

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: SIXTH STREET RIGHT-OF-WAY VACATE

DEPARTMENT: Planning & Development DIVISION: Development Review

AUTHORIZED BY: Dan Matthys CONTACT: Denny Gibbs EXT. 7359

Agenda Date <u>1/10/06</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:

1. Deny the request to vacate and abandon a portion of the right-of-way of Sixth Street between Block 40, Townsite of North Chuluota, PB 2 PG 54 through 58, and Block 53 North Chuluota, Section 29, Township 21S, Range 32E.
2. Adopt, and authorize the Chairman to execute, a resolution to vacate and abandon a 50 x 35 foot portion of the right-of-way of Sixth Street between Block 40, Townsite of North Chuluota, PB 2 PG 54 through 58, and Block 53 North Chuluota, Section 29, Township 21S, Range 32E, per recommended staff modifications.
3. Adopt, and authorize the Chairman to execute, a resolution to vacate and abandon a portion of the right-of-way of Sixth Street between Block 40, Townsite of North Chuluota, PB 2 PG 54 through 58, and Block 53 North Chuluota, Section 29, Township 21S, Range 32E, as requested by the applicant, subject to staff conditions.

District 1 – Commissioner Dallari (Denny H. Gibbs, Senior Planner)

BACKGROUND:

On June 10th, 2003, the BCC approved a vacate of the Sixth Street right-of-way subject to conditions. Attached you will find the minutes and previous agenda memorandum for that vacate. (Also see Detail Maps 1 and 2) A new request has been submitted by a new applicant which modifies the area and conditions of the previously approved vacate.

The applicant, Thomas and Josephine Silvey, is requesting to vacate 50-feet of the existing 70-foot wide Sixth Street Right-of-Way (ROW) for a distance of approximately 309-feet with the County retaining the north 20-foot as County access to Horseshoe Lake. Sixth Street is an unimproved right-of-way that runs west from CR 419 and dead ends at Horseshoe Lake. Currently the right-of-way is being used as ingress and egress for the existing home on Lot 4 and is not currently being used for public lake access.

The area subject to the vacate request is the portion of the ROW that runs between the existing platted Lots 9 -12 (Block 40) and Lot

Reviewed by:	<u>KL</u>
Co Atty:	
DFS:	
Other:	<u>[Signature]</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	<u>ph130pdd01</u>

4 (Block 53) in Chuluota. The purpose of the request is to combine the approved vacated right-of-way area with Lot 4 so that the applicant may extend the existing house.

Sixth Street is the only remaining County access to Horseshoe Lake and the last platted county road that provides access to the lake. Sixth Street may also be needed as a drainage conveyance for any future expansion of CR 419. In order to maintain public access to Horseshoe Lake, the applicant has proposed to create a stabilized access within the remaining 20-feet of right-of-way which consists of a significant amount of wetlands. The applicant is working with a consultant to identify the limits of the wetland impacts associated with the creation of the access way and how it will be constructed.

The significant differences between this request and the vacate that was previously approved by the Board are:

- The previously approved vacate was requested in order to add upland area from the vacated right-of-way to the existing house lot (Lot 4).

The current request proposes to combine the southerly portion of the right-of-way with Lot 4 and leave the northerly 20' for County access to Horseshoe Lake. Also, 20-feet of the right-of-way on the east end has been lessed out of this application in order to retain development rights over Lot 12. Since these areas are lessed out, some of the right-of-way immediately adjacent to the house within which the previous applicant intended to expand their house is not included. (see Detail Map 2 and Detail Map 3)

- The previously approved vacate combined all the lots owned by the applicant (on either side of this right-of-way) into one building site. (Lot 4 on the south side of 6th Street and Lot 9, Lot 10, Lot 11, and Lot 12 on the north side of 6th Street, and Lot 8 on 5th Street)

This request intends to maintain development rights on several parcels: Lot 12 (on the north side of the 6th Street right-of-way), Lot 8 (on 5th Street) and Lot 4 (on the south side of the 6th Street right-of-way) as the application lesses out the first 20' of the previously approved vacate in order to retain development rights on Lot 12 and Lot 4 without combining these properties.

- The previously approved vacate allowed for a similar access from Fifth Street by providing a stabilized dead end cul-de-sac on Fifth Street and a boardwalk to Horseshoe Lake as the alternative access to be deeded to Seminole County.

This request proposes to provide the similar access within the north 20' of the Sixth Street right-of-way that will not be vacated. They propose to permit and construct the necessary improvements to provide this access within the right-of-way.

- The previously approved vacate included a conservation easement over the wetlands on Lots 10, 11 and 12 and the east half of Lot 9.

This applicant does not wish to place a conservation easement over these lots. The conservation easement was offered by the previous applicant to mitigate any wetland impacts when they constructed the boardwalk from 5th Street through Lots 8 and 9 to Horseshoe Lake.

STAFF RECOMMENDATION:

1. Staff recommends denial of the request to vacate this portion of the Sixth Street right-of-way as this right-of-way is the last public access to Horseshoe Lake. It is staff's opinion that it is in the general interest of the County and the public to maintain the Sixth Street right-of-way in its entirety for future use. Further, approval of this vacate request would needlessly cause impact to wetland and floodplain areas.
2. Should the Board of County Commissioners wish to approve the request to vacate and abandon said portion of the Sixth Street right-of-way, staff recommends the following modification be considered (*see Detail Map 4*):
 - a) Include only the first 50-feet (length) of the area requested and vacate only the south 35-feet (width) which would provide the applicant with additional land within which they can expand the existing structure.
3. Should the Board of County Commissioners wish to approve the request to vacate and abandon said portion of the Sixth Street right-of-way as requested staff recommends the following conditions to the vacate:
 - a) Areas below the ordinary high water elevation of Horseshoe Lake (38.4 ft NGVD) shall be excluded from the vacate.
 - b) Areas below the flood plain elevation of 40.2' within the right-of-way must be placed in a drainage and access easement.
 - c) Prior to the recording of the Resolution to Vacate Sixth Street, the applicant shall construct an alternative access to the lake within the 20' ROW. The applicant shall design, permit and construct the alternative access way at no expense to the County.
 - d) The vacate of 6th Street would be subject to a Development Order binding lots 9, 10, 11, and 12 with a Unity of Title. These must be combined as legal access is required to platted lots and, with the vacate and abandonment of the right-of-way, there will no longer be legal access to the individual platted lots.
 - e) The applicant shall provide the sketch and legal descriptions for any easements required.
 - f) The applicant shall remove any structures from the ROW.

District 1 – Commissioner Dallari

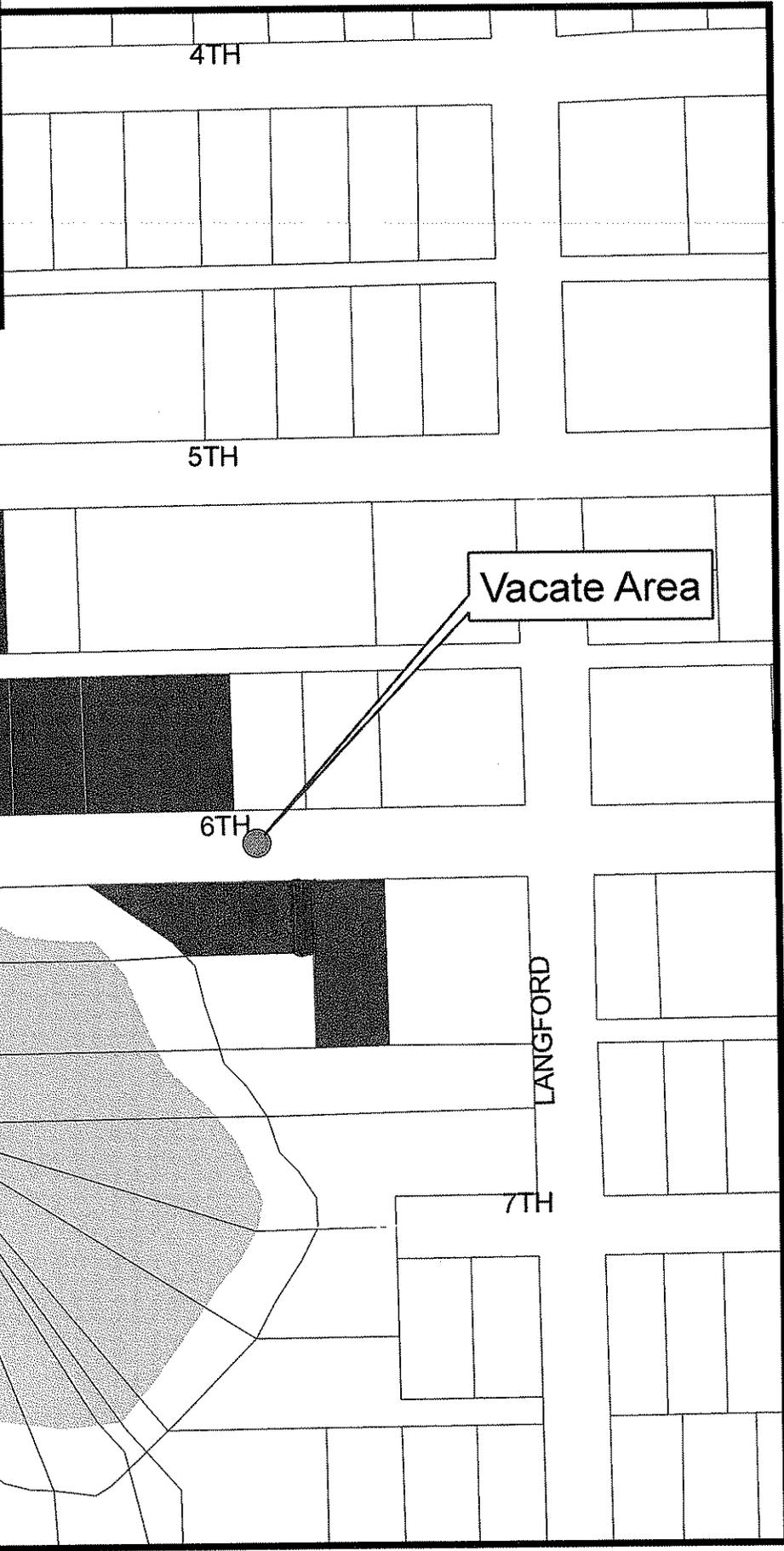
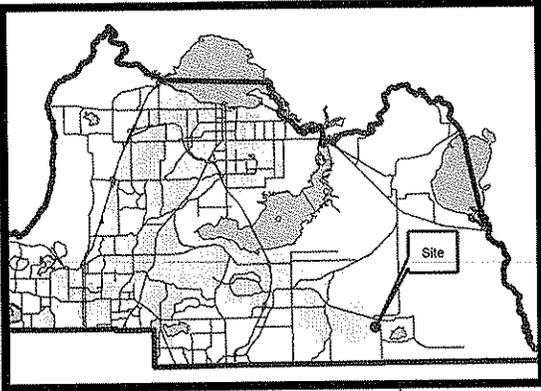
Attachments: Location Map

Resolution With Exhibit A

Detail Maps (4)

Photo Exhibit

6/10/2003 BCC Minutes and Agenda Memorandum



255 West Sixth Street Right-of-Way Vacate

Site Map

RESOLUTION NO.: 2006-R-

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

THOMAS N & JOSEPHINE P SILVEY

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:

EXHIBIT A

Whereas, after due consideration the Board of County Commissioners of Seminole County, Florida, having determined that the abandonment of the above described right-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 Right-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

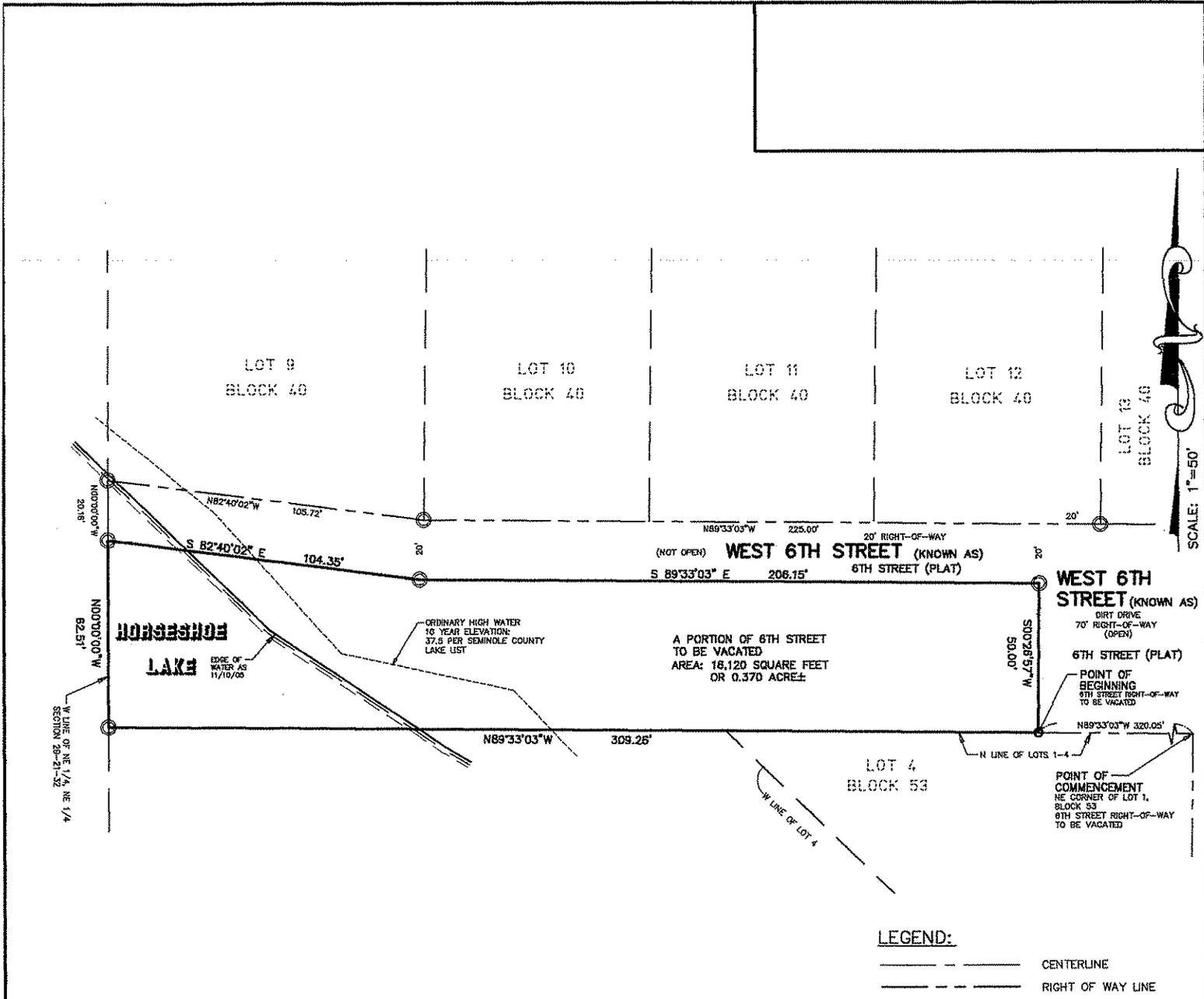
EXHIBIT A

LEGAL DESCRIPTION 6TH STREET RIGHT-OF-WAY TO BE VACATED

A PORTION OF 6TH STREET RIGHT-OF-WAY, THE TOWNSITE OF NORTH CHULUOTA, AS RECORDED IN PLAT BOOK 2, PAGES 54 THROUGH 58, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF LOT 1, BLOCK 53, SAID TOWNSITE; THENCE N89°33'03"W, ALONG THE NORTH LINE OF LOTS 1-4, BLOCK 53, SAID TOWNSITE, ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF 6TH STREET, RIGHT-OF-WAY WIDTH 70 FEET, A DISTANCE OF 320.05 FEET TO THE POINT OF BEGINNING; THENCE N89°33'03"W, ALONG THE NORTH LINE OF SAID LOT 4 AND SOUTH RIGHT-OF-WAY LINE OF SAID 6TH STREET, A DISTANCE OF 309.26 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, TOWNSHIP 21 SOUTH, RANGE 32 EAST; THENCE N00°00'00"W, ALONG SAID WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 29, A DISTANCE OF 62.51 FEET TO A POINT; THENCE S82°40'02"E, A DISTANCE OF 104.35 FEET TO A POINT; THENCE S89°33'03"E, ALONG A LINE PARALLEL TO AND 50.00 FEET NORTH OF SAID SOUTH RIGHT-OF-WAY LINE OF 6TH STREET, A DISTANCE OF 206.15 FEET TO A POINT; THENCE S00°26'57"W, A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,120 SQUARE FEET OR 0.370 ACRE, MORE OR LESS.



GENERAL NOTES:

1. THE PURPOSE OF THIS SKETCH IS TO DELINEATE THE DESCRIPTION ATTACHED HERETO. THIS DOES NOT REPRESENT A BOUNDARY SURVEY.
2. THE SURVEYOR HAS NOT ABSTRACTED THE LANDS SHOWN HEREON FOR EASEMENTS AND OR RIGHT-OF-WAY RECORDS.
3. THE BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF LOT 4, BEING N89°33'03"W, ASSUMED.

PREPARED FOR:
THOMAS AND JOSEPHINE SILVEY

**SKETCH OF DESCRIPTION
6TH STREET RIGHT-OF-WAY
TO BE VACATED**

CERTIFICATION:
I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I FURTHER CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

THIS 14th DAY OF NOVEMBER, 2005

[Signature]

Gregory S Locklin, Professional Land Surveyor No. 5619
Land Surveyor Business License No. 6906
VALID ONLY WITH SIGNATURE AND EMBOSSED SEAL

LOCKLIN & ASSOCIATES, INC.
SURVEYORS & MAPPERS
1417 N. SEMORAN BLVD., ST. 115
ORLANDO, FL. 32807
VOICE: (407) 273-0356 FAX/DATE: 282-7850

No.	DATE	REVISION

DRAWN BY: **GSL**
CHECKED BY: **GSL**
DRAWING FILE:
S05721LGL.DWG
DATE:
11/14/05
PROJECT No.
S05-721
SCALE:
1" = 50'
SHEET
OF **2**

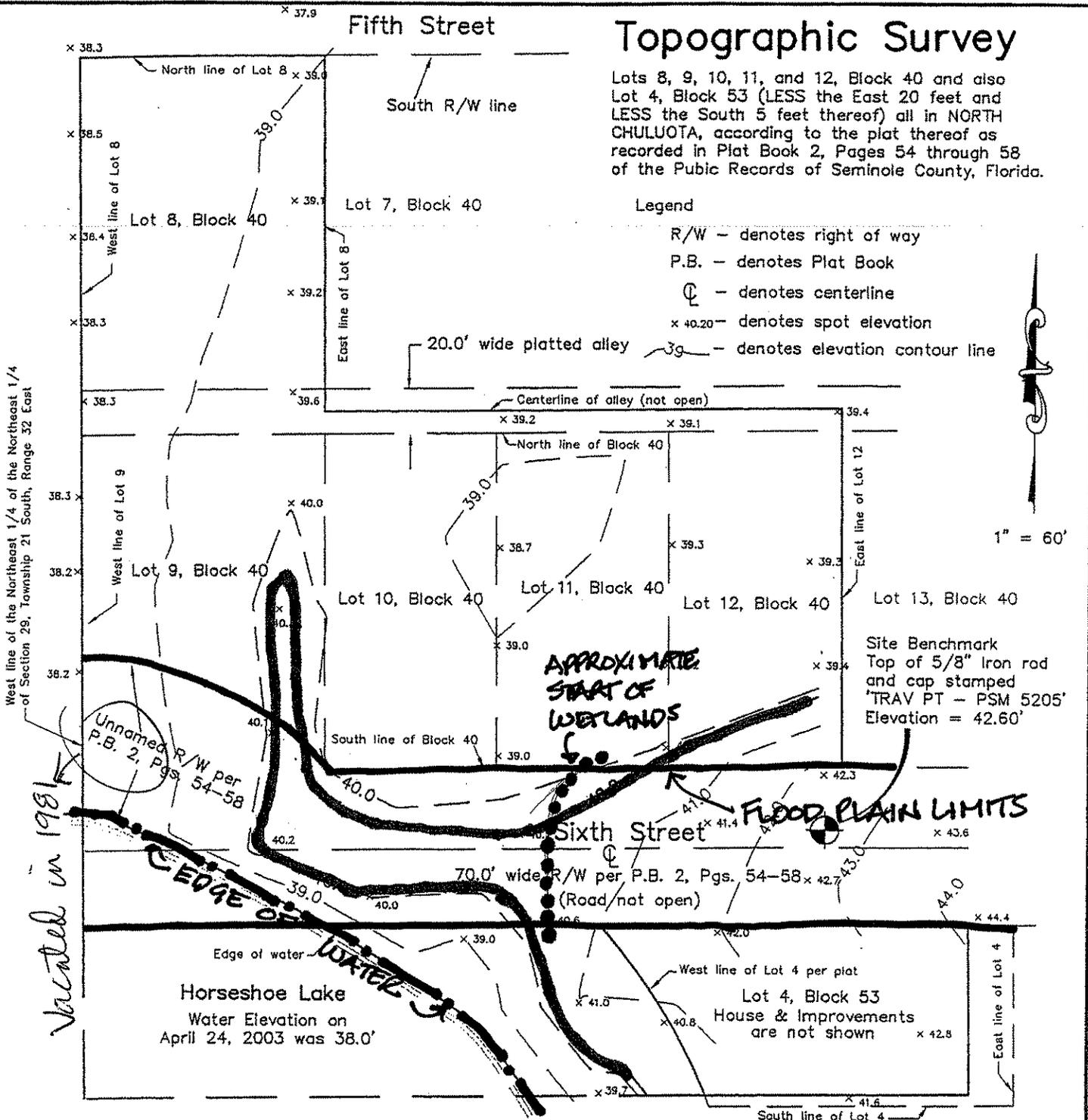
Topographic Survey

Lots 8, 9, 10, 11, and 12, Block 40 and also Lot 4, Block 53 (LESS the East 20 feet and LESS the South 5 feet thereof) all in NORTH CHULUOTA, according to the plat thereof as recorded in Plat Book 2, Pages 54 through 58 of the Public Records of Seminole County, Florida.

Legend

- R/W - denotes right of way
- P.B. - denotes Plat Book
- ⊙ - denotes centerline
- x 40.20 - denotes spot elevation
- 39 - denotes elevation contour line

1" = 60'

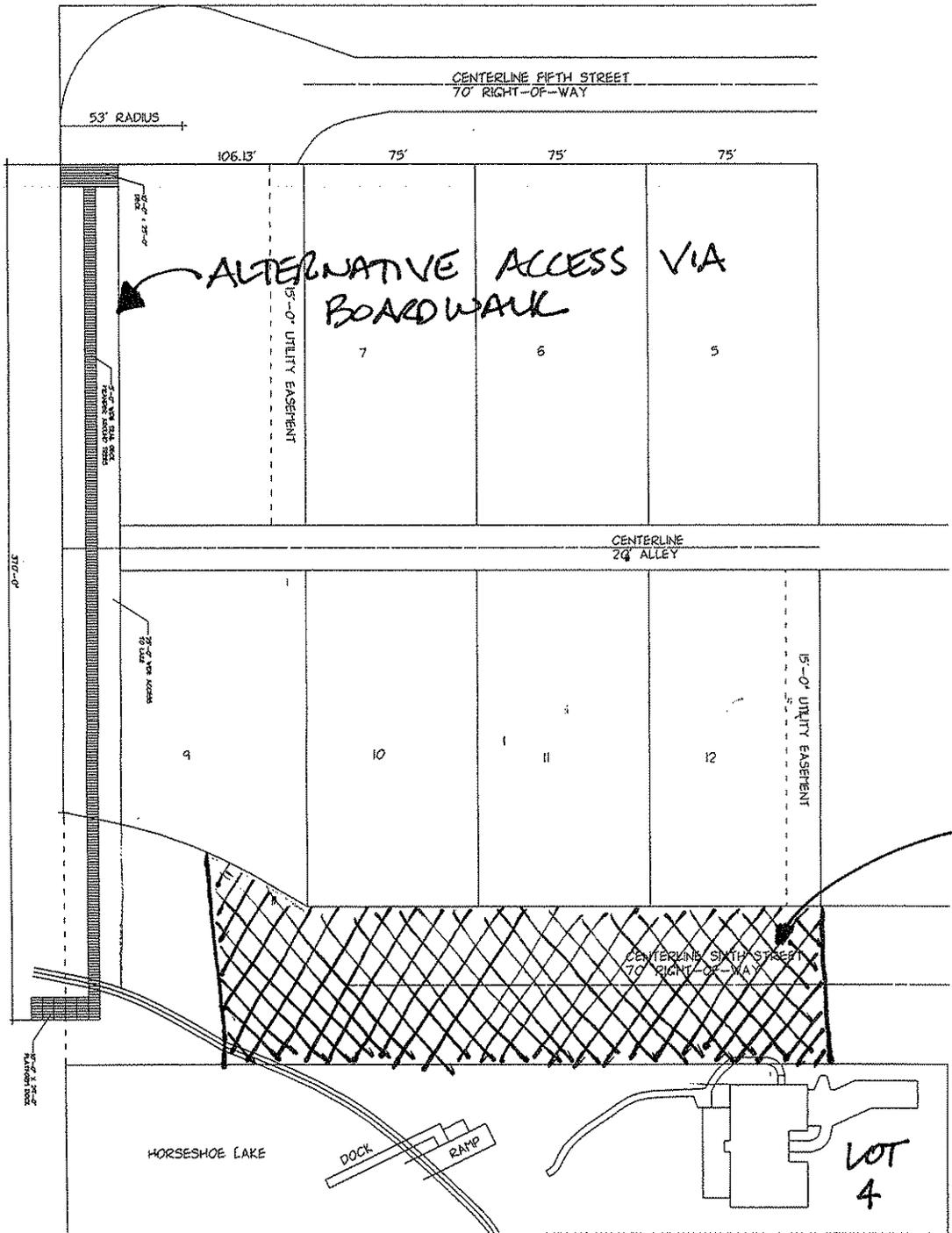


vacated in 1981

West line of the Northeast 1/4 of the Northeast 1/4 of Section 29, Township 21 South, Range 32 East

1. This is not a boundary survey.
2. Elevations, shown hereon, are based on the Seminole County Vertical Control Network. Specifically, benchmark designation number 4083501, being a 4"x4" concrete monument with brass disk at the Southwest corner of County Road 419 and 11th Street. Published elevation is 54.40 feet, relative to National Geodetic Vertical Datum 1929.
3. The purpose of this survey is to show the elevation contours within the subject area and the 40.2 elevation contour.
4. This survey is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

 <p>Benchmark Surveying & Mapping Consultants, Inc. Certificate of Authorization Number - LB 6796</p> <p>Post Office Box 771065, Winter Garden, Florida 34777-1065 557 West Plant Street, Winter Garden, Florida 34787 (407) 654-6183 Fax (407) 654-6184</p>	180.19tpo	Prepared For: Michael L. Yates
	Project #	Prepared By:
	04/24/03	
	Date	Billy Joe Jenkins, Jr. PSM # 5205



SITE PLAN SCALE 1" = 10'-0"

PREVIOUS APPROVED VACATE



NO.	SHEET
OF	

PROJECT NO.	DATE
BY	CHECKED
DATE	BY
DATE	DATE

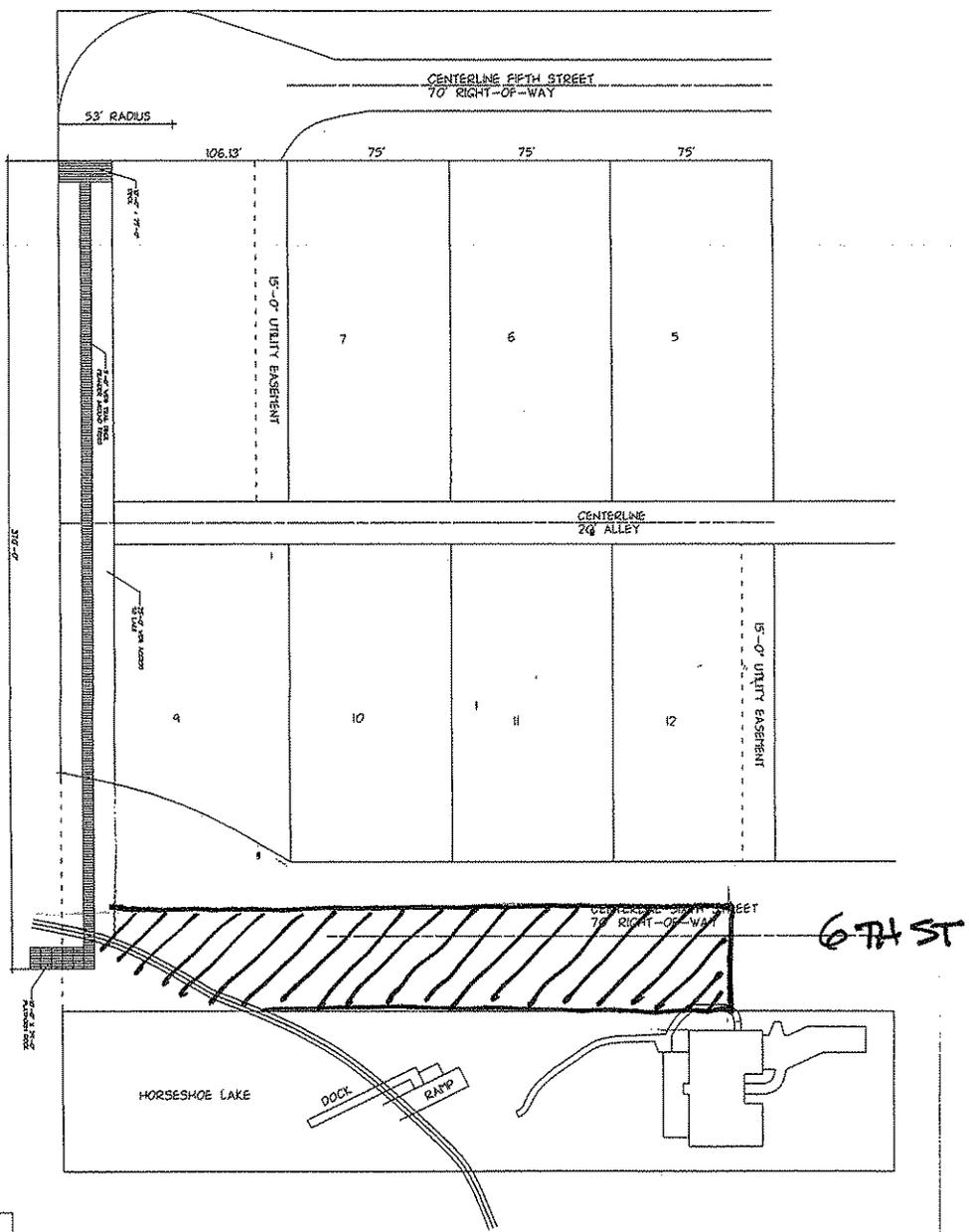
MARK	REVISION	DATE

YATES R.O.W. VACATE
SEMINOLE COUNTY, FLORIDA

SHIPMAN ASSOCIATES
ARCHITECTS . A.I.A. . PLANNERS
840 10TH STREET
WINTER PARK, FLORIDA 32792
PHONE (407)678-5099 FAX (407)678-5098



SITE PLAN SCALE 1" = 10'-0"



NO.	DATE	REVISION

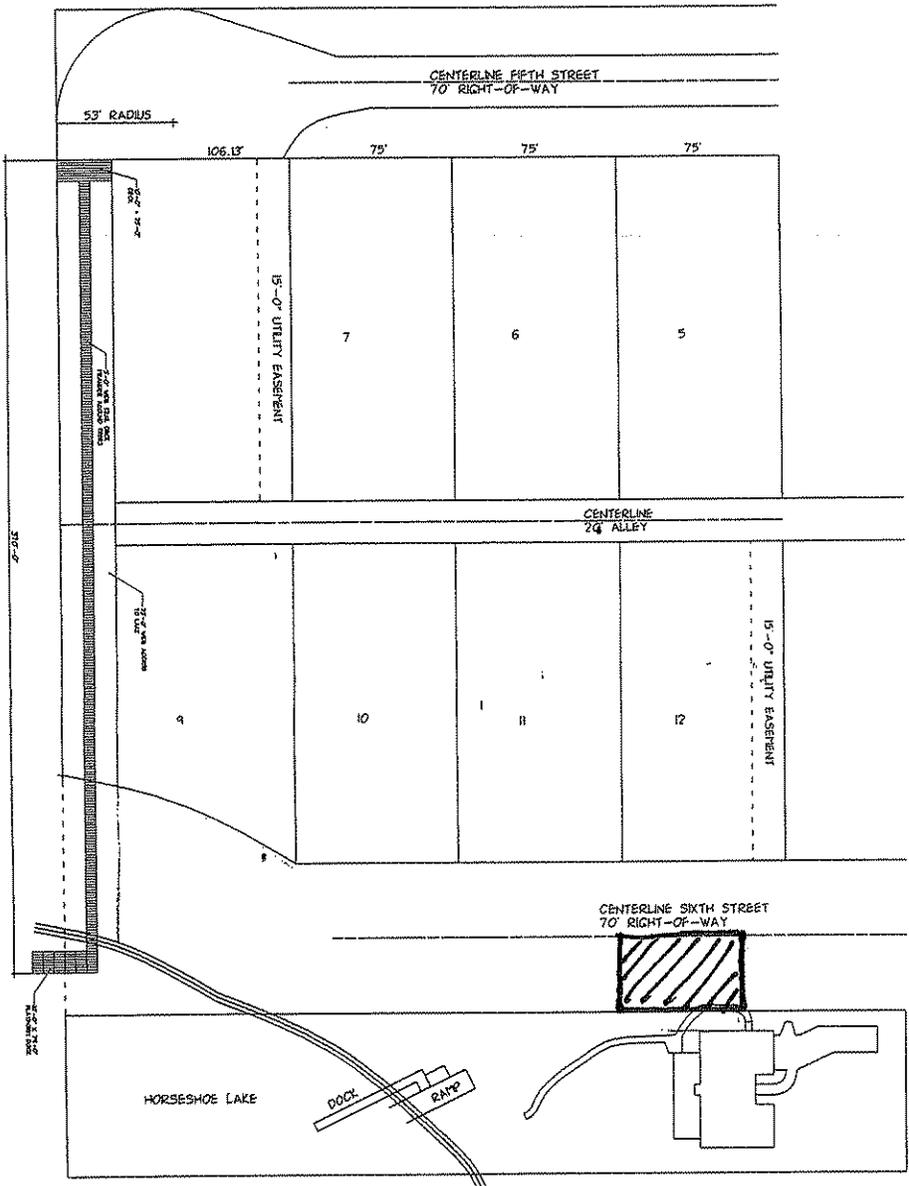
YATES R.O.W. VACATE
SEMINOLE COUNTY, FLORIDA

SHIPMAN ASSOCIATES
ARCHITECTS A.I.A. PLANNERS
843 001 0046 FLORIDA 32793
WINTER PARK PA 326 (407)678-3094 PAX (407)670-3096



APPROXIMATE LIMITS OF VACATE
REQUEST

SITE PLAN
SCALE 1" = 10'-0"



1	2	3	4
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PROJECT NO.	DATE

PLAN	REVISION	DATE

YATES R.O.W. VACATE
SEMINOLE COUNTY, FLORIDA

SHIPMAN ARCHITECTS · A.I.A. · **ASSOCIATES**
PLANNERS
461 1ST CIRCLE
WINTER PARK, FLORIDA 32789
PHONE (407)676-5091 FAX (407)676-5090



MODIFIED VACATE AREA



Looking west down Sixth Street to Horseshoe Lake

BCC Agenda form follow the minutes

Minutes from the 6/10/03 BCC

VACATE AND ABANDON/Michael & Donna Yates (Continued)

Continuation of a public hearing to consider request to Vacate and Abandon a 330' +/- portion of **Sixth** Street, a 70' wide unimproved right-of-way that abuts Lots 9-12, Block 40 and Lot 4, Block 53 in Chuluota, as described in the proof of publication, Michael and Donna Yates.

Denny Gibbs, Development Review, addressed the Board to state this item was continued from the May 27, 2003 meeting. She stated **Sixth** Street runs west from CR 419 and dead ends into Horseshoe Lake. It is currently used as ingress and egress for the existing home on Lot 4 and is not currently being used for public lake access. The applicant is proposing to vacate an approximate 70' wide by 330' long portion of the right-of-way. This right-of-way is not currently being used as public access to the lake; but it is the last platted county road that can provide access. The applicant is proposing an alternative access to the lake that would utilize 5th Street and replicate the access conditions that exists at 6th Street. The applicant is proposing to design, permit and construct a stabilized

access way from 5th Street through Lot 8 and the west half of Lot 9 to the lake. The applicant, at no expense to the County, will complete the stabilized access and these areas will be donated to the County. She stated staff recommends approval of the request subject to the following: (1) Exclude the westernmost 50' of the vacated area in order to complete the access to the lake via Lot 9; (2) A 20 ft. drainage easement must be placed on the north side of the **Sixth** Street right-of-way. A stabilized access must be constructed at the end of 6th Street; (3) The applicant shall dedicate a conservation easement to Seminole County over the wetland areas on Lots 10, 11, and 12 and the east half of Lot 9; (4) The applicant must provide sketch and descriptions of any easements that are required; and (5) The applicant shall provide the sketch and legal descriptions for any easements required. Two exhibits of the request were received and filed.

Michael Yates, applicant, addressed the Board to advise he has no additional comments.

Deborah Schafer, 1740 Brumley Road, addressed the Board to state she is the President of the Southeast Seminole County Voters Association and they support staff's recommendations. She stated she would like the Board to

know that the Chuluota residents would like to offer their services to help build a boardwalk and a pavilion. The residents feel that this is a positive project and they appreciate Commissioner Maloy's hard work on this.

Commissioner Morris entered the meeting at this time.

Ms. Schafer stated she would like to thank the Board for their hard work regarding Snow Hill Road on CR 419 and for protecting the Chuluota rural community.

Upon inquiry by Commissioner Maloy, Mr. Grace advised he would recommend that a representative from his office and Suzy Goldman, Library Services, meet with Ms. Schafer to see if they can work together with the community on the community park.

No one else spoke in support or in opposition.

Speaker Request Form was received and filed.

District Commissioner Maloy stated he appreciates the Board allowing this item being continued several times as it looked like a good plan. He stated some technical issues came up in which they have been resolved, but all of the permitting and technical things would have to be

executed before the vacate is recorded. If it doesn't work out, the vacate will not occur.

Motion by Commissioner Maloy, seconded by Commissioner Morris to adopt appropriate Resolution #2003-R-108, as shown on page _____, vacating and abandoning a 330' +/- portion of **Sixth** Street, a 70' wide unimproved right-of-way that abuts Lots 9-12, Block 40 and Lot 4, Block 53 in Chuluota, as described in the proof of publication, Michael and Donna Yates, subject to the applicant conveying Lot 8 and the western half of Lot 9 and providing public access to Horseshoe Lake via the stabilization of access way to the lake, and with staff's stated conditions.

Districts 1, 2, 3, 4 and 5 voted AYE.

Item #

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

Continued from April 22nd, 2003

SUBJECT: SIXTH STREET RIGHT-OF-WAY VACATE

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Denny Gibbs **EXT.** 7359

Agenda Date <u>6/10/03</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:

Approve the request to vacate a portion of the right-of-way of Sixth Street between Block 40, Townsite of North Chuluota, PB 2 PG 54 through 58, and Block 53 North Chuluota, Section 29, Township 21S, Range 32E, subject to the applicant conveying Lot 8 and the western half of Lot 9 and providing public access to Horseshoe Lake via the stabilization of access way to the lake, with staff's stated conditions.

District 1 – Maloy (Denny H. Gibbs, Planner)

This item was continued from the May 27th 2003 BCC meeting.

BACKGROUND:

The applicants, Michael & Donna Yates, are requesting to vacate a 330' +/- portion of Sixth Street, a 70' wide unimproved right-of-way that abuts Lots 9 -12, Block 40 and Lot 4, Block 53 in Chuluota. These are existing platted lots zoned R-1, owned by the applicant and they are buildable for lot area and width. The purpose of the request is to combine the vacated right-of-way area and the aforementioned lots to create a larger lot with more upland area where a new home will be constructed. An existing house located on Lot 4 may be demolished for the new house.

Sixth Street runs west from CR 419 and dead ends at Horseshoe Lake. It is currently used as ingress and egress for the existing home on Lot 4 and is not currently being used for public lake access. The proposed vacate area contains approximately 1/2 acre, of which, approximately .10 acre is wetland.

Sixth Street is the only remaining public access to Horseshoe Lake and the last platted county road that could provide access to the lake. Sixth Street is also

needed as a drainage conveyance for the future expansion of CR 419 and Public Works has stated that a 20' wide drainage easement should be reserved over any vacated portion of Sixth Street.

In order to maintain public access to Horseshoe Lake, the applicant has proposed to donate lot 8 and the western half of lot 9. This donation area is approximately ½ acre in size and consists entirely of wetlands. The applicant also proposes to design, permit and construct a stabilized access way, at no expense to the County, for the purposes of maintaining public access to the lake via the Fifth Street right-of-way.

The applicant's proposal would result in the construction of a stabilized turn around at the end of Fifth Street, a parking area on Lot 8 and a 15' wide path through Lot 9 to the lake (see Exhibit C). In order to complete the access to Horseshoe Lake via Fifth Street, the westernmost 50 feet of the Sixth Street must be lessed out of the requested vacate area and, as such, staff has included this as a condition of the approval. Development Review staff, along with staff from Parks and Recreation and Public Works, has reviewed this proposal and has met with staff from the St. Johns River Water Management District (SJRWMD) to determine that the proposed improvements and access via Fifth Street is viable and will generally replicate the access conditions that currently exist at Sixth Street.

STAFF RECOMMENDATION:

Staff recommends approval of the request to vacate this portion of Sixth Street subject to the following conditions.

1. Exclude the westernmost 50' of the Sixth Street right-of-way.
2. Prior to recording the resolution to vacate Sixth Street, the applicant is required to construct a stabilized turn around or hammer head where the Sixth Street ROW ends.
3. Prior to recording the resolution to vacate Sixth Street, the applicant shall dedicate a conservation easement to Seminole County over the wetland areas on lots 10, 11, and 12 and the east half of Lot 9.
4. Prior to recording the resolution to vacate Sixth Street, the applicant shall execute a drainage easement in favor of Seminole County over the north 20' of the vacated Sixth Street.
5. The applicant shall provide the sketch and legal descriptions for any easements required.

District 1 - Maloy

Attachments: Exhibit A: Sketch of description

Exhibit B: Location map

Exhibit C: Sketch of proposed Fifth Street improvements