

506 WEST BERCKMAN STREET FRUITLAND PARK, FL 34731

Board Members: Connie Bame, Chairwoman	Others: Greg Beliveau, LPG Tracy Kelley, CDD
Colin Crews	
Daniel Dicus	
Philip Purlee	
Tom Bradley	
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PHONE: 352-360-6727

FAX: 352-360-6652

AGENDA PLANNING & ZONING BOARD MAY 17, 2018 6:00PM

- I. <u>INVOCATION</u>:
- II. ROLL CALL:
- III. MINUTES FROM PREVIOUS MEETING: Approve meeting minutes from April 19, 2018.
- IV. OLD BUSINESS:
 - A. Tabled Resolution 2018 015 Accepting Title of Real Property
 - a. A Resolution accepting title to real property being conveyed from the School Board of Lake County
 - B. Tabled Resolution 2018 018 Closing and Vacating a 50' Platted Right of Way
 - a. A Resolution closing and vacating a 50' platted right of way known as Hurst Street in accordance with Resolution 2018-015
- V. <u>NEW BUSINESS</u>: None

BOARD MEMBERS' COMMENTS:

ADJOURNMENT:



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MINUTES PLANNING & ZONING BOARD APRIL 19, 2018 6:00PM

- **I. INVOCATION:** Chairwoman Bame called the meeting to order at 6:00P.M. and led the pledge of allegiance. Board member Tom Bradley gave the invocation.
- II. <u>ROLL CALL</u>: All board members present except Board member Dicus and Board member Purlee. Present LPG Beliveau and CDD Kelley.
- III. MINUTES FROM PREVIOUS MEETING: Approve meeting minutes from March 15, 2018. Motion to approve March 15, 2018 by Colin Crews. Second by Board member Bradley. Approved 3-0.
- IV. OLD BUSINESS: None
- V. <u>NEW BUSINESS:</u>
 - A. Ordinance Correcting A Scrivener's Error
 - a. Correcting the legal description of Ordinance 2016-023 (James Phillips ALT Key #2515490)
 - b. Correcting the legal description of Ordinance 2016-025 (James Phillips ALT Key #2515490)

LPG Beliveau gave introduction to Ordinance 2018-006 the scrivener's error in the legal description in Ordinance 2016-023 and Ordinance 2018-007 the scrivener's error in the legal description in Ordinance 2016-025 to recommend approval for City Commission to carry thru.

Motion to correct the scrivener's error(s) on the legal description(s) by Board member Crews. Second by Board member Bradley. Approved 3-0

- B. Resolution 2018 015 Accepting Title of Real Property
- a. A Resolution accepting title to real property being conveyed from the School Board of Lake County
- C. Resolution 2018 018 Closing and Vacating a 50' Platted Right of Way

a. A Resolution closing and vacating a 50' platted right of way known as Hurst Street in accordance with Resolution 2018-015

LPG Beliveau gave introduction to Resolution(s) closing and vacating a 50' platted right of way; due to not having a full board and one board member having disclosed a conflict of interest where he will abstain from voting by unanimous consent the Board will be table for a period of 30 days and hear during the next regularly scheduled Planning & Zoning meeting.

D. Gardenia East Subdivision (Alt Key 2872098)

Mr. Rick Hartenstein, AICP, CPM, Wick's Engineering Services present on behalf of property owner

a. Annexation application to annex approximately $13.447 \pm acres$ from Lake County into the City limits of Fruitland Park

LPG Beliveau gave introduction to Gardenia East Subdivision and the application for Annexation, Rezoning, and Large Scale Comp Plan Amendment; the property is 13.447 ± acres and is being proposed for multi-family low density; all required studies have been submitted by applicant, annexation is voluntary and meets F.S. Statutes; application is recommended for approval by City Land Planner and Staff.

Chairwoman Bame called for any further comments; Chairwoman Bame called for motion

Motion by Board member Crews to approve Annexation. Second by Board member Bradley. Approved 3-0

b. Large Scale Comp Plan Amendment (LSCPA) amending the future land use designation from Lake County Urban Medium Density to Multi-Family Low Density on the Future Land Use Map of the City of Fruitland Park's Comprehensive Plan for approximately 13.447 + acres of property generally located north of Register Road and East of US Hwy 27/441.

LPG Beliveau gave introduction to application for LSCPA amending the future land use designation from Lake County Urban Medium Density to Multi Family Low Density on the FLU Map of the City; worst case scenario was utilized for the maximum density whereas the proposed land use is expected to generate less PM peak hour traffic verses what is allowed under County zoning; application is recommended for approval by City Land Planner and Staff.

Chairwoman Bame called for any further comments; Chairwoman Bame called for motion

Motion by Board member Bradley to approve LSCPA. Second by Board member Crews. Approved 3-0

c. Rezoning application to rezone approximately 13.447 <u>+</u> acres from Lake County Rural Residential (R-1) to Residential Planned Unit Development (PUD) within the City limits of Fruitland Park

LPG Beliveau gave introduction to application for Rezoning; the applicant is requesting for development of 49 units and support use for a storage area for boats and RV's for the residents of the subdivision; the site plan shows for common green space, 49 lots, and the support space which is a standard plan for a starter subdivision; environmental studies have been submitted; LPG Beliveau reviewed initial traffic analysis has been conducted and reviewed by MPO and the evaluated roadways show support for project traffic; application is recommended for approval by City Land Planner and Staff.

Board member Crews has concern of improvements to Register Road and how it will be improved as County does not have the funds to improve; Board member Crews also would like the impervious ratio to be reduced to 30% due to size of proposed housing vs. size of lots; Board member Crews suggested moving to a motion to approve the proposed subdivision with an impermeable ratio of 30% per lot.

Board member Bradley commented to compromise at a 35% impervious ratio for the proposed subdivision.

Board member Crews recommended to approve a 35% impervious ratio as suggested by Board member Bradley.

LPG Beliveau commented on Board member Crews' comment the applicant meets open space requirements, the reduction would be per lot instead of the proposed being 40% be reduced to 30%.

Mr. Rick Hartenstein commented a 1500 sq ft maximum home could be built at a 37% impervious ratio, falling under the 40% proposal; if the ratio was reduced to 30% it limits the proposed housing to 900 sq ft resulting in a tiny home.

Chairwoman Bame addressed the audience if there were any public comments

The following City of Fruitland Park residents gave reasons of opposition:

Guy A. Mitchell, Unincorporated Lake County – concerned with impact to area and traffic congestion; Allison La'Chea Smith, Unincorporated Lake County – objects to traffic increase on Register Road; Freda C. Russell, Unincorporated Lake County - concerned with impact to area, traffic congestion and environmental issues

Chairwoman Bame called for any further comments; Chairwoman Bame called for motion

Motion by Board member Crews to approve Rezoning with a 35% impervious ratio. Second by Board member Bradley. Approved 3-0

AUDIENCE COMMENTS:

Clarification of the proposed Closing and Vacating a 50' Platted Right of Way

LPG Beliveau explained application and reason for requested vacating; tabled until next scheduled Planning & Zoning Board meeting due to absence of Board member Dicus and Board member Purlee and Board member Bradley disclosure of a conflict of interest.

BOARD MEMBERS' COMMENTS: No further comments

ADJOURNMENT: 7:12PM



RESOLUTION 2018-015

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, ACCEPTING TITLE TO REAL PROPERTY BEING CONVEYED FROM THE SCHOOL BOARD OF LAKE COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Fruitland Park has been utilizing a small piece of land owned by the School Board of Lake County as a community park; and

WHEREAS, the City desires to own in fee simple title to the real property; and

WHEREAS, the City Commission of the City of Fruitland Park, Florida finds that accepting title to the real property is beneficial to the City of Fruitland Park and its residents.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Esther B. Coulson, City Clerk

Section 1. Title to the real property described in the Quit Claim Deed from the School Board of Lake County, a copy of which is attached hereto, is accepted.

Section 2. The Commission directs the City Manager to reflect ownership of the property in the City's records by adding the property to the City's list of assets and providing for said property to be included on the City's insurance policies, and any other such records.

Section 3. This resolution shall take effect immediately upon its final adoption by the City Commission of the City of Fruitland Park, Florida.

PASSED AND RESOLVED this of the City of Fruitland Park, Florida.	 	, 2018, by the City Commission
City of Fruitland Park		
Chris Cheshire, Mayor		
Attest:		
	× ,	

Mayor Cheshire	(Yes),	(No),	(Abstained),	(Absent)
Vice Mayor Gunter	(Yes),	(No),	(Abstained),	(Absent)
Commissioner Lewis	(Yes),	(No),	(Abstained),	(Absent)
Commissioner Ranize	(Yes),	(No),	(Abstained),	(Absent)
Commissioner Bell	(Yes),	(No),	(Abstained),	(Absent)
A 1 4- C	1114			
Approved as to form and	a legality:			
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Anita Geraci-Carver Ci	ty Afforney			

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1 -CUIT-CLAIM DEED RANCO FORM B 78 7505 Rec # St MARCIT This Quit-Claim Deed, Executed this & day of . A. D. 19 78 , by Sur ind THE SCHOOL BOARD OF LAKE COUNTY first party, to CITY OF FRUITLAND PARK, A Municipal Corporation whose postoffice address is P.O. BOX 158 FRUITLAND PARK, FLA. 32731 second party: (Wherever used herein the terms "lirst party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context to admits or requires.) TEN AND NO/100 DOLLARS, Wilnessell, That the said first party, for and in consideration of the sum of Sand other good and valuable in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, re-considerlease and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which at jons the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being State of FLORIDA in the County of LAKE DESCRIPTION NO. 1: For a point of Reference begin at the SW corner of the SE½ of Section 9, T.19 SR. 24 E; thence N.00°35' 00" E, 1029.53 Feet along the West line of said SE½; Thence Departing from said West Line Proceed S, 89° 28' 30" E, 26.51 Feet to the SW corner of Lot 5, Block 43, Town of Fruitland Park Thence N.00° 18' 20" E, 875.44 Feet to P.O.B. No. 1. From P.O.B. No. 1 proceed S 89° 51' 30" E, 250.03 Feet to the terminus. Described Line Being the centerline of a 20' perpetual easement for ingress, egress and Utilities. DESCRIPTION NO. 2 - Fee Simple For a Point of Reference Begin at the above described P.O.B. No. 1 proceed Thence N.00° 18' 20" E, 10.90 Feet; Thence S,89 51' 30" E, 250.90 Feet along the South Line of Mirror Lake Manor as recorded P.B. 23, PG. 51 of the Public records of Lake County, Fla. From P.O.B. No. 2, Continue along said South line S 89° 51' 30" E, 100.00 Feet Thence S.90° 08' 30" W, 125.70 Feet, Thence N 89° 51' 30" W, 100.00 Feet; Thence N.00° 08' 30" E. 125.00 Feet to the P.O.B., Containing 0.287 Acres. DESCRIPTION NO. 3: For a point of Reference begin at the above described P.O.B. No. 2, proceed thence S.89° 51' 30"E, 100.00 Feet along the South line of said Mirror Lake Manor; Thence S, 00° 08' 30" W, 10.00 Feet to P.O.B. No. 3.

From P.O.B. No. 3 proceed S.89° 51' 30" E, 585.29 Feet; thence S, 30° 16' 00"E, 286.96 Feet to the terminus described line being the centerline of Λ 20' wide perpetual Utility Easement. If any of the above property ceases to be used by the Grantee -over-To Have and to Hold the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsorver of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever. In Wilness Wilereof. The said first party has signed and scaled these presents the day and year first above written. Signey, scaled and delivered in presence of: THE SCHOOL BOARD OF LAKE COUNTY ES IFS. SECRETARY, Sam B. Commander FLORIDA STATE OF FLORIDA, COUNTY OF Lake I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared JAMES R. DUNAWAY AND SAM B. COMMANDER to me known to be the person described in and who executed the foregoing instrument and they

acknowledged before me that they executed the same,

WITNESS my hand and official real in the County and State law aforesaid this March A. D. 1978.

EUSTIS FLA. 32726

Notary Public. Sizio o! Florida et Large My Commission Expires Nov. 7, 1981

This Instrument prepared by: RICHARD O. SPRINGER Additions 27 S. DEWEY ST.

day of

10 7505 7.00 RC •60 00221008 3/21/78



RAMCO FORM B

WARRANTY DEED

This Indenture, Made this 26th day of February, 1975, between CLYDE ROGERS, joined by his wife, ESTHER ROGERS, GLENN ROGERS, joined by his wife, LOIS J. ROGERS, and REGENT R. WEBER, a woman, of the county of Lake, State of Florida, grantors, THE SCHOOL BOARD OF LAKE COUNTY, whose post office address is 201 West Burleigh Boulevard, Tavares, Florida, grantee,

WITNESSETH, That said grantors, for and in consideration of the sum of TEN AND NO/100 DOLLARS, and other good and valuable considerations to said grantors in hand paid by said grantee, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the County of Lake, State of Florida, to-wit:

From the SW corner of the SE 1/4 of Section 9, Township 19 South, Range 24 East, Lake County, Florida, run
North 0°35'00" E. along the West line of the SE 1/4 a
distance of 1029.53 ft., thence South 89°28'30" E. 26.51
ft. to the SW corner of Lot 5, Block 43, Town of Fruitland Park, Florida, and the Point of Beginning of this description; run thence North 0°18'20" E. 885.44 ft., thence South 89°51'30" E. 941.02 ft., thence South 30°16'00" E. 298.55 ft., thence North 89°51'30" W. 125.60 ft., thence South 0°30'10" W. 634.41 ft., thence N. 89°28'30" West 965.10 ft., to the P.O.B. containing 20 00 containing 965.10 ft., to the P.O.B., containing 20.00 acres.

and said grantors do hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, grantors have hereunto set grantors' hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

As to Clyde Rogers and wife

Esther Rogers

This Instrument Was Prepared By: ARTHUR E. ROBERTS. Attorney P. O. Bex 57, Groveland, Florida

Incene & Merrel

As to Glenn Rogers and wife, Lois J. Rogers

As to Regent R. Weber

Jum A ager (SEAL)

LOTS I ROCERS (SEAL

REGERT A. WEBER

STATE OF FLORIDA COUNTY OF LAKE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared CLYDE ROGERS and wife, ESTHER ROGERS; GLENN ROGERS and wife, LOIS J. ROGERS; and REGENT R. WEBER, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 36th day of February, 1975.

Notary Public

My Commission Expires March 26, 1976
Bonder by American five & Caluadry Co.

My Commission Expires:



RESOLUTION 2018-018

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A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK. LAKE COUNTY. FLORIDA; CLOSING AND VACATING A 50' PLATTED RIGHT OF WAY KNOWN AS HURST STREET, THE NORTH RIGHT OF WAY LINE ABUTTING THE SOUTH LINE OF LOTS 2, 3 AND 4, BLOCK 43, 6 -AND THE SOUTH RIGHT OF WAY LINE ABUTTING THE NORTH LINE OF LOTS 5, 6, AND 7, BLOCK 43, AS RECORDED IN PLAT BOOK 3, PAGE 8, OF THE PUBLIC RECORDS OF LAKE COUNTY; PROVIDING FOR DIRECTION TO THE CITY CLERK TO INCLUDE RECORDATION; PROVIDING FOR AN EFFECTIVE DATE.

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Is hereby granted and such right of way is accordingly closed and vacated.

WHEREAS, the City Commission is empowered pursuant to §166.042, Florida Statutes, to vacate public rights of ways within its municipal boundaries; and

WHEREAS, the Planning and Zoning Board has recommended approval of this resolution; and

WHEREAS, the City of Fruitland Park finds and determines that there is no public necessity for retaining, now or in the future, the right of way lying within Block 43, known as Hurst Street as shown on Block 43, as recorded in Plat Book 3, Page 8; and

WHEREAS, the City of Fruitland Park, Florida, has determined that it is in the public interest to abandon the same as a right-of-way; and

WHEREAS, this Resolution has been properly advertised in a newspaper of general circulation not less than two weeks prior to the City Commission public hearing on this Resolution and property owners within a 150 foot radius of the property were provided written notice delivered by U.S. Mail, Return Receipt Requested.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, as follows:

Section 1. The petition for right of way vacation filed by The City of Fruitland Park for property, in the City of Fruitland Park, Florida more particularly described as follows:

That 50 foot wide Right of Way as shown on the Plan of Fruitland Park as Recorded in Plat Book 3, Page 8, Public Records of Lake County, Florida; The said north Right of Way line abutting the South line of Lots 2, 3, and 4, Block 43, and the said South Right of Way line abutting the North line of Lots 5, 6, and 7, Block 43; Being bounded on the West by the Easterly Right of Way line for Olive Avenue as shown on said Plan of Fruitland Park and being bounded on the East by the Easterly line of that certain parcel of land in favor of the School Board of Lake County, Florida, as recorded in Official Records Book 584, Page 477, of the Public Records of Lake County, Florida as shown on Exhibit A.

45 46	Section 2: Title to said vacated right-of-way shall vest in accordance with law.						
47 48 49 50 51 52 53	Section 3: Upon passage of this Resolution, the City Clerk is hereby directed to publish notice of adoption of this resolution one time, within 30 days following its adoption, in one issue of newspaper of general circulation published in the county. The City Clerk is further directed to record in the public records of Lake County, Florida, the proof of publication of notice of publication, the resolution as adopted, and the proof of publication of the notice of the adoption of such resolution.						
54	Section 4. This Resolution shall become effective immediately upon passage by the City						
55	Commission of the City of Fruitland Park.						
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57	PASSED AND RESOLVED in regular session	of the City Commission of the City of Fruitland Park,					
58	Lake County, Florida, this day of	, 2018.					
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61	Chris Cheshire, Mayor						
62	City of Fruitland Park, Florida						
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64 65	ATTEST:	Approved as to Form:					
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67 68							
69	Esther Coulson, CMC, City Clerk	Anita Geraci-Carver, City Attorney					
70	Estrici Courson, Civic, City Clerk	Anta Geraci-Carver, City Attorney					
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73	Vice-Mayor Gunter (Yes),	(No), (Abstained), (Absent)					
74	Commissioner Ranize (Yes),	(No), (Abstained), (Absent)					
75	Commissioner Lewis (Yes),	(No), (Abstained), (Absent)					
76 77	Commissioner Bell (Yes), Mayor Cheshire (Yes),	(No), (Abstained), (Absent) (No), (Abstained), (Absent)					
78	Mayor Cheshire(1es),	(NO),(Abstailled),(Absent)					
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83 84		Passed First Reading					
04		(SEAL)					

SKETCH OF DESCRIPTION

(NOT A FIELD SURVEY)

DESCRIPTION:

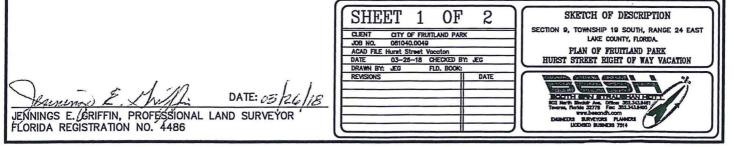
THAT 50 FOOT WIDE ROAD RIGHT OF WAY AS SHOWN ON THE PLAN OF FRUITLAND PARK AS RECORDED IN PLAT BOOK 3, PAGE 8, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THE SAID NORTH RIGHT OF WAY LINE ABUTTING THE SOUTH LINE OF LOTS 2, 3 AND 4, BLOCK 43, AND THE SAID SOUTH RIGHT OF WAY LINE ABUTTING THE NORTH LINE OF LOTS 5, 6 AND 7, BLOCK 43; BEING BOUNDED ON THE WEST BY THE EASTERLY RIGHT OF WAY LINE FOR OLIVE AVENUE AS SHOWN ON SAID PLAN OF FRUITLAND PARK AND BEING BOUNDED ON THE EAST BY THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND IN FAVOR OF THE SCHOOL BOARD OF LAKE COUNTY, FLORIDA, AS RECORDED IN OFFICIAL RECORDS BOOK 584, PAGE 477, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

NOTES:

- 1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS THEY BEAR THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 2. BEARINGS ARE BASED ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 9, TOWNSHIP 19 SOUTH, RANGE 24 EAST, AS BEING NORTH 00°35'00" EAST, PER DEED (ASSUMED MERIDIAN).
- 3. THE DESCRIPTION WAS PREPARED BY THIS FIRM AT THE CLIENT'S REQUEST AND IS BASED UPON INFORMATION PROVIDED.
- THIS SKETCH MEETS ALL APPLICABLE REQUIREMENTS OF THE FLORIDA STANDARDS OF PRACTICE AS CONTAINED IN CHAPTER 5J-17.051 FAC.
- 5. THIS SKETCH WAS PREPARED FOR DESCRIPTION PURPOSES ONLY AND DOES NOT REPRESENT A FIELD SURVEY.
- 6. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/200 OR SMALLER.
- 7. HORIZONTAL DATUM SHOWN HEREON IS IN U.S. FEET.

CERTIFIED TO:

CITY OF FRUITLAND PARK



(NOT A FIELD SURVEY) | MIRROR LAKE | MANOR | PLAT BOOK 23, PAGE 51 | LOT 1 LOT 2 LOT 3 LOT 4 LOT 5 LOT 6 LOT 7 LOT 8 | S89'51'30"E| 941.02' | | | | OFFICIAL RECORDS BOOK 647, PAGE 148 AVENUE LOT 1 LOT 4 LOT 3 LOT 2 OLIVE 125.60' N89'51'30"W W. LINE SE 1/4, SECTION 9-19-24 NOO'18'20"E 885.44' 20, HURST STREET 50, EASTERLY LINE OFFICIAL RECORDS BOOK 584, PAGE LOT 7 LOT 5 LOT 6 LOT 8 BLOCK 43 PLAN OF FRUITLAND PARK PLAT BOOK 3, PAGE B POINT OF BEGINNING SOUTHERLY LINE OFFICIAL RECORDS BOOK 584, PAGE 477 SW CORNER LOT 5, BLOCK 43 PLAN OF FRUITLAND PARK PLAT BOOK 3, PAGE 8 N89'28'30"W 965.10' S89'28'30"E 26.51 Scale: 1"= 200' POINT OF COMMENCEMENT 100 200 OFFICIAL RECORDS BOOK 584, PAGE 477 SW CORNER, SE 1/4, SECTION 9-19-24 SCALE IN FEET SHEET OF 2 SKETCH OF DESCRIPTION SECTION 9, TOWNSHIP 19 SOUTH, RANGE 24 EAST LAKE COUNTY, FLORIDA. CITY OF FRUITLAND PARK 081040,0049 CLIENT DOB NO. 081040.000+ ACAD FILE Hurst Street Vocation DATE 03-28-18 CHECKED BY: JEG FID. BOOK: 11 0/ PLAN OF FRUITLAND PARK HURST STREET RIGHT OF WAY VACATION LEGEND LICENSED BUSINESS **IDENTIFICATION**

SKETCH OF DESCRIPTION