



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 2/21/06

SUBJECT: 06-350000001/PROPOSED EASEMENT VACATION – STERLING CHASE PUD, PHASE II SUBDIVISION, LOT 97 (782 FOXHOUND DRIVE; TAX PARCEL NO. 6329-03-00-0970)

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION

To approve Resolution #06-19, vacating 10.00 feet of the northerly rear yard 20.00-foot wide Drainage Easement located on Lot 97 of the Sterling Chase PUD, Phase II Subdivision, per the attached legal description.

SUMMARY

The Community Development Department has received a request to vacate a portion of the northerly rear yard 20.00-foot wide Drainage Easement located on Lot 97 of the Sterling Chase PUD, Phase II Subdivision. The property owners have made this request in connection with a proposed pool, deck, and screen enclosure to be constructed in to the easement. The easement vacation application and legal description have been reviewed for completeness and accuracy. Total allowable lot coverage has not been exceeded and enough easement area will remain for necessary drainage. City departments have reviewed this request and have no outstanding concerns. There are no currently planned drainage improvements proposed for this area in the future. The easement may be vacated, as described in the attached Exhibit "A", to the extent that it is not being used.

ATTACHMENTS: Ordinance Resolution Budget Resolution

Other Support Documents/Contracts Available for Review in Manager's Office

DEPARTMENT HEAD

Submitted

Date

2/10/06

FINANCE DEPARTMENT N/A

Approved as to Budget Requirements

Date

CITY ATTORNEY

Approved as to Form and Legality

Date

2-10-06

CITY MANAGER

Approved Agenda Item For:

2/21/06

COUNCIL ACTION: Approved as Recommended Disapproved

Tabled Indefinitely Continued to Date Certain Approved with Modification

RESOLUTION NO. 06-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A PORTION OF A PLATTED DRAINAGE EASEMENT FOR LOT 97, STERLING CHASE P.U.D., PHASE II; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A QUIT CLAIM DEED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Melvin R. Charbonneau and Gail L. Charbonneau are the record owners of Lot 97, Sterling Chase P.U.D., Phase II, according to the plat thereof as recorded in Map Book 44, Pages 120 through 122, Public Records of Volusia County, Florida, and have applied for the vacation of portion of a drainage and utility easement in order to provide for construction of a swimming pool and screen enclosure; and

WHEREAS, the applicants have complied with the requirements of Section 177.101(4), Florida Statutes; and

WHEREAS, the City Council of the City of Port Orange has the power and authority to vacate easements under constitutional home rule powers, Chapter 166 and Chapter 177, Florida Statutes; and

WHEREAS, the City Council of the City of Port Orange has determined that the portion of the easement to be vacated is not presently in use and that adjoining and neighboring owners of property will not be adversely affected by the vacation of a portion of the easement and it is in the best interest and welfare of the City of Port Orange and the citizens thereof to vacate and abandon the portion of the drainage easement as more particularly described hereinbelow.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA:

Section 1. The interest of the City of Port Orange, Volusia County, Florida, in the following described easement is hereby declared to be vacated and abandoned and any

right, title and interest of the City of Port Orange and any public rights in and to the easement hereby vacated are renounced and disclaimed. The portion of the platted easement to be vacated is more particularly described as follows:

See Exhibit "A", attached hereto and made a part hereof.

Section 2. The Mayor and City Manager are hereby authorized and directed to execute a Quit Claim Deed to the aforescribed property to effectuate the intent of this resolution.

Section 3. By accepting the above-described Quit Claim Deed, the applicants, for themselves, their successors and assigns, agree that the City shall have the continued right to perform maintenance within the drainage easement of record; and further, accept full and sole responsibility for any damage that the maintenance or that the storm water drainage may cause to any private improvements placed or constructed within the said drainage way.

Section 4. This resolution shall become effective immediately upon adoption.


MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Adopted on the day of

Reviewed and Approved:



City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

The southerly 10.00 feet of the northerly 20.00-foot wide Drainage Easement, except the easterly 26.00 feet and westerly 39.00 feet thereof, located on Lot 97 of the Sterling Chase PUD, Phase II Subdivision, as recorded in Map Book 44, Page 120 through Page 122, of the Public Records of Volusia County, Florida (782 Foxhound Drive; Tax Parcel No. 6329-03-00-0970).

PREPARED BY: CITY ATTORNEY
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA 32129

Parcel No. 6329-03-00-0970

This document has been prepared by the City of Port Orange without the benefit of title examination or survey; and shall not constitute a waiver of compliance with local and general laws regulating the subject property.

QUIT CLAIM DEED

THIS INDENTURE, made this _____ day of _____, 2006, between THE CITY OF PORT ORANGE, a Florida municipality, of the County of Volusia and State of Florida, Grantor, and MELVIN R. CHARBONNEAU and GAIL L. CHARBONNEAU, husband and wife, whose permanent address is 782 Foxhound Drive, Port Orange, Florida 32128, Grantees.

WITNESSETH, that the said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid by the said Grantees, the receipt whereof is hereby acknowledged, has remised, released and quit claimed, and by these presents does remise, release and quit claim unto the said Grantees, and Grantees' heirs and assigns forever, all the right, title, interest, claim and demand which the said Grantor has in and to the following described land, situate, lying and being in Volusia County, Florida, to-wit:

See Exhibit "A", attached hereto and made a part hereof.

By accepting the above-described Quit Claim Deed, the Grantees, for themselves, their successors and assigns, agree that the City shall have the continued right to perform maintenance within the drainage easement of record; and further, accept full and sole responsibility for any damage that the maintenance or that the storm water drainage may cause to any private improvements placed or constructed within the said drainage way.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatever of the said Grantor, either in law or equity, to the only proper use, benefit and behoof of the said Grantees, their heirs and assigns forever.

IN WITNESS WHEREOF, the said Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

CITY OF PORT ORANGE,
a Florida municipality

By: _____
Mayor Allen Green

Witnesses _____

ATTEST: _____
Kenneth W. Parker,
City Manager

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2006, by Allen Green and Kenneth W. Parker, as Mayor and City Manager, respectively, of the City of Port Orange, a Florida municipality, on behalf of said city. They are personally known to me.

Notary Public, State of
Florida at Large

Commission No. _____

C:\Legal\QCD\es vac lot 97 sterling chase.wpd

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12/18/2002 07:49
Doc stamps 1557.50
(Transfer Amt \$ 222500)
Instrument # 2002-289609
Book: 4983
Page: 3912
Diane M. Matousek
Volusia County, Clerk of Court

Return to:
Name:
Address:

This Instrument Prepared:
Andrea Swanto Boswell, C.L.C.
Southern Title of Central Florida, LLC.
404 SEABREEZE BLVD.
DAYTONA BEACH, Florida 32118

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
6329-03-00-0970
Grantee(s) S.S.#(s):
File No:SB026072

WARRANTY DEED

This Warranty Deed Made the 13th day of December, 2002, by RICHARD E. MOODY and YVONNE MOODY, HUSBAND AND WIFE, hereinafter called the grantor, whose post office address is: 23 LAZY EIGHT DRIVE, DAYTONA BEACH, Florida 32124

to MELVIN R. CHARBONNEAU and GAIL L. CHARBONNEAU, HUSBAND AND WIFE, whose post office address is: 24 SIERRA TRACE, BALLSTON LAKE, New York 12019, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

LOT 97, STERLING CHASE P.U.D., PHASE II, ACCORDING TO PLAT THEREOF, RECORDED IN MAP BOOK 44, PAGES 120 THROUGH 122 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever. And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 2002, reservations, restrictions and easements of record, if any. (The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.) In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature: [Signature]
Printed Name: RICHARD E. MOODY

Witness Signature: [Signature]
Printed Name: YVONNE MOODY

Witness Signature: [Signature]
Printed Name: Roger Van Arken

Witness Signature: _____
Printed Name: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

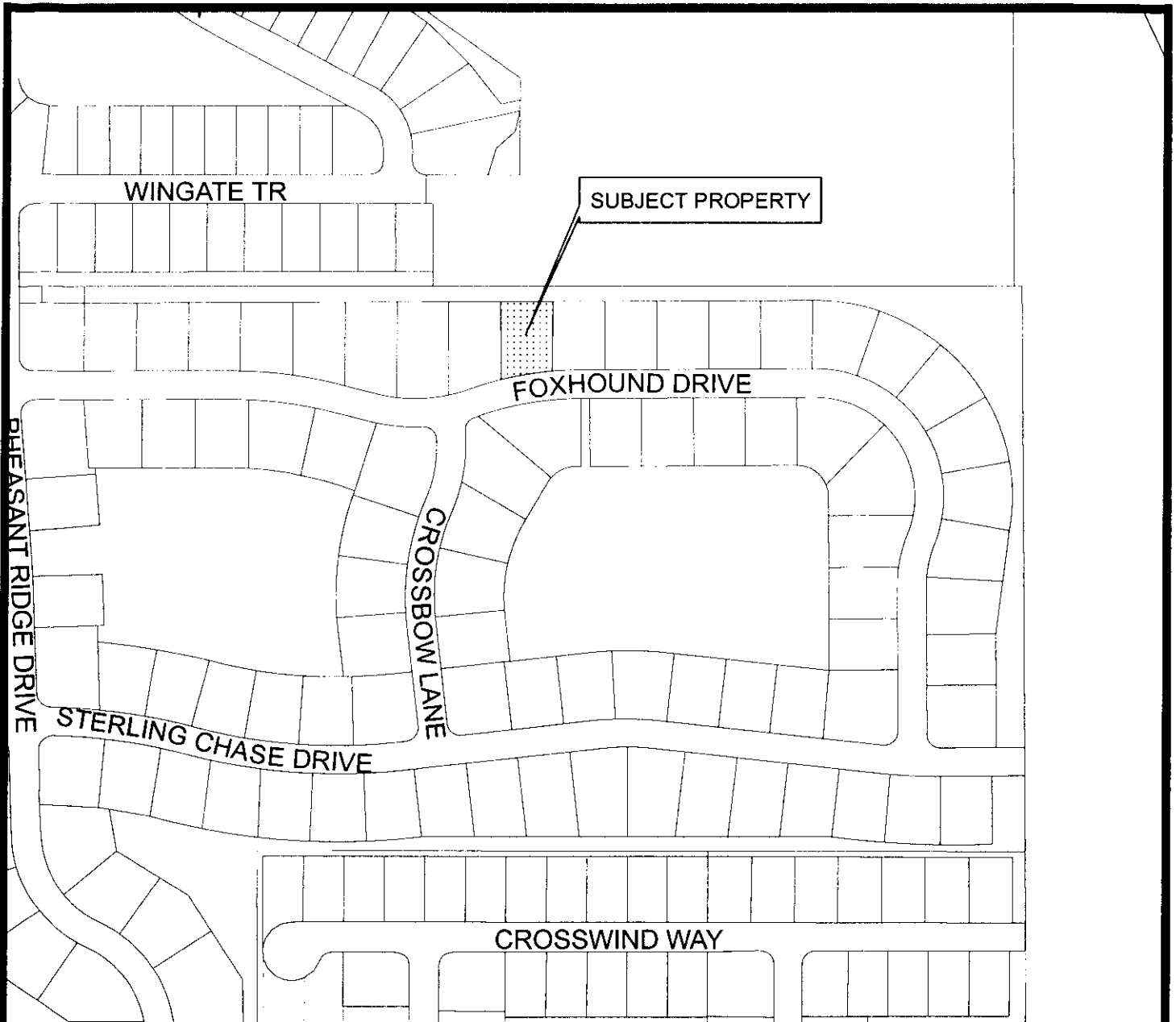
The foregoing instrument was acknowledged before me this 13th day of December, 2002, by RICHARD E. MOODY and YVONNE MOODY, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires:
1/2/04



[Signature]
Printed Name: Kathryn L. Taylor
Notary Public
Serial Number CC899002

SOUTHERN TITLE



Case No.: 06-35000001

Applicant: Richard Wolff, All About Pools, on behalf of Melvin R. and Gail L. Charbonneau, property owners

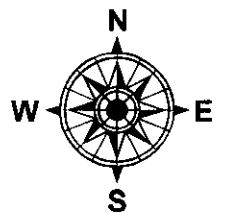
Location: Lot 97, Sterling Chase PUD, Phase II Subdivision (782 Foxhound Drive)

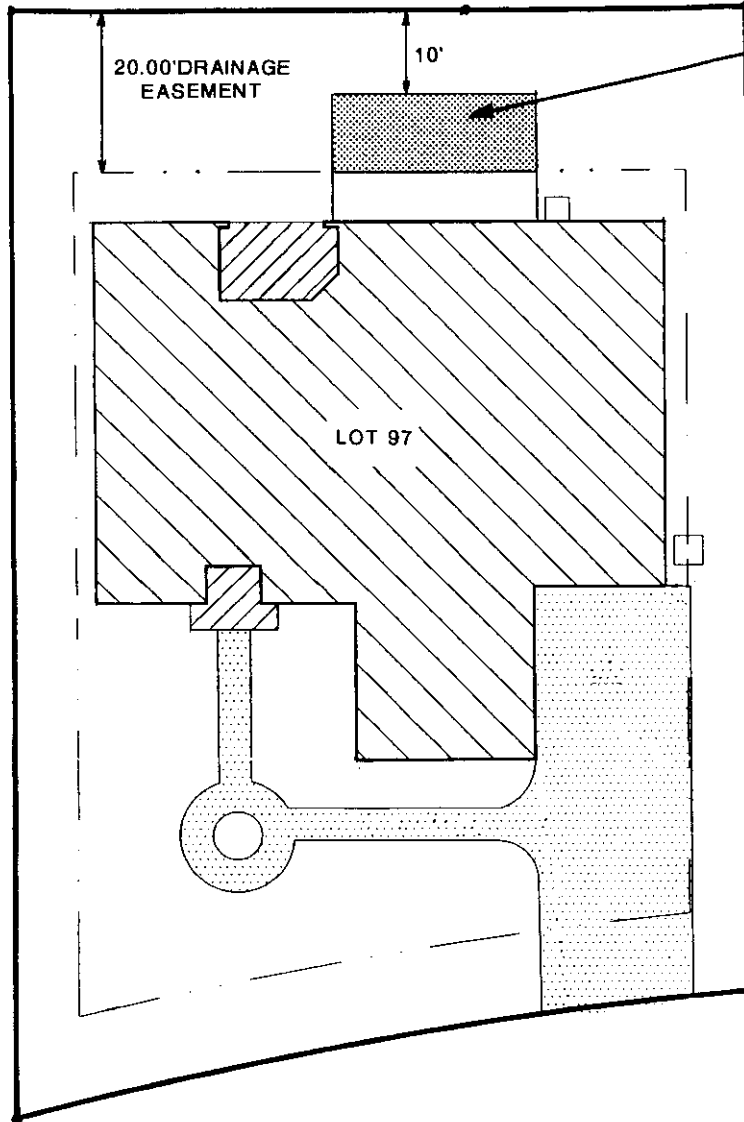
Requested Action: To vacate a portion of the northerly rear yard 20.00-foot wide Drainage Easement located on Lot 97 of the Sterling Chase PUD, Phase II Subdivision



Location Map
CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





PROPOSED EASEMENT
VACATION

Case No.: 06-350000001

Applicant: Richard Wolff, All About Pools, on behalf of Melvin R. and Gail L. Charbonneau, property owners

Location: Lot 97, Sterling Chase PUD, Phase II Subdivision (782 Foxhound Drive)

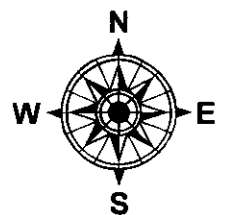
Requested Action: To vacate a portion of the northerly rear yard 20.00-foot wide Drainage Easement located on Lot 97 of the Sterling Chase PUD, Phase II Subdivision



Location Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT

CASE NO. <i>06-3500001</i>
DATE APPLICATION RECEIVED <i>1/24/06</i>

1000 CITY CENTER CIRCLE PORT ORANGE, FLORIDA 32119 904-756-5250 FAX 904-756-5267

EASEMENT VACATION APPLICATION

Property Owner: Melvin R. & Gail L. Charbonneau

Address: 782 Foxhound Dr. Telephone: 756-9438

Applicant: Richard Wolff Telephone: 677-4405

Subject Property Address: 782 Foxhound Dr.

Volusia County Tax Parcel Number: 6329-03-00-0970

Subdivision Name: Sterling Chase P.U.D. Lot Number: 97

Legal Description of proposed easement vacation:
See Attached

Purpose for proposed easement vacation: Swimming pool + screen enclosure

- REQUIRED SUBMITTAL TO INCLUDE:**
1. Sealed Property Survey showing all structures, easements, area of proposed easement vacation
 2. Legal Description of proposed easement vacation
 3. Copy of Recorded Deed for the property
 4. Application / Recording Fee of \$250.00 (payable to City of Port Orange)
 5. Completed Application Form (signatures required on reverse side of application form)

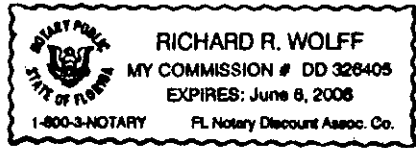
Applicant Signature: Richard Wolff

I hereby grant authorization for the above applicant to act in my behalf:

Property Owner Signature: Melvin R Charbonneau, Paul L. Charbonneau
(Required)

The foregoing instrument was acknowledged before me this 8/24/05 by Melvin R + Paul L. Charbonneau who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

Signature: Richard R. Wolff Notary Public Commission No. _____
Print Name: Richard R. Wolff



Richard's e mail: doctorpool7448@cfl.rr.com
cell phone 846-7665



County of Volusia Revenue Division

Site
gov

Tax Record

print [navigation icons]

Owner Nar
9 of 11

Details

Tax Record

- » Print View
- Shopping Cart

NOTE: All delinquent payments NOT made by credit card MUST be in certified funds.

Last Update: 1/2/2006 11:36:58 PM ET

Searches

- Account Number
- Owner Name**
- Alternate Key
- Mailing Address

Site Functions

- Welcome
- Tax Search and Payment**
- Contact Us
- Online Help
- Home

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account Number	Tax Type	Tax Year	
632903000970	Real Estate	2005	
Mailing Address		Physical Address	
CHARBONNEAU MELVIN R & GAIL L 782 FOX HOUND DR PORT ORANGE FL 32128		782 FOXHOUND POR Alternate Key 5447511.0000	
Assessed Value	Exempt Amount	Taxable Value	
\$185,742.00	\$25,000.00	\$160,742.00	
Exemption Detail		Millage Rate	
01 \$25,000		602 22.59000	
Legal Description			
LOT 97 STERLING CHASE PUD PH II MB 44 PGS 120 TO 122 INC PER OR PER OR 4983 PG 3912			
Tax Districts Detail			
Code	Description	Exemption Amount	Amount
0057	VOLUSIA FOREVER	\$0.00	\$32.15
0058	VOLUSIA ECHO	\$0.00	\$32.15
0520	MOSQUITO CONTROL	\$0.00	\$38.26
0530	PONCE INLET/PORT AUTHORITY	\$0.00	\$14.47
0015	SCHOOL-I&S	\$0.00	\$52.08
0050	COUNTY	\$0.00	\$947.41
0230	PORT ORANGE	\$0.00	\$771.56
0233	PORT ORANGE I&S	\$0.00	\$9.40
0060	ST JOHNS RIVER WATER MGMT	\$0.00	\$74.26
0065	FLORIDA INLAND NAVIGATION DIST	\$0.00	\$6.19
0120	SE VOLUSIA HOSPITAL DISTRICT	\$0.00	\$377.74
0010	SCHOOL	\$0.00	\$1,275.49
4021	PORT ORANGE STORMWATER	\$0.00	\$99.00
		Total Gross	\$3,730.16
		Discount	(\$149.21)

	Total	\$3,580.95
If Paid By	Amount Due	
	\$0.00	

Date Paid	Transaction	Receipt	Amount Paid
11/30/2005	PAYMENT	9705221.0001	\$3,580.95

Prior Year Taxes Due
NO DELINQUENT TAXES

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Legal Disclaimer / Privacy Statement



W City of Port Orange
**** CUSTOMER RECEIPT ****
Oper: LORIW Type: OC Drawer: 1
Date: 1/24/06 01 Receipt no: 89576

Description	Quantity	Amount
PV PARKING VIOLATION	1.00	\$250.00

STERLING CHASE 2 LOT 97
EASEMENT VACATION FEE

Tender detail		
CK CHECK	1865	\$250.00
Total tendered		\$250.00
Total payment		\$250.00

Trans date: 1/23/06 Time: 15:53:27

