

Item # 44

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Adopt Resolution to Vacate and Abandon a portion of the unimproved public rights-of-way known as Palm Avenue and Elm Street

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

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

Agenda Date <u>10/11/05</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:

Adopt and authorize the Chairman to execute a resolution to vacate and abandon a portion of the unimproved public rights-of-way known as Palm Avenue and Elm Street as recorded in Plat Book 2, Page 110, O. P. Swope Land Company's Plat of Black Hammock, in Section 26, Township 20 S, Range 31 E, as requested by Arthur Evans, applicant.

District 2 – Morris (Cynthia Sweet, Planner)

BACKGROUND:

Lonnie Groot, representative for the applicant (Arthur Evans) is requesting to vacate and abandon a portion of the unimproved public rights-of-way known as Palm Avenue and Elm Street consisting of approximately 1.85 acres located in Section 26, Township 20 S, Range 31 E and as recorded in Plat Book 2, Page 110, O. P. Swope Land Company's Plat of Black Hammock of the Public Records of Seminole County, Florida.

The applicant stated in his request for vacate that the rights-of-way are "antiquated and obsolescent" and are "more in the nature of agricultural use rights-of-way and not access oriented rights-of-way". Site inspections confirmed that the subject rights-of-way are dirt roads that appear to provide access to orange groves. Vacating of the proposed roads is consistent with the LDC and will not prohibit access to any adjacent properties.

The applicant has provided letters from the applicable utility companies stating "no objections" to the request. In addition, the applicant has voluntarily agreed to dedicate a utility easement over the subject rights-of-way.

Reviewed by: Co Atty: <u>KR</u> DFS: _____ Other: _____ DCM: <u>[Signature]</u> CM: <u>[Signature]</u> File No. <u>ph130pdd03</u>
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The easements have been prepared and executed, and shall be held in escrow until such time as the Board executes this resolution to vacate and abandon the subject portion of the unimproved rights-of-way. The resolution and easement shall subsequently be recorded in the Land Records of Seminole County.

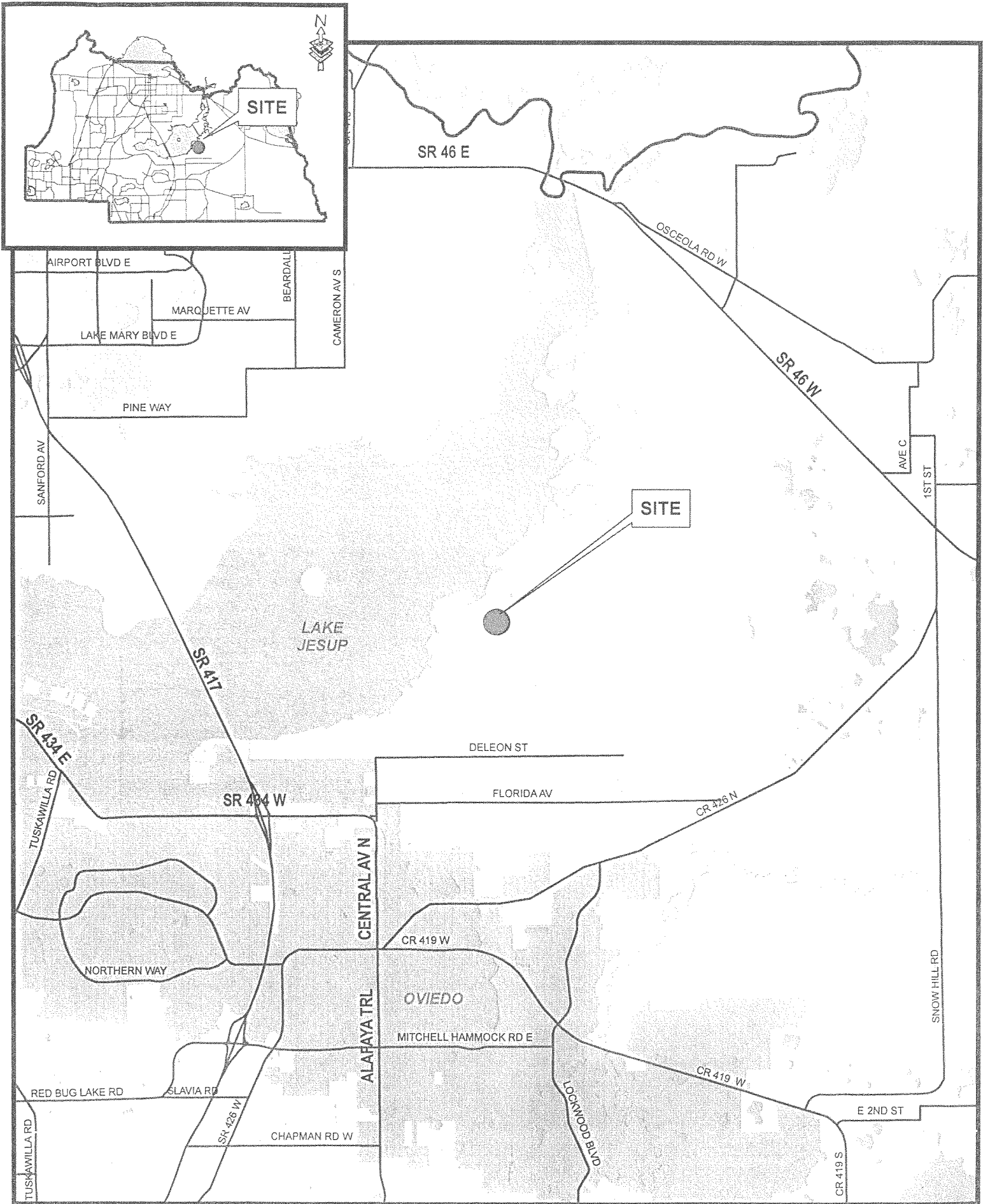
STAFF RECOMMENDATION:

Staff recommends the Board adopt a resolution to vacate and abandon the portions of the unimproved public rights-of-way as requested by the applicant.

District 2 - Morris

Attachments: Location Maps

Resolution



Lake Juggup

2

195.0 196.0 197.0 198.0

193 194 195 196 197 198 199

193.0 195.A 196.A 197.A 198.A

189.0

192

190

121

1

4

5

187.0

PALM AVE

187

188.A 188.0 201.A 201.0

2

7

6A

187.A

SUBJECT R/W

188.A

188 188.0

203.A 203

2A

7A

185.A

185 185.0

204.A 204

3.0

184.A

184 184.0

205.A 205

3

8

CANTON

109

183.A

183 183.0

206.A 206

183.A HOMESITE

110

182.A

182 182.0

207.A 207

111 110.0

181.A

181 181.0

208.A 208

PACKARD AVE

113.0

179.A

113

114

179.B 179.0 180.A 180.0

209

113.A

115

178.A

178 178.0

211.0 211

CANTON



RESOLUTION NO.: 2005-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 October A.D., 2005.

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

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Whereas, a Petition was presented on behalf of
ARTHUR EVANS

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 ATTACHED SKETCH OF DESCRIPTIONS
EXHIBIT A**

Whereas, after due consideration the Board of County Commissioners of Seminole County, Florida, having determined that the abandonment of the above described rights-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 as attached Rights-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 11TH day of October A.D., 2005.

ATTEST: BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA
BY:

MARYANNE MORSE
CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

CARLTON D. HENLEY
CHAIRMAN

THIS SKETCH CONSISTS OF TWO SHEETS &
IS ONLY VALID IN ITS ENTIRETY

SEE SHEET 2 FOR GRAPHICAL DEPICTION

SHEET 1 OF 2

RESERVED FOR RECORDING INFORMATION

EXHIBIT A

Legal Description:

COMMENCING AT THE NORTHEAST CORNER OF LOT 109, O.P. SWOPE LAND COMPANY'S PLAT OF BLACK HAMMOCK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 110, SEMINOLE COUNTY, FLORIDA, RUN N 89°23'04" E, 33.00 FEET, TO THE WEST RIGHT OF WAY LINE OF ELM STREET; THENCE N 00°51'18" W ALONG SAID RIGHT OF WAY LINE, 816.26 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°51'18" W, ALONG SAID RIGHT OF WAY LINE, 503.48 FEET, TO THE SOUTH RIGHT OF WAY LINE OF PALM AVENUE, PER SAID PLAT OF O.P. SWOPE LAND COMPANY'S PLAT OF BLACK HAMMOCK; THENCE S 89°17'37" W, ALONG SAID SOUTH RIGHT OF WAY LINE, 20.00 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE N 00°51'18" W, ALONG SAID WEST RIGHT OF WAY LINE OF ELM STREET, 918.00 FEET TO THE NORTH RIGHT OF WAY LINE OF THE UNNAMED ROAD; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE N 45°00'00" E, ALONG SAID NORTH RIGHT OF WAY LINE, 55.74 FEET TO A POINT ON THE NORTHERLY EXTENSION OF THE EAST RIGHT OF WAY LINE OF THE AFORESAID ELM STREET; THENCE S 00°51'18" E, ALONG SAID EAST RIGHT OF WAY LINE, 931.95 FEET, TO THE NORTH RIGHT OF WAY LINE OF THE AFORESAID PALM AVENUE; THENCE N 89°19'12" E, ALONG SAID NORTH RIGHT OF WAY LINE OF PALM AVENUE, 13.15 FEET; THENCE S 00°50'18" E, ALONG SAID EAST RIGHT OF WAY LINE, 528.38 FEET; THENCE S 89°08'42" W, 33.00 FEET, TO THE POINT OF BEGINNING.

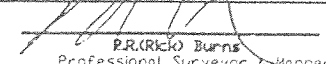

THIS IS NOT A SURVEY

SURVEYOR'S REPORT:

- 1) This is not a Survey.
- 2) Bearings are based on: the West right of way line of Elm street being N 00°51'18" W, per plat.
- 3) Vertical Datum is based on: N/A
- 4) The Surveyor has not abstracted the lands shown hereon for easements and/or rights of way of record.
- 5) No underground installations, foundation footings, or improvements have been located.
- 6) There may be additional restrictions that are not recorded on this sketch that may be found in the public records of this county.
- 7) There may be evidence on the ground of use of the property which might suggest a possible claim of easement other than those shown on the sketch.
- 8) This Sketch was prepared for the identities named hereon and is "nontransferable".
- 9) No improvements have been located as a part of this sketch.

CERTIFICATION:

I hereby certify that the sketch represented on this map was made under my direction on the date shown based on the information furnished to me as noted and conforms to the MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING AND MAPPING IN THE STATE OF FLORIDA in accordance with CH 61G27-6, Florida Administrative Code.

SKETCH OF LEGAL DESCRIPTION	Date:	4/14/04	Revised:	N/A	Drawn by:	XTML/ADP
	Job No.:	02091	Scale:	1" = 200'	Field by:	N/A
For:	LAKE MARY GROVES PARTNERSHIP		LEGEND		 P.R. (Rick) Burns Professional Surveyor & Mapper Florida Registration No. 4702 *Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper*	
	P.O.C. = POINT OF COMMENCEMENT P.O.B. = POINT OF BEGINNING " " " " " "		*Unless Noted Otherwise*		 LAND TECH SURVEYING & MAPPING CORP. 350 S. Central Ave., Oviedo, FL 32765 P.O. Box 621892, Oviedo, FL 32762 Voice (407) 365-1036 Fax (407) 365-1838 Licensed Business to 5777	

SECTION 26, TOWNSHIP 20 SOUTH, RANGE 31 EAST

THIS SKETCH CONSISTS OF TWO SHEETS &
IS ONLY VALID IN ITS ENTIRETY

SEE SHEET 2 FOR GRAPHICAL DEPICTION

SHEET 1 OF 2

RESERVED FOR RECORDING INFORMATION

Legal Description:

COMMENCING AT THE NORTHEAST CORNER OF LOT 109 OF O.P. SWOPE LAND COMPANY'S PLAT OF BLACK HAMMOCK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 110, SEMINOLE COUNTY, FLORIDA, RUN S 89°23'04" W, ALONG THE NORTH LINE OF SAID LOT 109, 1254.53 FEET TO THE EAST RIGHT OF WAY LINE OF CANAL STREET, A 50 FEET RIGHT OF WAY, SAID POINT BEING N 89°23'04" E, 10.00 FEET FROM THE NORTHWEST CORNER OF SAID LOT 109; THENCE DEPARTING SAID NORTH LINE N 00°50'31" W, ALONG THE EAST RIGHT OF WAY LINE OF CANAL STREET, 1318.29 FEET, TO THE SOUTH RIGHT OF WAY LINE OF PALM AVENUE, PER THE AFORESAID PLAT OF O.P. SWOPE LAND COMPANY'S PLAT OF BLACK HAMMOCK, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE DEPARTING SAID EAST RIGHT OF WAY LINE S 89°19'12" W, 50.80 FEET TO THE GOVERNMENT MEANDOR LINE; THENCE N 54°44'54" E, ALONG SAID MEANDOR LINE, 0.97 FEET; THENCE DEPARTING SAID MEANDOR LINE N 00°50'31" W, 19.45 FEET TO THE NORTH RIGHT OF WAY LINE OF SAID PALM AVENUE; THENCE N 89°19'12" E, ALONG SAID NORTH RIGHT OF WAY LINE, 1317.23 FEET TO THE WEST RIGHT OF WAY LINE OF ELM STREET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE S 00°40'48" E, ALONG THE SAID WEST RIGHT OF WAY LINE, 20.00 FEET, TO THE SOUTH RIGHT OF WAY LINE OF THE AFORESAID PALM AVENUE; THENCE S 89°19'12" W, ALONG SAID SOUTH RIGHT OF WAY LINE, 1267.17 FEET, TO THE POINT OF BEGINNING

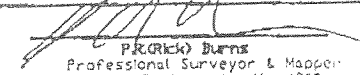

THIS IS NOT A SURVEY

SURVEYOR'S REPORT:

- 1) This is not a Survey.
- 2) Bearings are based on: the South right of way line of Palm Avenue being N 89°19'12" E, per plat.
- 3) Vertical Datum is based on: N/A
- 4) The Surveyor has not abstracted the lands shown hereon for easements and/or rights of way of record.
- 5) No underground installations, foundation footings, or improvements have been located.
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SKETCH OF LEGAL DESCRIPTION	Date:	Revised:	Drawn by:	 P.R. Rick Burns Professional Surveyor & Mapper Florida Registration No. 4702 Not valid without the signature and the original registered seal of a Florida licensed surveyor and mapper.
	1/15/04	N/A	KT/LS	
Form:	Job No.:	Scale:	Field by:	 LAND TECH SURVEYING & MAPPING CORP. 350 S. Central Ave., Oviedo, FL 32765 P.O. Box 621822, Oviedo, FL 32765 Voice (407) 365-1036 Fax (407) 365-1920 Licensed Business No. 5777
LAKE MARY GROVES PARTNERSHIP	02091	1" = 200'	N/A	
LEGEND P.O.C - POINT OF COMMENCEMENT P.O.B - POINT OF BEGINNING - - -				
Unless Noted Otherwise				

SECTION 26, TOWNSHIP 20 SOUTH, RANGE 31 EAST

THIS SKETCH CONSISTS OF TWO SHEETS & IS ONLY VALID IN ITS ENTIRETY

SEE SHEET 1 FOR LEGAL DESCRIPTION

SHEET 2 OF 2

RESERVED FOR RECORDING INFORMATION



ELM STREET

P.O.C.

WEST RIGHT OF WAY LINE

L2

NORTHEAST CORNER OF LOT 109

PALM AVENUE

N 89°19'12" E 1317.23'

NORTH RIGHT OF WAY LINE OF PALM AVENUE

PALM AVENUE

SOUTH RIGHT OF WAY LINE OF PALM AVENUE

N 89°19'12" E 1267.17'

S 89°23'04" W 1254.53'

NORTH LINE OF LOT 109

LOT 109
OP SWOPE LAND COMPANY'S
PLAT OF BLACK HAMMOCK
PLAT BOOK 2, PAGE 110
SEMINOLE COUNTY, FLORIDA

P.O.B.

NORTHWEST CORNER OF LOT 109

N 00°50'31" W 1318.29'

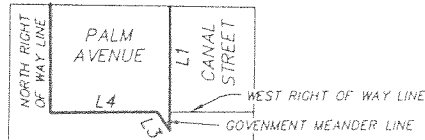
EAST RIGHT OF WAY LINE

L4

WEST RIGHT OF WAY LINE

CANAL STREET

RIGHT OF WAY VARIES



DETAIL (NOT TO SCALE)

LINE TABLE		
LINE	BEARING	LENGTH
L1	S 89°19'12" W	50.80
L2	S 00°40'48" E	20.00
L3	N 54°44'54" E	0.97
L4	N 00°50'31" W	19.45
L5	N 89°23'04" E	10.00

SKETCH OF LEGAL DESCRIPTION

For
LAKE MARY GROVES PARTNERSHIP

Date: 1/15/04

Job No.: 02091

Revised: N/A

Scale: 1" = 200'

Drawn by: XMB

Field by: T/A

Checked by: P.R.B.

LEGEND

P.O.C. = POINT OF COMMENCEMENT

P.O.B. = POINT OF BEGINNING

"

"

"

P.R. Burns
P.R.(Rick) Burns
Professional Surveyor & Mapper
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