

ORDINANCE 12-64

COUNCIL ITEM 10E
DATE 10/8/12

AN ORDINANCE PROVIDING FOR THE ABANDONMENT OF A PORTION OF AN EASEMENT AFFECTING LOT 22, BLOCK 3336, PORT ST. LUCIE SECTION FIFTY TWO; PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. The City of Port St. Lucie hereby releases and abandons its interest in a portion of the twenty (20) foot easement running along the most northerly portion of Lot 22, Block 3336, Port St. Lucie Section Fifty Two, according to the plat thereof as recorded in Plat Book 22, pages 19, 19A through 19B, of the public records of St. Lucie County, Florida, said abandoned portion being more particularly described in Exhibit "A" attached hereto and incorporated herein.

Section 2. This ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

By: _____
JoAnn M. Faiella, Mayor

Karen A. Phillips, City Clerk

APPROVED AS TO FORM: _____
Roger G. Orr, City Attorney



SKETCH AND LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN LOT 22, BLOCK 3336, PORT ST. LUCIE SECTION FIFTY-TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 19, 19A THROUGH 19B OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, SAID PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE MOST NORTHERLY CORNER OF SAID LOT 22; THENCE SOUTH 47°54'50" WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 22, AND ALONG THE NORTHWESTERLY LINE OF A 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT (P.U.D.E) ACCORDING TO SAID PLAT; A DISTANCE OF 32.24 FEET; THENCE DEPARTING SAID NORTHWESTERLY LINE OF SAID LOT 22, SOUTH 42°05'10" EAST, A DISTANCE OF 10.91 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL; THENCE NORTH 68°27'14" EAST A DISTANCE OF 25.90 FEET TO AN INTERSECTION WITH THE SOUTHEASTERLY LINE OF SAID 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT (P.U.D.E); THENCE ALONG SAID SOUTHEASTERLY LINE, SOUTH 47°54'50" WEST, A DISTANCE OF 27.66 FEET; THENCE DEPARTING SAID SOUTHEASTERLY LINE OF SAID 20 FOOT WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT (P.U.D.E), NORTH 21°32'46" WEST TO THE POINT OF BEGINNING.

IT IS THE INTENT OF THIS LEGAL DESCRIPTION TO DESCRIBE THE EXTENT OF AN EXISTING ENCROACHMENT INTO A PUBLIC UTILITY AND DRAINAGE EASEMENT. THE MOST NORTHERLY AND WESTERLY EXTENT OF SAID ENCROACHMENT IS THE EXISTING EXTERIOR EDGE OF AN EXISTING ROOF OVERHANG WITH ATTACHED RAIN GUTTER.

SAID PARCEL CONTAINING 125.69 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES

1. HORIZONTAL POSITIONS & COORDINATES SHOWN HEREON ARE BASED ON ASSUMED VALUES. BEARING BASIS IS THE NORTHWESTERLY LINE OF LOT 22, BLOCK 3336 PER PLAT BOOK 22, PAGE 19-B, BEARING N47°54'50"E.
2. THIS LEGAL DESCRIPTION BASED ON A BOUNDARY SURVEY BY ATLANTIC LAND DESIGN, PROJECT NUMBER 2012-0239 DATED 5/7/12.

THIS IS NOT A BOUNDARY SURVEY

CERTIFIED TO:

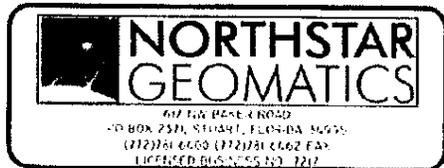
CITY OF PORT ST. LUCIE
ATTORNEY'S TITLE INSURANCE FUND
FOX, WACKEEN, DUNGEY, LLP
RAFAEL BURGOS

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SKETCH AND LEGAL DESCRIPTION COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 5J-17.050 - 17.052.

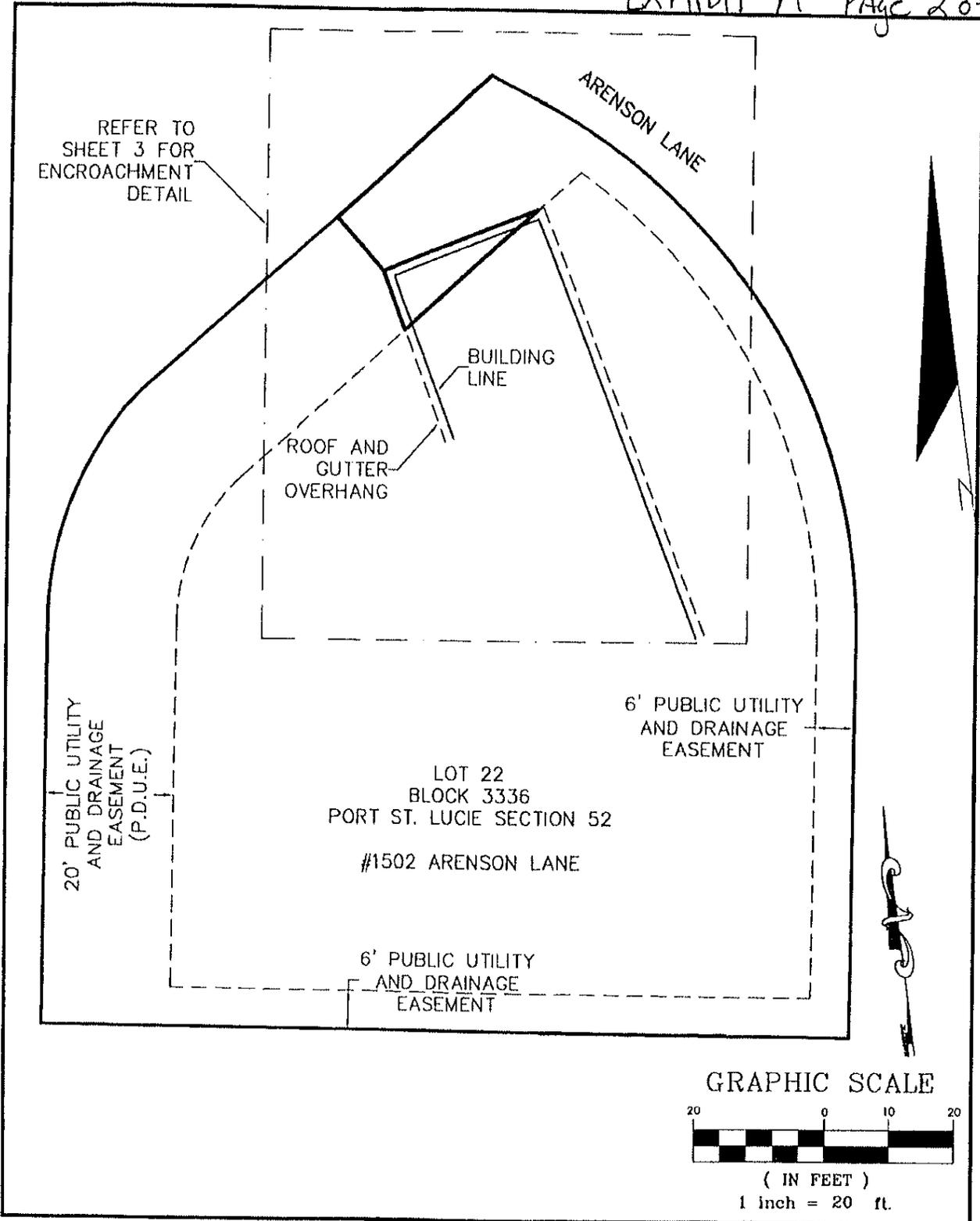

GREGORY S. FLEMING, P.S.M.
FLORIDA REGISTRATION NO. 4350

JULY 26, 2012
DATE



SKETCH AND LEGAL DESCRIPTION
LOT 22, BLOCK 3336
PORT ST. LUCIE SECTION 52
ST. LUCIE COUNTY, FLORIDA

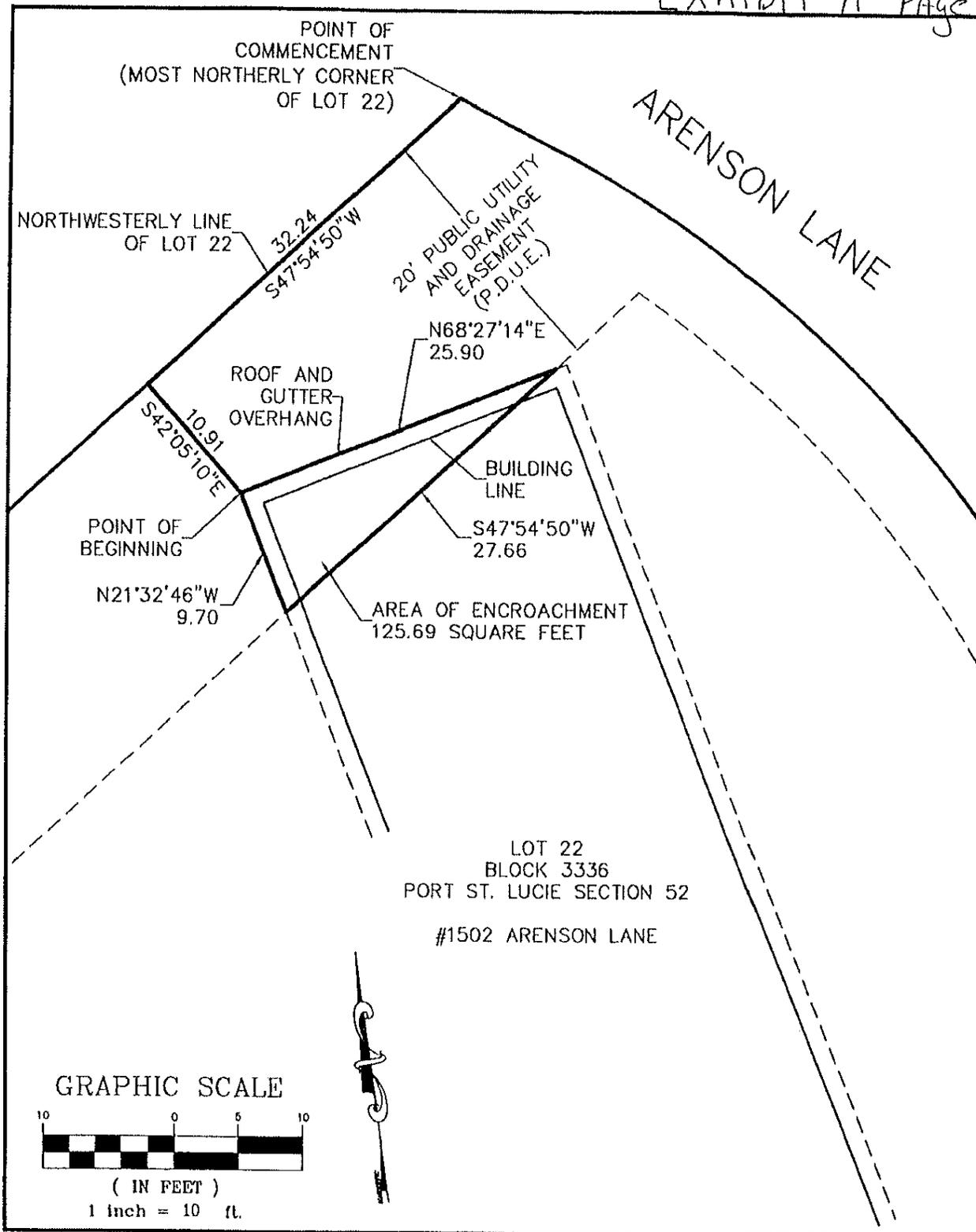
SHEET NO.
OF 3
PROJECT #
12-022SL



NORTHSTAR GEOMATICS
 607 MC BRIDE ROAD, SUITE 101, FORT PIERCE, FLORIDA 34946
 PO BOX 237, STUART, FLORIDA 34995
 (772) 781-6400 (772) 781-6402 FAX
 LICENSED BUSINESS 10-167

SKETCH AND LEGAL DESCRIPTION
 LOT 22, BLOCK 3336
 PORT ST. LUCIE SECTION 52
 ST. LUCIE COUNTY, FLORIDA

SHEET NO. 2
 OF 3
 PROJECT # 12-022SL



NORTHSTAR GEOMATICS
 617 DE BAKER ROAD, STUART, FLORIDA 34997
 PO BOX 2531, STUART, FLORIDA 34995
 (772)781-1420 (772)781-1462 FAX
 COUNCIL OF BUSINESS L.D. 120

SKETCH AND LEGAL DESCRIPTION
 LOT 22, BLOCK 3336
 PORT ST. LUCIE SECTION 52
 ST. LUCIE COUNTY, FLORIDA

SHEET NO. 3
 OF 3
 PROJECT # 12-022SL

**FOX, WACKEEN, DUNGEY
BEARD, BUSH & McCLUSKEY, L.L.P.**

DEBORAH B. BEARD
GEORGE W. BUSH, JR.
Board Certified Business Litigation Lawyer
RICHARD J. DUNGEY
Board Certified Real Estate Lawyer
M. LANNING FOX
Board Certified Real Estate Lawyer
MICHAEL J. McCLUSKEY
Board Certified Business Litigation Lawyer

W. THOMAS WACKEEN
Board Certified Civil Trial Lawyer
Of Counsel

SHELLY J. STIRRAT
Board Certified Business Litigation Lawyer
Of Counsel

VICKI J. JUNOD
Of Counsel

The Tower Building at Willoughby Commons
3473 SE Willoughby Boulevard
P. O. Drawer 6
Stuart, Florida 34995-0006
Palm Beach Gardens (Limited Services Available)
Telephone:
(772) 287-4444 * (772) 878-3814 * (561) 744-6499
Fax:

Real Estate Transactions: (772) 283-4637
All Other Matters: (772) 220-1489
www.foxwackeen.com

ROBERT A. GOLDMAN
ROBERT L. KILBRIDE
Board Certified Labor & Employment Lawyer
FREDERIK W. VAN VONNO
Board Certified City, County
& Local Government Lawyer
SUSANN B. WARD (1951-2008)
JENNIFER ALCORTA WATERS

J. HENRY CARTWRIGHT
GEORGE C. GASKELL
RAYMOND G. ROBISON
Master of Laws in Taxation

AARON A. FOOSANER
Retired
ROBERT L. SEELEY
Retired

August 2, 2012

Ms. Patricia Roebing, City Engineer
City of Port St. Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

Re: Request to Abandon/Vacate a Portion of Utility Easement on Lot 22, Block 3336
Plat of Port St. Lucie Section Fifty-Two (1502 S.E. Arenson Lane, Port St. Lucie)

Dear Pat:

I am writing on behalf of Mr. Rafeal Burgos and Mr. Angel Gonzalez who own the above referenced lot to request the partial abandonment of a platted twenty foot public utilities and drainage easement on the property.

The property owners are in the process of selling the property. However, the existing structure on the property encroaches approximately nine feet into a platted twenty foot public utilities and drainage easement on the property. Enclosed is a recent survey of the property that shows the twenty foot easement and the encroaching residential structure. Please note that the current owners did not expand the structure into the easement but purchased the property with the understanding that the easement was only ten feet wide. Enclosed is a previous survey obtained by the current owners when they purchased the property in 2000 that showed the easement to be only ten feet. The surveyor who prepared the 2000 survey apparently misinterpreted the note on the plat that created the twenty foot public utilities and drainage easement on the property. I have confirmed with the Engineering Department that the 20 foot easement width applies. We do not dispute that finding but this is a title issue that needs to be addressed in order for Mr. Burgos and Mr. Gonzalez to sell the property.

Patricia Roebling
August 2, 2012
Page 2

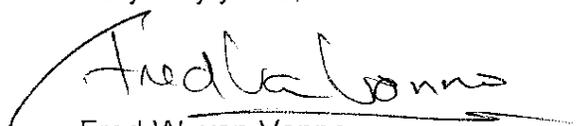
As a result, we are submitting a Request for Abandonment of the easement requesting that the City abandon a portion of the public utilities and drainage easement to the extent of the encroachment. It does not appear that the abandonment will impact the City's ability to maintain the adjacent drainage retention tract and drainage facilities or the various public utilities ability to locate facilities, if those should ever be needed since there will be over 10 feet remaining of the easement in that location. The relevant utility companies have or will provide letters of "No Objection" to the requested abandonment.

Enclosed please find the following:

1. A check payable to the City in the amount of \$355 for the application fee.
2. The Plat of Port St. Lucie Section Fifty-Two with subject property highlighted.
3. A copy of the deed for the subject property
4. A copy of a recent survey showing improvements
5. Letters of No Objection from the relevant Utility Companies (Bellsouth/AT&T, FP&L, & Florida City Gas). A letter of No Objection from Comcast is in process and will be provided as soon as possible.
6. Signed & sealed sketch and legal description of abandonment

If you have any questions or if you need additional information please feel free to call me at (772) 287-4444 ext. 239. Thank you for your assistance in this matter.

Very truly yours,



Fred W. van Vonno

Enclosures: As stated

c: Mr. Rafeal Burgos
Mr. Angel Gonzalez
Christine Reilly, ATIF Claims Attorney (*Claim #46083*)

LEGAL DESCRIPTION:

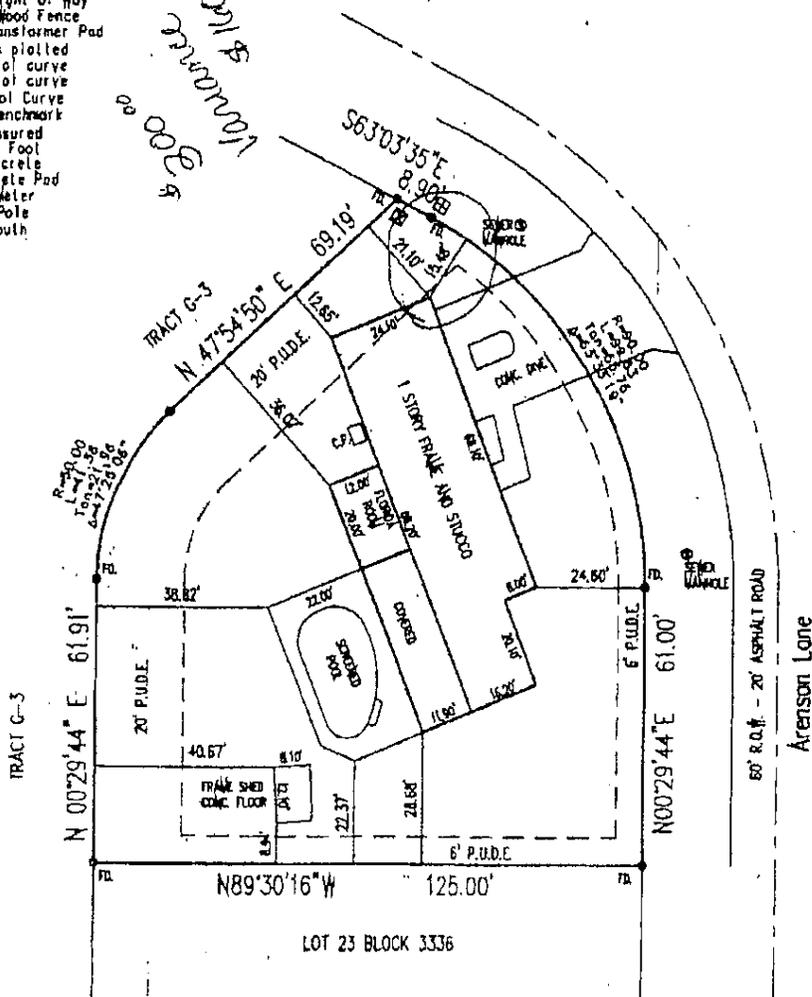
Lot 22 in Block 3336 of
PORT ST. LUCIE - SECTION
FIFTY TWO
according to the plat hereof
as recorded in Plat Book 22
pages 19, 19A through 19B of the
Public Records of St. Lucie
County, Florida.

ABBREVIATIONS:

- (*) - Not verified by field measurement
- F.F.E. - Value as plotted & field measured
- F.F.E. - Finished Floor Elevation
- SET - Set 5/8" Iron rebar with yellow cap marked "PSM 5543"
- MS - Value as measured in field
- OH - Over Head Wires
- X - Chain Link Fence
- FD - Found 5/8" Iron Rebar
- R.O.W. - Right of Way
- W - Wood Fence
- FPL - FPL Transformer Pad
- Value as plotted
- R - Radius of curve
- L - Length of curve
- D - Delta of Curve
- S - Site Benchmark
- M.E.S. - Measured
- Sq. Ft. - Square Foot
- C - Concrete
- C.P. - Concrete Pad
- W.M. - Water Meter
- P.P. - Power Pole
- B.S. - Bell South
- W - Well

SURVEYORS NOTES:

1. Unless otherwise noted only plotted easements are shown hereon.
2. No underground utilities or improvements were located unless otherwise shown.
3. This site lies within Flood Insurance Rate Map Zone X.
4. Flood Zone shown hereon is an interpretation by the surveyor and is provided as a courtesy. The flood zone should be verified by a determination agency.
5. Bearings shown hereon are based on the South line of Lot 22 Block 3336 as being N89°30'16"W according to the Plat described hereon.
6. P.U.D.E. denotes Public Utilities and Drainage Easement.
7. All Lot dimensions shown are per plat unless otherwise shown.



LAST FIELD DATE: 5-7-12

ASBUILT SURVEY

Certified to: Kimberly Ann Hogan
WCS Lending, LLC
First International Title, Inc.
First American Title Insurance Company

I hereby certify that the survey shown hereon is true and correct and is based on actual measurements taken in the field. This survey meets the Minimum Technical Standards of Chapter 8J-17 Florida administrative code.

Digitally signed by James A. Cesiro Jr.
DN: cn=James A. Cesiro Jr., o=Atlantic Land Designs of the TC, ou, email=ALD5543@gmail.com, c=US
Date: 2012.05.07 21:27:31 -0400



James A. Cesiro Jr.

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL

1502 SE Arrenson Lane

SCALE: 1"=30' Atlantic Land Designs of the Treasure Coast

DATE: 5-7-12 704 NE Jensen Beach Blvd. Jensen Beach, FL 34807

DRAWN: MC/JC Working Address: P.O. Box 1421 Jensen Beach, FL 34958 (772) 398-4290 ALD5543@gmail.com

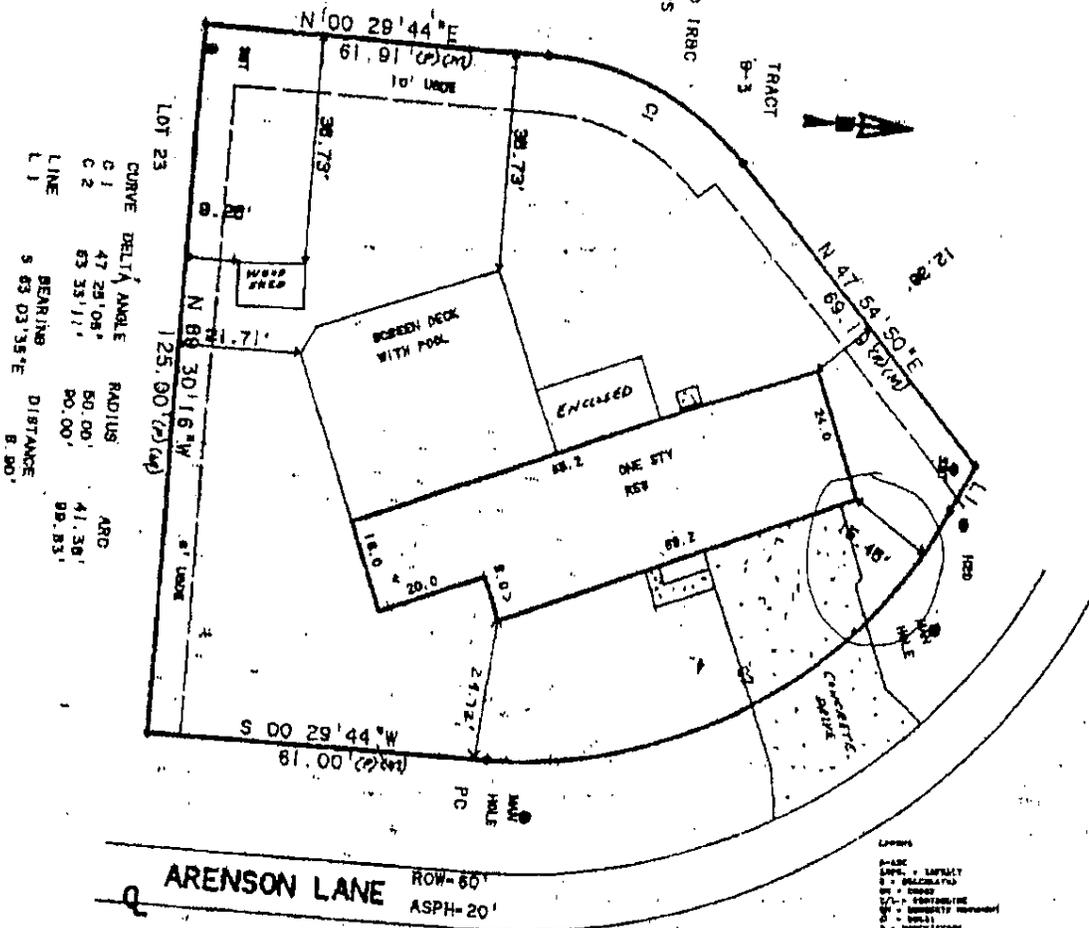
2012-0239

DATE: REVISIONS

FLOOD ZONE X
 FIRM PANEL 12111C0292F
 DATED AUGUST 19, 1991

NOTE FD IRREG
 ALL CORRS
 LB 4011

Survey



DESCRIPTION

LOT 23, BLOCK 3336, PORT ST. LUCIE SECTION FIFTY-TWO, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 22, PAGES 19, 19A THROUGH 19B OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

SAID LANDS SITUATE IN ST. LUCIE COUNTY, FLORIDA.

STREET ADDRESS: 1502 S.E. ARENSON LANE

CERTIFIED TO:

MCCARTHY, SUMMERS, BOBKO, WOOD, SAWYER & FERRY, P.A.
 ATTORNEYS' TITLE INSURANCE FUND, INC.
 CENDART MORTGAGE CORPORATION, IT'S SUCCESSORS AND/OR ASSIGNS
 ANGEL GONZALEZ
 RAFAEL BURGOS

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT A SURVEY OF THE PROPERTY DESCRIBED HEREON WAS MADE UNDER MY SUPERVISION AND THAT THE SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 43B17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.02, FLORIDA STATUTES, AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

NOT VALID UNLESS SEALER WITH AN EMBROIDERED SURVEYOR'S NAME

- LEGEND**
- BOUNDARY
 - UNDEVELOPED
 - ROAD
 - CONCRETE
 - MASONRY
 - METAL
 - WOOD
 - BRICK
 - ASPHALT
 - GRAVEL
 - SAND
 - GRAVE
 - CEMETERY
 - FENCE
 - POLE
 - SIGN
 - LIGHT
 - UTILITY
 - TELEPHONE
 - CABLE
 - AIR
 - WATER
 - SEWER
 - GAS
 - OIL
 - FUEL
 - COAL
 - LUMBER
 - BRICK
 - CONCRETE
 - METAL
 - WOOD
 - BRICK
 - ASPHALT
 - GRAVEL
 - SAND
 - GRAVE
 - CEMETERY
 - FENCE
 - POLE
 - SIGN
 - LIGHT
 - UTILITY
 - TELEPHONE
 - CABLE
 - AIR
 - WATER
 - SEWER
 - GAS
 - OIL
 - FUEL
 - COAL
 - LUMBER

- NOTES:**
- 1) DIMENSIONS OF THIS SURVEY ARE NOT VALID UNLESS SEALER WITH AN EMBROIDERED SURVEYOR'S NAME
 - 2) THIS SURVEY WAS MADE UNDER MY SUPERVISION AND THAT THE SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 43B17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.02, FLORIDA STATUTES, AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.
 - 3) THIS SURVEY WAS MADE UNDER MY SUPERVISION AND THAT THE SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 43B17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.02, FLORIDA STATUTES, AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.
 - 4) THIS SURVEY WAS MADE UNDER MY SUPERVISION AND THAT THE SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 43B17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.02, FLORIDA STATUTES, AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.
 - 5) THIS SURVEY WAS MADE UNDER MY SUPERVISION AND THAT THE SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 43B17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.02, FLORIDA STATUTES, AND THAT THE SKETCH HEREON IS A TRUE AND ACCURATE REPRESENTATION THEREOF TO THE BEST OF MY KNOWLEDGE AND BELIEF, SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.

DATE: 9-11-2000

GERALD W. TANASKY
 PROFESSIONAL REGISTRATION NO. 4464

BOUNDARY SURVEY W/INTERIOR IMPROVEMENTS PREPARED FOR: COLDWELL BANKER

DRAWN: G.W.T.
 CHECKED: G.W.T.
 DATE: 9-11-2000
 SCALE: 1"=20'
 JOB # 00-978
 SHEET 1 OF 1

TREASURE COAST LAND SURVEYORS
 PROFESSIONAL LAND SURVEYORS
 3250 CANDICE AVE. BOX 113
 JENSEN BEACH, FLORIDA 34957
 PHONE: 334-2863

REVISIONS	BY	DATE

Memorandum

TO: GREGORY J. ORAVEC, CITY MANAGER

FROM: JAMES ANGSTADT, P.E., ACTING ASSISTANT CITY ENGINEER JEA

DATE: OCTOBER 2, 2012

SUBJECT: ABANDONMENT OF EASEMENT
LOT 22, BLOCK 3336, PSL SECTION 52

The attached paperwork was submitted to this office regarding the abandoning a portion of the 20-foot side drainage and utility easement on lot 22 of block 3336 of Port St. Lucie Section 52 (see attached legal description).

Attached for your use is a survey showing the easement and the location of the portion of the house that is in the 20-foot side drainage and utility easement.

We would like to submit this item for scheduling on the next City Council agenda.

Should you have any questions or need additional information, please call me.

JA/em
Attachments

Cc: Patricia Roebing, P.E., City Engineer

RECEIVED

OCT 9 4 2012

City Manager's Office

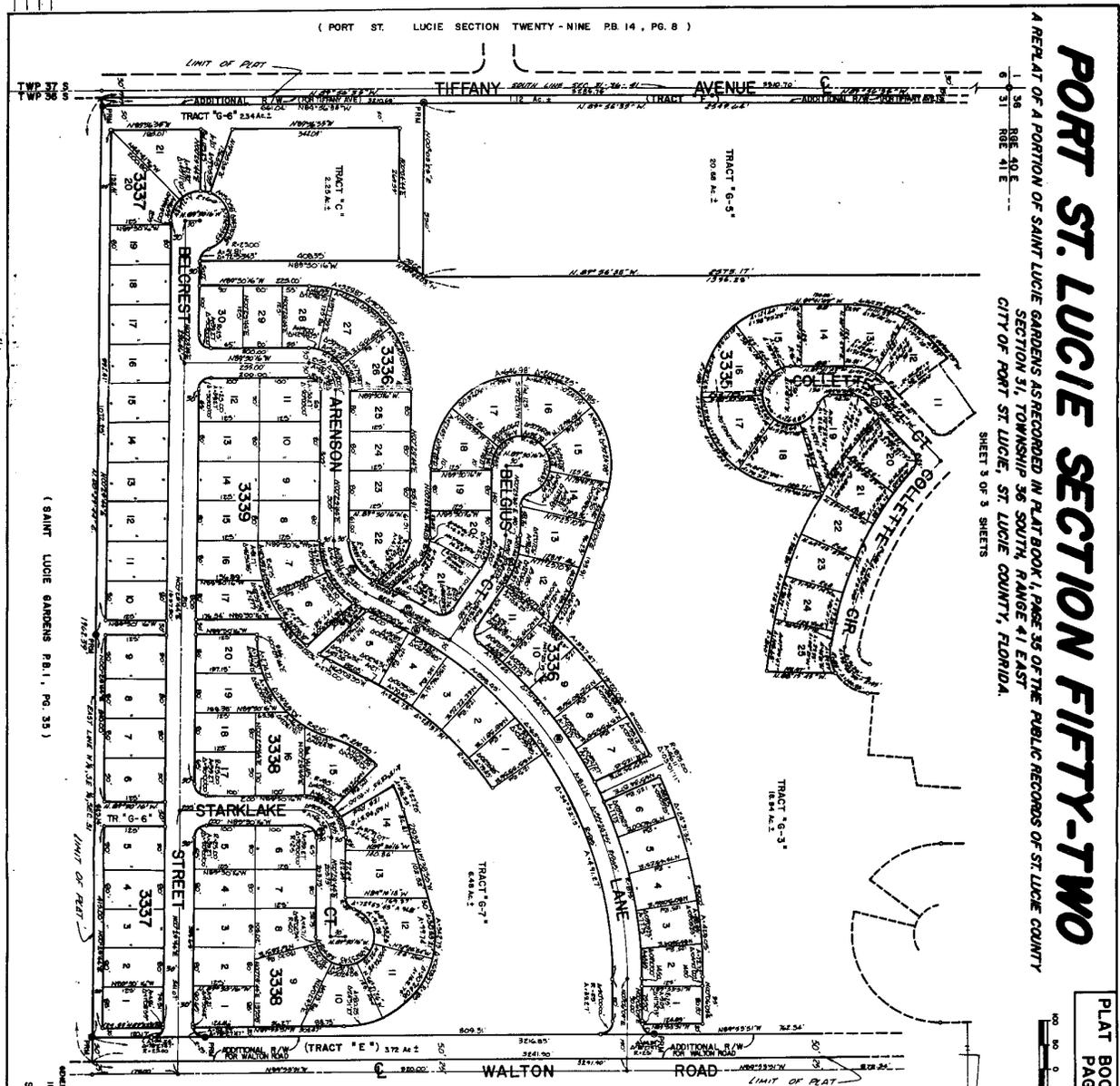
PORT ST. LUCIE SECTION FIFTY-TWO

A REPLAT OF A PORTION OF SAINT LUCIE GARDENS AS RECORDED IN PLAT BOOK 1, PAGE 35 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, SECTION 31, TOWNSHIP 36 SOUTH, RANGE 41 EAST CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA. SHEET 3 OF 3 SHEETS

PLAT BOOK 2-Z
PAGE 17-B



CALCULATED BY
DRAWN BY
CHECKED BY
APPROVED BY



ADDITIONAL CENTERLINE OF STREET CURVE DATA

(FT) TANGENT	(FT) CHORD	DEG-MIN-SEC CHORD BEARING	(FT) TANGENT	(FT) CHORD	DEG-MIN-SEC CHORD BEARING
23.14	42.85	S86-02-15 E	57.28	114.29	S59-10-55 E
443.70	785.67	S27-36-05 E	74.34	126.38	S31-16-06 E
619.46	885.06	S31-28-43 E	55.00	77.78	S44-30-16 E
46.16	88.21	N17-35-44 E	55.00	77.78	S44-30-16 E

PL-52 #1627

GENERAL DEVELOPMENT ENGINEERING COMPANY
1111 So. Bayshore Drive Miami, Florida
SHEET 3 OF 3 SHEETS
102 LOTS THIS SHEET

(SAINT LUCIE GARDENS P.B. 1, PG. 35)

(PORT ST. LUCIE SECTION TWENTY-NINE P.B. 14, PG. 8)

(SAINT LUCIE GARDENS P.B. 1, PG. 35)