

RESOLUTION NO. 2015- 127

RESOLVED, that the Board of County Commissioners of St. Johns County, Florida, in the County Auditorium of the St. Johns County Administration Building, on June 2, 2015, at 9:00 a.m. upon petition of qualified landowners, will consider the advisability of exercising the power granted to it by Section 336.09, Florida Statutes 2007, and determine whether it will vacate, abandon, discontinue and close portions of certain streets, alleyways, or roads described as follows:

Legal description as per attached "Exhibit A"

and the notice required by Section 336.10, Florida Statutes 2007, is hereby authorized and directed to be published.

ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 5th day of May, 2015.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY:  _____
Priscilla L. Bennett, Chair

ATTEST: Cheryl Strickland

 _____

Deputy Clerk

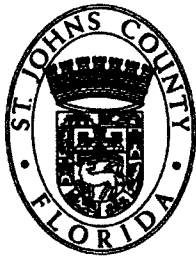
RENDITION DATE 5/7/15



EXHIBIT "A"

DESCRIPTION: BEING A PORTION OF THE DRAINAGE EASEMENT AS SHOWN RUNNING THOUGH LOT 11, BLOCK 1, MOULTRIE FORESIDE, UNIT ONE, AS RECORDED AMONG THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA IN MAP BOOK 20, PAGES 4 AND 5. AND DESCRIBED AS FOLLOWS;

COMMENCE AT THE MOST NORTHERLY CORNER OF SAID LOT 11, BLOCK 1, AND RUN THENCE ALONG THE REAR LINE OF SAID LOT SOUTH 27 DEGREES 04 MINUTES 00 SECONDS EAST DISTANCE OF 94.33 FEET, THENCE LEAVING SAID REAR LINE AND RUN SOUTH 54 DEGREES 18 MINUTES 59 SECONDS WEST, A DISTANCE OF 13.72 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE SOUTH 54 DEGREES 18 MINUTES 59 SECONDS WEST, 1.45 FEET TO THE SOUTHWEST LINE OF A 15 FOOT DRAINAGE EASEMENT; THENCE RUN ALONG THE SAID SOUTHWEST LINE OF SAID DRAINAGE EASEMENT SOUTH 27 DEGREES 04 MINUTES 00 SECONDS EAST, A DISTANCE OF 66.91 FEET TO THE SOUTH LINE OF THE OPEN PATIO, THENCE LEAVING THE SOUTHWEST LINE OF SAID 15 FOOT EASEMENT AND RUNNING ALONG THE SOUTH LINE OF SAID PATIO, NORTH 54 DEGREES 18 MINUTES 59 SECONDS EAST, 5.06 FEET, THENCE NORTH 27 DEGREES 04 MINUTES 00 SECONDS WEST, 42.86 FEET, THENCE NORTH 35 DEGREES 41 MINUTES 01 SECONDS WEST A DISTANCE OF 23.78 FEET TO THE POINT OF BEGINNING.



Growth Management Department DIVISION REPORT

Application for Right of Way Vacation
File Number: VACROA 2014-02 Belden Court

To: St. Johns County Board of County Commissioners

From: Don Hallman, P.E. - Development Review Engineer
Growth Management Department, Transportation Development Division

Date: April 13, 2015

Subject: VACROA 2014-02 Belden Court

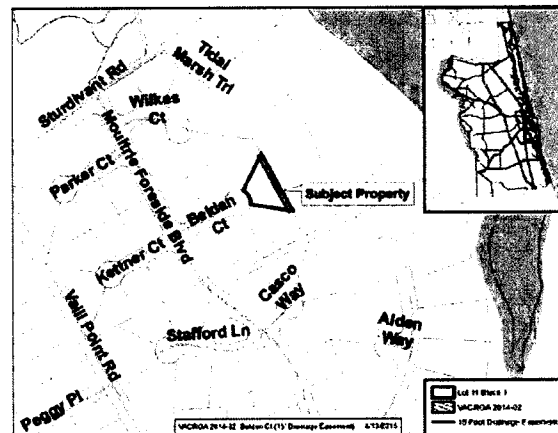
Applicants: Michael and Kathleen Policicchio

Hearing dates: May 5, 2015 (Consent-set hearing date)
June 2, 2015 (Regular Agenda)

PROJECT DATA:

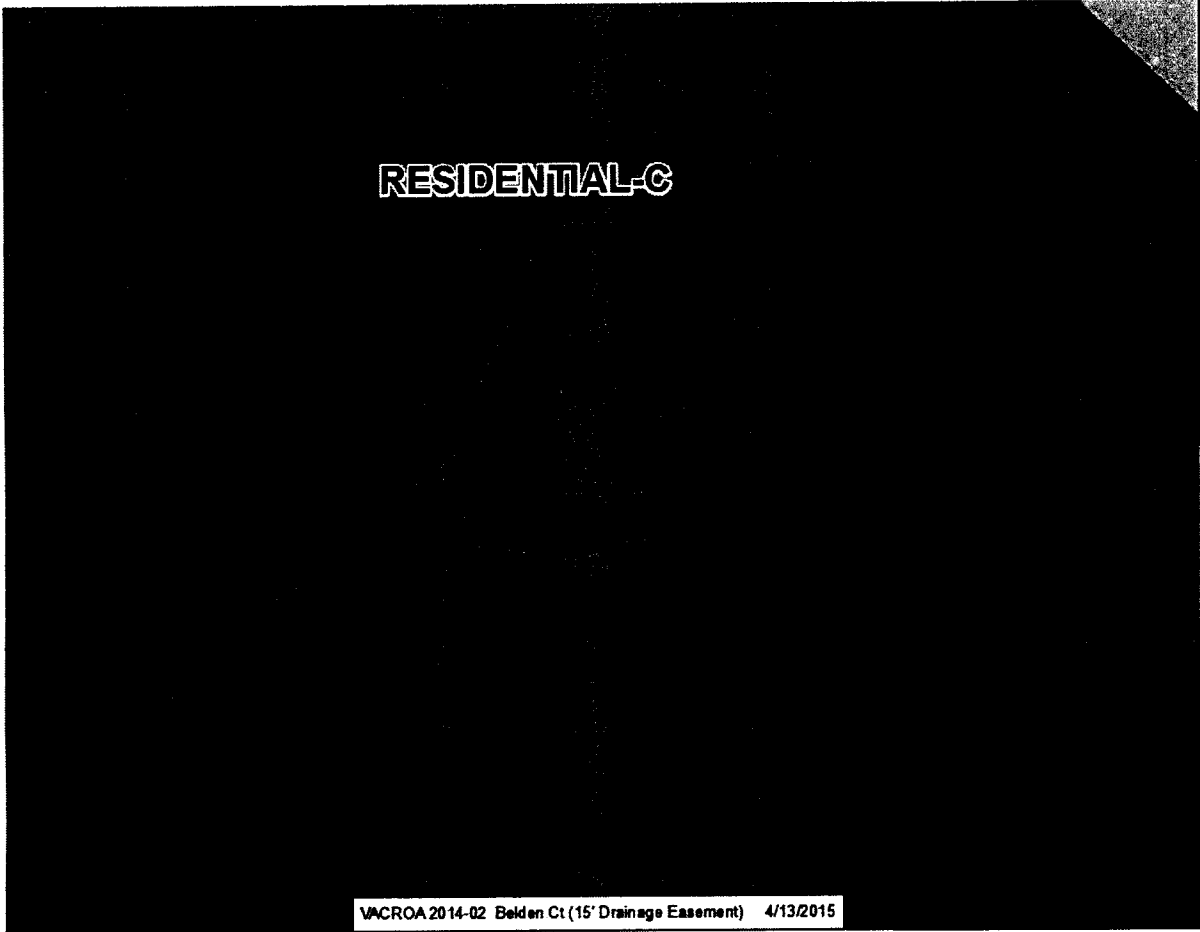
Location: The subject property is located at 706 Belden Court, in the Moultrie Foreside subdivision off the easterly end of Vail point Road. It is Lot 11, Block 1 of the Moultrie Foreside Unit 1 Subdivision and is located in BCC District 3.

Requested Change: This petition is to vacate a portion of a 15 foot wide County drainage easement that is along the rear of the lot. There are encroachments into the easement consisting of a pool deck and enclosure.

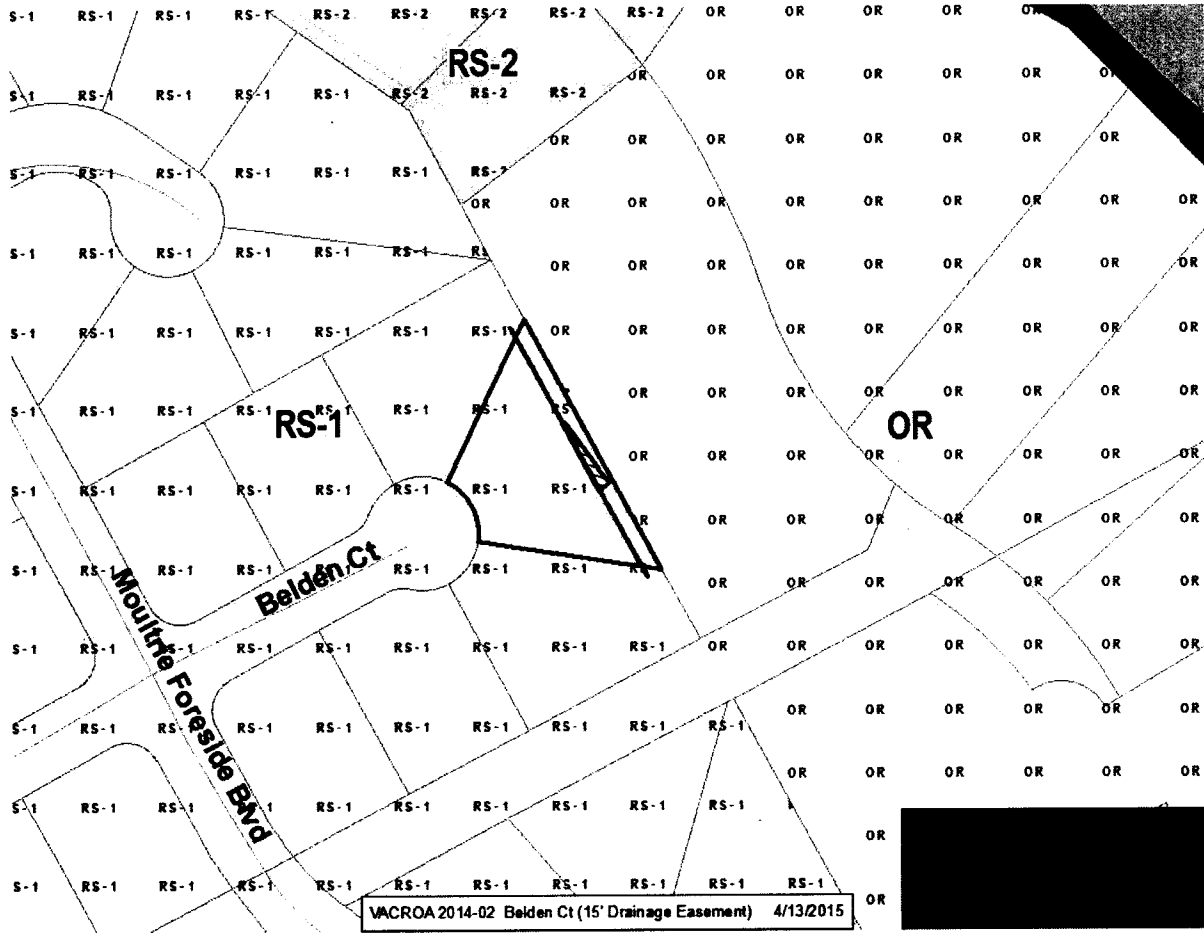


MAP SERIES

Future Land Use: Residential - C

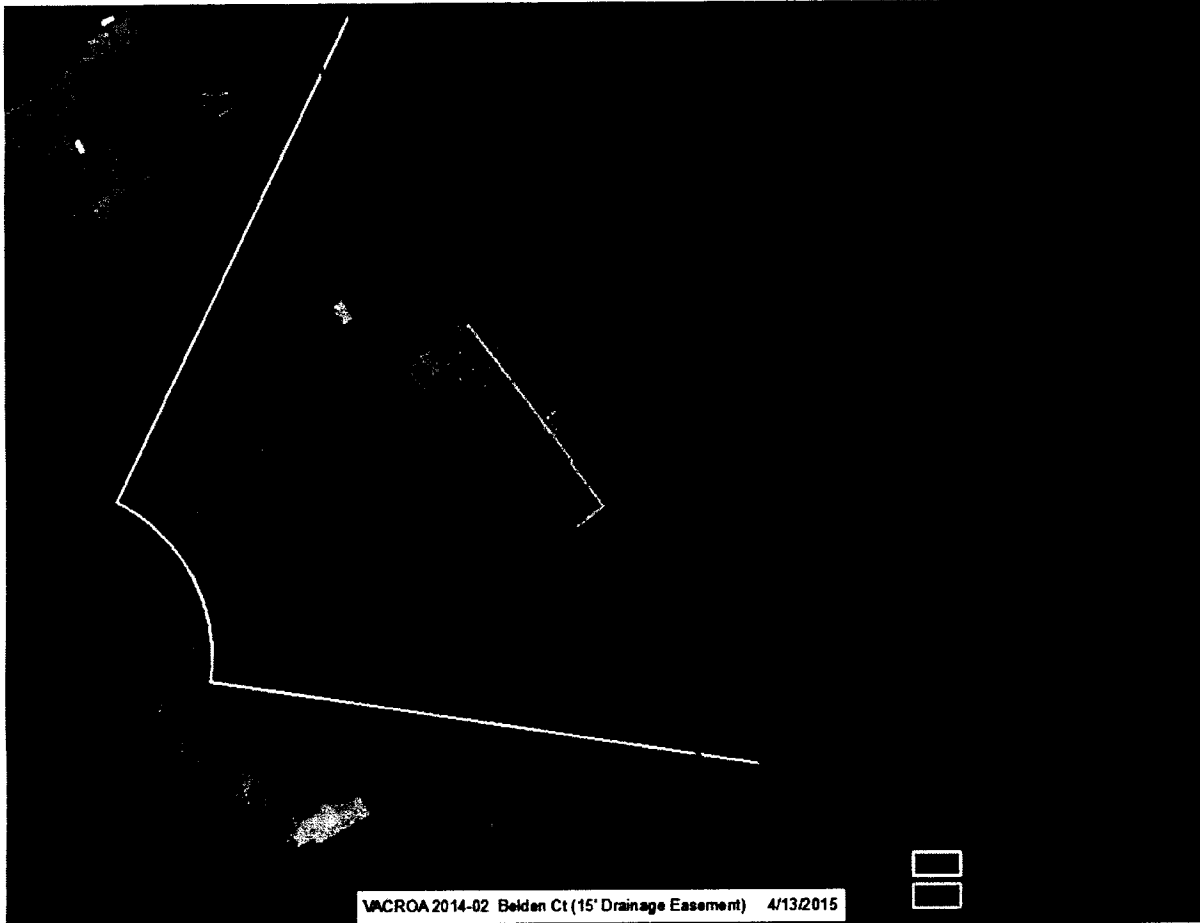


Zoning District: The zoning of the subject property is RS-1.



MAP SERIES CONT'D

Aerial Imagery: The subject property is located at the end of the cul-de-sac of Belden Court in the Moultrie Foreside Subdivision



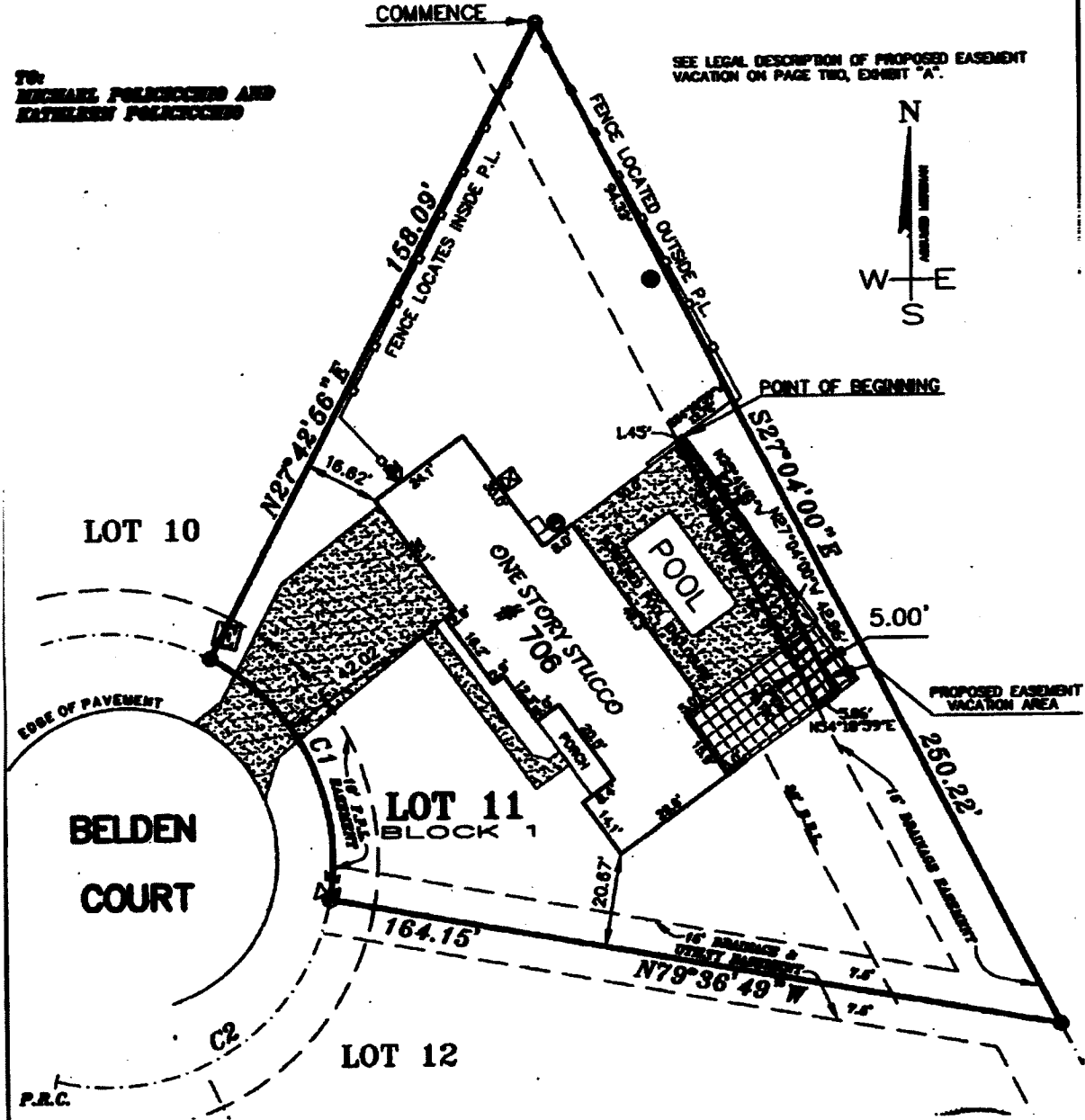
SURVEY: dated 2/15/15

**LEGAL DESCRIPTION AND SKETCH OF PROPOSED PARTIAL EASEMENT VACATION
BEING PART OF LOT 11, BLOCK 1, MOULTRIE FORESIDE, UNIT ONE, RECORDED
IN MAP BOOK 20, PAGES 4 & 5, SAINT JOHNS COUNTY, FLORIDA**

PAGE ONE

**TO:
MICHAEL POLICCHIO AND
KATHLEEN POLICCHIO**

SEE LEGAL DESCRIPTION OF PROPOSED EASEMENT
VACATION ON PAGE TWO, EXHIBIT "A".



NARRATIVE SUMMARY:

The applicants purchased the property in 2011. The pool was permitted in 1994 by the previous owner. A site plan for that permit is not available.

When the applicants purchased the property, a deck had already been added, the corner of which extends about 10 (ten) feet into the 15 (fifteen) foot drainage easement, including concrete footings. A screen enclosure had also been added. The enclosure is presently in need of repair and the applicants applied for a permit for a new enclosure, at which time the encroachment was discovered.

In order to remove this exception from their title and to be able to replace the screen enclosure, the applicants are seeking this vacation.

Their original desire was to seek vacation of the area which contained all of the improvements. as the easement is not currently being used for drainage purposes. However, the Public Works Department (Road and Bridge and Engineering) will support only a partial vacation, with 5 (five) feet of the encroachment to remain. They feel that if the easement should be needed for drainage purposes in the future that 10 (ten) feet will be sufficient. The applicant will need to remove the footings, deck, enclosure and any other improvement that may exist outside of the 5 (five) foot encroachment area, and a new footing within the vacated area will need to be constructed at that time. The improvements that may remain are indicated by the dark hatched area on the Survey above.

Although this will be a significant expense, the applicants have agreed to this condition.

TECHNICAL REVIEW

The Transportation Development Division has routed this request to all appropriate reviewing departments. All comments have been addressed.

RECOMMENDED ACTION:

Staff recommends approval of the requested vacation with the condition that it be for the area containing existing improvements extending up to 5 (five) feet into the easement, and as further described in the attached Petition and Resolution. This item will be to announce a definite time and place a public hearing will be held to consider the advisability of granting the requested vacation.

ATTACHMENTS:

1. Petition to vacate.
2. Resolution to announce definite time and place to consider petition.

Attachment 1:

PETITION TO VACATE A PORTION OF A CERTAIN DRAINAGE EASEMENT

TO: THE HONORABLE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA.

Comes now Kathleen Policicchio, Michael Policicchio and respectfully petitions this Honorable Board as follows:

To vacate, abandon, discontinue and close that portion of that certain drainage easement situated in St. Johns County, Florida, hereinafter more particularly described; to renounce and disclaim any right of St. Johns County and the public in and to the lands constituting such portions of said easements; and to renounce and disclaim any right of St. Johns County and the public in and to any lands or interest therein acquired by purchase, gift, devise, dedication or prescription for such portions of said easements described as follows:

DESCRIPTION: BEING A PORTION OF THE DRAINAGE EASEMENT AS SHOWN RUNNING THOUGH LOT 11, BLOCK 1, MOULTRIE FORESIDE, UNIT ONE, AS RECORDED AMONG THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA IN MAP BOOK 20, PAGES 4 AND 5. AND DESCRIBED AS FOLLOWS;

COMMENCE AT THE MOST NORTHERLY CORNER OF SAID LOT 11, BLOCK 1, AND RUN THENCE ALONG THE REAR LINE OF SAID LOT SOUTH 27 DEGREES 04 MINUTES 00 SECONDS EAST DISTANCE OF 94.33 FEET, THENCE LEAVING SAID REAR LINE AND RUN SOUTH 54 DEGREES 18 MINUTES 59 SECONDS WEST, DISTANCE OF 13.72 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE SOUTH 54 DEGREES 18 MINUTES 59 SECONDS WEST, A DISTANCE OF 1.45 FEET TO THE SOUTHWEST LINE OF A 15 FOOT DRAINAGE EASEMENT, THENCE RUN ALONG THE SAID SOUTHWEST LINE OF SAID DRAINAGE EASEMENT SOUTH 27 DEGREES 04 MINUTES 00 SECONDS EAST, A DISTANCE OF 66.91 FEET TO THE SOUTH LINE OF THE OPEN PATIO, THENCE LEAVING THE SOUTHWEST LINE OF SAID 15 FOOT EASEMENT AND RUNNING ALONG THE SOUTH LINE OF SAID PATIO, NORTH 54 DEGREES 18 MINUTES 59 SECONDS EAST, 10.83 FEET, THENCE STILL WITH SAID PATIO, NORTH 35 DEGREES 41 MINUTES 01 SECONDS WEST, 15.90 FEET, THENCE WITH THE EDGE OF THE POOL DECK NORTH 54 DEGREES 18 MINUTES 59 SECONDS EAST, 0.85 FEET THENCE STILL WITH SAID POOL DECK NORTH 35 DEGREES 41 MINUTES 01 SECONDS WEST A DISTANCE OF 50.25 FEET TO THE POINT OF BEGINNING. BEING THAT PART OF THE POOL DECK AND OPEN PATIO THAT IS LOCATED WITHIN THE 15 FOOT EASEMENT AREA.

Attachment 2

Resolution to announce definite time and place to consider hearing.