

Agenda Memorandum

To: Honorable Mayor and City Council Members
From: Bryan Cobb, City Manager
Date: May 3, 2021
Subject: **Resolution No. 4060-21**, Right of Way Vacate – Station Street and Garden Street

Procedure: Consent Agenda

Introduction: This is a request for City Council to amend certain provisions contained in Resolution No. 4011-21 adopted by City Council on January 4, 2021 regarding the vacation of the Station Street and Garden Street rights-of-way.

Discussion: Mr. David Axel, on behalf of Nelson & Company, Inc., and 88 S. Central, LLC, submitted a request to vacate certain portions of the Station Street and Garden Street rights-of-way to aggregate multiple fragmented small tracts impacted by condemnations into a viable future development parcel. A Sketch of the Legal Description depicting the exact location of the subject rights-of-way was included as Exhibit 1 of Resolution No. 4011-21 and is also included as Exhibit 1 of Resolution No. 4060-21. The applicant's Vacate Request Form, including the property owner's authorization, is provided as Attachment 1.

City staff had no objection to the vacation of Station Street and Garden Streets rights-of-way since recent improvements to the SR434/SR426 intersection greatly improved operational access between SR434, SR426 and CR419, and greatly reduced the use of Station and Garden Streets to primarily commercial access.

Additionally, the parcels adjacent to Station Street and Garden Streets rights-of-way being vacated are owned by the same property owner. Since the vacation will split the right of way between the adjacent parcel owners, the roadway access function will not be restricted and commercial access can be maintained through a private driveway.

The Public Works Director reviewed all data, and determined that closing, vacating, and abandoning the ROW would not operate to the detriment of the City or the public and recommended approval, provided that the City of Oviedo received a non-exclusive wastewater services easement over, across, through and under the vacated Station Street and Garden Street rights-of-way in accordance with the terms and conditions of the wastewater services easement provided in Exhibit 2 of Resolution No. 4011-21 and as Exhibit 2 of Resolution 4060-21.

After adoption and recordation of Resolution 4011-21, it was determined that the following language used in the Resolution "... provided, however, that the City of Oviedo hereby retain the Station Street vacated right-of-way as a non-exclusive wastewater services easement with rights

to include..." could be interpreted to mean that the City did not intend to vacate the Station Street right-of-way. In order to remove any potential for misinterpretation, Staff and the City Attorney recommend the adoption of Resolution No. 4060-21, which amends Resolution No. 4011-21 to clarify that the Station Street right-of-way is being vacated by the City, and the City is receiving the grant of the Wastewater Services Agreement over, across, through and under such vacated right-of-way.

Budget Impact: Aside from nominal legal costs, there are no budgetary impacts to the City arising from the vacation of the ROW.

Strategic Impact: Continue to support economic development within the City of Oviedo.

Recommendation: It is recommended that City Council adopt Resolution No.4060-21.

Attachment: 1. Vacate Request Form with Property Owner Authorization

Prepared by: David Hall, Assistant City Attorney