

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: **Hearing for Appeal of Staff Determination Filed by Lynn Townsend Burnett for RCM Construction, Inc. Subdivision of Land (Withdrawn – No Action Required).**

REQUESTED ACTION: **Withdrawn – No Action Required**

Work Session (Report Only) **DATE OF MEETING:** 9/27/2011
 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 15, 2011, the County received a Notice of Appeal of a staff determination from Lynn Townsend Burnett, P.E., on behalf of RCM Construction, Inc. The Notice of Appeal was filed consistent with Section 13-236 of the Sumter County Land Development Code.

The appeal is based on the determination by Kathy Steele, Planning Technician, and confirmed by Aimee Webb, Development Coordinator, and Brad Cornelius, Director Planning & Development, that property owned by RCM Construction, Inc. within the Wildwood Country Estate Phase I subdivision (Plat Book 4, Pages 48-48F) is a non-compliant parcel created inconsistent with the subdivision requirements of the Sumter County Land Development Code and requires a replat to be compliant. A map of the subject property is attached.

At the August 23, 2011, Board meeting, the Board held a hearing to consider the appeal. After testimony provided by Mr Cornelius in support of the staff determination and testimony from Mrs. Burnett in support of the appeal filed by RCM Construction, Inc., the Board tabled the hearing to September 27, 2011, at 5:00 p.m. The purpose of the delay in the hearing was to allow time for Staff to review information submitted by Mrs. Burnett at the August 23, 2011, hearing and to continue discussions to try and resolve the issue.

Staff continued research and discussion with Mrs. Burnett after the August 23, 2011, hearing. The further research and discussion provided additional support to the staff position that a replat is required. On August 31, 2011, Mr. Cornelius received an email from Mrs. Burnett stating that RCM Construction, Inc. has decided to pursue the replat of the property consistent with the staff determination. The County Administrator has approved the waiver of the \$900 application fee. However, the applicant will still be responsible for paying the cost of the County's survey review and recording of the replat.

On September 19, 2011, Staff received an email from the applicant's representative withdrawing the appeal. Consequently, no action is required by the Board.

Cornelius, Brad

From: Bill [wpscutt@etcmail.com]
Sent: Tuesday, September 20, 2011 9:14 PM
To: Cornelius, Brad
Cc: Kevin Brundage, Lynn Burnett, Leonard
Subject: Tract 4, Wildwood Country Estates

Mr Cornelius- confirming your conversations with Lynn Townsend, we are withdrawing our appeal re Tract 4, Wildwood Country Estates. Please feel free to remove this item from your agenda. If you have any questions, please feel free to contact me Thank You.

William Scutt, Managing Member, Land Associates, LLC.



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Sumter County BOCC - GIS

BOCC Bushnell, FL 33513 | 352-793-0200

Parcel ID C32A104G

RCM CONSTRUCTION INC

4900 SW 46TH CT UNIT 412 OCALA, FL 34474

Street NOT ON FILE

S/T/R 32/18/22 A PORT OF TRACTS 3 & 4 WILDWOOD COUNTRY ESTATES PHASE ONE PB 4 PGS 48-48F DESC AS: COMM AT NW COR OF TRACT 4 WILDWOOD

Sales

12/1/2010	2261/698	Vacant	\$27,000.00
8/1/2007	1835/735	Vacant	\$100.00

NOTES:



This information was derived from data which was compiled by the Sumter County BOCC - GIS. This information should not be relied upon by anyone as a determination of the ownership of property, legal boundary representation, or market value. The map image is not a survey and shall not be used in any Title Search or any official capacity. No warranties, expressed or implied, are provided for the accuracy of the data herein, it's use, or it's interpretation. This information was last and may not reflect the data currently on file at our office.

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Cornelius, Brad

From: Lynn.Burnett [Lynn.Burnett@ltaengineers.com]
Sent: Tuesday, September 06, 2011 1:10 PM
To: Cornelius, Brad
Subject: FW: Tract 4, Wildwood Country Estates

Hi Brad – I am getting some heat from everyone on our end wanting to know what the next step is. Will your staff be able to outline the process for us and the associated costs and timeline? Please let me know so I can wrap this up before I leave for NY. Thanks.

Lynn Townsend Burnett, P E.
Principal
LTA Engineers, LLC
2004 53rd Avenue East
Bradenton, FL 34203
(941) 756-9100

www.ltaengineers.net

From: Lynn.Burnett
Sent: Wednesday, August 31, 2011 11:07 PM
To: Cornelius, Brad
Subject: Tract 4, Wildwood Country Estates

Hi Brad,

Based on your email and the feedback from the attorneys, everyone agrees that the best course of action is to proceed with a replat. Would that be just a replat of Tract 4 and a portion of Tract 3? Can the 2 current owners join on the plat and application? Can your staff outline for us the exact steps, costs and timeline associated with this so I can get back to all parties involved? Thanks for all of your help through this. It is GREATLY appreciated.

Blessings,

Lynn Burnett, P.E.
Principal
LTA Engineers, LLC
2004 53rd Avenue East
Bradenton, FL 34205
PH (941) 756-9100
FAX (941) 756-9119

www.ltaengineers.net

Cornelius, Brad

From: countyattorney sumtercounty fl [countyattorney sumtercounty.fl@hoganlawfirm.com]
Sent: Friday, August 26, 2011 6:24 AM
To: Cornelius, Brad
Cc: Arnold, Bradley
Subject: RE: Question Regarding Subdivision Platting - Sumter County

Brad, I concur with your original determination as further supported by the opinions of Mr. Bishop and Mr. Thomas.

GGA

From: Cornelius, Brad [mailto:Brad.Cornelius@sumtercountyfl.gov]
Sent: Thursday, August 25, 2011 5:18 PM
To: Lynn.Burnett
Cc: Arnold, Bradley; George Angeliadis; Webb, Aimee
Subject: FW: Question Regarding Subdivision Platting · Sumter County

Lynn,

Please see the response I received from Merle Bishop regarding the split of a lot within a platted subdivision. It is consistent with my interpretation.

Brad Cornelius, AICP, CPM, LEED Green Assoc.
Director
Sumter County
Division of Planning & Development
352.689.4460
brad.cornelius@sumtercountyfl.gov

***** Important Notice *****

The Board of Sumter County Commissioners is a public agency subject to Chapter 119 of Florida Statutes concerning public records.

From: Merle.Bishop@kimley-horn.com [mailto:Merle.Bishop@kimley-horn.com]
Sent: Wednesday, August 24, 2011 10:05 AM
To: Cornelius, Brad
Subject: RE: Question Regarding Subdivision Platting · Sumter County

Brad,

Very interesting question. I agree with you, the dividing of a platted lot or tract would require a replat. I checked with Sam Thomas, Polk County's Surveyor and expert on Ch. 177, F.S. He agrees that if you divide a lot or tract in a platted subdivision and transfer ownership, it would require a replat. Someone can reconfigure lots, such as purchasing one lot, plus a portion of another lot. However, if you divide lots or tracts and transfer ownership, you have added a lot, or tract to the plat. One consideration is that if there were more than one platted tract within the subdivision, what would prevent each of the tracts from being divided and ending up with

9/20/2011

multiple additional tracts or lots within the platted subdivision.

Hope this helps,
Merle

Merle H. Bishop, FAICP

Kimley-Horn and Associates, Inc.

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Lakeland, FL 33812

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Fax: 863-701-9832

Cell: 863 701-4793

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