



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 12/5/06

SUBJECT: 06-350000004/PROPOSED EASEMENT VACATION – CROSS CREEK PHASE II SUBDIVISION, LOT 144 (4638 GOLDEN APPLES TRAIL; TAX PARCEL NO. 6307-15-00-1440)

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION

To approve Resolution #06-125, vacating the easterly 5.00 feet of the westerly rear yard 10.00-foot wide Drainage, Utility, and Grading Easement located on Lot 144 of the Cross Creek Phase II Subdivision, per the attached legal description.

SUMMARY

The Community Development Department has received a request to vacate a portion of the westerly rear yard 10.00-foot wide Drainage, Utility, and Grading Easement located on Lot 144 of the Cross Creek Phase II Subdivision. The property owner has made this request in connection with a proposed pool and deck 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 or utility 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 *Michael E. Smith*
for Dick Wels

Date 11-22-06

FINANCE DEPARTMENT N/A

Approved as to Budget Requirements

Date

CITY ATTORNEY *John Kulo*

Approved as to Form and Legality

Date 11-22-06

CITY MANAGER *Jelly*

Approved Agenda Item For:

12/5/06

COUNCIL ACTION: Approved as Recommended Disapproved

Tabled Indefinitely Continued to Date Certain Approved with Modification

RESOLUTION NO. 06-125

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

WHEREAS, Robert A. Frazier and Marcy A. Frazier, husband and wife, are the record owners of Lot 97, The Groves, Phase C, according to the plat thereof, recorded in Map Book 44, Page 19, Public Records of Volusia County, Florida, and have applied for the vacation of a portion of a drainage and utility easement in order to provide for proposed construction of a swimming pool, deck 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 and utility 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 easements 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 easterly 4.50 feet of the westerly rear yard 10.00-foot wide Drainage and Utility Easement, except the northerly 11.00 feet and southerly 22.00 feet thereof, located on Lot 97 of the Groves Phase C subdivision plat, as recorded in Map Book 44, Page 19, of the Public Records of Volusia County, Florida (3783 Maple Grove Court; Tax Parcel No. 6306-12-00-0970)

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

Parcel No. 6306-12-00-0970

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 ROBERT A. FRAZIER and MARCY A. FRAZIER, husband and wife, whose permanent address is 3783 Maple Grove Court, Port Orange, Florida 32129, 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:

Witnesses

CITY OF PORT ORANGE,
a Florida municipality

By: _____
Mayor Allen Green

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\groves lot 97 ph C.wpd

EXHIBIT "A"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

The easterly 4.50 feet of the westerly rear yard 10.00-foot wide Drainage and Utility Easement, except the northerly 11.00 feet and southerly 22.00 feet thereof, located on Lot 97 of the Groves Phase C subdivision plat, as recorded in Map Book 44, Page 19, of the Public Records of Volusia County, Florida (3783 Maple Grove Court; Tax Parcel No. 6306-12-00-0970)

Prepared By: Janetta W. Hilton
SOUTHERN TITLE OF CENTRAL FLORIDA, INC.
2335 BEVILLE ROAD
DAYTONA BEACH, FL 32119
incidental to the issuance of a title insurance policy.
File Number: 01*DB-98-6044
Parcel ID #: 6306-12-00-0970
Grantee(s) SS #: 022-50-3453

**WARRANTY DEED
(CORPORATE)**

This WARRANTY DEED, dated 3/31/99
by

THE JOHNSON GROUP, INC., A FLORIDA CORPORATION
whose post office address is:

P.O. BOX 291338, Port Orange, FL 32129

a corporation existing under the laws of the State Florida hereinafter called the GRANTOR to
ROBERT A. FRAZIER and MARCY A. FRAZIER, husband and wife

whose post office address is: 3783 MAPLE GROVE CT

PORT ORANGE, FLORIDA 32119

hereinafter called the GRANTEE:

(Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$10.00 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, THE GROVES, PHASE C, according to the plat thereof, recorded in Map Book 44, Page 19, of the Public Records of Volusia County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 1999 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

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 except as above noted, 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.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: Janetta W. Hilton

Print Name: Janetta W. Hilton

THE JOHNSON GROUP, INC., A FLORIDA CORPORATION

BY: Jerry S. Johnson, Sr.
JERRY S. JOHNSON, SR., PRESIDENT

Signature: Machelle Helms

Print Name: Machelle Helms

State of Florida
County of Volusia

THE FOREGOING INSTRUMENT was acknowledged before me on 3/31/99 by:
JERRY S. JOHNSON, SR., PRESIDENT

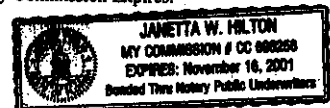
of
THE JOHNSON GROUP, INC., A FLORIDA CORPORATION, a corporation existing under the laws of the State of Florida, on behalf of the Corporation.

He/She is personally known to me and who Did Not take an oath.

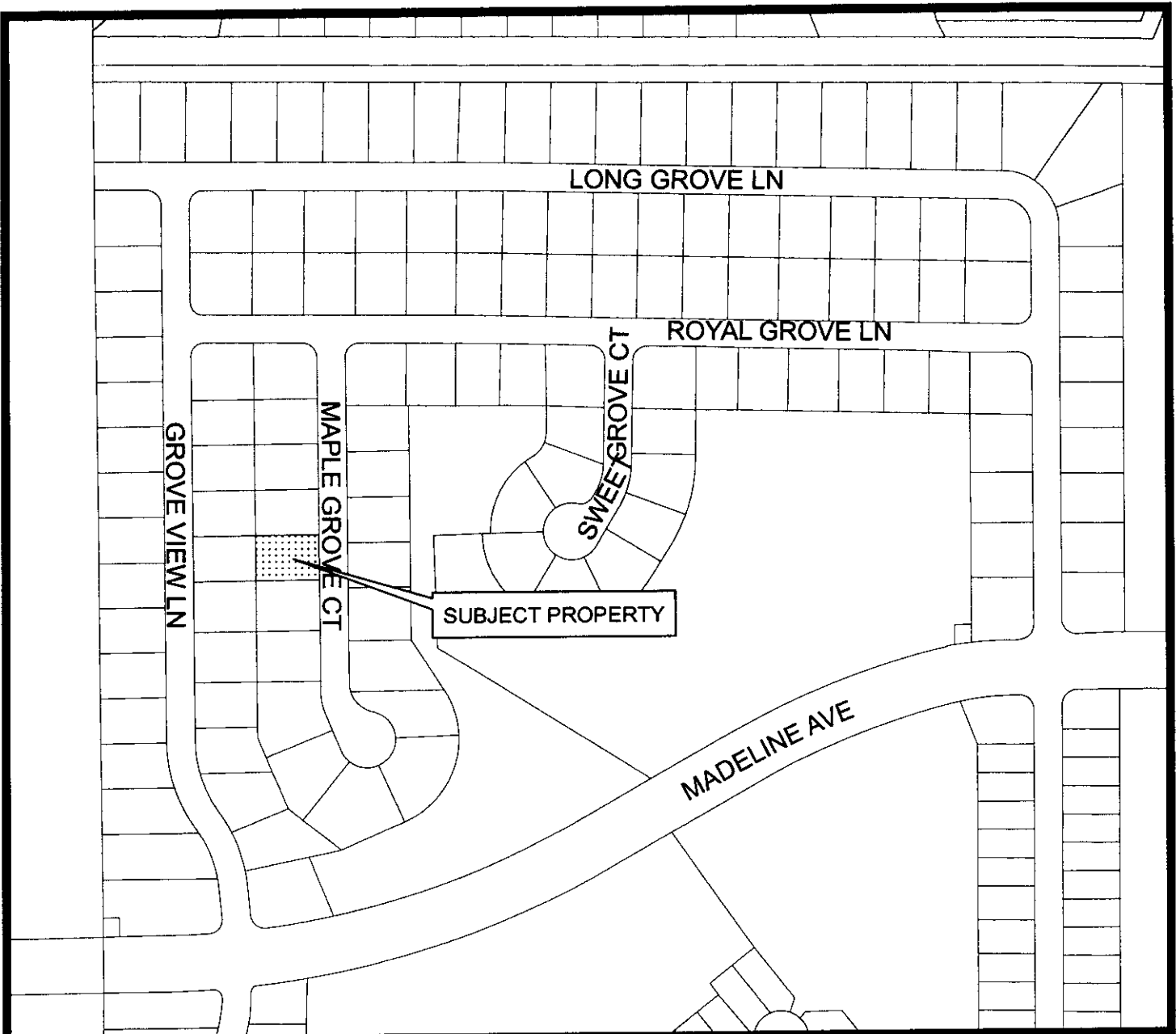
Notary Seal

Signature: Janetta W. Hilton
Print Name: _____

Notary Public
My Commission Expires:



SOUTHERN TITLE OF CENTRAL FLORIDA, INC.



Case No.: 06-350000006

Applicant: Robert A. Frazier and Marcy A. Frazier, Property Owners

Location: Lot 97, Groves C Subdivision
(3783 Maple Grove Court)

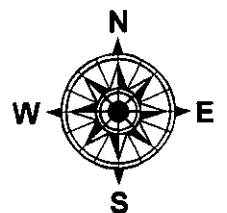
Requested Action: To vacate a portion of the westerly rear yard 10.00' wide Drainage and Utility Easement located on Lot 97 of the Groves C Subdivision

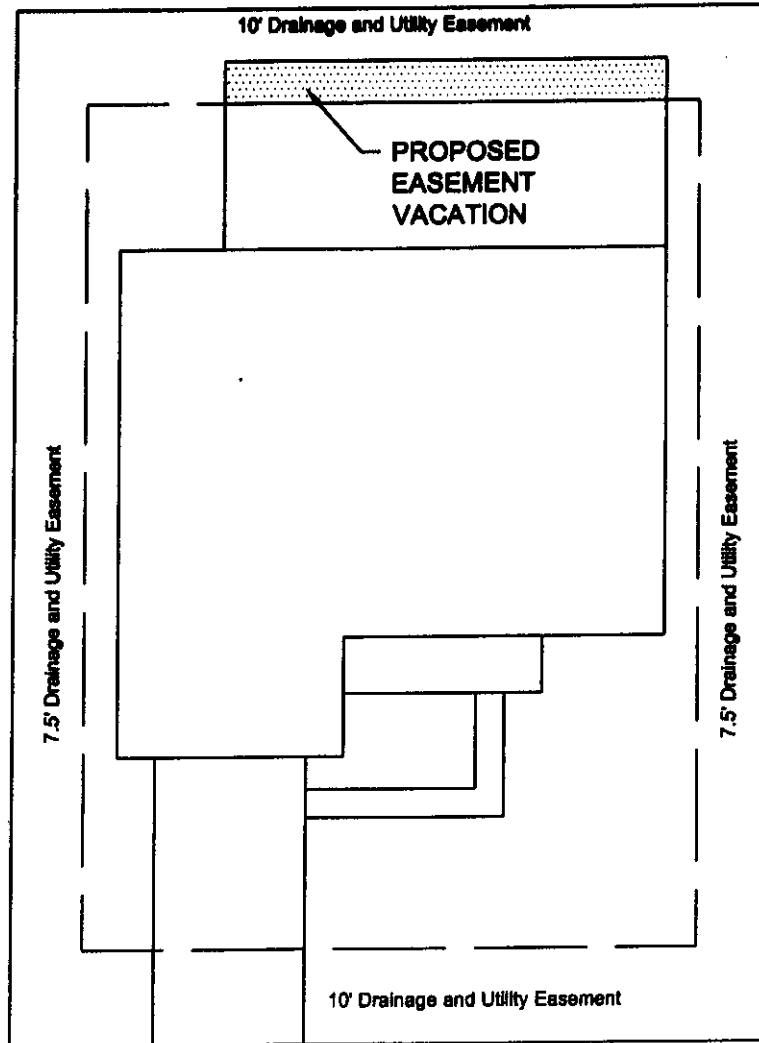


Location Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT





Case No.: 06-350000006

Applicant: Robert A. Frazier and Marcy A. Frazier, Property Owners

Location: Lot 97, Groves C Subdivision (3783 Maple Grove Court)

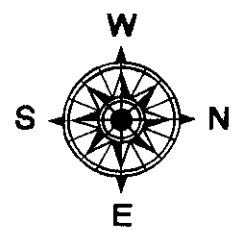
Requested Action: To vacate a portion of the westerly rear yard 10.00' wide Drainage and Utility Easement located on Lot 97 of the Groves C Subdivision



Location Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT



BellSouth Telecommunications, Inc.
900 North Nova Road
Daytona Beach, FL 32117

November 10, 2006

City of Port Orange
Community Development Dept.
Attn: Chip Glor
1000 City Center Circle
Port Orange, Florida 32129

**RE:PARTIAL RELEASE OF EASEMENT LOT 97, 3783 MAPLE GROVE COURT ,
PORT ORANGE, FLORIDA, THE GROVES SUBDIVISION,
PARCEL # 6306-12-00-0970**

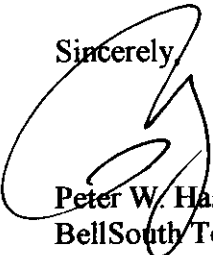
Dear Sir,

In regard to the request for the release of the drainage and utility easement please accept this letter as our notification of agreement to relinquish all rights we may have to this easement as described as:

The Easterly 4.50 feet of the westerly rear yard 10.00 wide Drainage and Utility Easement, except the northerly 11.00 feet and southerly 22.00 feet thereof, located on Lot 97 of the Groves Subdivision Phase C, as recorded in Map Book 44, Page 19, of the Public Records of Volusia County, Florida.

If you have any questions please contact Rebecca S. Cochrane @ 386 252 0662.

Sincerely,



Peter W. Hassett
BellSouth Telecommunications Inc.

Cc: Mr. & Mrs. Fraizer



PEOPLES GAS

Release of Easement

PEOPLES GAS SYSTEM, INC. having its principle place of business at 1722 Ridgewood Avenue, Holly Hill, Volusia County, Florida, for and in consideration of certain benefits accruing to it, does hereby release and cancel all of its right, title, interest, claim, easement and demand, if any, it may have in, over, above, under, and across the public utility easement shown in the Groves Subdivision, Phase C, a subdivision plat according to the plat thereof recorded in Map Book 44, page 19, of the public records of Volusia County, Florida being more particularly described as follows:

The easterly 4.50 feet of the westerly rear yard 10.00 feet wide Drainage, Utility Easement, except the northerly 11.00 feet and southerly 22.00 feet thereof, located on lot 97 of the Groves Phase C Subdivision Plat, as recorded in Map Book 44, page 19, of the Public Records of Volusia County, Florida.

Physical Address - 3783 Maple Grove Court
Port Orange, FL
Tax Parcel # 6306-12-00-0970

This release applies only to that public utility easement hereinabove specifically described and in no way affects other lands covered by said public utility right-of-way.

WITNESS: Brooke Stone

By: George C. Smith
George C. Smith
Construction Coordinator

DATE: 9/21/06

STATE OF FLORIDA, COUNTY OF VOLUSIA

I hereby certify that on this day, before me, personally appeared George C. Smith, and known to me to be the person described in and who executed the foregoing instrument of the corporation names therein, and acknowledged before me that they executed the same in the name and on behalf of said corporation.

WITNESS MY HAND AND OFFICIAL SEAL IN THE COUNTY AND STATE AFORESAID THIS 21st day of September, 2006



Joni M. Murray
Commission #DD323920
Expires: May 26, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

My Commission Expires: MAY 26, 08

Joni M. Murray

Notary Public, State of Florida at Large



September 27, 2006

TO:
CITY OF PORT ORANGE
COMMUNITY DEVELOPMENT DEPT.
1000 CITY CENTER CIR.
PORT ORANGE , FL 32129

Re: Easement Vacation
Lot: 97
Address: 3783 Maple Groves Court
Subd: The Groves Subdivision
Map book 44 page 19, public records of Volusia County, Florida
Tax Parcel: 6306-12-00-0970

Please be advised that FPL does not object to the 4.50 foot partial vacation of the platted 10' utility easement described as follows. The easterly 4.50 feet of the westerly 10.00 feet wide Drainage and Utility Easement , except the northerly 11.00 feet and southerly 22.00 feet thereof, located on lot 97 of The Groves – Phase C Subdivision plat, as recorded in Map Book 44, Page 19, of the Public Records of Volusia County, Florida (3783 Maple Groves Court : Tax parcel 6306-12-00-0970).

If you have any questions regarding this matter, please contact Wayne A Wagner, FPL's local representative at 322-3464.

Thank you,

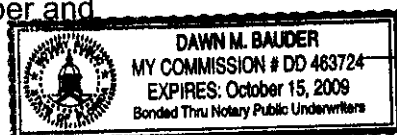
Bill Water

Construction Supervisor

STATE OF FLORIDA AND COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 4th day of October, 2006 by Bill WATER who is personally known to me and did not take an oath.

My Commission number and expiration date:



Dawn M. Bauder

Notary Public, Signature

211 St. Joe Plaza Drive
Palm Coast, FL 32164



October 2, 2006

Chip Glor
City of Port Orange
Community Development Dept.
1000 City Center Circle
Port Orange, FL 32129

**RE: Proposed Easement Vacate: The Groves Subdivision, Phase C, Lot 97
3783 Maple Grove Court, Port Orange, FL**

Gentlemen:

This letter is in response to a request to Bright House Networks to vacate the above referenced easement as described in Legal Description within attached Exhibit "A".

We have reviewed the request and find that we do not presently maintain cable plant in this easement and have no plans to utilize it in the future. **Bright House Networks has no objection to the vacation of this easement.**

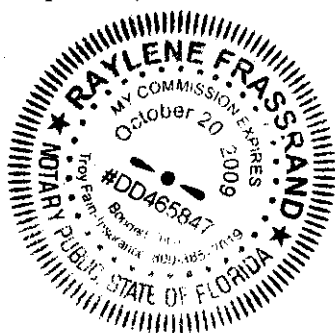
If you have any questions regarding this, please contact the undersigned.

Sincerely,

A handwritten signature in cursive script that reads "Larry Henderson".

Larry Henderson
Construction Manager
386-446-1420

Larry Henderson acknowledged the foregoing instrument before me this 2nd day, October 2006. He is personally known to me, and did not take an oath.

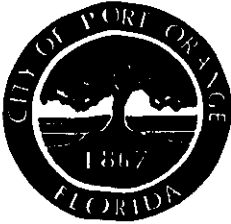


Signature 
Raylene Frassrand

EXHIBIT "A"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

The easterly 4.50 feet of the westerly rear yard 10.00-foot wide Drainage and Utility Easement, except the northerly 11.00 feet and southerly 22.00 feet thereof, located on Lot 97 of the Groves Phase C subdivision plat, as recorded in Map Book 44, Page 19, of the Public Records of Volusia County, Florida (3783 Maple Grove Court; Tax Parcel No. 6306-12-00-0970)



CITY OF PORT ORANGE

Department of Community Development
Engineering Division

CASE NO. <u>06-35000006</u>
DATE APPLICATION RECEIVED <u>9/20/06</u>

1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129 (386) 506-5600 FAX: (386) 506-5699

EASEMENT VACATION APPLICATION

Property Owner: ROBERT A. + MARCY A. FRAZIER

Address: 3783 MAPLE GROVE CT.

PORT ORANGE, FL 32129 Phone: 386-761-8381

Applicant's Name (if other than owner): 304-2223 (WORK-MARC)
453-6640 (CBL)

Address: _____ Phone: _____

Property Address/Location: 3783 MAPLE GROVE CT.

Subdivision Name: GROVES, C

Lot Number(s): 97 Parcel No.: 6306-12-00-0970

Legal Description of proposed easement vacation: SEE ATTACHED

Purpose for proposed easement vacation: POOL, DECK + SCREEN
ENCLOSURE

- ### REQUIRED ATTACHMENTS
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 (payable to the City of Port Orange); and
 5. Completed application form (signatures required on reverse side of application form)

Robert A Frazin

9/20/06

Applicant's Signature: *Marcy Frazin*

Date: 9/20/06

I HEREBY GRANT AUTHORIZATION FOR THE ABOVE LISTED APPLICANT TO ACT IN MY BEHALF:

Owner's Signature: _____

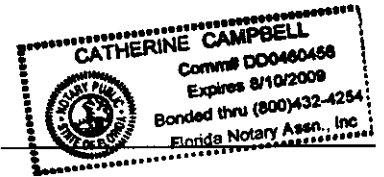
Date: _____

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 9-20-06 by
Robert Alex Frazin
Marcy Mula Frazin, who is personally known to me or who has
produced FL. DR. Li as identification and who did (did not) take
an oath.

Catherine Campbell
(Signature)
Catherine Campbell
(Name of Notary typed, printed or stamped)

Notary Public, Commission No. _____





County of Volusia Revenue Division

Site
gov

Tax Record

Print | | | -/ -/

Owner Name
1 of 1

Details

Tax Record

» Print View

Shopping Cart

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

Last Update: 9/20/2006 8:40:30 AM EDT

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	
630612000970	Real Estate	2005	
Mailing Address		Physical Address	
FRAZIER ROBERT A & MARCY A 3783 MAPLE GROVE CT PORT ORANGE FL 32119		3783 MAPLE GROVE POR Alternate Key 5299015.0000	
Assessed Value	Exempt Amount	Taxable Value	
\$119,687.00	\$25,000.00	\$94,687.00	
Exemption Detail		Millage Rate	
01 \$25,000		402 23.24000	
Legal Description			
LOT 97 THE GROVES PH C MB 44 PG 19 PER OR 4418 PG 2070			
Tax Districts Detail			
Code	Description	Exemption Amount	Amount
0057	VOLUSIA FOREVER	\$0.00	\$18.94
0058	VOLUSIA ECHO	\$0.00	\$18.94
0520	MOSQUITO CONTROL	\$0.00	\$22.54
0530	PONCE INLET/PORT AUTHORITY	\$0.00	\$8.52
0015	SCHOOL-I&S	\$0.00	\$30.68
0050	COUNTY	\$0.00	\$558.09
0230	PORT ORANGE	\$0.00	\$454.50
0233	PORT ORANGE I&S	\$0.00	\$5.54
0060	ST JOHNS RIVER WATER MGMT	\$0.00	\$43.75
0065	FLORIDA INLAND NAVIGATION DIST	\$0.00	\$3.65
0100	HALIFAX HOSPITAL	\$0.00	\$284.06
0010	SCHOOL	\$0.00	\$751.34
4021	PORT ORANGE STORMWATER	\$0.00	\$99.00
		Total Gross	\$2,299.55
		Discount	(\$91.98)
		Total	\$2,207.57

If Paid By	Amount Due
	\$0.00

Date Paid	Transaction	Receipt	Amount Paid
11/30/2005	PAYMENT	9742189.0001	\$2,207.57

Prior Year Taxes Due
NO DELINQUENT TAXES

**Please Mail Payments to: County of Volusia 123 W Indiana Ave Rm103,
Deland, FL 32720**

[Print](#) | << First < Previous Next > Last >>

Legal Disclaimer / Privacy Statement

