

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

Continued from April 22nd, 2003

SUBJECT: SIXTH STREET RIGHT-OF-WAY VACATE

DEPARTMENT: Planning & Development DIVISION: Development Review

AUTHORIZED BY: Donald S. Fisher CONTACT: Denny Gibbs EXT. 7359

Agenda Date <u>6/10/03</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"/>
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**MOTION/RECOMMENDATION:**

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 53 North Chuluota, Section 29, Township 21S, Range 32E, subject to the applicant conveying Lot 8 and the western half of Lot 9 and providing public access to Horseshoe Lake via the stabilization of access way to the lake, with staff's stated conditions.

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

This item was continued from the May 27<sup>th</sup> 2003 BCC meeting. *z*

**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 -12, Block 40 and Lot 4, Block 53 in Chuluota. These are existing platted lots zoned R-1, owned by the applicant and they are buildable for lot area and width. The purpose of the request is to combine the vacated 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 may be demolished for the new house.

Sixth Street runs west from CR 419 and dead ends at Horseshoe Lake. It is currently used as ingress and egress for the existing home on Lot 4 and is not currently being used for public lake access. The proposed vacate area contains approximately 1/2 acre, of which, approximately .10 acre is wetland.

Sixth Street is the only remaining public access to Horseshoe Lake 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 Public Works has stated that a 20' wide drainage easement should be reserved over any vacated portion of Sixth Street.

Reviewed by: Co Atty: <u>KTC</u> DFS: _____ Other: <u>SS</u> DCM: <u>SS</u> CM: <u>KB</u> File No. <u>ph130pdd01</u>
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In order to maintain public access to Horseshoe Lake, the applicant has proposed to donate lot 8 and the western half of lot 9. This donation area is approximately ½ acre in size and consists entirely of wetlands. The applicant also proposes to design, permit and construct a stabilized access way, at no expense to the County, for the purposes of maintaining public access to the lake via the Fifth Street right-of-way.

The applicant's proposal would result in the construction of a stabilized turn around at the end of Fifth Street, a parking area on Lot 8 and a 15' wide path through Lot 9 to the lake (see Exhibit C). In order to complete the access to Horseshoe Lake via Fifth Street, the westernmost 50 feet of the Sixth Street must be lessed out of the requested vacate area and, as such, staff has included this as a condition of the approval. Development Review staff, along with staff from Parks and Recreation and Public Works, has reviewed this proposal and has met with staff from the St. Johns River Water Management District (SJRWMD) to determine that the proposed improvements and access via Fifth Street is viable and will generally replicate the access conditions that currently exist at Sixth Street.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request to vacate this portion of Sixth Street subject to the following conditions.

1. Exclude the westernmost 50' of the Sixth Street right-of-way.
2. Prior to recording the resolution to vacate Sixth Street, the applicant is required to construct a stabilized turn around or hammer head where the Sixth Street ROW ends.
3. Prior to recording the resolution to vacate Sixth Street, the applicant shall dedicate a conservation easement to Seminole County over the wetland areas on lots 10, 11, and 12 and the east half of Lot 9.
4. Prior to recording the resolution to vacate Sixth Street, the applicant shall execute a drainage easement in favor of Seminole County over the north 20' of the vacated Sixth Street.
5. The applicant shall provide the sketch and legal descriptions for any easements required.

District            1 - Maloy

Attachments: Exhibit A: Sketch of description

                  Exhibit B: Location map

                  Exhibit C: Sketch of proposed Fifth Street improvements

# 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.

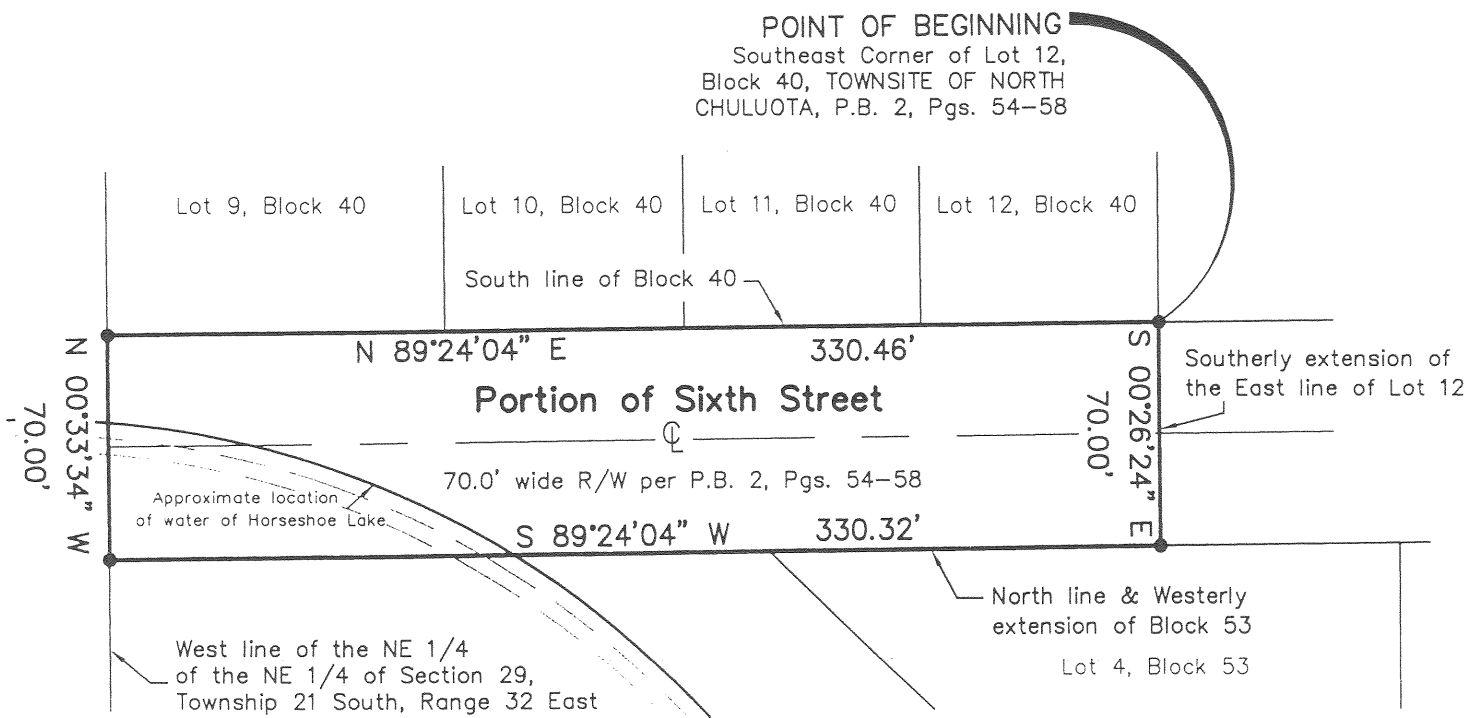
More particularly described as follows:

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.



1" = 60'



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 mapper.

R/W - denotes right of way

P.B. - denotes Plat Book

Ⓞ - denotes centerline

**Benchmark Surveying & Mapping Consultants, Inc.**

Post Office Box 771065, Winter Garden, Florida 34777-1065  
(407) 654-6183 Fax (407) 654-6184

180.19  
Project #  
09/12/02  
Date

Prepared By:

*Billy Joe Jenkins Jr.*  
Billy Joe Jenkins Jr. PSM # 5205

**LIVE OAK RESERVE SUBDIVISION**

**Oviedo**  
Municipal Boundary

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

Horseshoe Lake

5th Street

Alley

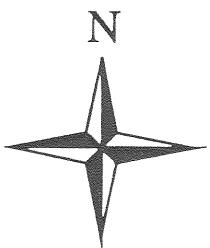
6th Street

7th Street

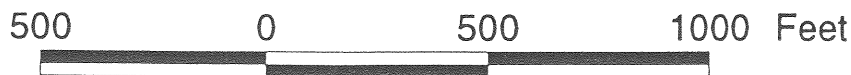
8th Street

Lanford

CR 419



**LOCATION MAP**  
**Sixth Street ROW Vacate**





**EXHIBIT C**  
**PROPOSED FIFTH STREET IMPROVEMENTS**