

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

Continued from August 10, 2004

SUBJECT: LANARK STREET ROW VACATE

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

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Michael Rumer ^{MR} **EXT.** 7337

Agenda Date <u>08/24/04</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 vacating that portion of the unimproved right-of-way of Lanark Street as shown on the plat of Eureka Hammock, as recorded in Plat Book 1 Page 106, of the public records of Seminole County, Florida, Section 23, Township 20S, Range 30E

District 5 – McLain (Michael Rumer, Planner)

This item was continued from the August 10th BCC Meeting.

BACKGROUND:

Greater Construction Corp, a representative for the property owners, is requesting to vacate a 40' wide by approximately 1965.03 foot long section of Lanark Street (approx 1.8 acres) abutting lots 90,91,103 through 110 and lot 115, Eureka Hammock in order to incorporate a portion of the vacated right-of-way into the Lake Jessup Woods subdivision. A portion of the southern 20 feet of the proposed vacate area is intended to contain an eight (8) foot wide equestrian/pedestrian trail to be constructed as part of the Lake Jessup Woods subdivision. All property owners adjacent to the proposed right-of-way vacate area are a party to the application.

The applicants had originally requested to vacate the unimproved right-of-way an additional 330 feet to the east across lots 90&91 intersecting Nolan Rd. Staff asked for a continuance to the meeting in order to secure an easement over the right-of-way to retain the county's interest for a trail and to insure connectivity for the trail system. Staff has received an easement for a trail over the portion of Lanark Street that Lake Jessup Woods subdivision will obtain. Staff did not receive an easement over the remaining 330 foot portion of Lanark Street and is not recommending this portion be vacated.

Letters of no objection have been submitted from applicable utility providers.

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

STAFF RECOMMENDATION:

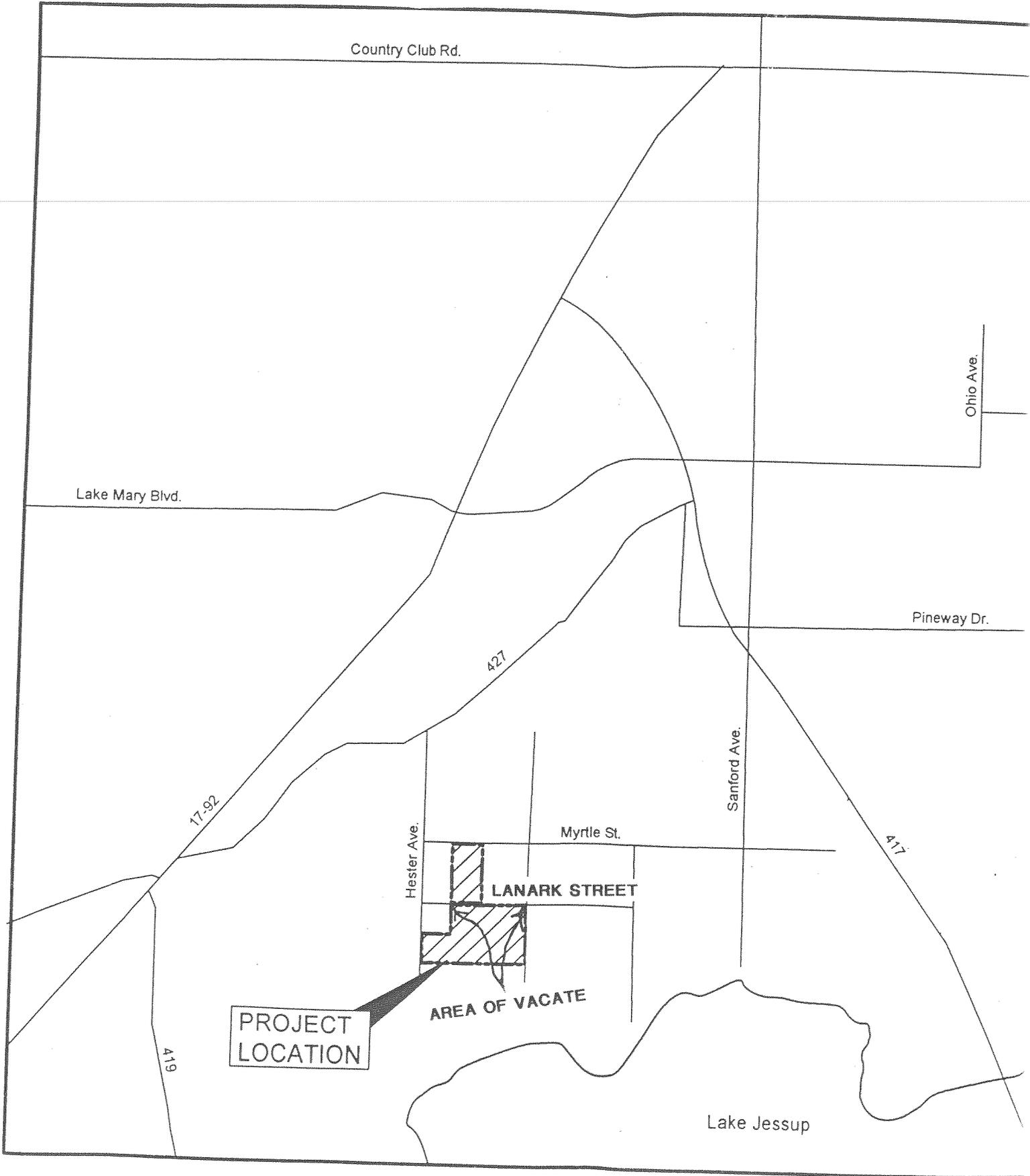
Staff recommends approval of the resolution to vacate the portion of the unimproved right-of-way of Lanark Street excluding the east 330 feet of Lanark Street at Nolan Rd.

District 5 - McLain

Attachments: Location Map

Resolution

Copy of easement



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 24th DAY OF August A.D., 2004.

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

.....

Whereas, a Petition was presented on behalf of

Lake Jessup Woods Partnership consisting of: Robert Hara, Judith Hara, Joseph Hara, Ethel Portnoy, Sharon Habif, Helene Wallenstein, Ethlynn Schorr, and Greta Singer; Ann Esterson and John Giza

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"

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 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.

PASSED AND ADOPTED this 24th day of August A.D., 2004.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

BY:

MARYANNE MORSE
CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

DARYL G. MCLAIN
CHAIRMAN

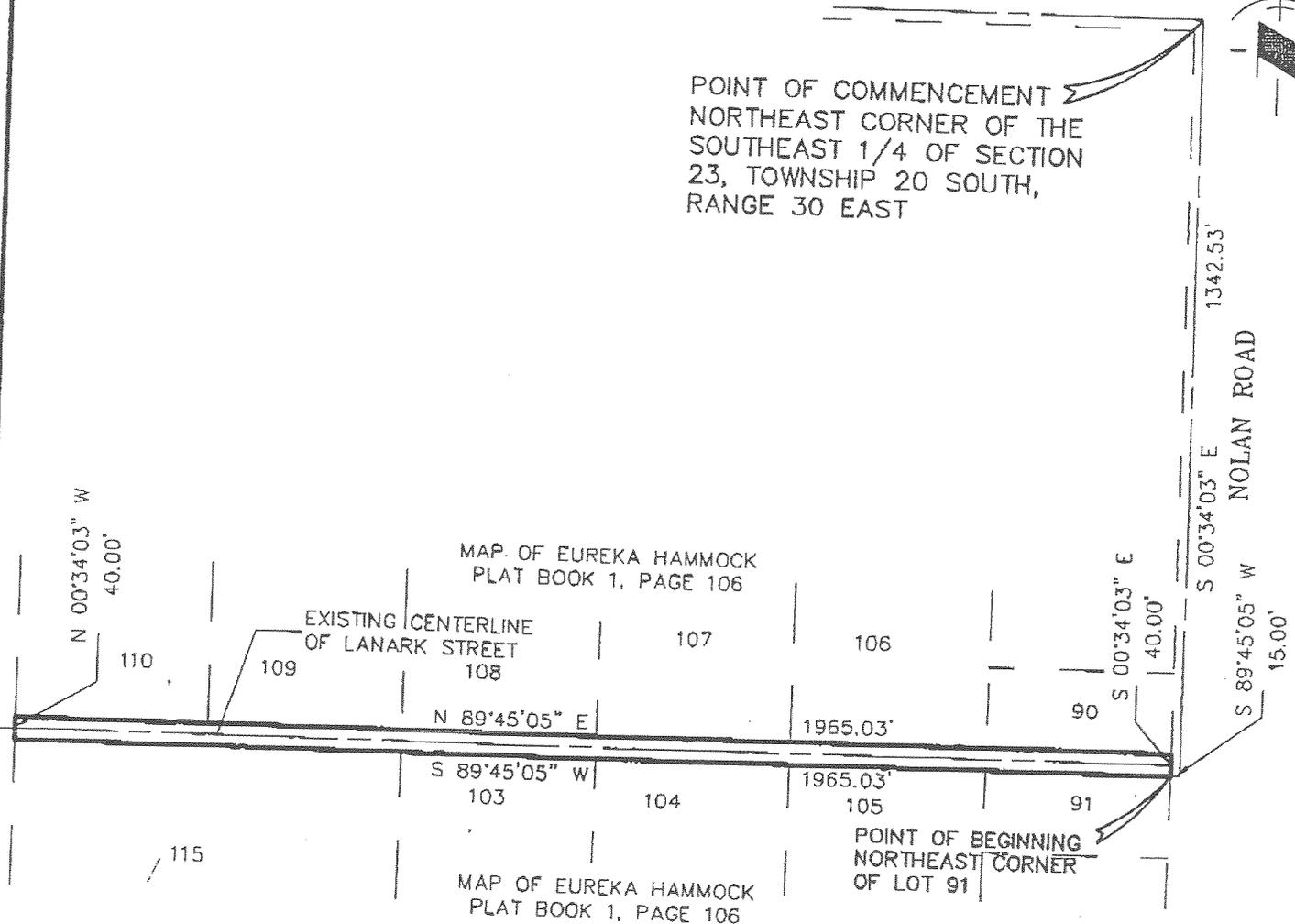
ATTACHMENT "A"

SKETCH OF DESCRIPTION NOT A SURVEY

- 1.) BEARINGS BASED ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 20 SOUTH, RANGE 30 EAST, BEING N 89° 39' 08" E.
- 2.) THIS SURVEY PREPARED WITHOUT BENEFIT OF CURRENT TITLE MATTERS AND IS SUBJECT TO EASEMENTS AND MATTERS OF RECORD.
- 3.) THIS IS NOT A BOUNDARY SURVEY.

SCALE: 1" = 300'

POINT OF COMMENCEMENT
NORTHEAST CORNER OF THE
SOUTHEAST 1/4 OF SECTION
23, TOWNSHIP 20 SOUTH,
RANGE 30 EAST



Tinklepaugh

SURVEYING SERVICES, INC.

379 W. Michigan Street, Suite 208 • Orlando, Florida 32806

Tele. No. (407) 422-0957 Fax No. (407) 422-6916
LICENSED BUSINESS No. 3776

JOB #T04-C41
FILE FOLDER X-7463

LEGAL DESCRIPTION

A parcel of land being a portion of Lanark Street per map of Eureka Hammock, Plat Book 1, Page 106 Public Records of Seminole County, Florida lying in the Southeast 1/4 of Section 23, Township 20 South, Range 30 East and being more particularly described as follows:

Commence at the Northeast Corner of the Southeast 1/4 of said Section 23, Township 20 South, Range 30 East, thence South 00°34'03" East, a distance of 1,342.53 feet; thence South 89°45'05" West a distance of 15.00 feet to the **POINT OF BEGINNING**; said point being the Northeast corner of Lot 91 of said plat; thence Westerly along the Right-of-Way of Lanark Street for a distance of 1,965.03 feet; to the Northwest corner of Lot 115 of said plat; thence North 00°34'03" West, a distance of 40.00 feet to the Southwest corner of 110 of said plat; thence North 89°45'05" East along the North Right-of-Way of Lanark Street, a distance of 1,965.03 feet to the Southeast corner of Lot 90 of said plat; thence South 00°34'03" East, a distance of 40.00 feet to the **POINT OF BEGINNING**.

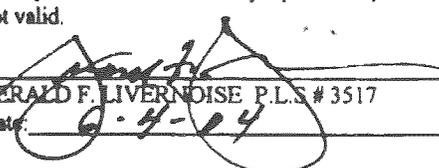
Containing 1.804 acres, more or less.

T04-C41

Prepared by:

Tinklepaugh Surveying Services, Inc.
379 West Michigan Street
Suite 208
Orlando, Florida 32806
(407) 422-0957

This description and the accompanying sketch or sketches has been prepared in accordance with the Standards set forth in Chapter 61G17, F.A.C., pursuant to Chapters 177 and 472, Florida Statutes. Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.


GERALD F. LIVERNOISE P.L.S. # 3517
Date: 6-4-04

This instrument prepared by:

Stephen P. Lee, Esq.
Deputy County Attorney
Seminole County
1101 East 1 Street
Sanford, FL 32771

TRAIL EASEMENT

THIS TRAIL EASEMENT is made and entered into this 11th day of August 2004, by and between LAKE JESSUP WOODS PARTNERSHIP, a general partnership existing under the laws of the State of Florida, and having its principal place of business at 118 N. Wymore Road, Winter Park, Florida 32789, hereinafter referred to as the GRANTOR, 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, GRANTOR does hereby grant and convey to the GRANTEE and its assigns, an easement and right-of-way for the construction and maintenance of a pedestrian and recreational trail, including paving, landscaping and other facilities necessary to utilize the property for trail purposes, with full authority to enter upon, construct, reconstruct and maintain, as the GRANTEE and its assigns may deem necessary, the trail facilities over, under, upon, and through the following-described lands situate in the County of Seminole, State of Florida, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever EXCEPT that this easement shall automatically lapse and be of no further force or effect as to any part of the property described above which may be included in a subdivision plat approved by and recorded in the public records of Seminole County. It is the intent of the parties that a recreational trail facility be located within such a subdivision and future approval of a subdivision plat is expressly conditioned upon inclusion of a recreational trail facility therein.

THE GRANTEE herein and its assigns shall have the right to clear, keep clear, remove from said easement all trees, undergrowth and other obstructions that may interfere with location, excavation, operation or maintenance of the trail facility, and the GRANTOR, its successors and assigns agree not to build, construct or create, or permit others to build, construct or create any building or other structure on said easement that may interfere with the location, excavation, operation or maintenance of the trail.

GRANTOR does hereby covenant with the GRANTEE, that it is lawfully seized and possessed of the real estate above described, that it has a good and lawful right to convey the said easement.

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

WITNESSES

Neil Pearlman

(Signature)

Neil Pearlman

(Printed Name)

Patricia A. Kane

PATRICIA A. KANE

(Printed Name)

LAKE JESSUP WOODS PARTNERSHIP

Robert Hara

Robert Hara, General Partner

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 Robert Hara, General Partner of the LAKE JESSUP WOODS PARTNERSHIP who is well known to me or who produced _____ as identification and who acknowledged before me that he executed the foregoing instrument in his capacity as a general partner, intending to bind the partnership to the terms thereof and for the purposes stated therein.

WITNESS my hand and official seal in the County and State aforesaid this 11th day of August 2004.

Patricia A. Kane

Notary Public, in and for the County and State Aforementioned

My Commission Expires:



Patricia A Kane
My Commission DD007491
Expires March 08, 2005

EXHIBIT "A"

Sheet 1
See Sketch of Description
Included as Attachment "A"

DESCRIPTION

A parcel of land being a portion of Lanark Street per Map of Eureka Hammock, Plat Book 1, Page 106 Public Records Seminole County, Florida lying in the Southeast 1/4 of Section 23, Township 20 South, Range 30 East and being more particularly described as follows:

Commence at the Northeast Corner of the Southeast 1/4 of said Section 23, Township 20 South, Range 30 East, then run South 00°34'03" East, a distance of 1,342.53 feet; then South 89°45'05" West a distance of 330.00 feet to the Point of Beginning; said point being the Northeast corner of Lot 105 of said plat; thence run South 89° 45'05" West along the South Right-of-Way of Lanark Street a distance of 990.02 feet to the Northwest corner of Lot 103 of said plat; thence run North 00°34'03" West a distance of 20.00 feet to the center line of Lanark Street; thence run North 89°45'05" East along said centerline a distance of 990.02 feet; thence run South 00°34'03" East a distance of 20.00 feet to the Point of Beginning.

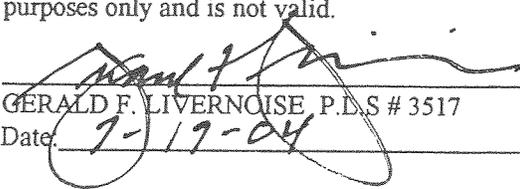
Containing .455 acres, more or less.

T04-C92-A

Prepared by:

Tinklepaugh Surveying Services, Inc.
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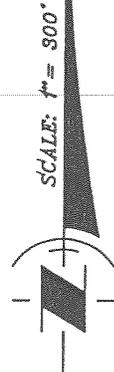

GERALD F. LIVERNOISE, P.L.S # 3517

Date: 7-19-04

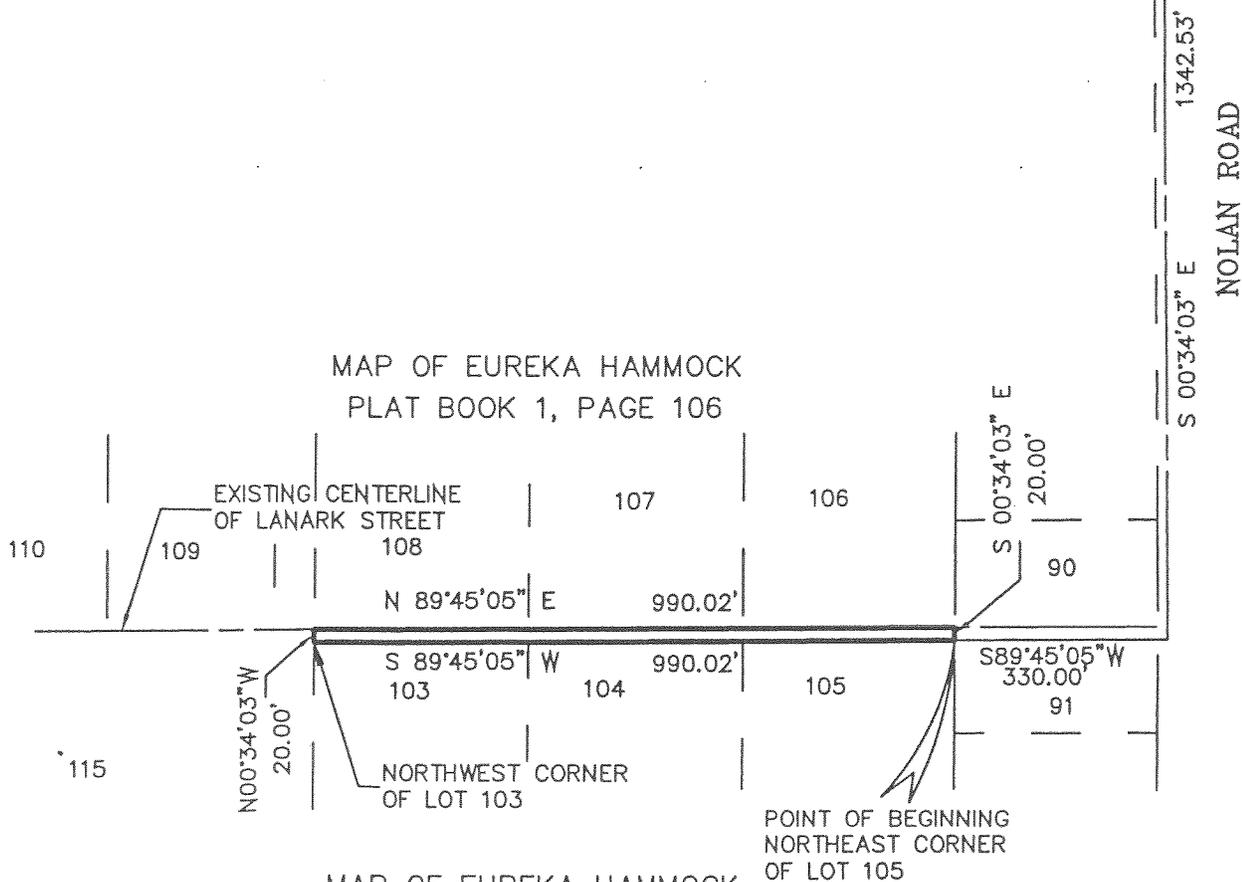
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2.) THIS IS NOT A BOUNDARY SURVEY.



POINT OF COMMENCEMENT
NORTHEAST CORNER OF THE
SOUTHEAST 1/4 OF SECTION 23,
TOWNSHIP 20 SOUTH, RANGE 30 EAST



MAP OF EUREKA HAMMOCK
PLAT BOOK 1, PAGE 106

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PLAT BOOK 1, PAGE 106

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