

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Right-of-way Vacate of a portion of 6th Street and Avenue C

DEPARTMENT: Planning and Development **DIVISION:** Development Review

AUTHORIZED BY: Dori DeBord

CONTACT: Cynthia Sweet

EXT: 7443

MOTION/RECOMMENDATION:

1. Adopt and authorize the Chairman to execute the Resolution to vacate and abandon that portion of the unimproved public right-of-way known as 6th Street as shown on the plats of Allen's First Addition to Washington Heights, as recorded in Plat Book 3, Page 23, and Off Broadway Industrial Park, as recorded in Plat Book 63, Pages 67 and 68, and that portion of Avenue C, lying south of and contiguous to Lots 10 and 11, Block C, Allen's First Addition to Washington Heights, as recorded in Plat Book 3, Page 23, Public Records of Seminole County, Florida; located south of C R 426, Oviedo, Florida, in Section 11, Township 21 S, Range 31 E, as requested by applicant, Stillwaters Properties of Central Fla.; subject to the following condition:

a) Dedication of a utility easement agreement with the City of Oviedo over the existing utilities prior to recording of the resolution.

2. Deny the request to vacate and abandon that portion of the unimproved public right-of-way known as 6th Street as shown on the plats of Allen's First Addition to Washington Heights, as recorded in Plat Book 3, Page 23, and Off Broadway Industrial Park, as recorded in Plat Book 63, Pages 67 and 68, and that portion of Avenue C, lying south of and contiguous to Lots 10 and 11, Block C, Allen's First Addition to Washington Heights, as recorded in Plat Book 3, Page 23, Public Records of Seminole County, Florida; located south of C R 426, Oviedo, Florida, in Section 11, Township 21 S, Range 31 E, as requested by applicant Stillwaters Properties of Central FLA.,.

3. Continue the public hearing until a time and date certain.

District 2 Michael McLean

Cynthia Sweet

BACKGROUND:

Jack Reynolds, representative for the applicant, Stillwaters Properties of Central Fla., is requesting to vacate and abandon a portion of 6th Street lying between Allen's First Addition to Washington Heights, as recorded in Plat Book 3, Page 23, and Off Broadway Industrial Park, as recorded in Plat Book 63, Pages 67 and 68, and all of Avenue C, a 20 foot right-of-way as shown on the plat of Allen's First Addition to Washington Heights, recorded in Plat Book 3, Page 23, all recorded in the Public Records of Seminole County, Florida. The vacated area contains 48,202 square feet, more or less, located approximately 56.00 feet south of the intersection of 6th Street and west of Kennedy Point and east of the intersection of 5th Street and Avenue C, in Section 11, Township 21 S, Range 31 E; Oviedo, Florida.

The applicant wishes to vacate these rights-of-way for a future commercial industrial development. Vacation and abandonment of these rights-of-way are necessary in order for the applicant to achieve the development as proposed.

The plat of Allen's First Addition to Washington Heights is an old plat recorded in 1923 and when it was surveyed apparently an excess of land in the ¼ section was either inadvertently left out or was not included in the survey so the excess land was placed in the right-of-way of 6th Street. This excess land was not picked up and contained in the adjacent plat of Off Broadway Industrial Park. The excess land is located from the eastern line of the lots in the Allen's First Addition to Washington Heights plat on the west side of 6th Street east, to the west lot lines of the Off Broadway Industrial Park plat. The applicant is asking to vacate all of the platted right-of-way and including this remnant piece of land placed in the right-of-way of 6th Street and the unimproved section of Avenue C. Staff has no objections to vacate and abandon all portions of the rights-of-ways as requested by the applicant subject to the applicant dedicating a utility easement agreement with the City of Oviedo over the existing utilities prior to the recording of the resolution.

No adjacent properties will be landlocked if the rights-of-way are vacated. The applicant has submitted letters from the utility companies stating no objections and has voluntarily agreed to dedicate to the City of Oviedo a utility easement over the existing utility lines prior to recording of the resolution. This request complies with the requirements and under the authority for vacating a rights-of-way of Chapter 336.02 and 336.10, Florida Statutes.

STAFF RECOMMENDATION:

Staff recommends that the Board adopt and authorize the Chairman to execute the Resolution to vacate and abandon that portion of the unimproved public right-of-way known as 6th Street as shown on the plats of Allen's First Addition to Washington Heights, as recorded in Plat Book 3, Page 23, and Off Broadway Industrial Park, as recorded in Plat Book 63, Pages 67 and 68, and that portion of Avenue C, lying south of and contiguous to Lots 10 and 11, Block C, Allen's First Addition to Washington Heights, as recorded in Plat Book 3, Page 23, Public Records of Seminole County, Florida; located south of C R 426, Oviedo, Florida, in Section 11, Township 21 S, Range 31 E, as requested by applicant, Stillwaters Properties of Central FLA,; subject to the following condition:

a) Dedication of a utility easement agreement with the City of Oviedo over the existing utilities prior to recording of the resolution.

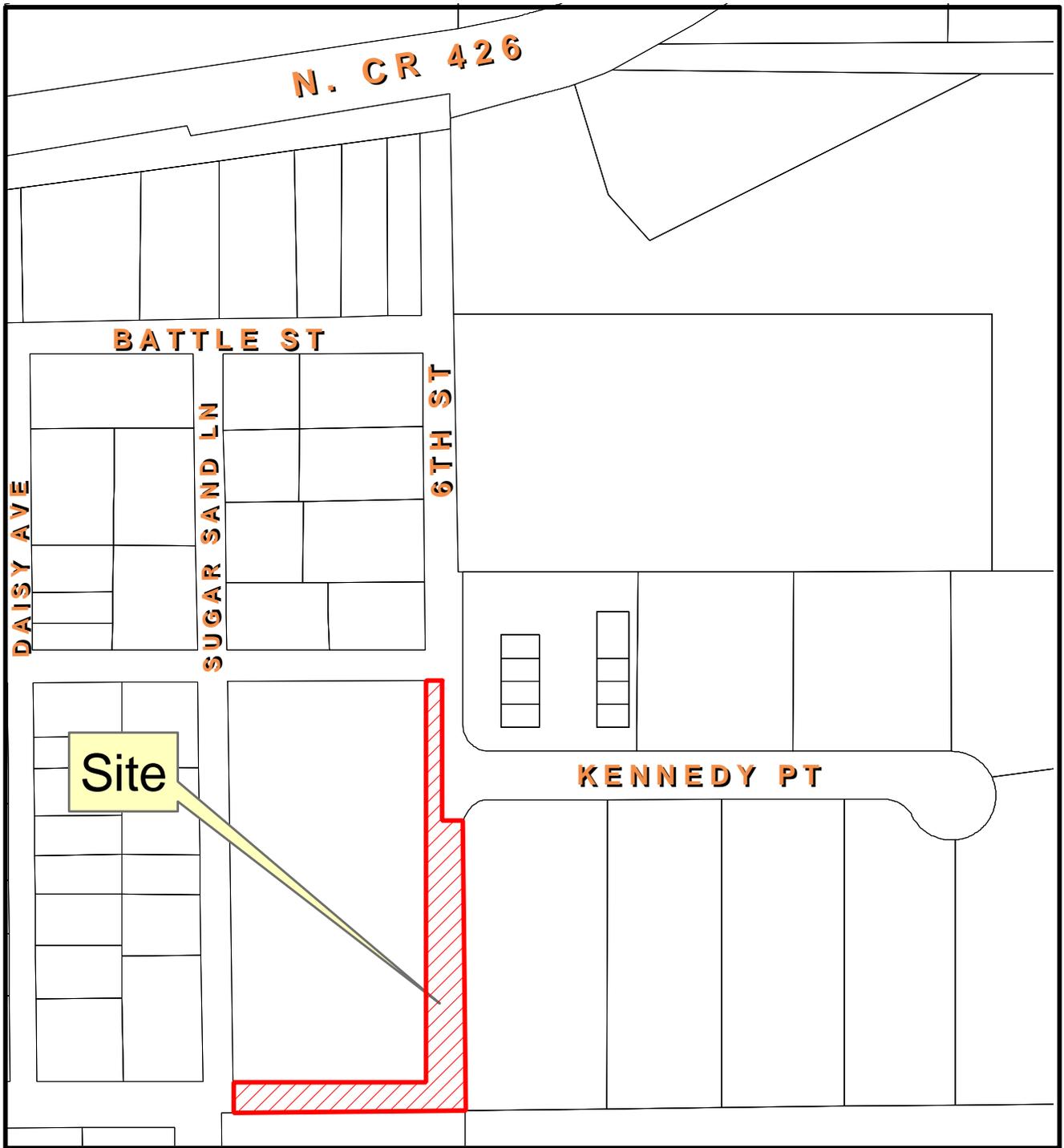
ATTACHMENTS:

1. Location Map
2. Maps and Aerials
3. Maps and Aerials
4. Resolution
5. Sketch of Description
6. Utility Location Plan

7. Adjacent Property Owners Consent Letter
8. City of Oviedo Utility Consent Letter

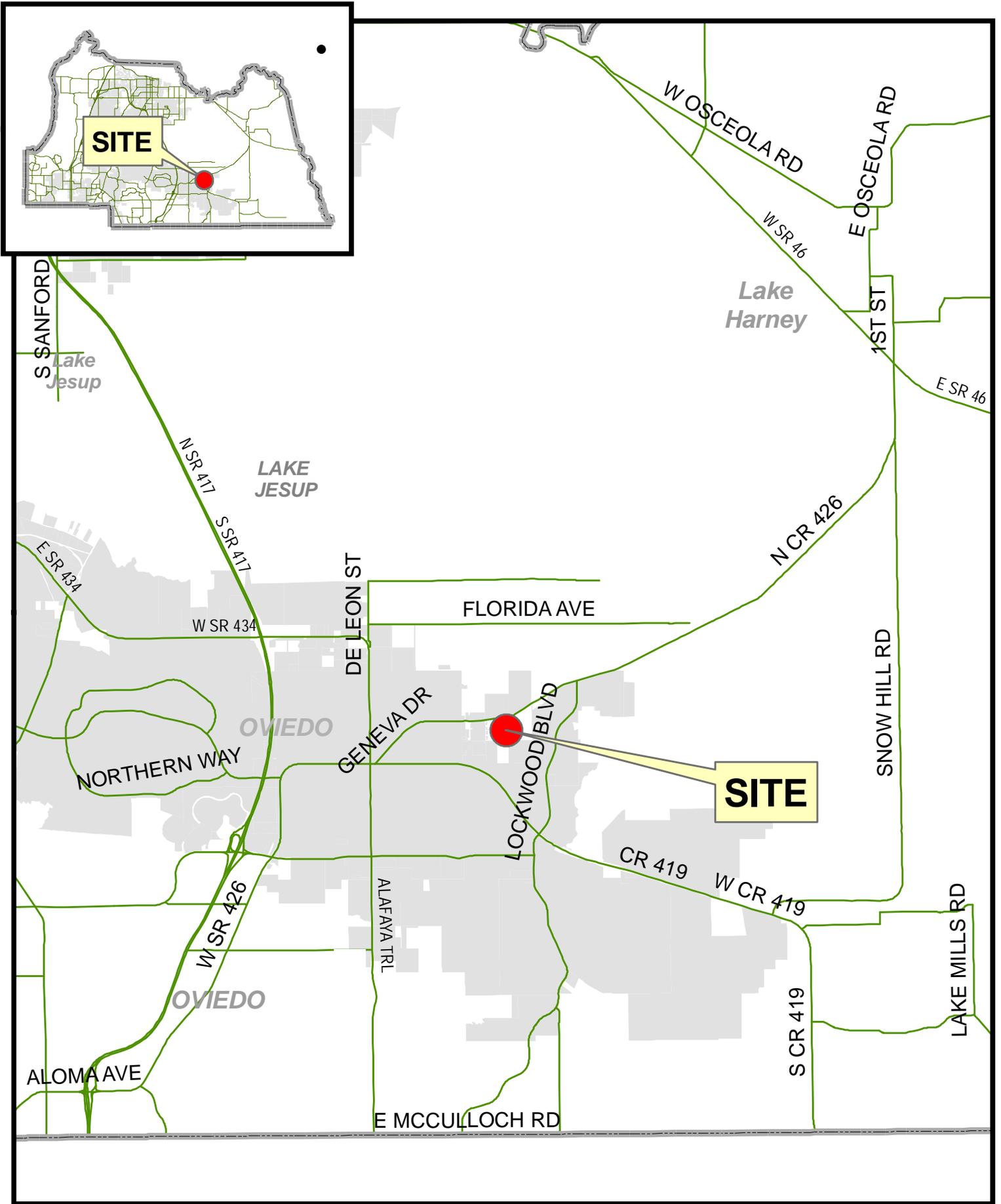
Additionally Reviewed By:

County Attorney Review (David Shields)



Vacate of 6th Street and Avenue C
Right-of-ways





filename: L:/projects/p&z/2006/GIS/staff_report_pkgs/sitemaps_large/Z2006-0**sitemap.mxd ***/06

Vacate of 6th Street and Avenue C Right-of-ways

EXHIBIT B



Vacate of 6th Street
and Avenue C
Right-of-ways

-  Parcel
-  Subject Property



January 2006 Color Aerials

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 20TH DAY OF MAY A.D., 2008.

RESOLUTION TO VACATE AND ABANDON A RIGHT-OF-WAY

.....
Whereas, a Petition was presented on behalf of
STILLWATERS PROPERTIES OF CENTRAL FLA

to the Board of County Commissioners of Seminole County, Florida, requesting the closing, vacating and abandoning of the following described rights-of-ways, to-wit:

THAT PORTION OF 6TH STREET LYING BETWEEN ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, AS RECORDED IN PLAT BOOK 3, PAGE 23, AND OFF BROADWAY INDUSTRIAL PARK, RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, AND THAT PORTION OF AVENUE C, LYING SOUTH OF AND ADJACENT TO LOTS 10 AND 11, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, AS RECORDED IN PLAT BOOK 3, PAGE 23; CONTAINING 48,202 SQUARE FEET, MORE OR LESS. 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 20th day of May A.D., 2008.

ATTEST: BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA

BY:

MARYANNE MORSE
CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

BRENDA CAREY
CHAIRMAN

SKETCH OF DESCRIPTION

EXHIBIT "A"

LEGAL DESCRIPTION
(PROPOSE RIGHT OF WAY VACATE)

THAT PORTION OF 6TH STREET LYING BETWEEN ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, AND OFF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, AND THAT PORTION OF AVENUE C, LYING SOUTH OF AND CONTIGUOUS TO LOTS 10 AND 11, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, BOTH BEING RECORDED IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 20, BLOCK 10, ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 23, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN $S00^{\circ}05'48''W$ ALONG THE EAST LINE OF LOTS 11 THROUGH 20, BLOCK 10 AND THE WEST RIGHT OF WAY LINE OF 6TH STREET OF SAID ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, A DISTANCE OF 506.71 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 11, BLOCK 10; THENCE $N89^{\circ}35'56''W$, ALONG THE SOUTH LINE OF LOTS 10 AND 11, BLOCK 10 AND THE NORTH RIGHT OF WAY LINE OF AVENUE C OF SAID ALLEN'S FIRST ADDITION TO WASHINGTON HEIGHTS, A DISTANCE OF 210.00 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LOT 10, BLOCK 10; THENCE $S00^{\circ}05'59''W$, A DISTANCE OF 20.00 FEET, MORE OR LESS, TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF AFORESAID AVENUE C; THENCE $S89^{\circ}35'56''E$, ALONG THE SOUTH LINE OF SAID AVENUE C AND IT'S EASTERLY EXTENSION THEREOF, A DISTANCE OF 316.27 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF LOT 5, OFF BROADWAY INDUSTRIAL PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 63, PAGES 67 AND 68, IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE $N00^{\circ}03'08''E$, ALONG THE WEST LINE OF SAID LOT 5 AND THE EAST RIGHT OF WAY LINE OF 6TH STREET, A DISTANCE OF 347.14 FEET; THENCE $N89^{\circ}54'12''W$, A DISTANCE OF 66.00 FEET TO A POINT ON A LINE 56.00 FEET WEST OF THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA; THENCE $N00^{\circ}03'08''E$, ALONG A LINE 56.00 FEET WEST OF AND PARALLEL TO THE WEST LINE OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 11, A DISTANCE OF 180.00 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 20, BLOCK 10; THENCE $N89^{\circ}42'54''W$, ALONG SAID EASTERLY EXTENSION, A DISTANCE OF 39.86 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

CONTAINING 48,202 SQUARE FEET, MORE OR LESS.

THIS SURVEY CERTIFIED TO:
CITY OF OVIEDO
SUPERIOR FENCE AND RAIL

INFORMATION SHOWN HEREON IS BASED ON THE BOUNDARY & TOPOGRAPHIC SURVEY PERFORMED BY BOWYER-SINGLETON & ASSOCIATES, INC., PROJECT #SFR-JI, DATED 7-25-07.

SEE SHEET 2 FOR SKETCH OF DESCRIPTION

LEGAL DESCRIPTION WAS WRITTEN BY THIS SURVEYOR AT CLIENT REQUEST

THIS IS NOT A BOUNDARY SURVEY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND DELETIONS TO SURVEY MAPS, SKETCHES, OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

MICHAEL W. SOLITRO, PSM #4458
FOR THE FIRM OF ALTAMONTE SURVEYING AND PLATTING, INC. #LB 6300

SCALE: 1"=80'
REVIEWED BY: MWS
DRAWN BY: LJG
DATE: 12/20/07
JOB No.: 9810137
REVISED: 4/10/08

LEGEND

- = RECOVERED 4"x4" CONCRETE MONUMENT NO#
- ▲ = RECOVERED NAIL & DISK #
- × = RECOVERED X CUT IN CONCRETE
- ⊙ = RECOVERED 1/2" IRON ROD #
- = RECOVERED 1/2" IRON ROD NO #
- ⊕ = RECOVERED 5/8" IRON ROD NO #
- = SET 1/2" IRON ROD #LB 6300
- ⊖ = POWER POLE AS SHOWN
- = WOOD FENCE AS SHOWN
- = CHAIN LINK FENCE AS SHOWN
- ▣ = CONCRETE SLAB AS SHOWN

D = CENTRAL ANGLE (DELTA), L = ARC, R = RADIUS, R/W = RIGHT OF WAY, A/C = AIR CONDITIONER, (R) = RADIAL, (NR) = NON-RADIAL, (P) = PLAT, (M) = MEASURED, (C) CALCULATED, (D) = DEED, POB = POINT OF BEGINNING, CONC. = CONCRETE, POC = POINT OF COMMENCEMENT, PCL = POINT ON LINE

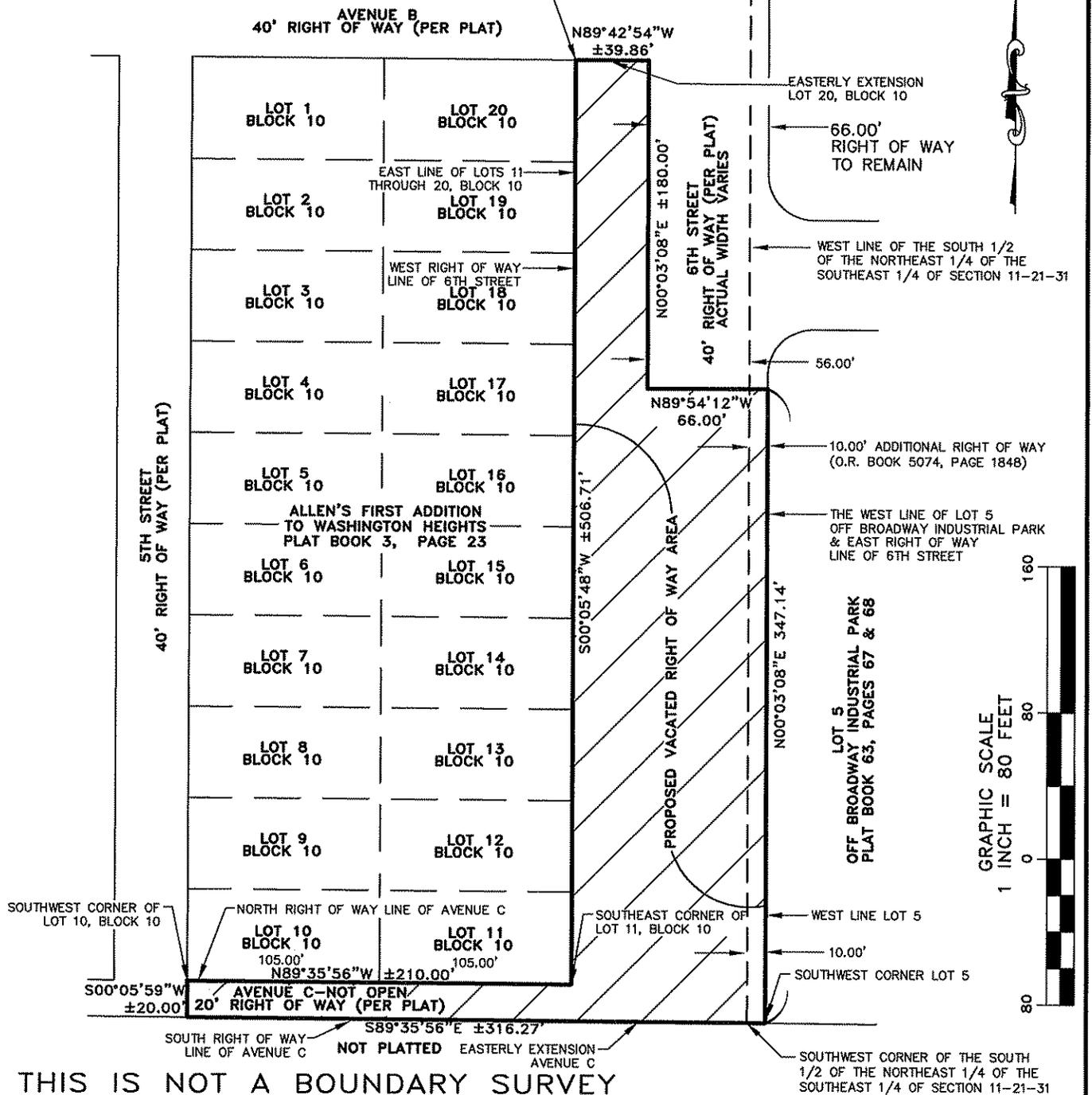
THIS SKETCH IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAYS AND/OR EASEMENTS OF PUBLIC RECORD.

ALTAMONTE SURVEYING AND PLATTING, INC. 435 DOUGLAS AVE. SUITE 1505F
ALTAMONTE SPRINGS, FL 32714
PHONE: (407) 862-7555
FAX: (407) 862-6229

C:\VAC\02000\6TH STREET SKETCH.DWG

POINT OF BEGINNING
THE NORTHEAST CORNER OF LOT 20, BLOCK 10

SKETCH OF DESCRIPTION



THIS IS NOT A BOUNDARY SURVEY

SCALE: 1"=80'
 REVIEWED BY: MWS
 DRAWN BY: LJJ
 DATE: 12/20/07
 JOB No.: 9810137
 REVISED: 4/10/08

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SEE SHEET 1 FOR LEGAL
 DESCRIPTION

INFORMATION SHOWN HEREON IS
 BASED ON THE BOUNDARY &
 TOPOGRAPHIC SURVEY PERFORMED
 BY BOWYER-SINGLETON &
 ASSOCIATES, INC., PROJECT
 #SFR-J1, DATED 7-25-07.

ALTAMONTE SURVEYING AND PLATTING, INC. 435 DOUGLAS AVE SUITE 1505F
 ALTAMONTE SPRINGS, FL 32714
 PHONE: (407) 862-7555
 FAX: (407) 862-6229

Robert G. Martin
John F. Martin
395 Old Mims Road
Geneva, Florida 32732
(407) 257-0652

April 17, 2008

Cynthia Sweet, Seminole County Developmental Review Division
1101 East First Street
Sanford, Florida 32771

RE: Allen's 1st Addition to Washington Heights, 6th Street Vacate, DR #08-00900003

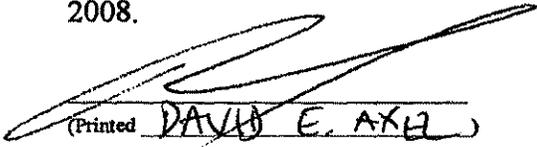
Dear Cynthia:

We are writing this letter to concur with and join in on the above referenced application to vacate portions of 6th Street and Avenue C (aka Harrison Avenue). The application was submitted on behalf of Stillwater Properties of Central, Florida, LLC by Jack Reynolds, presently of JHR Consultant, Inc.

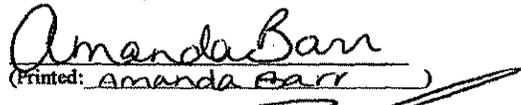
In have reviewed the original application dated February 27, 2008 as well as the Sketch of Description Job No. 9810137 by Altamonte Surveying, Platting, Inc. and have no objections to the vacate.

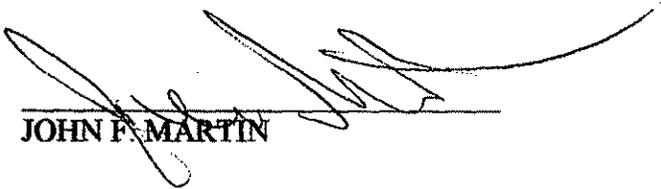
For reference, I am the owner of real property due south of the property subject to the vacate, said property being Seminole County parcels 11-21-31-300-045A-0000, 11-21-31-300-0410-0000 and 14-21-31-300-001B-0000, all of which are presently accessed via Evans Street and which also have frontage on Pineview Avenue.

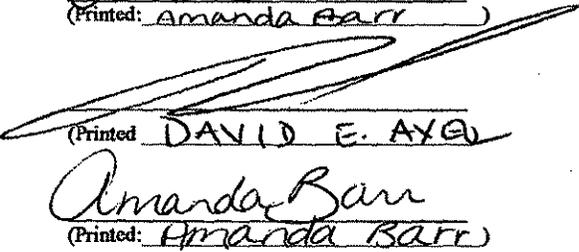
IN WITNESS WHEREOF, this letter is executed by the undersigned this 17 day of April, 2008.

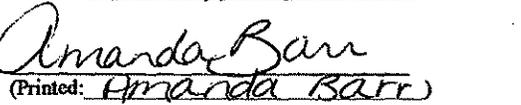

(Printed: DAVID E. AYCO)


ROBERT G. MARTIN


(Printed: Amanda Barr)

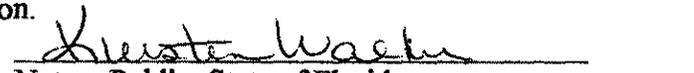

JOHN F. MARTIN


(Printed: DAVID E. AYCO)


(Printed: Amanda Barr)

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this 17 day of April, 2008, by ROBERT G. MARTIN. Affiants are AND JOHN F. MARTIN personally known by me or produced DRIVERS LICOWE for identification.


Notary Public, State of Florida
My Commission Expires: October 23, 2011



The City of
Oviedo
FLORIDA



400 ALEXANDRIA BOULEVARD • OVIEDO, FLORIDA 32765

April 18, 2008

Ms. Cynthia Sweet
Seminole County
1101 E. First St
Sanford FL 32771

RE: 6th Street and Harrison Street Partial Vacate/Utility Easement

Dear Ms. Sweet,

The City of Oviedo has a sewer force main that lies within the current ROW portions of the undeveloped and platted Harrison and Sixth Street that a private property owner desires to vacate. Since the ROW on this section of Harrison and Six Street does not lie within the City limits, City of Oviedo Public Works does not have any issues with Seminole County vacating this section of the roads pending the following:

1. A 20 ft exclusive utility easement along the entire length of the sewer force main impacted by the vacation is granted to the City of Oviedo prior to the recording of the ROW vacation and that such recording is dependent upon the City receiving the Utility Easement.
2. The attached City of Oviedo Utility Easement document is used.
3. The Development order between the County and the mentioned properties include the condition that the utility easement and agreement be given to the City Of Oviedo with out cost to the City of Oviedo.

If you have any questions, please feel free to contact me.

Sincerely,

Bobby Wyatt
Assistant Public Works Director

cc. David Axel
file