

Item # 42

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** LOQUAT DRIVE ROW VACATE

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

**AUTHORIZED BY:** Dan Matthys **CONTACT:** Denny Gibbs **EXT.** 7359

<b>Agenda Date</b> <u>4/25/06</u>	<b>Regular</b> <input type="checkbox"/>	<b>Consent</b> <input type="checkbox"/>	<b>Work Session</b> <input type="checkbox"/>	<b>Briefing</b> <input type="checkbox"/>
	<b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/>	<b>Public Hearing – 7:00</b> <input type="checkbox"/>		

**MOTION/RECOMMENDATION:**

Adopt, and authorize the Chairman to execute, a resolution to vacate and abandon the Loquat Drive right-of-way located in Section 34, Township 19S, Range 30E and accept dedication of a 20' drainage and utility easement by the applicant to the County located in Section 34, Township 19S, Range 30E between Lot 5 and the vacated right-of-way.

District 5 – Commissioner Carey (Denny Gibbs, Senior Planner)

**BACKGROUND:**

The applicant, A.K. Shoemaker Family Limited Partnership, is requesting to vacate the Loquat Drive right-of-way located in Section 34, Township 19S, Range 30E. This right-of-way is unopened and was dedicated by the plat of 4<sup>th</sup> Ravenna Park Section of Loch Arbor. The applicant is requesting this vacate in order to combine this right-of-way with the adjacent remnant parcel, lot 4. A portion of Lot 4 was taken for SR 417. The applicant owns Lot 4 and Lot 5, the properties on either side of this right-of-way, and intends on transferring the entire vacated right-of-way to Lot 4. This property is zoned R1-A and combining this right-of-way with Lot 4 will create a conforming and buildable lot.

The subject property will be served by Utilities Inc. for water and sewer services. As a result of Seminole County Public Works recommendation, and letters from other utility providers, a 20-foot drainage and utility easement will be dedicated over the property boundary between the west side of the right-of-way and Lot 5 (see attached Sketch of Description: Drainage and Utility Easement).

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

**STAFF RECOMMENDATION:**

Staff recommends adoption of the resolution to vacate and abandon the Loquat Drive right-of-way and acceptance of a 20' drainage and utility easement.

District 5 – Commissioner Carey

Attachments: Location Map

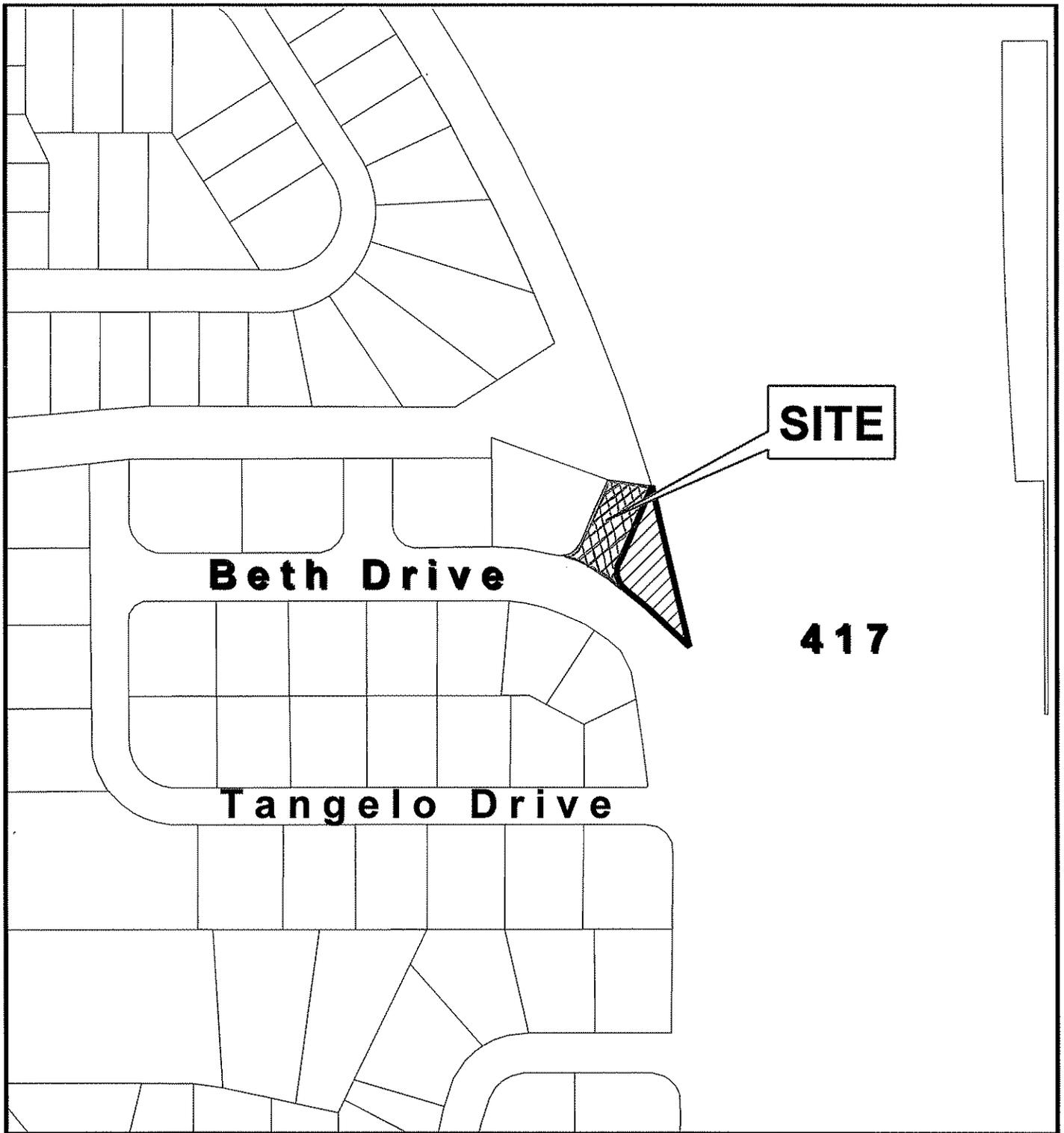
Site Map

Aerial

Resolution with Exhibit A and Exhibit B

Drainage and Utility Easement with Exhibit A





**Loquat Drive Right-of-Way Vacate**



**SITE**

Beth Drive

417

Tangelo Drive

Loquat Drive Right-of-Way Vacate

Parcel

Subject Property



January 2004 Color Aerials

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 11th DAY OF April A.D., 2006.

**RESOLUTION TO VACATE AND ABANDON A  
RIGHT-OF-WAY AND ACCEPT DEDICATION OF  
EASEMENT**

Whereas, a Petition was presented on behalf of

**A.K. SHOEMAKER FAMILY LIMITED PARTNERSHIP**

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:

See Exhibit A

and accept the dedication of the following described Drainage and Utility Easement, to-wit:

See Exhibit B

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 and the acceptance of the dedication of the above described easement 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.

NOW THEREFORE BE IT ALSO RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the above described easement be, and the same is hereby accepted and dedicated by the petitioner to the benefit of the County and the public.

PASSED AND ADOPTED this 11<sup>th</sup> day of April A.D., 2006.

ATTEST:

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

BY:

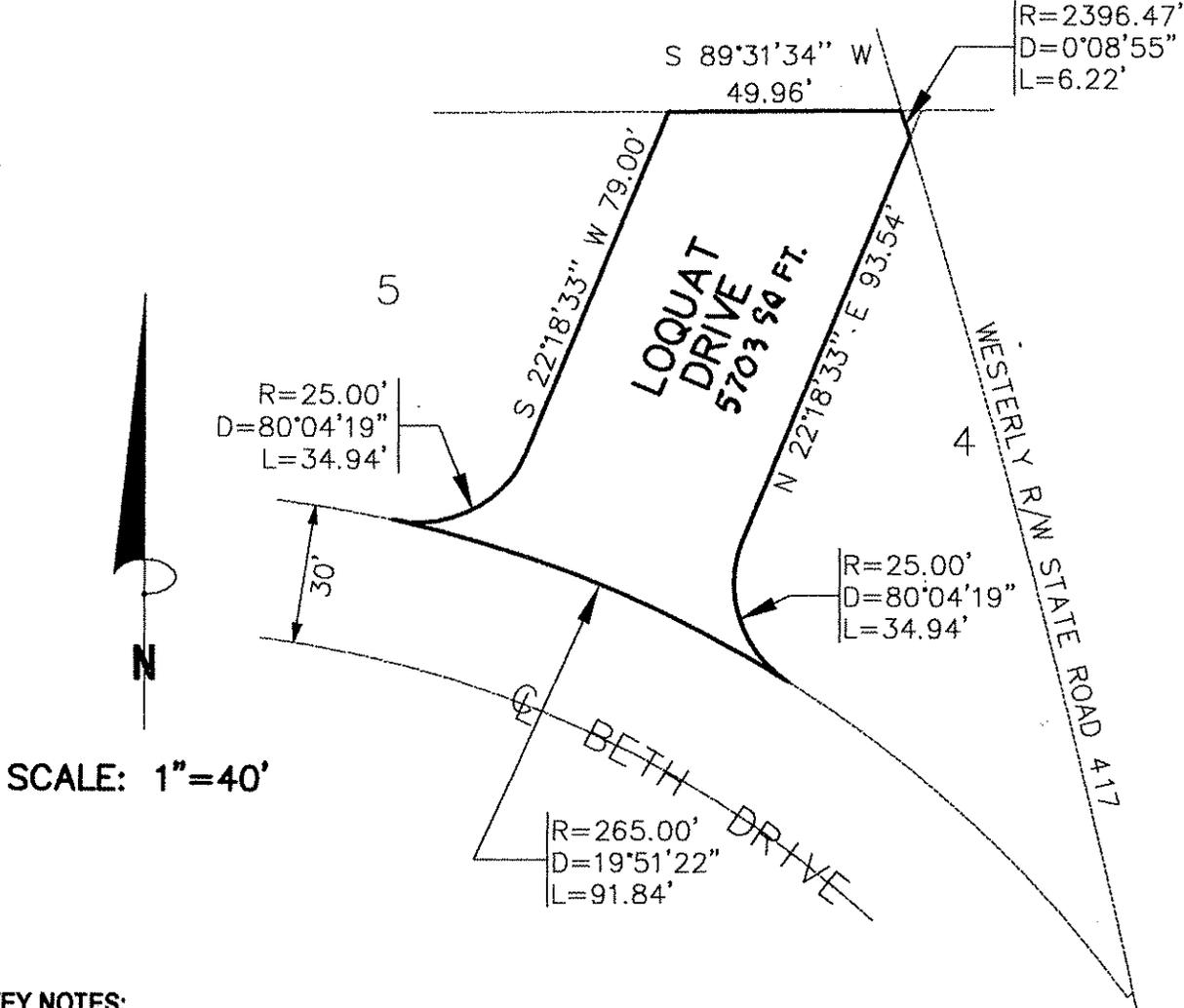
MARYANNE MORSE  
CLERK OF THE CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA

CARLTON D. HENLEY  
CHAIRMAN

SKETCH OF DESCRIPTION FOR SHOEMAKER CONSTRUCTION COMPANY

Legal Description

All that part of Loquat Drive as shown on 4TH RAVENNA PARK SECTION OF LOCH ARBOR, according to the plat thereof as recorded in Plat Book 14, Page 66, of the Public Records of Seminole County, Florida, lying Westerly of State Road 417, being more particularly described as follows: BEGINNING at the Northeast Corner of Lot 5, said 4TH RAVENNA PARK SECTION OF LOCH ARBOR, thence run S.22°18'33"W., along the East Line of said Lot 5, a distance of 79.00 feet to the Point of Curvature of a curve concave Northwesterly and having a radius of 25.00 feet; thence run Southwesterly and Northwesterly, along the arc of said curve, 34.94 feet through a central angle of 80°04'19" to a point on the Northerly Right-of-way Line of Beth Drive, said point being on a curve concave Southerly, having a radius of 265.00 feet and a tangent bearing of S.77°37'08"E. at said point; thence run Southeasterly, along said Northerly Right-of-way Line and said curve, 91.84 feet through a central angle of 19°51'22" to a point on a curve concave Easterly, having a radius of 25.00 feet and a tangent bearing of N.57°45'46"W. at said point; thence run Northwesterly and Northeasterly, along the arc of said curve, 34.94 feet through a central angle of 80°04'19" to a point of tangency; thence run N.22°18'33"E., along the West Line of Lot 4, said 4TH RAVENNA PARK SECTION OF LOCH ARBOR, 93.54 feet to a point on the Westerly Right-of-way Line of State Road 417, said point being on a curve concave Westerly, having a radius of 2396.47 feet and a tangent bearing of N.16°56'32"W. at said point; thence run Northwesterly, along the arc of said curve, 6.22 feet through a central angle of 00°08'55" to a point on the North Line of said 4TH RAVENNA PARK SECTION OF LOCH ARBOR; thence run S.89°31'34"W. 49.96 feet to the Point of Beginning.



SURVEY NOTES:

- 1) Bearings shown hereon are based on the East Line of Lot 5 being S.22°18'33"W. (per plat)
2) This is not a survey, only a sketch of the legal descriptions prepared by this surveyor.

SURVEYOR'S CERTIFICATE

This is to certify that this "Sketch of Description" of the above-described property and the plat hereon delineated is an accurate representation of the same. I further certify that this survey meets the Minimum Technical standards set forth by the Florida Board of Surveyors and Mappers pursuant to Chapter 61G17-06 of the Florida Administrative Code pursuant to Section 472.027 of the Florida Statutes.

Signature of R. Blair Kitner
KITNER SURVEYING
R. BLAIR KITNER - P.S.M. No. 3382
P. O. Box 823 - Sanford, Florida 32772 (407) 322-2000
Not valid without raised seal of Surveyor

SKETCH OF DESCRIPTION  
of  
20 FOOT DRAINAGE AND UTILITY EASEMENT

Legal Description

BEGINNING at the Northeast Corner of Lot 5, 4<sup>TH</sup> RAVENNA PARK SECTION OF LOCH ARBOR, according to the plat thereof as recorded in Plat Book 14, Page 66, of the Public Records of Seminole County, Florida, thence run N.89°31'34"E., along the North Line of said 4<sup>TH</sup> RAVENNA PARK SECTION OF LOCH ARBOR, a distance of 10.85 feet; thence run S.22°18'33"W., parallel with the Easterly Line of said Lot 5, a distance of 104.28 feet to a point on the North Right-of-way Line of Beth Drive, said point being on a curve concave Southerly, having a radius of 265.00 feet and a chord bearing of N.73°06'28"W.; thence run Northwesterly, along the arc of said curve and said North Right-of-way Line, 20.09 feet through a central angle of 04°20'41" to a point; thence run N.22°18'33"E. parallel with the Easterly Line of said Lot 5, a distance of 101.98 feet to a point on the North Line of said Lot 5; thence run S.67°41'27"E., along said North Line, 10.00 feet to the Point of Beginning.

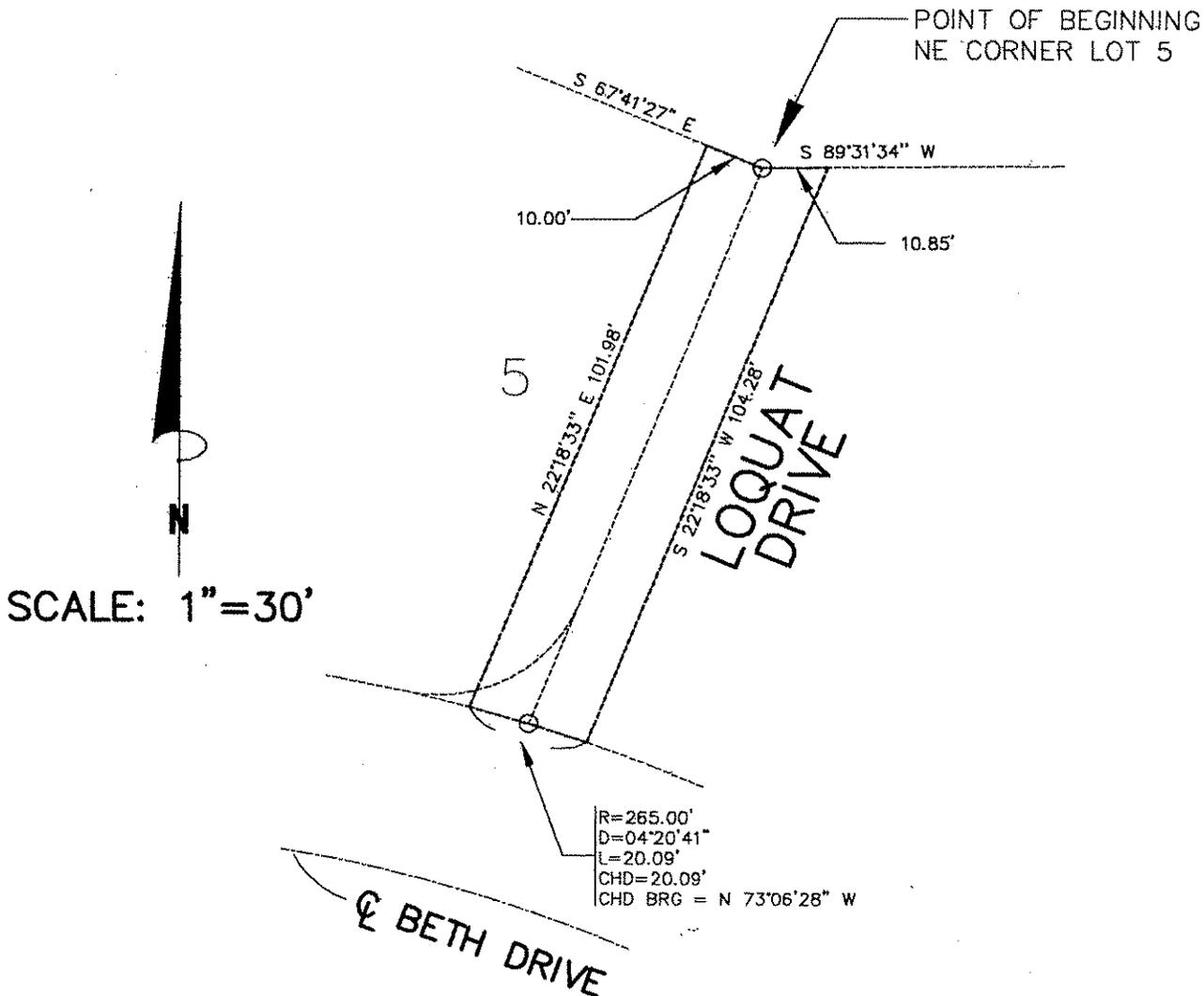
**SURVEY NOTES:**

- 1) This is not a Boundary Survey, only a "Sketch" of the above Legal Description.

**SURVEYOR'S CERTIFICATE**

This is to certify that this "SKETCH OF DESCRIPTION" of the above-described property and the plat hereon delineated is an accurate representation of the same. I further certify that this survey meets the Minimum Technical standards set forth by the Florida Board of Surveyors and Mappers pursuant to Chapter 61G17-06 of the Florida Administrative Code pursuant to Section 472.027 of the Florida Statutes.

*R. Blair Kitner*  
**KITNER SURVEYING**  
 R. BLAIR KITNER – P.S.M. No. 3382  
 P. O. Box 823 – Sanford, Florida 32772- (407) 322-2000  
 Prepared on: 6 February 2006  
 Not valid without raised seal of Surveyor



This Instrument Prepared By:  
Kathleen Furey-Tran, Esq.  
Seminole County  
1101 East 1<sup>st</sup> Street  
Sanford, Florida 32771

DRAINAGE AND UTILITY EASEMENT

THIS DRAINAGE AND UTILITY EASEMENT is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2006, by and between **A.K. SHOEMAKER FAMILY LIMITED PARTNERSHIP**, whose address is P.O. Box 1885, Sanford, Florida 32772, hereinafter referred to as the GRANTORS, and SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as the GRANTEE.

W I T N E S S E T H:

FOR AND IN CONSIDERATION OF the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, GRANTORS do hereby grant and convey to the GRANTEE and its assigns, an exclusive easement and right-of-way for drainage and utility purposes, with full authority to enter upon, excavate, construct and maintain, as the GRANTEE and its assigns may deem necessary, electrical poles, telephone poles, wires, guy wires and appurtenances, water pipes, sewer pipes, gas pipes and mains, and any other utility facilities AND a drainage system consisting of pipes, ditches, detention, percolation or disposal areas or any combination thereof, together with appurtenant drainage structures over, under, upon and through the following-described lands situate in the County of Seminole, State of Florida, to-wit:

SEE ATTACHED EXHIBIT "A"

Parcel ID No: 34-19-30-516-0000-0050

TO HAVE AND TO HOLD said easement and right-of-way unto said GRANTEE and its assigns forever.

THE GRANTEE and its assigns shall have the right to clear, keep clear and remove from said right-of-way all trees, undergrowth, and other obstructions that may interfere with location, excavation, operation or maintenance of the drainage and utility facilities installed thereon by the GRANTEE and its assigns, and the GRANTORS, their successors and assigns, agree not to build, construct or create, or permit others to build, construct or create any buildings or other structures on the said right-of-way that may interfere with the location, excavation, operation or maintenance of the drainage and utility facilities installed thereon.

GRANTORS do hereby covenant with the GRANTEE, that they are lawfully seized and possessed of the real estate above described, that they have good and

lawful right to convey the said easement and that it is free from all encumbrances.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals, the day and year first above written.

IN WITNESS WHEREOF, GRANTORS have hereunto set their hands and seals, the day and year first above written.

WITNESSES:

\_\_\_\_\_  
(Signature) \_\_\_\_\_  
(SEAL)  
ALAN D. SHOEMAKER

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature) \_\_\_\_\_  
(SEAL)  
TAMMY S. HANES

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

STATE OF FLORIDA  
COUNTY OF

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2006, by ALAN D. SHOEMAKER and TAMMY S. HANES, who are personally known to me or who produced \_\_\_\_\_ as identification and who did (did not) take an oath.

WITNESS my hand and official seal in the County and State aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2006.

Legibly print or stamp Notary's name \_\_\_\_\_  
Notary Public, in and for the  
County and State Aforementioned

Attachment:  
Exhibit "A" - Legal Description

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of  
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SURVEY NOTES:

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