

AMENDED PETITION FOR ROAD CLOSING

The undersigned files this amended petition the Board of County Commissioners of Sumter County, Florida, to vacate and close the following described road, right-of-way or easement and allege as follows:

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

All that portion of Main Street which lies East of Center Street (now known as SE 43<sup>rd</sup> Terrace) and west of Whitehead Street, lying between Lot 7 Block 2 and Lots 1 and 2 Block 6, ROBERTS ADDITION TO LINDEN, according to the plat thereof recorded in Plat Book 1, Page 43 Public records of Sumter County, Florida.

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.

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)

4. The only other person possibly affected by this action would be Marvin Albert Prose, Sr. who owns tax parcel T20B018, which is the easterly portion of Lot 7, Block 2, however, his property fronts a paved county road so the only affect on his property is to add  $\frac{1}{2}$  of the vacated right of way to his property which would be a positive affect. The petitioner owns all of Lots 1 and 2, Block 7. This platted street is not used or needed by anyone for access to other property.

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.

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.

7. There are no public utility companies with easements in the area so that the vacating will neither interfere with their services nor encroach unreasonably upon their easement.

8. The Petitioner believes this Petition should be granted for the following reasons: no roads are constructed and petitioners own all surrounding lots

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: this is currently vacant land

10. Attached is a map showing the general area around the

right-of-way to be vacated.

DATED this 3<sup>rd</sup> day of March, 2010.

Linden Cemetery Association,  
Inc.

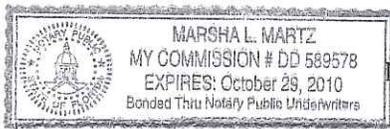
Jerry Gideons  
By: Terry Gideons, Pres

[Signature]  
Witness

Marsha Martz  
Witness

STATE OF FLORIDA  
COUNTY OF SUMTER

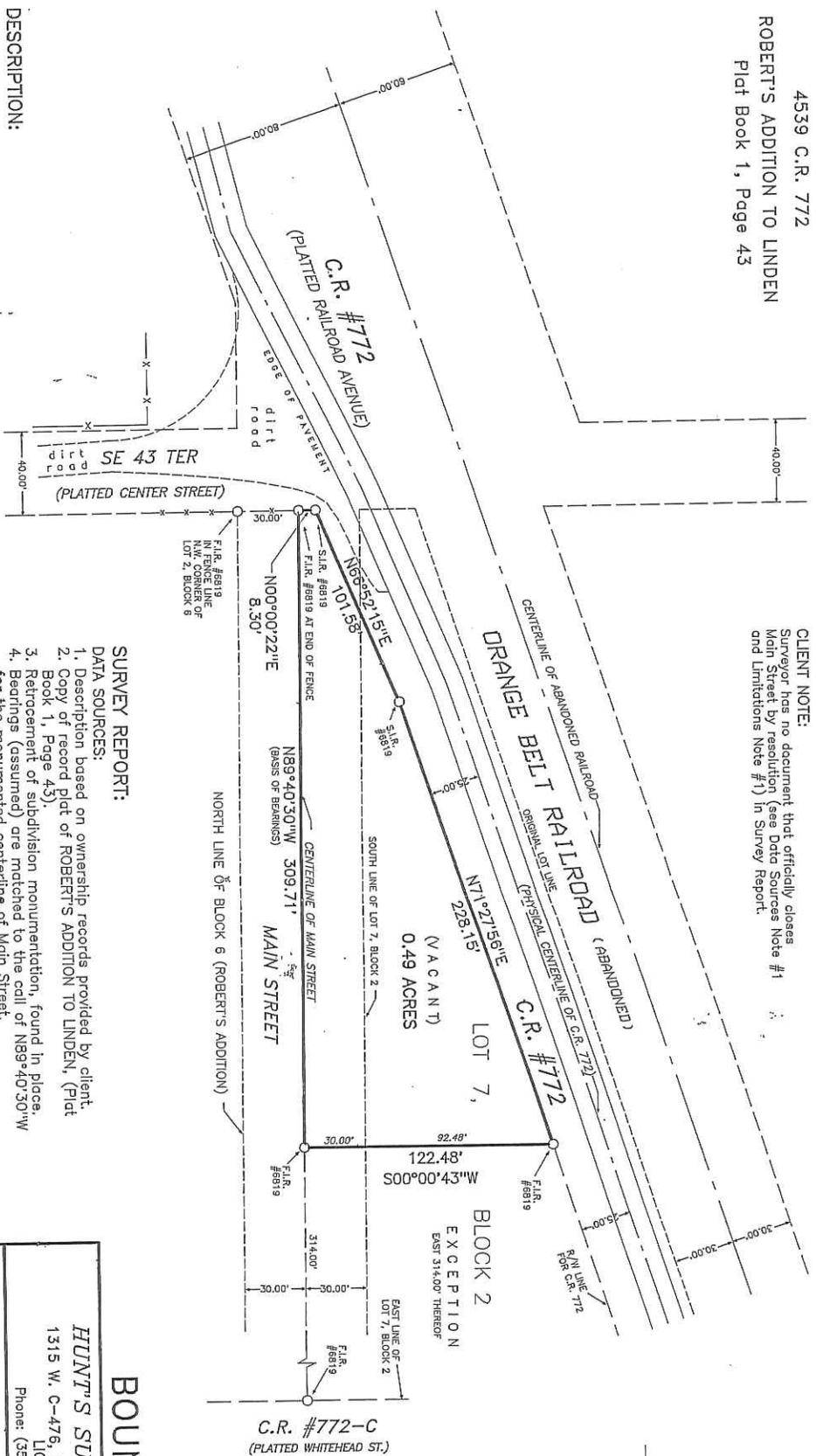
BEFORE ME personally appeared Terry Gideons, as Pres. Of Linden Cemetery Association, Inc. who was sworn and stated that the information contained in this Petition is true and correct.



Marsha L. Martz  
Notary Public, State of Fla.  
My Commission Expires:

4539 C.R. 772  
 ROBERT'S ADDITION TO LINDEN  
 Plat Book 1, Page 43

CLIENT NOTE:  
 Surveyor has no document that officially closes Main Street by resolution. (See Data Sources Note #1 and Limitations Note #1) in Survey Report.



LEGEND  
 F.I.R. = FOUND 5/8\"/>

SCALE 1" = 60'  
 SHEET SIZE: 11" X 17"

DESCRIPTION:  
 Lot 7, Block 2, ROBERT'S ADDITION TO LINDEN, according to the plat thereof recorded in Plat Book 1, Page 43, Public Records of Sumter County, Florida, LESS 314.00 feet off the East end thereof.  
 Together with that portion of the North 1/2 of Main Street lying South of and adjacent to the above described property.  
 Subject to covenants, restrictions and easements of record.

- SURVEY REPORT:**
- DATA SOURCES:**
1. Description based on ownership records provided by client.
  2. Copy of record plat of ROBERT'S ADDITION TO LINDEN, (Plat Book 1, Page 43).
  3. Retracement of subdivision monumentation, found in place.
  4. Bearings (assumed) are matched to the call of N89°40'30"W for the monumented centerline of Main Street.
- LIMITATIONS:**
1. This survey is SUBJECT TO any facts that may be disclosed by a current, full and accurate title search.
  2. Underground utilities and installations, if any, were not located.
  3. This survey does not address environmental matters, jurisdictional boundaries or hazardous waste concerns, should any of the foregoing exist.
  4. This survey does not address community requirements for land use.

369-553  
 Mr. Robert M. - 198

MAP OF  
 BOUNDARY SURVEY

HUNT'S SURVEYING & MAPPING, PLLC  
 1315 W. C-476, P.O. BOX 283, BUSHNELL, FLORIDA 33513  
 LICENSED BUSINESS NO. 6819  
 Phone: (352) 793-3280 Fax: (352) 793-4669

Prepared for: LINDEN CEMETERY	Date of Survey: November 2, 2009
Ord. File: LDEM-7-2	Sec. File: LDEM-7-2
Revisions:	Revisions:
References: CLIENT FILE	
<b>CERTIFICATION:</b> I hereby certify that the survey shown herein was made in accordance with the "Minimum Technical Standards" for surveying and mapping in the State of Florida: Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. DOUGLAS K. HUNT Professional Surveyor and Mapper Florida Certificate No. 2480 VOID UNLESS EMBOSSED WITH RAISED SURVEYORS SEAL PLAT BOOK _____ PAGE 5786	



SUMTER COUNTY RESOLUTION

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, TO HOLD A PUBLIC HEARING ON THE ROAD CLOSING PETITION OF THE LINDEN CEMETERY ASSOCIATION, INC.

WHEREAS, LINDEN CEMETERY ASSOCIATION, INC. has filed a Petition to vacate a road, right-of-way or easement described as follows:

All that portion of Main Street which lies East of Center Street (now known as SE 43<sup>rd</sup> Terrace) and west of Whitehead Street, lying between Lot 7 Block 2 and Lots 1 and 2 Block 6, ROBERTS ADDITION TO LINDEN, according to the plat thereof recorded in Plat Book 1, Page 43 Public records of Sumter County, Florida.

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 such hearings 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 \_\_\_\_\_, at \_\_\_\_\_ o'clock p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, 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 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, at Bushnell, Sumter County, Florida.

ATTEST: GLORIA HAYWARD  
Clerk of Circuit Court

BOARD OF COUNTY COMMISSIONERS  
OF SUMTER COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

NOTICE OF ROAD CLOSING HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held in the County Commissioners' Meeting Room at the Sumter County Courthouse in Bushnell, Florida, at \_\_\_\_\_ o'clock p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, 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:

All that portion of Main Street which lies East of Center Street (now known as SE 43<sup>rd</sup> Terrace) and west of Whitehead Street, lying between Lot 7 Block 2 and Lots 1 and 2 Block 6, ROBERTS ADDITION TO LINDEN, according to the plat thereof recorded in Plat Book 1, Page 43 Public records of Sumter County, Florida.

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 \_\_\_\_\_

SUMTER COUNTY RESOLUTION

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, CLOSING AND VACATING ROAD, RIGHT-OF-WAY OR EASEMENT UPON THE PETITION OF THE LINDEN CEMETERY ASSOCIATION, INC.

WHEREAS, LINDEN CEMETERY ASSOCIATION, INC. has filed a Petition to close a certain road, right-of-way or easement in Sumter County, Florida and

WHEREAS, notices of public hearing on said Petition were duly published on \_\_\_\_\_, and the public hearing was held on the Petition on \_\_\_\_\_, and there being no objections to the Petition, and

WHEREAS, this Board upon consideration of the Petition and all evidence presented at the hearing, has determined that the road, right-of-way, or easement described in the Petition should be closed and vacated, in conformity with all provisions of the Sumter County Code.

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

1. The Board of County Commissioners of Sumter County, Florida, pursuant to Florida Statute Chapter 336 and Sumter County Code Chapter 20, does hereby close and vacate all that portion of that certain road, right-of-way or easement in Sumter County, Florida, described as follows:

All that portion of Main Street which lies East of Center Street (now known as SE 43<sup>rd</sup> Terrace) and west of Whitehead Street, lying between Lot 7 Block 2 and Lots 1 and 2 Block 6, ROBERTS ADDITION TO LINDEN, according to the plat thereof recorded in Plat Book 1, Page 43 Public records of Sumter County, Florida.

2. A copy of this Resolution shall be spread among the minutes of this Board and a Notice of the adoption of this Resolution shall be published one time soon as possible after adoption. This action shall not be final until 30 days after the publication of such notice. Proof of Publication of said Notice and a certified copy of this Resolution shall be recorded in the Public Records of Sumter County, Florida.

DONE AND RESOLVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010, at Bushnell, Sumter County, Florida.

ATTEST: GLORIA HAYWARD  
Clerk of Circuit Court

BOARD OF COUNTY COMMISSIONERS  
OF SUMTER COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman

NOTICE OF ROAD CLOSING

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Sumter County, Florida, on the \_\_\_\_\_ day of \_\_\_\_\_, 2010, adopted a Resolution closing and vacating the following described road, right-of-way or easement:

All that portion of Main Street which lies East of Center Street (now known as SE 43<sup>rd</sup> Terrace) and west of Whitehead Street, lying between Lot 7 Block 2 and Lots 1 and 2 Block 6, ROBERTS ADDITION TO LINDEN, according to the plat thereof recorded in Plat Book 1, Page 43 Public records of Sumter County, Florida.

renouncing, disclaiming and closing and vacating any right of Sumter County, Florida, and the public in and to any land or interest therein as to the above described property.

This action shall not be final until 30 days from the date of this publication. Any interested party shall have the right to request a re-hearing by the Board during the 30 day period. Upon submission of proof of misrepresentation or mistake of substantial fact or other error, the Board may reverse the decision to close the road and dismiss the petition.

BOARD OF COUNTY COMMISSIONERS  
SUMTER COUNTY

Publish one time on \_\_\_\_\_