



CITY COUNCIL AGENDA ITEM

REQUESTED COUNCIL MEETING DATE 11/3/09

SUBJECT: 09-350000005/PROPOSED UTILITY EASEMENT VACATIONS- HARBORDALE SUBDIVISION, PART OF LOT 4, LOT 5, AND LOT 6 (5454 AND 5468 RIDGEWOOD AVENUE; TAX PARCEL NOS. 6314-02-00-0040 AND 6314-02-00-0060)

DEPARTMENT: Administration

RECOMMENDED MOTION:

To approve Resolution # 09-97 ^{repealing Res No. 09-86}, vacating Utility Easements located on part of Lot 4, Lot 5, and Lot 6 of the Harbordale Subdivision, per the attached legal description, and providing maintenance.

SUMMARY:

The Community Development Department has received a request to vacate Utility Easements located on a part of Lot 4, Lot 5, and Lot 6 of the Harbordale Subdivision. The subject easements were originally written to cover the entire parcels except for where buildings were located for a sanitary sewer pump and service line that are no longer functional. The property owner has made this request in connection with the desire to clear title to the land for a proposed property sale.

The easement vacation application and legal description have been reviewed for completeness and accuracy. The area has been inspected with respect to the existence of utility improvements, City Codes, and possible effects to adjacent properties. There is no currently planned drainage or utility improvements proposed for this area. The easements may be vacated, as described in the attached Exhibit "A" and Exhibit "B", to the extent that they are not being used.

ATTACHMENTS: Ordinance Resolution Budget Resolution

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

DEPARTMENT HEAD

Margaret T. Roberts, City Attorney

Date

FINANCE DEPARTMENT

Approved as to Budget Requirements

Date

CITY ATTORNEY

Approved as to Form and Legality

Date 10-29-09

CITY MANAGER

Approved Agenda Item For:

11/3/09

COUNCIL ACTION:

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

RESOLUTION NO. 09- 97

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ORANGE, VOLUSIA COUNTY, FLORIDA, REPEALING RESOLUTION NO. 09-86, VACATING UTILITY EASEMENTS LOCATED ON PART OF LOT 4, LOT 5, AND LOT 6 OF THE HARBORDALE SUBDIVISION; AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A QUIT CLAIM DEED; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, US1.com, LLC, a Florida Limited Liability Company, is the record owner of the South 75 feet of Lot 4, and the North 74.29 feet of Lot 5, as recorded in Map Book 19, Page 24 and the South 25.71 feet of Lot 5 and the North 74.29 feet of Lot 6, as recorded in Map Book 19, Page 24, Public Records of Volusia County, Florida, and has applied for the vacation of utility easements; 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 easements to be vacated are not presently necessary and that vacation of the easements is consistent with the objectives of the City and it is in the best interest and welfare of the City of Port Orange and the citizens thereof to vacate and abandon the utility easements 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 interests of the City of Port Orange, Volusia County, Florida, in the utility easement descriptions attached hereto as Exhibit A and Exhibit B, are 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 utility easements hereby vacated are renounced and disclaimed, on the condition that the property owner agree to maintain all sanitary sewer lines, grinder pumps and other sanitary sewer utility structures located within the private property.

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 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:

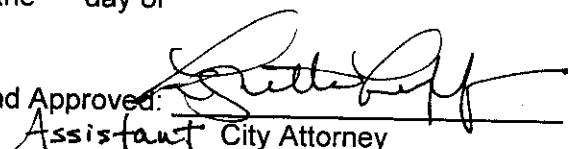

Assistant City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

The South 75 feet of Lot 4, and the North 74.29 feet of Lot 5, Harbordale Subdivision, as record in Map Book 19 Page 24, Public Record, Volusia County, Florida, EXCEPT PART WHERE BUILDINGS ARE LOCATED.

**Part of Parcel # 6314-02-00-0040
Address 5454 Ridgewood Ave. S.
Harbor Oaks, Florida**

EXHIBIT "B"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

THE SOUTH 25.71 FEET OF LOT 5 AND THE NORTH 74.28 FEET OF LOT 6, HARBORDALE, SUBDIVISION AS RECORDED IN MAP BOOK 19, PAGE 24, PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA, EXCEPT PART WHERE BUILDING ARE LOCATED.

**Part of Parcel # 6314-02-00-0060
Address 5468 Ridgewood Ave. S.**

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 Nos. 6314-02-00-0040 and 6314-02-00-0060

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 **US1.com, LLC**, a Florida Limited Liability Company, whose permanent address is: 5885 Riverside Drive, Port Orange, Florida 32127, 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" and "B," 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 successors and assigns forever. The Grantee, its successors and assigns, by acceptance of this deed, agrees to maintain all sanitary sewer lines, grinders pumps, and other sanitary sewer utility structures located within the private property.

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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**Part of Parcel # 6314-02-00-0940
Address 5454 Ridgewood Ave. S.
Harbor Oaks, Florida**

EXHIBIT "B"

LEGAL DESCRIPTION OF THE AREA TO BE VACATED

THE SOUTH 25.71 FEET OF LOT 5 AND THE NORTH 74.28 FEET OF LOT 6, HARBORDALE, SUBDIVISION AS RECORDED IN MAP BOOK 19, PAGE 24, PUBLIC RECORDS VOLUSIA COUNTY, FLORIDA, EXCEPT PART WHERE BUILDING ARE LOCATED.

**Part of Parcel # 6314-02-00-0060
Address 5458 Ridgewood Ave. S.**