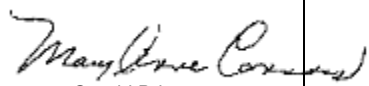
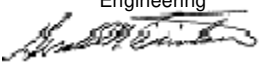

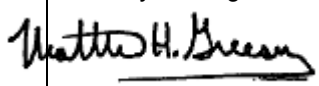


November 6, 2003		<b>AGENDA ITEM</b>		Item 03
<input type="checkbox"/> Ordinance		<input checked="" type="checkbox"/> Resolution		<input type="checkbox"/> Budget Resolution
<input checked="" type="checkbox"/> Other				
<b>Department:</b> Public Works		<b>File Number:</b> VC-1065207696624-A		
<b>Division:</b> Engineering				
<b>Subject:</b> Proposed Abandonment of a portion of the plat of Howe and Curriers Allotment, Samsula Area.				
<b>Account Number(s):</b> N/A				
<b>Total Item Budget:</b> N/A				
<b>Staff Contact(s):</b> Joette W. Palmer Phone: 736-5967 ext. 2455				
<b>Summary/Highlights:</b>				
Time Certain November 6, 2003 at 9:10 a.m.				
Pursuant to Florida State Statute 177.101, Howell and Lori Hitchner petitioned the County to abandon a portion of the plat of Howe and Curriers Allotment, Map Book 4, Page 44, in the Samsula area. No public right of way is included in this proposed plat abandonment. The petitioners access their property by a private easement off of Pepper Lane.				
The petitioners desire to obtain a building permit and must vacate a portion of the plat in order to comply with Growth Management regulations.				
<b>Recommended Motion:</b>				
Adopt Resolution 2003 - _____ abandoning a portion the plat of Howe and Curriers Allotment.				
Mary Connors Director Public Works   Gerald Brinton Director Engineering  	<b>OMB</b>   Approved as to Budget Requirements	<b>Legal</b>    Approved as to Form and Legality	Matt Greeson County Manager's Office    Approved Agenda Item For: <b>November 6, 2003</b>	
<b>Council Action:</b>		<b>Modification:</b>		
<input type="checkbox"/> Approved as Recommended <input type="checkbox"/> Approved With Modifications <input type="checkbox"/> Disapproved <input type="checkbox"/> Continued Date:				

**Summary/Highlights Continued:**

Public Works and Growth Management staffs reviewed the petition and have no objection.

## PETITION

TO: THE HONORABLE COUNTY COUNCIL OF VOLUSIA COUNTY,  
FLORIDA:

The undersigned, pursuant to Section 177.101, Florida Statutes,  
respectively  
Petitions the County Council of Volusia County, Florida, to vacate all or that  
portion of the  
Subdivision plat described as follows, to wit:

**Parcel 1: The South ½ of the North ½ of Tract 10, in Block 1 of Section 12,  
Township 17 South, Range 32 East, according to plat thereof as recorded in  
Map Book 4, Page 44, of the Public Records of Volusia County, Florida.**

**Parcel 2: The North ½ of the North ½ of Tract 10, Block 1 of Section 12,  
Township 17 South, Range 32 East, according to plat thereof as recorded in  
Map Book 4, Page 44, of the Public Records of Volusia County, Florida.**

~~Together with an access easement over the West 20 feet of Tract 3, Block 1,  
Section 12, Township 17 South, Range 32 East, HOWE & CURRIERS  
ALLOTMENT as recorded in Map Book 4, Page 44, of the Public Records of  
Volusia County, Florida.~~

**Parcel Identification Number: 7212-01-01-0100**

The reason(s) for requesting this vacation is (are):

**To obtain a permit for construction of a single-family residence and other  
permissible outbuildings.**

Your Petitioner(s) show(s), by a certificate issued by **Associated Land  
Title Group**, attached hereto and marked Exhibit A, and by reference made a  
part hereof for all purposes, that he/she (they) are the fee simple owner(s) of the  
above described property.

That none of the streets shown on all or that portion of said plat described  
above are in actual use, nor are they a part of the County road system.

That the vacation of all or that portion of said plat by the County Council of  
Volusia County, Florida, will not affect the ownership of any other persons,  
inasmuch as the Petitioner(s) is (are) the sole owner(s) of the land in said plat  
sought to be vacated.

Petitioner(s) show(s) 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 all or 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 B, and by reference made a part hereof for all purposes.

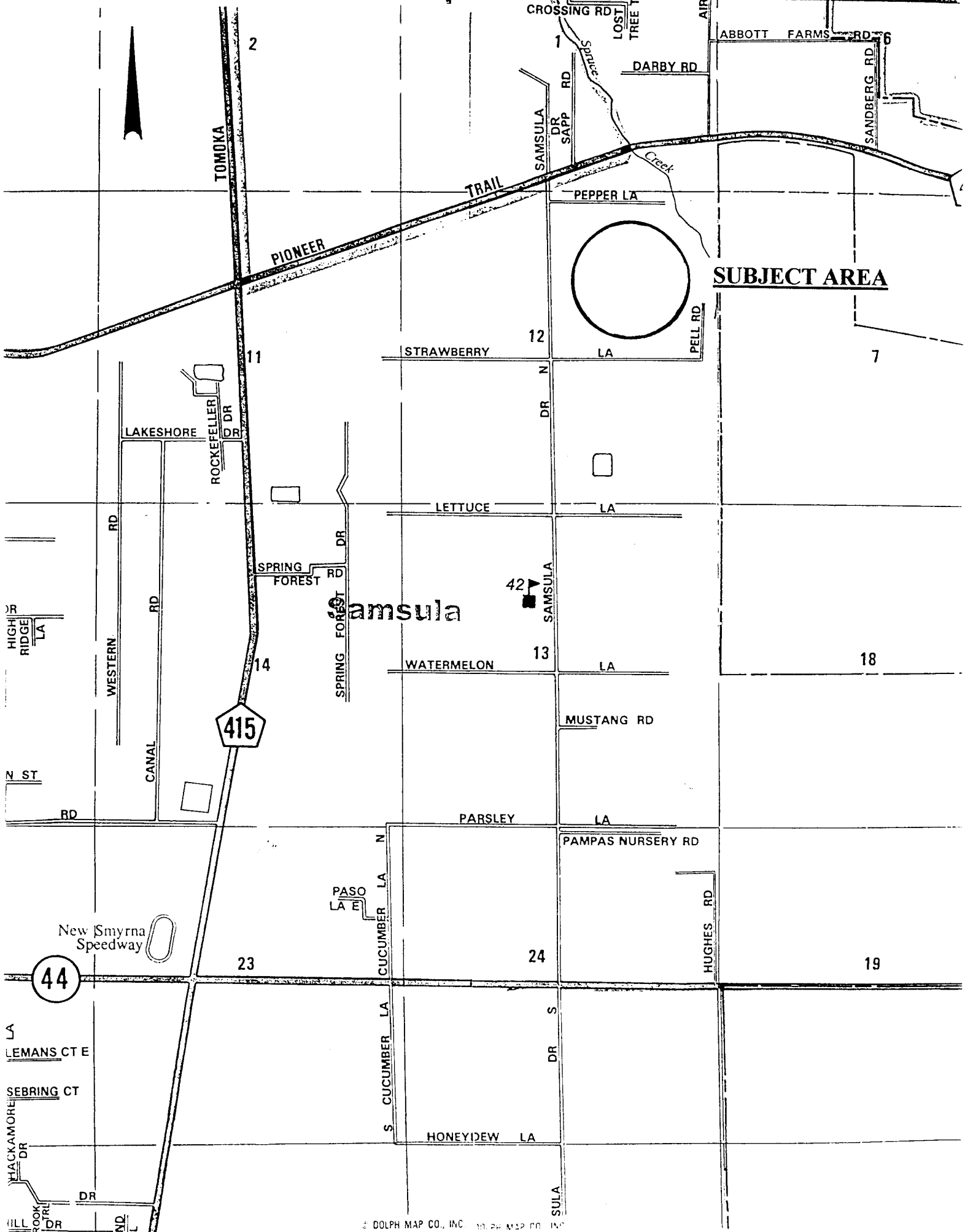
Petitioner(s) show(s) that all State and County taxes on the above described property have been paid. A certificate showing that said taxes have been paid, and that no taxes are owing, is attached hereto, marked Exhibit C, and by reference made a part hereof for all purposes.

Upon adoption of a Resolution vacating the above described property, the County 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 4<sup>th</sup> day of August, A.D. 2003.

	Howell Hitchner, Jr.	7212-01-01-0100
SIGNATURE	PRINTED NAME	TAX PARCEL I.D.#

	Lori A. Hitchner	7212-01-01-0100
SIGNATURE	PRINTED NAME	TAX PARCEL I.D.#



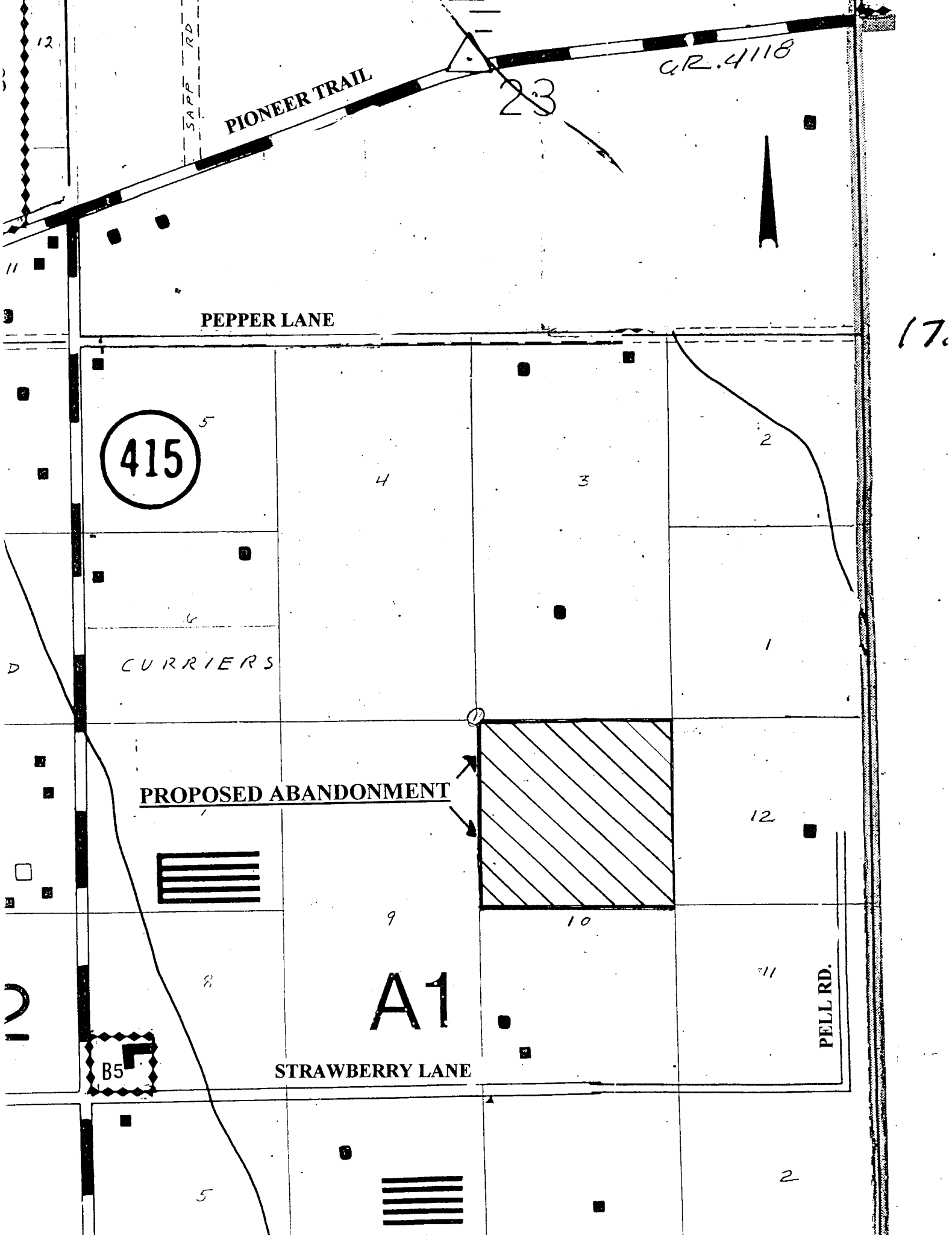
**SUBJECT AREA**

Samsula

42

415

44



PIONEER TRAIL

Q.R. 4118

23

PEPPER LANE

415

CURRIERS

PROPOSED ABANDONMENT

A1

B5

STRAWBERRY LANE

PELL RD.

17.

RESOLUTION NO. 2003 - \_\_\_\_\_

RESOLUTION VACATING AND ABANDONING A CERTAIN PORTION  
OF SUBDIVISION PLAT IN VOLUSIA COUNTY, FLORIDA  
AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Howell and Lori Hitchner presented to the County Council a sworn Petition in writing wherein and whereby they seek to have vacated portions of the plat of Howe and Curriers Allotment, hereinafter described, which said plat is on file in the Office of the Clerk of the Circuit Court of Volusia County, Florida, and to have the property hereinafter described and encompassed in said plat, returned to acreage for the purpose of taxation; and

WHEREAS, the County Council is of the opinion that said Petition is in proper form and that all things have been done by the said petitioners as conditions precedent to the consideration of action upon said Petition, and

WHEREAS, this Council is of the opinion that the prayer of said Petition should be granted, NOW THEREFORE

BE IT RESOLVED BY THE COUNTY COUNCIL OF VOLUSIA COUNTY, FLORIDA, IN REGULAR MEETING DULY ASSEMBLED IN THE THOMAS C. KELLY ADMINISTRATION CENTER, COUNTY COUNCIL CHAMBERS, IN THE CITY OF DELAND, FLORIDA, THIS 6TH DAY OF NOVEMBER, A.D. 2003, AS FOLLOWS:

SECTION I: That portion of the subdivision plat described as follows, to-wit:

The North one-half (1/2) of Tract 10, Block 1, Section 12, Township 17 South, Range 32 East, HOWE AND CURRIERS ALLOTMENT, according to the plat thereof recorded in Map Book 4, Page 44 of the Public Records of Volusia County, Florida.

be and the same, is hereby vacated, and the property covered by said plat, be and the same is hereby returned to acreage as it existed prior to the filing of said plat, for the purpose of taxation.

SECTION II: The Clerk of the Circuit Court is hereby directed to affix upon the face of the plat of the subdivision appropriate notice that the aforementioned portion of plat has been vacated.

SECTION III: This Resolution shall become effective when filed in the office of the Clerk of the Circuit Court and duly recorded in the Public Records of Volusia County, Florida.

DONE AND ORDERED IN OPEN MEETING:

COUNTY COUNCIL  
VOLUSIA COUNTY, FLORIDA

BY \_\_\_\_\_  
CHAIR, COUNTY COUNCIL

ATTEST:

\_\_\_\_\_  
COUNTY MANAGER/CLERK

J:\ROW\MN\ABAND\hitchner\RESPLAT.DOC