



# CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/28/07

**SUBJECT:** 07-350000009 / PROPOSED UTILITY AND DRAINAGE EASEMENT VACATIONS  
- TAYLOR / AIRPORT SUBDIVISION, LOT 1 (1633B TAYLOR ROAD; TAX  
PARCEL NO. 6319-27-00-0010)

**DEPARTMENT:** COMMUNITY DEVELOPMENT

### RECOMMENDED MOTION

To approve Resolution # 07-14, vacating a Utility Easement and a Drainage / Utility Easement located on Lot 1 of the Taylor / Airport subdivision as specified per the attached legal description.

### SUMMARY

The Community Development Department has received a request to vacate certain easements located on Lot 1 of the Taylor / Airport subdivision. The property owner has made this request in connection with the proposed Port Orange Properties Development. A portion of a private sanitary sewer service and public sanitary sewer main need to be relocated with the construction of the Development. A relocated easement will be provided with the completion and final acceptance of the Port Orange Properties Development.

The easement vacation application and legal description have been reviewed for completeness and accuracy. City departments have reviewed this request and have requested that the quit claim deed be recorded only when the sewer relocation work has been completed / accepted, a new relocated easement from the Developer has been approved for recording, and a copy of the recorded private sanitary sewer service easement vacation quit claim deed has been provided. The easement may be vacated to the extent that it will be replaced with a proper easement.

**ATTACHMENTS:**       Ordinance       Resolution       Budget Resolution  
 Other       Support Documents/Contracts Available for Review in Manager's Office

**DEPARTMENT HEAD**

Submitted

Date

**FINANCE DEPARTMENT** *N/A*

Approved as to Budget Requirements

Date

**CITY ATTORNEY** *[Signature]*

Approved as to Form and Legality

Date

**CITY MANAGER** *[Signature]*

Approved Agenda Item For:

8/28/07

**COUNCIL ACTION:**       Approved as Recommended       Disapproved

Tabled Indefinitely       Continued to Date Certain       Approved with Modification

RESOLUTION NO. 07-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A PORTION OF PLATTED UTILITY AND A DRAINAGE AND UTILITY EASEMENT FOR LOT 1, TAYLOR/AIRPORT SUBDIVISION; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A QUIT CLAIM DEED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Port Orange Properties, L.C., is the record owner of Lot 1, Taylor/Airport Subdivision, as per map thereof, recorded in Map Book 49, Page 1, Public Records of Volusia County, Florida, and has applied for the vacation of a portion of a utility easement and a drainage and utility easement in order to provide for the proposed Port Orange Properties Development; and

WHEREAS, the applicant has 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 easements to be vacated is more particularly described as follows:

See Exhibit "A-1" and "A-2", 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. A certified copy of this Resolution and the Quit Claim Deed shall be recorded upon acceptance and completion of the sewer relocation work, and a new relocated easement from the Developer has been approved, executed and delivered to the city for recording, and upon receipt of a recorded release of that certain private sanitary sewer easement shown on Exhibit "A-1".

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

C:\Legal\RES\es vac lot 1 taylor airport subd.wpd

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A portion of a platted Utility Easement and Drainage / Utility Easement within Lot 1 of the Taylor / Airport Subdivision, per Map Book 49, Page 1, of the Public Records of Volusia County, Florida, being more particularly described as follows:

Commencing at the Southwest corner of Lot 2, Ortega Commercial Subdivision, per Map Book 40, Page 65, of the Public Records of Volusia County, Florida, thence N26°02'09"W, a distance of 10.81 feet; Thence N89°51'39"W, a distance of 54.87 feet to the Point of Beginning; Thence S64°08'59"W, a distance of 45.64 feet; Thence N89°51'39"W, a distance of 118.56 feet; Thence N0°25'57"W, a distance of 20.00 feet; Thence S89°51'39"E, a distance of 159.38 feet to the Point of Beginning.



# SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

3921 NOVA ROAD  
PORT ORANGE, FL 32127  
(386) 761-5385

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www.sligerassociates.com

## EXHIBIT A

### SURVEYORS NOTES

1. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY/SKETCH OF DESCRIPTION THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY/SKETCH OF DESCRIPTION PREPARED WITHOUT BENEFIT OF AN ABSTRACT.
2. DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
3. BEARING STRUCTURE BASED ON RECORD PLAT WITH THE BEARING ON THE WEST LINE OF LOT 1 BEING N25°58'52"W.
4. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
5. DESCRIPTION PREPARED BY SLIGER & ASSOCIATES, INC.

A PORTION OF PLATTED UTILITY EASEMENT LYING WITHIN LOT 1, TAYLOR / AIRPORT SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 49, PAGE 1 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2, ORTEGA COMMERCIAL SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 40, PAGE 85 OF SAID PUBLIC RECORDS, RUN ALONG THE WEST LINE OF SAID LOT 2, N26°02'09"W, A DISTANCE OF 10.81 FEET; THENCE N89°51'39"W, A DISTANCE OF 54.87 FEET TO THE POINT OF BEGINNING SAID POINT ALSO LYING ON THE NORTH LINE OF THE 10 FOOT UTILITY AND DRAINAGE EASEMENT AS SHOWN ON SAID PLAT OF ORTEGA COMMERCIAL SUBDIVISION; THENCE S64°08'59"W, A DISTANCE OF 45.84 FEET TO A POINT ON THE SOUTH LINE OF THE 10 FOOT UTILITY EASEMENT AS SHOWN ON THE PLAT OF TAYLOR COMMERCIAL SUBDIVISION, RECORDED IN PLAT BOOK 45, PAGE 78 OF SAID PUBLIC RECORDS; THENCE, ALONG SAID SOUTH LINE, N89°51'39"W, A DISTANCE OF 109.58 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THE 10 FOOT PRIVATE SANITARY EASEMENT RESERVED FOR THE BENEFIT OF LOT 1, CNB SUBDIVISION AS SHOWN IN MAP BOOK 48, PAGE 91 OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH LINE, S33°18'50"W, A DISTANCE OF 35.49 FEET; THENCE, CONTINUING ALONG SAID SOUTH LINE, S83°56'21"W, A DISTANCE OF 53.00 FEET; THENCE N69°14'59"W, A DISTANCE OF 13.72 FEET TO A POINT ON THE NORTH LINE OF SAID PRIVATE SANITARY EASEMENT; THENCE, ALONG THE SAID NORTH LINE, N83°56'21"E, A DISTANCE OF 59.65 FEET; THENCE, CONTINUING ALONG SAID NORTH LINE, N33°18'50"E, A DISTANCE OF 32.26 FEET; THENCE N00°25'57"W, A DISTANCE OF 14.94 FEET TO A POINT ON THE NORTH LINE OF SAID 10 FOOT DRAINAGE AND UTILITY EASEMENT; THENCE, ALONG SAID NORTH LINE, S89°51'39"E, A DISTANCE OF 159.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,656 SQUARE FEET OR 0.0839 ACRES, MORE OR LESS.

NOTE:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

UTILITY EASEMENT TO BE VACATED - LOT 1, TAYLOR AIRPORT SUBDIVISION

PLAT PREPARED FOR THE FOLLOWING: (ONLY THE LAST DATE IS CERTIFIED ON SEALED COPY)

REFERENCE:

THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.

TYPE OF SURVEY	CERTIFIED TO	DATE	JOB NUMBER
SKETCH OF	PORT ORANGE PROPERTIES LLC	6/1/2007	07-0268
DESCRIPTION	NOT CERTIFIED TO ANY ENTITIES AND/OR INDIVIDUALS OTHER THAN THOSE LISTED ABOVE.		

SHEET 2 OF 2

VALID WITH SIGNATURE & EMBOSSED SEAL ONLY

FOR: PORT ORANGE PROPERTIES LLC

	DATE	JOB NO.	P.C.	DRW.	CHECKED BY
SKETCH OF DESCRIPTION	6/1/2007	07-0268		DD	STK
ORIGINAL BOUNDARY					
TOPOGRAPHIC INFORMATION					
FOUNDATION LOCATION					
FINAL IMPROVEMENTS					
LOCATION TOPOGRAPHY					
RECERTIFICATION					

I HEREBY CERTIFY THAT THIS PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

J.E. ZAPERT, P.L.S. NO. 4046  
STEVEN T. KRUGER, P.L.S. NO. 4722  
C.O. VAN KLEECK JR., P.S.M. NO. 6149  
MICHAEL S. MURPHY, P.S.M. NO. 8028

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

Parcel No. 6319-27-00-0010

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 \_\_\_\_\_, 2007, between THE CITY OF PORT ORANGE, a Florida municipality, of the County of Volusia and State of Florida, Grantor, and PORT ORANGE PROPERTIES, L.C., whose permanent address is 444 Seabreeze Boulevard, Suite 1000, Daytona Beach, FL 32118, Grantee.

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 Grantee, 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 Grantee, and Grantee's 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 Exhibits "A-1" and "A-2", attached hereto and made a part hereof.

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 Grantee, its 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

THE CITY OF PORT ORANGE,  
a Florida municipality

By: \_\_\_\_\_  
Mayor Allen Green

ATTEST: \_\_\_\_\_  
Kenneth W. Parker,  
City Manager

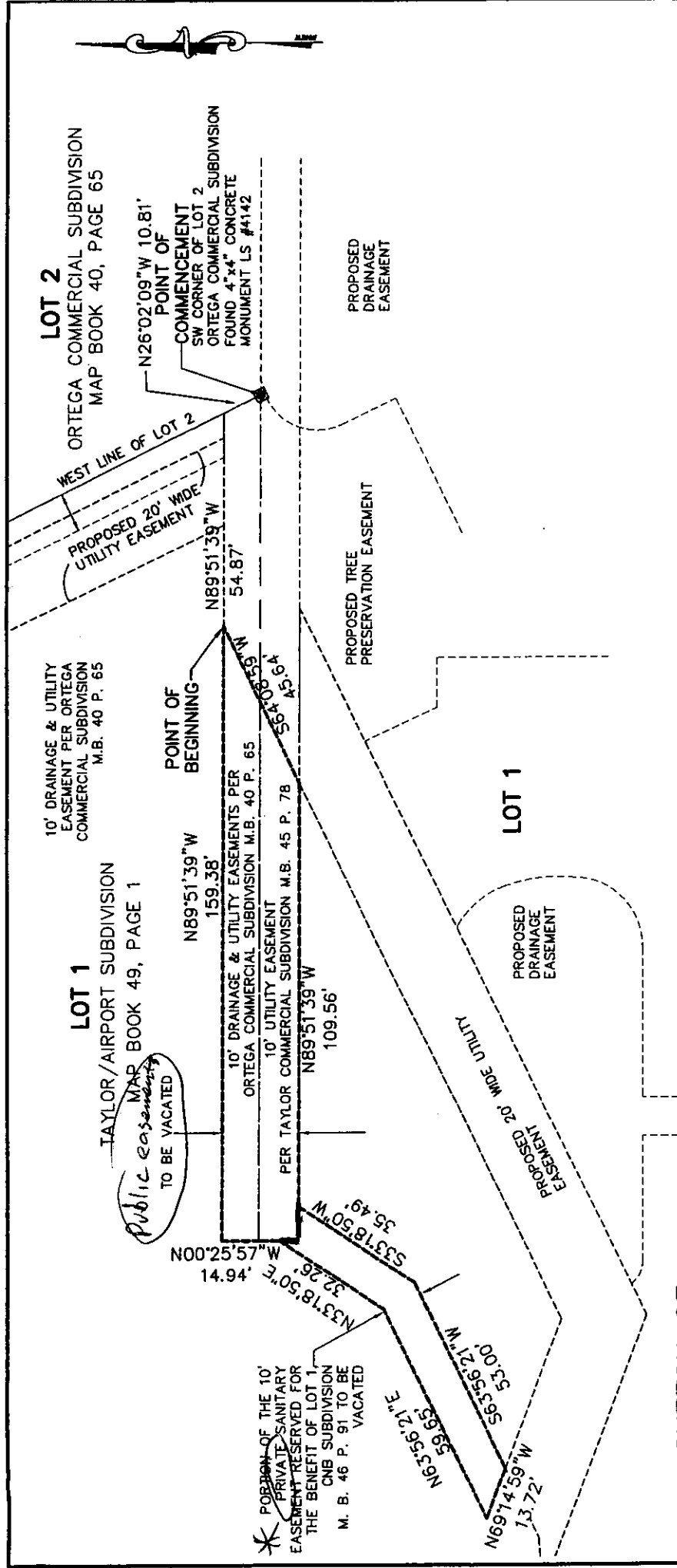
STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2007, 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\taylor airport sub lot 1 ev.wpd



**SKETCH OF DESCRIPTION NOT A BOUNDARY SURVEY**



**SLIGER & ASSOCIATES, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 LICENSED BUSINESS CERTIFICATION NO. 3019  
 3921 NOVA ROAD  
 PORT ORANGE, FL 32127  
 (386) 781-5365  
 Copyright © 2007 Sliger & Associates, Inc.  
 www.sligerassociates.com

NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  
 10.00' DRAINAGE AND UTILITY EASEMENT LOT 1 (TO BE VACATED) LOT 1, TAYLOR AIRPORT SUBDIVISION  
 PLAT PREPARED FOR THE FOLLOWING: (ONLY THE LAST DATE IS CERTIFIED ON SEALED COPY)

REFERENCE:  
 THIS PLAT OF SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED BELOW, ON THE MOST CURRENT DATE, AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL, WHOMSOEVER.

CERTIFIED TO	DATE	JOB NUMBER
PORT ORANGE PROPERTIES, LLC	JUNE 1, 2007	07-0286-5
NOT CERTIFIED TO ANY ENTITIES AND/OR INDIVIDUALS OTHER THAN THOSE LISTED ABOVE.		
DATE	P.L.C. DRW.	CHECKED BY
JUNE 1, 2007	07-0286-5	DD
DATE	P.L.C. DRW.	CHECKED BY
		DD
TOPOGRAPHIC INFORMATION		

SCALE: 1" = 30' FIELD BOOK: JOB NO. 07-0286

VALID WITH SIGNATURE & EMBOSSED SEAL ONLY  
 I HEREBY CERTIFY THAT THIS PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH IN SECTION 472.027, F.S., AND THAT I AM A LICENSED SURVEYOR IN CHAPTER 81017-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

JE. ZAPERT, P.L.S. NO. 4048  
 STEVEN T. KRUEER, P.L.S. NO. 4722  
 C.O. VAN NIECK JR., P.S.M. NO. 8149

ABBREVIATIONS: SEE LISTING ON SHEET 1 OF 2

LEGEND:  
 1" = 10' SCALE  
 1" = 20' SCALE  
 1" = 30' SCALE  
 1" = 40' SCALE  
 1" = 50' SCALE  
 1" = 60' SCALE  
 1" = 70' SCALE  
 1" = 80' SCALE  
 1" = 90' SCALE  
 1" = 100' SCALE  
 1" = 110' SCALE  
 1" = 120' SCALE  
 1" = 130' SCALE  
 1" = 140' SCALE  
 1" = 150' SCALE  
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 1" = 200' SCALE  
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 1" = 220' SCALE  
 1" = 230' SCALE  
 1" = 240' SCALE  
 1" = 250' SCALE  
 1" = 260' SCALE  
 1" = 270' SCALE  
 1" = 280' SCALE  
 1" = 290' SCALE  
 1" = 300' SCALE

SKETCH OF DESCRIPTION SHEET 1 OF 2





# SLIGER & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS

LICENSED BUSINESS CERTIFICATION NO. 3019

3921 NOVA ROAD  
PORT ORANGE, FL. 32127  
(386) 761-5385

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**UTILITY EASEMENT TO BE VACATED - LOT 1, TAYLOR AIRPORT SUBDIVISION**

PLAT PREPARED FOR THE FOLLOWING: (ONLY THE LAST DATE IS CERTIFIED ON SEALED COPY)

REFERENCE:

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TYPE OF SURVEY	CERTIFIED TO	DATE	JOB NUMBER
SKETCH OF	PORT ORANGE PROPERTIES LLC	6/1/2007	07-0268
DESCRIPTION	NOT CERTIFIED TO ANY ENTITIES AND/OR INDIVIDUALS OTHER THAN THOSE LISTED ABOVE.		

SHEET 2 OF 2

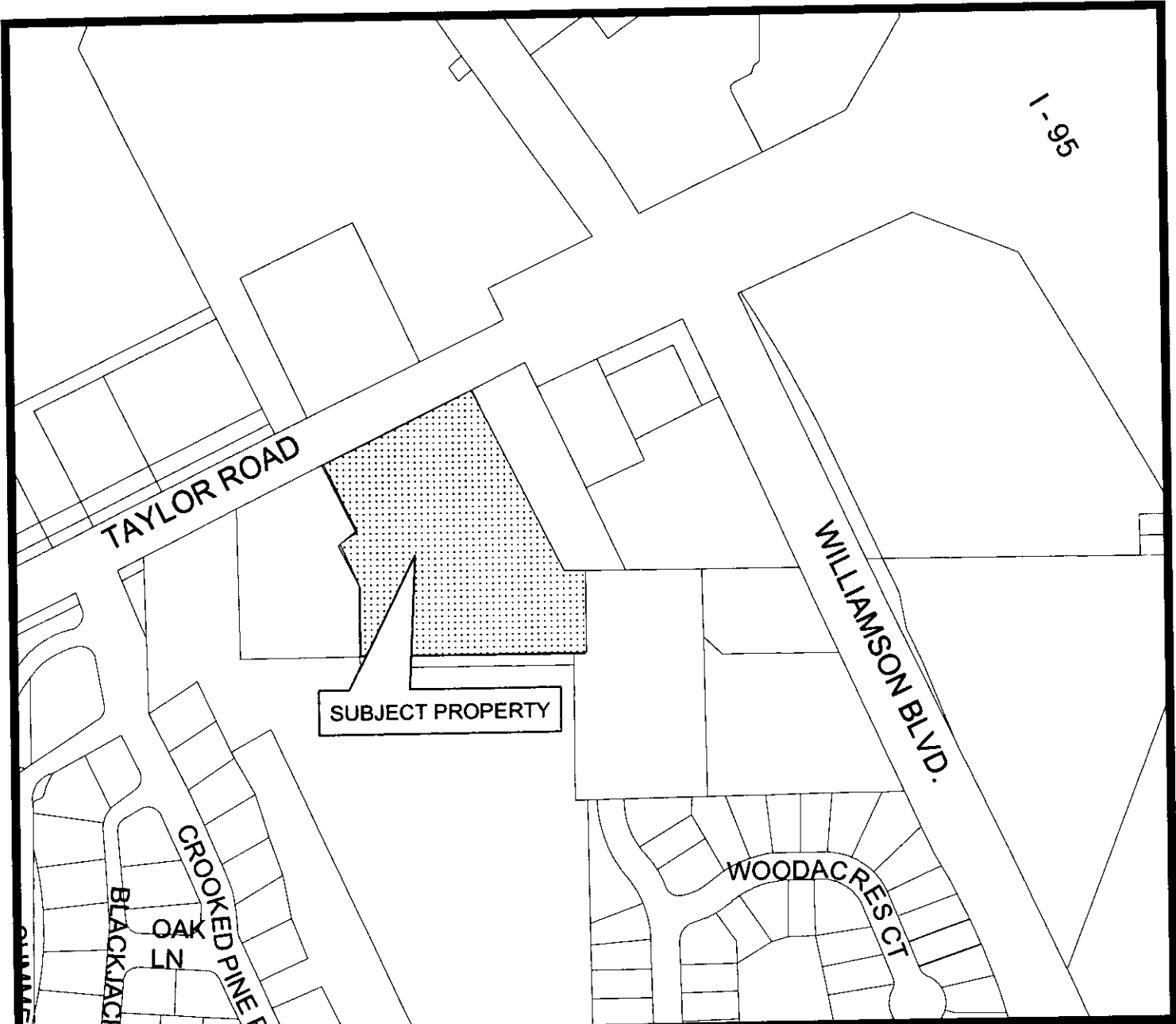
VALID WITH SIGNATURE & EMBOSSED SEAL ONLY

FOR: PORT ORANGE PROPERTIES LLC

SKETCH OF DESCRIPTION	DATE	JOB NO.	P.C.	DRW.	CHECKED BY
ORIGINAL BOUNDARY	6/1/2007	07-0268		DD	STK
TOPOGRAPHIC INFORMATION					
FOUNDATION LOCATION					
FINAL IMPROVEMENTS					
LOCATION TOPOGRAPHY					
RECERTIFICATION					

I HEREBY CERTIFY THAT THIS PLAT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

J.E. ZAPERT, P.L.S. NO. 4046  
STEVEN T. KRUGER, P.L.S. NO. 4722  
C.O. VAN KLEECK JR., P.S.M. NO. 6149  
MICHAEL S. MURPHY, P.S.M. NO. 6028



**Case No.:** 07-35000008

**Applicant:** Suzanne Konchan on behalf of Port Orange Properties, L.C., the property owner

**Location:** Lot 1, Taylor / Airport Subdivision (1633B Taylor Road)

**Requested Action:** To vacate certain easements located on Lot 1 of the Taylor / Airport Subdivision

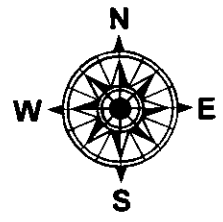


Location Map

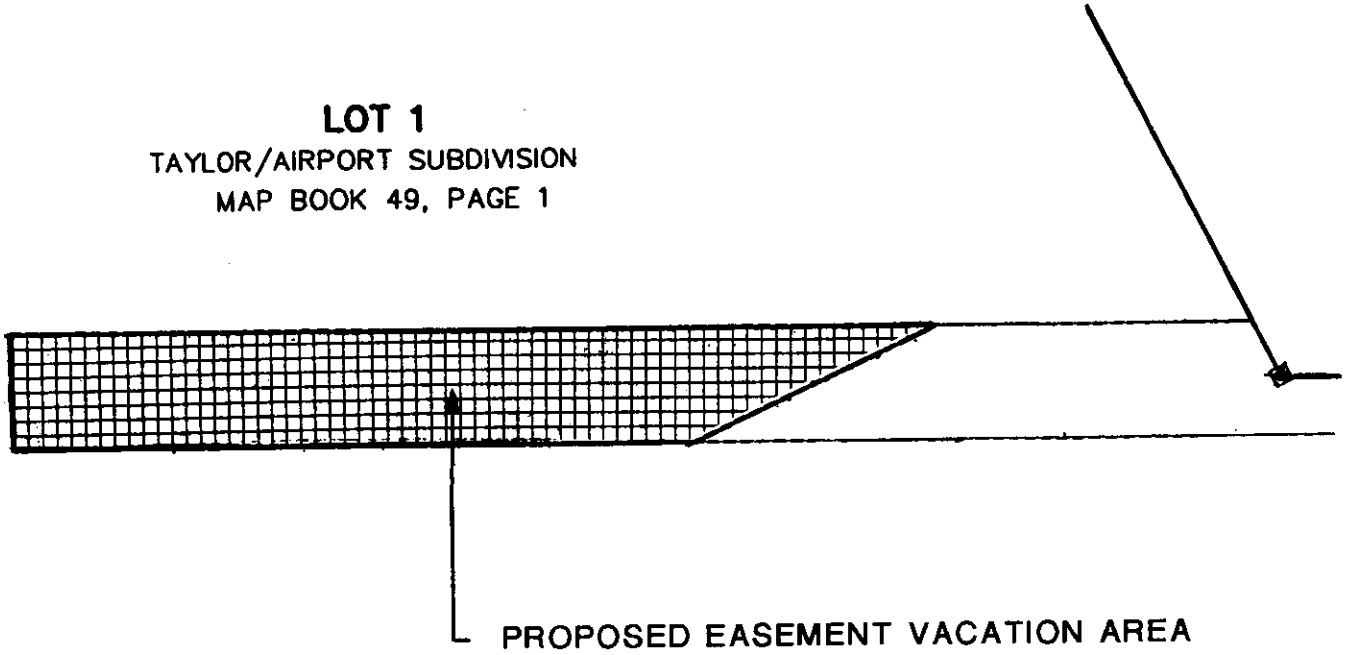
# CITY OF PORT ORANGE

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DEPARTMENT OF COMMUNITY DEVELOPMENT



**LOT 1**  
TAYLOR/AIRPORT SUBDIVISION  
MAP BOOK 49, PAGE 1



**Case No.:** 07-350000008

**Applicant:** Suzanne Konchan on behalf of Port Orange Properties, L.C., the property owner

**Location:** Lot 1, Taylor / Airport Subdivision (1633B Taylor Road)

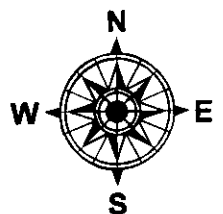
**Requested Action:** To vacate certain easements located on Lot 1 of the Taylor / Airport Subdivision



Location Map

**CITY OF PORT ORANGE**

DEPARTMENT OF COMMUNITY DEVELOPMENT



04/23/2004 10:38 AM  
Doc stamps .70  
(Transfer Amt \$ 10)  
Instrument# 2004-096731  
Book : 5303  
Page : 1875

This instrument prepared by  
and return after recording to:  
Larry R. Stout, Esq.  
Post Office Box 15200  
Daytona Beach, Florida 32115-5200

**QUIT-CLAIM DEED**

This Quit-Claim Deed, Executed this 20<sup>th</sup> day of April, 2004, by **Lightco Limited Partnership, a Nevada limited partnership (as to an undivided 50% interest) and Devin Tower, as Trustee of the Devin Tower Trust dated May 6, 2002 (as to an undivided 50% interest)**, with a post office address of 1030 West International Speedway Blvd., Daytona Beach, Florida 32114 (hereafter called the "Grantors"), to **Port Orange Properties, L.C., a Florida limited liability company**, with a post office address of 1030 West International Speedway Blvd., Suite 201, Daytona Beach, Florida 32114, (hereafter called the "Grantee"):

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the Grantors, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby remise, release and quit-claim unto the Grantee forever, all the right, title, interest, claim and demand which the Grantors have in and to the following described real property located in Volusia County, Florida, to wit:

Lot 1, Taylor/Airport Subdivision, according to the map or plat thereof as recorded in Plat Book 49, Page 1, Public Records of Volusia County, Florida; together with all of Grantors' right, title and interest in and to that easement agreement dated December 23, 1997 and recorded December 31, 1997 in Official Records Book 4265, Pages 1509 through 1513, inclusive, Public Records of Volusia County, Florida.

Parcel Identification Number: 6319-27-00-0010.

To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantors, either in law or equity, to the proper use and benefit of the Grantee forever.

IN WITNESS WHEREOF, the Grantors have executed this Quit-Claim Deed on the day and year stated above.

WITNESSES AS TO GRANTORS:


  
Printed Name: Larry R. Stout

  
Printed Name: April M. Rosamilia

  
Printed Name: Larry R. Stout

  
Printed Name: April M. Rosamilia

Lightco Limited Partnership, a Nevada  
limited partnership

By:   
Charles S. Lichtigman, Its General Partner

  
Devin Tower, as Trustee of the Devin Tower  
Trust dated May 6, 2002

Book: 5303  
Page: 1876  
Diane M. Matousek  
Volusia County, Clerk of Court

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 2004, by Charles S. Lichtigman, General Partner of Lightco Limited Partnership, a Florida limited partnership, on behalf of the limited partnership. He is (check one)  personally known to me or [ ] has produced his Florida driver's license as identification.

April M. Rosamilia  
Notary Public State of Florida at Large



April M. Rosamilia  
MY COMMISSION # DD079527 EXPIRES  
January 6, 2006  
BONDED THRU TROY FAIR INSURANCE, INC.

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 20<sup>th</sup> day of April, 2004, by Devin Tower, as Trustee of the Devin Tower Trust dated May 6, 2002, on behalf of the Trust. He is (check one)  personally known to me or [ ] has produced his Florida driver's license as identification.

April M. Rosamilia  
Notary Public State of Florida at Large

(SEAL)



April M. Rosamilia  
MY COMMISSION # DD079527 EXPIRES  
January 6, 2006  
BONDED THRU TROY FAIR INSURANCE, INC.

June 11, 2007



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

**RE: Proposed Easement Vacate:                      Lot 1, Taylor Airport Subdivision**  
**1633-B Taylor Road,**  
**Port Orange, FL**  
**Parcels #: 6319-27-00-0010**

Gentlemen:

This letter is in response to a request to Bright House Networks to vacate the above referenced utility 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.

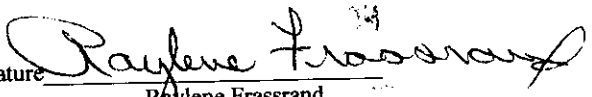
Sincerely,

Larry Henderson  
Construction Manager  
386-446-1420

F 326 445 5434



Larry Henderson acknowledged the foregoing instrument before me this 11th day of June, 2007. He is personally known to me, and did not take an oath.

Signature   
Raylene Frassrand



AT&T Florida  
900 North Nova Road  
Daytona Beach, FL 32117

July 27, 2007

Chip Glor  
City of Port Orange  
1000 City Center Circle  
Port Orange, Florida 32127

RE: Release of easement Parcel # 6319 27 00 0010

To Whom It May Concern:

AT&T respectfully releases any and all rights of the utility easement exactly as described:


A PORTION OF PLATTED UTILITY EASEMENT LYING WITHIN LOT 1, TAYLOR / AIRPORT SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 49, PAGE 1 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2, ORTEGA COMMERCIAL SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 40, PAGE 85 OF SAID PUBLIC RECORDS, RUN ALONG THE WEST LINE OF SAID LOT 2, N26°02'09"W, A DISTANCE OF 10.81 FEET; THENCE N89°51'39"W, A DISTANCE OF 54.87 FEET TO THE POINT OF BEGINNING SAID POINT ALSO LYING ON THE NORTH LINE OF THE 10 FOOT UTILITY AND DRAINAGE EASEMENT AS SHOWN ON SAID PLAT OF ORTEGA COMMERCIAL SUBDIVISION; THENCE S84°08'59"W, A DISTANCE OF 45.84 FEET TO A POINT ON THE SOUTH LINE OF THE 10 FOOT UTILITY EASEMENT AS SHOWN ON THE PLAT OF TAYLOR COMMERCIAL SUBDIVISION, RECORDED IN PLAT BOOK 45, PAGE 78 OF SAID PUBLIC RECORDS; THENCE, ALONG SAID SOUTH LINE, N89°51'39"W, A DISTANCE OF 100.58 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THE 10 FOOT PRIVATE SANITARY EASEMENT RESERVED FOR THE BENEFIT OF LOT 1, CNB SUBDIVISION AS SHOWN IN MAP BOOK 46, PAGE 91 OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH LINE, S33°18'50"W, A DISTANCE OF 35.48 FEET; THENCE, CONTINUING ALONG SAID SOUTH LINE, S83°36'21"W, A DISTANCE OF 53.00 FEET; THENCE N89°14'39"W, A DISTANCE OF 13.72 FEET TO A POINT ON THE NORTH LINE OF SAID PRIVATE SANITARY EASEMENT; THENCE, ALONG THE SAID NORTH LINE, N83°58'21"E, A DISTANCE OF 59.85 FEET; THENCE, CONTINUING ALONG SAID NORTH LINE, N33°18'50"E, A DISTANCE OF 32.28 FEET; THENCE N00°25'57"W, A DISTANCE OF 14.94 FEET TO A POINT ON THE NORTH LINE OF SAID 10 FOOT DRAINAGE AND UTILITY EASEMENT; THENCE, ALONG SAID NORTH LINE, S89°51'39"E, A DISTANCE OF 159.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,856 SQUARE FEET OR 0.0839 ACRES, MORE OR LESS.

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

Sincerely,

  
Peter W. Hassett  
AT&T Telecommunications Inc.

Cc: Suzanne S. Konchan  
444 Seabreeze Blvd  
Suite 1000  
Daytona Beach, FL 32118



JUNE 10, 2007

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

Re: Easement Vacation  
Lot: 1  
Address: 1633-B TAYLOR RD  
Subd: TAYLOR AIRPORT  
Map book 40 page 65 , public records of Volusia County, Florida  
Tax Parcel: 6319-27-00-0010

A PORTION OF PLATTED UTILITY EASEMENT LYING WITHIN LOT 1, TAYLOR / AIRPORT SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 49, PAGE 1 OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 2, ORTEGA COMMERCIAL SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 40, PAGE 65 OF SAID PUBLIC RECORDS, RUN ALONG THE WEST LINE OF SAID LOT 2, N26°02'09"W, A DISTANCE OF 10.81 FEET; THENCE N89°51'39"W, A DISTANCE OF 54.87 FEET TO THE POINT OF BEGINNING SAID POINT ALSO LYING ON THE NORTH LINE OF THE 10 FOOT UTILITY AND DRAINAGE EASEMENT AS SHOWN ON SAID PLAT OF ORTEGA COMMERCIAL SUBDIVISION; THENCE S64°08'59"W, A DISTANCE OF 45.64 FEET TO A POINT ON THE SOUTH LINE OF THE 10 FOOT UTILITY EASEMENT AS SHOWN ON THE PLAT OF TAYLOR COMMERCIAL SUBDIVISION, RECORDED IN PLAT BOOK 45, PAGE 78 OF SAID PUBLIC RECORDS; THENCE, ALONG SAID SOUTH LINE, N89°51'39"W, A DISTANCE OF 109.56 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF THE 10 FOOT PRIVATE SANITARY EASEMENT RESERVED FOR THE BENEFIT OF LOT 1, CNB SUBDIVISION AS SHOWN IN MAP BOOK 46, PAGE 81 OF SAID PUBLIC RECORDS; THENCE ALONG SAID SOUTH LINE, S33°18'50"W, A DISTANCE OF 35.49 FEET; THENCE, CONTINUING ALONG SAID SOUTH LINE, S63°56'21"W, A DISTANCE OF 53.00 FEET; THENCE N69°14'59"W, A DISTANCE OF 13.72 FEET TO A POINT ON THE NORTH LINE OF SAID PRIVATE SANITARY EASEMENT; THENCE, ALONG THE SAID NORTH LINE, N63°56'21"E, A DISTANCE OF 59.65 FEET; THENCE, CONTINUING ALONG SAID NORTH LINE, N33°18'50"E, A DISTANCE OF 32.26 FEET; THENCE N00°25'57"W, A DISTANCE OF 14.94 FEET TO A POINT ON THE NORTH LINE OF SAID 10 FOOT DRAINAGE AND UTILITY EASEMENT; THENCE, ALONG SAID NORTH LINE, S89°51'39"E, A DISTANCE OF 159.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,656 SQUARE FEET OR 0.0839 ACRES, MORE OR LESS.

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

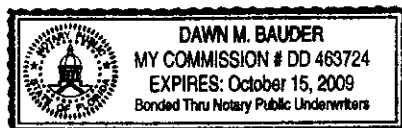
Thank you, *Bill Walter*  
Construction Supervisor

**STATE OF FLORIDA AND COUNTY OF VOLUSIA**

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2007 by Bill Walter who is personally known to me and did not take an oath.

My Commission number and expiration date:

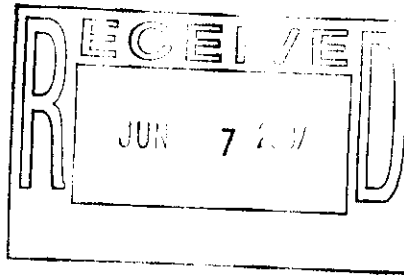
*Dawn M. Bauder*  
Notary Public, Signature







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 on part of lot 1 in the Taylor Airport Subdivision being more particularly described as follows:

Commencing at the southwest corner of Lot 2, Ortega Commercial Subdivision according to the plat thereof recorded in Plat Book 40, page 65 of said public records, run along the west line of said lot 2, N26\*02'09"W, a distance of 10.81 feet; thence N89\*51'39"W, a distance of 54.87 feet to the point of beginning said point also lying on the north line of the 10 foot utility and drainage easement as shown on said plat of Ortega Commercial Subdivision; thence S64\*08'59"W, a distance of 45.64 feet to a point on the south line of the 10 foot utility easement as shown on the plat of Taylor Commercial Subdivision, recorded in plat book 45, page 78 of said public records; thence, along said south line, N89\*51'39"W, a distance of 109.56 feet to a point of intersection with the south line of the 10 foot private sanitary easement reserved for the benefit of lot 1, CNB Subdivision as shown in map book 46, page 91 of said public records; thence along said south line S33\*18'50"W, a distance of 35.49 feet; thence, continuing along said south line, S63\*56'21W, a distance of 53.00 feet; thence N69\*14'59"W, a distance of 13.72 feet to a point on the north line of said private sanitary easement; thence, along the said north line, N63\*56'21"E, a distance of 59.65 feet; thence, continuing along said north line, N33\*18'50"E, a distance of 32.26 feet; thence N00\*25'57"W, a distance of 14.94 feet to a point on the north line of said 10 foot drainage and utility easement; thence along said north line, S89\*51'39"E, a distance of 159.38 feet to the point of beginning. Containing 3,656 square feet or 0.0839 acres, more or less. As recorded in Plat Book 49, Page 1 of the Public Records of Volusia County, Florida (1633-B Taylor Road); Tax Parcel No. 6319-27-00-0010).

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: [Signature]

By: [Signature]

DATE: 6/6/07

George C. Smith  
Construction Coordinator

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 6th day of June, 2007

My Commission Expires: MAY 26, 2008

**Joni M. Murray**  
Commission #DD323920  
Expires: May 26, 2008  
Notary Public  
Florida at Large



**Volusia County**  
FLORIDA

**FINANCIAL AND ADMINISTRATIVE SERVICES**

**Revenue • Ad Valorem Tax**

123 W. Indiana Avenue • Room 103 • DeLand, Florida 32720

(386) 736-5938 • FAX (386) 822-5729

[www.volusia.org](http://www.volusia.org)

**CERTIFICATION**

DATE: June 7, 2007

PARCEL: 6319-27-00-0010

LEGAL: LOT 1 INC N 15 FT S OF LOT 1 OF UNPLATTED S19 T16S R33E EXC E 15 FT  
THEROF TAYLOR/AIRPORT SUB MB 49 PG 1 PER OR 5303 PG 1875-1876 & PER OR  
5303 PG 1893

PROPERTY OWNER: Port Orange Properties L C

PROPERTY ADDRESS: No Physical Address

I hereby certify that there are no delinquent or unpaid real estate taxes against or due on  
the lands described above as required by Section 197.192 of the Florida Statutes.

By: Stephanie Mikell  
Revenue Specialist



# CITY OF PORT ORANGE

Department of Community Development  
Engineering Division

CASE NO. <u>07-35 000000 8</u>
DATE APPLICATION RECEIVED <u>6/11/07</u>

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

## EASEMENT VACATION APPLICATION

Property Owner: Port Orange Properties, L.C.

Address: c/o Charles Wayne Properties Inc., 444 Seabreeze Blvd.

Suite 1000, Daytona Beach, FL 32118 ATTN: SUZANNE KONCHAN Phone: 386-238-3600

Applicant's Name (if other than owner): SUZANNE KONCHAN - Charles Wayne Properties

Address: 444 Seabreeze Blvd Suite 1000, Daytona Beach 32118 Phone: 386-238-3600

Property Address/Location: 1633-B Taylor Rd.

Subdivision Name: Taylor Airport Subdivision

Lot Number(s): Lot 1 TAX PARCEL NO. Parcel No.: 6319-27-00-0010

Legal Description of proposed easement vacation: SEE ATTACHED

Purpose for proposed easement vacation: Relocation of Sewer Line to Accommodate New commercial building proposed to be built over top existing line.

- ### 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)

Applicant's Signature: Spanne Kond Date: 6/07/07

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

Owner's Signature: Charles Charles Date: 6/7/07

STATE OF FLORIDA  
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this June 7, 2007 by Charles S. Lichtigmar, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

Lola L. Affolter Notary Public, Commission No. DD381534  
(Signature)  
Lola L. Affolter  
(Name of Notary typed, printed or stamped)

