



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 7/22/08

SUBJECT: 08-350000006 / PROPOSED EASEMENT VACATION FOR WILLIAMSON BOULEVARD WIDENING

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION

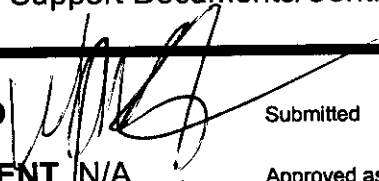
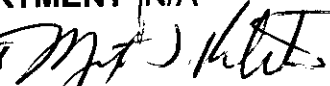

To approve Resolution #08-26, vacating a Conservation Easement per a request from Volusia County Right-of-Way in connection with the widening of Williamson Boulevard.

SUMMARY

Sean Maroney, Volusia County Right-of-Way, has requested the vacation of a Conservation Easement that exists on property that Volusia County has acquired in connection with the proposed widening of Williamson Blvd. in the area of the Cypress Head PUD.

The easement vacation application and legal description have been reviewed for completeness and accuracy. Other City departments have reviewed this request and have no outstanding concerns. The easement may be vacated to the extent that the area will be part of a turn lane for Williamson Boulevard.

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

DEPARTMENT HEAD		Submitted	Date 7/11/08
FINANCE DEPARTMENT	N/A	Approved as to Budget Requirements	Date
CITY ATTORNEY		Approved as to Form and Legality	Date 7.12.08
CITY MANAGER		Approved Agenda Item For:	7/22/08

COUNCIL ACTION: Approved as Recommended Disapproved
 Tabled Indefinitely Continued to Date Certain Approved with Modification

RESOLUTION NO. 08-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A PORTION OF PLATTED CONSERVATION EASEMENT LOCATED WITHIN THE PLAT OF CYPRESS HEAD PHASE 1-A; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A QUIT CLAIM DEED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the County of Volusia is the record owner of the property subject to a Conservation Easement, according to the map or plat of Cypress Head Phase 1-A, as recorded in Map Book 44, Page 36, Public Records of Volusia County, Florida, and has applied for the vacation of a portion of the conservation easement in order to provide for the construction of South Williamson Boulevard; 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 conservation 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 portion of the easement described in following 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. This resolution shall become effective immediately upon adoption.

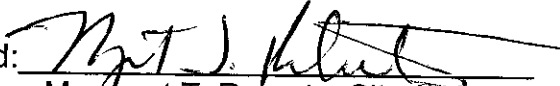
MAYOR ALLEN GREEN

ATTEST:

Kenneth W. Parker, City Manager

Adopted on the day of

Reviewed and Approved:



Margaret T. Roberts, City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION OF THE CONSERVATION EASEMENT AREA TO BE VACATED

Parcel 101:

A portion of Parcel S-1 (Common Area) as shown on Cypress Head Phase 1-A as recorded in Map Book 44 Page 36 of the Public Records of Volusia County, Florida being more particularly described as follows:

Begin at the intersection of the westerly line of Parcel S-1 and the Southerly Right of Way line of Airport Road; thence N65°43'51" E along said Right of Way line a distance of 50.10 feet to a point of curvature of a curve concave southerly having a radius of 50.00 feet and a chord bearing of S 71°07'08" E; thence southeasterly along the arc of said curve through a central angle of 86°18'03" for an arc of 75.31 feet to a point; thence S 65°36'54" W a distance of 50.09 feet to the point of curvature of a curve concave southwesterly having a radius of 50.00 feet and a chord bearing of N 71°03'35" W; thence northwesterly along the arc of said curve through a central angle of 86°25'00" for an arc distance of 75.41 feet to the POINT OF BEGINNING.

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

Parcel No.

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 _____, 2008, between the CITY OF PORT ORANGE, a Florida municipality, of the County of Volusia and State of Florida, Grantor, and **the County of Volusia**, a political subdivision of the State of Florida whose permanent address is: 123 West Indiana Avenue, DeLand, Florida 32720-4264, 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 Exhibit "A," 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, his 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 _____, 2008, 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 cypress head phase 1-a.wpd

EXHIBIT "A"

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This instrument prepared by:
Al Nygren, SR/WA
Public Works Services Center
County of Volusia
123 W. Indiana Avenue
DeLand, Florida 32720-4264

Project Name: South Williamson Boulevard
Project Number: 4740-2
Parcel Numbers: 101 & "K"

WARRANTY DEED

This Indenture, made this 15th day of September, A.D.2005, between CYPRESS HEAD HOMEOWNERS ASSOCIATION, whose post office address is c/o Pioneer Heights, Inc., P. O. Box 4040, South Daytona, Florida 32121-4040, of the County of Volusia, in the State of Florida, party of the first part, and the COUNTY OF VOLUSIA, a Political Subdivision of the State of Florida, whose permanent address is 123 West Indiana Avenue, DeLand, Florida 32720-4262, of the County of Volusia, in the State of Florida, party of the second part,

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars, and other good and valuable considerations to it in hand paid by said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land, situate, lying and being in the County of Volusia, State of Florida, to-wit:

LEGAL DESCRIPTION


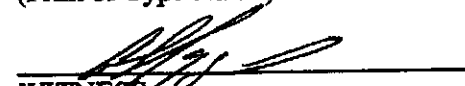
(Exhibit "A" Attached)


The Property Appraiser's Parcel Identification Number of the Property is: 6331-03-00-0001.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year first above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:


WITNESS
MARY JANE ABADILLA
(Print or Type Name)

WITNESS
AL NYGREN
(Print or Type Name)

Cypress Head Homeowners Association, Inc.
By 
Its President ~~Vice President~~
~~For the President~~
Ben Hogwood
(Print or Type Name)

Attest:

Kathleen M. Sciano
Its Secretary (Corporate Seal)

Kathleen M Sciano
(Print or Type Name)

STATE OF FLORIDA
COUNTY OF VOLUSIA

Before me personally appeared KATHLEEN M. SCIANO and KEN HOGWOOD, to me well known and known to me to be the VICE President and Secretary respectively of **CYPRESS HEAD HOMEOWNERS ASSOCIATION**, the corporation named in the foregoing instrument, and known to me to be the persons who as such officers of said corporation, executed the same; and then and there the said VICE PRESIDENT and the said SECRETARY did acknowledge before me that said instrument is the free act and deed of said corporation by them respectively executed as such officers for the purposes therein expressed; that the seal thereunto attached is the corporate seal by them in like capacity affixed; all under authority in them duly vested by the Board of Directors of said corporation.

WITNESS my hand and official seal this 15th day of SEPTEMBER, A.D. 2005.



Mary Jane Abadilla
My Commission DD138206
Expires July 18, 2006

Mary Jane Abadilla
Notary Public Signature

MARY JANE ABADILLA
(Print or Type Name)

My commission expires July 18 2006
Commission No. DD138206

Project Name: South Williamson Boulevard
Project Number: 4740-2
Parcel Numbers: 101 & "K"

Cypress Head Homeowners Association

Exhibit "A"

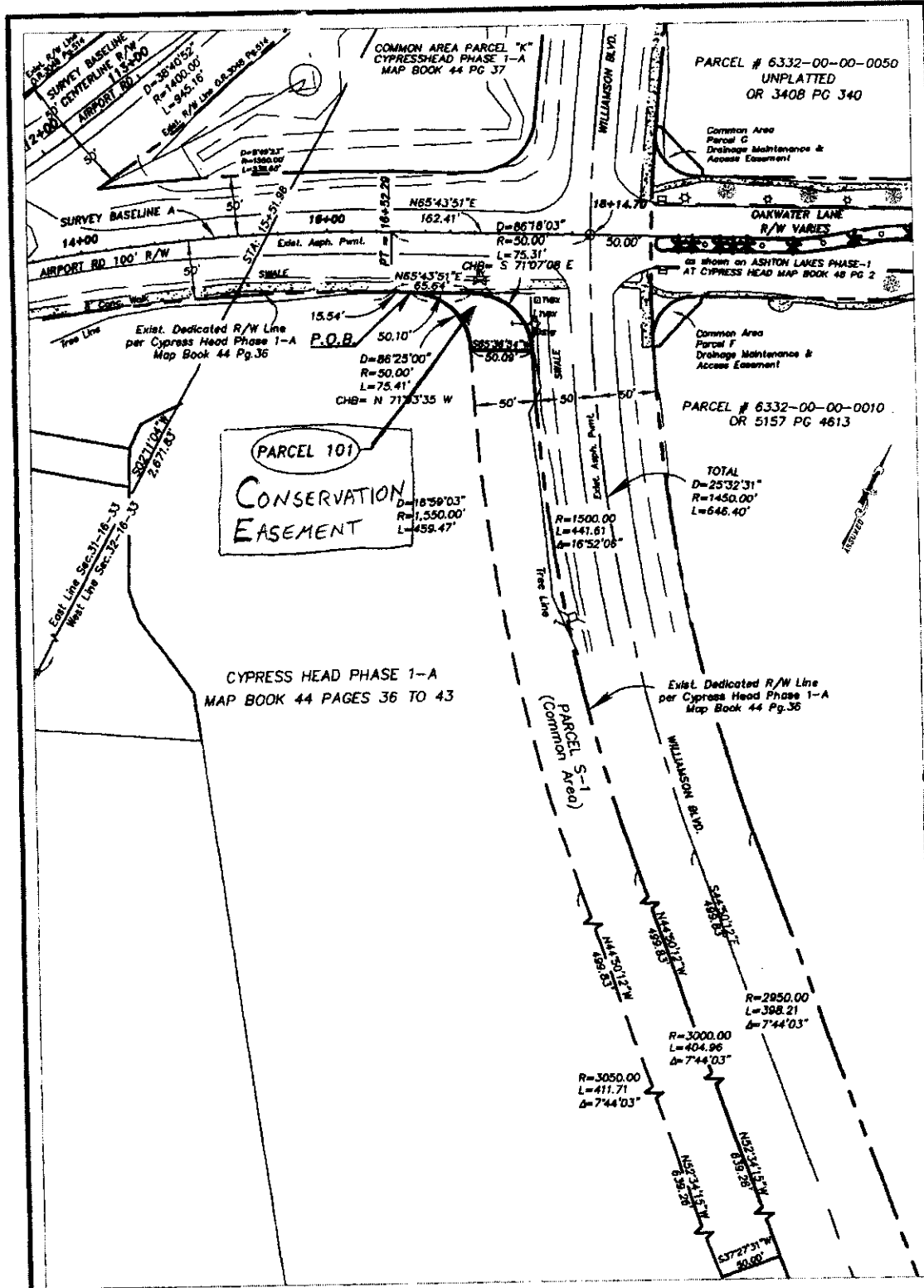
Parcel "K":

Common Area Parcel "K", Cypress Head Phase 1-A, as shown on the plat recorded in Map Book 44, Pages 36 through 43, inclusive, Public Records of Volusia County, Florida


Parcel 101:

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REVISED:



COUNTY OF VOLUSIA
PUBLIC WORKS SERVICE CENTER
ENGINEERING SERVICE GROUP/SURVEY SECTION
180 W. INDIANA AVE. DELAND, FL 32726
TELEPHONE 1-904-738-8047 FAX 1-904-822-6788

PARCEL 101

SECTION 32, TWP. 16 SOUTH, RMC. 33 EAST, VOLUSIA COUNTY, FLORIDA

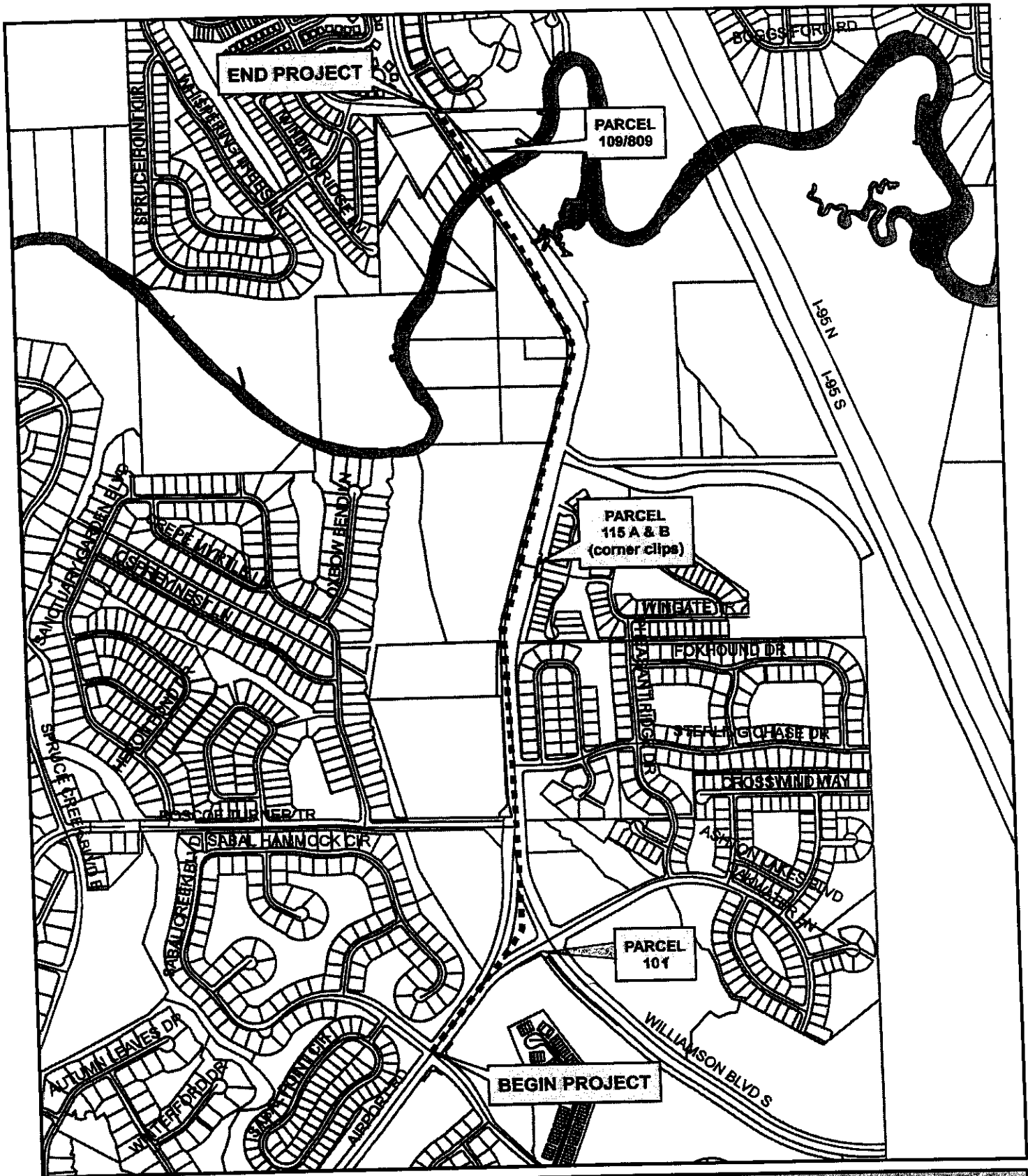
SURVEYORS CERTIFICATE: NOT VALID WITHOUT THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER RONALD W. LUCAS P.L.S. #4168	NAME	DATE	PLOT DATE:		
	CHD	H. BUCHER	2/11/88	7/19/85	
	SURVEY DATE	MM	D	SCALE:	
	CHECKED	RNL	7/88	1"=100'	
FIELD BOOK NO. 428			PROJECT #		
			4740-2		

PARCEL SKETCH

DRAWING #
0000

SHEET #
2 OF 2

NOT VALID OR COMPLETE WITHOUT SHEET 1 OF 2



PROJECT LOCATION MAP

SOUTH WILLIAMSON BOULEVARD
SABAL CREEK BOULEVARD
TO SPRUCE CREEK BRIDGE

Section 18, Township 18S, Range 3E
 Section 19, Township 18S, Range 3E

Date: 5/14/06
 File: J-BROWANIS Williamson Blvd 4740-2e.txd (Inations\will100\parc15.mxd)
 Prepared by: County of Volusia Public Works/666

PROJECT 4740-2

0 500 1,000 Feet



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 06-10-2008 Today's Date: 6-11-2008		Volusia County Property Appraiser's Office		Volusia County FLORIDA	
		Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	31-16-33-03-00-0003	Mill Group	602 PORT ORANGE		
Short Parcel ID	6331-03-00-0003				
Alternate Key	6536066	Millage Rate	19.45328		
Parcel Status	Active Parcel	PC Code	86		
Date Created	01 DEC 2005				
Owner Name	COUNTY OF VOLUSIA				
Owner Name/Address 1					
Owner Address 2	123 W INDIANA AVENUE				
Owner Address 3	DELAND FL				
Owner Zip Code	327204262				
Location Address					

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
31-16-33 COMMON AREA PARCEL K & IRREG PARCEL IN COMMON AREA	
S-1 PER OR 5687 PG 4732 & BEING LOCATED AT THE E ROW LINE OF	

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5687	4732	9/2005	Warranty Deed	Unqualified Sale	No	100

HISTORY OF VALUES							
YEAR	LAND	BUILDING	MISC	JUST	ASSESSED	EXEMPTION	TAXABLE VALUE
2007	10,000	0	0	10,000	10,000	10,000	0
2006	10,000	0	0	10,000	10,000	10,000	0

LAND DATA											
TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
COUNTY	No Data	No Data	1.00	LOT	10000.00	100	100	100	100	10,000	



CITY OF PORT ORANGE

Department of Community Development
Engineering Division

CASE NO. <u>08-35000006</u>
DATE APPLICATION RECEIVED <u>6/18/08</u>

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

EASEMENT VACATION APPLICATION

Property Owner: County of Volusia

Address: 123 W. Indiana Ave., Room 402

DeLand, FL 32720 Phone: 386-257-6067

Applicant's Name (if other than owner): _____

Address: _____ Phone: _____

Property Address/Location: SW corner of Williamson Blvd and Airport Road, Port Orange

Subdivision Name: Cypress Head

Lot Number(s): _____ Parcel No.: 6331-03-00-0003

Legal Description of proposed easement vacation: see attached

Purpose for proposed easement vacation: road construction/traffic signals

- 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: [Signature] Date: 6-16-08

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 16th day of June 2008 by
Sean Murray, who is personally known to me or who has
produced _____ as identification and who did (did not) take
an oath.

[Signature] Notary Public, Commission No. _____
(Signature)

Marcia Belle Naber
(Name of Notary typed, printed or stamped)

