

Item # 50

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

*[Continued from 10/11/2005, 10/25/2005, and 11/15/2005]
Public Input Closed, Board Discussion Only*

SUBJECT: Adopt Resolution to vacate and Abandon a portion of the unimproved public rights-of-way known as Palm Avenue and Elm Street

DEPARTMENT: Planning & Development **DIVISION:** Development Review

AUTHORIZED BY: Dan Matthys **CONTACT:** Cynthia Sweet **EXT.** 7443

Agenda Date <u>1/10/2006</u> Regular <input type="checkbox"/> Consent <input type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input checked="" type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

Adopt and authorize the Chairman to execute a resolution to vacate and abandon a portion of the unimproved public rights-of-way known as Palm Avenue and Elm Street as recorded in Plat Book 2, Page 110, O. P. Swope Land Company's Plat of Black Hammock, in Section 26, Township 20 S, Range 31 E, as requested by Arthur Evans, applicant.

District 2 – Morris

[Cynthia Sweet, Planner]

BACKGROUND:

Lonnie Groot, representative for the applicant (Arthur Evans) is requesting to vacate and abandon a portion of the unimproved public rights-of-way known as Palm Avenue and Elm Street consisting of approximately 1.85 acres located in Section 26, Township 20 S, Range 31 E and as recorded in Plat Book 2, Page 110, O. P. Swope Land Company's Plat of Black Hammock of the Public Records of Seminole County, Florida.

The applicant stated in his request for vacate that the rights-of-way are "antiquated and obsolescent" and are "more in the nature of agricultural use rights-of-way and not access oriented rights-of-way". Site inspections confirmed that the subject rights-of-way are dirt roads that appear to provide access to orange groves. Vacating of the proposed roads is consistent with the LDC and will not prohibit access to any adjacent properties.

The easements have been prepared and executed, and shall be held in escrow until such time as the Board executes this resolution to vacate and abandon the subject portion of the unimproved rights-of-way. The

Reviewed by: <u>KL</u> Co Atty: _____ DFS: _____ Other: _____ DCM: _____ CM: _____ File No. <u>ph130pdd02</u>

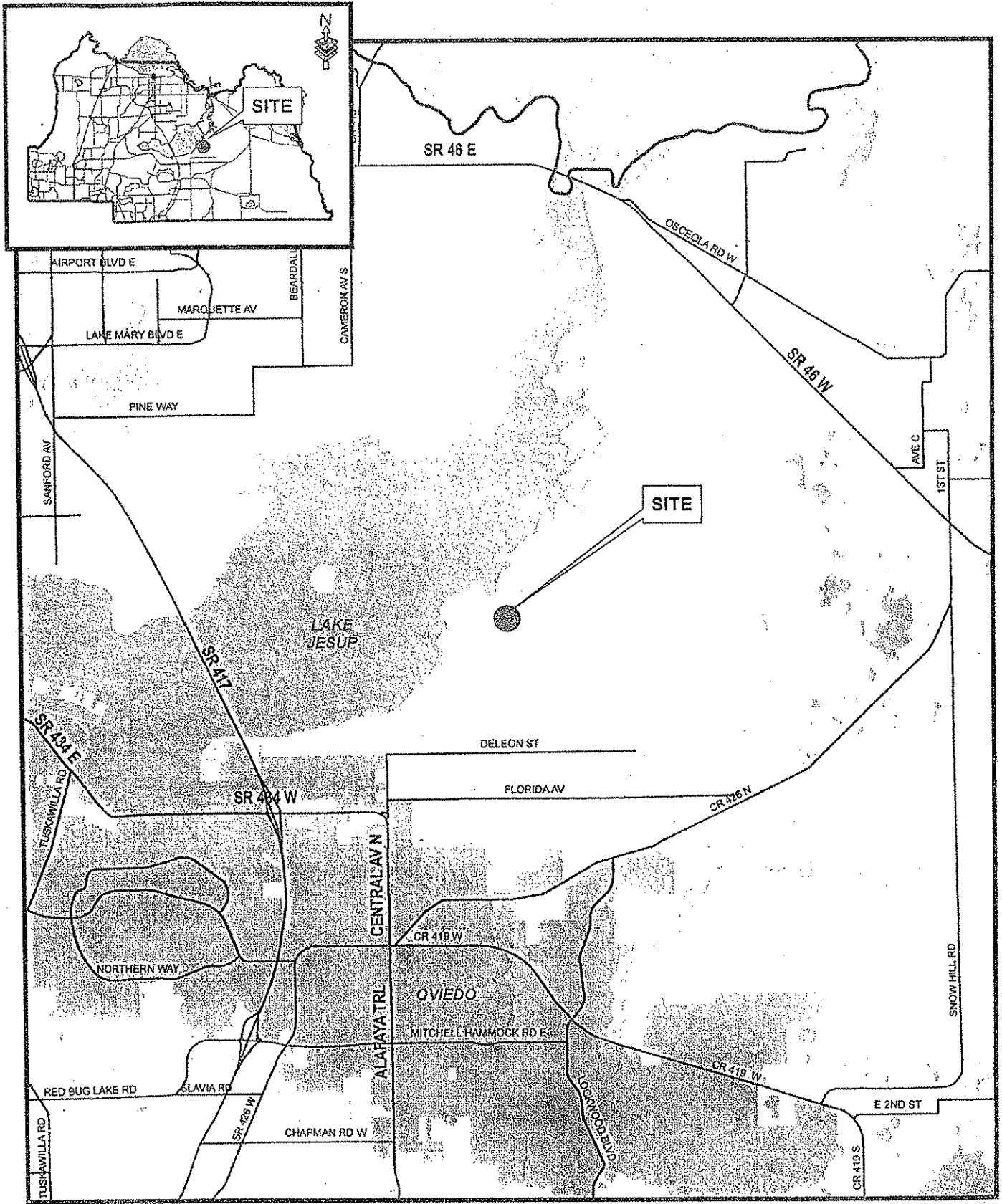
resolution and easements shall subsequently be recorded in the Land Records of Seminole County.

STAFF RECOMMENDATION:

Staff recommends the Board adopt a resolution to vacate and abandon the portions of the unimproved public rights-of-way as requested by the applicant.

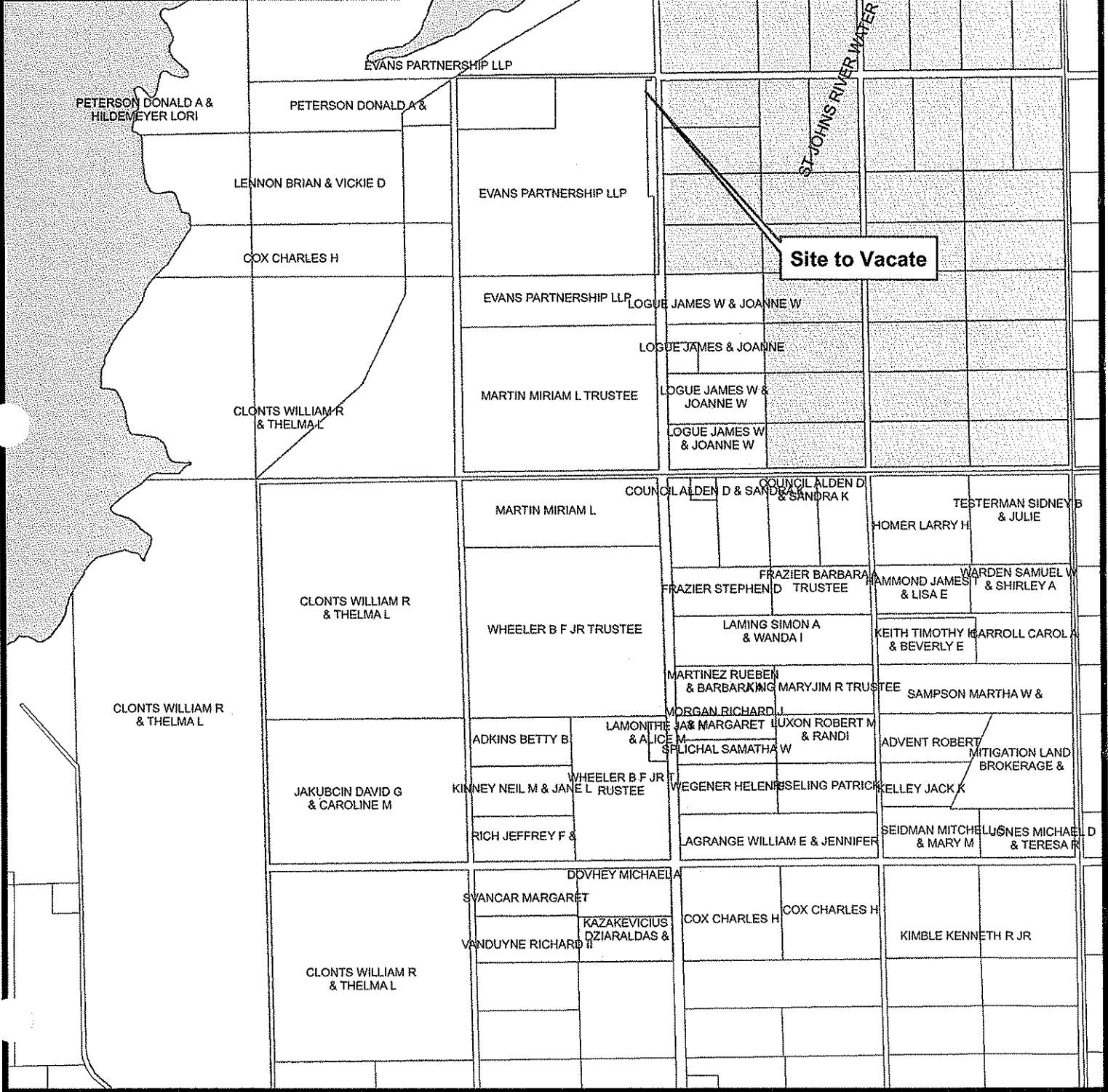
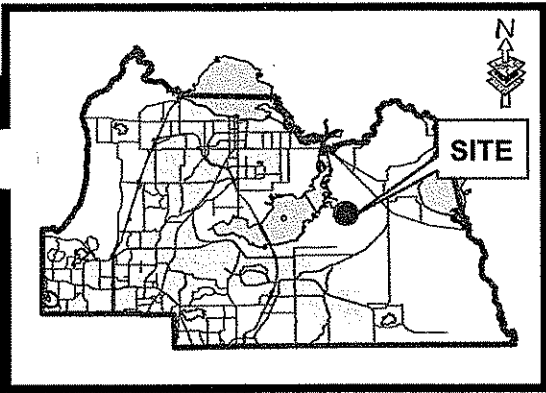
District 2 - Morris

Attachments: Location Maps
Resolution



filename: L:\DR\temp\p&z\Staff\Maps\ArthurEvans\vacate.mxd Printed: 08/30/05

LOCATION MAP



THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 10TH DAY OF January A.D., 2006.

**RESOLUTION TO VACATE AND ABANDON A
RIGHT-OF-WAY**

.....
Whereas, a Petition was presented on behalf of

ARTHUR EVANS

to the Board of County Commissioners of Seminole County, Florida, requesting the closing, vacating and abandoning of the following described right-of-way, to-wit:

SEE ATTACHED SKETCH OF DESCRIPTIONS

EXHIBIT A

Whereas, after due consideration the Board of County Commissioners of Seminole County, Florida, having determined that the abandonment of the above described rights-of-way is to the best interest of the county and the public.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the above described as attached Rights-of-way be, and the same is hereby abandoned, closed and vacated, and that all right in and to the same on behalf of the County and the public be, and the same is hereby disclaimed.

PASSED AND ADOPTED this 10TH day of January A.D., 2006.

ATTEST: BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA
BY:

MARYANNE MORSE
CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

CARLTON D. HENLEY
CHAIRMAN

SECTION 26, TOWNSHIP 20 SOUTH, RANGE 31 EAST

<p>THIS SKETCH CONSISTS OF TWO SHEETS & IS ONLY VALID IN ITS ENTIRETY</p> <p>SEE SHEET 2 FOR GRAPHICAL DEPICTION</p>	
<p>EXHIBIT A</p>	
<p>RESERVED FOR RECORDING INFORMATION</p>	
<p>SHEET 1 OF 2</p>	
<p>LEGAL DESCRIPTION:</p> <p>COMMENCING AT THE NORTHEAST CORNER OF LOT 109, O.P. SWOPE LAND COMPANY'S PLAT OF BLACK HAMMOCK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 110, SEMINOLE COUNTY, FLORIDA, RUN N 89°23'04" E, 33.00 FEET, TO THE WEST RIGHT OF WAY LINE OF ELM STREET; THENCE N 00°51'18" W ALONG SAID RIGHT OF WAY LINE, 816.26 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°51'18" W, ALONG SAID RIGHT OF WAY LINE, 503.48 FEET, TO THE SOUTH RIGHT OF WAY LINE OF PALM AVENUE, PER SAID PLAT OF O.P. SWOPE LAND COMPANY'S PLAT OF BLACK HAMMOCK; THENCE S 89°17'37" W, ALONG SAID SOUTH RIGHT OF WAY LINE, 20.00 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE N 00°51'18" W, ALONG SAID WEST RIGHT OF WAY LINE OF ELM STREET, 918.00 FEET TO THE NORTH RIGHT OF WAY LINE OF THE UNNAMED ROAD; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE N 45°00'00" E, ALONG SAID NORTH RIGHT OF WAY LINE, 55.74 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE EAST RIGHT OF WAY LINE OF THE AFORESAID ELM STREET; THENCE S 00°51'18" E, ALONG SAID EAST RIGHT OF WAY LINE, 931.95 FEET, TO THE NORTH RIGHT OF WAY LINE OF THE AFORESAID PALM AVENUE; THENCE N 89°19'12" E, ALONG SAID NORTH RIGHT OF WAY LINE OF PALM AVENUE, 13.15 FEET; THENCE S 00°50'12" E, ALONG SAID EAST RIGHT OF WAY LINE, 528.38 FEET; THENCE S 89°08'42" W, 33.00 FEET, TO THE POINT OF BEGINNING.</p>	
<p>THIS IS NOT A SURVEY</p>	
<p>SURVEYOR'S REPORT:</p>	
<p>1) Bearings are based on: the West right of way line of Elm Street being N 00°51'18" W, per plat.</p> <p>2) Vertical Datum is based on: N/A</p> <p>3) The Surveyor has not abstracted the lands shown herein for assessments and/or rights of way of record.</p> <p>4) No underground installations, landowner easements, or improvements have been located.</p> <p>5) There may be additional restrictions that are not recorded on this sketch that may be found in the public records of the county.</p> <p>6) This sketch was prepared for the identifier named herein and is non-transferable.</p> <p>7) No improvements have been located as a part of this sketch.</p> <p>8) The sketch represents the information furnished to me as noted and contains the technical standards for LAND SURVEYING AND MAPPING IN THE STATE OF FLORIDA in accordance with Chapter 117-6, Florida Administrative Code and contains the information furnished to me as noted.</p>	
<p>CERTIFICATION:</p>	
<p>For</p>	
<p>DATE: 4/14/04</p>	
<p>SCALE: 1" = 200'</p>	
<p>LEGEND</p>	
<p>P.O.C. - POINT OF BEGINNING</p>	
<p>LAKE MARY GROVES PARTNERSHIP</p>	
<p>SURVEYING & MAPPING CORP. 350 S. Central Ave., Ovega, FL 32765 P.O. Box 621892, Oviedo, FL 32768 Voice: (407) 365-1036 Fax: (407) 365-1838 Central Business No. 3777</p>	

THIS SKETCH CONSISTS OF TWO SHEETS & IS ONLY VALID IN ITS ENTIRETY
SEE SHEET 1 FOR LEGAL DESCRIPTION

SHEET 2 OF 2

RESERVED FOR RECORDING INFORMATION

OFFICIAL RECORD BOOK 2849
PAGE 0383, SEMINOLE COUNTY,
FLORIDA

NORTHEAST CORNER
OF WAY LINE

GOVERNMENT LOT 6

WEST RIGHT OF WAY LINE

EAST RIGHT OF WAY LINE

CONVINCED BOUND
(SEE PLAT)

LOT 192
O.P. SACPE LAND COMPANY'S
PLAT OF BLACK HAMMOCK
PLAT BOOK 2, PAGE 110,
SEMINOLE COUNTY, FLORIDA

LOT 193
O.P. SACPE LAND COMPANY'S
PLAT OF BLACK HAMMOCK
PLAT BOOK 2, PAGE 110,
SEMINOLE COUNTY, FLORIDA

N 00°51'18" W 918.00'

S 00°51'18" E 931.95'

PALM AVENUE
NORTH RIGHT OF WAY LINE
SOUTH RIGHT OF WAY LINE

L2 NORTH RIGHT OF WAY LINE
PALM AVENUE
SOUTH RIGHT OF WAY LINE

L3

L4

WEST RIGHT OF WAY LINE

EAST RIGHT OF WAY LINE

LOT 187
O.P. SACPE LAND COMPANY'S
PLAT OF BLACK HAMMOCK
PLAT BOOK 2, PAGE 110,
SEMINOLE COUNTY, FLORIDA

P.O.B.

S 00°50'18" E 528.38'

P.O.C.

L5

ELM STREET

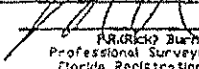

NORTHEAST CORNER
OF LOT 187

LOT 109
O.P. SACPE LAND COMPANY'S
PLAT OF BLACK HAMMOCK
PLAT BOOK 2, PAGE 110,
SEMINOLE COUNTY, FLORIDA

815.26'



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 45°00'00" E	55.74'
L2	N 89°19'12" E	13.15'
L3	S 89°27'37" W	22.00'
L4	S 89°28'42" W	33.00'
L5	N 89°23'01" E	33.00'

SKETCH OF LEGAL DESCRIPTION	Date	1/15/04	Revised	N/A	Drawn by	AM
	File No.	02001	Scale	1" = 200'	Field by	TVA
For	LAKE MARY GROVES PARTNERSHIP					
LEGEND	P.O.C. - POINT OF COMMENCEMENT					
	P.O.B. - POINT OF BEGINNING					
<p>*Not valid without the signature and the original record of a Florida Licensed Surveyor and Mapper</p>  <p>R. GRICKO BURCH Professional Surveyor & Mapper Florida Registration No. 4732</p>						
 <p>SURVEYING & MAPPING CORP. 353 S. Central Ave., Oviedo, FL 32765 P.O. Box 62182, Oviedo, FL 32762 Voice (407) 365-1036 Fax (407) 365-1038 Licensed Surveyor No. 9777</p>						
Unless Noted Otherwise						

SECTION 26, TOWNSHIP 20 SOUTH, RANGE 31 EAST

THIS SKETCH CONSISTS OF TWO SHEETS & IS ONLY VALID IN ITS ENTIRETY

SEE SHEET 2 FOR GRAPHICAL DEPICTION

SHEET 1 OF 2

RESERVED FOR RECORDING INFORMATION

Legal Description:

COMMENCING AT THE NORTHEAST CORNER OF LOT 109 OF O.P. SWOPE LAND COMPANY'S PLAT OF BLACK HAMMOCK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 110, SEMINOLE COUNTY, FLORIDA, RUN S 89°23'04" W, ALONG THE NORTH LINE OF SAID LOT 109, 1254.53 FEET TO THE EAST RIGHT OF WAY LINE OF CANAL STREET, A 50 FEET RIGHT OF WAY, SAID POINT BEING N 89°23'04" E, 10.00 FEET FROM THE NORTHWEST CORNER OF SAID LOT 109; THENCE DEPARTING SAID NORTH LINE N 00°50'31" W, ALONG THE EAST RIGHT OF WAY LINE OF CANAL STREET, 1318.29 FEET, TO THE SOUTH RIGHT OF WAY LINE OF PALM AVENUE, PER THE AFORESAID PLAT OF O.P. SWOPE LAND COMPANY'S PLAT OF BLACK HAMMOCK, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE S 89°19'12" W, 50.80 FEET TO THE GOVERNMENT MEANDOR LINE; THENCE N 54°44'54" E, ALONG SAID MEANDOR LINE, 0.97 FEET; THENCE DEPARTING SAID MEANDOR LINE N 00°50'31" W, 19.45 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID PALM AVENUE; THENCE N 89°19'12" E, ALONG SAID NORTH RIGHT OF WAY LINE, 1317.23 FEET TO THE WEST RIGHT OF WAY LINE OF ELM STREET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE S 00°40'48" E, ALONG THE SAID WEST RIGHT OF WAY LINE, 20.00 FEET, TO THE SOUTH RIGHT OF WAY LINE OF THE AFORESAID PALM AVENUE; THENCE S 89°19'12" W, ALONG SAID SOUTH RIGHT OF WAY LINE, 1267.17 FEET, TO THE POINT OF BEGINNING

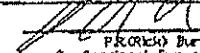

THIS IS NOT A SURVEY

SURVEYOR'S REPORT:

- 1) This is not a Survey.
- 2) Drawings are based on the South right of way line of Palm Avenue being N 89°19'12" E, per plat.
- 3) Vertical Datum is based on: N/A
- 4) The Surveyor has not abstracted the lands shown hereon for easements and/or rights of way of record.
- 5) No underground installations, foundation footings, or improvements have been located.
- 6) There may be additional restrictions that are not reflected on this sketch that may be found in the public records of this county.
- 7) There may be evidence on the ground of use of the property which might suggest a possible claim of easement other than those shown on the sketch.
- 8) This Sketch was prepared for the Municipality named hereon and is "non-transferable".
- 9) No improvements have been located as a part of this sketch.

CERTIFICATION:

I hereby certify that the sketch represented on this map was made under my direction on the date shown based on the information furnished to me as notes and conforms to the MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING AND MAPPING OF THE STATE OF FLORIDA in accordance with CS-41617-6, Florida Administrative Code.

SKETCH OF LEGAL DESCRIPTION For LAKE MARY GROVES PARTNERSHIP	Date 1/15/04	Revised N/A	Drawn by KMA	 Prorick Burns Professional Surveyor & Mapper Florida Registration No. 4702 Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
	Job No. 02091	Scale 1" = 200'	Field by N/A	
LEGEND P.O.C. - POINT OF COMMENCEMENT P.O.B. - POINT OF BEGINNING			 LAND RECH SURVEYING & MAPPING CORP. 350 S. Central Ave., Oviedo, FL 32755 P.O. Box 621099, Oviedo, FL 32748 Voice (407) 365-1026 Fax (407) 365-1020 Licensed Business No. 5777	
Unless Noted Otherwise				

SECTION 26, TOWNSHIP 20 SOUTH, RANGE 31 EAST

THIS SKETCH CONSISTS OF TWO SHEETS &
IS ONLY VALID IN ITS ENTIRETY

SEE SHEET 1 FOR LEGAL DESCRIPTION

SHEET 2 OF 2

RESERVED FOR RECORDING INFORMATION



ELM STREET

P.O.C.

WEST RIGHT
OF WAY LINE

L2

NORTHEAST CORNER
OF LOT 109

NORTH RIGHT OF WAY LINE OF PALM AVENUE
PALM AVENUE
SOUTH RIGHT OF WAY LINE OF PALM AVENUE

PALM AVENUE

N 89°19'12" E 1317.23'

N 89°19'12" E 1267.17'

S 89°23'04" W 1254.53'
NORTH LINE OF LOT 109

LOT 109
OF SWOPE LAND COMPANY'S
PLAT OF BLACK HAMMOCK
PLAT BOOK 2, PAGE 110
SEMINOLE COUNTY, FLORIDA

P.O.B.

NORTHWEST CORNER
OF LOT 109

N 00°50'31" W 1318.29'

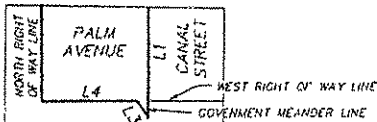
EAST RIGHT OF WAY LINE

L4

CANAL STREET

WEST RIGHT OF WAY LINE

RIGHT OF WAY VARIES



DETAIL (NOT TO SCALE)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 89°19'12" W	50.80
L2	S 00°40'48" E	20.00
L3	N 54°44'54" E	0.97
L4	N 00°50'31" W	19.45
L5	N 89°23'04" E	10.00

SKETCH OF LEGAL DESCRIPTION

Date: 1/15/04

Revised: N/A

Drawn by: ST/LE

For
LAKE MARY GROVES PARTNERSHIP

JOB NO.: 02091

Scale: 1" = 200'

Field by: N/A
Checked by: P/R/B

LEGEND

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING

[Signature]
P.R. (Rich) Burns
Professional Surveyor & Mapper
Florida Registration No. 4702
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper

LAND TECH
SURVEYING & MAPPING CORP.
350 S Central Ave.
Oviedo, FL 32765
P.O. Box 621892, Oviedo, FL 32762
Voice (407) 365-1636
Fax (407) 365-1831

SECTION 26, TOWNSHIP 20 SOUTH, RANGE 31 EAST