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September 16th, 2015

Ryan Berger
City of Groveland
156 S. Lake Avenue
Groveland, Florida 34736

Subject: Preliminary Plat 2nd Review Comments – Springs at Cherry Lake: Application #2014-87

Dear Ryan:

On behalf of our client, L&D, LLC, we are responding to City Staff's preliminary plat review comments for Springs at Cherry Lake subdivision, Application #2014-87. Each comment is reiterated below and followed by our response.

CITY Planner COMMENTS

Preliminary Plat Submittal – The Springs, The Vista and The Cape at Cherry Lake Easement Review

Application #2014-87, 2014-89, 2014-90 2nd Review

Attorney

1. Please see attached response from City Attorney addressed to Kenneth Comia, Planner, City of Groveland. See attached comments.
Note: Regarding Comment Number 4, I will submit the FLU and Zoning Ordinances. as per the City Attorney.

Applicant:

See separate responses to City Attorney comments below as they were provided by separate letter.

Engineer

Sheet 4

1. Provide a copy of right of way dedication documents to Lake County for the 15-foot dedication along Cherry Lake Road.

Applicant:

We are fully aware of this requirement and have been consistently coordinating with the County. As the City is aware Construction Plans have not been completed. It would be premature to develop actual final dedication documents at this time. Documentation shall be provided prior to approval of Construction Plans.

Sheet 6

2. The Deed of Restrictive Covenants shall include language protecting the integrity of backyard swales that are part of the master drainage systems.

Applicant:

HOA documents provide for the maintenances of and protecting the integrity of rear yard swales as related to the Surface Water Management System as approved by the SJRWMD.

Surveyor

1. As per the City Surveyor, missing from his CD review were:
 - (a) Copy of the recorded deed. (b) Property record card. (c) Title work.
2. Topographic survey does not list additional benchmarks to be used on site other than the benchmark used as the prime reference.

Applicant:

1. **The requested information was provided to the City per the original submittal. A second copy of the Title Opinion and Property Record Cards is provided. This same information can be provided to the County surveyor is the City is not able to provide this information internally.**
2. **It is important for the City surveyor to understand that the existing boundary boundary of the two parcels currently identified by Lake County Property Appraisers office, deeds and property record cards do not reflect the proposed boundary of the subject Preliminary Plat. Based upon extensive discussions with the City Attorney and Staff , real estate closing will occur prior to approval of construction plans that will demonstrate the actual boundary and property ownership exist as reflects on the Preliminary Plat.**
3. **Topographic Survey provided adequate information for the review of the Preliminary Plat. Construction Plans will provide additional information that is necessary to construct the project which shall occur under a separate submittal and review.**

Comments by City Attorney Second Review / May 15, 2015

1. Property Owner & Agent Affidavit is not executed by all owners at the time the application is being filed. All owners at the time the application is being filed must execute the affidavit agreeing to the appointment of the agent. Sec. 145-46(d)(3). The previously submitted title of certificate states the record title owner is Wannee Land Company, Castle Management Partners, LLP, L & D, LLC, and Lawrence E. White as Trustee under Land Trust Agreement LEWTA2, dated June 15, 1990. Only Daniel R. Jensen signed as an owner.

Applicant:

Please see the requested information attached designating William A. Ray, AICP as Authorized Agent;

1. **Property Owner & Agent Affidavit signed by Wannee Land Company**
2. **Property Owner & Agent Affidavit signed by L&D LLC, Daniel Jensen**
3. **Property Owner & Agent Affidavit signed by L&D LLC, Mona Lisa Rutzebeck**
4. **Property Owner & Agent Affidavit signed by Castle Management Partners, LLP**

5. Property Owner & Agent Affidavit signed by Larry E. White as Trustee for LEWTA2

2. Application lists one parcel. Property record cards submitted in support of Certificate of Title Information includes two properties with a property record card for the two properties. The Boundary Survey Note 7 reflects the property to be developed as The Springs is a portion of Alt. Key 3354494 & 1801907. The applicant should confirm whether the application is incorrect in only listing one alternate key number, or if the surveyor/title work is incorrect in including more than one alternate key number. Sec. 145-46(d)(4).

Applicant:

Agreed: Application is to be corrected and reflect Two (2) parcels, a portion of Alt Key 3354494 and 1801907

3. The 2007 Traffic Impact Study prepared by Traffic Planning & Design was not provided to me. I understand from the applicant's response it was provided to the City electronically and forwarded to the Lake-Sumter MPO to review and provide comments. Since this project impacts a county road, it should be provided to Lake County as well.

Applicant:

Agreed, Information has been provided to Lake County. The County had already reviewed the original information and Traffic Study. The updated Study confirmed that assumptions and findings of the original study were correct, reflected the current condition and did not recommend any additional off-site improvements. All of this information has previously been provided to the City of Groveland at the previous submittal

4. The Application indicates the property is zoned R-2 and has an existing land use designation of SFMD - Single Family Medium Density while Sheet 4 states the land use is North Residential Neighborhood Development and Conservation. 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.

Applicant:

Sheet 4 has been corrected to show Existing Land Use to the North as SFMD as also shown on the City of Groveland's adopted Future Land Use Map (FLUM). City Planner (Ken Comia) has said in his letter of 5.29.15 that he will provide the City attorney with both the specific FLU Ordinance and Zoning Ordinance for the property

5. A boundary survey submitted includes a note that it was prepared without the benefit of a title policy or abstract. It should be updated to include any matters of title. Sec. 145- 46(d)(S).

Applicant: The updated Boundary Survey is provided as requested.

6. All owner's names and addresses must be listed on the face of the

preliminary plat. Sec. 145-46(h)(l). Although Mr. Ray's response refers to the updated drawing submitted by Knight Engineering, only L&D, LLC and its address is listed.

Applicant:

Agreed, this additional information has been added to the face of the Preliminary Plat as requested.

7. City Code requires 24' pavement width. Sheet 12 continues to show pavement width of 20'. In comparing the first submittal Sheet 12 and this submittal Sheet 2 the pavement width has not been changed. In addition, Sheet 12 states that the City of Groveland will operate and maintain the roadways; however, notes continue to exist throughout the plans stating it will be a gated project. Therefore, ownership and maintenance cannot be the City. Please correct. Sec. 145-46(h)(5).

Applicant:

The 20' Pavement width referenced on sheet 12 is only the TYPICAL BOULEVARD CROSS SECTION associated with the Gated Entrance Ways. These 20' Lanes are Single Lanes with a divided median and exceeds City requirements. The Typical Road Section that is identified as TYPICAL STREET SECTION WITH CURB & GUTTER also found on Sheet 12 clearly identifying 24' pavement width as required by the City.

Ownership and Maintenance requirements have been updated and revised to state that the HOA will be responsible for Maintenance and Operation of the internal private streets and roadways

8. Sheet 4 of 12 depicts Tracts A J and the name of each tract. There appear to be two designated as Tract D. Tract D is designated as a Recreational Area/Perpetual Open Space Area at the northwest corner of Cherry Lake Road and Cherry Lake Springs Blvd. There is a Tract D west of Lot 60. Please clarify. In addition, please insert a Chart or Notes providing dedication, ownership and maintenance for each tract. Sec. 145-45(h)(7). Other comments relating to the tracts are:

Applicant:

A Master Easement exhibit is provided further clarifying ownership, dedication, ownership and maintenance all the Easements associated with the 3 projects, The Springs, The Vista and The Cape.

- a. The road is not designated as a tract. Since the road is private, it should be placed in a tract with dedication, ownership and maintenance obligations. Mr. Ray's response is it will be an easement. Please explain. Who will own the underlying fee to the road?

Applicant:

The HOA will own the underlying land encumbered by the easements for the road, utilities, stormwater, landscaping and recreation/open space.

9. 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 the roadway for ingress and egress in order to access utility easements and Tract A, Lift Station. Also, there is no dedication of drainage easements. Finally, there is no dedication of a perpetual easement over the roadway for ingress and egress to The

Vista at Cherry Lake and The Cape at Cherry Lake. Sec. 145-45(h)(8). 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.

Applicant:

Information provided to the City has been updated to include the dedications of perpetual utility and ingress/egress easements to the City where necessary.

Information provided to the City has been updated to provided perpetual ingress /egress easement to The Vista at Cherry Lake and The Cape at Cherry Lake.

Agreed that notes on the Plat shall address this concern.

10. All easements detailed in Certificate of Title Information are not detailed on plat or sketch and description. They should be detailed on the proposed plat as well as on the boundary survey. See Sec. 145-46(h)(8). Mr. Ray's response indicates this has been addressed; however, I only see reference to existing drainage easements that will be abandoned as provided on Sheet 2, and there is no reference to the book and page of the drainage easement so it is not clear if this is referring to the recorded drainage easements, and if so, which one of the recorded drainage easements. Perhaps provide the Sheet number where these changes have been made and I will re-review.

Applicant:

The Boundary Survey has been update to show all easements detailed in the Certificate of Title. It is our understanding that easements not reflected on the Preliminary plat are to be vacated, abandoned or relocated pursuant to information provided for on the Preliminary Plat.

11. Please ensure the City's engineer agrees with the proposed finished floor elevations as they are not a minimum of 18 inches above the crown of the adjacent road or roads. Sheet 6. See Sec. 145-46(h)(12).

Applicant:

City Engineer has not raised this issue a 2nd time as the answers were provided earlier to their comments of 5.02.15. Locating lots adjacent to roadways and streets, where the Finish Floor is lower than the adjacent roadway, is a common and acceptable development practice. During the review of final construction plans additional and a more detailed review shall occur, as anticipated, providing additional and site specific information to assure that the Finish Floor of a lot adjacent to the road will not result in any adverse impacts to structures and provide for adequate drainage and flow of surface water resulting from rainfall.

12. Tract A is described as Lift Station Tract. Unless otherwise determined by the Public Services Director, Tract A must be conveyed to the City of Groveland via a warranty deed. At submittal for final plat approval please provide a draft warranty deed for my review. A bill of sale will also be required to convey utility infrastructure improvements to the City. At submittal for final plat approval please provide a draft bill of sale for my review. I understand Mr. Bozarth may have addressed in his response of March 31, 2015; however, the plat must address the dedication. As

requested above a Chart or Notes providing dedication, ownership and maintenance for each tract will address this comment as it relates to dedication, ownership and maintenance until final plat submittal.

Applicant:

Agreed; Information provided to the City has been updated to include the dedication and conveyance of Title and Ownership of Tract A to the City of Groveland in a manner and procedure established by the City.

13. Approval will be contingent on approval of The Vista and The Cape. I understand the applicant is aware of this continuing comment.

Applicant:

Agreed

If you have any questions or require additional information please do not hesitate to contact me. We look forward to continue working together in order to obtain a timely approval of the subject Preliminary Plat.

Sincerely,



William (Bill) a. Ray, AICP

Ray and Associates
Planning and Environmental

CC via email:

L&D LLC

Wanee Land Company Co.

Knight Engineering

Attached:

2 Copies signed and Sealed updated Preliminary Plat with Master Easement Exhibit; 24X36

2 Copies Signed and Sealed updated Boundary survey; 24X36

2 Copies Signed and Sealed updated Boundary survey; 11X17

Property Record Cards for 2 parcels

5-Property Owner & Agent Affidavits for : 2-L&D LLC (2-Owners), 1- Wanee Land Co,

1-Castle Management Partners Inc, 1-LEWTA2

CD- Electronic copies of all submittal