

Item # 42

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

Continued from January 14th, 2003

SUBJECT: SIXTH STREET RIGHT-OF-WAY VACATE

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Denny Gibbs **EXT.** 7 3 5 9

Agenda Date <u>2/1 1/03</u> Regular <input type="checkbox"/> Consent <input 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:

Deny 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 54 North Chuluota, Section 21, Township 21 S, Range 32E (staff recommendation); **or**

- 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 54 North Chuluota, Section 21, Township 21 S, Range 32E with conditions.

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

This item was continued from the January 14th, 2003 BCC meeting to allow staff to review the wetland issues associated with the proposed alternative access to Horseshoe Lake.

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, 10, 11 and 12, Block 40 and Lot 4, Block 54 in Chuluota. These are existing platted lots zoned R-I, owned by the applicant and they are buildable for lot area and width. The purpose of the request is to combine the 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 will be demolished.

Sixth Street runs west from CR 419 and dead ends at Horseshoe Lake. The portion proposed to be vacated is comprised of upland areas, flood prone areas, and wetland areas. It is currently used as ingress and egress for the existing home on Lot 4, 255 Sixth Street. It is not currently being used for public lake access.

Reviewed by:
Co Atty: _____
DFS: _____
Other: <u>AG</u> _____
DCM: <u>ES</u> _____
CM: <u>AG</u> _____
File No. <u>ph130pdd01</u>

Sixth Street is the only remaining public access to Horseshoe Lake in either Oviedo or Seminole County 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 a future trail spur for the trail system that runs along CR 419. Further, it is also the platted access for a 10 acre parcel lying to the west although, from discussion with the City of Oviedo, this parcel may have other means of access through the Live Oak Reserve subdivision.

The applicant has proposed to donate lot 8 and half of lot 9 in order for the County to retain an access point to Horseshoe Lake. Staff has reviewed this proposal and, based on an onsite meeting with Tony Miller of St. Johns River Water Management District (SJRWMD), staff has determined the following:

The area of Sixth Street requested to be vacated is about ½ acre of which approximately .10 acre is wetland. The proposed donation area is also about ½ acre but entirely wetland. It is approximately 450 linear feet to the lake through wetland via Fifth Street, Lot 8, the alley, Lot 9 and Sixth Street.

Accessing Horseshoe Lake via Sixth Street would not require permitting through St. Johns as there are enough uplands existing within the right-of-way to create an unimproved pathway to the lake without impacting any wetlands. This option would also not require any construction. To access the lake via Fifth Street would involve, at the least, a 450' boardwalk through wetlands or, if it is developed with a parking area, it would require a significant amount of fill and wetland mitigation. St. Johns has further indicated that since this is a quality wetland and part of a larger system, there is generally a 1:35 mitigation ratio which would require about 17.5 acres of mitigation for the ½ acre of wetland impact.

STAFF RECOMMENDATION:

Staff recommends denial of the request to vacate this portion of Sixth Street as this right-of-way is the last public access to Horseshoe Lake. To accept the donation as an alternative access would impose a significant financial burden on the county in mitigation and construction costs in order to gain access to the lake. It is staff's opinion that it is in the general interest of the public to maintain the Sixth Street right-of-way in its entirety for future public use.

If the Board of County Commission decides to approve this vacate, staff would recommend the following conditions:

1. Exclude from this request the westernmost 50' of the Sixth Street right-of-way.
2. Prior to the issuance of any Certificate of Occupancy on the property a stabilized turn around or hammer head design is required to be constructed where Sixth Street ROW ends.
3. A Development Order shall be executed binding lots 4, the east half of lot 9, lots 10, 11, and 12 into a unity of title and limiting the site to one residential building site.
4. Prior to recording the resolution to vacate Sixth Street, a conservation easement shall be placed over lots 10, 11, and 12 and the east half of Lot 9 dedicated to Seminole County.

5. Prior to recording the resolution to vacate Sixth Street, a drainage easement shall be established along the north 20' of 6th Street.
6. A utility and access easement in favor of Florida Water Services Corp shall be executed, per agreement established between Florida Water and the applicant.
7. Applicant must provide the sketch and legal descriptions for any easements that are required.

District 1 - Maloy

Attachments: Exhibit A: Sketch of description
Exhibit B: Location map

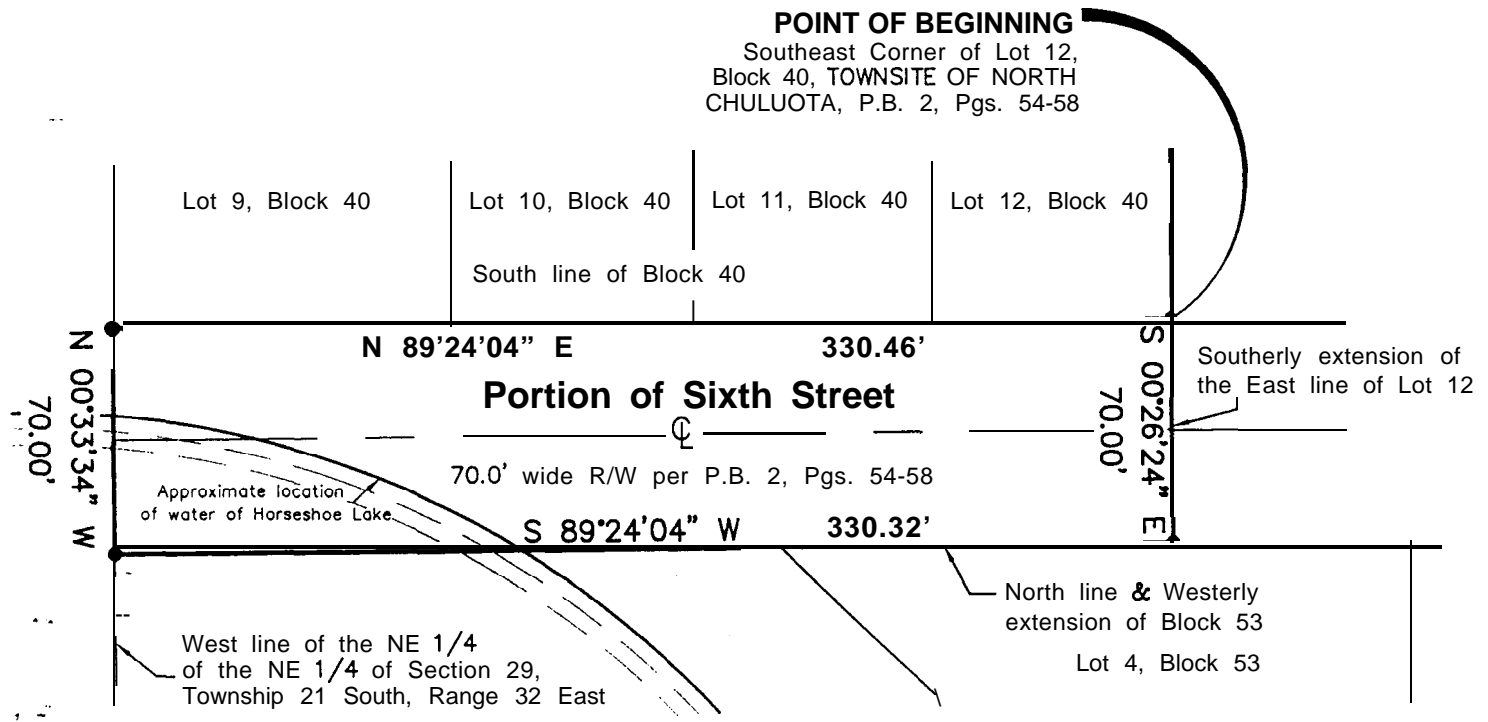
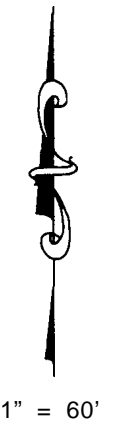
Sketch & Description

A Portion of Sixth Street lying South of Lots 9, 10, 11, and 12 of Block 40 of TOWNSITE OF 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.

More particularly described as follows:

BEGIN at the Southeast corner of Lot 12, Block 40 of TOWNSITE OF 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; thence run South 00°26'24" East, along the Southerly extension of the East line of said Lot 12, for a distance of 70.00 feet to the North line of Block 53 of said TOWNSITE OF NORTH CHULUOTA; thence run South 89°24'04" West, along said North line and the Westerly extension of said line, for a distance of 330.32 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 run North 00°33'34" West, along said West line, for a distance of 70.00 feet; thence run North 89°24'04" East, along the South line of said Block 40, for a distance of 330.46 feet to the POINT OF BEGINNING.

Contains 0.53 acres, more or less.



Bearings shown hereon are based on the North line of Block-53, being assumed as South 89°24'04' West.
 This sketch is not valid without the signature and the original raised seal of a Florida licensed surveyor and mopper.
 R/W - denotes right of way P.B. - denotes Plot Book ⊕ - denotes centerline

Benchmark Surveying & Mapping Consultants, Inc. Past Office Box 771065, Winter Garden, Florida 34777-1065 (407) 654-6183 Fax (407) 654-6184	180.19	Prepared By:
	Project #	Billy Joe Jenkins, Jr. PSM # 5205
	09/12/02	
	Date	

LIVE OAK RESERVE SUBDIVISION

Oviedo
Municipal Boundary

29-21-32-300-001E-0000

Horseshoe Lake

5th Street

Alley

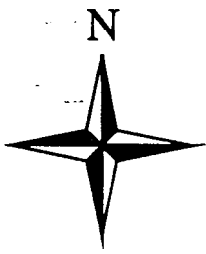
6th Street

7th Street

8th Street

Lanford

GR 419



LOCATION MAP
Sixth Street ROW Vacate

