



COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM REQUEST FORM

The Board of County Commissioners meets the 1st and 3rd Thursday of each month at 5:30 p.m. in the Columbia County School Board Administrative Complex Auditorium, 372 West Duval Street, Lake City, Florida 32055. All agenda items are due in the Board's office one week prior to the meeting date.

Today's Date: December 12, 2019

Meeting Date: December 19, 2019

Name: Joel Foreman

Department: County Attorney

Division Manager's Signature: _____

Ben Scott

1. Nature and purpose of agenda item:

Resolution 2019R-64 - A resolution authorizing conveyance of a portion of SE Douglas Road to Beverly Whitlock to cure an encroachment issue

2. Recommended Motion/Action:

There are three options available to the Board:

- 1. Adopt Resolution 2019R-64 and approve Mrs. Whitlock's request, and authorize conveyance of a 10-foot by 20-foot portion of SE Douglas Road at its intersection with Red Cason Drive from the County to Mrs. Whitlock.**
- 2. Adopt Resolution 2019R-64 and approve Mrs. Whitlock's request, and authorize conveyance of a 10-foot by 250-foot portion of SE Douglas Road from the County to Mrs. Whitlock.**
- 3. Deny Mrs. Whitlock's request.**

3. Fiscal impact on current budget.

This item has no effect on the current budget.

MEMORANDUM

To: Board Agenda, December 19, 2019

From: Joel F. Foreman

Re: **REQUEST TO CONVEY PORTION OF DOUGLAS ROAD TO CURE WELL
ENCROACHMENT – Beverly Whitlock – District 4**

Date: December 12, 2019

Attached is a petition for partial vacation of SE Douglas Road filed by Beverly Whitlock. Mrs. Whitlock owns the adjoining property to the property she is seeking to have vacated, and the well servicing that property is located approximately 7 feet inside the County's right-of-way and less than 20 feet from the intersection of Douglas Road and SE Red Cason Drive. To fix this issue, Mrs. Whitlock has requested conveyance of a 10-foot by 250-foot strip adjoining her lands fronting on Douglas Road.

Although Mrs. Whitlock filed a petition to vacate, it is not necessary for the Board to employ a full vacation process. Pursuant to Florida Statutes 336.08, the Board is authorized to make these sorts of changes to the County Road system via resolution.

I have submitted Mrs. Whitlock's request to both GIS Director Matt Crews and County Engineer Chad Williams for comment. Mr. Crews has no issue with reducing the 80-foot right-of-way for Douglas Road as it will not impact our GIS maps. Mr. Williams has correctly pointed out that it is not necessary to convey the entire 250-foot strip to Mrs. Whitlock to cure the encroachment. Since the well is located near the intersection of Red Cason Drive, a small 10-foot by 20-foot conveyance would resolve the encroachment so the well would be on Mrs. Whitlock's land.

I have prepared a resolution authorizing conveyance of an outparcel of the road from the County to Mrs. Whitlock, as well as a draft deed. I have left the legal description blank awaiting the wishes of the Board.

Recommended Motion:

There are three options available to the Board:

1. Adopt Resolution 2019R-64 and approve Mrs. Whitlock's request, and authorize conveyance of a **10-foot by 20-foot** portion of SE Douglas Road at its intersection with Red Cason Drive from the County to Mrs. Whitlock.
2. Adopt Resolution 2019R-64 and approve Mrs. Whitlock's request, and authorize conveyance of a **10-foot by 250-foot** portion of SE Douglas Road from the County to Mrs. Whitlock.
3. Deny Mrs. Whitlock's request.

PETITION TO VACATE COUNTY ROAD

TO THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA:

Pursuant to the provisions of *Fla. Stat. Section 336.10* the undersigned, Beverly S. Whitlock, individually (Petitioner) petition the Board of County Commissioners of Columbia County, Florida (Commissioners) to vacate and annul the following county road, described as follows:

Legal Description:

All that part of the Northwesterly 10 feet of the 80 foot right of way of a County Maintained Paved Road (SE Douglas Road), lying Southeasterly of Block 12, "TOWN OF LULU, FLORIDA", and lying Southeasterly of the Northeasterly extension of the Easterly line of said Block 12, lying Northerly of the Southeasterly extension of the Southerly line of said Block 12, and lying Southerly of the Southwesterly right of way of the Georgia Southern & Florida Railroad, all being as shown on said "TOWN OF LULU, FLORIDA", according to plat thereof recorded in Plat Book 2, Pages 100-100A, Public Records of Columbia County, Florida.

and in support thereof represents to the Commissioners as follows:

1. Petitioner requests the Commissioners to vacate the county road.
2. At Petitioner's expense, Petitioner will cause to be published in *The Lake City Reporter*, a newspaper of general circulation in Columbia County, Florida, a notice of intention to hear this petition once, at least two weeks prior to hearing.
3. Petitioner has paid or caused to be paid all state and county ad valorem taxes now due with respect to the lands owned by Petitioner as evidenced by certificate from the Tax Collector of Columbia County, Florida attached hereto as Exhibit "A".
4. Petitioner represents to the Commissioners that it is in the best interest of Petitioner, the general public and all government regulatory bodies that the above described portions of the road be vacated and annulled.

WHEREFORE, Petitioner respectfully requests that the Commissioners set a hearing and grant this Petition and adopt an appropriate resolution vacating the aforementioned county road, as herein above described.

DATED: this 22 day of November, 2019

PETITIONER:

Sign:

Beverly S. Whitlock

Print:

Beverly S. Whitlock

Legend

Columbia County, FLA - Building & Zoning Property Map

Printed: Wed Dec 11 2019 09:00:41 GMT-0500 (Eastern Standard Time)

- 2018Aerials
- Parcels
- Addresses
- Roads
 - Roads
 - others
 - Dirt
 - Interstate
 - Main
 - Other
 - Paved
 - Private
- DevZones1
 - others
 - A-1
 - A-2
 - A-3
 - CG
 - CHI
 - CI
 - CN
 - CSV
 - ESA-2
 - I
 - ILW
 - MUD-1
 - PRD
 - PRRD
 - RMF-1
 - RMF-2
 - RO
 - RR
 - RSF-1
 - RSF-2
 - RSF-3
 - RSF/MH-1
 - RSF/MH-2
 - RSF/MH-3
 - DEFAULT



Parcel Information

Parcel No: 00-00-00-10460-000
 Owner: WHITLOCK BEVERLY
 Subdivision: LULU
 Lot:
 Acres: 0.2292886
 Deed Acres:
 District: District 4 Toby Witt
 Future Land Uses: Agriculture - 3
 Flood Zones:
 Official Zoning Atlas: A-3

RESOLUTION 2019R-64

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, PURSUANT TO FLORIDA STATUTES SECTION 336.08 AUTHORIZING CONVEYANCE OF A PORTION OF SE DOUGLAS ROAD TO THE ADJOINING LANDOWNER TO CURE A WELL ENCROACHMENT

WHEREAS, Beverly Whitlock owns certain real property in unincorporated Columbia County, parcel identification numbers 10460-000 and 10459-000;

WHEREAS, the potable water well serving parcel number 10459-000 was inadvertently located approximately seven feet inside the right-of-way line of SE Douglas Road near the intersection of that road and SE Red Cason Road;

WHEREAS, the location of this well within the County’s right-of-way has created an encroaching condition that adversely affects Mrs. Whitlock’s property and the County’s use of its right-of-way;

WHEREAS, SE Douglas Road is an 80-foot right-of-way;

WHEREAS, Florida Statutes section 336.08 authorizes the Board of County Commissioners of each county with the authority to “establish, locate, change, or discontinue public county roads by resolution”; and

WHEREAS, the County’s use and anticipated future use of SE Douglas Road will not be significantly impacted by conveying a 10-foot wide portion of the road right-of-way to Mrs. Whitlock, such that the well will be located on her property and will no longer be located upon the County’s right-of-way.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Columbia County, Florida, that:

1. To resolve the encroaching condition of Mrs. Whitlock’s well, the Chairman of the Board of County Commissioner shall cause to be executed the attached County Deed, conveying to Mrs. Whitlock a 10-foot by _____-foot portion of SE Douglas Road, described as follows:

A PORTION OF SE DOUGLAS ROAD: COMMENCE AT THE SOUTHEAST CORNER OF BLOCK 12, TOWN OF LULU, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 100-100A, OFFICIAL RECORDS OF COLUMBIA COUNTY, FLORIDA FOR POINT OF BEGINNING, THENCE N 37°52’59’ E A DISTANCE OF ___ FEET; THENCE S 52°13’41’ E A DISTANCE OF 10 FEET; THENCE S 37°52’59’ W A DISTANCE OF ___ FEET; THENCE N 52°13’41’ W A DISTANCE OF 10 FEET TO THE POINT OF BEGINNING.

2. Mrs. Whitlock shall be responsible for all costs of recordation of the County Deed.

3. That portion of SE Douglas Road deeded to Mrs. Whitlock shall cease to be a part of SE Douglas Road, and the Board of County Commissioners hereby disclaims the County's right-of-way thereon.

SO RESOLVED this 19th day of December 2019, by the Board of County Commissioners of Columbia County, Florida, in regular session.

BOARD OF COUNTY COMMISSIONERS
COLUMBIA COUNTY, FLORIDA

RONALD WILLIAMS, CHAIR

ATTEST: _____
P. DeWitt Cason, Clerk

Approved as to form:

Joel F. Foreman, County Attorney

PREPARED BY AND RETURN TO:
JOEL F. FOREMAN, ESQ.
P.O. BOX 550
Lake City, Florida 32056

COUNTY DEED

THIS DEED is made and given this ____ day of December 2019 by **COLUMBIA COUNTY, FLORIDA**, a political subdivision of the State of Florida, whose mailing address is P.O. Box 1529, Lake City, FL 32056, hereinafter referred to as “Grantor”, to **BEVERLY WHITLOCK** whose mailing address is 345 SE Red Cason Drive, Lulu, Florida 32061, hereinafter called “Grantee”.

WITNESSETH, that the said Grantor, for and in consideration of the sum of ten dollars in hand paid by the Grantee, the receipt whereof is hereby acknowledged, and pursuant to a unanimous vote of the Board of County Commissioners in regular session on December 19, 2019, hereby grants, bargains, and sells to the said Grantee, forever, the described land and improvements, lying and being in Columbia County, Florida, described as:

A PORTION OF SE DOUGLAS ROAD: COMMENCE AT THE SOUTHEAST CORNER OF BLOCK 12, TOWN OF LULU, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 100-100A, OFFICIAL RECORDS OF COLUMBIA COUNTY, FLORIDA FOR POINT OF BEGINNING, THENCE N 37°52’59” E A DISTANCE OF ____ FEET; THENCE S 52°13’41” E A DISTANCE OF 10 FEET; THENCE S 37°52’59” W A DISTANCE OF ____ FEET; THENCE N 52°13’41” W A DISTANCE OF 10 FEET TO THE POINT OF BEGINNING.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name by its Board of County Commissioners the day and year aforesaid.

**COLUMBIA COUNTY BOARD OF
COUNTY COMMISSIONERS**

BY: _____ (SEAL)
Ronald Williams, Chair

ATTEST:

BY: _____
P. DeWitt Cason, Clerk of Courts