

Item # 59

SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM

**SUBJECT:** Adopt Resolution to vacate and abandon a portion of the public right of way of Banana Lake Road for Lakeview Estates, LLC

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

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

<b>Agenda Date</b> <u>11/9/2004</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/>
<b>Public Hearing – 1:30</b> <input checked="" type="checkbox"/> <b>Public Hearing – 7:00</b> <input type="checkbox"/>

**MOTION/RECOMMENDATION:**

Adopt and authorize the chairman to execute the resolution to vacate and abandon that portion of the public right of way known as Banana Lake Road, as recorded in Plat Book 4, Page 72 of the Public Records of Seminole County, Florida; in Section 1, Township 20 South, Range 29 East and in Section 6, Township 20 South, Range 30 East, as requested by the applicant, Lakeview Estates, LLC (Meredith H. Pickens, Esquire, applicant's representative).

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

**BACKGROUND:**

Meredith H. Pickens, Esquire, representative for the applicant, Lakeview Estates, LLC, is requesting to vacate and abandon that portion of the public right of way known as Banana Lake Road consisting of 16,311 sq. ft. (.374 acres, more or less) located south of CR 46A (Paola Road) and northwesterly of AAA Drive in Section 1, Township 20 South, Range 29 East and in Section 6, Township 20 South, Range 30 East, as recorded in Plat Book 4, Page 72 of the Public Records of Seminole County, Florida.

On July 23, 2002, BCC approved Resolution N0. 2002-R-122 to vacate that portion of Banana Lake Road right of way located directly south of this proposed area. Vacating and abandonment of the public right of way is needed to close off that segment of the right of way for development of a single family residential subdivision proposed as Lakeview Estates with access to the subdivision through the proposed townhomes site proposed as Lakeview at Heathrow off of AAA Drive. As part of the subdivision improvements, the applicant will provide a turn around at the dead end of Banana Lake Road for that section of the public right of way for the general public use.

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

The applicant has voluntarily agreed to dedicate a 22' wide utility easement over the most easterly portion of the existing right of way and has agreed to dedicate a drainage easement to the county to accommodate the existing services. Also, the applicant has provided letters from the applicable utility companies and the city of Lake Mary stating no objections to the request. Staff has determined that vacation and abandonment of the subject right of way will allow the applicant to improve their property to better meet Seminole County Land Development Code requirements.

**STAFF RECOMMENDATION:**

Staff recommends adoption of the resolution for vacation and abandonment of the public right of way as requested by the applicant subject to dedication of a utility and drainage easement over the existing services.

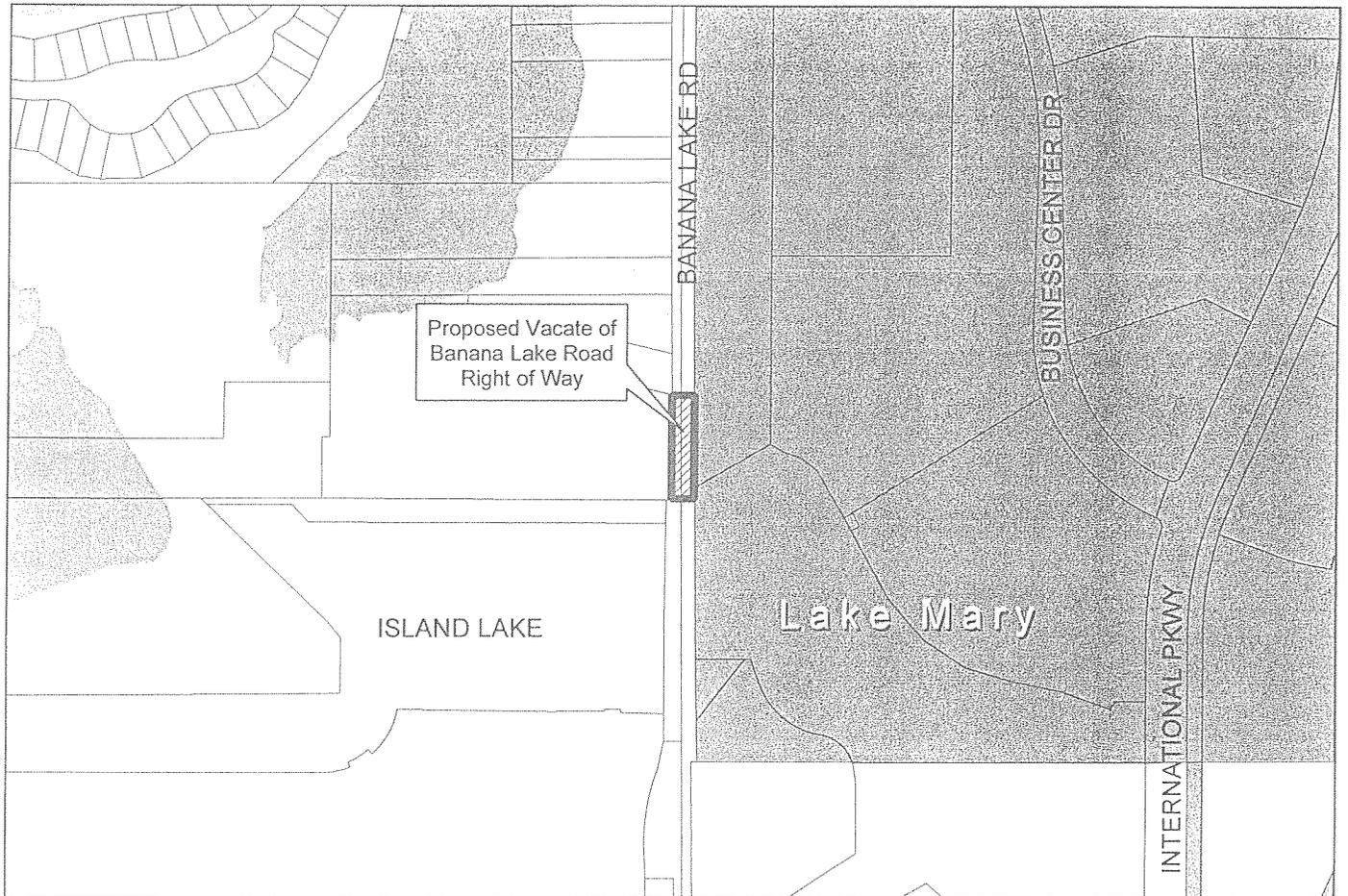
District 5 - McLain

Attachments: Location Map – Exhibit A

Resolution and Sketch of Description – Exhibit B

Easements for Drainage and Utilities – Exhibit C

BANANA LAKE ROAD RIGHT OF WAY  
VACATE FOR LAKEVIEW ESTATES, LLC



Lpd\temp\gis FILES\ROW\_PearlAve904.mxd

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 9th DAY OF November A.D., 2004.

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

.....

Whereas, a Petition was presented on behalf of  
**Lakeview Estates, LLC**

to the Board of County Commissioners of Seminole County, Florida, requesting the closing, vacating and abandoning of the following described right-of-way, to:

A PORTION OF BANANA LAKE ROAD, BEING A 66.00 FOOT WIDE RIGHT-OF-WAY, LOCATED IN SECTION 1, TOWNSHIP 20 SOUTH, RANGE 29 EAST AND IN SECTION 6, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA; AND FURTHER DESCRIBED ON THE 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.

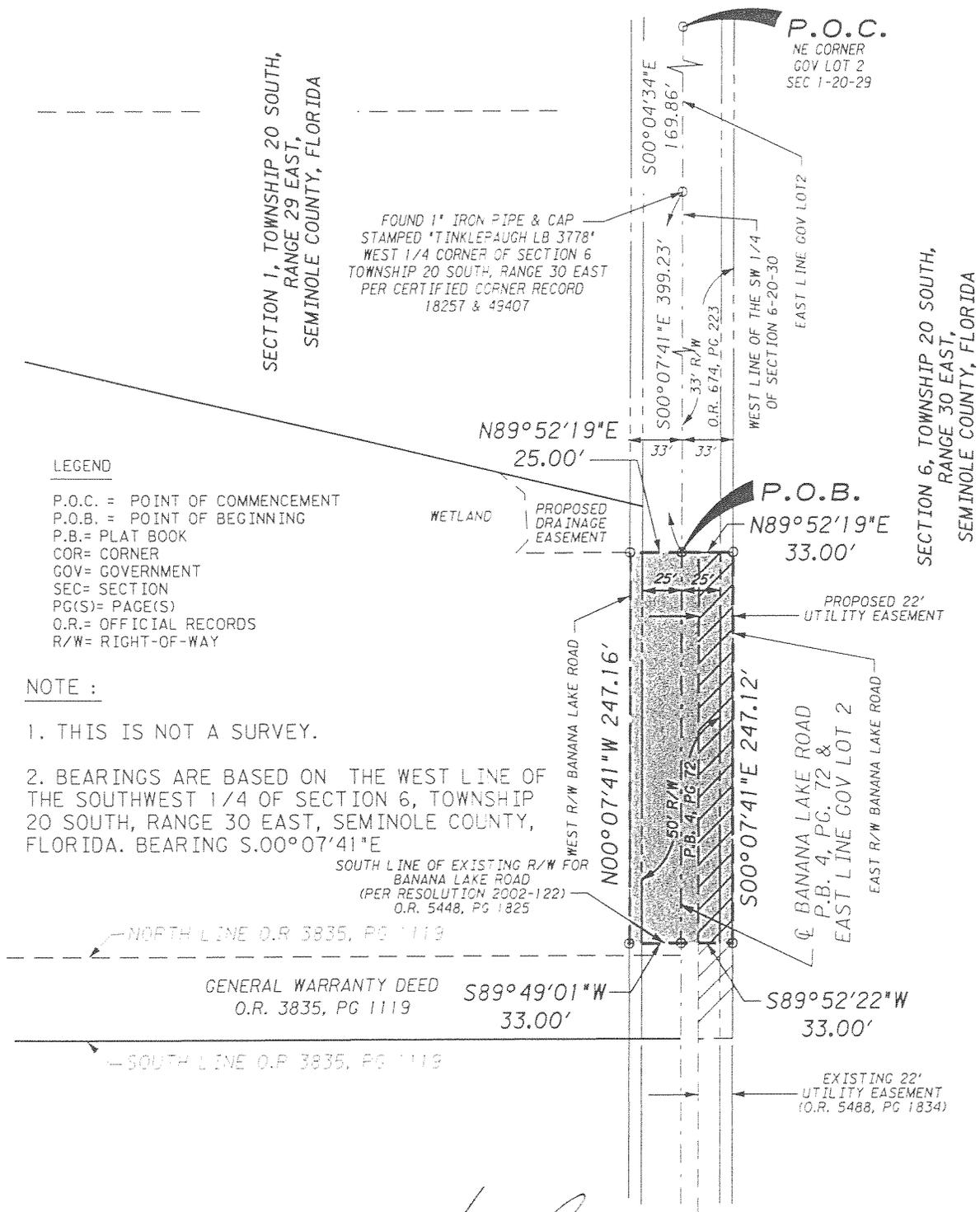
PASSED AND ADOPTED this 9th day of November A.D., 2004.

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

MARYANNE MORSE  
CLERK OF THE CIRCUIT COURT  
SEMINOLE COUNTY, FLORIDA

DARYL G. MCLAIN  
CHAIRMAN

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
 VACATION OF A PORTION OF BANANA LAKE ROAD



LEGEND

- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- P.B.= PLAT BOOK
- COR= CORNER
- GOV= GOVERNMENT
- SEC= SECTION
- PG(S)= PAGE(S)
- O.R.= OFFICIAL RECORDS
- R/W= RIGHT-OF-WAY

NOTE :

1. THIS IS NOT A SURVEY.
2. BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA. BEARING S.00°07'41"E

SOUTH LINE OF EXISTING R/W FOR BANANA LAKE ROAD (PER RESOLUTION 2002-122) O.R. 5448, PG 1825



482 South Keller Road  
 Orlando, Florida 32810-6101  
 Tel: 407/647-7275 Certificate No. LB 24

*[Signature]* 9/30/04  
 J. Vance Carper, Jr. PSM  
 Professional Surveyor and Mapper  
 Florida Certificate No. 3598

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL PAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Date: 9/30/04  
 Scale: 1" = 100'  
 Job No.: 071358.04  
 F.B.: N/A  
 Drawn By: PHM  
 Ckd. By:  
 Sheet 1 of 2

W:\Colonial\Colonial\Sketches\sketches\093004\vacoflrm.dwg 30-SEP-2004 15:15

**LEGAL DESCRIPTION TO ACCOMPANY SKETCH**

*VACATION OF A PORTION OF BANANA LAKE ROAD*

*BEING A 66.00 FOOT WIDE RIGHT-OF-WAY, LOCATED IN SECTION 1, TOWNSHIP 20 SOUTH, RANGE 29 EAST AND IN SECTION 6, TOWNSHIP 20 SOUTH, RANGE 30 EAST SEMINOLE COUNTY, FLORIDA.*

*LEGAL DESCRIPTION*

*A portion of Banana Lake Road, a 66.00 foot wide Right-of-Way, being part of the East 33 feet of the Government Lot 2 of Section 1, Township 20 South, Range 29 East; and part of the West 33 feet of the North 1/2 of the Southwest 1/4 of Section 6, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:*

*Commence at Northeast corner of Government Lot 2 of Section 1, Township 20 South, Range 29 East, Seminole County, Florida, said corner being a point on the centerline of Banana Lake Road as shown on the plat thereof as recorded in Plat Book 4, Page 72 of the Public Records of Seminole County, Florida; thence S.00°04'34"E., along said centerline and along the East line of said Government Lot 2 for 169.86 feet to a 1" iron pipe with cap stamped "Tinklepaugh LB 3778" at the West 1/4 corner of Section 6, Township 20 South, Range 30 East, Seminole County, Florida; thence S.00°07'41"E. along said centerline and along said East line of Government Lot 2 for 399.23 feet to the POINT OF BEGINNING; thence N.89°52'19"E. for 33.00 feet to the East right-of-way line of Banana Lake Road as described in Official Records Book 674, Page 223 of said Public Records of Seminole County, Florida; thence S.00°07'40"E. along said East right-of-way line for 247.12 feet more or less to a point on the South line of the existing right-of-way for Banana Lake Road as described in Seminole County's Resolution 2002-R-122 recorded in Official Records Book 5448, Page 1825 of said Public Records of Seminole County; thence S.89°52'22"W. along said South line for 33.00 feet; thence S.89°49'01"W. along said South line for 33.00 feet to the West right-of-way line of Banana Lake Road; thence N.00°07'41"W. along said West right-of-way line for 247.16 feet; thence N.89°52'19"E. for 33.00 feet to the POINT OF BEGINNING.*

*Containing 16311 square feet ( .374 acres), more or less.*

w:\Colonial\Colonial\Sketches\sketches\03\004\vacation.dgn 30-SEP-2004 13:51



482 South Keller Road  
Orlando, Florida 32810-6101  
Tel: 407/647-7275 Certificate No. LB 24

Date: 9/30/04  
Scale: N/A  
Job No.: 071358.04  
F.B.: N/A  
Drawn By: PMM  
Ckd. By: \_\_\_\_\_  
Sheet 2 of 2

This instrument prepared by  
and should be returned to:  
Meredith H. Pickens, Esq.  
Shutts & Bowen LLP  
300 South Orange Avenue, Suite 1000  
Orlando, Florida 32801

**UTILITY EASEMENT**

**THIS UTILITY EASEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between **LAKEVIEW AT HEATHROW, LLC**, a Florida limited liability company, having its principal place of business at 1053 Maitland Center Commons Boulevard, Suite 202 Maitland, Florida 32751, 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**.

**WITNESSETH:**

**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, a nonexclusive easement and right-of-way for utility purposes, with full authority to enter upon, excavate, construct and maintain, as the GRANTEE and its assigns may deem necessary, water pipes, sewer pipes, reclaimed water pipes, gas pipes and mains, under, upon and through the lands situate in the County of Seminole, State of Florida, more particularly described on attached **Exhibit "A"**.

**TO HAVE AND TO HOLD** said easement and right-of-way unto said GRANTEE and its assigns forever.

Signed in the presence of:

**"GRANTOR"**

\_\_\_\_\_  
Witness

**LAKEVIEW AT HEATHROW, LLC,**  
a Florida limited liability company

\_\_\_\_\_  
Print Name

By: \_\_\_\_\_

\_\_\_\_\_  
Witness

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Print Name

Title: \_\_\_\_\_

STATE OF \_\_\_\_\_ )

)

COUNTY OF \_\_\_\_\_)

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2004, by \_\_\_\_\_, the \_\_\_\_\_ of Lakeview at Heathrow, LLC, a Florida limited liability company, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

NOTARY PUBLIC

Typed or Printed Name of Notary

My commission expires:

Serial No., if any?:

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

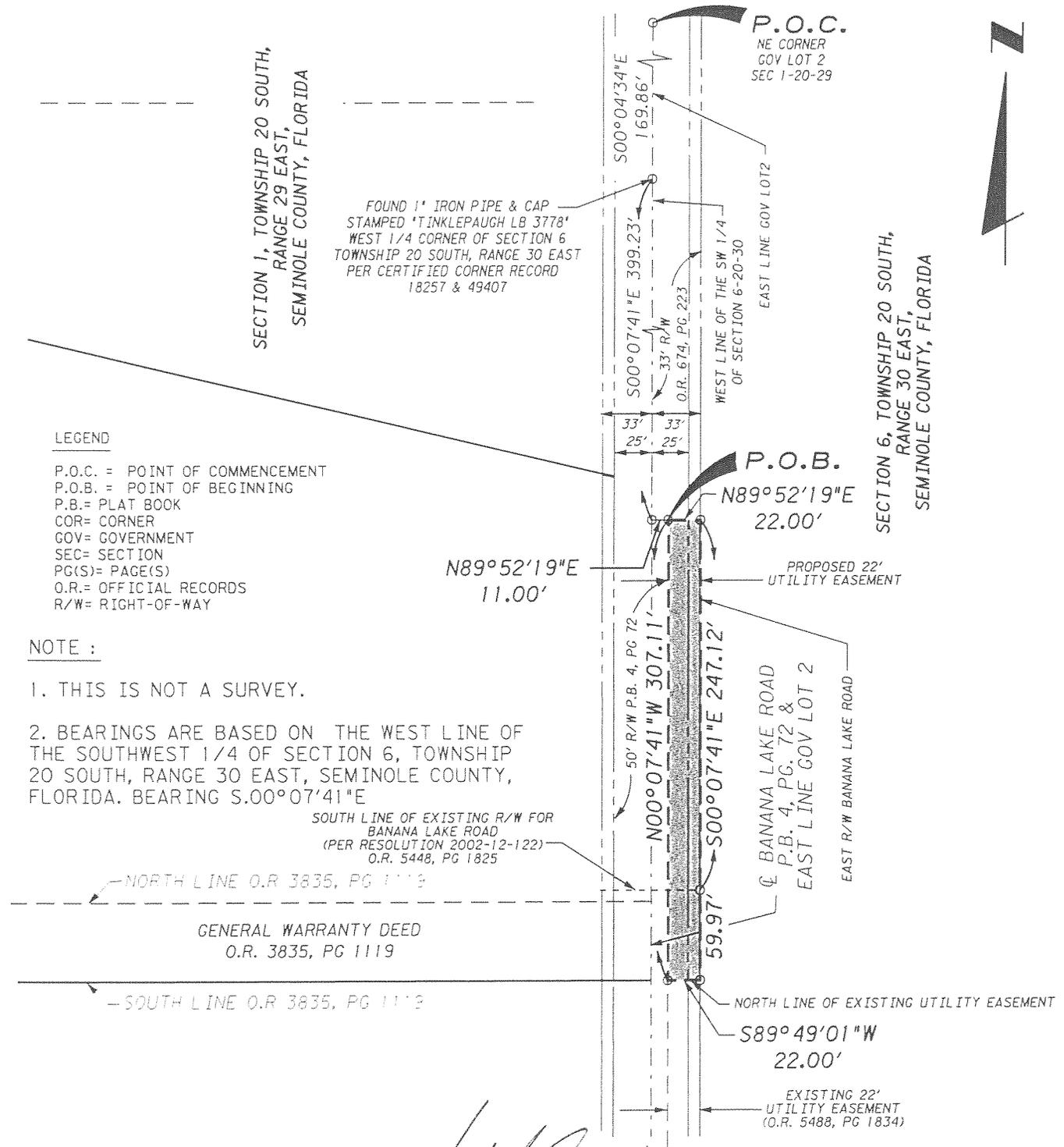
BEING A 22.00 FOOT WIDE PROPOSED EASEMENT, LOCATED IN SECTION 6, TOWNSHIP 20 SOUTH, RANGE 30 EAST SEMINOLE COUNTY, FLORIDA.

A portion of Banana Lake Road, being part of the West 33 feet of the North 1/2 of the Southwest 1/4 of Section 6, Township 20 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at Northeast corner of Government Lot 2 of Section 1, Township 20 South, Range 29 East, Seminole County, Florida, said corner being a point on the centerline of Banana Lake Road as shown on the plat thereof as recorded in Plat Book 4, Page 72 of the Public Records of Seminole County, Florida; thence S.00°04'34"E., along said centerline and along the East line of said Government Lot 2 for 169.86 feet to a 1" iron pipe with cap stamped "Tinklepaugh LB 3778" at the West 1/4 corner of Section 6, Township 20 South, Range 30 East, Seminole County, Florida; thence S.00°07'41"E. along said centerline and along said East line of Government Lot 2 for 399.23 feet; thence N.89°52'19"E. for 11.00 feet to the POINT OF BEGINNING; thence continue N.89°52'19"E. for 22.00 feet to the East right-of-way line of Banana Lake Road; thence S.00°07'41"E. along said East right-of-way line for 247.12 feet to a point on the South line of the Existing Right-of-Way for Banana Lake Road as described in Seminole County's Resolution 2002-122 recorded in Official Records Book 5448, Page 1825 of said public records of Seminole County; thence continue S00°07'41"E for 59.97 to the North line of an existing utility easement as recorded in Official Records Book 5448, Page 1834 of said Public Records of Seminole County; thence S.89°49'01"W. along said North line for 22.00 feet; thence N.00°07'41"W. for 307.11 feet to the POINT OF BEGINNING.

Containing 6756 square feet, more or less.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
PROPOSED UTILITY EASEMENT



*J. Vance Carper, Jr.* 9/30/04  
J. Vance Carper, Jr. PSM  
Professional Surveyor and Mapper  
Florida Certificate No. 3598

Date: 9/30/04  
Scale: 1" = 100'  
Job No.: 071358.04  
F.B.: N/A  
Drawn By: PMM  
Ckd. By:  
Sheet 1 of 2

**PBS&J**  
482 South Keller Road  
Orlando, Florida 32810-6101  
Tel: 407/647-7275 Certificate No. LB 24

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

#:\Colonial\Colonial\Sketches\Lake\Lake\073004\073004.dwg 30 Sep 2004 14:15

Prepared by and should be returned to:  
Meredith H. Pickens, Esq.  
Shutts & Bowen LLP  
300 South Orange Avenue, Suite 1000  
Orlando, Florida 32801  
(407) 423-3200

## **DRAINAGE EASEMENT**

**THIS DRAINAGE EASEMENT** is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between **LAKEVIEW AT HEATHROW, LLC**, a Florida limited liability company, having its principal place of business at 1053 Maitland Center Commons Boulevard, Suite 202 Maitland, Florida 32751, 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**.

### **WITNESSETH:**

**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, a perpetual and permanent drainage easement and right-of-way for drainage purposes, with full authority to enter upon, excavate, construct and maintain, as the **GRANTEE** and its assigns may deem necessary, a drainage system consisting of pipes, ditches, detention, percolation or disposal areas or any combination thereof, together with appurtenant drainage structures, over, under, upon, and through the following-described lands situate in the County of Seminole, State of Florida, more particularly described on attached Exhibit "A".

**TO HAVE AND TO HOLD** said drainage easement and right-of-way unto said **GRANTEE** and its assigns forever.

**THE GRANTEE** herein and its assigns shall have the right to clear, keep clear and remove from said drainage easement and right-of-way all trees, undergrowth, and other obstructions that may interfere with location, excavation, operation or maintenance of the drainage or any structures installed thereon by the **GRANTEE** and its assigns, and the **GRANTOR**, its successors and assigns agree not to build, construct or create, or permit others to build, construct or create any buildings or other structures on said right-of-way that may interfere with the location, excavation, operation or maintenance of the drainage or any structures installed thereon.

Signed in the presence of:

**“GRANTOR”**

\_\_\_\_\_  
Witness

**LAKEVIEW AT HEATHROW, LLC,**  
a Florida limited liability company

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Witness

By: \_\_\_\_\_

\_\_\_\_\_  
Print Name

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF FLORIDA        )

)

COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2004,  
by \_\_\_\_\_, the \_\_\_\_\_ of Lakeview at Heathrow,  
LLC, a Florida limited liability company, who is personally known to me or who has produced  
\_\_\_\_\_ as identification and who did/did not take an oath.

NOTARY PUBLIC

Typed or Printed Name of Notary

My commission expires:

Serial No., if any?:

**EXHIBIT "A"**

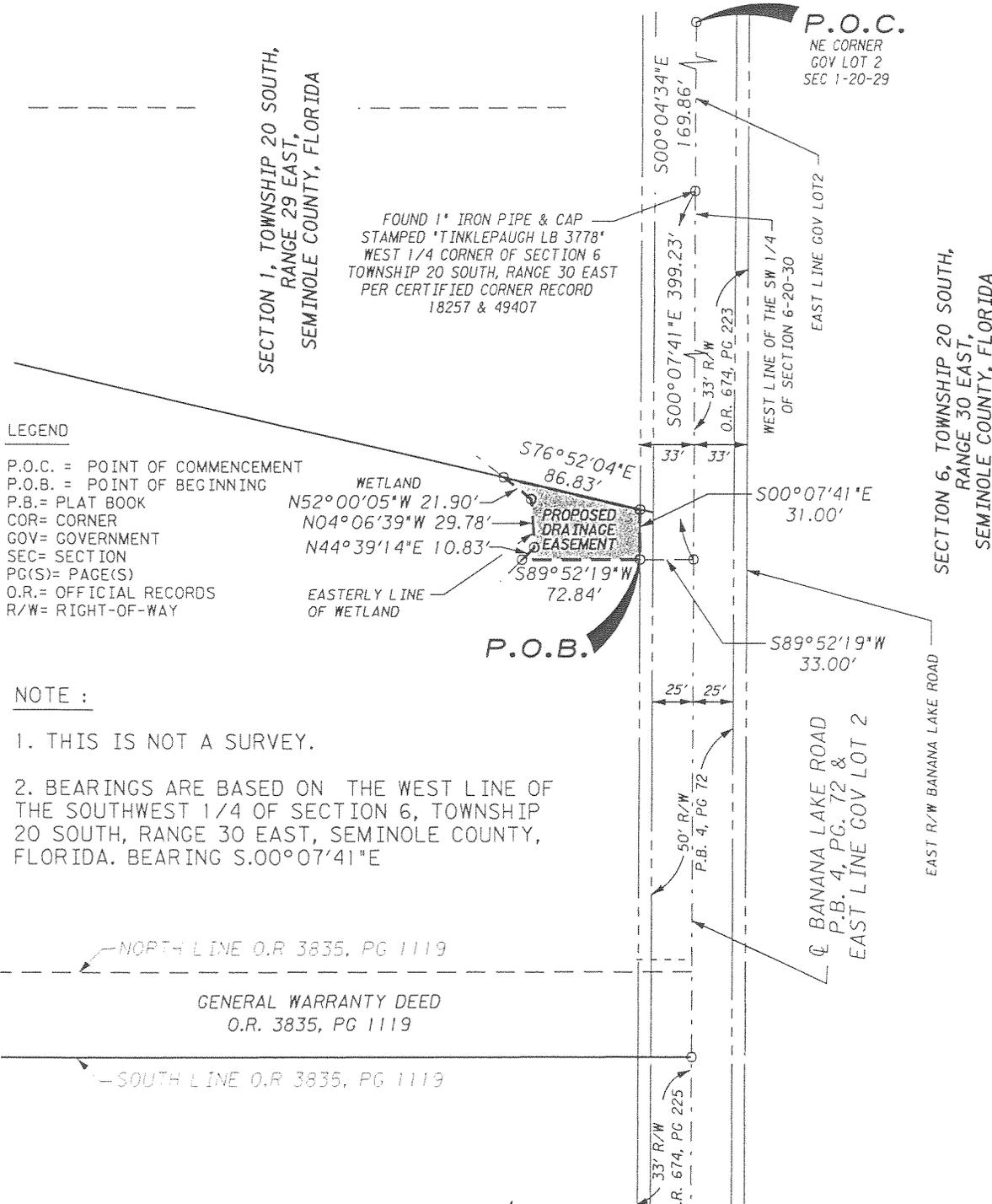
**LEGAL DESCRIPTION**

A portion of Government Lot 2 of Section 1, Township 20 South, Range 29 East, Seminole County, Florida, being more particularly described as follows:

Commence at Northeast corner of Government Lot 2 of Section 1, Township 20 South, Range 29 East, Seminole County, Florida, said corner being a point on the centerline of Banana Lake Road as shown on the plat thereof as recorded in Plat Book 4, Page 72 of the Public Records of Seminole County, Florida; thence S.00°04'34"E., along said centerline and along the East line of said Government Lot 2 for 169.86 feet to a 1" iron pipe with cap stamped "Tinklepaugh LB 3778" at the West 1/4 corner of Section 6, Township 20 South, Range 30 East, Seminole County, Florida; thence S.00°07'41"E. along said centerline and along said East line of Government Lot 2 for 399.23 feet; thence S.89°52'19"W. for 33.00 feet to a point on the West right-of-way line of Banana Lake Road, said point also being the POINT OF BEGINNING; thence continue S.89°52'19"W. for 72.84 feet to a point on the Easterly line of an existing wetland; thence along said Easterly line for the following three courses: run N.44°39'14"E. for 10.83 feet; thence N.04°06'39"W. for 29.78 feet; thence N.52°00'05"W. for 21.90 feet; thence departing said Easterly line, run S.76°52'04"E. for 86.83 feet to the aforesaid West right-of-way line of Banana Lake Road; thence S.00°07'41"E. along said West right-of-way line for 31.00 feet to the POINT OF BEGINNING.

Containing 2683 square feet, more or less.

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
PROPOSED DRAINAGE EASEMENT



LEGEND

P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING  
P.B. = PLAT BOOK  
COR = CORNER  
GOV = GOVERNMENT  
SEC = SECTION  
PG(S) = PAGE(S)  
O.R. = OFFICIAL RECORDS  
R/W = RIGHT-OF-WAY

NOTE :

1. THIS IS NOT A SURVEY.
2. BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 30 EAST, SEMINOLE COUNTY, FLORIDA. BEARING S.00°07'41"E

*J. Vance Carper, Jr.* 9/30/04

J. Vance Carper, Jr., PSM  
Professional Surveyor and Mapper  
Florida Certificate No. 3598

NOT VALID WITHOUT THE SIGNATURE AND  
THE ORIGINAL RAISED SEAL OF A FLORIDA  
LICENSED SURVEYOR AND MAPPER

Date: 9/30/04  
Scale: 1" = 100'  
Job No.: 071358.04  
F.B.: N/A  
Drawn By: PMM  
Ckd. By:  
Sheet 1 of 2



482 South Keller Road  
Orlando, Florida 32810-6101  
Tel: 407/647-7275 Certificate No. LB 24