

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: WILSON AVE RIGHT-OF-WAY VACATE

DEPARTMENT: Planning & Development DIVISION: Development Review

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

Agenda Date <u>8/10/04</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"/>	

MOTION/RECOMMENDATION:

Adopt the Resolution to vacate and abandon a 15' wide x 860' long portion of the unimproved Wilson Avenue right-of-way Plat Book 1 Page 86 in Section 28, Township 19S, Range 30E and accept a 12' wide right-of-way easement running north-south along Rinehart Road.

District 5 – Daryl McLain (Denny Gibbs, Planner) *zt*

BACKGROUND:

The applicant, Argate Properties, Inc. for Seminole Farms Trust IV / Harold Hartstock, is requesting to vacate an unimproved 15' wide by approximately 860' long section (12,900 sq. ft.) of Wilson Avenue. Wilson Avenue runs east-west. The 15' portion is part of a 45' total right-of way running east off Rinehart Road and directly north of the Expressway entrance for Rinehart Road. It is a combination of right-of-way that was dedicated by two separate plats. The 15' portion of Wilson Avenue, being requested in this vacate, was dedicated on Smith's Third Subdivision plat, Plat Book 1 Page 86 and the remaining 30' was dedicated on the Pine Lake Groves plat, Plat Book 9 Page 27. This right-of-way is no longer needed and the vacation of this 15' portion will not hinder access to any other parcels. Letters of no objection have been submitted from applicable utility providers.

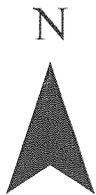
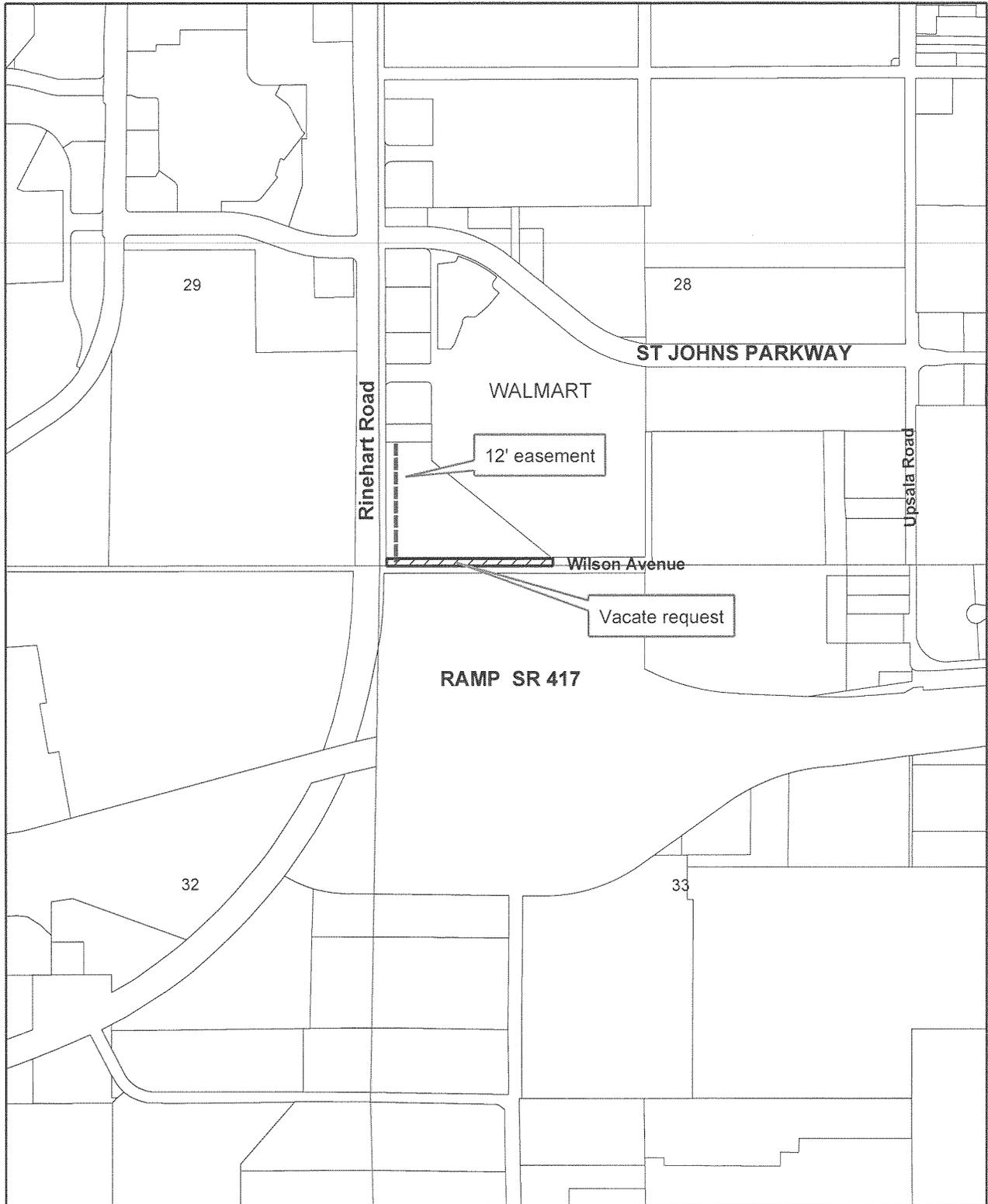
Public Works has requested that a right-of-way easement be executed to dedicate an easement across Wilson Avenue at Rinehart Road in order to maintain a continuous 12' easement running north-south along Rinehart Road.

STAFF RECOMMENDATION:

Staff recommends approval of the vacate and acceptance of the right-of-way easement.

District 5 – Daryl McLain
Attachments: Location Map
Resolution
Easement

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



**LOCATION MAP
WILSON AVENUE
RIGHT-OF-WAY VACATE**

RESOLUTION NO.: 2004-R-

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 10th DAY OF August A.D., 2004.

**RESOLUTION TO VACATE AND ABANDON A
RIGHT-OF-WAY**

.....

Whereas, a Petition was presented on behalf of

ARGATE PROPERTIES, INC. FOR SEMINOLE FARMS TRUST IV / HAROLD HARTSTOCK

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:

Vacate and Abandon Wilson Avenue Right-of-way as described in EXHIBIT A and accept an easement along Rinehart Road as indicated in 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 is in 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 and that the easement along Rinehart Road is hereby accepted.

PASSED AND ADOPTED this 10th day of August A.D., 2004.

ATTEST:

MARYANNE MORSE
CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA
BY: DARYL G. MCLAIN
CHAIRMAN

SKETCH AND DESCRIPTION

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 28, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 28 TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN S 89°53'03" E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 15.00 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF RINEHART ROAD (140' R/W PER SEMINOLE COUNTY R/W MAP BOOK 1, PG. 107) AND THE POINT OF BEGINNING, ALSO BEING A POINT ON A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2616.55 FEET AND A CHORD BEARING OF N 00°09'05" E; THENCE DEPARTING THE SOUTH LINE OF SECTION 28, RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 00°09'27" A DISTANCE OF 7.19 FEET; THENCE RUN NORTH 00°04'01" EAST A DISTANCE OF 7.82 FEET; THENCE DEPARTING SAID EAST LINE, RUN SOUTH 89°53'03" EAST A DISTANCE OF 860.24 FEET; THENCE RUN SOUTH 51°00'15" EAST A DISTANCE OF 23.90 FEET TO THE AFORESAID SOUTH LINE OF THE SOUTHWEST 1/4; THENCE RUN NORTH 89°53'03" WEST, ALONG SAID SOUTH LINE A DISTANCE OF 878.84 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.30 ACRES OR 13,042.98 SQUARE FEET MORE OR LESS.

A B B R E V I A T I O N L E G E N D :

P.R.M. - PERMANENT REFERENCE MONUMENT P.O.C. - POINT OF COMMENCEMENT P.C. - POINT OF CURVATURE P.R.C. - POINT OF REVERSE CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.T. - POINT OF TANGENCY P.I. - POINT OF INTERSECTION P.C.P. - PERMANENT CONTROL POINT P.O.L. - POINT ON LINE C.B. - CHORD BEARING T.B. - TANGENT BEARING	C.M. - CONCRETE MONUMENT P.B. - PLAT BOOK Pg. - PAGE N.R. - NON-RADIAL RAD. - RADIAL R. - RADIUS L. - ARC LENGTH Δ - DELTA R.P. - RADIUS POINT R/W - RIGHT-OF-WAY C. - CENTER LINE	EL. - ELEVATION A/C - AIR CONDITIONER TYP. - TYPICAL U.E. - UTILITY EASEMENT D.E. - DRAINAGE EASEMENT F.F. - FINISHED FLOOR B.S. - BUILDING SETBACK C.B.S. - CONCRETE BLOCK STRUCTURE (P) - PLAT (M) - MEASURED (C) - CALCULATED	CONC. - CONCRETE C.L.F. - CHAIN LINK FENCE W.F. - WOOD FENCE C & G - CURB & GUTTER CATV - CABLE TELEVISION RISER TELE - TELEPHONE RISER TRANS - TRANSFORMER PAD L.P. - LIGHT POLE P.P. - POWER POLE N.G. - NATURAL GROUND SQ. FT. - SQUARE FEET	W.M. - WATER METER F.H. - FIRE HYDRANT N & D - NAIL AND DISC B.M. - BENCH MARK P.V.M.T. - PAVEMENT F.B. - FIELD BOOK M.H. - MANHOLE (A) - ACTUAL NSI - NO SURVEYOR IDENTIFICATION FND - FOUND REC - RECOVERED
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Survey Notes:

1. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER".
2. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATA AS BEING N 00°04'01" E ALONG THE EAST RIGHT-OF-WAY LINE OF RINEHART ROAD.
3. THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
5. THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS DONE TO DEFINE OWNERSHIP.

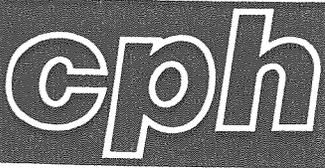
Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief as surveyed under my direction on MAY 19, 2004, I further certify that this "Sketch and Description" meets the minimum technical standards set forth in rule 61g17-6 of the Florida Administrative Code.


 W. G. Elliott, P.S.M.
 Professional Surveyor and Mapper
 Florida Registration No. 5599

CLIENT: BEST BUY
 PROJECT NUMBER: A7501
 CADD DWG. FILE: A7501_RW_SOD.DWG

NOT VALID WITHOUT SHEET 2
 SHEET 1 OF 2



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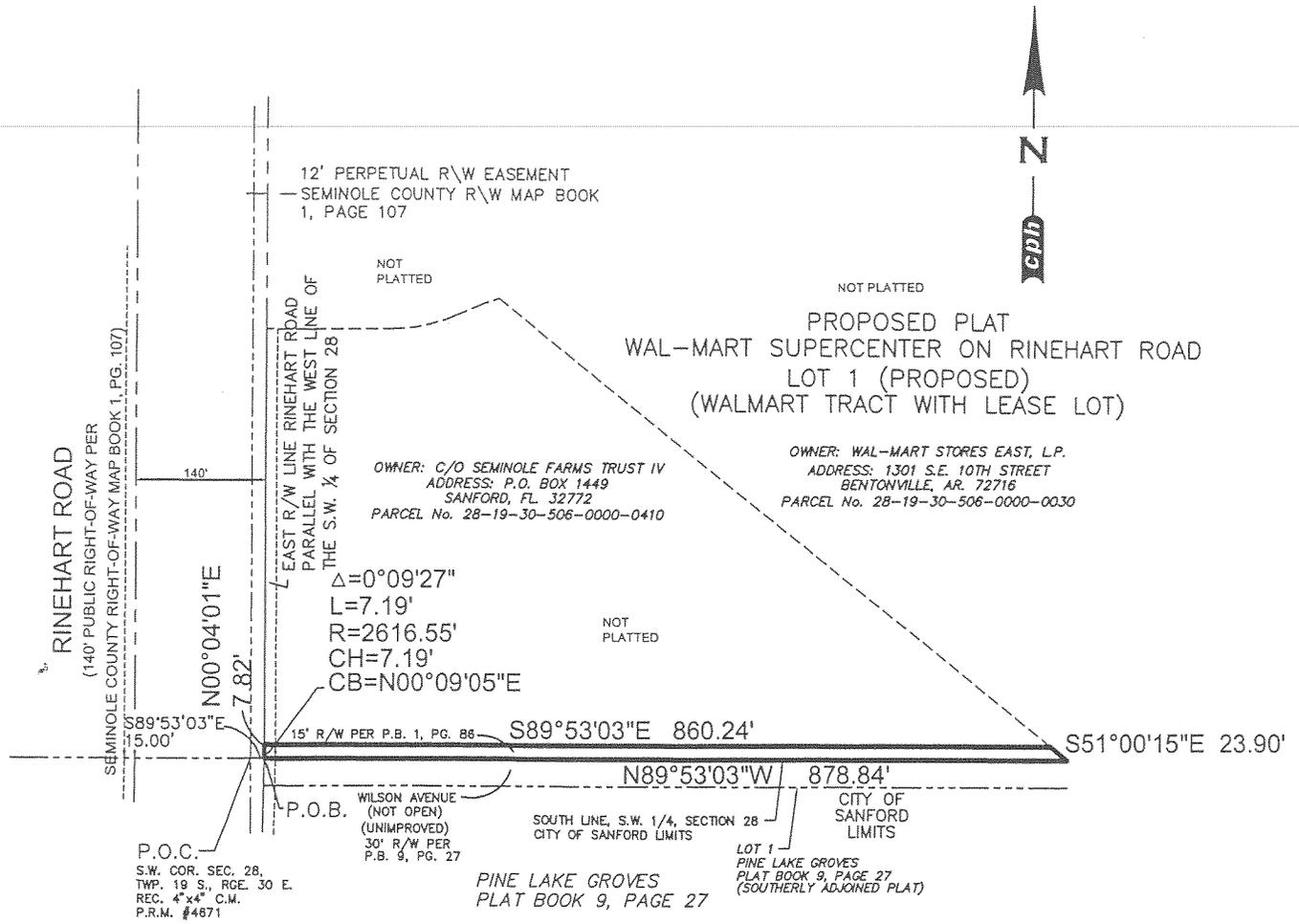
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 Phone: 407.322.6841 Fax: 407.330.0639

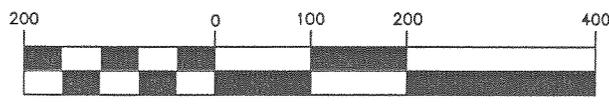
REVISION	BY	DATE
SKETCH AND DESCRIPTION	T.E.D.	5/19/04

Certificate of Authorization No. 7143

SKETCH AND DESCRIPTION



GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

CLIENT: BEST BUY
PROJECT NUMBER: A7501
CADD DWG. FILE: A7501_RW_SOD.DWG

NOT VALID WITHOUT SHEET 1
SHEET 2 OF 2



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REVISION	BY	DATE
SKETCH AND DESCRIPTION	T.E.D.	5/19/04
Certificate of Authorization No. 7143		

Exhibit B

Perpetual and Permanent Right-of-way Easement with
attachment Exhibit A Sketch and Description of Easement Area

This document prepared by:
Karen Z. Consalo
Assistant County Attorney
1101 East First Street
Sanford, Florida 32771

[DO NOT WRITE ABOVE THIS SPACE
FOR RECORDING PURPOSES ONLY]

SEMINOLE FARMS TRUST, IV
PERPETUAL AND PERMANENT RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS that on this ____ day of _____, 2004, by and between **SEMINOLE FARMS TRUST, IV**, whose address is 1311 East Second Street, Sanford, Florida 32771, as GRANTOR, in consideration of ONE AND NO/100 Dollars (\$1.00) and other valuable consideration to it in hand paid, receipt whereof is acknowledged, does hereby grant and convey unto **SEMINOLE COUNTY**, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, for full use and benefit, an exclusive and perpetual easement for right-of-way and public road and public utility purposes, over, upon, under and across certain lands situated in Seminole County, Florida described in attached Exhibit A. (Parcel Identification #28-19-30-506-0000-0410)

TO HAVE AND TO HOLD THE SAME, unto said GRANTEE perpetually and permanently and its assigned, together with the right to enter upon said land and construct and maintain transportation facilities, public roads and public utilities thereon, with all such fills, cuts, drains, ditches and other facilities and incidents which the GRANTEE may deem necessary or convenient in connection therewith.

The GRANTOR does hereby covenant with the GRANTEE, that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through, or under the said GRANTOR; together will all common law covenants, this instrument includes the covenant of further assurances.

IN WITNESS WHEREOF, the GRANTOR has hereunto set its hand the day and year first above written.

WITNESSES:

SEMINOLE FARMS TRUST, IV

Print Name: _____

By: Harold G. Hartsock, as Trustee

Print Name: _____

STATE OF FLORIDA
COUNTY OF SEMINOLE

I HEREBY CERTIFY that, on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments,

personally appeared **HAROLD G. HARTSOCK**, Trustee of Seminole Farms Trust, IV Properties, on behalf of the Trust, who is personally known to me or has produced _____ as identification and who did take an oath.

Print Name _____
Notary Public, in and for the County
and State Aforementioned

My Commission Expires: _____

kconsalo\MYDOCS\Easements\Hartsock ROW Easement.doc

SKETCH AND DESCRIPTION

Exhibit "A"

LEGAL DESCRIPTION

A PARCEL OF LAND LYING 12.00 FEET EASTERLY OF RINEHART ROAD, AS DEPICTED ON SEMINOLE COUNTY RIGHT-OF-WAY MAP BOOK 1, PAGE 107, IN SECTION 28, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 28, TOWNSHIP 19 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN S 89°53'03" E, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 28, A DISTANCE OF 15.00 FEET, TO A POINT ON THE EAST RIGHT OF WAY LINE OF RINEHART ROAD (140' R/W PER SEMINOLE COUNTY R/W MAP BOOK 1, PG. 107) AND THE POINT OF BEGINNING, ALSO BEING A POINT ON A CURVE CONCAVE WESTERLY, HAVING A RADIUS OF 2616.55 FEET AND A CHORD BEARING OF N 00°09'05" E; THENCE DEPARTING THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 28, RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID EAST RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 00°09'27" A DISTANCE OF 7.19 FEET; THENCE CONTINUE ALONG SAID EAST RIGHT-OF-WAY LINE NORTH 00°04'01" EAST A DISTANCE OF 7.82 FEET; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, RUN SOUTH 89°53'03" EAST A DISTANCE OF 12.00 FEET; THENCE RUN SOUTH 00°04'01" WEST A DISTANCE OF 7.82 FEET TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE TO THE WEST AND HAVING A RADIUS OF 2628.55 FEET, A CENTRAL ANGLE OF 00°09'24", A CHORD OF 7.19 FEET, AND A CHORD BEARING OF SOUTH 00°08'43" WEST, AND BEING 12.00 FEET EASTERLY OF AND CONCENTRIC WITH THE EASTERLY RIGHT-OF-WAY LINE OF RINEHART ROAD, THENCE RUN SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 7.19 FEET TO THE AFORESAID SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 28; THENCE RUN NORTH 89°53'03" WEST, ALONG SAID SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 28, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING TO CLOSE.

SAID PARCEL CONTAINING 180.00 SQUARE FEET OR 0.0041 ACRES MORE OR LESS.

A B B R E V I A T I O N L E G E N D :

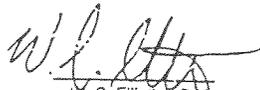
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Surveyor's Certification:

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 W. C. Elliott, P.S.M.
 Professional Surveyor and Mapper
 Florida Registration No. 5599

CLIENT: BEST BUY
 PROJECT NUMBER: A7501
 CADD DWG. FILE: A7501_RW_PE.DWG

NOT VALID WITHOUT SHEET 2 & 3
 SHEET 1 OF 3



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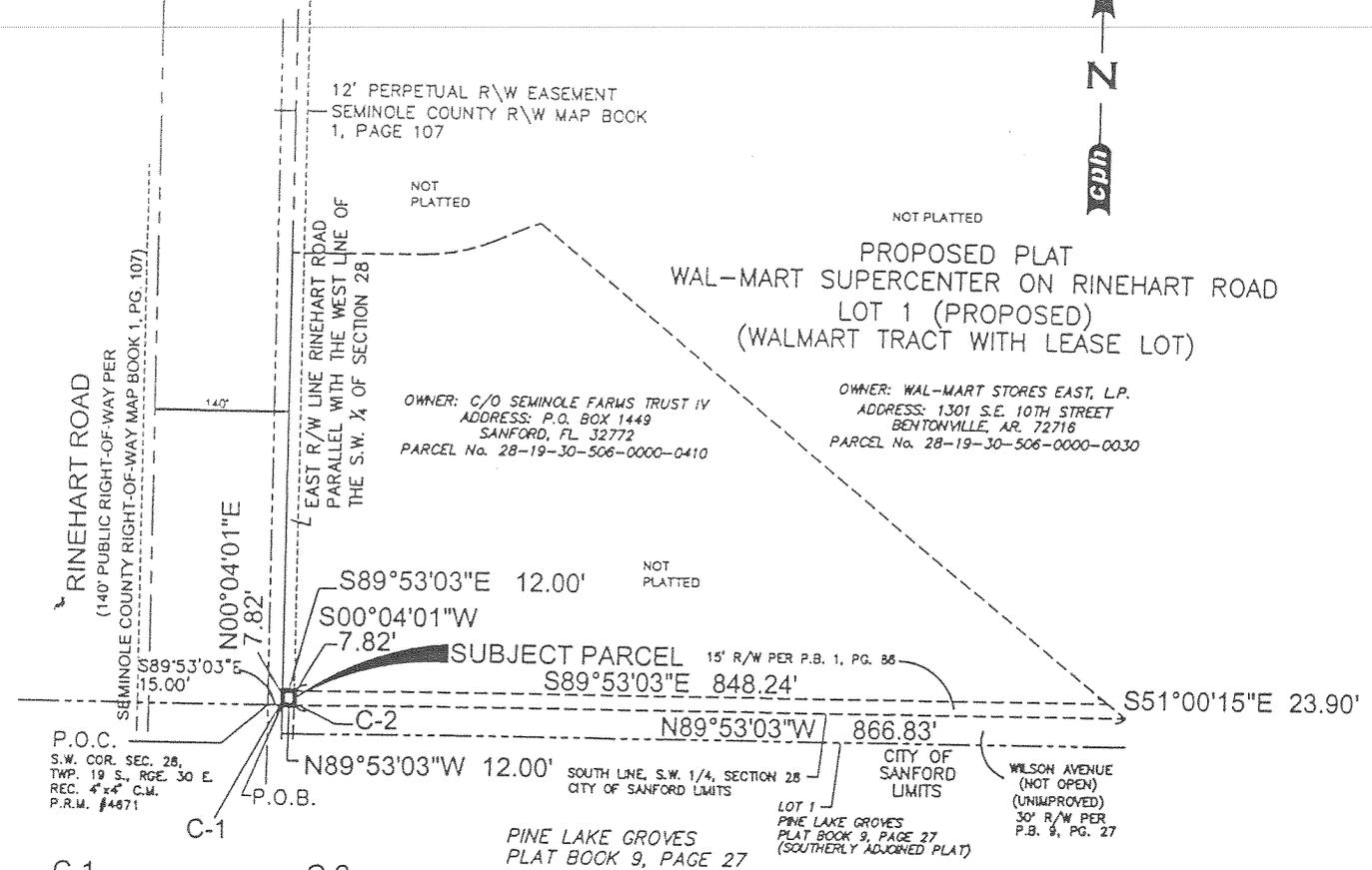
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REVISION	BY	DATE
SKETCH AND DESCRIPTION	T.E.D./B.P.S	6/30/04
Certificate of Authorization No. 7143		

SKETCH AND DESCRIPTION

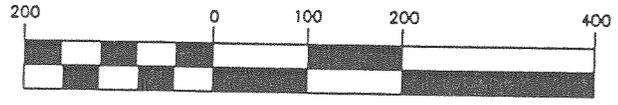
SEE DETAIL "A" ON SHEET 3



C-1
 $\Delta=0^{\circ}09'27''$
 $L=7.19'$
 $R=2616.55'$
 $CH=7.19'$
 $CB=N00^{\circ}09'05''E$

C-2
 $\Delta=0^{\circ}09'24''$
 $L=7.19'$
 $R=2628.55'$
 $CH=7.19'$
 $CB=S00^{\circ}08'43''W$

GRAPHIC SCALE



(IN FEET)
1 inch = 200 ft.

CLIENT: BEST BUY
PROJECT NUMBER: A7501
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NOT VALID WITHOUT SHEET 1 & 3
SHEET 2 OF 3



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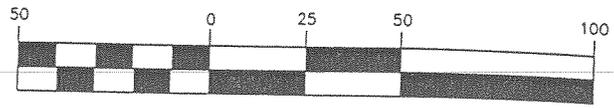
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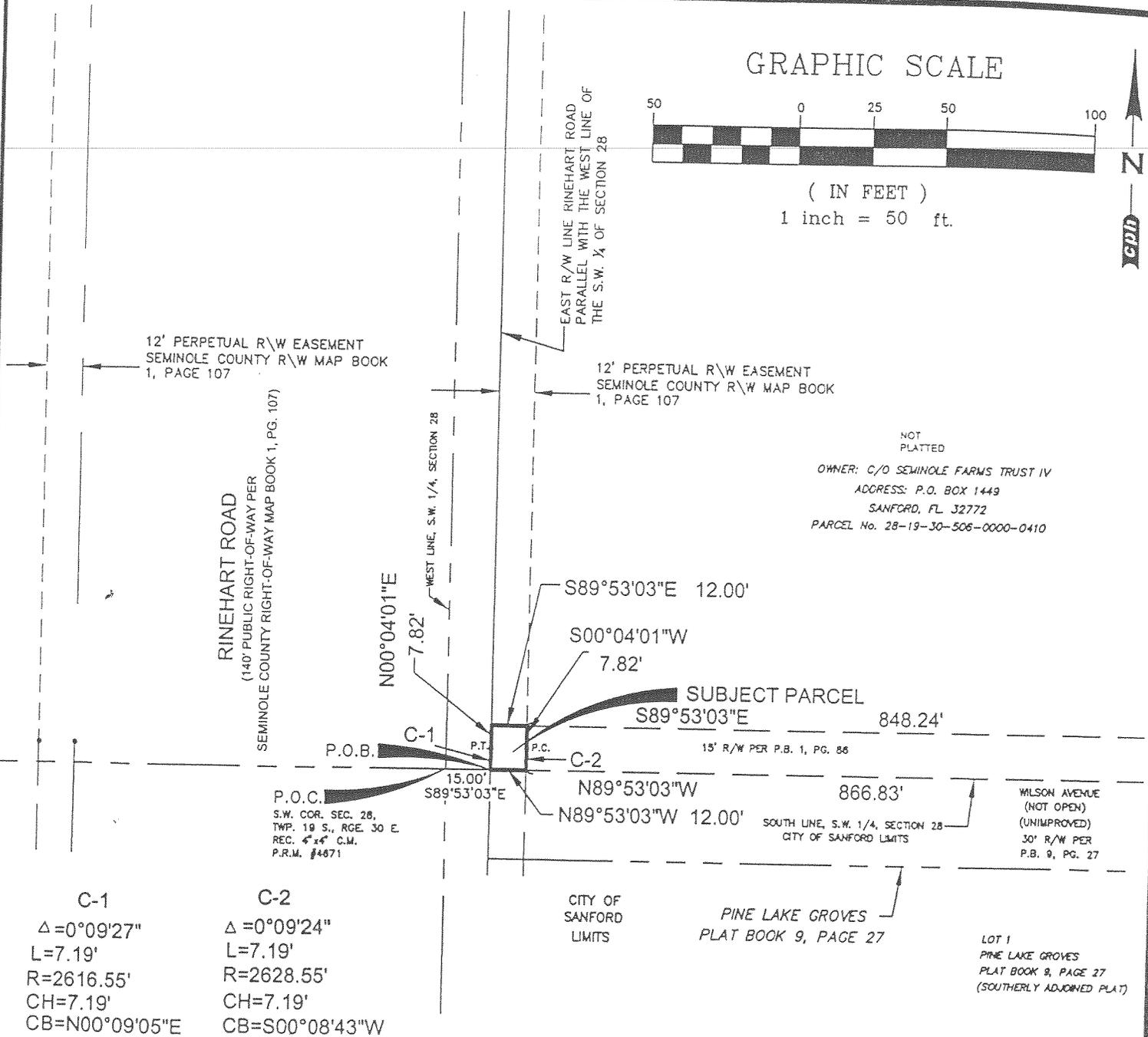
SKETCH AND DESCRIPTION

DETAIL "A"

GRAPHIC SCALE

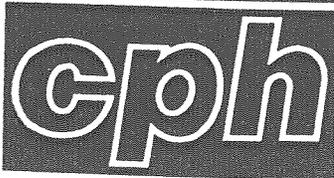


(IN FEET)
1 inch = 50 ft.



CLIENT: BEST BUY
PROJECT NUMBER: A7501
CADD DWG. FILE: A7501_RW_PE.DWG

NOT VALID WITHOUT SHEET 1 & 2
SHEET 3 OF 3



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