



Interoffice Memorandum

November 13, 2020

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Joseph C. Kunkel, P.E., Director, Public Works Department

Handwritten signature of Joseph C. Kunkel in black ink.

CONTACT PERSON: Diana M. Almodovar, P.E., Deputy Director
Public Works Department

Handwritten signature of Diana M. Almodovar in black ink.

PHONE NUMBER: (407) 836-7972

SUBJ: Authorization to record Resolution Granting Petition to Vacate #90-32

The Public Works Department requests approval of and authorization to record the Resolution granting Petition to Vacate #90-32. This is a portion of a 30-foot wide unopened and unimproved right-of-way known as Fisher Street containing 7,890 square feet. Public interest was created by the plat of Lake Hiawassa Terrace as recorded in Plat Book "O," Page 104, of the public records of Orange County, Florida. The right-of-way is located west of Hiawassee Road, approximately 1,800 feet south of Old Winter Garden Road.

On October 15, 1990, the Board, at a scheduled public hearing, found that vacating a 30-foot wide portion of Fisher Street would not operate to the detriment of Orange County or the public and granted PTV #90-32, subject to the petitioner executing and donating a Utility Easement to the County. The petitioner granted the required Utility Easement to Orange County on or about December 3, 1990, which was approved by the Board on September 3, 1991, and recorded on September 18, 1991, in Official Records Book 4327, Page 0649; however, even though the Resolution granting PTV #90-32 was approved by the Board, the Resolution was never adopted and recorded.

This Resolution is being placed on the Consent Agenda in order to comply with the requirements of Chapter 21, Article III, Section 21-65 of the Orange County Code.

Action Requested: Approval and execution of Resolution granting Petition to Vacate #90-32 and authorization to record the Resolution. District 1.

JCK/DMA/ja

BCC Mtg. Date: December 15, 2020

RESOLUTION GRANTING PETITION TO VACATE #90-32

WHEREAS, pursuant to procedures adopted by the Board of County Commissioners, a petition was filed with the Board to vacate that certain part of Fisher Street, Lake Hiawassa Terrace, as recorded in Plat Book "O", Page 104, of the Public Records of Orange County, Florida, as described in **Appendix "A"** attached hereto;

WHEREAS, this petition to vacate was numbered and known as "PTV #90-32";

WHEREAS, notice of a public hearing before the Board of County Commissioners on October 15, 1990, regarding PTV #90-32 was published in *The Orlando Sentinel*, a newspaper of general circulation in Orange County, Florida, one time at least two weeks prior to the date for the hearing; and

WHEREAS, at the October 15, 1990, public hearing, the Board found that the vacating of the above-referenced portion of Fisher Street, Lake Hiawassa Terrace, would not operate to the detriment of Orange County or the public, and granted PTV #90-32, subject to the petitioner executing and donating a Utility Easement to the County;

WHEREAS, on or about December 3, 1990, the petitioner granted the required Utility Easement to the County, which was approved by the Board of County Commissioners on September 3, 1991, and recorded on September 18, 1991, at OR Book 4327, Page 0649; and

WHEREAS, however, the Resolution granting PTV #90-32 was never adopted and recorded, apparently inadvertently.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.]

Section 1. The part of Fisher Street, Lake Hiawassa Terrace, as recorded in Plat Book "O", Page 104, described herein and in **Appendix "A"**, is vacated, and Orange County renounces any rights in it since September 3, 1991.

Section 2. This Resolution shall become effective *nunc pro tunc* September 3, 1991.

ADOPTED THIS _____ DAY OF DEC 15 2020, 2020.

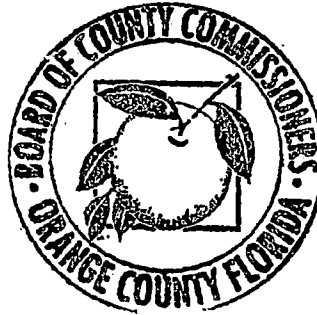
ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Jerry L. Demings*
for Mayor Jerry L. Demings

ATTEST: Phil Diamond, County Comptroller
As Clerk of the Board of County Commissioners
Orange County, Florida

By: *Katie Smith*
Deputy Clerk



Attachment: Appendix "A"

APPENDIX "A"

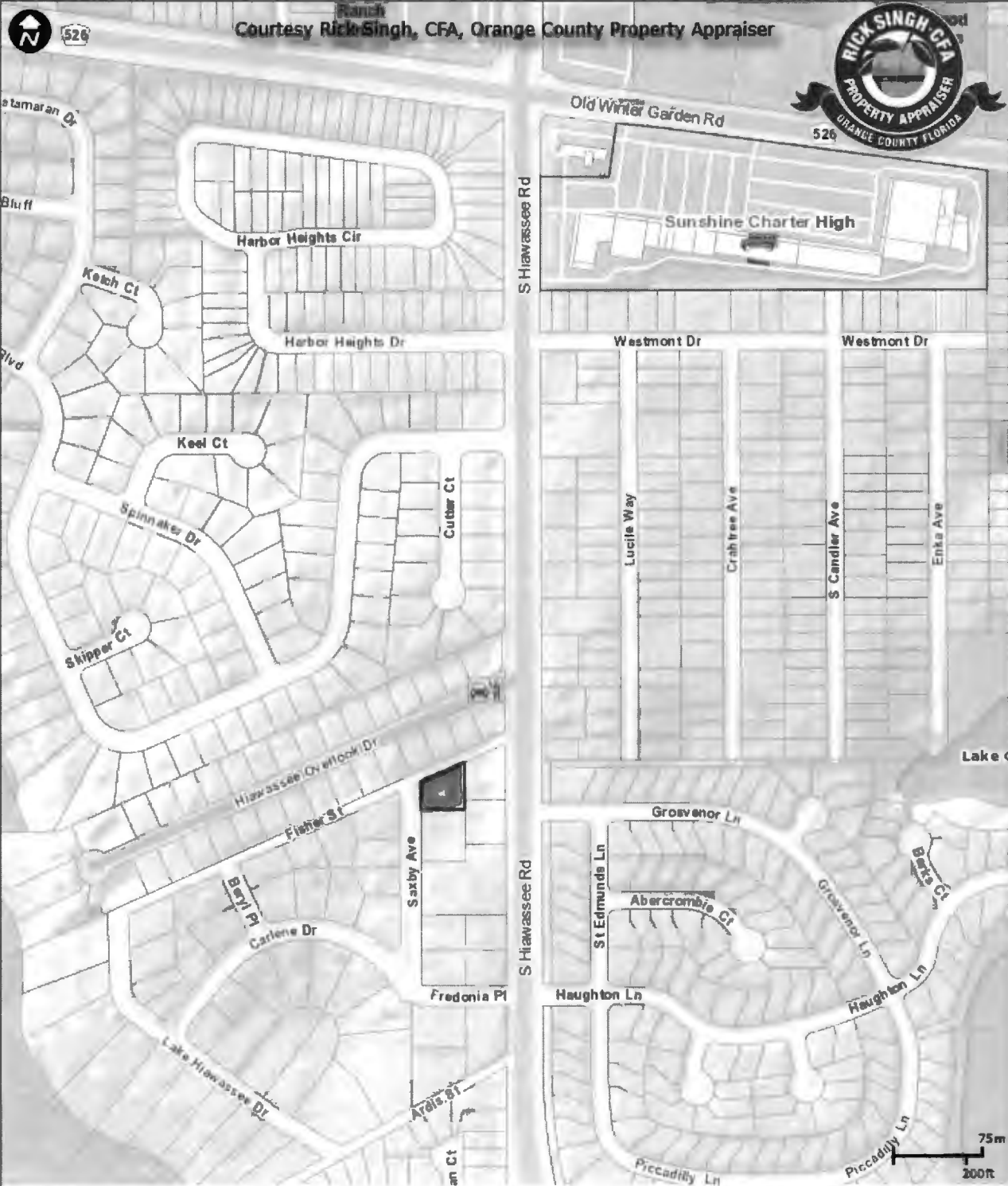
Legal Description

That part of Fisher Street, Lake Hiawassa Terrace, as recorded in Plat Book "O," Page 104, of the Public Records of Orange County, Florida, being described as follows:

Commence at the northeasterly corner of Lot 12, Block 2, Lake Hiawassa Terrace Replat, as recorded in Plat Book "S," Page 101, of the Public Records of Orange County, Florida; thence S66°05'00"W 32.82 feet along the north line of said Lot 12, also being the south right-of-way line of said Fisher Street for a Point of Beginning; thence continue S66°05'00"W 262.99 feet along said line to the northwesterly corner of Lot 1, of said Block 2, thence on a bearing of north, 32.82 feet along a projection of the westerly line of Block 2 to the north line of said Fisher Street; thence along said north line N66°05'00"E 262.99 feet, parallel with and 30.00 feet north of said south right-of-way line to a point 60.00 feet west of and perpendicular to the centerline of Apopka Hiawassa Road (a.k.a. Hiawassee Road); thence south and parallel to the centerline of said Apopka Hiawassa Road (a.k.a. Hiawassee Road) 32.82 feet to the Point of Beginning. Contains 7890 square feet more or less.

OCPA Web Map

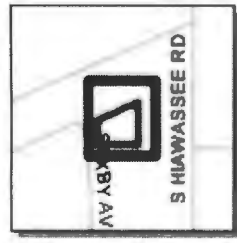
	Major Roads		Proposed Roe		Block Line		Commercial/Institutional		Hydro		Golf Course
	Florida Turnpike		Public Roads		Lot Line		Governmental/Institutional/Medical		Waste Land		Lakes and Rivers
	Interstate 4		Gated Roads		Residential		Commercial/Industrial/Vacant Land		County Boundary		Building
	Toll Road		Road Under Construction		Agriculture		Agricultural Cardiac		Parks		Hospital





Courtesy Rick Singh, CFA, Orange County Property Appraiser

Created: 8/11/2020

This map is for reference only and is not a survey.



PTV # 90-32
Charles Peshek

	Proposed Vacation		Subject Property
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