

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

Continued from the 1/10/06 BCC meeting

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>2/14/06</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 50-foot portion of the Sixth Street right-of-way and **Approve**, and authorize the Chairman to execute, a resolution to vacate and abandon the southern 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, subject to staff recommendations.
2. Adopt, and authorize the Chairman to execute, a resolution to vacate and abandon a 50-foot portion of the 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.
3. 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.
4. Continue the item to a time and date certain.

District 1 – Commissioner Dallari

(Denny H. Gibbs, Senior Planner)

BACKGROUND:

The applicant, Thomas and Josephine Silvey, has requested 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. (see attached Exhibit A)

A presentation was made by the applicant's consultant at the 1/10/06 BCC meeting showing the existence of an old filled pathway within the Sixth Street right-of-way that could serve as public access to Horseshoe Lake without impact to existing wetlands. Upon recommendation by the Board of County Commissioners, this public hearing was continued until 2/14/06 in

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

order for staff and the district commissioner to meet in the field with the applicant and concerned citizens to review the existing conditions.

As a result of this field meeting, staff has revised their recommendation to vacate the Sixth Street right-of-way to less out a certain 35-foot portion of the right-of-way (see *attached Exhibit B*). Within this 35-feet exists an old fill path which, if the right-of-way vacate is approved, will serve as the public access to the lake. There are no wetlands associated with this filled pathway and, as such, this path can serve as the public access to the lake and can be cleared with minimal improvements necessary and with minimal requirements for permitting. Further, retaining 35-feet of the right-of-way provides adequate right-of-way for any future drainage improvements or expansions needed by the County.

Staff recommends the vacate of the south half of the Sixth Street right-of-way (the south 35') excluding the westerly portion of the right-of-way that includes the filled berm pathway. The 35-foot wide portion of the right-of-way that will remain as public right-of-way travels westerly along the right-of-way center line and turns south-westerly to complete the access to Horseshoe Lake. Staff also recommends that the remaining Sixth Street right-of-way north and west of the access pathway, which is largely wetlands, be vacated. (*see attached Exhibit B*)

STAFF RECOMMENDATION:

Staff recommends denial of the request to vacate 50-feet of the 70-foot Sixth Street right-of-way and recommends the Board approve a vacate and abandonment of the southerly 35-foot portion of the Sixth Street right-of-way, as modified by staff, subject to the following conditions:

- a) Areas below the ordinary high water elevation of Horseshoe Lake (38.4 ft NGVD) shall be excluded from the vacate. In addition, the vacate shall exclude the westerly portion of the right-of-way that includes the filled berm area. Approximate limits of vacate are depicted in the attached map Exhibit B.
- b) Prior to the recording of the Resolution to Vacate Sixth Street, the applicant shall provide an approximate 10-foot wide stabilized pathway along the existing filled berm to provide access to Horseshoe lake. The applicant shall design, permit and construct, as necessary, this access to the lake within the remaining right-of-way at no expense to the County.
- c) Prior to recording the resolution to vacate, the applicant shall bind 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.
- d) The applicant shall provide the sketch and legal descriptions for the area of the Sixth Street right-of-way approved to be vacated. The applicant shall also provide the sketch and legal descriptions for any easements required.
- e) The applicant shall remove any structures from the right-of-way.
- f) All conditions shall be met within 180 days of the Board of County Commission approval. One extension may be granted if substantial compliance is

demonstrated. If conditions are not met, this vacate approval will become null and void.

- g) Approval of this vacate shall render the vacate approval granted on June 10th, 2003 null and void.

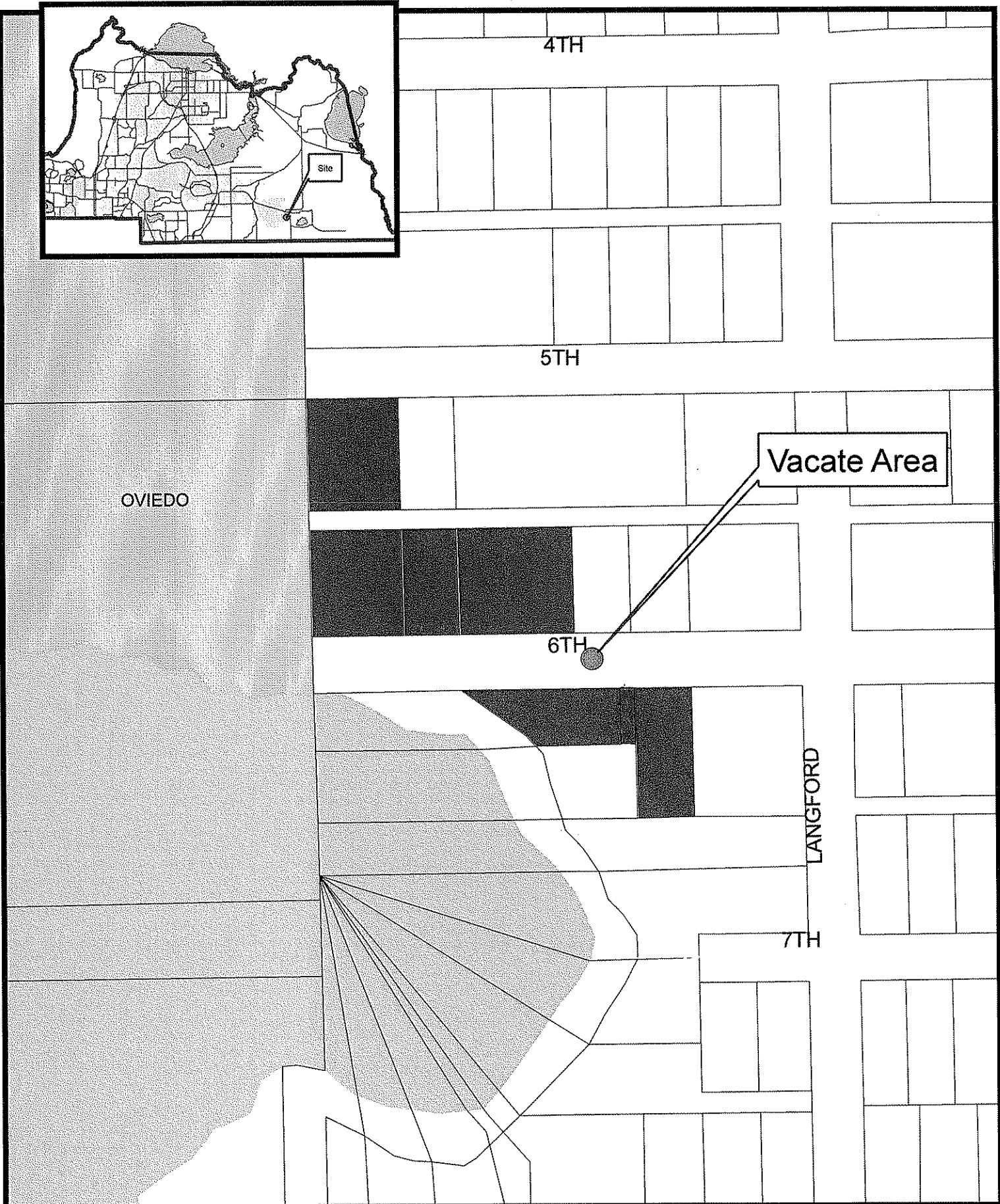
District 1 – Commissioner Dallari

Attachments: Location Map

Resolution

Exhibit A: Sketch and Legal of Original Vacate Request

Exhibit B: Sketch and Legal of Recommended Vacate Area



OVIEDO

4TH

5TH

6TH

Vacate Area

LANGFORD

7TH

Sixth Street Right-of-Way Vacate

Site Map

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 14th DAY OF February 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

(Upon vacate approval the Sketch and Legal Description for the approved vacate will be attached.

Exhibit A shows the applicant's original request (Motion/Recommendation #3)

Exhibit B shows the recommended limits of the vacate area (Motion/Recommendation #1)

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.

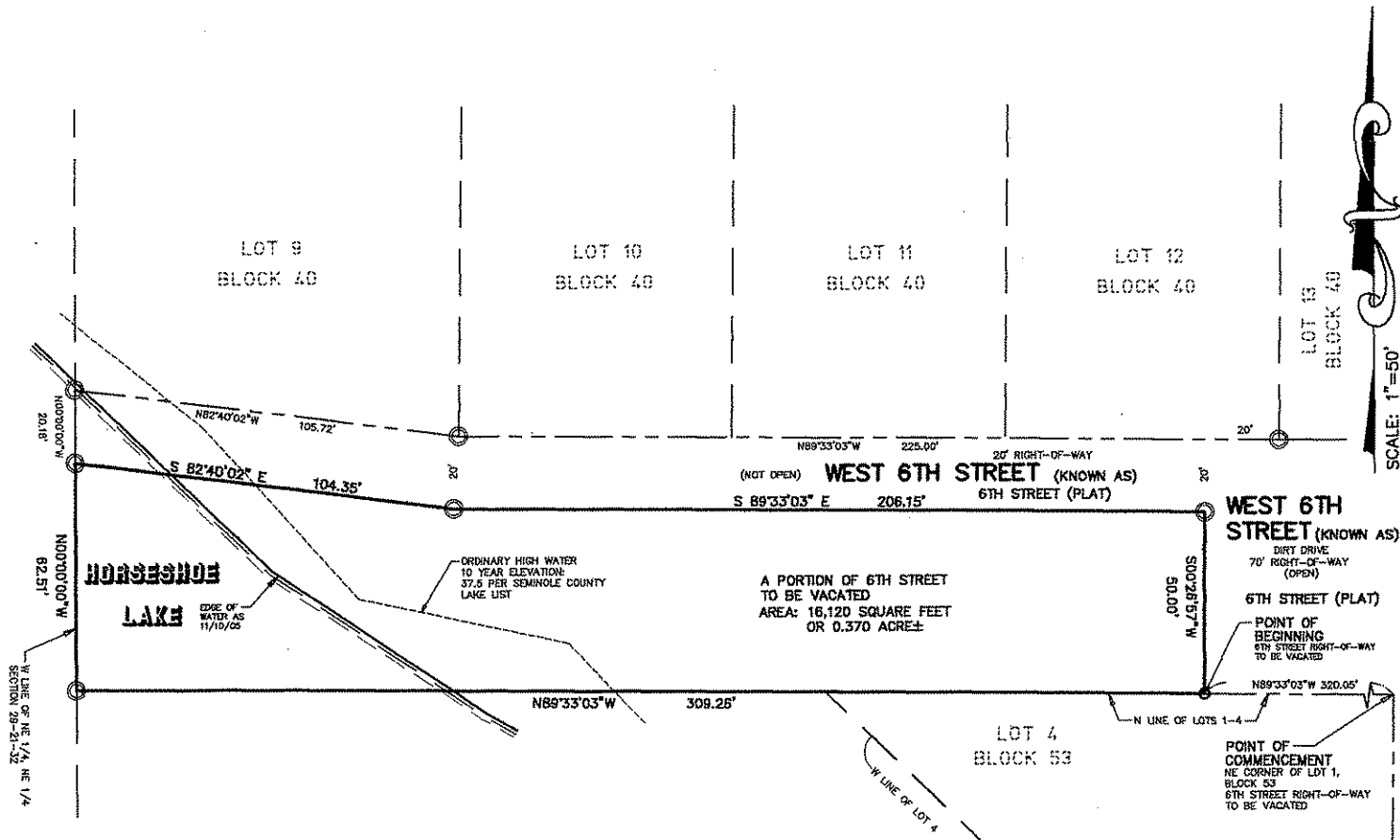
PASSED AND ADOPTED this 14th day of February A.D., 2006.

ATTEST:

MARYANNE MORSE
CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA
BY: _____
CARLTON D. HENLEY
CHAIRMAN

EXHIBIT A



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

Gregory S Locklin

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/DATA: 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 2

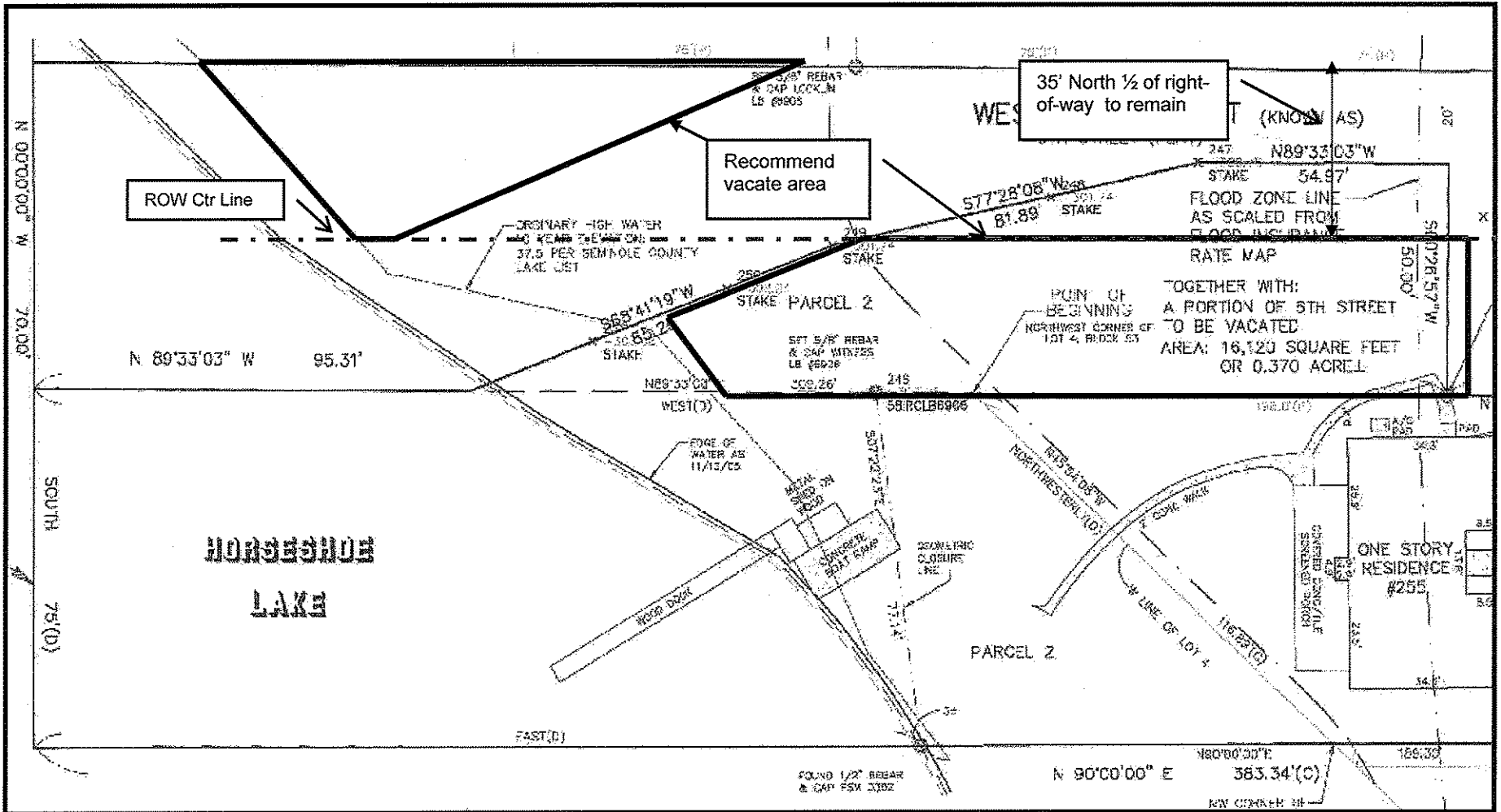


EXHIBIT B
SIXTH STREET RIGHT-OF-WAY VACATE
RECOMMENDED VACATE AREA

Mrs. Sylvia R. McCubbin

February 1, 2006

Denny H. Gibbs
Seminole County, Senior Planner
Planning & Development Dept.
1101 East First Street
Sanford, FL 32771

RE: ROW Vacate of 6th street

Dear Ms. Gibbs:

I am sending this letter to express my support for the Silvey's application for the ROW Partial Vacate of 6th street. A ROW vacate of 6th street was already approved in 2003, and this new application is much better for all concerned including the environment, Seminole County and the Chuluota Community at large.

Also, the Seminole County Public notice placard incorrectly depicted the lake boundaries which created a lot of misunderstandings. The lake does **not end** just before reaching the end of 6th street, but rather goes all the way behind 6th street and beyond. This simple clarification would have let the people know they were not losing their lake access.

As a resident, I have always known that there was a lake access from 6th street, and that it was through the woods. The 6th street vacate application does not change that. I have never seen anyone actually use the lake access, even after it was publicized in newspaper articles, public announcements, and the placement of the placard at the intersection of 6th street and Langford.

Sincerely,



Cc: Mr. and Mrs. Silvey
Mr. Robert Dallari



silva0404@aol.com
02/05/2006 01:49 PM

To dgibbs@seminolecountyfl.gov
cc mertk@seminolecountyfl.gov
bcc
Subject 6th street vacate - revised proposal

Ms. Denny Gibbs,

I am the owner of lot #5, block 53 in Chuluota off of 6th street. I have been going to Lake Horseshoe for the past 13 - 14 years to water ski and have really enjoyed the area. Never have I seen a canoe placed in the lake via the 6th street entrance through the woods. Occasionally I did see neighbors enjoying the backyard and boat dock of lot #4 when the previous owners were not home. (My husband and the previous owners - the Yates were good friends.)

The revised proposal for the 6th street vacate seems to be an improvement to the original vacate from the 2003 proposal by Mr. Michael Yates. It seems to be less invasive to the environment, and would not require a more invasive entrance to the lake from 5th street and through lots 8 & 9. The Silvey's seem to be agreeable to making as pleasant an entrance to the lake for the neighborhood as the county would require. The view to the lake that the dissenters are afraid of losing is across the private property of lot #4, and should be considered private.

I would like to speak on behalf of Mr. and Mrs. Silvey and vote in favor of their proposed vacate in the upcoming meeting on February 14.

Thank you for your consideration of my vote.

Sincerely,

Randi M. Silva
(FKA Randi Eaton)

February 6, 2006

Denny H. Gibbs
Seminole County, Senior Planner
Planning & Development Dept.
1101 East First Street
Sanford, FL 32771

RE: ROW Partial Vacate of 6th street

Dear Ms. Gibbs:

I am sending this letter to express my support for the application for the ROW Partial Vacate of 6th street. A ROW vacate of 6th street was already approved On June 10, 2003. This new application in effect returns 1/2 of the Right-of-Way (ROW) to the county, does not affect any wetlands, and the applicants are clearing land at their own expense to establish a pedestrian lake access. Everyone benefits the environment, Seminole County and the Chuluota Community at large.

Sincerely,

Thomas G. & Deborah K. McFadden
1304 Twin Rivers Blvd.
Oviedo, FL 32766
407-359-1140

cc: Mr. Robert Dallari, Seminole County Commissioner, District 1