 382.98 FEET TO A 1/2" CAPPED IRON ROD L.B. #3501; THENCE DEPARTING EAST RIGHT OF WAY LINE RUN N 88°55'42" W, A DISTANCE OF 41.74 FEET TO A 1/2" CAPPED IRON ROD L.B. #3501, SAID POINT LYING ON THE WEST RIGHT OF WAY LINE OF ELLIS AVENUE (RIGHT OF WAY VARIES); THENCE ALONG SAID WEST RIGHT OF WAY LINE RUN S 02°06'42" W, A DISTANCE OF 381.79 FEET TO A 1/2" CAPPED IRON ROD L.B. #3501; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE RUN S 87°16'38" E, A DISTANCE OF 39.66 FEET TO A 4"X4" CONCRETE MONUMENT (NO IDENTIFICATION), SAID POINT LYING ON THE EAST RIGHT OF WAY LINE OF ELLIS AVENUE (RIGHT OF WAY VARIES), AND BEING THE POINT OF BEGINNING SAID VACATED RIGHT OF WAY CONTAINS ±0.36 ACRES (±15,586 SQUARE FEET), MORE OR LESS.

**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

By: Randall Wise  
Randall Wise, Mayor



ATTEST:

Daniel J. Doucet  
City Clerk

CITY ATTORNEY'S OFFICE  
Approved as to form and legality

By: [Signature]

STATE OF FLORIDA                     )  
COUNTY OF OKALOOSA            ) SS:

The foregoing instrument was acknowledged before me this \_\_\_\_ day of February, 2019, 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)

Wendy K. Farmer

