

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Ingress and Egress Easement for 1545 N. Delaware St. Sanford, Fl.

DEPARTMENT: Planning and Development **DIVISION:** Community Resources

AUTHORIZED BY: Dan Matthys **CONTACT:** Jim Duby **EXT.** 7291

Agenda Date 05/09/2006 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

Adopt a Resolution authorizing the chairman to execute an Ingress/Egress easement for access to 1545 N. Delaware Street across County owned lot 8 Block E, Astor Farms.

(District 5 - Brenda Carey)

(Jim Duby, Program Manager)

BACKGROUND:

As part of the Wekiva Settlement agreement, a portion of the Yankee Lake Water Treatment Plant property was transferred to the Natural Lands Program. Recent survey work has brought to light an access issue to a private parcel surrounded on all four sides by County owned property. The existing drive provides access to 1545 N. Delaware St. and crosses the east side of County owned lot 8 Block E, Astor Farms. This dirt drive has been used for more than 25 years, but there are no records of any legal easement. Alternative solutions using existing rights of way have been evaluated however, all are contained within the boundaries of the County owned Natural Land's property and would require clearing and considerable impacts to sensitive upland and wetland habitats.

Staff Recommendation:

Staff recommends the Board adopt a Resolution authorizing the Chairman to execute an Ingress and Egress easement for access to 1545 N. Delaware Street across County owned lot 8 Block E, Astor Farms.

Attachments:

- Proposed Resolution 2006-R-
- Exhibit "A" Ingress and Egress Easement
- Survey copy of subject parcel

Reviewed by: [Signature]
Co Atty: [Signature]
DFS: _____
Other: [Signature]
DCM: [Signature]
CM: [Signature]
File No. CPDC02

THE FOLLOWING RESOLUTION WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AT THEIR REGULARLY SCHEDULED MEETING OF _____, 2006.

WHEREAS, Section 190.158, Seminole County Code (the "Code") provides authorization for granting of easements over parcels comprising the County's Natural Lands under certain terms and conditions; and

WHEREAS, the Natural Lands Division has provided an analysis demonstrating why the easement cannot be located in a manner to avoid Natural Lands and that the matter has been considered and approved by the Planning Manager and the Natural Lands Program Manager as required by the Code; and

WHEREAS, the subject easement is located within an existing unpaved pathway along the boundary of the affected Natural Lands and will not serve to further fragment wetlands or functional plant and wildlife habitat, consistent with Code requirements; and

WHEREAS, the owners of the parcel contiguous to the affected Natural Lands have, without any formal conveyance of right, been using the strip of land comprising the easement as a residential driveway for many years, well before the County's Parcel became part of the Natural Lands, because alternative public rights-of-way have not been cleared, drained or maintained by the County and are presently impassible; and

WHEREAS, the Board of County Commissioners (the "Board") finds and determines that it is necessary, desirable and in the public interest to remove the uncertainty presently surrounding the informal use of the driveway by grant of a formal easement of record; and

WHEREAS, the Board finds that granting of the Easement attached hereto as Exhibit "A" is consistent with Chapter 190, Part IV of the Code, that it further serves the public interest by avoiding the destruction of valuable wildlife and plant habitat and aesthetic value of the Black Bear Wilderness Area that would otherwise result from the clearing and maintenance of remaining non-vacated rights-of-way for the convenience of the owners of the adjacent residential parcel;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, THAT:

1. The Easement attached as Exhibit "A" hereto is hereby approved as to the terms and conditions stated therein and is fully incorporated into this Resolution by reference.

2. The Board hereby approves the granting of a perpetual residential driveway easement across Lot 8, Block E, Astor Farms,

comprising a part of the Black Bear Wilderness Area, in favor of the owners of adjacent Lot 1, Block E, Astor Farms under the terms and conditions expressed in Exhibit "A" hereto.

3. The Chairman is hereby authorized to execute and deliver said easement on behalf of the County upon the adoption of this Resolution.

ADOPTED this ____ day of _____, 2006.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of County
Commissioners of Seminole
County, Florida

By: _____
CARLTON HENLEY, Chairman
Date: _____

This document was prepared by:
Arnold W. Schneider, Esq.
Assistant County Attorney
County Attorney's Office
Seminole County Government
1101 East First Street
Sanford, FL 32771

EXHIBIT "A"

INGRESS AND EGRESS EASEMENT

SEMINOLE COUNTY, a political subdivision of the State of Florida (hereinafter called "Grantor"), acting by and through its Board of County Commissioners, in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey to **LLOYD W. SCOTT II AND LORRIE L. SCOTT**, husband and wife, whose address is 1545 N. Delaware St., Sanford, FL 32771-9044 (the "Grantees") a residential driveway easement across the following parcel owned in fee simple by Grantor:

LOT 8, BLOCK E, ASTOR FARMS, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 1, PAGE 13 OF THE PUBLIC RECORDS
OF SEMINOLE COUNTY, FLORIDA

Parcel Identification No.: 24-19-29-5AA-0E00-0080

(the "Servient Estate").

Said easement shall be a perpetual easement over the portion of Grantor's above described real property that is necessary for Grantees' ingress to and egress from their contiguous parcel of real property described as:

LOT 1, BLOCK E, ASTOR FARMS, ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 1, PAGE 13 OF THE PUBLIC RECORDS
OF SEMINOLE COUNTY, FLORIDA

Parcel Identification No.: 24-19-29-5AA-0E00-0010

(the "Dominant Estate").

Said easement is further described as follows: an unpaved strip of land currently recognizable as a driveway, ten (10) feet in width, six hundred thirty-five feet (635.0') in length, more or less, which runs along the easterly portion of the Servient Estate in a generally north/south direction, commencing at a point between thirty feet (30') and forty feet (40.0') from the southeast corner of the Servient Estate at the entrance to the non-vacated northern 1/2 of Astor Avenue and terminating at a point between fifty-five feet (55.0') and sixty-

five feet (65.0') from the northeast corner of said parcel, opening onto the Dominant Estate. Said easement shall only be used for residential driveway purposes and for no other purpose whatsoever.

Said easement herein conveyed shall be deemed perpetual, shall run with the land and shall be binding upon Grantor, its heirs, successors and assigns who shall hereafter acquire title to Grantor's property.

IN WITNESS WHEREOF the Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman of said Board, this _____ day of _____, 2006.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of County
Commissioners of
Seminole County, Florida

CARLTON HENLEY, Chairman

This document was prepared by:
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Assistant County Attorney
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CARLTON HENLEY, Chairman

