

ORDINANCE 2010-06

AN ORDINANCE OF THE CITY OF LAKE WALES, POLK COUNTY, FLORIDA, VACATING, RENOUNCING AND DISCLAIMING ANY RIGHTS OF THE CITY AND THE PUBLIC IN AND TO A PORTION, MORE PARTICULARLY DESCRIBED HEREIN, OF THAT CERTAIN DRAINAGE EASEMENT SHOWN ALONG THE NORTHERLY BOUNDARY OF THE PLAT OF BEL-OMBRE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 67, AT PAGE 29, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA

WHEREAS, the Plat of Bel-Ombre dedicated a certain twenty (20) foot drainage easement along the northerly boundary of said Plat as recorded in Plat Book 67, at Page 29, of the Public Records of Polk County, Florida; and

WHEREAS, the owner of Lot 15 of said Plat of Bel-Ombre in or about the year 1983 caused the construction of a swimming pool and related facilities which encroach into the said drainage easement and the owner recently became aware that the encroachment has impacted the marketability of the title to the said Lot 15; and

WHEREAS, the owner of Lot 15 of said Plat of Bel-Ombre has petitioned the Lake Wales City Commission to vacate a portion of the drainage easement in order to attempt to resolve the title problem created by the encroachment; and

WHEREAS, the Southwest Florida Water Management District has, by letter dated July 8, 2009, indicated that the District has no property interest in the said drainage easement; and

WHEREAS, the owner of Lot 15 has secured the written consent of 8 of the other 9 owners of Lots which are served by the said drainage easement; and

WHEREAS, the Lake Wales City Commission deems the written consent of those owners who have given it to be sufficient for purposes of granting the remedy of partial vacation of the easement as requested.

NOW THEREFORE, the City of Lake Wales, by and through its City Commission, does hereby vacate, renounce and disclaim any interest of the City of Lake Wales and the public in and to that portion of the drainage easement referred to in this Ordinance as more particularly described in the attached Description identified as Exhibit "A" prepared by Southern Land Surveyors, Inc., Project No. 2010-18586.

SEE EXHIBIT "A" ATTACHED

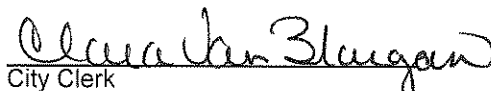
This Ordinance shall become effective immediately upon adoption.

CERTIFIED AS TO PASSAGE this 20th day of April, 2010.



L. Jack Van Sickle, Mayor
City of Lake Wales, Polk County, Florida

Attest:




Clara Van Blaugan
City Clerk

Prepared by:
Albert C. Galloway, Jr.
City Attorney
Albert C. Galloway, Jr., P.A.
P.O. Box 3339
Lake Wales, FL 33859-3339

Description of screened pool/patio area within 20' platted drainage easement.

Description ONLY, not a Boundary Survey:

Commence at the Northwest corner of Lot 15, Bel-Ombre, according to the plat thereof, as recorded in Plat Book 67, Page 29 of the Public Records of Polk County, Florida; thence run S.06°39' 50"W., along the West boundary line of said Lot 15, a distance of 21.16' to the South line of a 20.00' drainage easement, as shown on said plat of Bel-Ombre; thence N.77°36' 55"E., along the South line of said drainage easement, a distance of 27.04' to the Point-of-Beginning; thence run N.06°34' 27"E., 16.35'; thence S.83°25' 33"E., 26.36'; thence S.06°34' 27"W., 7.29' to the South line of said drainage easement; thence S.77°36' 55"W., along the South line of said drainage easement, 27.87' returning to the Point of Beginning.



Roy C. Johnson, P.L.S. #3381
President, Southern Land Surveyors, Inc.

NOTES:

- 1.) The results of this survey are depicted on a Surveyor's Report and on a Map of Survey, neither is full and complete without the other. Refer to title, date, subject and project number for attached Map or Report.
- 2.) FLORIDA STATUTE REQUIRES THIS STATEMENT TO APPEAR - "THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE". HOWEVER SOUTHERN LAND SURVEYORS, INC., ITS EMPLOYEES AND VEHICLES ARE COVERED BY GENERAL BUSINESS LIABILITY INSURANCE, WORKER'S COMPENSATION INSURANCE, AND COMPLETE VEHICULAR INSURANCE.

SOUTHERN LAND SURVEYORS, INC. 412 S. FIRST ST. / LAKE WALES, FL 33853 PHONE NO.: (863-676-1624) FAX: (863-676-8352) E Mail Address: solansurl@verizon.net		A PROJECT FOR: Rick Sylvia	
LAND & CONSTRUCTION SURVEYING COMPLETE LAND DEVELOPMENT SERVICES AVAILABLE ROY C. JOHNSON, LICENSED REGISTERED LAND SURVEYOR, NO. 1341 SOUTHERN LAND SURVEYORS, INC. CERTIFICATE OF AUTHORIZATION NO. 1143		REVISIONS:	DATE OF FIELD SURVEY: DESCRIPTION 1/27/10
		SCALE: N/A	SHEET OF PROJECT NO. 1 1 2010-18586