



The Department of Planning and Development Services

City Hall | 16 Colomba Road | DeBary, FL 32713

Development Review Committee (DRC) Meeting

Tuesday, July 2nd, 2024 – 9:30 AM

DRC AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES
 - DRC meeting on June 4th, 2024
4. NEW BUSINESS
 - **Case # VAC24-000001**; *First Review*, Applicant is requesting approval of a petition to vacate a portion of the Plantation Estates, Unit 35 subdivision plat, a right-of-way reserved for a street between Lot 5 (Volusia County parcel ID 803445000050) and Lot 6 (268 Deleon Road).
5. ADDITIONAL BUSINESS:
6. DISCUSSION:
7. ADJOURNMENT:

DISTRIBUTION:

Technical Review Staff:

- Steven Bapp, AICP, *Growth Management Director - Planning and Zoning (SBapp@DeBary.org)*
- Joseph Barker, AICP, *Senior Planner - Planning and Zoning (JBarker@DeBary.org)*
- Kayla Burney, *Planning Technician - Planning and Zoning (KBurney@DeBary.org)*
- Kevin Hare, *Construction Manager (KHare@DeBary.org)*
- Amy Long, *Public Works Director (ALong@DeBary.org)*
- Chad Qualls, *Public Works Superintendent (CQualls@DeBary.org)*
- Robert Scott, *Orange City Fire Department (RScott@ourorangecity.com)*
- Merylene Thomas, CNU-A, *Senior Planner - Planning and Zoning (MThomas@DeBary.org)*
- Richard Villasenor, *City Engineer (RVillasenor@DeBary.org)*
- Steve Wood, *Building Inspector (Buildingofficial@DeBary.org)*
- E-Sciences, *Environmental Management Consultant (troberts@res.us)*
- Fishback Dominick, *Legal Consultant (DLangley@fishbacklaw.com)*
- Stanley Group, *Transportation Consultant (KingTanya@stanleygroup.com)*
- SurvTech Solutions, *Surveying Consultant (rfowler@survtechsolutions.com)*
- Volusia County Utilities, *Utilities (ErinReed@volusia.org)*

PLEASE NOTE: Each DRC project on the agenda will take approximately 30 minutes unless otherwise noted.

APPLICANT(S): Please plan to attend the DRC meeting to discuss your project and review the comments with reviewers. Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least three (3) working days in advance of the meeting date and time at (386) 601-0219.



**City of DeBary
Development Review Committee Meeting
June 4, 2024 - MINUTES**

CALL TO ORDER:

The meeting of the City of DeBary Development Review Committee was called to order by Steven Bapp, Growth Management Director, at 9:30 am.

DRC MEMBERS PRESENT:

Steven Bapp, City of DeBary
Christopher Karl, Orange City Fire Department
Steve Wood, City of DeBary

OTHERS PRESENT:

Joseph Barker, City of DeBary
Phyllis Butlien, City of DeBary
Catherine Felter, Kimley-Horn & Associates, Inc

APPROVAL OF MINUTES:

Steve Wood made a motion to approve the May 21, 2024 Meeting Minutes, seconded by Christopher Karl. The meeting minutes for the May 21, 2024 Meeting Minutes were approved by a 3-0 vote.

NEW BUSINESS:

Highbanks Townhomes

Project # 23-01-ODP-Highbanks Townhomes

Catherine Felter of Kimley-Horn & Associates, Inc., a representative of the applicant, came forward to speak. Ms. Felter stated they will address final engineering related comments upon submittal of the preliminary plat.

Chairman Bapp stated the overall development plan is consistent with the plan reviewed by the City Council for the major PUD amendment for this project. Chairman Bapp noted the need for a certificate of concurrency from Volusia County Public Schools.

Steve Wood made a motion to approve the overall development plan, seconded by Christopher Karl. The overall development plan was approved by a 3-0 vote.

ADJOURNMENT:

The meeting was adjourned at 9:35 AM.



DRC 7/2/2024

Subject Case # VAC24-000001

Applicant: Bauer and Associates

Application Summary:

The applicant is requesting approval of a petition to vacate a portion of the Plantation Estates, Unit 35 subdivision plat, a right-of-way reserved for a street between Lots 5 and 6.

Planning & Zoning

Joseph Barker, AICP, Senior Planner

No comments.

Public Works Department

Amy Long, Deputy Public Works Director

No comments have been received.

Fire Services

Robert Scott, Fire Marshal

No comments have been received.

Engineering

Richard Villaseñor, P.E., City Engineer

No comments have been received.





Building Department
Steve Wood, Building Official

No comments have been received.

Volusia County Utilities
Erin Reed, PhD, P.E., Water & Utilities Senior Engineer

VCU does not have any utilities in that subject area and does not have any plans to install infrastructure within those limits.

Legal Review
Dan Langley, Fishback-Dominick

I have no comments on this request.

Surveyor
Ryan Fowler, Surveyor, SurvTech Solutions

No comments have been received.

END OF COMMENTS

A written response to each of the above comments will be required when revisions are re-submitted to the City. Please be advised that additional comments may be forthcoming after a review of the revised plan set has been completed.

If you should have any questions, please feel free to contact me at 386-601-0203.

Steven Bapp, AICP
Sbapp@debary.org
Director of Growth Management
City of DeBary



PETITION FOR VACATION OF PLATS

TO: THE HONORABLE CITY COUNCIL OF DEBARY, FLORIDA

The undersigned, pursuant to Section 177.101, Florida Statutes, respectfully petitions the City Council of DeBary, Florida, to vacate that portion of the Plantation Estates plat, a copy of which is attached hereto as Exhibit "A", described as follows, to wit:

"Reserved for Street" between Lots 5 and 6, Plantation Estates Unit No. 35, according to the map or plat thereof as recorded in Plat Book 10, Page 20, Public Records of Volusia County, Florida.

The right of way was originally reserved for a street that has not been created or needed. There is no need for such construction of a road on the subject portion of Plantation Estates because there is no needed access to neighboring properties located in the vicinity of such platted right-of-way. The neighboring properties have access to their properties by Deleon Road. The Petitioner herein seeks to have the plat accurately reflect the current state of the subject property and the Petitioner has been maintaining the right of way.

Your Petitioner shows, by letters issued by Ability Title, Inc., attached hereto, marked as composite "Exhibit B," and by reference made a part hereto for all purposes, of the fee simple owners of the following described properties that adjoin the portion of the proposed vacated roadway:

Parcel No.: 8034 45 00 0060

Lot 6, and the West 1/2 of Lot 7, Plantation Estates, Unit 35, a subdivision according to the plat thereof as recorded in Map Book 27, Page 35, of the Public Records of Volusia County, Florida.

Parcel No.: 8034 45 00 0070

The East 1/2 of Lot 7, PLANTATION ESTATES UNIT NO. 35, as recorded in Map Book 27, Page 35, of the Public Records of Volusia County, Florida, and that part of the Northwest 1/4 of the Southeast 1/4 of Section 35, Township 18 South, Range 30 East, Volusia County, Florida as follows: begin at the Northwest corner of Lot 6 aforesaid, run thence North 13°21'08" East, a distance of 50 feet; thence South 89°28'58" East, a distance of 254.15 feet; thence South 26°53'30" West, a distance of 117.04 feet to the Northeast corner of Lot 7, aforesaid; thence North 63°06'33" West along the Northerly line of said Lot 7, a distance of 8.84 feet; thence North 76°38'52" West a distance of 207.64 feet to the point of beginning, Volusia County, Florida.

Also and more particularly described as:

The East 1/2 of Lot 7, Plantation Estates, Unit 35, as recorded in Map Book 27, Page 35, of the Public Records of Volusia County, Florida, and that part of the Northwest 1/4 of the Southeast 1/4 of Section 35, Township 18 South, Range 30 East, bounded and described as follows:

Begin at the Northwest corner of Lot 6, aforesaid, run thence North 13°21'08" East a distance of 50 feet; thence South 89°28'58" East, a distance of 248.26 feet; thence South 26°53'30" West, a distance of 110.28 feet to the Northeast corner of Lot 7, aforesaid; thence North 63°06'33" West along the Northerly line of said Lot 7, a distance of 8.84 feet; thence North 76°38'52" West a distance of 207.64 feet to the Point of Beginning, Volusia County, Florida.

Parcel No.: 8034 45 00 0050

Lots 3, 4 and 5, Plantation Estates, Unit 35, according to the map in Map Book 27, Page 35, Public Records of Volusia County, Florida.

That the subject road shown on the subject plat is not in actual use, nor is it part of the County road maintenance, and such vacation will not affect the right of access of others.

That the vacation of that portion of said plat by the City Council of Debarry, Florida, will not negatively affect the ownership of any other persons.

Petitioner shows that pursuant to said Section 177.101, Florida Statutes, proof of publication of notice of Petitioner's intention to file an application for vacation of that portion of said plat described above has been duly and regularly given. A certificate of proof of publication of said notice is attached hereto, marked "Exhibit C," and by reference made a part hereof for all purposes.

Petitioner shows that all State and County taxes on the above described properties have been paid. A certificate showing that said taxes have been paid, and that no taxes are owed, is attached hereto, marked "Exhibit D," and by reference made a part hereof for all purposes.

Upon adoption of a Resolution vacating the above described property, the City Council shall direct the Clerk of the Circuit Court of Volusia County, Florida to affix upon the face of the plat appropriate notice that the above described property has been vacated.

Respectively submitted this 13th day of May, 2024


SIGNATURE

Kenneth Eugene Whitmore
PRINTED NAME

8034-45-00-0050
TAX PARCEL I.D.#

Address: c/o Kirk T. Bauer Esquire
505 E. New York Avenue, Suite 7
DeLand, FL 32724

Phone #: 386-734-3313



Ability
TITLE

505 E. New York Ave., Ste. 8, DeLand, FL 32724
Phone: (386)734-5766 • Fax: (386)736-4557
www.AbilityTitle.com

April 11, 2024

City of DeBary
16 Colomba Road
DeBary, Florida 32713

To Whom it may concern:

We have made a diligent examination of the Public Records of Volusia County, Florida through April 11, 2024, and have found that Stuart K. Gergley, is the fee simple owner of the real property located east of the roadway proposed to be vacated, to wit:

Lot 6, and the West 1/2 of Lot 7, Plantation Estates, Unit 35, a subdivision according to the plat thereof as recorded in Map Book 27, Page 35, of the Public Records of Volusia County, Florida.

Please contact us if you have any questions. Thank you for the opportunity to assist you in this matter.

ABILITY TITLE, INC.

By: 

Megan Wells, as Manager

NOTICE: Our company, in issuing this report, assumes no liability on account of any instrument or proceedings in the chain of title to the property described herein which may contain defects that would render such instrument or proceedings null and void or defective. All instruments in the chain of title are assumed to be good and valid. It is your responsibility to verify receipt of each document listed herein. Our company's maximum liability for incorrect information in this report is limited to \$1000.00 and extends only to the customer named above. No one else may rely upon this report. Our company assumes no liability for any unauthorized use or reliance of this report. By accepting this report, the customer named above agrees to indemnify and hold our company harmless from any and all claims or losses in excess of the limited amount stated above. This report contains no express or implied opinion, warranty, guarantee, insurance, or other similar assurance as to the status of the title to the real property described herein. The contents of this report only contain the records found within the public records of the County in which the property is located. It does not contain any information regarding unrecorded agreements or Federal or Municipal liens. The contents of this report should be verified by a commitment and policy for title insurance.



Ability
TITLE

505 E. New York Ave., Ste. 8, DeLand, FL 32724
Phone: (386)734-5766 • Fax: (386)736-4557
www.AbilityTitle.com

April 11, 2024

City of DeBary
16 Colomba Road
DeBary, Florida 32713

To Whom it may concern:

We have made a diligent examination of the Public Records of Volusia County, Florida through April 11, 2024, and have found that Jessica Voss, is the fee simple owner of the real property located east of the roadway proposed to be vacated, to wit:

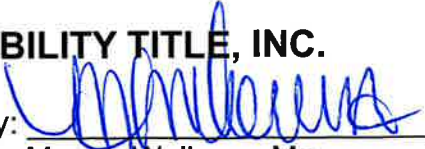
The East 1/2 of Lot 7, PLANTATION ESTATES UNIT NO. 35, as recorded in Map Book 27, Page 35, of the Public Records of Volusia County, Florida, and that part of the Northwest 1/4 of the Southeast 1/4 of Section 35, Township 18 South, Range 30 East, Volusia County, Florida as follows: begin at the Northwest corner of Lot 6 aforesaid, run thence North 13°21'08" East, a distance of 50 feet; thence South 89°28'58" East, a distance of 254.15 feet; thence South 26°53'30" West, a distance of 117.04 feet to the Northeast corner of Lot 7, aforesaid; thence North 63°06'33" West along the Northerly line of said Lot 7, a distance of 8.84 feet; thence North 76°38'52" West a distance of 207.64 feet to the point of beginning, Volusia County, Florida.

Also and more particularly described as:

The East 1/2 of Lot 7, Plantation Estates, Unit 35, as recorded in Map Book 27, Page 35, of the Public Records of Volusia County, Florida, and that part of the Northwest 1/4 of the Southeast 1/4 of Section 35, Township 18 South, Range 30 East, bounded and described as follows:

Begin at the Northwest corner of Lot 6, aforesaid, run thence North 13°21'08" East a distance of 50 feet; thence South 89°28'58" East, a distance of 248.26 feet; thence South 26°53'30" West, a distance of 110.28 feet to the Northeast corner of Lot 7, aforesaid; thence North 63°06'33" West along the Northerly line of said Lot 7, a distance of 8.84 feet; thence North 76°38'52" West a distance of 207.64 feet to the Point of Beginning, Volusia County, Florida.

Please contact us if you have any questions. Thank you for the opportunity to assist you in this matter.

ABILITY TITLE, INC.
By: 
Megan Wells, as Manager

NOTICE: Our company, in issuing this report, assumes no liability on account of any instrument or proceedings in the chain of title to the property described herein which may contain defects that would render such instrument or proceedings null and void or defective. All instruments in the chain of title are assumed to be good and valid. It is your responsibility to verify receipt of each document listed herein. Our company's maximum liability for incorrect information in this report is limited to \$1000.00 and extends only to the customer named above. No one else may rely upon this report. Our company assumes no liability for any unauthorized use or reliance of this report. By accepting this report, the customer named above agrees to indemnify and hold our company harmless from any and all claims or losses in excess of the limited amount stated above. This report contains no express or implied opinion, warranty, guarantee, insurance, or other similar assurance as to the status of the title to the real property described herein. The contents of this report only contain the records found within the public records of the County in which the property is located. It does not contain any information regarding unrecorded agreements or Federal or Municipal liens. The contents of this report should be verified by a commitment and policy for title insurance.



Ability
TITLE

505 E. New York Ave., Ste. 8, DeLand, FL 32724
Phone: (386)734-5766 • Fax: (386)736-4557
www.AbilityTitle.com

April 11, 2024

City of DeBary
16 Colomba Road
DeBary, Florida 32713

To Whom it may concern:

We have made a diligent examination of the Public Records of Volusia County, Florida through April 11, 2024, and have found that Kenneth Eugene Whitmore, is the fee simple owner of the real property located west of the roadway proposed to be vacated, to wit:

Lots 3, 4 and 5, Plantation Estates, Unit 35, according to the map in Map Book 27, Page 35, Public Records of Volusia County, Florida.

Please contact us if you have any questions. Thank you for the opportunity to assist you in this matter.

ABILITY TITLE, INC.

By: 

Megan Wells, as Manager

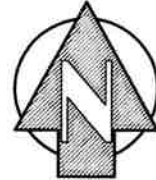
NOTICE: Our company, in issuing this report, assumes no liability on account of any instrument or proceedings in the chain of title to the property described herein which may contain defects that would render such instrument or proceedings null and void or defective. All instruments in the chain of title are assumed to be good and valid. It is your responsibility to verify receipt of each document listed herein. Our company's maximum liability for incorrect information in this report is limited to \$1000.00 and extends only to the customer named above. No one else may rely upon this report. Our company assumes no liability for any unauthorized use or reliance of this report. By accepting this report, the customer named above agrees to indemnify and hold our company harmless from any and all claims or losses in excess of the limited amount stated above. This report contains no express or implied opinion, warranty, guarantee, insurance, or other similar assurance as to the status of the title to the real property described herein. The contents of this report only contain the records found within the public records of the County in which the property is located. It does not contain any information regarding unrecorded agreements or Federal or Municipal liens. The contents of this report should be verified by a commitment and policy for title insurance.

LEGAL DESCRIPTION:

“Reserved for Street” between Lots 5 and 6, Plantation Estates Unit No. 35, according to the map or plat thereof as recorded in Plat Book 10, Page 20, Public Records of Volusia County, Florida.

LEGAL DESCRIPTION: (TAKEN FROM OR 707B PG 3440)

Lot 5, Plantation Estates, Unit 35, according to the map in Map Book 27, Page 35, Public Records of Volusia County, Florida.



SCALE: 1"=20'

FLOOD CERTIFICATION:

(Per map dated February 19, 2014)
This is to certify that I have consulted the Federal Insurance Flood Hazard Boundary Map and found the ABOVE named Property IS NOT located in a special flood hazard area, according to Community Panel Map No. 12127C-0465-H Map, Panel 465 of 930, Zone "X".

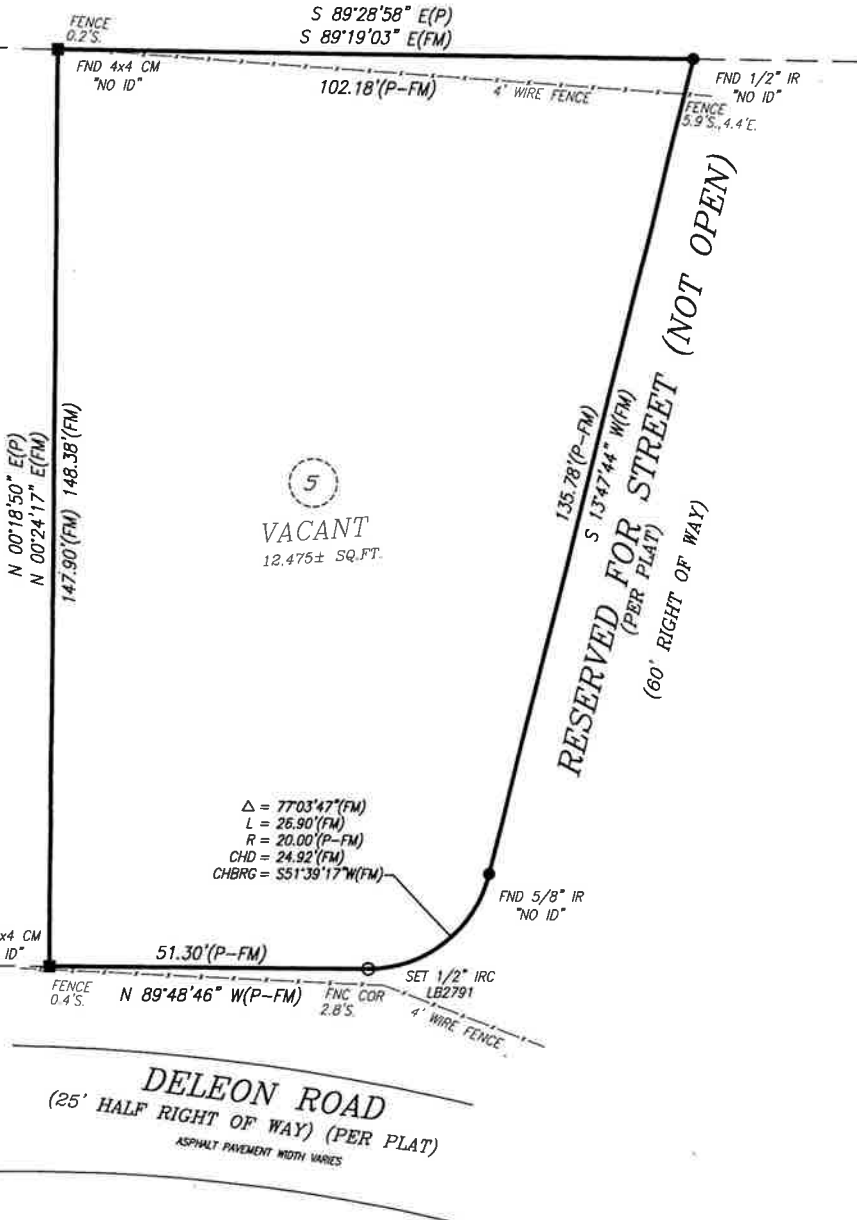
NOTES:

BEARINGS SHOWN HEREON ARE BASED ON THE NORTH RIGHT-OF-WAY LINE OF DELEON ROAD AS BEING N. 89°48'46" W. (PLAT).

THE FLOODPLAIN BOUNDARY, IF SHOWN HEREON, WAS SCALED FROM A LARGE SCALE FEMA FLOOD INSURANCE MAP AND AS SUCH HAS AN INHERENT ERROR OF 10% OF THE FEMA MAP SCALE.

UNDERGROUND UTILITIES AND FOUNDATION MAY EXIST AND HAVE NOT BEEN LOCATED, EXCEPT AS SHOWN.

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND THAT IT HAS BEEN PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE (MINIMUM TECHNICAL STANDARDS) AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, OF THE FLORIDA ADMINISTRATIVE CODE, SECTION 472.027, FLORIDA STATUTES.



LEGEND AND ABBREVIATIONS

A	Arc Length	LB	Land Surveying Business
AK	AKC/Kennedy Util	M.B.	Map Book
B.M.	Benchmark	MON	Monument
C	Center Line	W.C.	Well & Cap
CD	Circle 1/2 Service	NO ID	No Identity
OLF	Official Fence	O.R.	Official Record Book
CHBRG	Chord Bearing	(P)	Plot
CHD	Chord Distance	P.C.	Point of Curve
CON	Concrete	P.C.C.	Point of Compound Curve
CM	Concrete Monument	PCP	Permanent Control Point
A	Angle (Central Angle)	PRC	Permanent Reference Curve
(D)	Deed Call	PRM	Permanent Reference Monument
RR&R	Right of Way	PSI	Point of Street Intersection
E1	Elevation	PSM	Professional Surveyor & Mapper
FND	Found	PVC	Poly-Vinyl-Chloride Pipe
FF	Fire Hydrant	R	Radius of Curve or Hoidal Line
FFL	Finish Floor Elevation	R.P.	Radius Point
(FM)	Field Measurement	RLS	Registered Land Surveyor
INV	Invert	T	Tangent
IR	Iron Rod	TBM	Temporary Benchmark
IRC	Iron Rod & Cap	W.F.	Wood Proximity Fence
L	Length of Arc	WUP	Wood Utility Pole

BLACKWELL & ASSOCIATES
LAND SURVEYORS, INC

995 W. VOLUSIA AVE. • DELAND, FL • PH: (386)-734-8050
WWW.BLACKWELLSURVEYING.COM

BOUNDARY SURVEY CERTIFIED TO:

KENNETH EUGENE WHITMORE

NOTE:
This Plat of Survey is certified to and prepared for the sole and exclusive benefit of the entities and/or individuals shown hereon, valid on the most current date shown hereon, and shall not be relied upon by any other entity or individual whatsoever.
This Survey / Sketch has been prepared without benefit of abstract or title search unless otherwise noted hereon.
There may be additional restrictions and/or other matters of record not shown on this Survey / Sketch that may be found in the Public Records of the county or contained within the Title Commitment.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BLACKWELL & ASSOCIATES LAND SURVEYORS, INC. (LB #2791)
By: *Robert R. Evers*
REGISTERED LAND SURVEYOR
ROBERT R. EVERS - P.S.M.
FLORIDA CERTIFICATE No. 5675

DATE :	12/3/18
W.O. No.	11-290-18
DRAWN BY :	RC
FIELD BOOK :	725-55
CADD FILE :	11-290-18

Volusia County Property Appraiser



- Parcel
- Cities
- Streets
- Water Bodies
- County Boundary
- Water Body Names

Sources: Esri, DeLorme, USGS, NGA, NASA, CNES, N
Robinson, NCEM, NPS, US, NGA, Esri, Swire, N
Rijswaterstaat, CEA, Source, IGN, Intermap and the
GIS user community, Esri Community Maps Contributors.



452 East Crown Point Road
Winter Garden, Florida 34787
Irma.Cuadra@duke-energy.com

407 905 3310

Oct. 25, 2023

Via email: mjones@delandattorneys.com

Ms. Meghan Jones,
Florida Registered Paralegal
Bauer & Associates
Attorneys at Law, P.A.
P.O. Box 459
DeLand, FL 32721-0459

**RE: Vacation of unnamed Right Of Way
262 Deleon Road, Debary
Volusia County, Florida**

Dear Ms. Jones:

Please be advised that Duke Energy has “**no objection**” to the vacation and abandonment of the unnamed Right Of Way lying East of Lot 5 and West of Lot 6, Plantation Estates Unit 35, as recorded in Map Book 27, Page 35, Public Records of Volusia County, Florida, being more particularly as shown on the attached Volusia County Property Appraiser map, attached hereto and by this reference made a part hereof.

If I can be of further assistance, please do not hesitate to contact me.

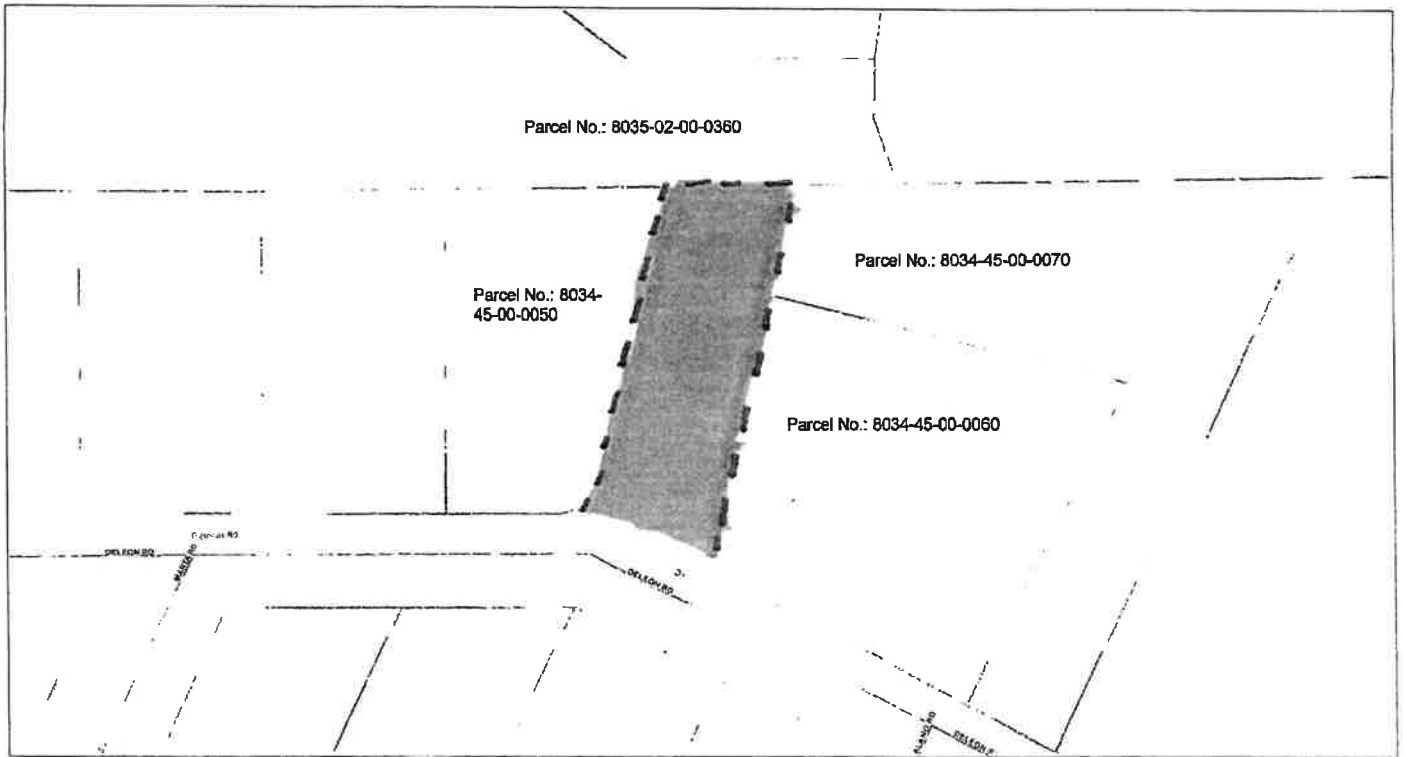
Sincerely,

Irma Cuadra

Irma Cuadra
Senior Research Specialist

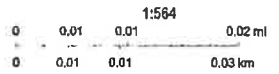
Attachment

Volusia County Property Appraiser



10/23/2023, 10:00:32 AM

- Parcel
- Cities
- Water Bodies
- Streets
- DEBARY
- County Boundary
- Parcel Text
- Water Body Names



Source: Esri, Airbus DLE, USGS, NOAA, NASA, CNR, N
Robinson, NCEAS, NLS, OS, NMA, Gooddata/nyneon,
Pikewise/robert, OSA, Geoland, FEMA, Intermap and the
GIS user community, Esri Community Maps Contributors.

ArcGIS Web AppBuilder
VCPA 2021

FLORIDA PUBLIC **UTILITIES**



450 South Highway 17-92
DeBary, FL 32713
(386) 717-5935
(386) 668-2692 fax

11/1/2023

Kirk T. Bauer
Bauer & Associates
Attorneys at Law, P.A.
505 E. New York Ave., Suite 7
Deland, FL 32724
kbauer@delandattorneys.com
386-451-5632

RE: Letter of no objection for proposed vacation of plat
General Location: Vicinity of Marta Rd & Deleon Rd, DeBary

Dear Mr. Bauer,

Florida Public Utilities Company has no objections to your request to vacate the ROW identified in the attached plat for PLANTATION ESTATES Unit No. 35, between Lots 2 and 6. FPUC has no facilities in the specified ROW.

If you have any questions or need additional information, please feel free to call.

Sincerely,



Colin Dunn
Operations Assistant
Central-Florida Division

Meghan Jones

From: Kirk Bauer
Sent: Tuesday, November 7, 2023 9:37 AM
To: Meghan Jones
Subject: FW: Letter of no objection for vacation of plat, Plantation Estates Unit 35
Attachments: DOC110223.pdf

Kirk T. Bauer, Esquire
Bauer & Associates
Attorneys at Law, P.A.
Mailing: P.O. Box 459
DeLand, FL 32721-0459
Physical: 505 East New York Avenue, Suite 7
DeLand, FL 32724
Phone: 386-734-3313
Fax: 386-738-0424
email: kbauer@delandattorneys.com

CONFIDENTIALITY NOTE: The information contained in this transmission is privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, do not read it. Please immediately reply to the sender that you have received this communication in error and then delete it. [Replies Filtered](#): We employ spam/virus filtering tools which may result in your email to us (including replies) being quarantined or delayed. For this reason, we cannot guarantee that we will receive your email or receive it timely. Accordingly, you should consider providing us with important or urgent communications via alternative means. Thank you.

From: Erin Reed <ErinReed@volusia.org>
Sent: Tuesday, November 7, 2023 8:40 AM
To: Kirk Bauer <kbauer@delandattorneys.com>
Cc: Michael Ulrich <MUlrich@volusia.org>
Subject: Re: Letter of no objection for vacation of plat, Plantation Estates Unit 35

Mr. Bauer,

This email has been provided to you in response to your letter dated October 25, 2023 (refer to attached) to request the vacation of right-of-way on Plantation Estates Unit No. 35 (Debary, Florida). Volusia County Utilities has no existing or proposed utilities within the subject area; therefore, we have no objection to the request of vacating the subject right-of-way.

Please let me know if you have any questions. Thank you!

Dr. Erin Reed, PE
Water & Utilities Senior Engineer
Volusia County Water Resources and Utilities
123 West Indiana Avenue, Room 402
DeLand, FL 32720
Office: 386.943.7027 ext. 13287
Mobile: 386.804.4561
erinreed@volusia.org



December 18, 2023

Bauer & Associates
505 E New York Av.
Suite 7
Deland, FL 32724
Attn: Kirk Bauer

**RE: Vacate R/W between Lots 5 & 6 of Plantation Estates, Unit 35,
Between Parcels: 8034-45-00-0050, 8034-45-00-0060, 8034-45-00-
0070,
Volusia County, FL.**

Dear Mr. Bauer,

We have reviewed the survey for the vacate and have no objection to the vacation of Right of Way for property as noted above.

If further assistance is needed, please do not hesitate to call me at (407) 302-7611.

Sincerely,

A handwritten signature in cursive script that reads "Scott Lorenz".

Scott Lorenz
Design Specialist / AT&T Southeast



Easement Vacate Request Form

EASEMENT LOCATION

Homeowner's Name KENNETH EUGENE WHITMORE

Street Address UNIT 35 PLAT PLANTATION ESTATES DEBARY FL 32713

City, State, Zip Code DEBARY FLORIDA 32713

NODE Print Attached: YES NODE # N/A

Site Plan/Plat Mapped Attached: YES LEGAL DESCRIPTION ATTACHED NO
(With area of concern highlighted)

Is Spectrum OK to Vacate (Y or N) YES

If Not able to Vacate Reason Why: _____

Mailing Address Information

Representatives Name KIRK T. BAUER

Company Name BAUER AND ASSOCIATES

Mailing Address 505 E NEW YORK AVE SUITE 7

City, State, Zip Code DELAND FL 32 2724

email address if provided: WWW.DELANDATTORNEYS.COM

Construction Coordinator Name: Ryan Dahlberg

Date Received: 1/6/2024



28.88213913571775, -81.28973795362067

W.D.

2013-10-10

Meghan Jones

From: Webster, Linda <Linda.Webster@fpl.com>
Sent: Tuesday, February 20, 2024 7:43 AM
To: Meghan Jones
Cc: Newton, Trenton
Subject: RE: No Objection Letter Request

Good Morning,

The area referenced is in Duke Energy's service territory. Please contact

Katherine.Lopez@duke-energy.com

Linda Webster - Dubea | EA Manager
Florida Power & Light Company | 425 N. Williamson Blvd. CEA/CSN | Daytona Beach, FL | 32114
Office: 386.254.2350 **Website:** <https://link.edgepilot.com/s/d69c4b91/AXHr2P9TjEWaFmhlEr4N8g?u=http://www.fpl.com/>

From: Meghan Jones <mjones@delandattorneys.com>
Sent: Monday, February 19, 2024 4:47 PM
To: Webster, Linda <Linda.Webster@fpl.com>
Subject: RE: No Objection Letter Request
Importance: High

Good afternoon,

I have not received any communication regarding our below request that was originally submitted on October 25, 2023. Can you please provide me with the contact information for the correct department/person and I will reach out to them for an update?

Thank you,

Meghan Jones,
Florida Registered Paralegal
Bauer & Associates
Attorneys at Law, P.A.
Mailing: P.O. Box 459
DeLand, FL 32721-0459
Physical: 505 E. New York Ave., Suite 7
DeLand, FL 32724
Phone: 386-734-3313
Fax: 386-738-0424
Email: mjones@delandattorneys.com

Via email: mjones@delandattorneys.com

Ms. Meghan Jones
Florida Registered Paralegal
Bauer & Associates
PO Box 459
Deland, Florida 32721

**RE: Vacation of unnamed Right Of Way
262 Deleon Road, Debary
Volusia County, Florida**

Dear Ms. Jones:

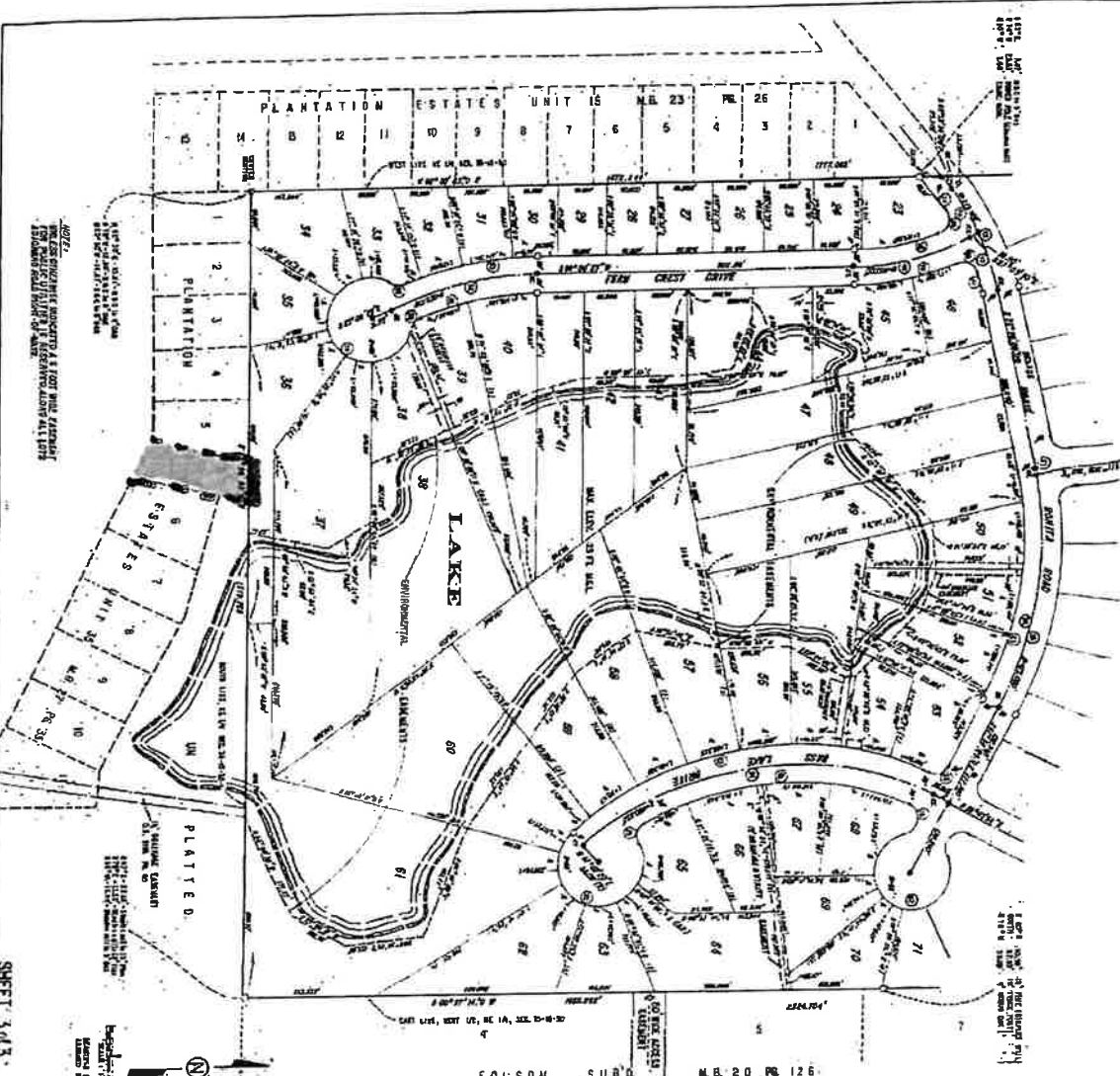
Please be advised that Comcast has “**no objection**” to the vacation and abandonment of the unnamed Right Of Way lying East of Lot 5 and West of Lot 6, Plantation Estates Unit 35, as recorded in Map Book 27, Page 35, Public Records of Volusia County, Florida, as shown on the attached Volusia County Property Appraiser map, attached hereto and by this reference made a part thereof.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely, *Andrew Sweeney*
Construction Manager ComCast

WOODBOND LAKES

A SUBDIVISION IN SECTION 35, TWP. 16 SOUTH, RANG. 30 EAST
VOLUSIA COUNTY, FLORIDA
REG. DIST. NO. 2 OF 3



NOTES:
1. ALL LOTS ARE TO BE CONVEYED BY DEED.
2. THE PLANNING BOARD HAS REVIEWED AND APPROVED THIS PLAN AND THE LOTS THEREON.
3. THE PLANNING BOARD HAS REVIEWED AND APPROVED THE PLANNING AND ZONING REGULATIONS WHICH APPLY TO ALL LOTS.

SHEET 3 OF 3

PLAT BOOK 41
PAGE 14

LOT NO.	AREA	OWNER	DATE	REMARKS
1	0.12	WOODBOND LAKES	12/15/78	RESERVED
2	0.12	WOODBOND LAKES	12/15/78	RESERVED
3	0.12	WOODBOND LAKES	12/15/78	RESERVED
4	0.12	WOODBOND LAKES	12/15/78	RESERVED
5	0.12	WOODBOND LAKES	12/15/78	RESERVED
6	0.12	WOODBOND LAKES	12/15/78	RESERVED
7	0.12	WOODBOND LAKES	12/15/78	RESERVED
8	0.12	WOODBOND LAKES	12/15/78	RESERVED
9	0.12	WOODBOND LAKES	12/15/78	RESERVED
10	0.12	WOODBOND LAKES	12/15/78	RESERVED
11	0.12	WOODBOND LAKES	12/15/78	RESERVED
12	0.12	WOODBOND LAKES	12/15/78	RESERVED
13	0.12	WOODBOND LAKES	12/15/78	RESERVED
14	0.12	WOODBOND LAKES	12/15/78	RESERVED
15	0.12	WOODBOND LAKES	12/15/78	RESERVED
16	0.12	WOODBOND LAKES	12/15/78	RESERVED
17	0.12	WOODBOND LAKES	12/15/78	RESERVED
18	0.12	WOODBOND LAKES	12/15/78	RESERVED
19	0.12	WOODBOND LAKES	12/15/78	RESERVED
20	0.12	WOODBOND LAKES	12/15/78	RESERVED
21	0.12	WOODBOND LAKES	12/15/78	RESERVED
22	0.12	WOODBOND LAKES	12/15/78	RESERVED
23	0.12	WOODBOND LAKES	12/15/78	RESERVED
24	0.12	WOODBOND LAKES	12/15/78	RESERVED
25	0.12	WOODBOND LAKES	12/15/78	RESERVED
26	0.12	WOODBOND LAKES	12/15/78	RESERVED
27	0.12	WOODBOND LAKES	12/15/78	RESERVED
28	0.12	WOODBOND LAKES	12/15/78	RESERVED
29	0.12	WOODBOND LAKES	12/15/78	RESERVED
30	0.12	WOODBOND LAKES	12/15/78	RESERVED
31	0.12	WOODBOND LAKES	12/15/78	RESERVED
32	0.12	WOODBOND LAKES	12/15/78	RESERVED
33	0.12	WOODBOND LAKES	12/15/78	RESERVED
34	0.12	WOODBOND LAKES	12/15/78	RESERVED
35	0.12	WOODBOND LAKES	12/15/78	RESERVED
36	0.12	WOODBOND LAKES	12/15/78	RESERVED
37	0.12	WOODBOND LAKES	12/15/78	RESERVED
38	0.12	WOODBOND LAKES	12/15/78	RESERVED
39	0.12	WOODBOND LAKES	12/15/78	RESERVED
40	0.12	WOODBOND LAKES	12/15/78	RESERVED
41	0.12	WOODBOND LAKES	12/15/78	RESERVED
42	0.12	WOODBOND LAKES	12/15/78	RESERVED
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44	0.12	WOODBOND LAKES	12/15/78	RESERVED
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51	0.12	WOODBOND LAKES	12/15/78	RESERVED
52	0.12	WOODBOND LAKES	12/15/78	RESERVED
53	0.12	WOODBOND LAKES	12/15/78	RESERVED
54	0.12	WOODBOND LAKES	12/15/78	RESERVED
55	0.12	WOODBOND LAKES	12/15/78	RESERVED
56	0.12	WOODBOND LAKES	12/15/78	RESERVED
57	0.12	WOODBOND LAKES	12/15/78	RESERVED
58	0.12	WOODBOND LAKES	12/15/78	RESERVED
59	0.12	WOODBOND LAKES	12/15/78	RESERVED
60	0.12	WOODBOND LAKES	12/15/78	RESERVED
61	0.12	WOODBOND LAKES	12/15/78	RESERVED

NOTES:
1. THIS PLAN IS SUBJECT TO THE EXISTING ZONING, PLANNING, AND OTHER REGULATIONS WHICH APPLY TO THE PROPERTY.
2. THE PLANNING BOARD HAS REVIEWED AND APPROVED THIS PLAN AND THE LOTS THEREON.
3. THE PLANNING BOARD HAS REVIEWED AND APPROVED THE PLANNING AND ZONING REGULATIONS WHICH APPLY TO ALL LOTS.

DATE: 12/15/78

This instrument prepared by
and return to:
KIRK T. BAUER, Esquire
BAUER & ASSOCIATES Attorneys at Law, P.A.
P. O. Box 459
DeLand, Florida 32721-0459
(Representing the party of the second part.)
Document Preparation Only-No title opinion given

For Clerk's Use Only

EASEMENT

THIS EASEMENT ("Easement") is made this ____ day of _____, 2024 by and between **KENNETH EUGENE WHITMORE**, whose post office address is 262 DeLeon Road, DeBary, Florida 32713 (Grantor), to **CENTURYLINK COMMUNICATIONS, LLC d/b/a LUMEN**, whose address is 100 CenturyLink Drive, Monroe, LA 71203, party of the second part.

Grantor, for and in consideration of the mutual covenants each to the other running and Ten Dollars (\$10.00) and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto Grantee a perpetual easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove underground telecommunication lines including, but not limited to, all necessary underground supporting structures, and all other underground appurtenant apparatus and equipment for the transmission and distribution of telecommunication services, and for technological purposes related to such facilities (collectively, "Facilities") over the Easement Area ("Easement Area") lying situate in Volusia County, Florida, and described as follows:

The Westerly one-half (1/2) of the following property:

"Reserved for Street" between Lots 5 and 6, Plantation Estates Unit No. 35, according to the map or plat thereof as recorded in Plat Book 10, Page 20, Public Records of Volusia County, Florida.

The purpose of this easement is to grant to Grantee easement rights over that portion of Right-Of-Way described above in connection with the City of DeBary's vacation of that portion of Right-Of-Way and Grantor's attendant acquisition of fee title ownership thereof.

The rights granted herein include, but are not limited to, the following:

1. Grantee shall have the right of ingress and egress of the Easement Area.
2. Grantee shall have the right to trim, cut down, and remove from the Easement Area, at any time or times and using safe and generally accepted arboricultural practices, trees, limbs, undergrowth, other vegetation, and obstructions that would prevent the Grantee's access to the Facilities.
3. Grantor shall not place, or permit the placement of, any structures, improvements, facilities, or obstructions, within the Easement Area, which may interfere with the exercise of the rights granted herein to Grantee.
4. Excluding the removal of vegetation and obstructions as provided herein, Grantee shall promptly repair or cause to be repaired any physical damage to the surface area of the Easement Area resulting from the exercise of the rights granted herein to Grantee. Such repair shall be to a condition which is reasonably close to the condition prior to damage, and shall only be to the extent such damage was caused by Grantee or its contractors or employees.
5. All other rights and privileges reasonably necessary, in Grantee's sole discretion, for the safe, reliable, and efficient installation, operation, and maintenance of the Facilities.

The terms Grantor and Grantee shall include the respective heirs, successors, and assigns of Grantor and Grantee. The failure of Grantee to exercise or continue to exercise or enforce any of the rights herein granted shall not be construed as a waiver or abandonment of the right thereafter at any time, or from time to time, to exercise any and all such rights.

IN WITNESS WHEREOF, the Grantor has signed this Easement under seal effective this ____ day of _____, 2024.

Signed, sealed and delivered in the presence of:

Witness Signature

KENNETH EUGENE WHITMORE

Witness Printed Name

Address of Witness

Witness Signature

Witness Printed Name

Address of Witness

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized to administer oaths and take acknowledgments, personally appeared **KENNETH EUGENE WHITMORE**, by means of physical presence or online notarization, known to me to be the person described in and who executed the foregoing instrument, who acknowledged before me that she executed the same, that I relied upon the following form of identification of the above-named person: _____; and that an oath was taken.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2024.

(SEAL)

Notary Signature

Printed Name of Notary:
Notary Public - State of Florida
My Commission Expires: