

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 approval of the continuance to May 27th, 2003 in order that the applicant can complete their site evaluation to address staff's concerns.

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

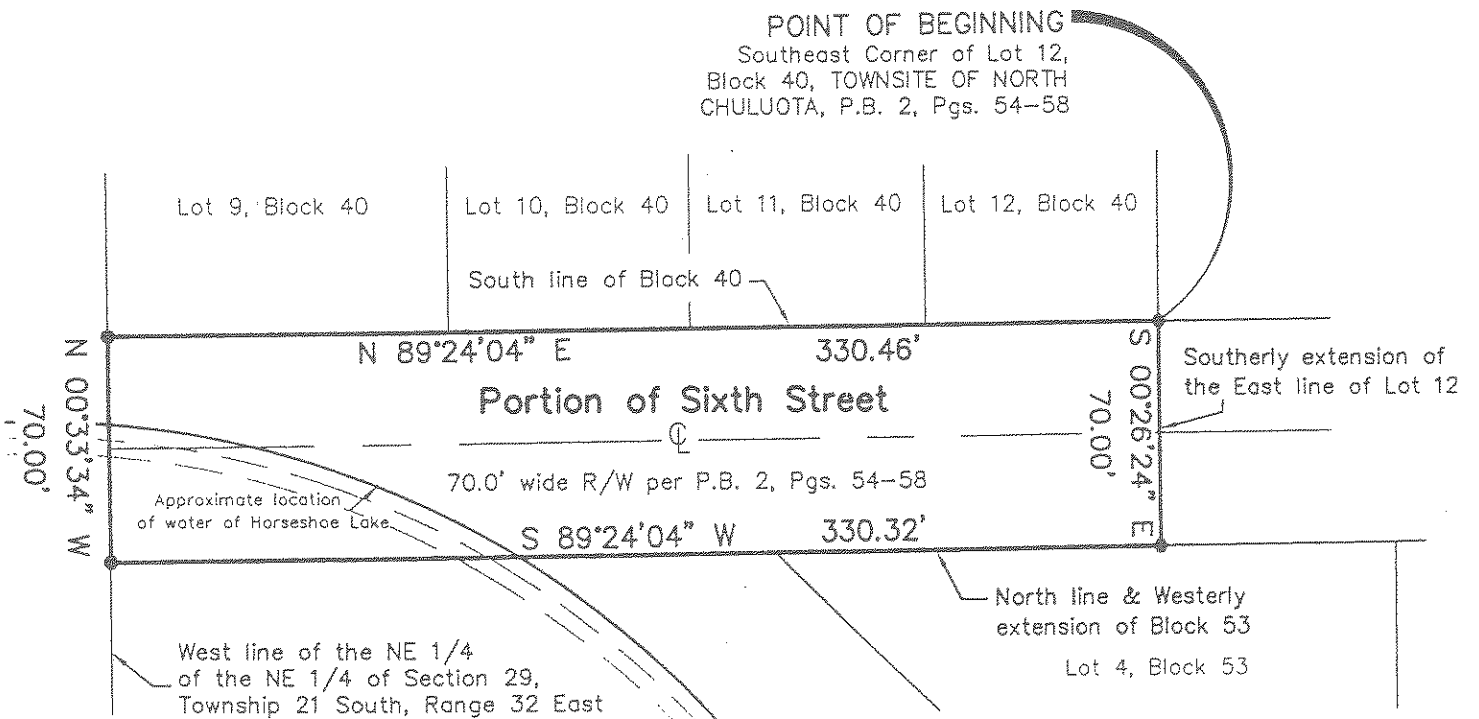
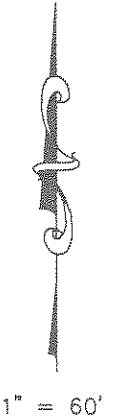
Sketch & Description

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 $00^{\circ}26'24''$ 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 $89^{\circ}24'04''$ 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 $00^{\circ}33'34''$ West, along said West line, for a distance of 70.00 feet; thence run North $89^{\circ}24'04''$ 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 $89^{\circ}24'04''$ West.
This sketch is not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
R/W - denotes right of way P.B. - denotes Plat Book Ⓞ - denotes centerline

Benchmark Surveying & Mapping Consultants, Inc.



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180.19
Project #
09/12/02
Date

Prepared By:

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Billy Joe Jenkins, Jr. PSM # 5205

LIVE OAK RESERVE SUBDIVISION

Oviedo
Municipal Boundary

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

Horseshoe Lake

5th Street

Alley

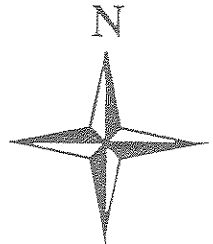
6th Street

Lanford

7th Street

8th Street

CR 419



LOCATION MAP

Sixth Street ROW Vacate

