



**SANTA ROSA COUNTY
PUBLIC WORKS DEPARTMENT**

STEPHEN FURMAN
Director
stephenf@santarosa.fl.gov

6075 Old Bagdad Highway | Milton, Florida 32583

MEMORANDUM

TO: Tony Gomillion, County Administrator

FROM: Stephen Furman, Public Works Director

DATE: Sept. 30, 2016

A handwritten signature in black ink, appearing to be "S. Furman", is written over the "FROM" line.

SUBJECT: Encroachment Agreement Request from Danny G. Arnold & Sandra A. Arnold for Parcel 30-2S-28-0301-00B00-0010, being Lot 1, Block "B", Bay Ridge Park First Addition.

RECOMMENDATION

Discussion of the request for an Encroachment Agreement to be granted to Danny G. Arnold & Sandra A. Arnold, allowing for a three foot (3') encroachment of a retaining wall into the county's 25 foot wide drainage easement on Lot 1, Block "B", Bay Ridge Park First Addition.

BACKGROUND

The Arnold's purchased Lot 1, Block "B", Bay Ridge Park First Addition, recorded in Plat Book B, Page 128 in November 2014. They are currently in the process of building a home on the lot, and during the layout of the home, they discovered that a previous owner had deeded the county a 25 foot wide drainage easement along the western boundary of the lot. This deed is recorded in Book 3386, Page 374 of the Official Records of Santa Rosa County. The lot is 60 feet wide, so the 25 foot drainage easement encumbers a significant portion of the lot. There is a county maintained drainage way within the deeded easement. The Arnold's request is to be allowed to encroach no greater than three feet into the eastern side of the drainage easement with a wooden retaining wall to provide enough room on the lot for the construction of a home. The home would not encroach into the easement, only the wall and the backfill material. Public Works has reviewed this information and offers no objections to the requested encroachment.

The County Attorney is in the process of preparing an agreement for consideration by the Board.

W W Curle
Land Surveying, Inc.

1900 Hwy 87, Ste M
Navarre, Florida 32566
(850) 939-8787
(850) 939-8797 Fax
wwcurle@bellsouth.net
Licensed Business (LB) 6550

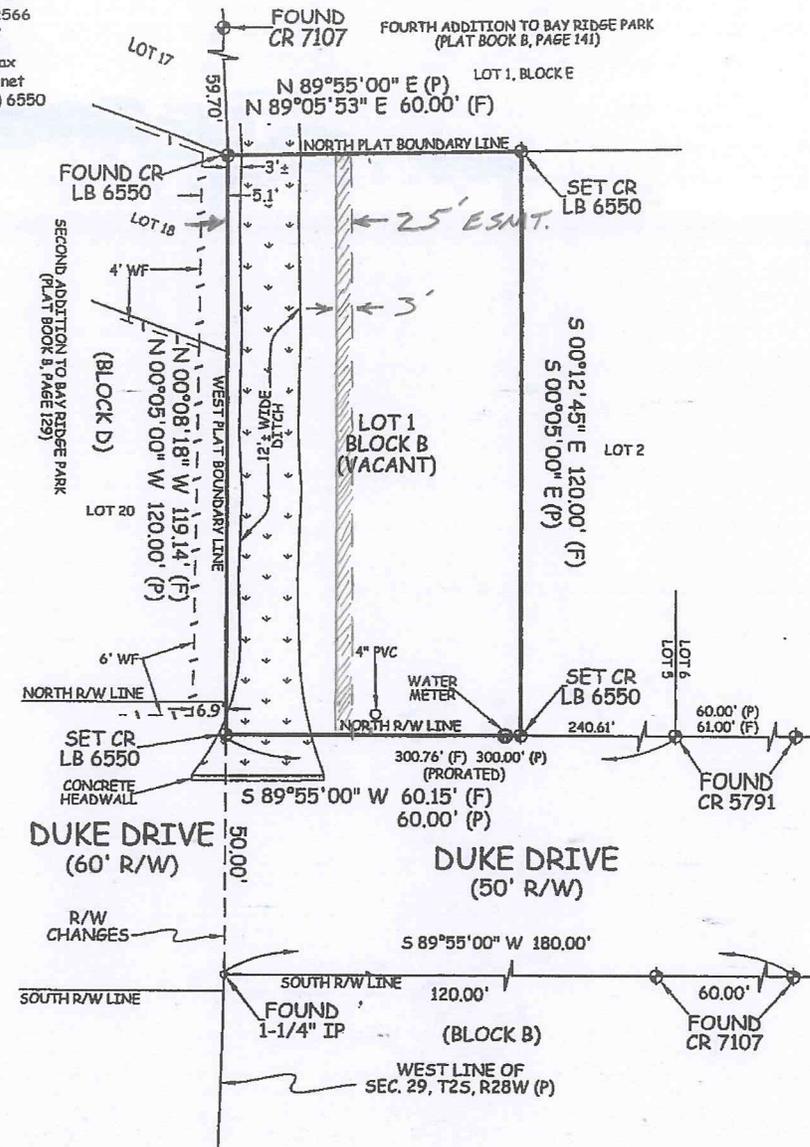
DKRAINAGE EASEMENT D.R. 1003/159



Scale
1"=30'

LEGEND:

- BC BACK OF CURB
- BLDG BUILDING
- BSL BUILDING SET-BACK LINE
- CB CHORD BEARING
- CH CHORD
- CLF CHAIN LINK FENCE
- CONC CONCRETE
- CM CONCRETE MONUMENT
- CMP CORRUGATED METAL PIPE
- CR 1/2" CAPPED ROD (UNLESS NOTED)
- D DEED CALL
- D/U DRAINAGE UTILITIES
- ELEV ELEVATION
- E/P EDGE OF PAVEMENT
- MCR MUTILATED CAPPED ROD
- N/D NAIL AND DISK
- NSVD NATIONAL GEODETIC VERTICAL DATUM
- F FIELD MEASUREMENT
- FFE FINISHED FLOOR ELEVATION
- FL FLOW LINE
- INV INVERT
- IP IRON PIPE
- IR IRON ROD
- L ARC LENGTH
- NR NON-RADIAL
- P PLAT DIMENSION
- PC POINT OF CURVATURE
- PCC POINT OF COMPOUND CURVATURE
- PCP PERMANENT CONTROL POINT
- PI POINT OF INTERSECTION
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PRC POINT OF REVERSE CURVATURE
- PRM PERMANENT REFERENCE MARKER
- PT POINT OF TANGENCY
- RAD RADIAL
- R RANGE OR RADIUS
- RCP REINFORCED CONCRETE PIPE
- RP RADIUS POINT
- R/W RIGHT-OF-WAY
- S/D SUBDIVISION
- SEC SECTION
- SRD STATE ROAD DEPARTMENT
- T TOWNSHIP
- T/C TOP OF CURB
- TBM TEMPORARY BENCH MARK
- TP TYPICAL
- WF WOOD FENCE



LEGAL DESCRIPTION:

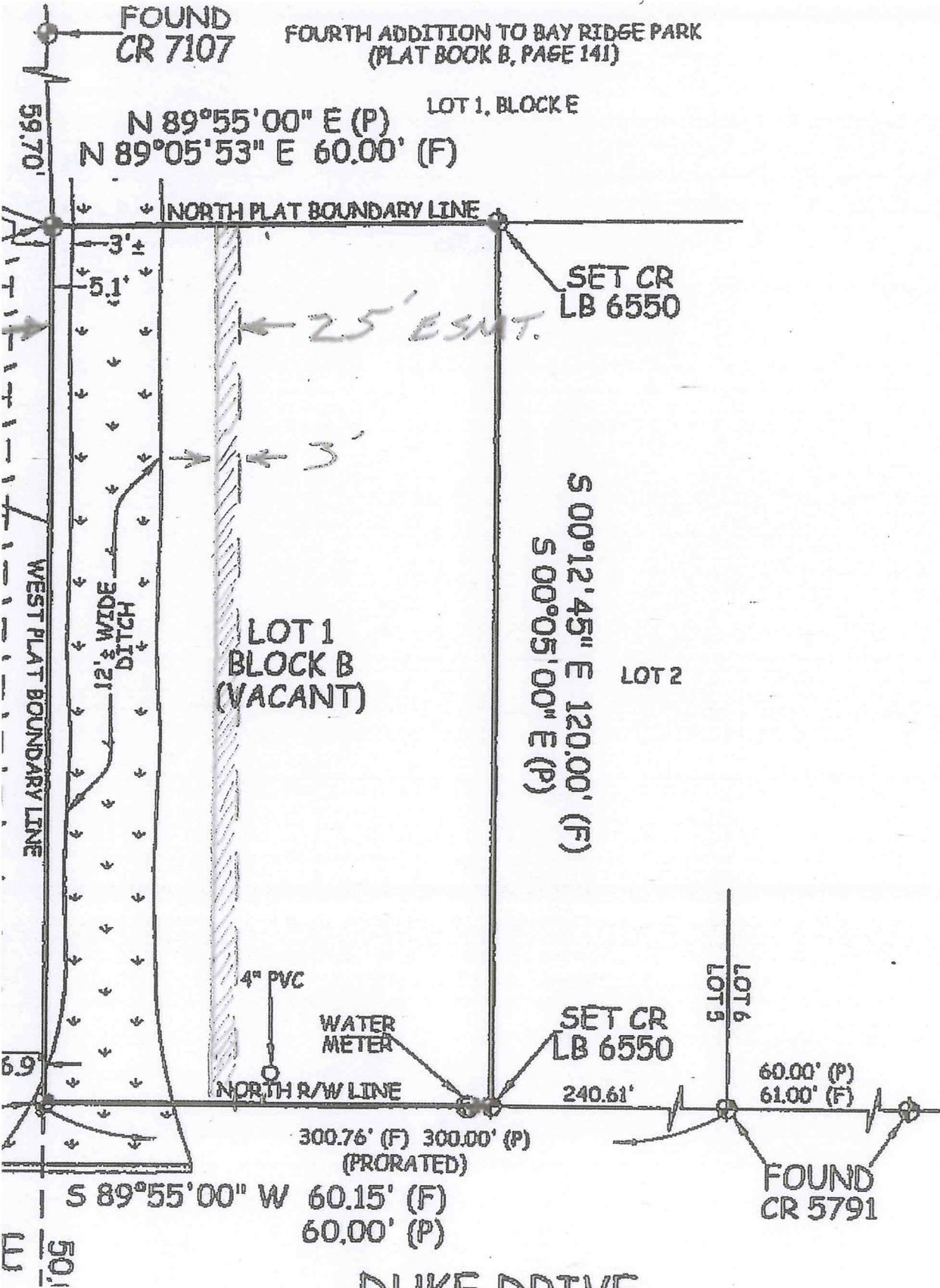
LOT 1, BLOCK B, BAY RIDGE PARK FIRST ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK B, AT PAGE 128, OF THE PUBLIC RECORDS OF SANTA ROSA COUNTY, FLORIDA.

GENERAL NOTES:

- 1) NO TITLE RESEARCH HAS BEEN PERFORMED BY THIS FIRM.
- 2) MEASUREMENTS ARE IN ACCORDANCE WITH U.S. STANDARDS.
- 3) UNDERGROUND STRUCTURES AND IMPROVEMENTS NOT LOCATED UNLESS NOTED.
- 4) NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- 5) THE ACCURACY OF MEASUREMENTS PERFORMED MEETS THE REQUIREMENTS FOR CLOSURE.
- 6) DATA SHOWN OUTSIDE THE DESCRIBED PROPERTY IS SHOWN FOR INFORMATIONAL PURPOSES ONLY.
- 7) FIELD MEASUREMENTS AGREE WITH RECORD MEASUREMENTS UNLESS NOTED ON DRAWING.
- 8) ENCROACHMENTS ARE AS SHOWN ON THE DRAWING.
- 9) THIS IS A BOUNDARY SURVEY.
- 10) FIELD DATE IS DECEMBER 3, 2014.
- 11) FIELD BOOK 503/25.
- 12) BEARINGS ARE REFERENCED TO THE SOUTHERLY R/W OF DUKE DRIVE.
- 13) THE ABOVE DESCRIBED PARCEL IS LOCATED IN SHADED FLOOD ZONE "X" AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD, ACCORDING TO MAPS PUBLISHED BY FEMA, COMMUNITY-PANEL NO. 120274 0539 6, REVISED DECEMBER 19, 2006.
- 14) FLOOD ZONE INFORMATION TO BE USED FOR RATES ONLY, NO CERTIFICATION AS TO RISK IS BEING MADE.
- 15) THIS PLAT IS THE EXCLUSIVE PROPERTY OF W. W. CURLE LAND SURVEYING, INC. AND IS TO BE USED ONLY FOR THE PURPOSE CONTRACTED FOR. NO REPRODUCTIONS, IN WHOLE OR IN PART, MAY BE MADE WITHOUT EXPRESSED WRITTEN PERMISSION.

Drawing No. 14-0547
Ordered By: Danny Arnold
Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper
W.W. Curle, Jr. PSM 5096 James R. Cunningham PSM 5491

DRAINAGE EASEMENT D.R. 1003/159



Result Row:

Instrument # ◀Prev 201439612 Next▶

Document Navigation by Pages:

◀Previous Document - Next Document▶

Booktype: Official Records ▼

Book: 3386 Page: 374 Jump To

Document Type:	(D) DEED
Record Date :	11/12/2014 1:44:22 PM
Grantor:	HAMMONDS ANGELINA
Grantee:	ARNOLD DANNY G ARNOLD SANDRA A
Book Type:	OR
Book / Page:	3386 / 374
# of Pages:	1
Consideration:	12,000.00
Legal:	BAY RIDGE PARK 1ST ADD 1/B

Note: Empty fields are not shown

[Direct External Link to this Document](#)

Result Row: ◀Prev 1 of 1 Next▶

Instrument # ◀Prev 890003308 Next▶

Document Navigation by Pages:

◀Previous Document - Next Document▶

Booktype: Official Records ▼

Book: 1003 Page: 159 Jump To

Document Type:	(EAS) EASEMENT
Record Date :	2/10/1989 2:10:00 PM
DirectName:	BUNKER SALLY J
ReverseName:	COUNTY OF SANTA ROSA
Book Type:	OR
Book / Page:	1003 / 159
# of Pages:	1
Legal:	BAY RIDGE PARK 1ST AD PT 1/B

Note: Empty fields are not shown
[Direct External Link to this Document](#)

**AN AGREEMENT AND CONSENT TO
ENCROACH ON COUNTY EASEMENT**

THIS AGREEMENT AND CONSENT TO ENCROACH ON COUNTY EASEMENT (“Agreement”), is entered into by and between Danny G. Arnold and Sandra A. Arnold (“Owners”), whose mailing address is 1622 College Parkway, Gulf Breeze, Florida 32563, and Santa Rosa County (“County”), a political subdivision of the State of Florida, whose mailing address is 6495 Caroline Street, Milton, Florida 32570.

1. Owners are the owners of the following described real property located in Santa Rosa County, Florida, over which County has a certain drainage easement recorded in Official Record Book 1003 at Page 159 of the public records in and for Santa Rosa County, Florida:

Lot 1, Block B, First Addition to Bay Ridge Park, according to the Plat thereof as recorded in Plat Book B, Pages(s) 128, of the Public Records of Santa Rosa County, Florida.

hereinafter “the property.”

2. Owners request permission to construct a three (3) feet high retaining wall and fill encroaching three (3) feet on the east side of the drainage easement.

3. The County hereby grants to Danny G. Arnold and Sandra A. Arnold, Owners, permission for the encroachment to so be constructed and remain in the form as depicted on the attached sketch.

4. Owners, Danny G. Arnold and Sandra A. Arnold hereby expressly understand and agree that the encroachments encroach upon the easement.

5. This Agreement shall remain in force and effect only so long as the encroachment of the Owners remains in the described form and that, upon removal, demolition, destruction or replacement thereof, all rights of the Owners under this agreement shall cease.

6. Owners agree to indemnify, defend and hold harmless the County from any and all claims of liability arising from or occasioned by the use of the easement.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on this _____ day of _____, 2016.

Witness:

DANNY G. ARNOLD

Witness

Witness: _____

SANDRA A. ARNOLD

Witness

**STATE OF FLORIDA
COUNTY OF SANTA ROSA**

BEFORE ME, personally appeared, Danny G. Arnold, who is personally known to me or had produced _____ as identification and did (not) take an oath, and who executed the foregoing instrument, and acknowledged before me that the same was executed for the purposes therein expressed.

WITNESS my hand and official seal on this ____ day of _____, 2016.

Notary Public

My Commission Expires: _____

Commission No.: _____

**STATE OF FLORIDA
COUNTY OF SANTA ROSA**

BEFORE ME, personally appeared, Sandra A. Arnold, who is personally known to me or had produced _____ as identification and did (not) take an oath, and who executed the foregoing instrument, and acknowledged before me that the same was executed for the purposes therein expressed.

WITNESS my hand and official seal on this ____ day of _____, 2016.

Notary Public

My Commission Expires: _____

Commission No.: _____

ACCEPTANCE

This License Agreement was approved at a regular or special meeting of the Board of County Commissioners on the __ day of _____, 2016.

ATTEST:

Lane Lynchard, Chairman

Donald C. Spencer, Clerk of Court