

Ordinance No. 2024-4794

An ordinance of the City of Sanford, Florida vacating and abandoning an existing east-west drainage and utility easement, 5' in width and 58.46' in length, addressed as 165 Pine Isle Drive which is platted as Lot 124, Sterling Woods subdivision, as recorded in Plat Book 54, Pages 93, 94 and 95 of the Public Records of Seminole County; providing for correction of any drainage issues by the owner as a result of the vacate; providing for legislative findings and intent; providing for incorporation of an exhibit; providing for the taking of implementing administrative actions and owner agreement with binding and controlling effect with regard to all conditions; providing for conflicts; providing for severability; providing for non-codification and providing for an effective date.

Whereas, an application was filed with the City Commission of the City of Sanford, Florida, to vacate an existing east-west utility and drainage easement upon Lot 124 which is 5.0' in width and 58.46' in length and located upon Lot 124, Plat Book 54, Pages 93, 94 and 95 of the Sterling Woods subdivision, as recorded in the Public Records of Seminole County, which is addressed as 165 Pine Isle Drive; and

Whereas, the drainage and utility easement is depicted on the attached Exhibit map and the sketch and description and survey, dated April 30, 2024, prepared by Dominick Cavone, surveyor, and which exhibit hereto is attached and made a part hereof by this reference; and

Whereas, the City as part of the approval of this Ordinance will require that if there are any future drainage complications to a neighboring property, the owner will mitigate the issue as expeditiously as possible to the satisfaction of the City; and

Whereas, the City Commission finds that the vacating of said utility easement, as set forth in this Ordinance, will not operate to the detriment of the City or the public; and

Whereas, the City Commission further finds that all other conditions required by controlling law have been met.

Now, Therefore, Be It Enacted By The People Of The City Of Sanford, Florida:

Section 1. Legislative findings and intent.

(a). The City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) to this Ordinance, the City staff report and City Commission agenda memorandum relating to the application and the proposed vacation of the utility easement as set forth herein.

(b). The City of Sanford has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(c). This Ordinance is consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Sanford* and Section 6.19 of the *Land Development Regulations of the City of Sanford*.

Section 2. Vacation of easement portion/implementing actions.

(a). An existing east-west utility and drainage easement west of Sterling Pine Street in the Sterling Woods subdivision and located upon Lot 124 which is 5.0' in width and 58.46' in length said subdivision being recorded at Plat Book 54, Pages 93, 94 and 95 of the Sterling Woods subdivision, as recorded in the Public Records of Seminole County which property is addressed as 165 Pine Isle Drive which is depicted on the Exhibit (sketch and description, dated April 30, 2024, prepared by Dominick Cavone, surveyor) is hereby vacated.

(b). As part of the requirements of this Ordinance, the property owner/applicant agrees that if there are any future drainage complications to a neighboring property, the property owner/applicant will mitigate the issue as expeditiously as possible to the satisfaction of the City.

(c). The City Manager, or designee, is hereby authorized to execute the documents necessary to implement the action taken herein all as approved by the City

Attorney.

Section 3. Recordation.

The City shall record this Ordinance in the Public Records (Land Records) of Seminole County and the applicant/property owner has agreed to pay the costs thereof and expressed its consent and desire to have this Ordinance recorded. All costs of the easement vacation matters and the recording of this Ordinance shall be paid by the applicant/property owner upon the City requesting payment of such costs. All matters set forth herein shall encumber the property of the applicant/property owner

Section 4. Conflicts.

All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed.

Section 5. Severability.

If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

Section 6. Non-Codification.

This Ordinance shall not be codified.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon passage and adoption.

Passed and adopted this _____ day of _____, 2024.

Attest:

**City Commission of the City of
Sanford**

Traci Houchin, MMC, FCRM
City Clerk

Art Woodruff
Mayor

**Approved as to form
and legal sufficiency.**

William L. Colbert
City Attorney



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.

Ordinance No. 2024-4794:
165 Pine Isle, LLC; Vacation Of Drainage and Utility Easement;

The City is of the view that the following exception(s) to the Business Impact Estimate requirement, that are checked off in a box below, apply to the above-referenced proposed ordinance. Although, the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

The proposed ordinance is intended to vacate a 5' foot wide 58.46' foot long east-west unused drainage and utility easement which was dedicated in Plat Book 54, Pages 93,94 and 95, in the plat of Sterling Woods.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

There appears to be no viable or direct economic impact by this action as a result of this easement vacate.

3. Estimate of direct compliance costs that businesses may reasonably incur:

The applicant will be responsible for all recording and City fees.

4. Any new charge or fee imposed by the proposed ordinance:

N/A

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

N/A

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

It is anticipated that the property owner will be most impacted.

7. Additional information

Not applicable.