

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: **Set Public Hearing to Vacate Portion of Right-of-Way of CR 647 N (Old Istachatta Green Settlement Road) on October 12, 2010 at 5:00 p.m. at Bushnell Government Offices 910 N. Main Street, Bushnell, FL (Staff recommends approval).**

REQUESTED ACTION: **Board Direction**

Work Session (Report Only) **DATE OF MEETING:** 8/24/2010
 Regular Meeting Special Meeting

CONTRACT: N/A Vendor/Entity: _____
Effective Date: _____ Termination Date: _____
Managing Division / Dept: Planning

BUDGET IMPACT: _____
 Annual **FUNDING SOURCE:** _____
 Capital **EXPENDITURE ACCOUNT:** _____
 N/A

HISTORY/FACTS/ISSUES:

On August 12, 2010, the County received a Petition for Road Closing from Danny & Joyce Clay to vacate a portion of CR 647 N (platted as Old Istachatta Green Settlement Road) that is adjacent to Lots 53, a portion of 52, and Lot 78 of the River Retreats subdivision.

The Board must hold a public hearing, no sooner than 30 days after the publication of the notice of hearing, to consider the vacation of the right-of-way. Consequently, the Board is requested to set a public hearing for October 12, 2010, at 5:00 p.m. at the Bushnell Government Offices to consider the vacation of the right-of-way.

Supporting information regarding this request to vacate the right-of-way is attached.

PETITION FOR ROAD CLOSING

The undersigned petitions the Board of County Commissioners of Sumter County, Florida, to vacate and close the following described road, right-of-way or easement and alleges as follows:

1. The road, right-of-way or easement sought to be vacated is described as follows: (proper legal description must be furnished)

That portion of Old Istachatta Street lying between Lots 78 and Lot 53 and a portion of Lot 52 to a point where the northerly extension of the West boundary of Magnolia Dr would intersect with the southern boundary of said Lot 52 as per Plat of River Retreats recorded in Plat Book 3, page 42 Public Records of Sumter County.

2. Attached is the instrument, if any, that identifies the title or interest which the County and public hold in the property sought to be vacated

3. Sumter County did not pay more than a nominal amount for the road, right-of-way or easement sought to be vacated in that said property was either dedicated to the County in a subdivision plat or title has passed through statutory dedication (Attach written support of this claim)

4 Attached is a list of all persons likely to be affected by the road closing, which include all persons owning property abutting the road or any extension thereof, as well as any other person who is known to Petitioner to use the road or easement for access to other property whether said other property abuts the road or easement or not.

5 Petitioner hereby certifies that the vacating will not deprive other persons of access to and from their property, whether the access involved is a binding, legal access, by prescription or otherwise

6 Petitioner hereby certifies that at least thirty (30) days prior to the hearing on petition, petitioner has notified in writing, certified mail return receipt requested, all persons listed pursuant to paragraph 4 above advising such persons that petitioner seeks to have the county vacate the subject property and renounce any right to the public in same, copies of all mail receipts to be filed at the hearing In lieu of this notice, the petitioner may present signatures from all such property owners waiving this notice

7. Attached are certificates from public utility companies with easements in the area that the vacating will neither interfere with their services nor encroach unreasonably upon their easement

8 The Petitioner believes this Petition should be granted for the following reasons:

Based on recent acquisition of property by petitioners, the use of this easement for purposes of access to adjoining property is no longer needed. In addition, upkeep of this easement would be greatly improved due to the fact individuals accessing this road currently (Richard & Carol Hough) would no longer be able to bring heavy equipment to their property via this access, which has previously contributed to the deterioration of the road. Mr & Mrs Hough have legitimate access to their own property via S.W. 70th Lane. Further, there are no utilities affected by this proposed road closure. Upkeep would fall on the petitioners Mr & Mrs Jimmy & Clay and Mr & Mrs. John Marek

9 The vacating of the above described road or right-of-way is in compliance with the Sumter County Comprehensive Plan and long range goals and trends of the area of the property sought to be vacated for the following reasons.

10. Attached is a map showing the general area around the right-of-way to be vacated

DATED this 12th day of August, 2010.

Sharon M. Niece
Witness

Danny L. Clay

[Signature]
Witness

Joyce M. Clay

STATE OF Florida)

COUNTY OF Sumter)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgements, personally appeared Danny L. Clay & Joyce M. Clay who produced FLDL as identification or is known personally to me to be the person(s) described in and who executed the foregoing instrument and who did/did not taken an oath; and acknowledged before me that they (he, she, they) executed the same

WITNESS my hand and official seal in the County and State last aforesaid this 12th day of August, 2010.

Rhonda Aubuchon
Notary Signature

My Commission Expires: 2/24/2011

(SEAL)



John + Lorena Marek

Richard + Carol Hough

Danny + Joyce Clay

MAP OF BOUNDARY SURVEY

RIVER RETREATS – Plat Book 3, Page 42
 Section 24, Township 21 South, Range 20 East,
 Sumter County, Florida

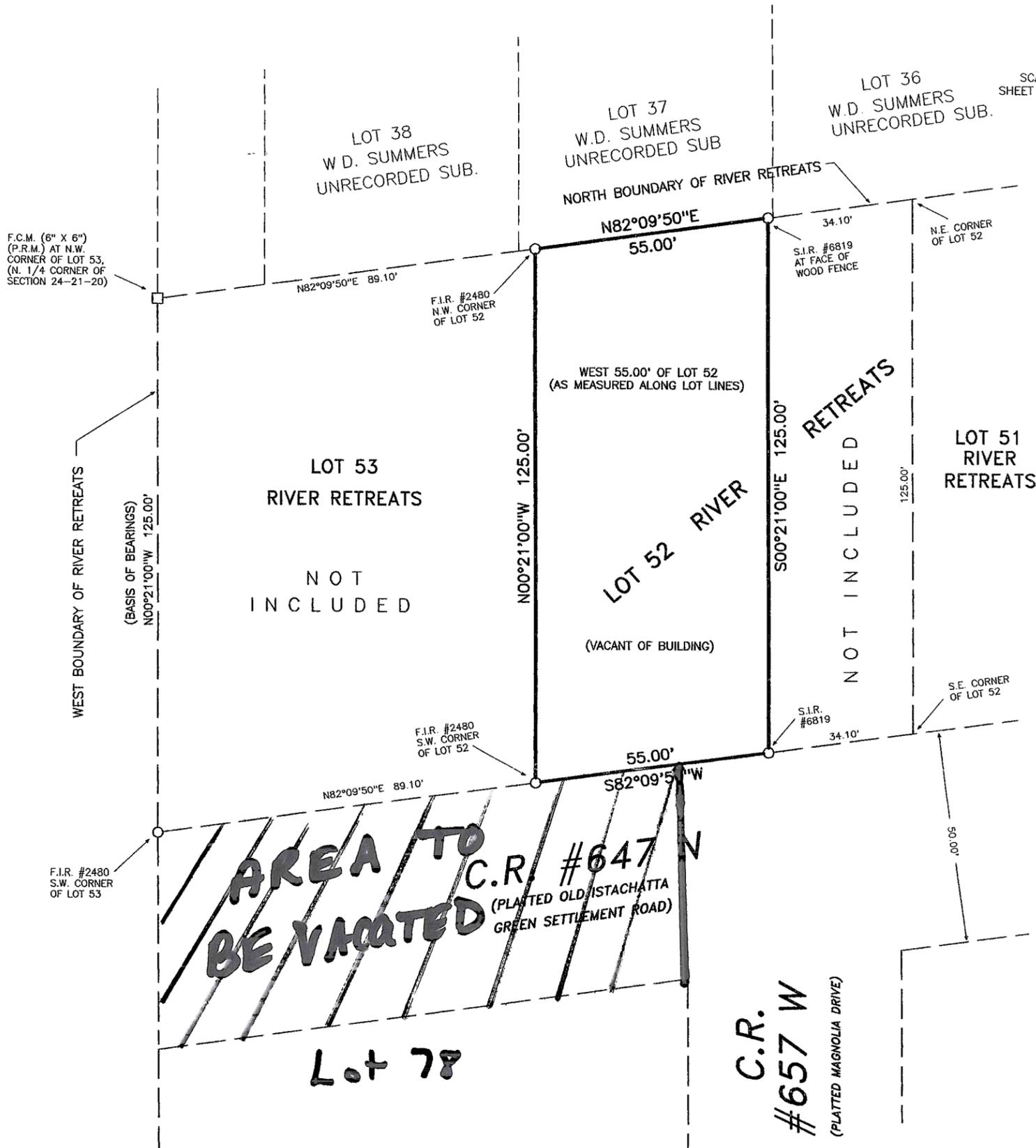
N



SCALE 1" = 30'
 SHEET SIZE: 11" X 17"

LEGEND

- F.C.M. = FOUND CONCRETE MONUMENT
- P.R.M. = PERMANENT REFERENCE MONUMENT
- F.I.R. = FOUND 5/8" REBAR
- S.I.R. = SET 5/8" REBAR
- C.R. = COUNTY ROAD



DESCRIPTION:

The West 55.00 feet (as measured along the lot lines) of Lot 52, RIVER RETREATS, according to the plat thereof recorded in Plat Book 3, Page 42 of the Public Records of Sumter County, Florida.
 Subject to covenants, restrictions and easements of record.

SURVEY REPORT:

DATA SOURCES:

1. Copy of prior survey of Lot 53, RIVER RETREATS, dated 6/3/08, prepared for Danny L. Clay.
2. Description prepared from survey. Survey based on ownership records and divisional instructions provided by client.
3. Copy of record plat of RIVER RETREATS (Plat Book 3, Page 42).
4. Retracement of subdivision monumentation found in place.
5. Bearings are matched to the call of N00°21'00"W for the West line of Lot 53, RIVER RETREATS.
6. Copy of W.D. SUMMERS UNRECORDED SUBDIVISION (on file).

LIMITATIONS:

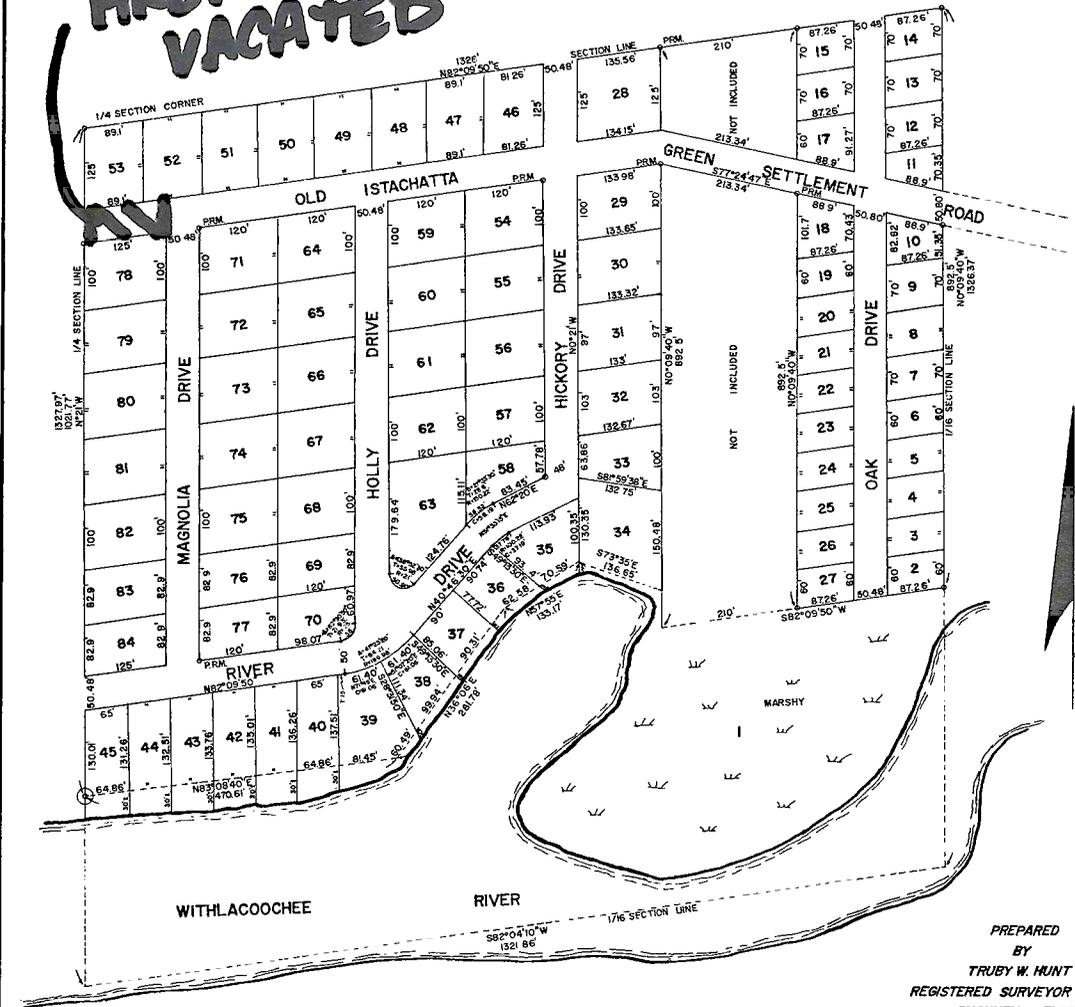
- 1 This survey is SUBJECT TO any facts that may be disclosed by a current, full and accurate title search.
2. Underground utilities, if any, were not located.
3. This survey does not address environmental matters, jurisdictional boundaries or hazardous waste concerns, should any of the foregoing exist.

<p>Prepared for: CLAY</p>	<p>Date of Survey: March 1, 2010</p>	<p>CERTIFICATION:</p>
<p>Certified To: DANNY L. CLAY</p>	<p>Revisions</p>	<p>I hereby certify that the survey shown herein was made in accordance with the "Minimum Technical Standards" for surveying and mapping in the State of Florida: Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.</p>
<p>HUNT'S SURVEYING & MAPPING, PLLC LICENSED BUSINESS NO. 6819 P.O. Box 283 – 1315 W. C-476, Bushnell, Florida 33513 Phone: (352) 793-3260 Fax: (352) 793-4669</p>	<p>Coordinate File: CLAY5552 Screen File: CLAY5552 Reference: CLIENT FILE</p>	<p><i>[Signature]</i> 3/5/10 Douglas K. Hunt, Professional Surveyor and Mapper Florida Certificate No. 2480 VOID UNLESS EMBOSSED WITH RAISED SURVEYORS SEAL PLAT BOOK _____ CB _____ PAGE 5803</p>

RIVER RETREATS

A SUBDIVISION IN SECTION 24, T21 S, R20 E
SUMTER COUNTY, FLORIDA

AREA TO BE
VACATED



DESCRIPTION THE N.W. 1/4 OF N.E. 1/4 SECTION 24, T21 S, R20 E, LESS COMMENCE AT N.E. CORNER OF N.W. 1/4 OF N.E. 1/4 SECTION 24, T21 S, R20 E, RUN THENCE S82°09'50" W 225' TO P.O.B., THENCE CONTINUE S82°09'50" W 210', THENCE 50°09'40" E 892.5' THENCE N82°09'50" E 210', THENCE N0°09'40" W 692.5' TO P.O.B.

DEDICATION W. D. SUMMERS AND HIS WIFE FRANCES L. SUMMERS, THE OWNERS OF THE LANDS HEREIN PLATTED, AS DEDICATORS, DO HEREBY DEDICATE TO THE PUBLIC AND THE PURCHASERS OF ANY LANDS SHOWN ON THIS PLAT ALL STREETS, CANALS, PARKS, AND OTHER PUBLIC PLACES SHOWN ON THIS PLAT AND HEREBY REQUEST THAT THIS PLAT BE RECORDED IN THE PUBLIC RECORDS OF SUMTER COUNTY, FLORIDA.

WITNESS OUR HANDS AND SEALS AS DEDICATORS THIS 29TH DAY OF March 1963. SIGNED AND SEALED IN THE PRESENCE OF:

W.D. Summers
 WITNESS W. D. SUMMERS
Frances L. Summers
 WITNESS FRANCES L. SUMMERS

STATE OF FLORIDA COUNTY OF SUMTER

BEFORE THE UNDERSIGNED, AN OFFICER DULY AUTHORIZED AND ACTING, PERSONALLY APPEARED W. D. SUMMERS AND HIS WIFE FRANCES L. SUMMERS TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE FOREGOING DEDICATION, AND THEY BEING DULY SWORN, ACKNOWLEDGED THEN AND THERE BEFORE ME THAT THEY EXECUTED THE SAME.

WITNESS MY HAND AND OFFICIAL SEAL THIS 29TH DAY OF March 1963.

MY COMMISSION EXPIRES: 7-24-64
James C. Hunt
NOTARY PUBLIC

I, TRUBY W. HUNT, HEREBY CERTIFY THAT I PREPARED THIS PLAT AND THAT IT IS A CORRECT REPRESENTATION OF THE LANDS PLATTED; THAT THIS PLAT COMPLIES WITH ALL PROVISIONS OF CHAPTER 177, FLORIDA STATUTES, AND WITH ALL OF THE PLAT REQUIREMENTS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, ON THE THIRDS DAY OF AUGUST 1960.

SURVEYED AND PLATTED IN JANUARY, 1963
Truby W. Hunt
REGISTERED FLORIDA LAND SURVEYOR NO. 528

ABSTRACTOR'S REPORT: I HEREBY CERTIFY THAT W. D. SUMMERS AND HIS WIFE FRANCES L. SUMMERS ARE THE APPARENT RECORD OWNERS OF THE LANDS HEREIN PLATTED; THAT THERE ARE NO DELINQUENT TAXES ON SUCH LANDS AND THAT RECORD TITLE TO ALL ACCESS ROADS IS HELD BY SUMTER COUNTY OR THE STATE OF FLORIDA.

DATED THIS 1ST DAY OF April, 1963
W. T. Bunch
ABSTRACTOR

COUNTY ATTORNEY'S REPORT: HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT AND FIND THAT IT COMPLIES IN FORM WITH CHAPTER 177, FLORIDA STATUTES, AND WITH THE REQUIREMENTS OF THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA.

J. H. Padden
COUNTY ATTORNEY SUMTER COUNTY

WHEREAS, THIS PLAT WAS ON THE 30TH DAY OF May, 1963, SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, FOR RECORD, AND HAS BEEN APPROVED BY SAID BOARD, NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA, THAT SAID PLAT SHALL BE RECORDED IN THE PUBLIC RECORDS OF THIS COUNTY AND THAT THE DEDICATION OF ALL STREETS, CANALS, PARKS AND OTHER PUBLIC PLACES SHOWN THEREON IS HEREBY ACCEPTED BY SAID BOARD FOR SUMTER COUNTY AND THE PUBLIC GENERALLY AND SHALL BE BINDING ON ALL PERSONS HEREAFTER.

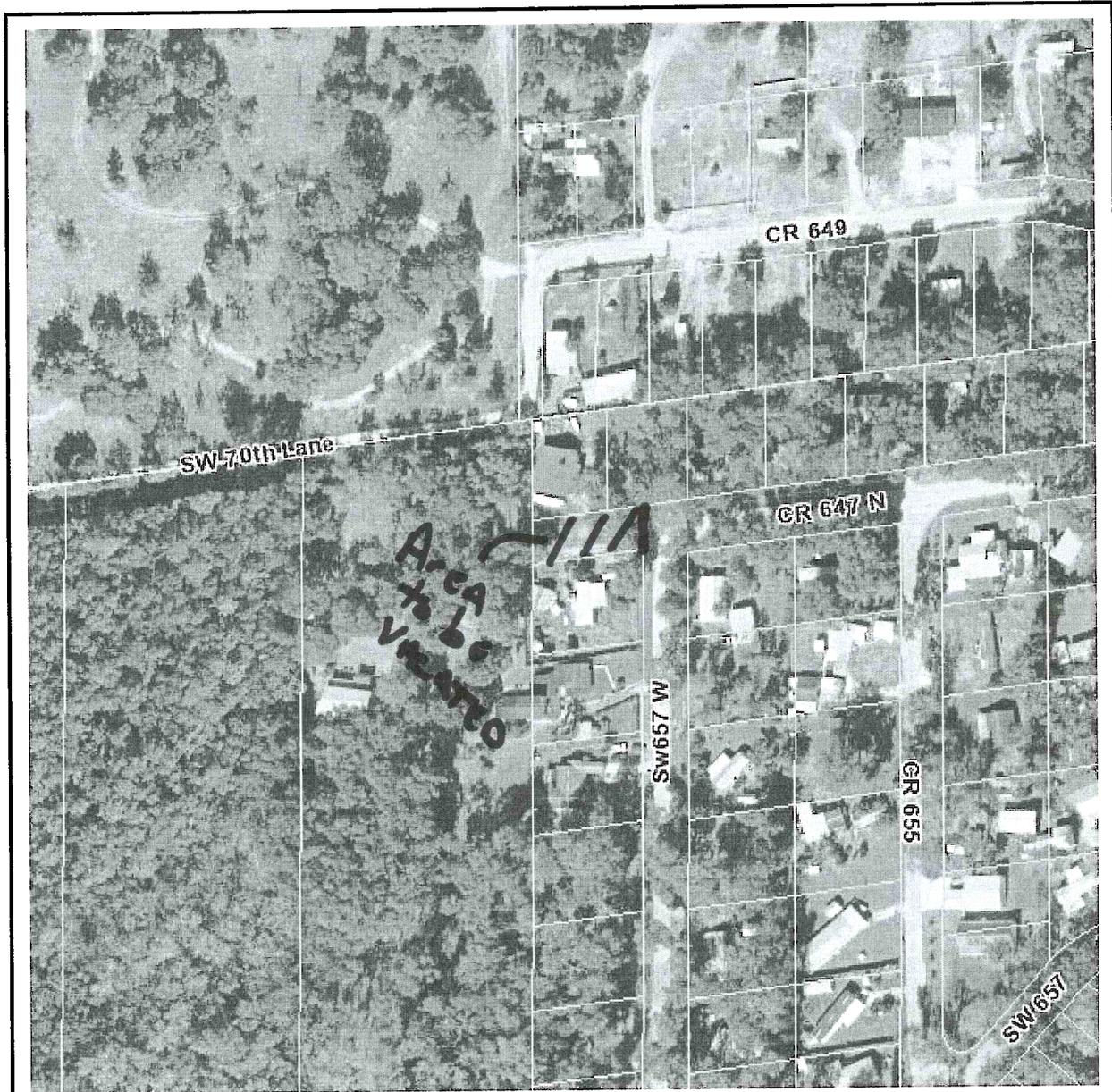
BOARD OF COUNTY COMMISSIONERS SUMTER COUNTY, FLORIDA

ATTEST *C. Burton Marsh* CLERK BY *J. H. Padden* CHAIRMAN

I, C. BURTON MARSH, CLERK OF THE CIRCUIT COURT OF SUMTER COUNTY, FLORIDA, HEREBY CERTIFY THAT I HAVE EXAMINED THIS PLAT, THAT IT COMPLIES WITH ALL PROVISIONS OF CHAPTER 177, FLORIDA STATUTES, IN FORM, THAT IT WAS FILED FOR RECORD ON THE 10TH DAY OF May, 1963, FILE NO. 52632 AND RECORDED IN PLAT BOOK 3 PAGE 42.

C. Burton Marsh
CLERK OF CIRCUIT COURT, SUMTER COUNTY, FLORIDA

PREPARED BY
TRUBY W. HUNT
REGISTERED SURVEYOR NO. 528
BUSHNELL, FLORIDA



Sumter County Property Appraiser

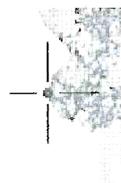
Ronnie Hawkins, CFA - Bushnell, Florida - 352-793-0210

0 45 90 135 180 225 ft



PARCEL:

Name:	LandVal
Site:	JustVal
Mail:	Assd
Sales	Exmpt
Info	Taxable
NONE	



This information, GIS Map Updated: 7/16/2010, was derived from data which was compiled by the Sumter County Property Appraiser Office solely for the governmental purpose of property assessment. This information should not be relied upon by anyone as a determination of the ownership of property or market value. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's interpretation. Although it is periodically updated, this information may not reflect the data currently on file in the Property Appraiser's office. The assessed values are NOT certified values and therefore are subject to change before being finalized for ad valorem assessment purposes.

The Board of County Commissioners convened in regular session on this Tuesday, July 19, 2005, at Bushnell, Sumter County, Florida, with the following Members present to wit: Dick Hoffman, District No. 1, Joey Chandler, Chairman, District No. 2, Michael Francis, District No. 3, Jim Roberts, Vice Chairman, District No. 4, and Randy Mask, District No. 5. Bernard Dew, County Administrator, Connie Webb, Deputy Clerk, and Randall N. Thornton, Attorney for the Board, were also present and acting in their respective official capacities. Gloria R. Hayward, Clerk & Auditor, was absent.

The meeting was called to order at 5:03 p.m. by Chairman Chandler with the devotional given by Mr. Francis, followed by the flag salute.



ROAD CLOSING – RESOLUTION

At 5:04 p.m., Chairman Chandler called for a public hearing to consider a road closing petition filed by John Marek and Lorena Marek, as follows: That portion of Old Istachatta Street lying between Lots 78 and Lot 53 and a portion of Lot 52 to a point where the Northerly extension of the West boundary of Magnolia Drive would intersect with the Southern boundary of said Lot 52 as per plat of RIVER RETREATS, recorded in Plat Book 3, Page 42, Public Records of Sumter County, Florida. Proof of Publication as advertised, filed herewith. Attorney Thornton advised that after staff review it was determined that the closure of this road would deprive at least two parcels of access to the property and that this particular portion of road has been the subject of a legal action in which it was decided that this right-of-way is to remain open and to be used by those parties. On the basis of the staff review and these other matters mentioned it is recommended that petition be denied inasmuch as it is the policy of this Board never to vacate a right-of-way that anyone needs or actually uses for access to their property. Petitioners, John Marek and Lorena Marek, spoke in favor of the resolution. Julian Harrison, counsel for Willamae Berens, and Richard Huff spoke against the resolution. Mr. Roberts moved to deny the petition. Motion was seconded by Mr. Francis and carried.

COMMISSIONERS

Mr. Hoffman moved to appoint Commissioner Hoffman to the Canvassing Board for the 2006 election year with Commissioner Mask as an alternate. Motion was seconded by Mr. Francis and carried.

GRANTS – ELECTIONS

Karen Krauss, Supervisor of Elections, has made application to U.S. Department of Health and Human Services for reimbursement of \$6,589.84 for work done at polling sites to make them ADA accessible. No action necessary.