



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 8/18/09

SUBJECT: 09-350000004/PROPOSED EASEMENT VACATION – AZALEA POINTE SUBDIVISION, LOT 21 (1058 AZALEA POINTE DRIVE; TAX PARCEL NO. 6317-22-00-0210)

DEPARTMENT: COMMUNITY DEVELOPMENT

RECOMMENDED MOTION

To approve Resolution # 09-56 vacating the northerly 5.00 feet of the southerly rear yard 10.00-foot wide Drainage Easement located on Lot 21 of the Azalea Pointe Subdivision, per the attached legal description.

SUMMARY

The Community Development Department has received a request to vacate a portion of the southerly 10.00-foot wide rear yard Drainage Easement located on Lot 21 of the Azalea Pointe Subdivision. The property owners have made this request in connection with a proposed pool, pool deck, and screened pool enclosure to be constructed in to the easement area.

The easement vacation application and legal description have been reviewed for completeness and accuracy. A meeting at the property was conducted to inform the property owners of applicable requirements and the easement vacation process. The area was also inspected with respect to City Codes and possible effects to adjacent properties resulting in no outstanding concerns. Total allowable lot coverage has not been exceeded and enough easement area will remain for necessary drainage. 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 <i>Wayne Clark</i>	Submitted	Date <i>8/10/09</i>
FINANCE DEPARTMENT N/A	Approved as to Budget Requirements	Date
CITY ATTORNEY <i>M. J. R. R. R.</i>	Approved as to Form and Legality	Date <i>8.7.09</i>
CITY MANAGER <i>[Signature]</i>	Approved Agenda Item For:	<i>8/18/09</i>

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

RESOLUTION NO. 09-56

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, VACATING A PORTION OF THE SOUTHERLY 10.00- FEET WIDE REAR YARD DRAINAGE EASEMENT LOCATED ON LOT 21 OF THE AZALEA POINTE SUBDIVISION; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A QUIT CLAIM DEED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Abdual B. and Debra A. Alkorek, are the record owners of Lot 21 of the Azalea Pointe Subdivision, according to the plat thereof, recorded in Map Book 44, Page 28, Public Records of Volusia County, Florida, the "Property", and have applied to vacate a portion of the southerly 10.00- feet wide rear yard Drainage Easement; and

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

WHEREAS, the City Council of the City of Port Orange has determined that the easement to be vacated is not presently necessary and that vacation of the easement is consistent with the objectives of the City's tree protection requirements and it is in the best interest and welfare of the City of Port Orange and the citizens thereof to vacate and abandon the 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 easement description attached hereto as Exhibit A, 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 attached easement hereby vacated are renounced and disclaimed. All other easements located within the Property of the Azalea Pointe Subdivision, shall remain in full force and effect.

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, (the "Property Owners") agree that the City shall have the continued right to perform maintenance within the drainage easement of record; and further, the Property Owners 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 vacated area.

Section 4. This resolution shall become effective immediately upon recording in the public records of Volusia County, Florida.

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 northerly 5.00 feet of the southerly 10.00-foot wide Drainage Easement, except the easterly 15.75 feet and the westerly 17.75 feet thereof, located on Lot 21 of the Azalea Pointe Subdivision as recorded in Map Book 44, Page 28, of the Public Records of Volusia County, Florida (1058 Azalea Pointe Drive; Tax Parcel No. 6317-22-00-0210).

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

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.

Parcel No. 6317 22 00 0210

QUIT CLAIM DEED

THIS INDENTURE, made this ____ day of _____, 2009, between the CITY OF PORT ORANGE, a Florida municipality, of the County of Volusia and State of Florida, Grantor, and **Abdul B. Alkorek and Debra A. Alkorek**, husband and wife, whose permanent address is: 1058 Azalea Pointe Drive, Port Orange, FL 32127, 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 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 Grantees, his heirs and assigns forever.

By accepting the above-described Quit Claim Deed, the Grantees, their successors and assigns, agree that the City shall have the continued right to perform maintenance within the drainage easement of record; and further the Grantees 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 property described in Exhibit "A".

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

Printed Witness Name: _____

By: _____
Mayor Allen Green

Printed Witness Name: _____

Attest: _____
Kenneth W. Parker, City Manager

STATE OF FLORIDA

COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this ____ day of _____, 2009, 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.

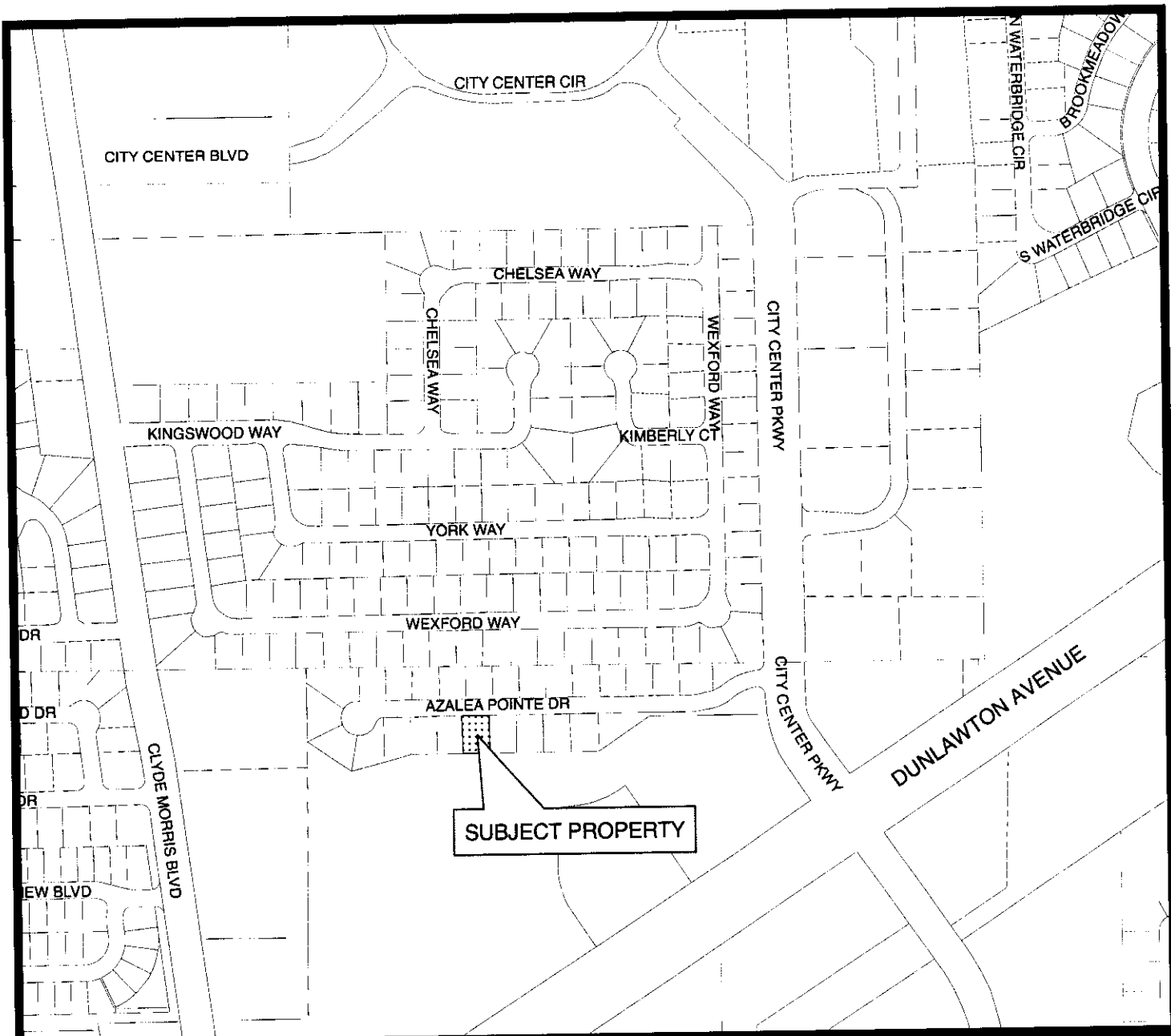
Notary Public, State of
Florida at Large

Commission No. _____

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Case No.: 09-350000004

Applicant: Abdul B. Alkorek and Debra A. Alkorek, the property owners

Location: Lot 21, Azalea Pointe Subdivision

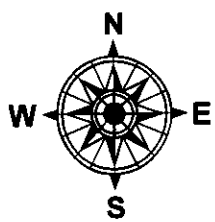
Requested Action: To vacate a portion of the southerly 10.00-foot wide rear yard Drainage Easement located on Lot 21 of the Azalea Pointe Subdivision



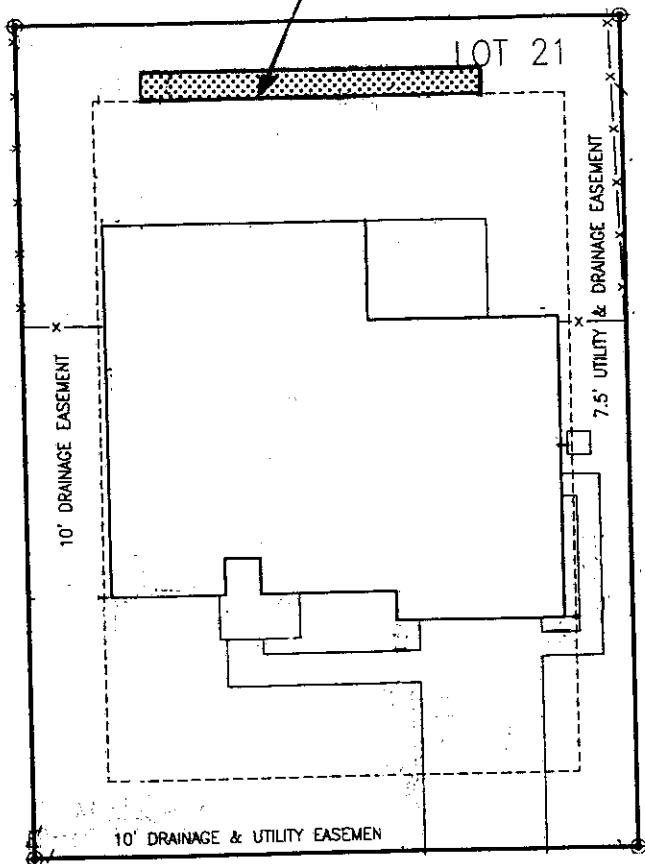
Location Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT



PROPOSED EASEMENT VACATION



Case No.: 09-350000004

Applicant: Abdul B. Alkorek and Debra A. Alkorek, the property owners

Location: Lot 21, Azalea Pointe Subdivision

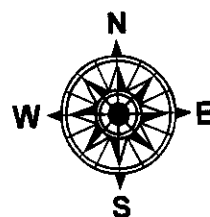
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Location Map

CITY OF PORT ORANGE

DEPARTMENT OF COMMUNITY DEVELOPMENT



Prepared By: Stacey M. Tutunjian
Equity Closing and Title Services, Inc.
400 West Granada Blvd.
Ormond Beach, FL
incidental to the issuance of a title insurance policy.
File Number: e-5436
Parcel ID #: 631722000210
Grantee(s) SS #: 594-26-7723

10/18/2000 12:20
Doc stamps 868.00
(Transfer Amt \$ 124000)
Instrument # 2000-188477
Book: 4603
Page: 4153
Diane M. Matousek
Volusia County, Clerk of Court

**WARRANTY DEED
(INDIVIDUAL)**

This WARRANTY DEED, dated 10/13/2000 by
JOSEPH A. EICHINGER, SR. and JENNIE EICHINGER, HUSBAND AND WIFE
whose post office address is:
5453 CRANE FEATHER DRIVE, PORT ORANGE, FL 32124
hereinafter called the GRANTOR, to
ABDUL B. ALKOREK and DEBRA A. ALKOREK, HUSBAND AND WIFE
whose post office address is:
1058 AZALEA POINTE DR. PORT ORANGE FL 32127
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 21, AZALEA POINTE , according to the plat thereof, recorded in Map Book 44, Page 28 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 2000 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: Rob Riley
Print Name: ROB RILEY

Signature: Joseph A. Eichinger Sr.
Print Name: JOSEPH A. EICHINGER, SR.

Signature: Stacey M. Tutunjian
Print Name: STACEY M

Signature: Jennie Eichinger
Print Name: JENNIE EICHINGER

State of Florida
County of VOLUSIA

THE FOREGOING INSTRUMENT was sworn and acknowledged before me on 10/13/2000 by:
JOSEPH A. EICHINGER, SR. and JENNIE EICHINGER, HUSBAND AND WIFE
who have produced DRIVER'S LICENSE as identification and who DID NOT take an oath.

Signature: Stacey M. Tutunjian
Print Name: Stacey M. Tutunjian



Stacey M. Tutunjian
MY COMMISSION # CC98241 EXPIRES
September 16, 2004
BONDED THRU TROY PAIN INSURANCE, INC.



CITY OF PORT ORANGE

Department of Community Development
Engineering Division

CASE NO. <u>09-35000004</u>
DATE APPLICATION RECEIVED <u>7/29/09</u>

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

EASEMENT VACATION APPLICATION

Property Owner: Abdul B. & Debra A. Alkorek

Address: 1058 Azalea Pointe Dr.

Port Orange, FL 32129 Phone: 788-6474
email-dalkorek@hotmail.com

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

Address: _____ Phone: _____

Property Address/Location: 1058 Azalea Pointe Dr.

Subdivision Name: Azalea Pointe

Lot Number(s): 21 Azalea Pointe Sub Parcel No.: 17-16-33-22-00-021

Legal Description of proposed easement vacation: _____
See attached

Purpose for proposed easement vacation: _____
Proposed pool, pool deck, and 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)

Applicant's Signature: Debra Alkorek Date: 07/29/09

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

Abdul B. Alkorek 07/29/09

Owner's Signature: Debra Alkorek Date: 07/29/09

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 7/29/09 by
Abdul + Debra Alkorek, who is personally known to me or who has
produced FL DL as identification and who did (did not) take
an oath.

Notary Public, Commission No. _____

Kenneth Holman
(Signature)

(Name of Notary typed, printed or stamped)



	Discount	(\$79.95)
	Total	\$1,918.81
If Paid By	Amount Due	
	\$0.00	

Date Paid	Transaction	Receipt	Amount Paid
11/10/2008	PAYMENT	8006844.0010	\$1,918.81

Prior Year Taxes Due	
NO DELINQUENT TAXES	

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

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Legal Disclaimer / Privacy Statement

