

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** Adopt Resolution to vacate and abandon two public rights of way: Pearl Avenue and Lake Street

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

**AUTHORIZED BY:** Donald S. Fisher **CONTACT:** Cynthia Sweet **EXT.** 7443

**Agenda Date** 10/12/2004 **Regular**  **Consent**  **Work Session**  **Briefing**   
**Public Hearing – 1:30**  **Public Hearing – 7:00**

**MOTION/RECOMMENDATION:**

Adopt and authorize the chairman to execute the resolution to vacate and abandon that portion of the public rights of way of Pearl Avenue and Lake Street, as recorded in Plat Book 1, Page 4, Town of Paola, and located in Section 36, Township 19 S, Range 29 E, Sanford, Florida as requested by the applicants, Richard E. and Charlotte P. Gauss, Mari Vogel, and Bernard E. and Jo Lynn Hart.

District 5 – McLain (Cynthia Sweet, Planner) *RH*

**BACKGROUND:**

The applicants, Richard E. and Charlotte P. Gauss, Mari Vogel, and Bernard E. and Jo Lynn Hart are requesting to vacate and abandon the public right of way of Pearl Avenue and that portion of the public right of way of Lake Street consisting of 103,323.48 sq. ft. (2.37 acres) located just north of the Seminole Wekiva Trail, and west side of Orange Boulevard (CR 431) in Section 36, Township 19 S, Range 29 E and as recorded in the Public Records of Seminole County, Florida in Plat Book 1, Page 4, Town of Paola, shown as right of way. Both rights of way are surrounded by the property boundaries of the applicants, with only a small portion of Pearl Avenue opened but not developed to county standards, and are not used by the general public. A large percentage of the platted right of way is in a depressional status and is of no use to the county or the general public.

The applicants have provided letters from the applicable utility companies stating no objections to the request and have voluntarily donated 20' of their property to the county for future road improvements on Orange Boulevard (CR 431). Staff has determined that vacation and abandonment of the subject rights of way will allow the applicants to improve their property boundaries to better meet Seminole County Land Development Code requirements.

**Reviewed by:** \_\_\_\_\_  
**Co Atty:** *[Signature]*  
**DFS:** \_\_\_\_\_  
**Other:** *[Signature]*  
**DCM:** *[Signature]*  
**CM:** *[Signature]*  
**File No.** ph130pdd01

**RECOMMENDATION:**

Staff recommends adoption of the resolution for vacation and abandonment of the two public rights of way as requested by the applicants.

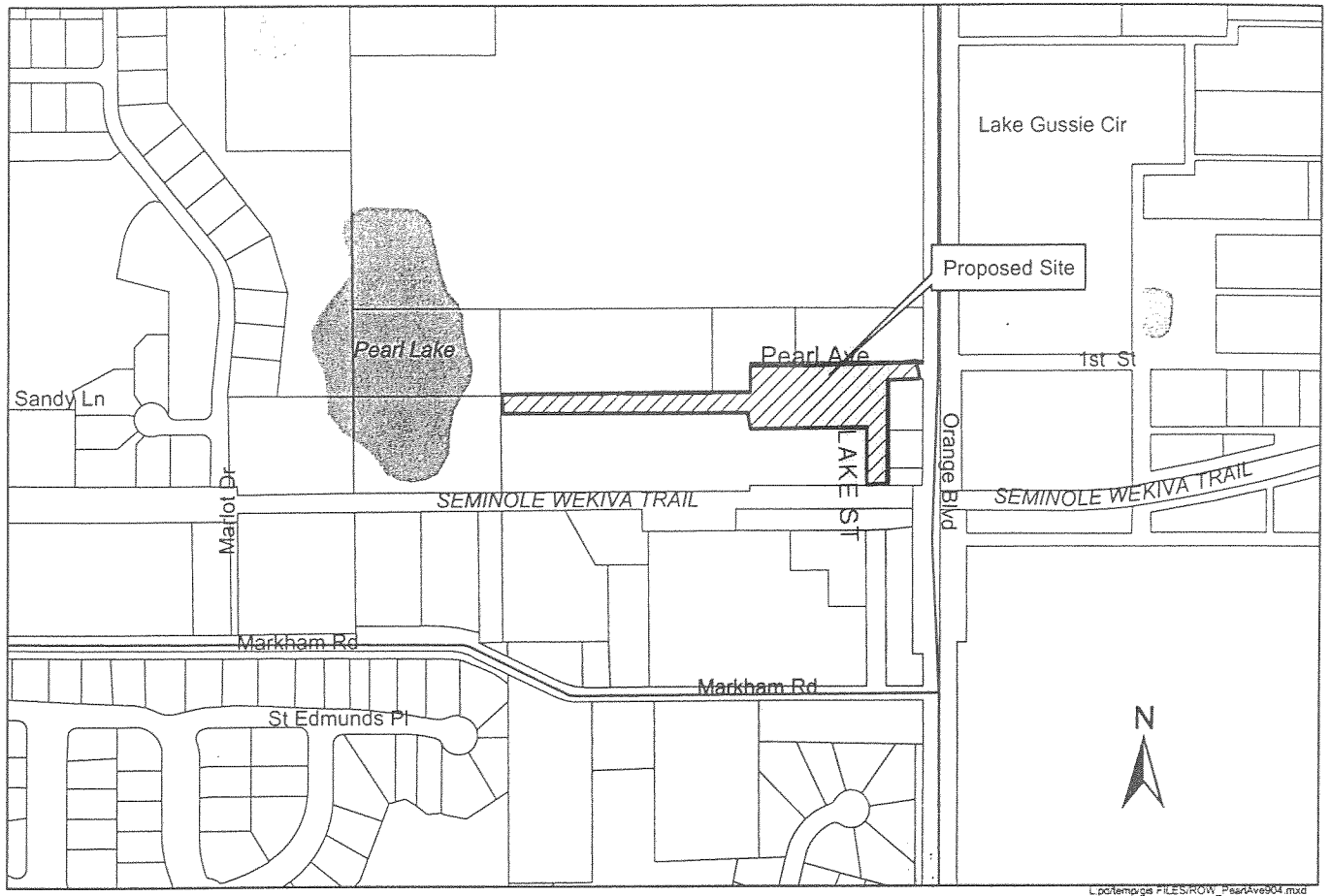
District 5 - McLain

Attachments: Location Map – Exhibit A

Resolution – Exhibit B

Sketch of Description – Exhibit C

Warranty Deeds for Right of way – Exhibit D



LOCATION MAP

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 12<sup>TH</sup> DAY OF OCTOBER A.D., 2004.

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

.....

**Whereas, a Petition was presented on behalf of**

RICHARD E. and CHARLOTTE P. GAUSS, MARI VOGEL, and BERNARD E. and JO LYNN HART

\_\_\_\_\_

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 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 12<sup>TH</sup> day of OCTOBER 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

# EXHIBIT "A"

## SKETCH OF DESCRIPTION

of

## PROPOSED RIGHT-OF-WAY TO BE VACATED

### Legal Description

All of that part of the TOWN OF PAOLA, according to the Plat thereof as recorded in Plat Book 1, Page 4, of the Public Records of Seminole County, Florida shown as Right-of-way, being more particularly described as follows:

BEGINNING at the Southeast Corner of Lot 5, Block A, TOWN OF PAOLA, according to the Plat thereof as recorded in Plat Book 1, Page 4, of the Public Records of Seminole County, Florida, thence run N.00°00'50"W., along the East Line of said Lot 5, a distance of 81.00 feet to the Southwest Corner of Lot 4, said Block A; thence run N.89°53'07"E. a distance of 422.32 feet to the Southeast Corner of Lot 1, said Block A, said Point being on the West Right-of-way Line of Orange Boulevard (State Road 431); thence run S.00°00'03"E., along said West Right-of-way Line, a distance of 40.00 feet to the Northeast Corner of Lot 1, Block C, said TOWN OF PAOLA; thence run S.89°53'07"W. a distance of 69.88 feet to the Northwest Corner of said Lot 1; thence run S.00°01'06"E. a distance of 283.70 feet to the Southwest Corner of Lot 2, said Block C; thence run S.89°45'52"W. 45.00 feet to the Southeast Corner of Lot 11, Block B, said TOWN OF PAOLA; thence run N.00°01'06"W. a distance of 150.00 feet to the Northeast Corner of Lot 1, said Block B; thence run S.89°45'52"W. a distance of 307.44 feet to the Northwest Corner of Lot 3, said Block B; thence run N.00°00'50"W. a distance of 44.44 feet to the Northeast Corner of Lot 4, said Block B; thence run S.89°46'37"W. a distance of 662.71 feet to the Northwest Corner of Lot 9, said Block B; thence run N.00°14'10"E. 48.90 feet to the Southeast Corner of Lot 10, Block A, said TOWN OF PAOLA; thence run N.89°46'37"E. a distance of 662.43 feet to the Point of Beginning.

LESS THE EAST 20.00 FEET OF PEARL AVENUE

### SURVEY NOTES:

- 1) This is not a Boundary Survey, just a "Sketch" of the above Legal Description.
- 2) Bearings shown hereon are based on the North Line of Block A being N.89°51'01"W. (assumed)

### SURVEYOR'S CERTIFICATE

This is to certify that this "SKETCH OF DESCRIPTIONS" of the above-described property and the plat hereon delineated is an accurate representation of the same. I further certify that this survey meets the Minimum Technical standards set forth by the Florida Board of Surveyors and Mappers pursuant to Chapter 61G17-06 of the Florida Administrative Code pursuant to Section 472.027 of the Florida Statutes.



### KITNER SURVEYING

R. BLAIR KITNER – P.S.M. No. 3382

P. O. Box 823 – Sanford, Florida 32772- (407) 322-2000

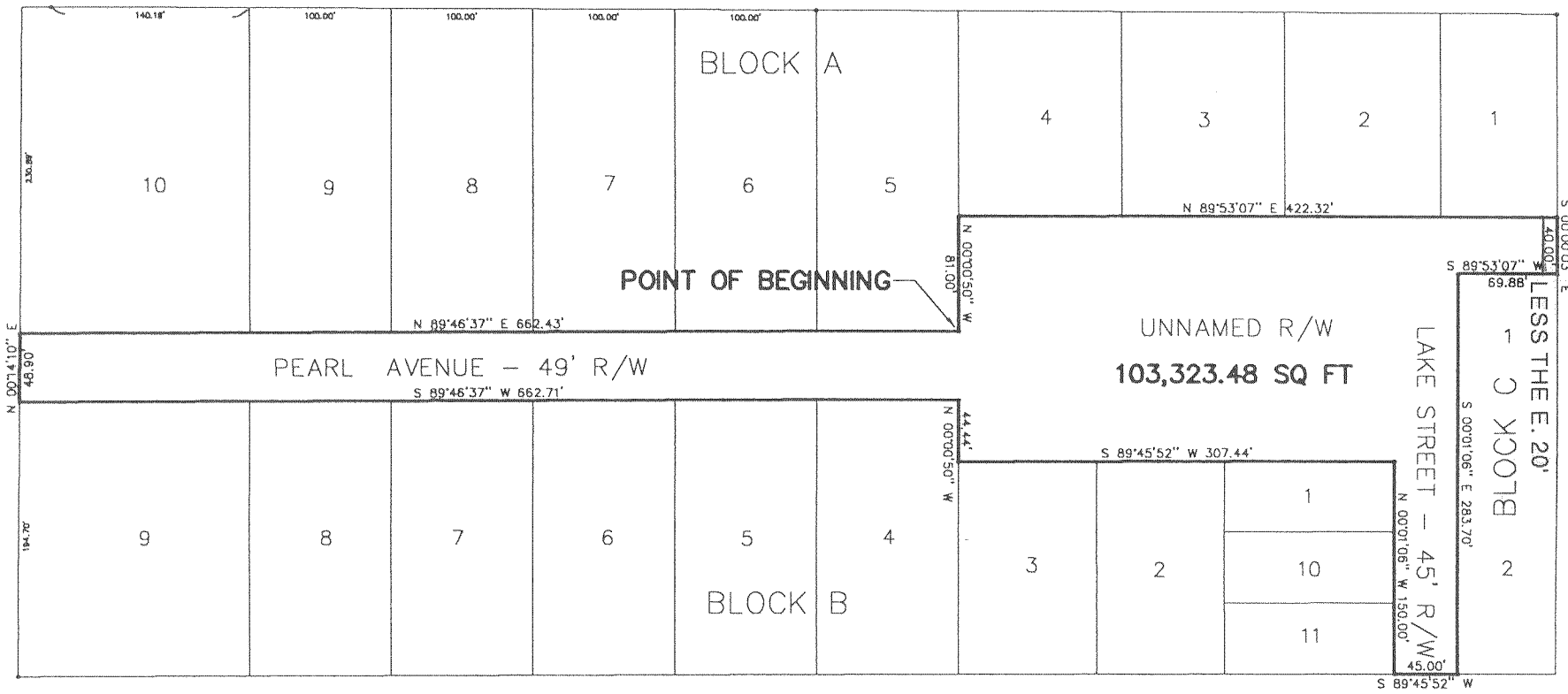
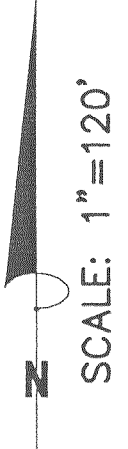
Prepared on: 11 May 2004

Not valid without raised seal of Surveyor

SHEET 1 OF 2  
PROJ. NO. 04-160 (A)

EXHIBIT C

# SKETCH OF DESCRIPTION OF PROPOSED R/W TO BE VACATED



# WARRANTY DEED

This instrument prepared by:

R. E. Gauss  
1000 Terra Bona Ct.  
Lake Mary, Fl., 32746

Return To: Above address

Property Appraisers Parcel Identification Number:

36-19-29-502-0C00-0020

Grantees S.S. #'s      364-32-3716 (Richard)

408-58-0363 (Charlotte)

**THIS WARRANTY DEED** made the \_\_\_ day of \_\_\_, 2004 by **Richard E. Gauss and Charlotte P. Gauss** whose street address is **1000 Terra Bona Ct., Lake Mary, Fl., 32746**, hereinafter called the grantor to **Seminole County, Florida** whose street address is **1101 E. First St., Sanford, Fl. 32771**, hereinafter called the grantee:

(Whenever used herein the terms "grantor" and "grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations)

**WITNESSETH**, that the grantor, for in and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, releases, remisses, releases, conveys and confirms unto the grantee all that certain land situate in **SEMINOLE** County, State of **Florida**, is:

**The East 20 feet of the South 46 feet of Lot 2, LESS the East 17.5 feet, Block C, Plat of the TOWN OF PAOLA, also Less Road Right-of-Way, according to the Plat thereof as recorded in Plat Book 1, Page 4, of the Public Records of Seminole County, Florida.**

Together, with all tenements, herditaments and appurtenances thereto belonging or otherwise appertaining,

**To Have and to Hold**, the same in fee simple forever.

And the grantor hereby conveys with the grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31st, 2004. **FURTHER SUBJECT TO** restrictions, reservations, covenants and easements of record, if any, however this reference shall not operate to reimpose same.

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Signature Sherrifurst  
Printed Signature Sherrifurst

Signature Sherrifurst  
Printed Signature Sherrifurst

Richard E. Gauss  
Richard E. Gauss

Charlotte P. Gauss  
Charlotte P. Gauss

**STATE OF FLORIDA / COUNTY OF SEMINOLE**

The foregoing instrument was acknowledged before me this 21 day of SEP by **Richard E. Gauss And Charlotte P. Gauss, husband and wife, who personally produced Florida Drivers License** as identification and who did/did not take a oath.

Barbara J. Harbin  
Notary Public      My commission expires 4/29/06

(Seal)



Barbara J Harbin  
My Commission DD112580  
Expires April 29, 2006

THIS INSTRUMENT PREPARED BY:  
Harry G. Reid, III  
1120 W. First Street, Suite B  
Sanford, FL 32771

QUIT CLAIM DEED

Wherever used herein, the term "party" shall include the heirs, personal representatives, successors and/or assigns of the respective parties hereto; the use of the singular number shall include the plural, and the plural the singular; the use of any gender shall include all genders; and, if used, the term "note" shall include all the notes herein described if more than one.

Made this 22 day of Sept, A.D., 2004

BETWEEN, MARI VOGEL, a single person, of the County of Seminole, State of Florida, party(s) of the first part, and SEMINOLE COUNTY, FLORIDA, party(s) of the second part whose mailing address is: 1101 E. First Street, Sanford, FL 32771, party of the second part,

WITNESSETH, that the said party(s) of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION, in hand paid by the said party(s) of the second part, the receipt whereof is hereby acknowledged, has remised, released and quitclaimed, and by these presents does remise, release and quitclaim unto the said party of the second part all the right, title, interest, claim and demand which the said party of the first part has in and to the following described parcel of land, situate lying and being in the County of Seminole, State of Florida, to wit:

The East 20 feet of Lot 1, Block "A", TOWN OF PAOLA, according to the map or plat thereof as recorded in Plat Book 2, Page 98, Public Records of Seminole County, Florida, for road Right-of-Way.

Together, with all tenements, herditaments and appurtenances thereto belonging or otherwise appertaining.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part.

IN WITNESS WHEREOF, the said party(s) of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

[Signature]  
Witness: Harry G. Reid  
Barbara Goeftz  
Witness: Barbara Goeftz

[Signature] (SEAL)  
Mari Vogel  
P.O. Box 950310  
Lake Mary, FL 32746

STATE OF FLORIDA  
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 22 day of Sept, 2004, by Mary Vogel, who () is personally known to me, or who () has produced \_\_\_\_\_ as identification.

[Signature]  
Print Name: Harry G. Reid  
Notary Public  
State of Florida at Large  
My Commission Expires: 4/20/2006

The preparer of this instrument has not rendered a title opinion or issued any title insurance on the property described herein, the legal description being provided by the parties herein and the parties being responsible for the consideration changing hands.