

Item # 32

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: SHADYHILL TERRACE (1928) UTILITY EASEMENT VACATE

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

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

Agenda Date <u>1/13/04</u> Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/>
Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

Adopt the resolution to vacate and abandon the Easterly 11' of the 15' Utility Easement on the west side of Lot 69, Autumn Glen Phase II, according to the plat thereof, as recorded in Plat Book 35, Pages 48 & 49, of the public records of Seminole County Florida, Section 25, Township 21, Range 30.

District 1 – Maloy (Denny Gibbs, Planner)

BACKGROUND:

The applicant, Ronald Sellers, is requesting to vacate 11' of a 15' wide platted utility easement on the west side of Lot 69, Autumn Glen Phase II, 1928 Shadyhill Terrace, in order to cure the encroachment into the easement of a pool and pool deck which was permitted by the County and built in 1999. The applicant has provided letters from the appropriate utility companies stating no objection to the request.

STAFF RECOMMENDATION:

Staff recommends adoption of the resolution to vacate and abandon the subject utility easement.

District 1 – Maloy

- Attachments: Location Map
- Sketch of description
- Resolution

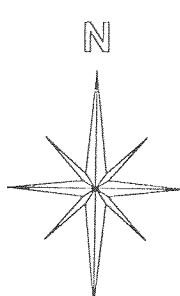
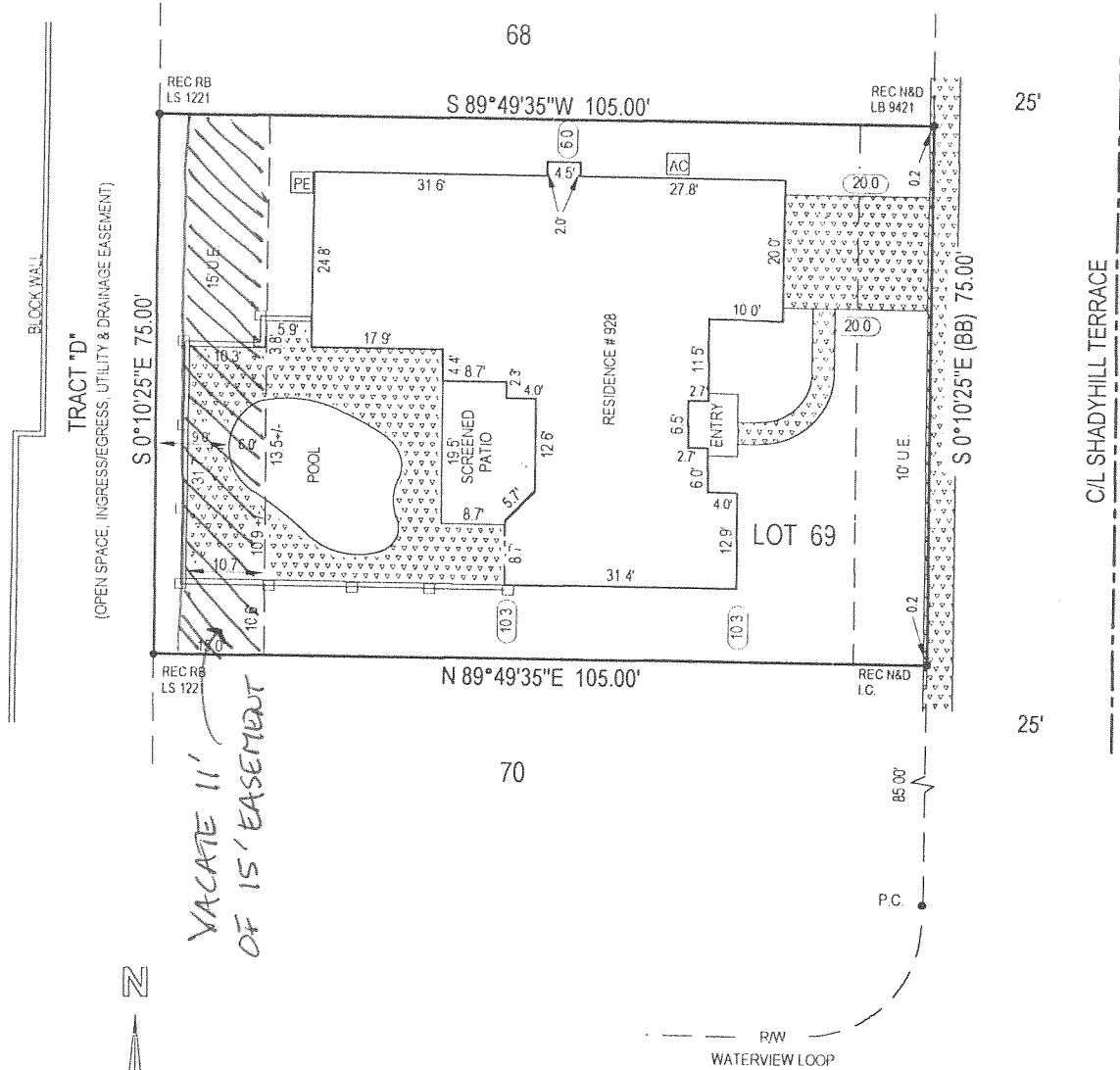
Reviewed by:
Co Atty: <u>KTC</u>
DFS: _____
Other: <u>JAA</u>
DCM: <u>SS</u>
CM: <u>KB</u>
File No. <u>cpdd01</u>



LOCATION MAP
Shady Hill Terrace
Utility Vacate

NOTES:

1. THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THIS SURVEYOR. THERE MAY BE OTHER RESTRICTIONS OR UNRECORDED EASEMENTS THAT AFFECT THIS PROPERTY.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.
3. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.
4. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
5. BEARINGS ARE BASED ON RECORD PLAT DATUM AND ON THE LINE SHOWN AS BASE BEARING (BB).
6. PROPERTY HEREON LOCATED IN ZONE * X * PER F.I.R.M. COMMUNITY PANEL NO. 120289 0145 E DATED 04-17-'95.
7. PART OF POOL FALLS IN REAR 15' UTILITY EASEMENT. NO EVIDENCE OF VACATION PROVIDED.



SCALE 1" = 20'

CERTIFIED TO:
 BERNARDO SANCHEZ AND MARLENE SANCHEZ
 REALTY TITLE, INC.
 COUNTRYWIDE HOME LOANS
 AMERICAN PIONEER TITLE INSURANCE CO.

DESCRIPTION: LOT 69, AUTUMN GLEN PHASE II, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 35, PAGE(S) 48 & 49, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

REVISED TO ADD DIMENSIONS: 12-17-02

<p>JOB NO.: 02-918 DATE: FIELD: 12-11-02 SIGNED: 12-12-02 DRAWN BY: JWJ P.C.: J.M.</p>	<p>LEGEND</p> <p>REC - RECOVERED IP - IRON PIPE IC - ILLEGIBLE CAP # CM - CONCRETE MONUMENT RB - REBAR RAD - RADIAL RAD - RAIL & DISC (P) - PER PLAT (M) - AS MEASURED (D) - PER DESCRIPTION P.O.L - POINT ON LINE P.C - POINT OF CURVATURE P.T - POINT OF TANGENCY</p> <p>CONCRETE PRC - POINT OF REVERSE CURVE R.P - RADIUS POINT R - RADIUS L - LENGTH OF ARC CA - CENTRAL ANGLE U.E - UTILITY EASEMENT D.E - DRAINAGE EASEMENT L.E - LANDSCAPE EASEMENT P.E - POOL EQUIPMENT P.P. - POWER POLE -X- - CHAIN LINK FENCE □ - WOODEN FENCE</p>	<p>Boundary And Mapping Associates, Inc.</p> <p>109 WEST ORANGE STREET ALTAMONTE SPRINGS, FL 32714 PH. (407) 696-1151</p>	<p>LAND SURVEYORS LB 4565</p> <p>Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions and deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.</p> <p>JIMMY W. JACKSON, PSM 4243 ROCKY W. JACKSON, PSM 6281</p>
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RESOLUTION NO.: 2004-R-

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 13th DAY OF January A.D., 2004.

RESOLUTION TO VACATE AND ABANDON A UTILITY EASEMENT

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Whereas, a Petition was presented on behalf of
RONALD J SELLERS

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

Easterly 11' of the 15' Utility Easement on the west side of Lot 69, Autumn Glen Phase II, according to the plat thereof, as recorded in Plat Book 35, Pages 48 & 49, of the public records of Seminole County Florida, Section 25, Township 21, Range 30.

Whereas, after due consideration the Board of County Commissioners of Seminole County, Florida, having determined that the abandonment of the above described utility easement is to the best interest of the County and the public in that the area in question is not needed for utility purposes and not necessary for public need.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the above described utility easement 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 13th day of January A.D., 2004.

ATTEST:

MARYANNE MORSE
CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

BY: _____
DARYL G. MCLAIN
CHAIRMAN