WS ____ RM X
Item No. 7.A

CITY COMMISSION MEMORANDUM 15-034
MARCH 9, 2015 AGENDA

TO: Honorable Mayor and Members of the City Commission
PREPARED BY: Cynthia Porter, City Clerk
SUBMITTED BY: Norton N. Bonaparte Jr., City Manager
SUBJECT: Vacate Portion of a Public Utility Easement; 1315 W. 1st Street

STRATEGIC PRIORITIES:

- ☐ Unify Downtown & the Waterfront
- ☐ Promote the City's Distinct Culture
- ☐ Update Regulatory Framework
- ☒ Redevelop and Revitalize Disadvantaged Communities

SYNOPSIS:

Ordinance No. 4335 to vacate a portion of an existing 20' wide east-west public utility easement located at 1315 W. 1st Street is being presented for second reading and adoption.

FISCAL/STAFFING STATEMENT:

There are no fiscal impacts associated with this request.

BACKGROUND:

The request involves vacating a portion of an existing 20' wide east-west public utility easement situated on Lots 1-17 and 30 - 35 within the plat of Graceline Court as recorded in Plat Book 3, Page 99 of the Public Records of Seminole County, Florida. The easement is more particularly described in Exhibits A and B attached to the proposed Ordinance. The property owner, Discount Auto Parts, LLC, is requesting that the City vacate this portion of an unnecessary easement upon the property where the developer has relocated the existing utility line and has provided the City with a new utility easement for this purpose which has subsequently been recorded and provided to the satisfaction of City.

Pursuant to Section 6.19 of the *Sanford Land Development Regulations*, rights-of-way and easements may be vacated by the City Commission, following a public hearing. The Development Review Team (DRT) has reviewed the petition and its effect on the City, the immediate neighborhood and properties near the specific right-of-way or easement in question.

The City Clerk sent letters to the area utility providers requesting a recommendation on the request to vacate the easement portion(s). All utility providers were given a "no response date" of February 9, 2015 at which time the City considers the no-response as indication that "no utilities within the vacate request area exist," and therefore, "no objection" is expressed.

AT&T	No Objection
Florida Power and Light:	No Objection
Florida Public Utilities:	No Response
Florida Gas Trans. Co.	No Objection
Duke Energy of Florida	No Objection
Bright House Networks:	No Objection
City Utility Department:	No Objection
City Public Works:	No Objection

On February 23, 2015, the City Commission approved the first reading of Ordinance No. 4335.

The City Clerk published notice of this public hearing in the Sanford Herald on February 25, 2015.

LEGAL REVIEW:

This matter has been reviewed by the Assistant City Attorney.

RECOMMENDATION:

The DRT reviewed this matter on January 13, 2015 and recommends that the City Commission approve the request to vacate a portion of an existing 20' wide east-west public utility easement situated on Lots 1-17 and 30 - 35 within the plat of Graceline Court as recorded in Plat Book 3, Page 99 of the Public Records of Seminole County, Florida and as indicated by the Map and Sketch of Descriptions (Exhibits A and B).

SUGGESTED MOTION:

"I move to adopt Ordinance No. 4335."

Attachments: Ordinance No. 4335

Ordinance No. 4335

An ordinance of the City of Sanford, Florida vacating and abandoning a portion of an east-west utility easement which is 20' in width situated on Lots 1-17 and 30 - 35 within the plat of Graceline Court as recorded in Plat Book 3, Page 99 of the Public Records of Seminole County, Florida (Tax Parcel Identification Number 25-19-30-503-0000-0010); providing for the taking of implementing administrative actions; providing for legislative findings and intent; repealing all conflicting ordinances; providing for severability; providing for non-codification and providing for an effective date.

Whereas, an application was filed with the City Commission of the City of Sanford, Florida, to vacate and abandon vacate a portion of an existing 20' wide east-west public utility easement situated on Lots 1-17 and 30 - 35 within the plat of Graceline Court as recorded in Plat Book 3, Page 99 of the Public Records of Seminole County; and

Whereas, the platted land and lots are located at 1315 W. 1st Street is recorded at Plat Book 3, Page 99 of the Public Records of Seminole County, Florida; and

Whereas, the platted land and lot is assigned Tax Parcel Identification Number 25-19-30-503-0000-0010 by the Seminole County Property Appraiser; and

Whereas, the platted lands and lots are more specifically described in Exhibit "A " and Exhibit "B" to this Ordinance which exhibits are incorporated into this Ordinance by this reference thereto as if fully set forth herein verbatim; and

Whereas, the City Commission of the City of Sanford finds that all of the easements set forth on the platted land and lot were dedicated to the public and were accepted by the City and that the City has and maintains jurisdictional and regulatory control over the said easement portions; and

Whereas, the City Commission of the City of Sanford finds that vacating, and abandoning the said portions of the public utility easement will not operate to the detriment of the City or the public provided that the conditions set forth in this Ordinance are imposed relative to the vacation and abandonment action taken herein in order to protect the public interest.

Now, therefore, be it enacted by the People of the City of Sanford, Florida:

Section 1. Legislative findings and intent.

(a) The City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance, the City staff report and City Commission agenda memorandum relating to the application relating to the proposed said portions of the public utility easement as set forth herein.

(b) The City of Sanford has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c) This Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Sanford.*

Section 2. Vacation of easements; implementing actions.

(a) The City of Sanford hereby vacates and abandons a portion of an existing 20' wide east-west public utility easement situated on Lots 1-17 and 30 - 35 within the plat of Graceline Court as recorded in Plat Book 3, Page 99 of the Public Records of Seminole County, Florida (Tax Parcel Identification Number: 25-19-30-503-0000-0010) being more specifically described in Exhibit "A", and "B"; be and the same is hereby vacated, and abandoned.

(b) The City Manager, or designee, is hereby authorized to execute the documents necessary to the action taken herein with the assistance of the City Attorney.

Section 3. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

Section 4. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 5. Non-Codification.

This Ordinance shall be not be codified in the *City Code of the City of Sanford* or the *Land Development Code of the City of Sanford.*

Section 6. Effective Date.

This Ordinance shall take effect immediately upon passage and adoption.

Passed and adopted this 9th day of March, 2015.

City Commission of the City of Sanford, Florida

Attest:

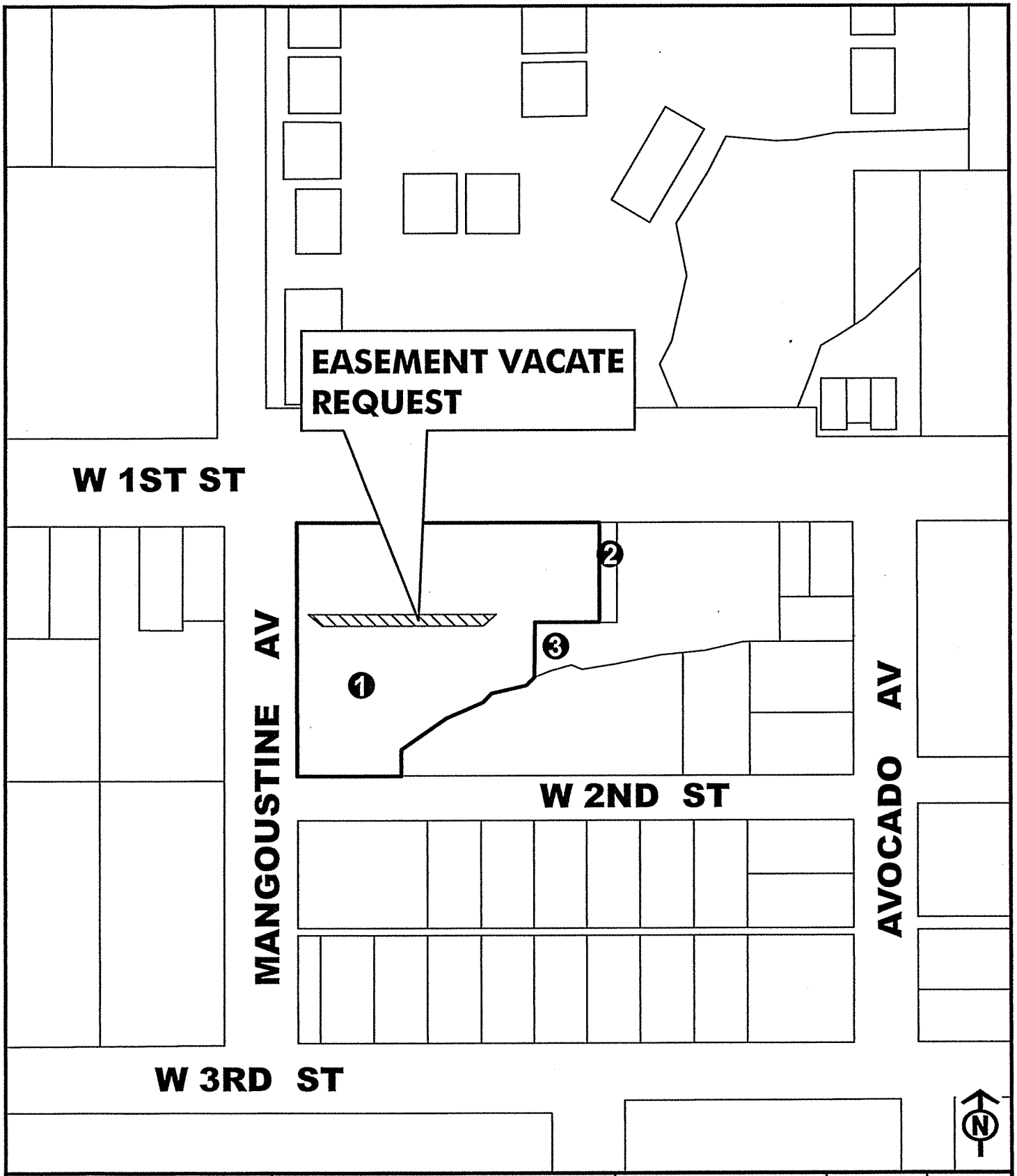
_____
Cynthia Porter, City Clerk

_____
Jeff Triplett, Mayor

Approved as to form and legal sufficiency.

_____
William L. Colbert City Attorney

EXHIBIT "A"



MAP #	PARCEL NO.	PROPERTY OWNER	PROPERTY ADDRESS	ZONING	ACRES
1	25-19-30-503-0000-0010	DISCOUNT AUTO PARTS LLC	1315 W 1ST ST	GC-2	1.67
2	25-19-30-503-0000-0180	CITY OF SANFORD	VACANT W 1ST ST	GC-2	0.05
3	25-19-30-503-0000-0190	FRANCISCO & GLORIA AVILES	1315 W 1ST ST	GC-2	0.70

EXHIBIT 'B', Page 1 of 2

SKETCH OF DESCRIPTION

PROJECT: ADVANCE AUTO PARTS
PURPOSE: VACATE UTILITY EASEMENT

THIS IS NOT A BOUNDARY SURVEY
NOT VALID WITHOUT SHEET 2

DESCRIPTION:

VACATING A PORTION OF UTILITY EASEMENT AS RECORDED IN CITY ORDINANCE No. 3064 IN OFFICIAL RECORDS BOOK 2313, PAGE 1870, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING A PORTION OF GRACELINE COURT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 99, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF LOT 32, GRACELINE COURT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 99, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN N00°28'04"W ALONG THE WEST LINE OF SAID LOT 32 AND THE NORTHERLY EXTENSION, ALSO BEING THE EAST RIGHT OF WAY LINE OF MANGOUSTINE AVENUE, A DISTANCE OF 181.60 FEET; THENCE RUN N89°39'56"E, A DISTANCE OF 8.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N89°39'56"E, A DISTANCE OF 213.49 FEET; THENCE RUN S38°54'19"W, A DISTANCE OF 22.30 FEET; THENCE RUN N89°50'11"W, A DISTANCE OF 178.52 FEET; THENCE RUN N53°20'06"W, A DISTANCE OF 26.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,231 SQUARE FEET, OR 0.074 ACRES, MORE OR LESS.

SURVEYORS NOTES

1. Bearings based on the center line of 2nd Street as being S89°39'56"W.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Standard of Practice for Land Surveying CH 5J-17.051 requirements.
3. Not valid without the signature and raised seal of a Florida Licensed Surveyor and Mapper.

LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°39'56"E	8.49'
L2	S38°54'19"W	22.30'
L3	N53°20'06"W	26.12'

JAMES R. SHANNON JR., P.L.S. #4671
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

SHANNON SURVEYING, INC.
499 NORTH S.R. 434 – SUITE 2155
ALTAMONTE SPRINGS, FLORIDA, 32714
(407) 774-8372 LB # 6898

DATE OF SURVEY: 12/05/2014
DRAWN BY: BP SCALE: 1" = 60'

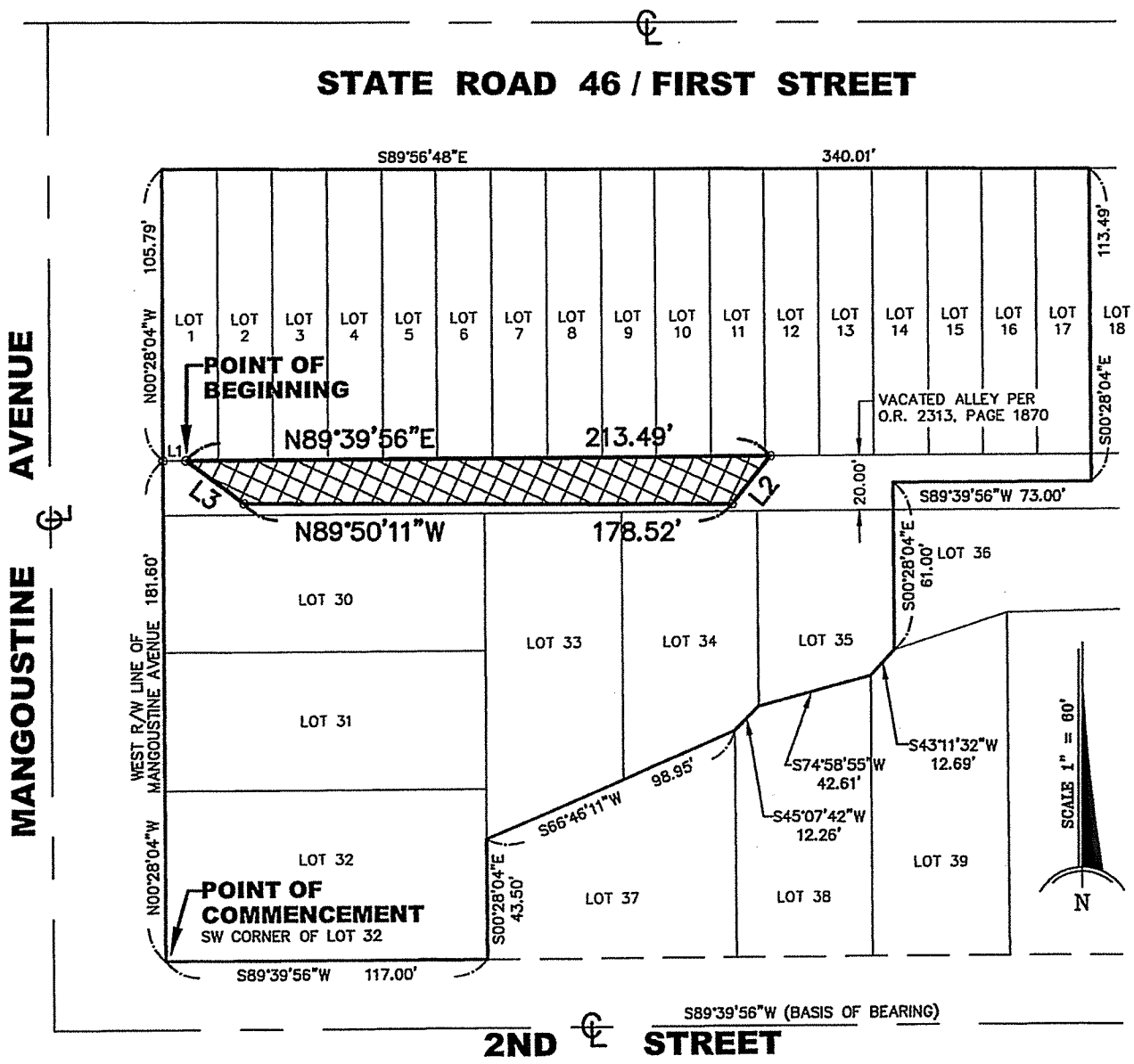
PB3-PG99-MANGOUSTINE SKETCH

EXHIBIT 'B', page 2 of 2

SKETCH OF DESCRIPTION

PROJECT: ADVANCE AUTO PARTS
PURPOSE: VACATE UTILITY EASEMENT

THIS IS NOT A BOUNDARY SURVEY
NOT VALID WITHOUT SHEET 1



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SHEET 2 OF 2