

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Vacate and Abandon a portion of a platted drainage easement for Lot 21, Wekiva Green – Joseph and Paula Biviano, applicant

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

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

Agenda Date <u>1/24/2006</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 platted drainage easement situated at Lot 21, Wekiva Green, according to the plat thereof as recorded in Plat Book 41, Pages 95 and 96, of the Public Records of Seminole County, Florida, in Section 06, Township 21 S, Range 29 E, and further described as 288 Churchill Drive, Longwood, Florida – Joseph and Paula Biviano, applicant.

District 3 – Van Der Weide

(Cynthia Sweet, Planner)

BACKGROUND:

Mark and Connie Laurie, representatives for the applicant, Joseph and Paula Biviano are requesting to vacate and abandon an approximate 2.41-ft. x 34.27-ft. wide portion of the 15-ft. wide platted drainage easement situated at the rear of the property of Lot 21, Wekiva Green, according to the plat thereof as recorded in Plat Book 41, Pages 95 and 96, of the Public Records of Seminole County, Florida, and further described as 288 Churchill Drive, Longwood, Florida. The applicant is requesting to vacate and abandon that portion of the drainage easement to clear a cloud of title due to an encroachment of an existing pool deck and pool enclosure.

Staff has determined that vacating and abandonment of that portion of the platted drainage easement would not diminish the effectiveness of the subdivision's drainage system. The owners have provided a letter from the Wekiva Green Homeowners Association stating no objection to the request. Vacation and abandonment of the described portion of the drainage easement is necessary to remove a cloud of title.

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

STAFF RECOMMENDATION:

Staff recommends that the Board adopt and authorize the Chairman to execute a resolution to vacate and abandon that portion of the platted 15' wide drainage easement as requested by Joseph and Paul Biviano.

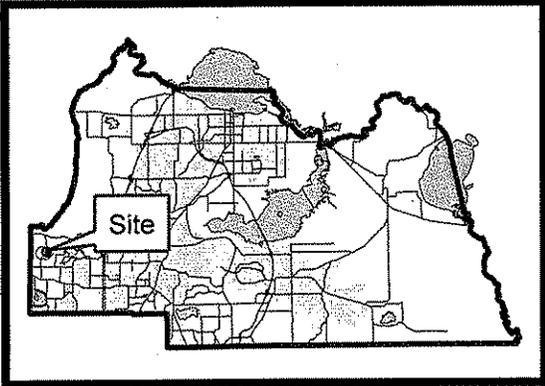
District 3 – Van Der Weide

Attachments: Location Map

Resolution

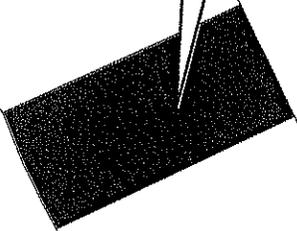
Sketch of Description

Letter from HOA



Drainage Vacate

HUNT CLUB



CHURCHILL

Drainage Vacate for 288 Churchill Drive Lot 21

Site Map

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 24TH DAY OF JANUARY A.D., 2006.

RESOLUTION TO VACATE AND ABANDON A DRAINAGE EASEMENT

Whereas, a Petition was presented on behalf of
JOSEPH & PAULA BIVIANO

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

VACATING THAT PART OF A CERTAIN EASEMENT SITUATE IN LOT 21, WEKIVA GREEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 41, PAGES 95 AND 96, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 21, WEKIVA GREEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 41, PAGES 95 AND 96, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, RUN SOUTH 59°58'24" WEST ALONG THE NORTHWESTERLY LOT LINE SAID LOT 21 A DISTANCE OF 15.10 FEET TO THE SOUTHERLY LINE OF A 15 FOOT DRAINAGE EASEMENT, THENCE RUN SOUTH 23°29'00" EAST 2.75 FEET ALONG SAID EASEMENT LINE TO THE POINT OF BEGINNING; THENCE RUN NORTH 59°58'42" EAST 2.41 FEET, THENCE RUN SOUTH 19°28'34" EAST 34.27 FEET, THENCE RUN NORTH 23°29'00" WEST 33.91 FEET ALONG SAID EASEMENT LINE TO THE POINT OF BEGINNING. **SEE ATTACHED EXHIBIT A**

Whereas, after due consideration the Board of County Commissioners of Seminole County, Florida, has determined that the abandonment of the above described drainage easement is in 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 drainage 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 is hereby disclaimed.

PASSED AND ADOPTED this 24TH day of JANUARY A.D., 2006.

ATTEST:

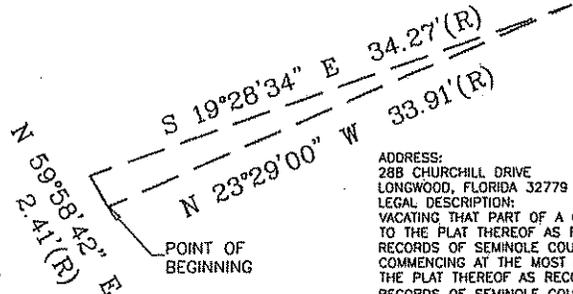
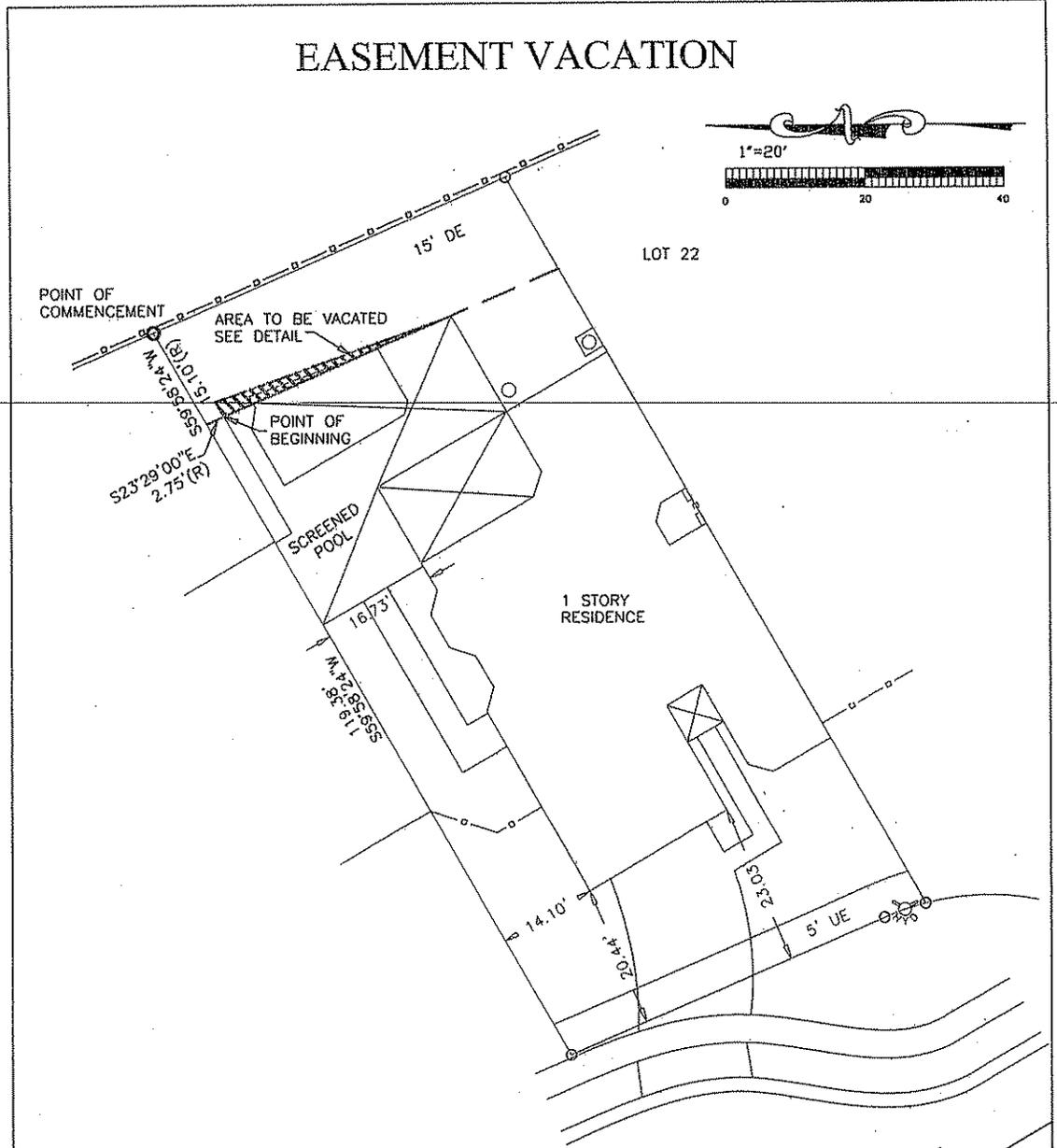
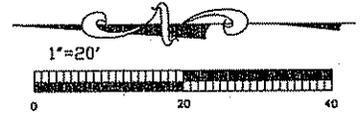
**BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA**

BY:

**MARYANNE MORSE
CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA**

**CARLTON D. HENLEY
CHAIRMAN**

EASEMENT VACATION



EASEMENT DETAIL
1"=10'

ADDRESS:
28B CHURCHILL DRIVE
LONGWOOD, FLORIDA 32779

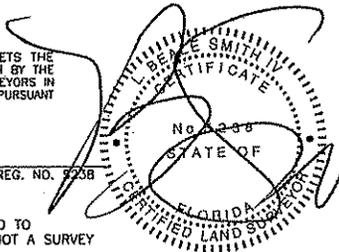
LEGAL DESCRIPTION:
VACATING THAT PART OF A CERTAIN EASEMENT SITUATE IN LOT 21, WEKIVA GREEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 41, PAGES 95 AND 96, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 21, WEKIVA GREEN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 41, PAGES 95 AND 96, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, RUN SOUTH 59°58'24" WEST ALONG THE NORTHWESTERLY LOT LINE SAID LOT 21 A DISTANCE OF 15.10 FEET TO THE SOUTHERLY LINE OF A 15 FOOT DRAINAGE EASEMENT, THENCE RUN SOUTH 23°29'00" EAST 2.75 FEET ALONG SAID EASEMENT LINE TO THE POINT OF BEGINNING; THENCE RUN NORTH 59°58'42" EAST 2.41 FEET, THENCE RUN SOUTH 19°28'34" EAST 34.27 FEET, THENCE RUN NORTH 23°29'00" WEST 33.91 FEET ALONG SAID EASEMENT LINE TO THE POINT OF BEGINNING.

CERTIFIED TO:
IAN MASONGSONG AND BRADLEY SMITH

I HEREBY CERTIFY THAT THIS SKETCH MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61C17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472-027, FLORIDA STATUTES.

L. BEALE SMITH IV, PSM
PROFESSIONAL SURVEYOR & MAPPER FL REG. NO. 2238
LICENSED BUSINESS FL. REG. NO 6808
PROJ. # 30138ESMT-EXH.

THE LEGAL DESCRIPTION HEREON IS PROVIDED TO FACILITATE AN EASEMENT VACATION, THIS IS NOT A SURVEY



PROFESSIONAL SURVEYOR

BEALE SMITH ASSOCIATES

282 SHORT AVENUE, SUITE 124 LONGWOOD, FLORIDA 32750
PHONE: 407-331-5577 FAX: 407-331-9188

WEKIVA GREEN HOMEOWNERS ASSOCIATION

To: Seminole County, Planning and Development Dept.

Fr: Richard Di Leo, President, Wekiva Green Homeowners Association

Re: 288 Churchill Dr. Longwood

Date: December 21, 2005

To whom it may concern,

Wekiva Green Homeowners Association approves the request for the vacate of drainage easement for that part of a certain easement situate in Lot 21, Wekiva green. Please see the attached Legal Description and area to be vacated.

If you have any further questions, please feel free to call me anytime at 407-774-0489.


Richard Di Leo, President