

Item # 81

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: AUSTIN AVENUE ROW VACATE

DEPARTMENT: Planning & Development DIVISION: Development Review

AUTHORIZED BY: Dori L. DeBord CONTACT: Brian M. Walker EXT. 7337

Agenda Date 12/12/06 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

- 1) Adopt and authorize the Chairman to execute, a resolution to vacate and abandon a portion of the unimproved public right-of-way known as Austin Avenue as recorded in Plat Book 4, Page 51 in Section 27, Township 21S, Range 31E.
- 2) Adopt and authorize the Chairman to execute, a resolution to vacate and abandon a portion of the 5.00 foot alley lying between the easterly extension of the centerline of Austin Ave. and the easterly extension of the north line of Lot 116 as shown on the plat of Kew Gardens, as recorded in Plat Book 4, Page 51 in Section 27, Township 21S, Range 31E.

District 1 – Dallari (Brian M. Walker – Planner)

BACKGROUND:

Hamid R. Pakniat and Stanley J. Giza, applicants, are requesting to vacate and abandon a portion of the unimproved public right-of-way known as Austin Avenue consisting of .114+/- acres located in Section 27, Township 21S, Range 31E and as recorded in Plat Book 4, Page 51, of the Public Records of Seminole County, Florida.

At the request of Public Works, the applicants are also requesting to vacate and abandon a portion of the 5.00 foot alley lying between the easterly extension of the centerline of Austin Ave. and the easterly extension of the north line of Lot 116. The south portion of the alley has already been vacated.

The subject right-of-way and alley are not needed for public access and the proposed vacate will not hinder access to any adjacent properties.

Reviewed by:	<u>LEPT</u>
Co Atty:	<u>LEPT</u>
DFS:	<u>BP</u>
Other:	<u>BP</u>
DCM:	<u>BP</u>
CM:	<u>BP</u>
File No.	PH130PDD02

The applicant Hamid Pakniat, owns lots 116-120 to the north and west of the alley, the applicant Stanley Giza owns lots 217-221 to the south of the subject right-of-way.

The intention of the vacate is to increase the size of each applicants parcel and landscape the area proposed for vacating.

The applicants have provided letters from all applicable utility companies stating “no objections” to the request.

STAFF RECOMMENDATION:

Staff recommends the Board adopt, and authorize the Chairman to execute, a resolution to vacate and abandon:

- 1) the portion of the unimproved public right-of-way as requested by the applicants
- 2) a portion of the 5.00 foot alley as requested by the applicants

District 1 - Dallari

Attachments: Location Map

Resolution

Exhibit A - Sketch of description for area south of centerline of Austin Ave.

Exhibit B - Sketch of description for area north of centerline of Austin Ave.

Exhibit C - Sketch of description for portion of alley to be vacated

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 12th DAY OF December A.D.,2006.

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

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**Whereas, a Petition was presented on behalf of
Hamid Pakniat and Stanley Giza**

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

The 5.00 foot Alley, lying between the Easterly extension of the centerline of Austin Avenue and the easterly extension of the north line of Lot 116, as shown on the plat of Kew Gardens, as recorded in Plat Book 4, Page 51, Seminole County, Florida, being more particularly described as follows:

Beginning at the southeast corner of Lot 120, Kew Gardens, Plat Book 4, Page 51, Seminole County, Florida, run South along the southerly extension of the east line of said Lot 120, 25.00 feet to a point on the centerline of Austin Avenue; thence East along said centerline, 5.00 feet to a point on the east line of the 5.00 foot Alley, Kew Gardens, Plat Book 4, Page 51, Seminole County, Florida; thence run North along said east line, 150.00 feet to a point on the easterly extension of the north line of Lot 116; thence West along said easterly extension, 5.00 feet to the northeast corner of Lot 116; thence run South along the west line of the aforesaid 5.00 foot Alley, 125.00 feet to the POINT OF BEGINNING.

That portion of Austin Avenue, as shown on the plat of Kew Gardens, as recorded in Plat Book 4, Page 51, Seminole County, Florida, being more particularly described as follows:

Beginning at the southeast corner of Lot 120, Kew Gardens, Plat Book 4, Page 51, Seminole County, Florida, run South along the southerly extension of the east line of said Lot 120, 25.00 feet to a point on the centerline of Austin Avenue; thence West along said centerline, 100.00 feet to a point on the southerly extension of the west line of aforesaid Lot 120; thence run North along said southerly extension, 25.00 feet to the southwest corner of said Lot 120; thence run East along the south line of said Lot 120 to the POINT OF BEGINNING.

That portion of Austin Avenue, as shown on the plat of Kew Gardens, as recorded in Plat Book 4, Page 51, of the Public Records of Seminole County, Florida, being more particularly described as follows:

Beginning at the Northwest corner of Lot 217, Kew Gardens, Plat Book 4, Page 51, Seminole County, Florida, thence North along the Northerly Extension of the West line of said Lot 217, 25.00 feet to a point on the centerline of Austin Avenue; thence East along said centerline, 105.00 feet to the East line of Kew Gardens; thence run South along said East line of Kew Gardens, 25.00 feet to the Easterly extension of the North line of Lot 217; thence run West along said extension and North line of said Lot 217 105.00 feet to the POINT OF THE BEGINNING.

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 and alley is in 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 and Alley 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 12th day of December A.D., 2006.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

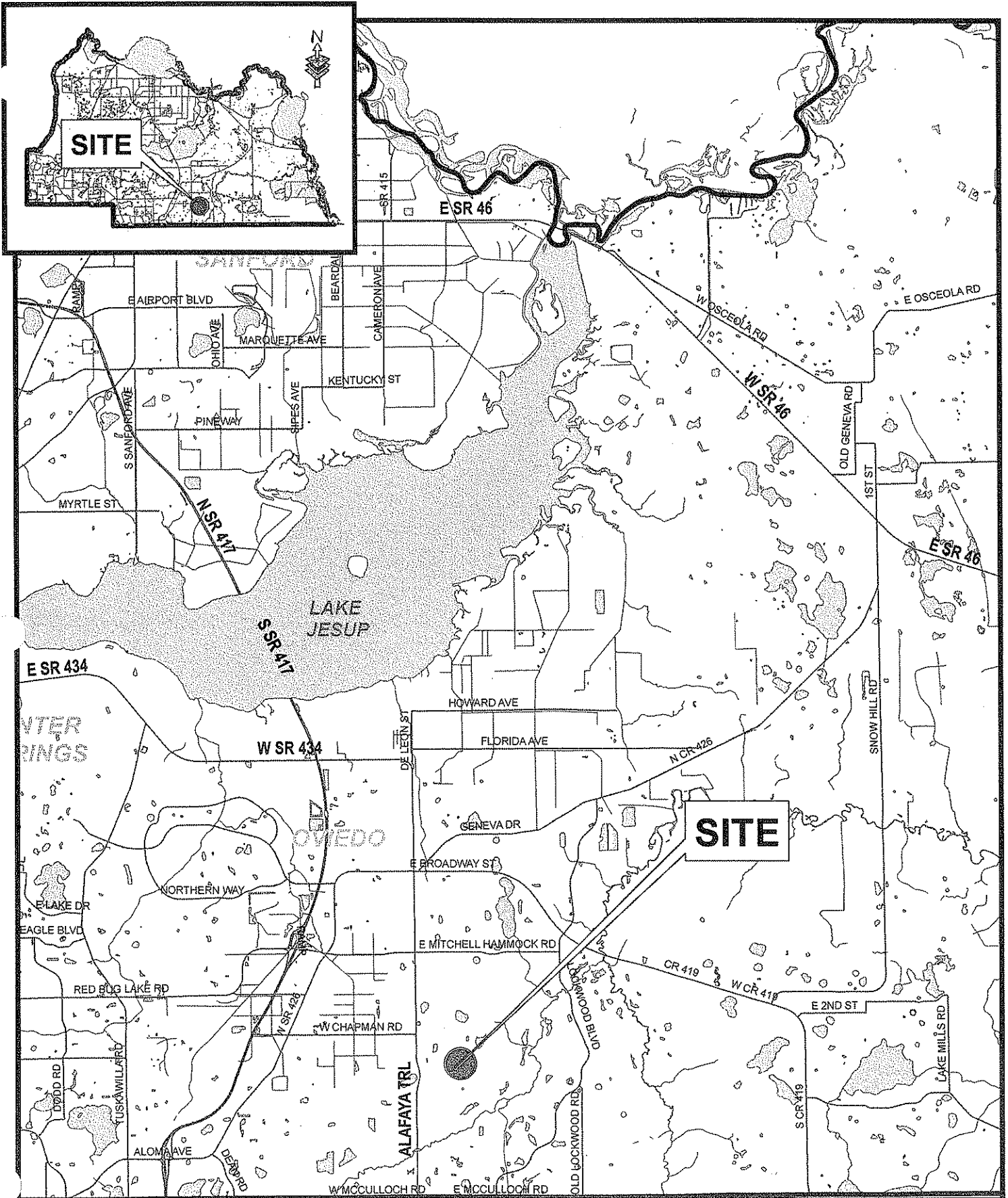
BY:

MARYANNE MORSE

CARLTON D. HENLEY

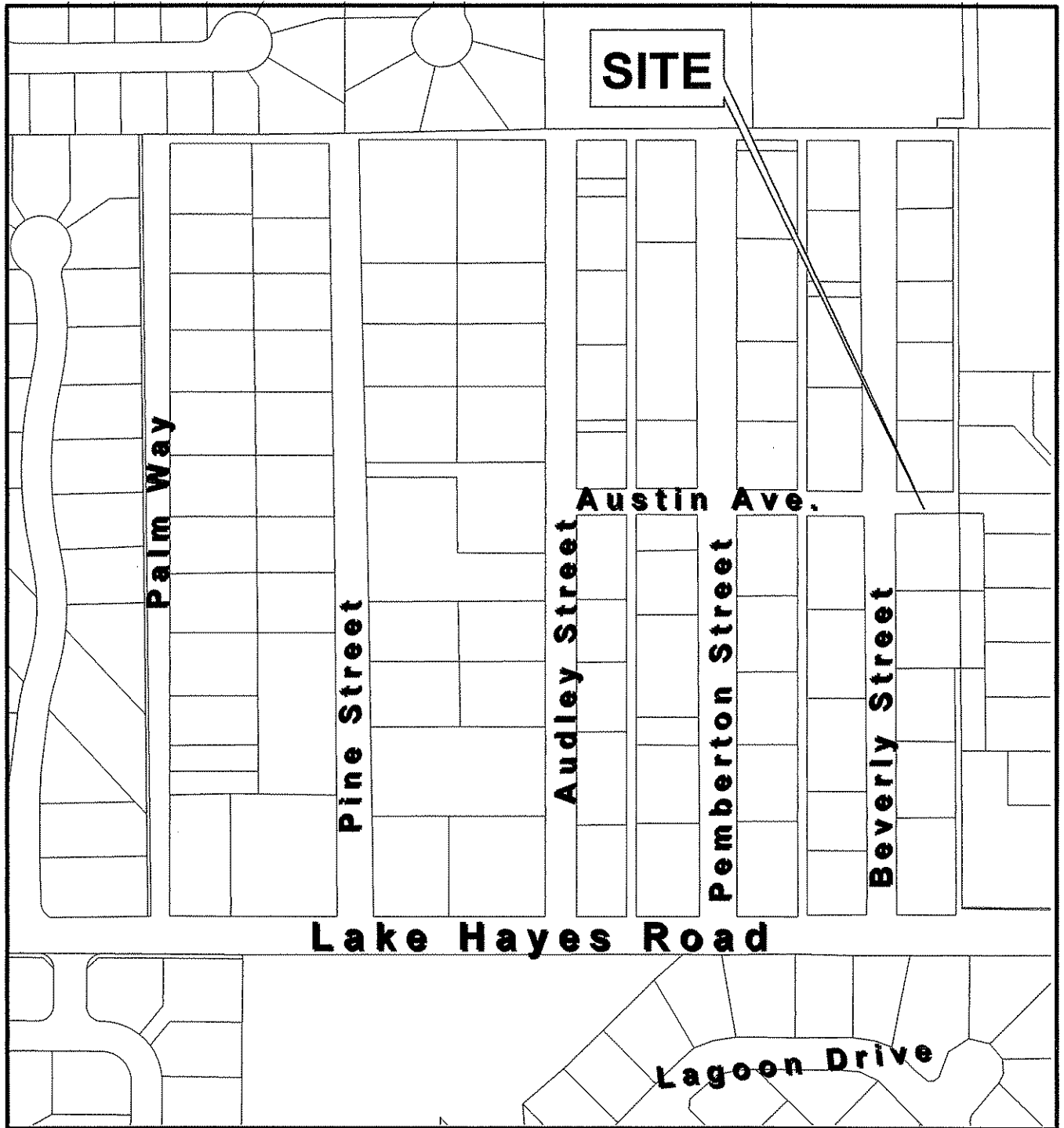
CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

CHAIRMAN



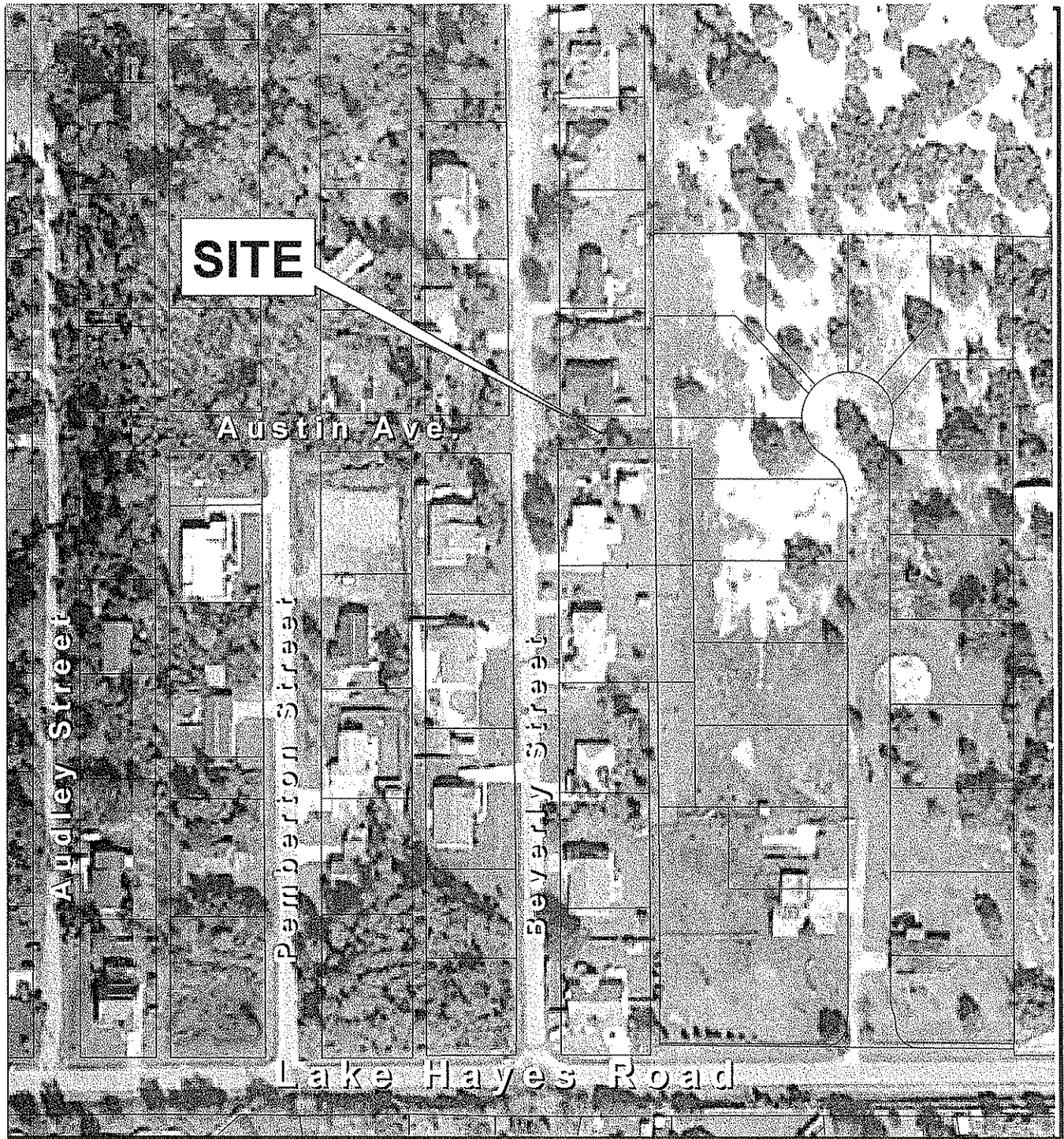
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Austin Ave. ROW Vacate



Austin Ave.
ROW Vacate





Austin Ave.
ROW Vacate



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:

That portion of Austin Avenue, as shown on the plat of Kew Gardens, as recorded in Plat Book 4, Page 51, Seminole County, Florida, being more particularly described as follows:

Beginning at the northeast corner of Lot 217, Kew Gardens, Plat Book 4, Page 51, Seminole County, Florida, thence North along the northerly extension of the east line of said Lot 217, 25.00 feet to a point on the centerline of vacated Austin Avenue; thence West along said centerline, 100.00 feet to the northerly extension of the west line of aforesaid Lot 217; thence run South along said northerly extension, 25.00 feet to the northwest corner of said Lot 217; thence run East along the north line of said Lot 217 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 line of Magnolia Pointe, being N 00°24'13" E according to the Plat thereof, as recorded in Plat Book 67, Page 17, Public Records of Seminole County, Florida.
- 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 §6102-6, Florida Administrative Code.

SKETCH OF LEGAL DESCRIPTION For: STANLEY J. GIZA JILL R. GIZA	Date: 2/28/06	Revised: N/A	Drawn by: BBE	Field by: T/A	Checked by: PBB
	Job No: 06003-477	Scale: 1" = 30'	Signature: <i>[Signature]</i> FRANCIS BURTON Professional Surveyor & Mapper Florida Registration No. 4782		
LEGEND - - - -			*Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper*		
Unless Noted Otherwise			 SURVEYING & MAPPING CORP. 350 S. Central Ave., Dwyer, FL 32765 P.O. Box 621892, Dwyer, FL 32762 Voice (407) 365-1836 Fax (407) 365-1838 Licensed Business No. 5777		

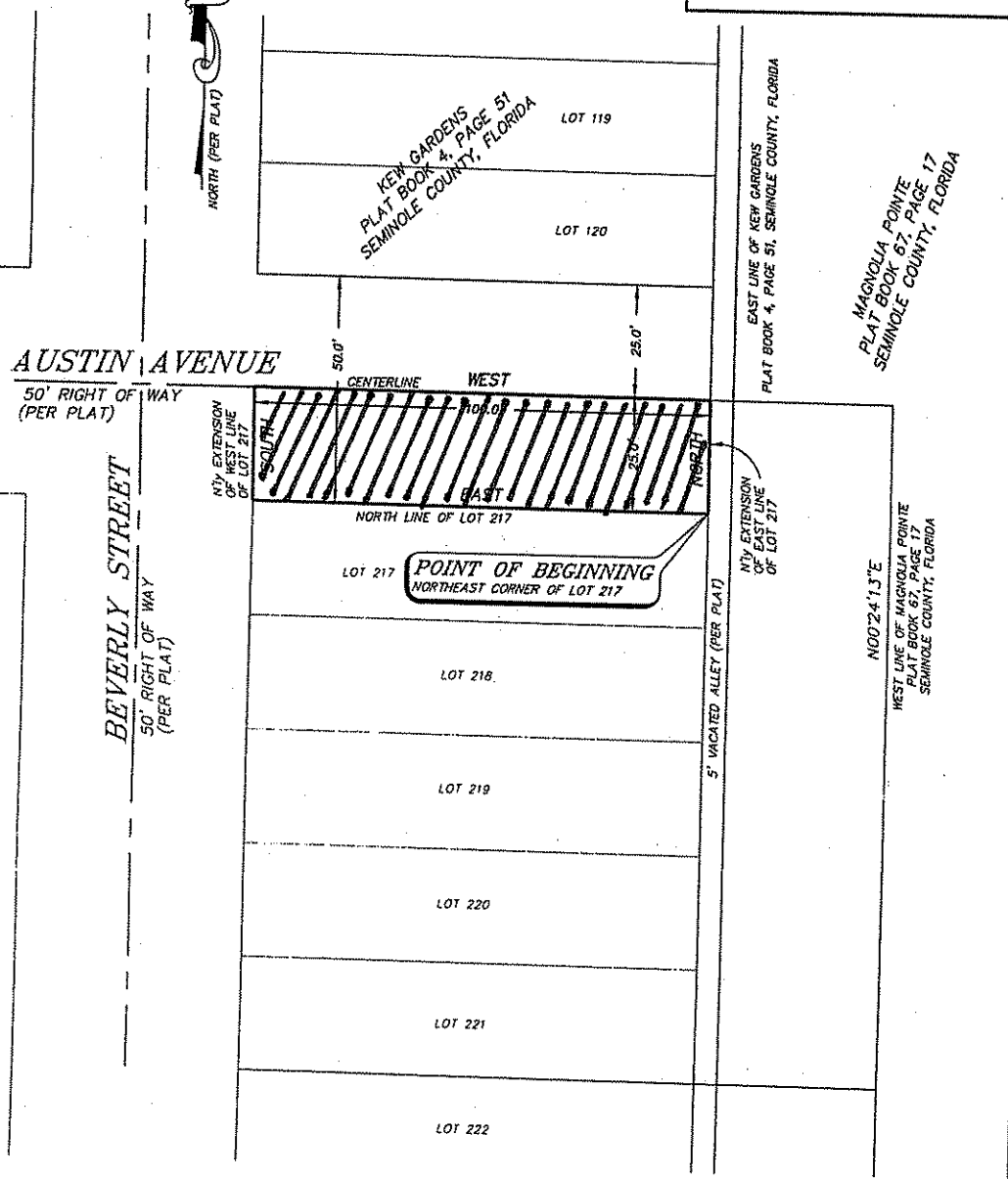
A PORTION OF AUSTIN AVENUE, PB 4, PG 51

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



A PORTION OF AUSTIN AVENUE, PB 4, PG 51

SKETCH OF LEGAL DESCRIPTION

For: **STANLEY J. GIZA**
JILL R. GIZA

Date:	2/28/06	Revised:	N/A	Drawn by:	BJE
Job No.:	06003	Scale:	1" = 30'	Field by:	TJA
				Checked by:	PBB

LEGEND

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"Unless Noted Otherwise"

[Signature]
P.R. Burns
Professional Surveyor & Mapper
Florida Registration No. 4762
Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.

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) 365-1038
Licensed Business No. 5777



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SEE SHEET 2 FOR GRAPHICAL DEPICTION

SHEET 1 OF 2

RESERVED FOR RECORDING INFORMATION

EXHIBIT B

Legal Description:

That portion of Austin Avenue, as shown on the plat of Kew Gardens, as recorded in Plat Book 4, Page 51, Seminole County, Florida, being more particularly described as follows:

Beginning at the southeast corner of Lot 120, Kew Gardens, Plat Book 4, Page 51, Seminole County, Florida, run South along the southerly extension of the east line of said Lot 120, 25.00 feet to a point on the centerline of Austin Avenue; thence West along said centerline, 100.00 feet to a point on the southerly extension of the west line of aforesaid Lot 120; thence run North along said southerly extension, 25.00 feet to the southwest corner of said Lot 120; thence run East along the south line of said Lot 120 to the POINT OF BEGINNING.

THIS IS NOT A SURVEY



A PORTION OF AUSTIN AVENUE, PB 4, PG 51

SURVEYOR'S REPORT:

- 1) This is not a Survey.
- 2) Bearings are listed as: the West line of Magnolia Point, being N 00°24'13" E according to the Plat thereof, as recorded in Plat Book 57, Page 17, Public Records of Seminole County, Florida.
- 3) Vertical Datum is based on: N/A
- 4) The Surveyor has not abstracted the lands shown hereon for comments 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 herein and is "non-transferable".
- 9) No improvements have been located on 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 or noted and conforms to the MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING AND MAPPING IN THE STATE OF FLORIDA in accordance with FS 467-6, Florida Administrative Code.

SKETCH OF LEGAL DESCRIPTION

For:

Hamid R. Pakinat

Date: **2/28/06**

Revised: **10/3/06**

Job No.: **06003-116**

Scale: **1" = 30'**

Drawn by: **PKB**

Checked by: **PKB**

LEGEND

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"Unless Noted Otherwise"

P. M. Burtis
Professional Surveyor & Mapper
Florida Registration No. 4702
Not valid without the signature and the official seal of a Florida Licensed Surveyor and Mapper.



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Licensed Business No. 5777

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SEE SHEET 1 FOR LEGAL DESCRIPTION

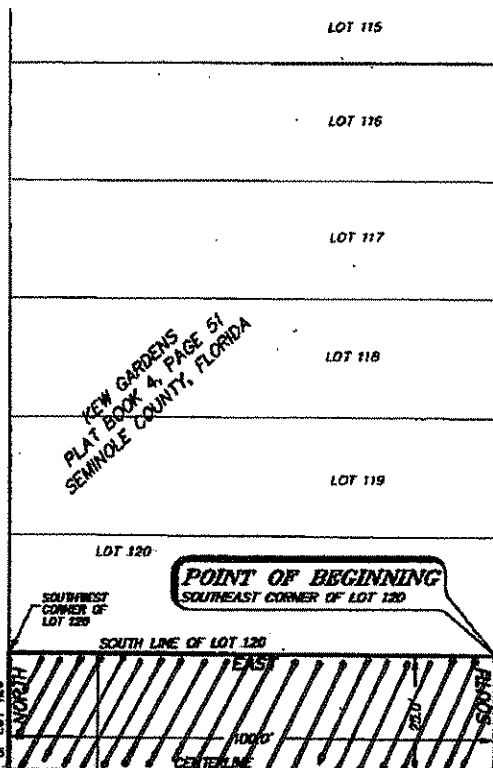
SHEET 2 OF 2

RESERVED FOR RECORDING INFORMATION



BEVERLY STREET
50' RIGHT OF WAY
(PER PLAT)

NORTH (PER PLAT)



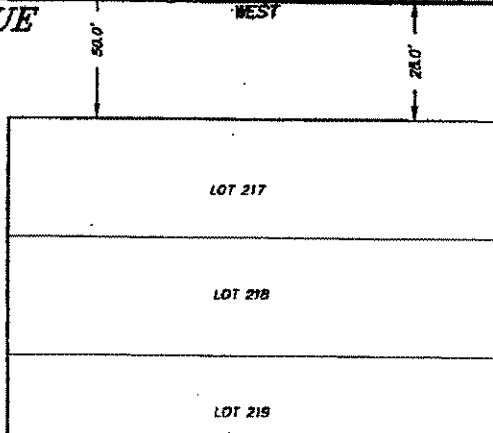
KEY GARDENS
PLAT BOOK 4, PAGE 51
SEMINOLE COUNTY, FLORIDA

8' VICINATED ALLEY (PER PLAT)
EAST LINE OF KEY GARDENS
PLAT BOOK 4, PAGE 51, SEMINOLE COUNTY, FLORIDA

MAGNOLIA POINTE
PLAT BOOK 67, PAGE 17
SEMINOLE COUNTY, FLORIDA

AUSTIN AVENUE
50' RIGHT OF WAY
(PER PLAT)

50' EXTENSION
OF WEST LINE
OF LOT 120



8' VICINATED ALLEY (PER PLAT)

100'24'13"E
WEST LINE OF MAGNOLIA POINTE
PLAT BOOK 67, PAGE 17
SEMINOLE COUNTY, FLORIDA

SKETCH OF LEGAL DESCRIPTION

Form: **Hamid R. Pakniat**

Date: 2/28/06	Revised: 10/5/06	Drawn by: GBE
Job No: 06003-116	Scale: 1" = 30'	Field by: TVA
		Checked by: PJB

LEGEND

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"Unless Noted Otherwise"

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

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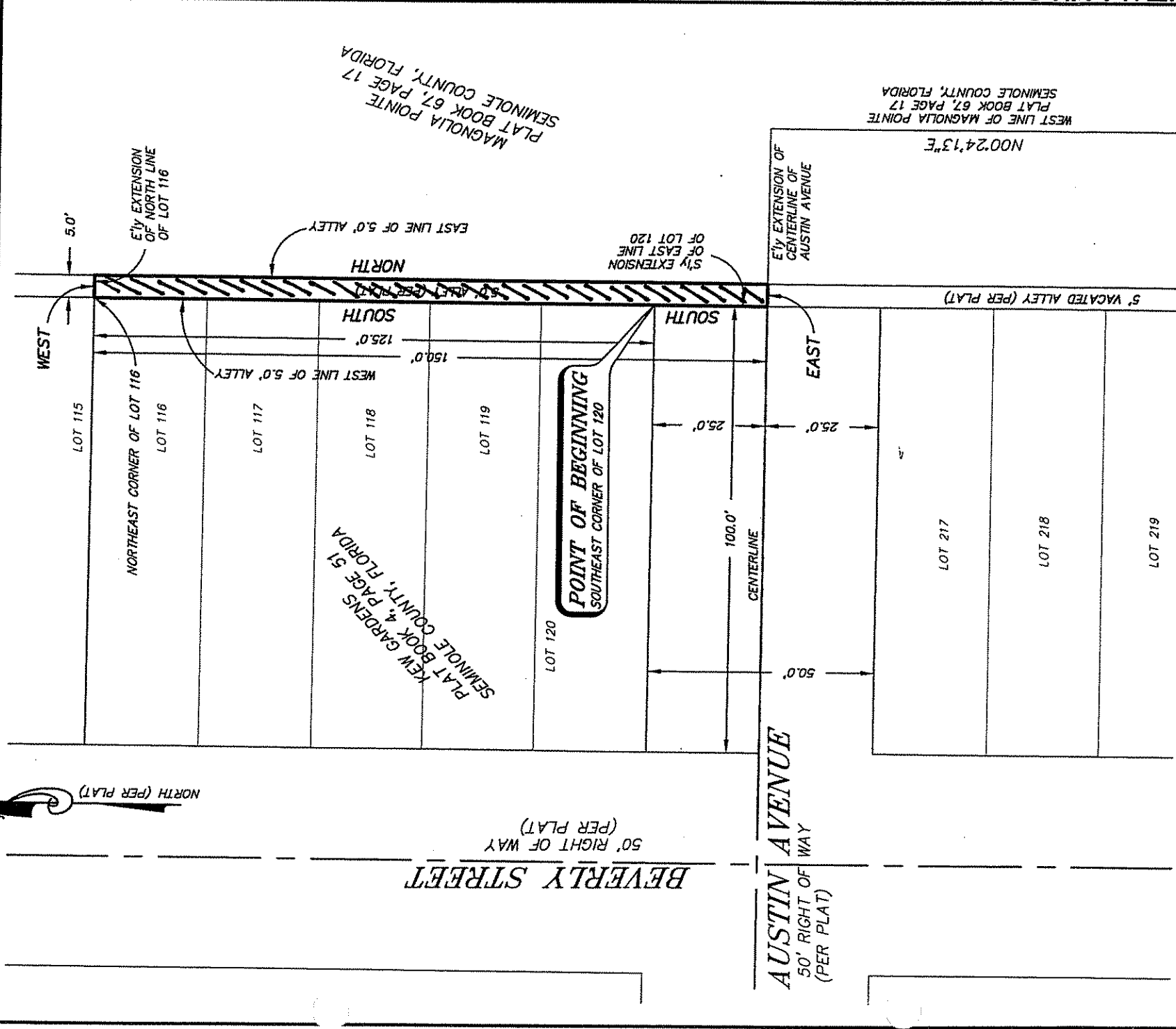
A PORTION OF AUSTIN AVENUE, PB 4, PG 51

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



SKETCH OF LEGAL DESCRIPTION

For:

Hamid R. Pakniat

Date:	7/17/06	Revised:	N/A	Drawn by:	PRB
Job No:	06003-116	Scale:	1" = 30'	Field by:	TVA
				Checked by:	PRB

LEGEND

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