

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Lot 67, Lakes of Aloma Utility Easement Vacate

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

**AUTHORIZED BY:** Dan Matthys *(signature)* **CONTACT:** Cynthia Sweet *(signature)* **EXT.** 7443

<b>Agenda Date</b> <u>6/27/2006</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input checked="" type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/>
<b>Public Hearing – 1:30</b> <input 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 a portion of the north 1-ft. of the 7.5-ft. wide utility easement situated along the south property line of Lot 67, Lakes of Aloma, as recorded in the Public Records of Seminole County, Florida, in Plat Book 41, Pages 31 - 33, in Section 31, Township 21 S, Range 31 E, and further described as 5421 Endicott Place, Oviedo, Florida – Jerome Stephen and Katherine H. Ruby, applicant.

District 1 - Dallari

**BACKGROUND:**

The applicant, Jerome Stephen and Katherine H. Ruby is requesting to vacate and abandon a portion of the north 1-ft. (consisting of 40 sq. ft.) of the 7.5-ft. wide utility easement situated along the south property line of Lot 67, Lakes of Aloma, recorded in the Public Records of Seminole County, Florida in Plat Book 41, Pages 31 - 33, in Section 31, Township 21 S, Range 31 E. The property is located at 5421 Endicott Place, Oviedo, Florida. Vacation and abandonment of the utility easement is needed for replacement of the screen enclosure damaged by hurricanes in August 2004. Vacating that portion of the utility easement is necessary to prohibit a potential cloud of title.

The applicant has provided letters from the applicable utility companies stating no objections to the vacate request and has provided approval from the Lakes of Aloma Architecture Review Committee for the replacement of the screen enclosure.

**STAFF RECOMMENDATION:**

Staff recommends the Board adopt the resolution to vacate and abandon that portion of the platted utility easement as requested by the applicant.

Reviewed by:	<u>KFT</u>
Co Atty:	
DFS:	
Other:	<i>(signature)</i>
DCM:	<i>(signature)</i>
CM:	<i>(signature)</i>
File No.	<u>cpdd04</u>

District 1 - Dallari

Attachments: Location Maps (Exhibit A)

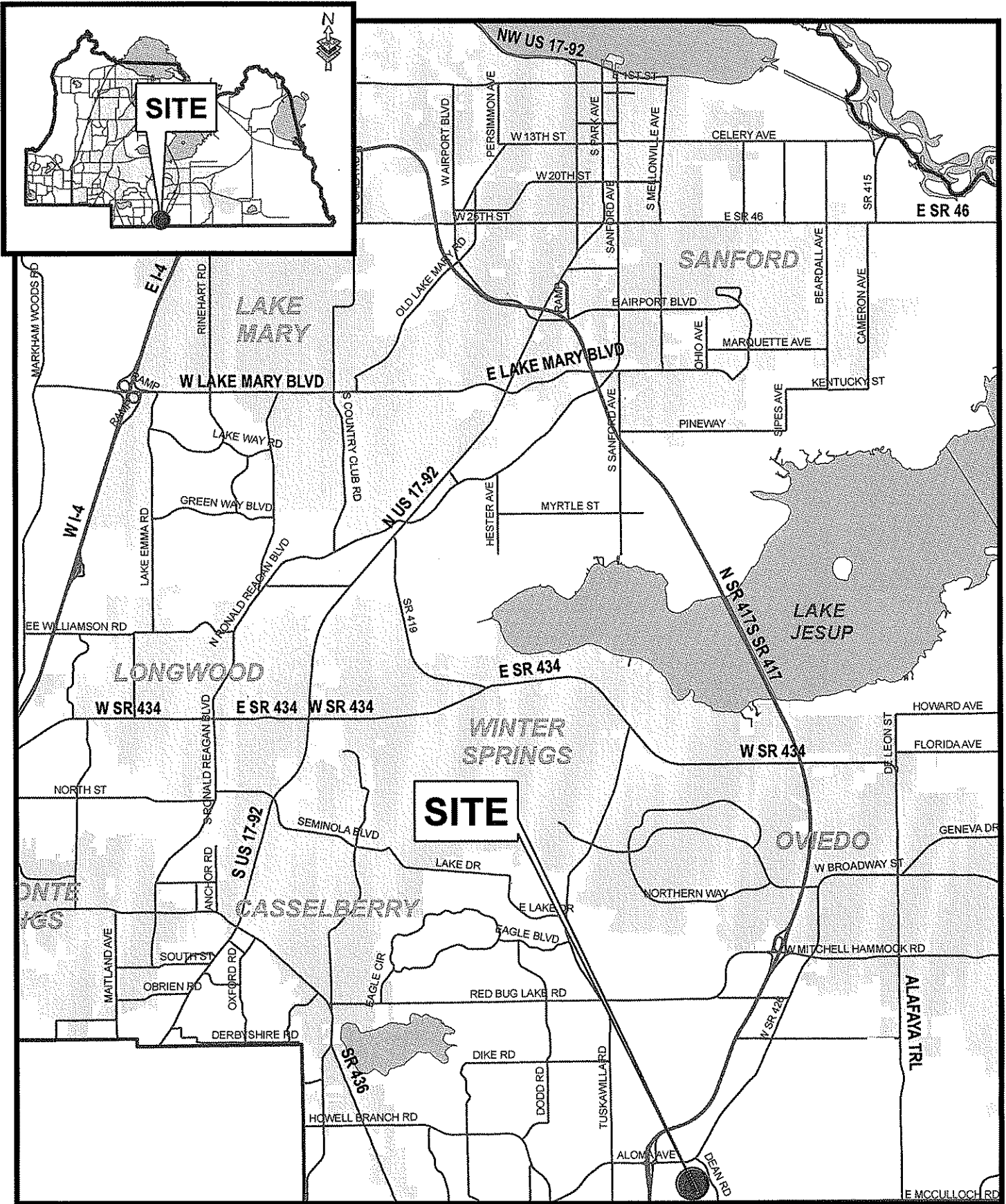
Site Map

Aerial

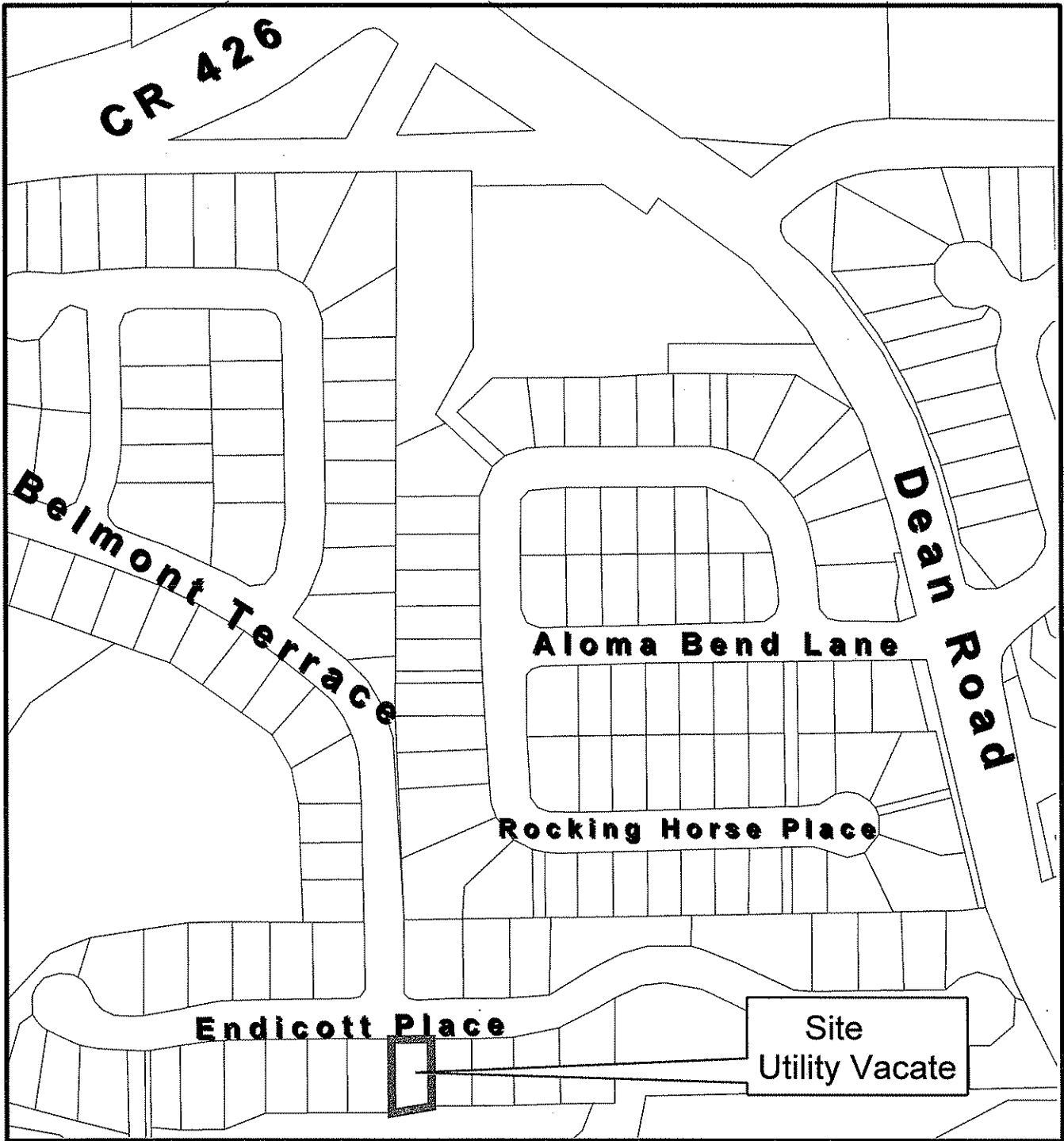
Resolution (Exhibit B)

Sketch of Description (Exhibit C)

Utility Letters (Exhibit D)



filename: L:\pl\projects\p&z\2006\GIS\staff\_report\_pkgs\sitemaps\_large\Z2006-0\*\*sitemap.mxd \*\*/\*06





Lakes of Aloma Lot 67  
Utility Vacate





Lakes of Aloma Lot 67  
Utility Vacate

-  Parcel
-  Subject Property



January 2004 Color Aerials

RESOLUTION NO.: 2006-R-

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 27<sup>TH</sup> DAY OF JUNE A.D., 2006.

**RESOLUTION TO VACATE AND ABANDON A UTILITY EASEMENT**

.....

Whereas, a Petition was presented on behalf of

**JEROME STEPHEN & KATHERINE H. RUBY**

to the Board of County Commissioners of Seminole County, Florida, requesting the closing, vacating, and abandoning of the following described utility easement to-wit:

**SEE ATTACHED EXHIBIT "A"**

Whereas, after due consideration the Board of County Commissioners of Seminole County, Florida, having determined that the abandonment of the above described utility easement is to the best interest of the County and the public in that the area in question is not needed for utility purposes and not necessary for public need.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the above described utility easement 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 27<sup>TH</sup> day of JUNE 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

## EXHIBIT "A"

### Legal Description:

A Portion of Lot 67, LAKES OF ALOMA, according to the Plat thereof, as recorded in Plat Book 41, Pages 31-33, Public Records of Seminole County, Florida, being more particularly described as follows:

Commencing at the Southeast Corner of Lot 67, LAKES OF ALOMA, according to the Plat thereof, as recorded in Plat Book 41, Pages 31-33, Public Records of Seminole County, Florida, run thence along the East Property Line of said Lot 67, North 00°40'40" West, a distance of 7.50 feet to a point on the Northerly line of a Platted 7.5' Utility Easement; thence along said Northerly Easement line, South 89°19'20" West, a distance of 5.80 feet to a point, said point being the POINT OF BEGINNING of the herein described Property; thence departing said Northerly Easement line, South 00°40'40" East, parallel to the aforementioned East line of Lot 67, a distance of 1.00 feet to a point; thence South 89°19'20" West, parallel to the Northerly Easement line, a distance of 40.00 feet to a point; thence North 00°40'40" West, parallel to said East line of Lot 67, a distance of 1.00 feet to a point on the Northerly Easement line; thence along said Northerly Easement line, North 89°19'20" East, a distance of 40.00 feet to the above described POINT OF BEGINNING.

Said Property containing 40.00 square feet, 0.001 acres more or less.

The intent of the above Legal Description is to encompass the entire portion of the Screen Enclosed Pool & Deck Area that encroaches into the Platted 7.5' Rear Utility Easement lying in Lot 67, LAKES OF ALOMA, according to the Plat thereof, as recorded in Plat Book 41, Pages 31-33, Public Records of Seminole County, Florida.

This is NOT a Survey.  
This is ONLY a Sketch.

Sketch of Description Prepared For: Stephen Ruby & Katherine Ruby

Sketch of Description Certified To:  
Stephen Ruby & Katherine Ruby

Sketch Date: 04-11-06

Drawn By: SP

Approved By: JPI

Field: None

> This Property is NOT in a Flood Prone Area, Zone "X", Based on the FIRM (Flood Insurance Rate Map (F.I.R.M.) 12117C Panel No. 0210 E Dated 04-17-95.  
< Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endeavor Ireland Surveying, Inc. and the Signing Surveyor assume NO Liability for the Accuracy of this Determination.

**-Notes-**

- > Sketch is Based upon the Legal Information Supplied by Client.
- > Underground Utilities and Features have NOT been located UNLESS otherwise noted.
- > Subject to any Easements and/or Restrictions of Record
- > Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
- > Building Ties are NOT to be used to Reconstruct Property Lines.
- > Ownership of Fences, if any shown hereon in this Sketch, is NOT determined.
- > Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus
- > Sketch is NOT Valid for any other Transaction after 90 days from the Latest Date shown hereon
- > Use of This Sketch for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

**-Legend-**

C	- Calculated	PC	- Point of Curvature
CL	- Centerline	Pg	- Page
CB	- Concrete Block	PI	- Point of Intersection
CM	- Concrete Monument	P.O.B	- Point of Beginning
Conc.	- Concrete	P.O.C.	- Point of Commencement
D	- Description	P.O.T.	- Point of Terminus
DE	- Drainage Easement	FRM	- Permanent Reference Monument
Easmt	- Easement	PT	- Point of Tangency
F.E.M.A.	- Federal Emergency Management Agency	R	- Radius
FFE	- Finished Floor Elevation	Rad.	- Radial
Fnd	- Found	R/W	- Right-of-Way
IP	- Iron Pipe	Rec	- Recovered
L	- Length (Arr)	Rfd	- Roofed
M	- Measured	Set	- Set 5/8" Rebar & Cap "PLS 4200"
N&D	- Nail & Disk	Typ	- Typical
N.R.	- Non-Radial	UE	- Utility Easement
OPR	- Official Records Book	WM	- Water Meter
P	- Plat	Δ	- Delta (Central Angle)
P.B	- Plat Book	-3-	- Chain Link Fence
-a-	- Wood Fence		

I hereby Certify that this Sketch of the above described Property is True and Correct to the Best of my Knowledge and Belief as recently Sketched under My Direction on the Date Shown, Based on Information Furnished to Me, as Noted, and Conforms to the Minimum Technical Standards for Land Surveying in the State of Florida in accordance with Chapter 81C17.6 Florida Administrative Codes, Pursuant to Section 477.037, Florida Statutes.

*James P. Ireland*  
James P. Ireland PLS 4200 LB 5687  
Date Signed 04-11-06  
This Sketch is intended ONLY for the use of Said Certified Parties. This Sketch NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.  
File No. RLS0038(03) SKETCH  
CADD File: \\Ben s\c\Ireland\05-Ireland\Spot\Drawings\Apr\LAKE507ALOMA-RLS0038(03)SKETCH

**JPI Surveying & Mapping, Inc.**  
6001 Brick Court, Suite 117  
Winter Park, Florida 32792  
Office-407.678.3366  
Fax-407.671.6678



# Sketch of Description

Sheet 2 of 2

LOT 66

N 00°40'40" W 105.00'

Northerly Easement Line

7.5' Utility Easement

FND 1 1/4" I.P.  
L.B #5090

Southerly Line of Lot 67

Tract "E"  
(Retention Area & Drainage Easement)

One Story Concrete Block Residence #5421

20.4'  
29.3'

11.7'

4.2'

7.0'

4.2'

15.4'

11.5'

11.5'

11.5'

Concrete Deck with Planters

Screen Enclosed Pool & Deck Area

P.O.B.

N 89°19'20" E 40.00'  
S 89°19'20" W 40.00'

(Area: 40.00±  
0.001 Acres±)

5.8'

LOT 68

Easterly Line of Lot 67

S 89°19'20" W 5.80'

N 00°40'40" W 7.50'

FND #5 R&C  
L.B #4596

Point of Commencement  
SE Corner of Lot 67

-Line Datum-

①  
S 00°40'40" E 1.00'

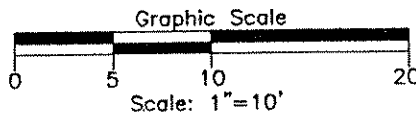
②  
N 00°40'40" W 1.00'

This is NOT a Survey.  
This is ONLY a Sketch.

*JPI Surveying & Mapping, Inc.*

6001 Brick Court, Suite 117  
Winter Park, Florida 32792

Office-407.678.3366  
Fax-407.671.6678







LTD - Customer Service Operations  
FLALTH0101  
Box 153000  
Altamonte Springs, FL 32715-3000

RECEIVED  
MAY 09 2006  
Development Review

Steve Ruby  
5421 Endicott Place  
Oviedo Florida 32765

Attn : Steve

Ref : Request for vacating utility easement  
Lot 67, Lakes of Aloma  
Thereof as recorded in the plat book 41, pages 31-33  
Public records of Seminole County Florida

Steve

I have reviewed the plats for the above referenced property and have determined that Sprint / Florida does provide service to this area and this amendment will not encroach unreasonably on our ability to provide service to this area. Sprint / Florida has no objections to abandonment of the above referenced Utility Easement.

Note: This in no way affects the utility easement along the front as it will remain, "in use".

If I can be of any further assistance please contact me at 407/830-3279.

Steve O'Brien

Network Engineering E&C

*Steve O'Brien*

EXHIBIT D

844 Maguire Road  
Ocoee, FL 34761

Tel 407-532-8596  
Fax 407-656-1162

**bright  
house**  
NETWORKS



RECEIVED  
MAY 09 2006  
Development Review

April 18, 2006

Mr. Steve Ruby  
5421 Endicott Place  
Oviedo, Florida 32765

RE: Easement Encroachment  
Section 31, Township 21, Range 31

Dear Mr. Ruby:

Bright House Networks has reviewed your correspondence regarding an encroachment onto a utility easement. Please be advised that we have no objection to the encroachment of a pool enclosure onto approximately 1 foot of the 7.5' rear utility easement at 5421 Endicott Place, Oviedo.

If you should have any additional questions regarding this matter, please do not hesitate to contact me at (407) 532-8508.

Sincerely,

P.J. King, Sr. Const. Mgr.  
Bright House Networks

cc: Marvin L. Usry, Jr., Bright House Networks *MLU*



RECEIVED  
MAY 0 9 2006  
Development Review

May 3, 2006

Jerome S. Ruby  
5421 Endicott Pl  
Oviedo, FL 32765

**RE: Partial Vacate Request of Platted Utility Easement  
5421 Endicott Pl, Oviedo, FL**

Dear Mr. Ruby:

Please be advised that Progress Energy (formerly known as Florida Power Corporation) has "no objection" to the vacation and abandonment of the North 1 foot of a 7.5 foot wide easement along the South bounds of your parcel ID# 31-21-31-509-0000-0670 AKA LOT 67 LAKES OF ALOMA PB 41 PGS 31-33, of the Public Records of Seminole County, Florida.

If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink that reads "David V. Davidson".

David V. Davidson  
Land Agent  
Distribution Asset Engineering

ARCHITECTURE REVIEW COMMITTEE APPLICATION FOR REVIEW

NAME STEVE AND KATHY RUBY LOT NUMBER 67

ADDRESS 5421 ENDICOTT PL OWLEDO, FL 32765

PHONE NUMBER AND TIME YOU CAN BE REACHED 407-342-3930 ANYTIME

BRIEFLY DESCRIBE THE PROPOSED IMPROVEMENT

REPLACING POOL ENCLOSURE BLOWN DOWN BY HURRICANE CHARLEY IN AUG ~~2004~~ 2004.

DATE OF ANTICIPATED START ASAP COMPLETION DATE ASAP

Who will perform the actual work on this improvement FLORIDA POOL ENCLOSURE

INCLUDE A SKETCH, INCLUDING MEASUREMENTS, ON A COPY OF YOUR PROPERTY SURVEY AND ATTACH TO APPLICATION ( for installing or moving fence draw plans on copy of your boundary survey )

Location of improvement

Material Used for Improvement

<input type="checkbox"/> Front of house	<input type="checkbox"/> Patio
<input type="checkbox"/> Roof on House	<input type="checkbox"/> Fence
<input checked="" type="checkbox"/> Back of House	<input type="checkbox"/> Other
<input type="checkbox"/> Side of House	
<input type="checkbox"/> Garage Area	

<input type="checkbox"/> Paint color(s) attach color sample	<input type="checkbox"/> Brick Type(s)	<input type="checkbox"/> Fence Type(s)
<input type="checkbox"/> Stain color(s) attach color sample	<input checked="" type="checkbox"/> Screen Type(s)	<input type="checkbox"/> Height
<input type="checkbox"/> Pipe	<input type="checkbox"/> Electrical	<input type="checkbox"/> Other

I understand the Architectural committee will act on this request as quickly as possible and contact me in writing regarding their decisions. I agree not to begin property improvement(s) until the Architectural Committee notifies me of their approval

Signature Steve Ruby Date 5-20-06

Approved  Rejected  Need further Information

RECEIVED  
MAY 24  
Development Review

COMMENTS \_\_\_\_\_

<u>[Signature]</u>	DATE <u>5-22-06</u>
<u>[Signature]</u>	DATE <u>5-22-06</u>
<u>[Signature]</u>	DATE <u>5-22-06</u>

(ACCEPTANCE BY THE ARC DOES NOT TAKE PRECEDENCE OVER LOCAL CODE ENFORCEMENT AND REVIEW PROCEDURES.)