

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: February 15, 2012

Division: Public Works/Engineering

Bulk Item: Yes X No    

Department: Engineering Services

Staff Contact Person/Phone #: Judy Clarke X4329

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**AGENDA ITEM WORDING:** Approval to advertise a public hearing for the dedication to Monroe County of 2<sup>nd</sup> Avenue West, Cudjoe Gardens Eighth Addition subdivision, Cudjoe, as recorded in Plat Book 7 Page 16 of the public records of Monroe County, Florida.

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**ITEM BACKGROUND:** 2<sup>nd</sup> Avenue West is not a county maintained road. Property owners have completed and submitted all of the required paperwork (list of required documents attached) for a Road Dedication Request and they have completed repairs to the road.

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**PREVIOUS RELEVANT BOCC ACTION:** None

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**CONTRACT/AGREEMENT CHANGES:** Not applicable

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**STAFF RECOMMENDATIONS:** Approval to advertise a hearing as requested.

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**TOTAL COST:** \$800 **INDIRECT COST:** \_\_\_\_\_ **BUDGETED:** Yes     No    

**DIFFERENTIAL OF LOCAL PREFERENCE:** \_\_\_\_\_

**COST TO COUNTY:** \_\_\_\_\_ **SOURCE OF FUNDS:** \_\_\_\_\_

**REVENUE PRODUCING:** Yes     No     **AMOUNT PER MONTH** \_\_\_\_\_ **Year** \_\_\_\_\_

**APPROVED BY:** County Atty     OMB/Purchasing     Risk Management    

**DOCUMENTATION:** Included X Not Required    

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

# CUDJOE GARDENS EIGHTH ADDITION

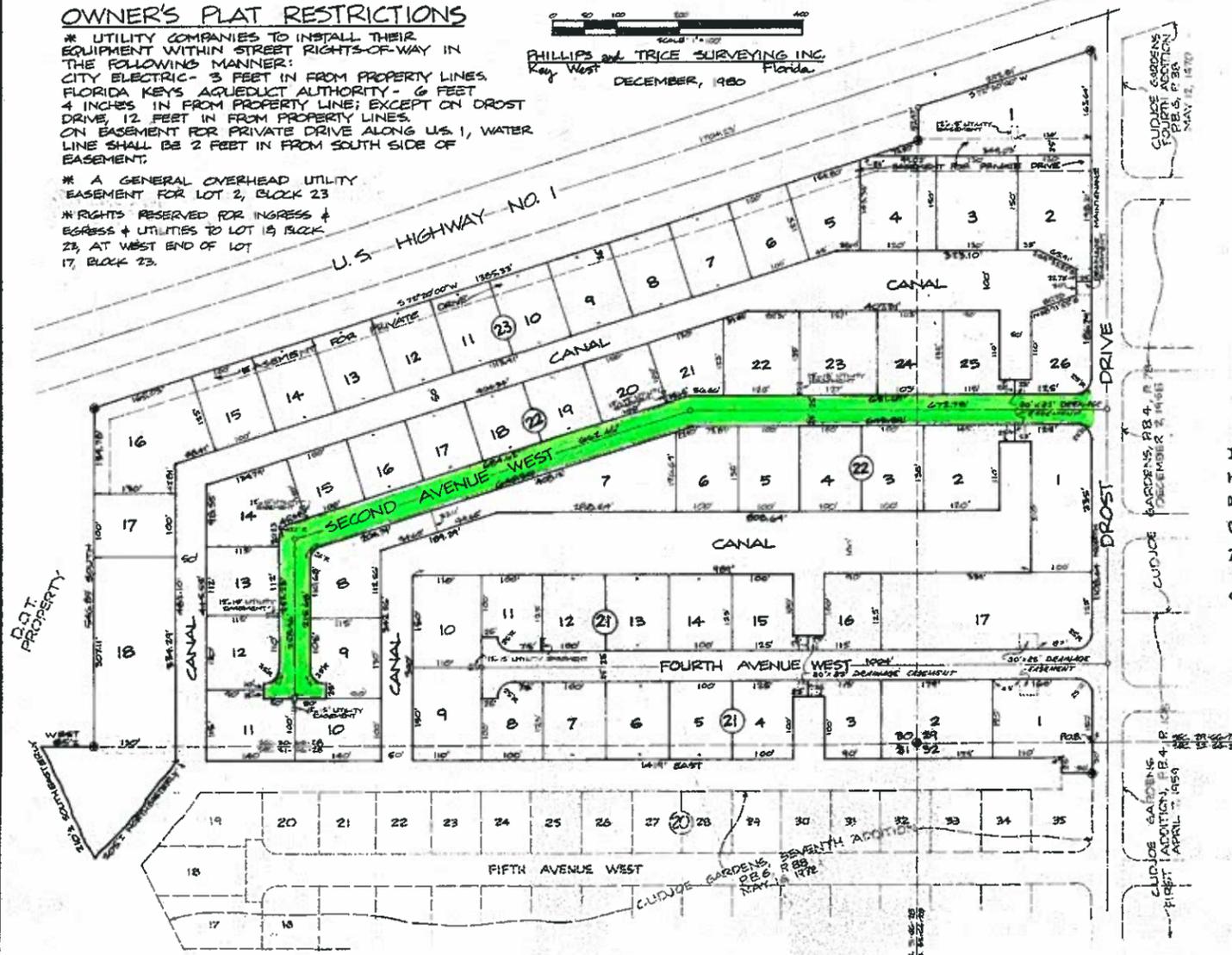
A RESUBDIVISION OF THE NORTH PORTION OF CUDJOE GARDENS SEVENTH ADDITION, PLAT BOOK 6, AT PAGE 80, IN SECTION 29, 30, 31, & 32, IN TOWNSHIP 66 SOUTH, RANGE 28 EAST, CUDJOE KEY, MONROE COUNTY, FLORIDA.

## OWNER'S PLAT RESTRICTIONS

\* UTILITY COMPANIES TO INSTALL THEIR EQUIPMENT WITHIN STREET RIGHTS-OF-WAY IN THE FOLLOWING MANNER:  
 CITY ELECTRIC - 3 FEET IN FROM PROPERTY LINES  
 FLORIDA KEYS AQUEDUCT AUTHORITY - 6 FEET 4 INCHES IN FROM PROPERTY LINE; EXCEPT ON DROST DRIVE, 12 FEET IN FROM PROPERTY LINES.  
 ON EASEMENT FOR PRIVATE DRIVE ALONG U.S. 1, WATER LINE SHALL BE 2 FEET IN FROM SOUTH SIDE OF EASEMENT.

\* A GENERAL OVERHEAD UTILITY EASEMENT FOR LOT 2, BLOCK 23  
 \* RIGHTS RESERVED FOR INGRESS & EGRESS & UTILITIES TO LOT 15, BLOCK 23, AT WEST END OF LOT 17, BLOCK 23.

PHILLIPS & TRICE SURVEYING INC.  
 Key, West  
 DECEMBER, 1980  
 Florida



## KNOW ALL MEN BY THESE PRESENTS:

THAT VINCENT M. DROST AND WILVER I. DROST, HIS WIFE, HAVE CAUSED TO BE MADE THE ATTACHED PLAT ENTITLED "CUDJOE GARDENS EIGHTH ADDITION", THE SAME BEING A SUBDIVISION OF PORTIONS OF GOVERNMENT LOT 1 OF SECTION 29, GOVERNMENT LOT 7 OF SECTION 30, GOVERNMENT LOTS 1 & 2 OF SECTION 31, AND GOVERNMENT LOT 2 OF SECTION 32, ALL IN TOWNSHIP 66 SOUTH, RANGE 28 EAST, ON CUDJOE KEY, MONROE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

DESCRIPTION FOR EIGHTH ADDITION: COMMENCE AT THE NORTHWEST CORNER OF SECTION 32, TOWNSHIP 66 SOUTH, RANGE 28 EAST; THENCE RUN EAST ALONG THE NORTH LINE OF SECTION 32 FOR 274 FEET TO THE WEST RIGHT-OF-WAY OF DROST DRIVE TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN NORTH ALONG THE SAID RIGHT-OF-WAY OF DROST DRIVE FOR 1108.64 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE RUN SOUTH 72°20'00" WEST ALONG THE SAID U.S. HIGHWAY NO. 1 FOR 292.81 FEET; THENCE SOUTH ALONG SAID RIGHT-OF-WAY LINE OF HIGHWAY U.S. NO. 1 FOR 5247 FEET; THENCE SOUTH 72°20'00" WEST ALONG SAID RIGHT-OF-WAY LINE OF HIGHWAY U.S. NO. 1 FOR 1985.33 FEET TO THE WEST BOUNDARY OF SAID GOVERNMENT LOT 7; THENCE RUN SOUTH FOR 548.69 FEET TO THE SOUTHWEST CORNER OF SAID GOVERNMENT LOT 7; THENCE RUN WEST ALONG THE NORTH LINE OF SAID SECTION 31 FOR 85 FEET, MORE OR LESS, TO THE SHORELINE OF BOY CHANNEL; THENCE RUN SOUTHEASTERLY ALONG SAID SHORELINE OF BOY CHANNEL FOR 210 FEET, MORE OR LESS; THENCE RUN NORTHEASTERLY FOR 205 FEET TO A POINT 25 FEET EAST OF THE NORTH LINE OF SAID SECTION 31 AND 130 FEET EAST OF THE WEST BOUNDARY LINE OF SAID GOVERNMENT LOT 7; THENCE EXTENDED SOUTH; THENCE EAST FOR 1419 FEET; THENCE SOUTH 25 FEET; THENCE EAST FOR 50 FEET TO THE WEST RIGHT-OF-WAY LINE OF DROST DRIVE; THENCE NORTH 50 FEET TO THE POINT OF BEGINNING.

THAT THE DRIVES, AVENUES, AND HIGHWAYS AS SHOWN ON THE ATTACHED PLAT ARE HEREBY DEDICATED TO THE PERPETUAL OWNERSHIP OF ADJOINING PROPERTY OWNERS; RESERVING TO THE DEDICATORS, THEIR HEIRS, SUCCESSORS OR ASSIGNS, THE REVERSION OR REVERSIONS THEREOF WHENEVER DISCONTINUED BY LAW. THE CANALS AS SHOWN ON THE ATTACHED PLAT ARE HEREBY DEDICATED TO THE PROPERTY OWNERS WITHIN THIS SUBDIVISION.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS AND SEALS THIS 3 DAY OF DECEMBER 1980.

WITNESSES AS TO BOTH SIGNATURES:

SOLE OWNERS  
 1. Bruce M. Kelly  
 2. Agnes Keller  
 VINCENT M. DROST  
 WILVER I. DROST, WIFE

## ACKNOWLEDGEMENT:

STATE OF FLORIDA  
 COUNTY OF MONROE  
 I HEREBY CERTIFY: BEFORE ME THIS DAY PERSONALLY APPEARED VINCENT M. DROST, AND WILVER I. DROST, HIS WIFE, TO ME WELL KNOWN TO BE THE PERSONS DESCRIBED IN AND WHO EXECUTED THE FOREGOING INSTRUMENT, AND WHO ACKNOWLEDGED THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN EXPRESSED.

WITNESS MY HAND AND OFFICIAL SEAL THIS 3 DAY OF DECEMBER 1980  
 MY COMMISSION EXPIRES AUGUST 1, 1982

Rita R. Myers  
 NOTARY PUBLIC - STATE OF FLORIDA AT LARGE

## SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY: THAT THE ATTACHED PLAT ENTITLED "CUDJOE GARDENS EIGHTH ADDITION" IS A TRUE AND CORRECT REPRESENTATION OF THE LANDS AS RECENTLY SURVEYED AND PLATTED UNDER MY DIRECTION, ALSO THAT THE PERMANENT REFERENCE MONUMENTS WERE SET IN ACCORDANCE WITH SECTION 171.091, CHAPTER 71-339, LAWS OF THE STATE OF FLORIDA.

John M. Phillips DECEMBER 3, 1980  
 JOHN M. PHILLIPS  
 PROFESSIONAL LAND SURVEYOR  
 FLORIDA REG. NO. 21410

## SURVEYOR'S NOTES

--- INDICATES 12" 15" UTILITY EASEMENT  
 --- PROPERTY LINE  
 \* - INDICATES PERMANENT REFERENCE MONUMENT  
 o - INDICATES PERMANENT CONTROL POINT

DISTANCES ON CORNER LOTS WERE TO THE INTERSECTION OF BLOCK LINES EXTENDED, UNLESS OTHERWISE INDICATED.

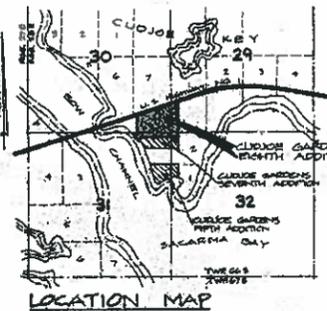
ALL INTERSECTING LOT LINES ARE PERPENDICULAR, UNLESS OTHERWISE NOTED.

## APPROVAL BY COUNTY COMMISSION

THIS PLAT WAS APPROVED BY RESOLUTION PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THIS 23<sup>RD</sup> DAY OF DECEMBER 1980, AND RECORDED IN PLAT BOOK 7 AT PAGE 16 OF THE PUBLIC RECORDS OF MONROE COUNTY, FLORIDA.

Ralph W. White  
 CLERK OF THE CIRCUIT COURT  
James H. ...  
 CHAIRMAN OF THE BOARD

228416



## WETLANDS LISTED BELOW

THOSE PORTIONS OF LOTS THAT ARE WETLANDS (MOSTLY UNDER WATER) ARE NOT TO BE BUILT ON OR FILLED. ONLY SUCH PLANTINGS OR IMPROVEMENTS SHALL BE MADE AS WILL ENHANCE THEM ENVIRONMENTALLY.  
 \* THE WEST 60 FEET OF LOT 1, BLOCK 21 CLASSIFIED WETLANDS.  
 \* THE EAST 89 FEET OF LOT 2, BLOCK 21 CLASSIFIED WETLANDS.  
 \* THE EAST 249 FEET OF LOT 17, BLOCK 21 CLASSIFIED WETLANDS.  
 \* THE SOUTH 135 FEET OF LOT 1, BLOCK 22 CLASSIFIED WETLANDS.  
 \* THE NORTH 210 FEET OF LOT 18, BLOCK 23 CLASSIFIED WETLANDS, HOWEVER THIS LOT ALLOWS INGRESS AND EGRESS AND UTILITIES TO BUILDING SITE ON SOUTH SIDE OF LOT.

## APPROVAL BY COUNTY AGENCIES

James H. ... PLANNING DEPARTMENT DIRECTOR  
James H. ... BUILDING & ZONING DEPARTMENT DIRECTOR  
... ENGINEERING DEPARTMENT DIRECTOR

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## Engineering Department MEMORANDUM

**To:** Monroe County Commissioners

**From:** Judy Clarke, P.E. Director of Engineering Services

**Date:** January 31, 2012

**Re:** 2<sup>nd</sup> Avenue West, Cudjoe Gardens Right of Way Inspection Report

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2<sup>nd</sup> Avenue West in Cudjoe Gardens is a 1,594 ft. long, 50 ft. wide privately maintained right of way. Engineering staff performed an inspection of the right of way on January 31, 2012.

The asphalt roadway is 20 ft. wide, which meets the current county standard. The asphalt is in fairly good condition with the exception of three small (1 ft. in diameter) areas where the top layer of asphalt has worn away. Small cracks are present all along the road. It should be noted that this subdivision will be one of the first to have sewers installed within the next few years as part of the Cudjoe Regional System.

The Neighborhood Association recently completed the repair of a sinkhole that was located on 2<sup>nd</sup> Avenue West. The Engineer of Record provided certification to the County that the project had been constructed as designed. It should be noted that in some cases sinkholes can recur, even when they have been properly repaired.

There are some trees, boulders and other vegetation encroaching on parts of the right of way but staff observed far fewer encroachments than on most county roads. The worst encroachments are at the end by the T-turnaround; in this area the road on the T is 11ft. wide whereas the plat indicates that it should be 25 ft.

Most of the lots on the road are 3 to 4 feet above the road elevation. Driveways have been constructed without swales and therefore stormwater will run off onto the roads.

In summary, the width of the right of way and the paved road meet the current county standards. There are some deficiencies in the asphalt surface and encroachments on the right of way; however, the overall condition is typical or better than many county rights of way. The sinkhole has been properly repaired. The elevation of the lots and existing paved driveways may contribute to stormwater ponding on the right of way although staff is not currently aware of an existing problem.



**Re: CUDJOE GARDENS EIGHTH ADDITION /DEDICATION OF 2<sup>ND</sup> AVENUE WEST**

The following pre-requisites must be met before the Board may consider acceptance of a private road, right-of-way or easement:

- 1) **Inspection by the County Engineer** to determine if the road meets is acceptable to the County standards. If the road is does not meet the standards, the County Engineer will recommend to the Board of County Commissioners NOT to accept the Road Dedication. The County Engineer may specify the reasons for the road(s) failure to meet the county standards.
- 2) **Copy of Strip Map** of the island clearly showing where the road(s) to be dedicated are located. Please also provide a supplemental aerial photograph for reference for the Board of County Commissioners. All maps should include U.S. 1 and mile marker information.
- 3) **Property record cards showing the ownership of property adjoining the road** that is to be dedicated. Adjoining property owners-those persons who own land touching the subject land/road to be dedicated.
- 4) **Survey & Legal Description of the roadway(s) to be dedicated.** This must be a metes and bounds description. A survey and/or legal description is not required for platted roads.
- 5) **Letter from the Homeowner's Association (if applicable).** All residents/members of the Homeowner's Association must provide a signed letter either consenting or objecting to the road dedication. A sample letter is attached below. (If road dedication is sought on more than one road then the Homeowner's Association member may want to include all the roads to be dedicated in the letter, so they will not need to obtain multiple letters.)
- 6) **Affidavit from the Adjoining Property.** Owners of all adjoining property must provide a notarized affidavit consenting to the dedication of such road and should reflect the property owner(s) intent to dedicate the road for public use. All adjoining property owners must consent to the road dedication and provide deeds conveying their interest in the road to be dedicated. A sample affidavit is attached below.
- 7) **Deed(s)** from each adjoining property owner conveying the roadway to be dedicated. The deeds may be provided after acceptance and approval by the Board

of County Commissioners, but acceptance and approval is contingent upon obtaining all deeds and the recording of said deeds in the Official Records of Monroe County.

**Important Notice to Petitioner(s)/Property Owner(s):  
EACH DEED MUST BE RECORDED IN MONROE COUNTY'S OFFICIAL  
RECORDS.  
PETITIONER(S) MUST PAY ALL RECORDING COST**