

RED JACKET DEVELOPMENT GROUP
625 WALTHAM AVENUE
ORLANDO, FLORIDA 32809

2015 DEC 22 PM 2 50
Date: December 21, 2015

TO:
Ken Comia, City Planner
City of Groveland

RE: **The Cape** at Cherry Lake Preliminary Plat
Application #2014-89
Responses to Third Review Comments

Dear Mr. Comia (and staff)

Please review our responses to the Third Review Comments issued October 9th, 2015. **Our response follows the original comment in Bold.**

From:

Surveyor

1. Three small errors in the boundary survey legal on L2, L22 and the bearing in note #2 will need to be addressed as this plat moves forward.

These have been corrected

Lake County Public Works

- 1) All Cherry Lake Road improvements must be constructed at the same time (both entrances with turn lanes and with Cherry Lake curve realignment). The PSP plans do not show all of the offsite road improvements and will need to be revised to reflect the entrance designs/horizontal layout for the three subdivisions (Cape, Vistas, and Springs at Cherry Lake). The future construction plans will need to include more detail with profile and cross sections.

Acknowledged. Please see Sheet 4; now showing the offsite road improvements. Also, please see Detail 601 on Sheet 9; now showing the East Entrance.

- 2) Since all County issued permits have expired, Driveway and Right-of-Way Utilization Permits must be submitted by the applicant(s) (together with other appropriate plans and documentation) for County review and approval. A Performance Bond (110% construction cost) is required for all work within County right-of-way.

Acknowledged. We plan to re-apply for the necessary permits in simultaneous submittal with the Final Construction Plans. To do so, now, is pre-mature as the plans are subject to change. Once the PSP's are approved, there is less risk for changes to entrance and road right-of-way locations. We, also, acknowledge the County's Performance Bond requirements.

- 3) Additional right-of-way as shown on preliminary plats must be dedicated (by deed) before permits for construction are issued. Legal and Sketch will need to be provided with permit application for the county to prepare the right-of-way deeds for the different owners to sign.

Acknowledged. We (The Cape) will require the Vista to dedicate the additional right-of-way by deed. A Legal and Sketch of Description will be provided by Vista with the County permit application.

From Attorney:

- 4) Follow recommendations of The Lake-Sumter MPO and Lake County relating to their review of traffic analysis.

Again, we will consider recommendations, once received.

- 5) The Application indicates the property is zoned R-2 and has an existing land use designation of Single Family Medium Density. Please provide copies of the City of Groveland FLU Ordinance and zoning ordinance for the Property. Additional comments relating to open space requirements, etc. may be forthcoming upon receipt and review of the FLU and zoning ordinances.

The City Planner has addressed this comment. (as acknowledged by Attorney)

- 6) The Note being proposed by applicant to address the comment below should be noted on the preliminary plat as well as the Final Construction Plans. *There is not a dedication of perpetual utility easements to the City. Additionally, there is not a dedication to City for a perpetual easement over Tract A for ingress and egress in order to access utility easements. Finally, there is no dedication of a perpetual easement over Tract A for ingress and egress to The Cape at Cherry Lake and The Springs at Cherry Lake. I understand Mr. Bozarth may have addressed in his response of March 31, 2015; however, the plat must address these issues as well. Notes on the plat will address this concern.*

Please see the added note on Sheet 6 as requested.

- 7) The applicant's surveyor indicates on the Boundary Survey that two easements, listed on the Title Certificate as E.2 and E. 3 do not affect the property. Please have title company further review and if in agreement with surveyor, issue a revised Certificate of Title. If title company does not agree with surveyor, then please submit a revised Boundary Survey (and plat) or further explain. The Groveland Farms platted rights of way depicted on the Boundary Survey as lying within the Property must be vacated. An application to vacate can be obtained from the City.

The Title company has issued a revised Certificate of Title and the Boundary Survey has been corrected to show such revisions.

- 8) If there are any Groveland Farms platted rights of way lying within the Property, they must be vacated. An application to vacate can be obtained from the City. **Acknowledged.**
- 9) The Code requires lot FFE's be a minimum of 18 inches above the crown of the adjacent road. See Sec. 145-46(h)(12). I understand the applicant's response to this comment and will defer to the City's engineer on this issue.

The applicant has previously accommodated the FFE requirements. This comment has been forwarded to the City Engineer. No additional comment has been received by applicant.

- 10) At submittal for final plat approval please provide a bill of sale to convey utility infrastructure improvements to the City. I understand the applicant is in agreement.

Agreed

- 11) Approval will be contingent on approval of The Vista and The Springs. I understand the applicant is in agreement.

Agreed

- 12) I agree with the City Engineer that language protecting the integrity of the backyard swales that are part of the master drainage systems should be included in the declarations. While I concur with Mr. Bozarth's statement that this language is included in the drainage easement that will also be a matter of public records, the reality is that the officers, directors and owners who will be enforcing the declarations will not look to other recorded documents, they will focus on the declarations. As a result, they may inadvertently approve improvements such as fences and landscaping within the swales that is detrimental to the drainage system.

Applicant is in the process of accommodating this request. Our attorney, Laura Young, has submitted proposed HOA documents to the City Attorney and has further, directly, provided acknowledgement that the requested language protecting the rear yard swales will be added to the Declarations.

Applicant requests that upon review of this Fourth submittal, all concerns have been, or are being, accommodated and that this preliminary review of the project should be approved and further recommended for approval by Town Council.

Sincerely,



Clay Frankel