

# City of South Daytona

## Community Development Department

1672 S. Ridgewood Avenue • South Daytona, FL 32119 • 386/322-3022 • Fax 386/322-3018



To: James L. Gillis Jr., City Manager  
From: S. Laureen Kornel, Community Development Director  
Date: May 30, 2023  
Re: Request for Vacation of a Portion of Dedicated Drainage Easement for Parcel ID No. 5342-16-00-0021; 1082 North Green Acres Circle, Resolution No. 2023-12.

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The property owner/applicant of the subject address has made a request for the vacation of a portion of a Dedicated Drainage Easement. The segments of the platted 5' utility easements proposed to be vacated lie at the eastern portion of lot 2 and the western portion of lot 1 of the Green Acres Extension as described in the attached Resolution. These easements were platted with the original subdivision design in an effort to accommodate utilities including drainage along the side yard.

The property owner is looking to refinance and found out that a portion of their home lies within the easement and the refinancing company will not honor the request unless the easement is vacated. Staff has analyzed the easement and believes it is not needed in order to maintain effective drainage on the lot and that any potential future City owned utilities could reasonably be located on the opposing side yard easements. The applicant has provided private utility letters of no objection to the request per our code requirements.

Staff recommends the City Council **APPROVE** the vacation of the drainage and utility easement as described in the attached resolution.

### Attachments

Resolution 2023-12  
Utility Provider "Letters of No Objection."

## RESOLUTION NO. 2023-12

### **A RESOLUTION OF THE CITY OF SOUTH DAYTONA, FLORIDA, VACATING A DRAINAGE AND UTILITY EASEMENT UPON PARCEL ID 5342-16-00-0021, LYING WITHIN THE PLAT OF GREENACRES EXTENSION; AND PROVIDING FOR RECORDING, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the Petitioner, Cindy Gilliland, is the record owner of the real property described in Exhibit “A”, attached hereto and incorporated herein, and has petitioned the City Council to vacate the drainage and utility easement depicted and described as the “Proposed Vacated Utility Easements” as set forth in Exhibit “A”; and

**WHEREAS**, the Petitioner has shown that the requested easement vacation will not cause injury to surrounding properties or property owners, that said portion of the easement sought to be vacated does not now serve and is not needed for any public purpose, and that the proposed easement vacation will not have an adverse impact on the remaining easement area; and

**WHEREAS**, "Letters of No Objection" have been received from AT&T, TECO Peoples Gas, Florida Power & Light, and Spectrum, copies of which have been provided to the City.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLORIDA, THAT:**

**SECTION 1. Recitals.** The above recitals are true and correct and are incorporated herein by reference.

**SECTION 2. Vacation of Easement.** The drainage and utility easement depicted and described as the “Proposed Vacated Utility Easements” as set forth in Exhibit “A” is hereby vacated as a public easement, and the City of South Daytona does hereby vacate, abandon, renounce, and disclaim all right, title, and interest of the City, and of the public, in and to such easement.

**SECTION 3. Recording.** This Resolution shall be recorded in the Public Records of Volusia County, Florida.

**SECTION 4. Conflicts.** All resolutions or parts thereof in conflict with this Resolution are hereby repealed to the extent of such conflict.

**SECTION 5. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 6. Effective Date.** This Resolution shall take effect immediately upon enactment.

**THIS RESOLUTION APPROVED ON FIRST AND ONLY READING** on the 13<sup>th</sup> day of June, 2023, by the City Council of the City of South Daytona, Florida.

CITY OF SOUTH DAYTONA:

\_\_\_\_\_  
William C. Hall, Mayor

ATTEST:

\_\_\_\_\_  
James L. Gillis, Jr., City Manager

CERTIFIED AS TO FORM:

\_\_\_\_\_  
Wade C. Vose, City Attorney

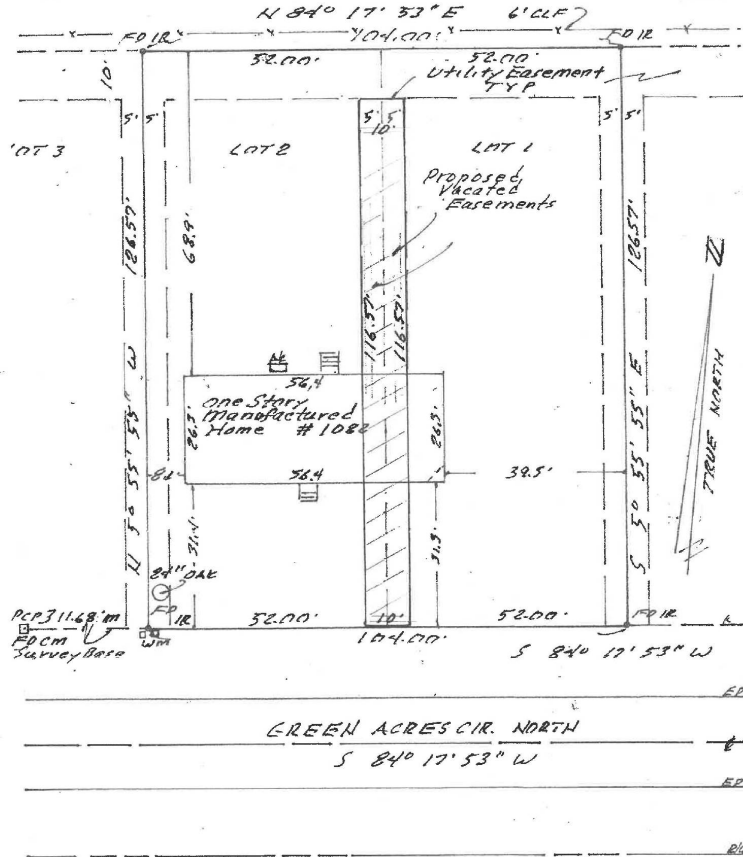
# EXHIBIT "A"

**HALIFAX LAND SURVEYING**  
**#425 BUCHANAN WAY, SO. DAYTONA, FLORIDA 32119**  
**PHONE: 386-767-5089 / FAX: 386-760-6445**

LEGAL DESCRIPTION OF COMBINED LOTS  
 LOTS 1 AND 2 GREENACRES EXTENSION, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 61, PAGE 182, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

LEGAL DESCRIPTION OF PROPOSED VACATED UTILITY EASEMENTS  
 THE WESTERLY 5 FEET OF LOT 1 AND THE EASTERLY 5 FEET OF LOT 2, EXCEPT THE NORTHERLY 10 FEET, GREENACRES EXTENSION, ACCORDING TO THE PLAT THEREOF, RECORDED IN MAP BOOK 61, PAGE 183, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SKETCH OF SURVEYS



#1082 GREEN ACRES CIR. NORTH, SOUTH DAYTONA, FL, 32119

## SURVEYOR'S NOTES

1. LEGAL DESCRIPTION PROVIDED BY CLIENT.  
 2. BEARING STRUCTURE IS ASSUMED UNLESS OTHERWISE STATED.  
 3. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS AND/OR OTHER MATTERS THAT ARE NOT SHOWN ON THIS PLAT OF SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

4. DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
 5. ELEVATIONS IF SHOWN REFER TO NGVD 1929 DATUM.  
 6. NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS LOCATED EXCEPT AS SHOWN.  
 7. THIS PROPERTY IS LOCATED IN FLOOD ZONE: "X" FIRM 12127CO 367 "J" 120314 9-29-17

## LEGEND:

AC	AIR CONDITIONER	CM	CONCRETE MONUMENT	PH	FIRE HYDRANT	MNE	MANHOLE ELECTRIC	POR	POINT OF REFERENCE	SP	SCREENED PORCH	WM	WATER METER
CB	CATCH BASIN	CONC	CONCRETE	FT	FL. POWER TRANSFORMER	NTS	NOT TO SCALE	PP	POWER POLE	SW	SIDEWALK	WV	WATER VALVE
CL	CENTER LINE	CP	CONCRETE PAD	IP	IRON PIPE	ONP	OVERHEAD POWER	R	RADIAL LINE	TEL	TELEPHONE		
CLF4	CHAIN LINK FENCE 4 FT.	D	DEED	IR	IRON ROD	P	PLAT	R/W	RIGHT OF WAY	TV	TELEVISION		
CLF6	CHAIN LINK FENCE 6 FT.	FD	FOUND	M	MEASURED DISTANCE	POB	POINT OF BEGINNING	SMH	SANITATION MANHOLE	WFB	WOODEN FENCE 6 FT.		

CERTIFIED TO: OWNER: CINDY GILLILAND

## TYPE OF SURVEY DATE REMARKS

BOUNDARY 5-09-23 New Vacated Easements NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A LICENSED FLORIDA SURVEYOR.

JOB NO. 16960 SCALE 1"=20' DRAWN BY CR CREW CR COUNTY CODE 127 SHEET NO. 1 OF 1

Clyde H. Rodgers, PSM #3290



To:

Cindy Gilliland

1082 Green Acres Circle North  
South Daytona Beach, FL 32119

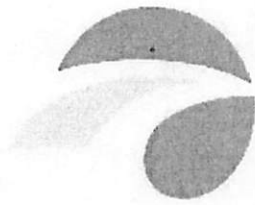
Email: csgilliland123@gmail.com

February 23, 2023

This is a "Letter of No Objection" to the requested vacation of plat "additional area" indicated on "SEE ATTACHED", located on property in Daytona Beach, Florida. Please accept this letter as notification.

- Property adjacent to 1082 Green Acres Circle North

Sincerely,  
Darrell Broom  
AT&T Engineer  
1500 Herbert St  
Port Orange, FL 32129  
c. (404) 285-0458



**TECO**  
**PEOPLES GAS**  
AN EMERA COMPANY

February 16, 2023

To: Cindy Gilliland  
1082 Green Acres Circle North  
South Daytona Beach, FL 32119

RE: Vacate of Easement  
1082 Green Acres Circle North  
South Daytona Beach, FL 32119

To: Whom It May Concern,

Thank you for contacting TECO Peoples Gas Company regarding the vacate of easement at the above referenced location. After reviewing the documents provided, TECO-PGS has NO objection to this request. TECO-PGS does not have any active facilities in this specified area. Furthermore, TECO-PGS has no objection to construction of buildings, structures, and other improvements within all or any portion of the easement.

If you have further questions, please do not hesitate to call.

Sincerely,

Joan Domning  
Administrative Specialist, Senior  
Peoples Gas-Distribution Engineering  
8416 Palm River Road  
Tampa, FL 33619  
Office: 813-275-3783

Done 1082 No Object...



Florida Power & Light Company, 3000 Spruce Creek Rd, Port Orange, FL 32129  
386-322-3425

March 24, 2023

Cindy Gilliland  
1082 Green Acres Circle North  
South Daytona, FL 32119

Re: Platted Easement Encroachment  
LOTS 1 AND 2, GREEN ACRES EXTENSION (ACCORDING TO THE PLAT  
THEREOF AS RECORDED IN MAP BOOK 61, PAGES 183, OF PUBLIC RECORDS  
OF VOLUSIA COUNTY, FLORIDA)

Name:

Thank you for contacting FPL about the encroachment of 10 ft easement on the  
SIDES OF LOT 1 AND 2. LOTS 1 AND 2, GREEN ACRES  
EXTENSION (ACCORDING TO THE PLAT THEREOF AS RECORDED IN MAP  
BOOK 41, PAGES 147, OF PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA)  
in the platted utility easement at the referenced location. FPL has no objection to  
this existing encroachment and will not require its removal, however FPL does not  
agree to the future encroachment of any other structures into the easement.

If I can be of any further assistance, please contact me at 386-322-3425.

Sincerely,



Joshua Zehnder  
Engineering Leader

A NEXTERA ENERGY Company



## Done Spectrum Lette...



**Charter**  
COMMUNICATIONS

Charter Communications  
10000 Green Acres Cir North  
South Daytona 32119

March 14, 2021

Cindy Garland  
10000 Green Acres Cir North  
South Daytona 32119

RE: PROPOSED VACATION OF THE SIDE UTILITY EASEMENT BETWEEN LOT 1 AND LOT 2, GREEN ACERS EXTENSION,  
ACCORDING TO THE PLAT THEREON, RECORDED IN MAP BOOK 61 PAGE 183, OF THE PUBLIC RECORDS OF VOLUSIA COUNTY,  
FLORIDA

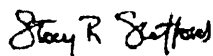
To Whom It May Concern:

This letter is in response to a request to Charter Communications - Spectrum to vacate the above referenced  
"Easements" which is also described in the attached survey map.

Spectrum has no objection to the vacation of the side utility easement between lots 1 and 2, excluding the right  
of way and utility easement along the front of Green Acres Cir North. As indicated on exhibit A. But will allow  
encroachment on the right of way and utility easement along Green Acres Cir North. Of the above mentioned  
property as described in the attached "Exhibit A" and survey map.

If you have any questions regarding this, please contact me.

Sincerely,



Stacy R. Stafford  
Charter Spectrum  
Construction Supervisor  
(407) 512-2414





Utility Providers - Updated 01.29.2021

Richard Strader  
Construction Coordinator  
Spectrum  
1655 State Road 472  
Deland, FL  
Office: 386-872-6953  
Cell: 386-931-5545  
[Richard.Strader@charter.com](mailto:Richard.Strader@charter.com)

Isabel Morales (to release a Peoples Gas easement)  
Teco Peoples Gas  
PO Box 2562  
Tampa Bay, FL 33601  
(813) 228-1627  
[imorales@tecoenergy.com](mailto:imorales@tecoenergy.com)

Joan Doming (vacate or release of a public utility easement/request for a letter of no objection)  
Techo Peoples Gas  
[jdomning@tecoenergy.com](mailto:jdomning@tecoenergy.com)

Jaime Hardee  
AT&T North Florida  
Mgr Osp Plng & Engrg Design  
268 N Ridgewood Ave. FL 2, Room 232  
Daytona Beach, FL  
Office # 386-281-6956  
Cell (386) 341-0914  
[jh8078@att.com](mailto:jh8078@att.com)

Advises to contact FP&L Generally  
Florida Power & Light Company  
3000 Spruce Creek Boulevard  
Port Orange, FL 32129  
(386) 322-3428 or (386) 322-3420

Matthew Shaw West of Nova, Mark McMichael East of nova  
(386) 322-3421  
[matthew.shaw@fpl.com](mailto:matthew.shaw@fpl.com)

**Easement Steps:**

1. Application
2. Sketch and legal of area to be vacated
3. Send letters to utility providers
4. Staff sends to Kevin Gray and Mike Dunn
5. Upload letter in minute trac