

Item # 68

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

[Continued from 10/11/2005 and 10/25/2005]

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>11/15/05</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:

[This item was continued from the last BCC meeting to permit the district commissioner the opportunity to visit the site for better assessment.]

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 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

Reviewed by: <u>[Signature]</u> Co Atty: <u>[Signature]</u> DFS: _____ Other: _____ DCM: <u>[Signature]</u> CM: <u>[Signature]</u> File No. <u>ph130pdd01</u>
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resolution and easement shall subsequently be recorded in the Land Records of Seminole County.

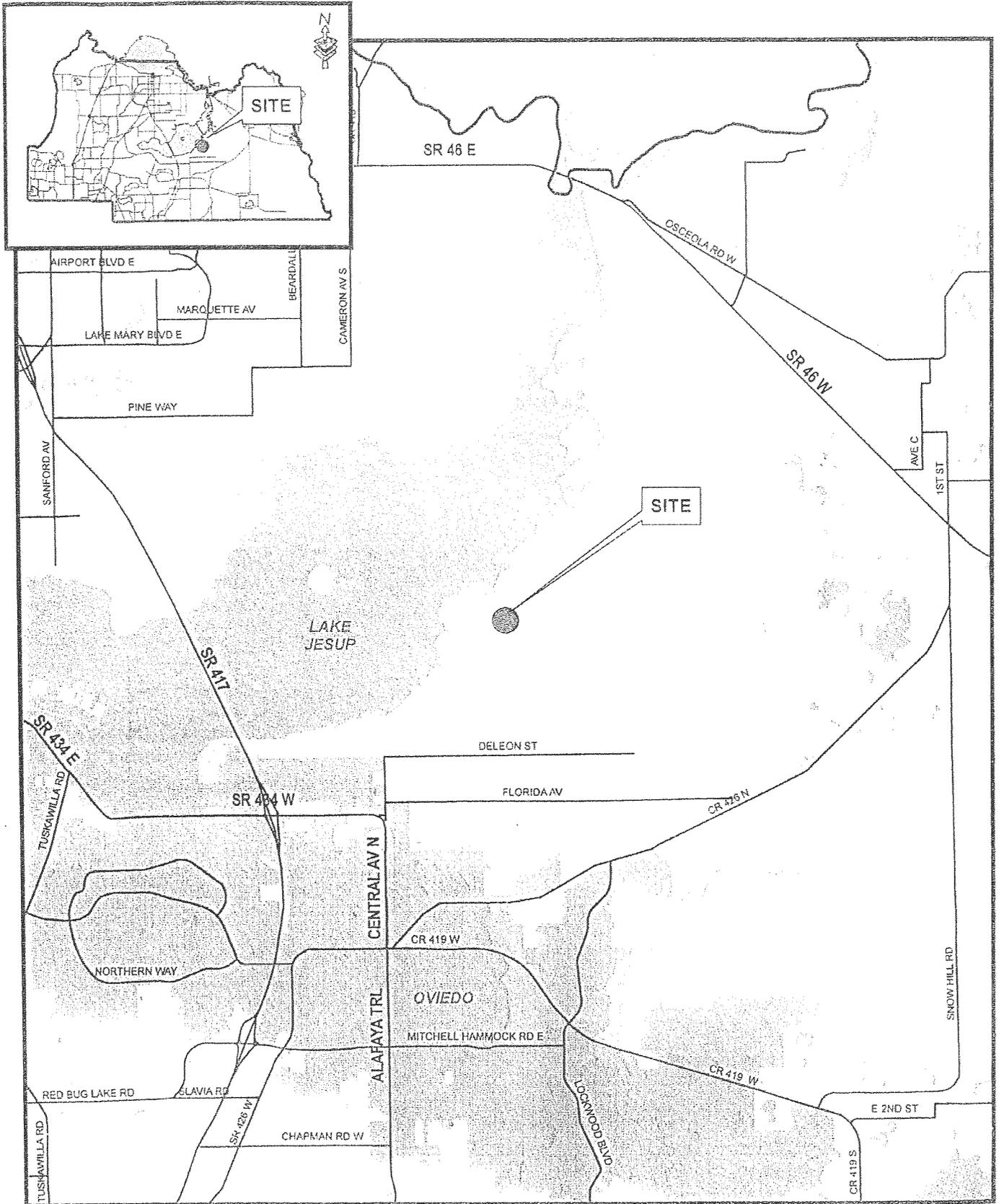
STAFF RECOMMENDATION:

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



filename: L:\DR\temp\p&z\StaffMaps\ArthurEvans\vacate.mxd Printed: 08/30/05

LOCATION MAP

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 15TH DAY OF November A.D., 2005.

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

.....

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 15TH day of November A.D., 2005.

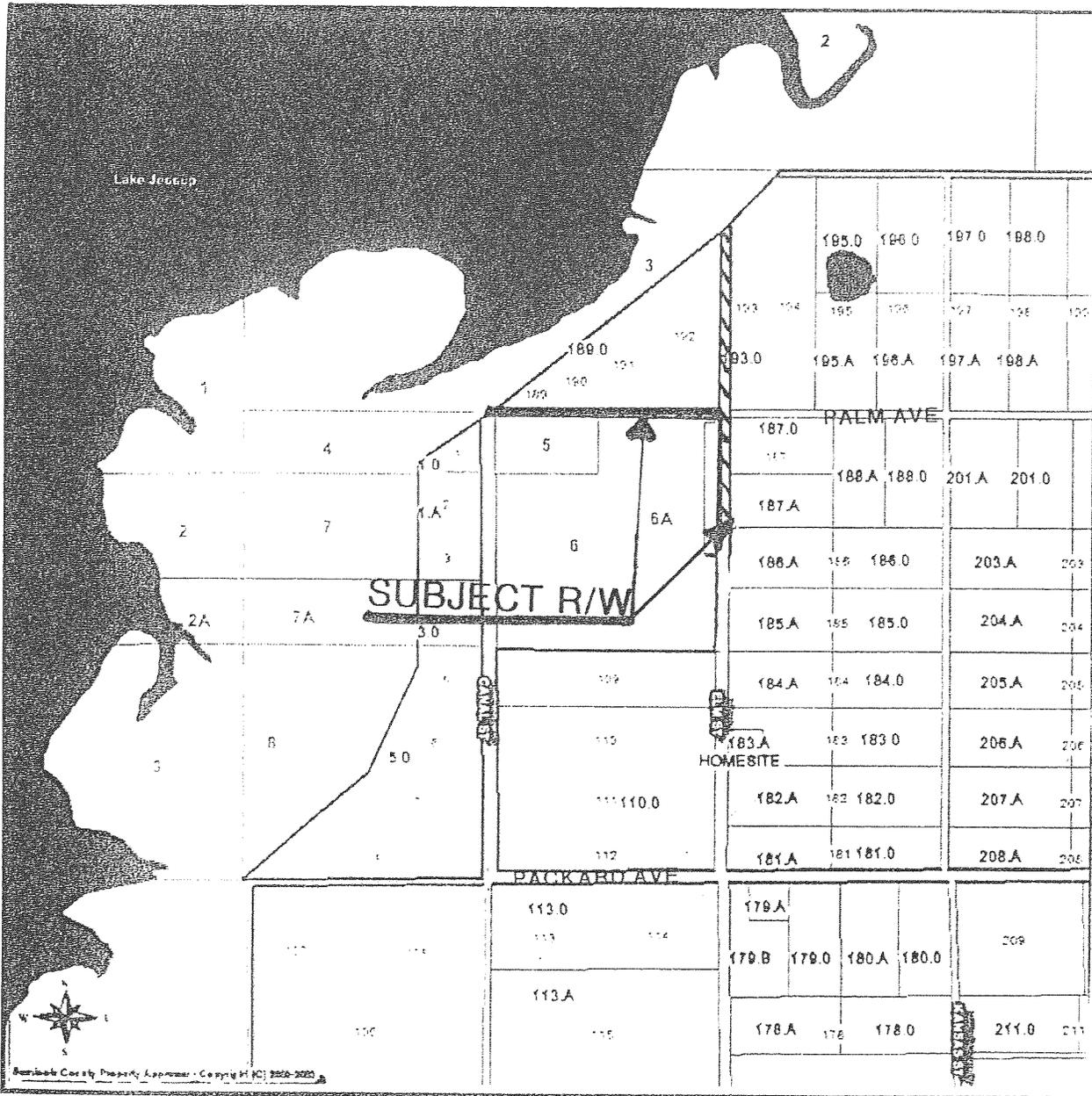
ATTEST:

**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.

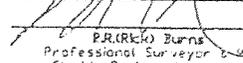
THIS IS NOT A SURVEY

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 221.61(1)-6, Florida Administrative Code.

SKETCH OF LEGAL DESCRIPTION	Date:	4/14/04	Revised:	N/A	Drawn by:	SM/AR
	Job No:	02091	Scale:	1" = 200'	Field by:	N/A
For:	LAKE MARY GROVES PARTNERSHIP		Checked by:	PR/B	 P.R.(Rick) Burns Professional Surveyor & Mapper Florida Registration No. 4792	
LEGEND P.O.C. = POINT OF COMMENCEMENT P.O.B. = POINT OF BEGINNING - - -			*Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper*			 SURVEYING & MAPPING CORP. 350 S. Central Ave., Oviedo, FL 32765 P.O. Box 621892, Oviedo, FL 32762 Voice (407) 265-1026 Fax (407) 265-1858 Professional Business Inc. 5731
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper						

SECTION 26, TOWNSHIP 20 SOUTH, RANGE 31 EAST

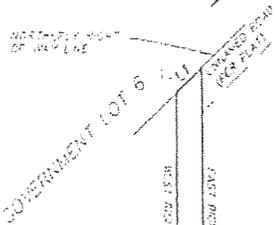
THIS SKETCH CONSISTS OF TWO SHEETS & IS ONLY VALID IN ITS ENTIRETY

SEE SHEET 1 FOR LEGAL DESCRIPTION

SHEET 2 OF 2

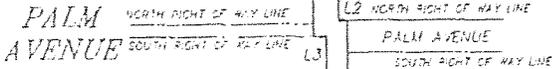
RESERVED FOR RECORDING INFORMATION

OFFICIAL RECORD BOOK 2845
PAGE 0383, SEMINOLE COUNTY,
FLORIDA



LOT 192
O.P. SACRE LAND COMPANY'S
PLAT OF BLACK HAMMOCK
PLAT BOOK 2, PAGE 110,
SEMINOLE COUNTY, FLORIDA

LOT 193
O.P. SACRE LAND COMPANY'S
PLAT OF BLACK HAMMOCK
PLAT BOOK 2, PAGE 110,
SEMINOLE COUNTY, FLORIDA



LOT 187
O.P. SACRE LAND COMPANY'S
PLAT OF BLACK HAMMOCK
PLAT BOOK 2, PAGE 110,
SEMINOLE COUNTY, FLORIDA

P.O.B.

P.O.C.

LOT 100
O.P. SACRE LAND COMPANY'S
PLAT OF BLACK HAMMOCK
PLAT BOOK 2, PAGE 110,
SEMINOLE COUNTY, FLORIDA

LINE	BEARING	LENGTH
L1	N 45°00'00" E	55.74
L2	N 89°19'12" E	13.15
L3	S 89°27'32" W	20.00
L4	S 89°08'42" W	13.00
L5	N 89°23'03" E	13.00

SKETCH OF LEGAL DESCRIPTION	Date	1/15/04	Revised	N/A	Drawn by	SPM
	Job No.	02001	Scale	1" = 200'	Field by	TVA
LAKELAND GROVES PARTNERSHIP	LEGEND					
	P.O.B. - POINT OF BEGINNING					
P.O.C. - POINT OF COMMENCEMENT						
Unless Noted Otherwise						

[Signature]
FRANK BURN
 Professional Surveyor & Mapper
 Florida Registration No. 4733
 Not valid without the signature and the original stamped seal of a Florida licensed surveyor and mapper.

LAND SURVEYING & MAPPING CORP.
 353 S. Central Ave., Oviedo, FL 32765
 P.O. Box 621892, Oviedo, FL 32762
 Voice (407) 365-1036
 Fax (407) 365-1010
 Licensee Business No. 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

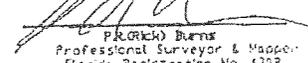
THIS IS NOT A SURVEY

SURVEYOR'S REPORT:

- 1) This is not a Survey.
- 2) Drawings 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 herein for easements and/or rights of way of record.
- 5) No underground utilities, foundation footings, or improvements have been located.
- 6) There may be additional restrictions that are not reflected on this sketch that may be found in the public records of this county.
- 7) There may be existence on the ground of use of the property which might suggest a possible claim of statement other than those shown on the sketch.
- 8) This Sketch was prepared for the identifies named herein and is "non-transferable".
- 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 BY THE STATE OF FLORIDA in accordance with CH-1013-A, Florida Administrative Code

SKETCH OF LEGAL DESCRIPTION	Date:	1/15/04	Revised:	N/A	Drawn by:	XTML	
	File by:		Check by:	PBB			
For:	File No.:	02091	Scale:	1" = 200'	 P. (Patrick) 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*		
LAKE MARY GROVES PARTNERSHIP	LEGEND					 AND RECH SURVEYING & MAPPING CORP. 300 S. Central Ave., Oviedo, FL 32765 P.O. Box 621602, Oviedo, FL 32762 Voice (407) 365-1026 Fax (407) 365-1025 Licensed Business No. 5777	
	P.O.C. = POINT OF COMMENCEMENT P.O.B. = POINT OF BEGINNING						

Unless Noted Otherwise

SECTION 26, TOWNSHIP 20 SOUTH, RANGE 31 EAST

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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

NORTH RIGHT OF WAY LINE OF PALM AVENUE
PALM AVENUE
SOUTH RIGHT OF WAY LINE OF PALM AVENUE

PALM AVENUE

N 89°19'12" E 1317.23'

N 89°19'12" E 1267.17'

NORTHEAST CORNER
OF LOT 109

S 89°23'04" W 1254.53'
NORTH LINE OF LOT 109

LOT 109
OF 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'

L4

EAST RIGHT OF WAY LINE

CANAL STREET

RIGHT OF WAY VARIES

WEST RIGHT OF WAY LINE



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	19.15
L5	N 89°23'04" E	10.00

SKETCH OF LEGAL DESCRIPTION

Date: 1/15/04

Revised: N/A

Drawn by: RPLA

For: LAKE MARY GROVES PARTNERSHIP

Job No: 02091

Scale: 1" = 200'

Field by: N/A
Checked by: JWB

[Signature]
P.R.(Rick) Burns
Professional Surveyor & Mapper
Florida Registration No. 4792

Not valid without the signature and the original rubber seal of a Florida licensed surveyor and mapper

LEGEND

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING

AND TECH
SURVEYING & MAPPING CORP.
250 S Central Ave., Oviedo, FL 32765
PO Box 621872, Oviedo, FL 32762
Phone: (407) 365-1036
Fax: (407) 365-1934

SECTION 26, TOWNSHIP 20 SOUTH, RANGE 31 EAST