

January 11, 2021  
Regular Meeting

**ITEM 8B – ADOPTION OF A RESOLUTION TO VACATE THE WESTERN TERMINUS OF PAMELA PARKWAY; RICK; PETITIONERS: RICHARD MARCHEWKA AND JOHN DOUGHERTY**

The following request was submitted by Tim Telfer, Land Management:

**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
GENERAL BUSINESS / AGENDA ITEM # 8b**

**SUBJECT:** Adoption of a Resolution to Vacate the Western Terminus of Pamela Parkway; Rick; Petitioners: Richard Marchewka and John Dougherty.

**DATE OF MEETING:** January 11, 2021

**OVERVIEW/SUMMARY:** The County has received a request from Richard Marchewka and John Dougherty seeking the vacation of the westernmost 150 feet of Pamela Parkway as depicted on the plat of Likins Subdivision, recorded in Map Book 5, Pages 66-67, of the Public Records of Flagler County, Florida. The purpose of the right of way vacation is to allow the homeowners to construct a flood mitigation structure along the Intracoastal Waterway at which the roadway dead ends.



The Petitioners are the owners of the parcels to the north and south of the proposed plat vacation area, 2 James Roy Ave West and 24 Pamela Parkway. The Petitioners experienced flooding during Hurricane Irma and have communicated a desire to construct a flood mitigation structure. The structure proposed would consist of a new seawall tied into the Petitioners' seawalls. As mentioned, this new seawall would be constructed in the plat vacation area. The proposed vacation area is 50' X 149'-156', the depth varies as the vacation area follows the Intracoastal Waterway waterline. The vacation area, which has been surveyed, totals 7,654 sq. ft. If approved, each Petitioner would receive a 25' wide section of the vacated area along the length of their residential properties.

The area to be vacated is currently open to the public due to its status as a dedicated roadway and provides legal access to the Intracoastal Waterway. However, this area is not maintained as a public access point by Flagler County, and there is no community homeowners association that may oversee the maintenance of the access way. The end of the roadway is rock and sand and is unsuitable for launching trailered vessels. While some have utilized this area for canoe/kayak launching, it has also seen motor vehicle accidents and loitering. The vacation area is essentially an alleyway and vacation will not disrupt traffic patterns.



Section 336.10, Florida Statutes, authorizes the County Commission to vacate roads within its jurisdiction by conducting an advertised public hearing and adopting a resolution.

**DEPARTMENT CONTACT:** Tim Telfer, Land Management (386) 313-4066

**(Item 8b – continued)**

**OPTIONS FOR THE BOARD:**

1. **APPROVAL** – adopt the Resolution vacating the western terminus Pamela Parkway.
2. **DENIAL** – do not adopt the Resolution vacating the western terminus of Pamela Parkway.
3. **TABLE** – table the request for additional information.

**ATTACHMENTS:**

1. Resolution
2. Public Notice

Tim Telfer, Resiliency and Resource Stewardship Manager, gave the presentation. Stated some costs had been incurred by the County and both applicants agreed to reimburse those. Noted the applicants had paid the vacation application fee at this time.

Commissioner Mullins inquired about County losing a public access point.

Mr. Telfer replied the access point was not maintained by the County and was not suitable for launching a boat or trailer but was occasionally used for a kayak or canoe launch. Added there had been a several serious issues over time.

Chair O'Brien requested public comment.

John Dougherty, area property owner, stated because of the makeshift ramp and bulkhead three homes had been flooded during the hurricanes and was hoping to work with the owner to the north to build a seawall. Opposed posting and having more community engagement. Added he owned five deeds on this road and not one of those deeds said access was granted to this parcel.

Commissioner Dance favored a larger look at some of these planning issues. Stated vacating rights-of-way was not a Planning Board issue, but he would like to see a drainage easement over the property. Favored tabling.

Commissioner Sullivan commented installing a wall might force flooding in adjacent areas and agreed with tabling.

**A motion was made by Commissioner Dance to table the item to a date certain of the first meeting in February, to post it, and to include a drainage easement. Seconded by Commissioner Sullivan.**

**Chair O'Brien called the question. Motion carried 3 to1 with Commissioner Mullins dissenting and Commissioner Hansen absent.**

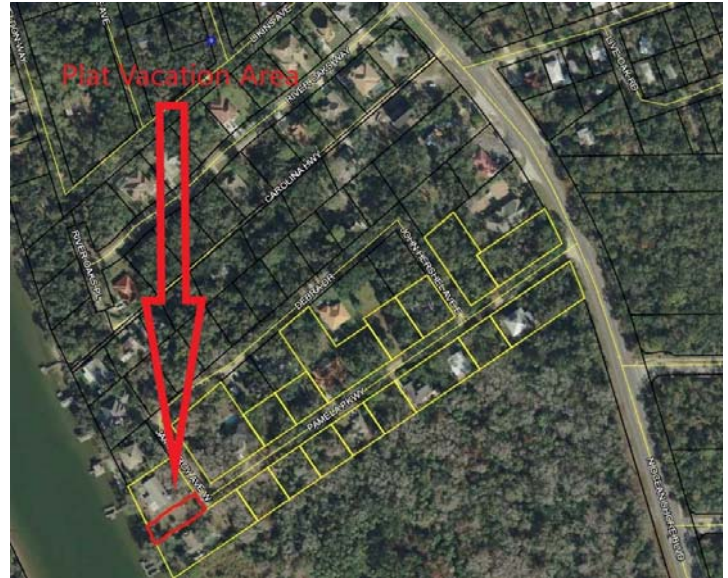
**FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS  
GENERAL BUSINESS / AGENDA ITEM # 8b**

**SUBJECT:** Adoption of a Resolution to Vacate the Western Terminus of Pamela Parkway; Petitioners: Richard Marchewka and John Dougherty.

**DATE OF MEETING:** February 1, 2021

**OVERVIEW/SUMMARY:**

This is a continuation of Item 8b from the January 11, 2021 Board meeting. At that meeting, the Board passed a motion (i) to continue this item to the February 1, 2021 meeting, (ii) to post a sign on the property notifying the public of the Board's consideration of the request, and (iii) to include an easement across the vacated area for future drainage purposes.



Staff posted a sign at the potential vacation property on January 19<sup>th</sup>, notifying the neighborhood of the Board's consideration of this request. Staff has also modified the vacation resolution to retain a drainage easement across the right of way to be vacated.

**Previously presented information:**

The County has received a request from Richard Marchewka and John Dougherty seeking the vacation of the westernmost 150 feet of Pamela Parkway as depicted on the plat of Likins Subdivision, recorded in Map Book 5, Pages 66-67, of the Public Records of Flagler County, Florida. The purpose of the right of way vacation is to allow the homeowners to construct a flood mitigation structure along the Intracoastal Waterway at which the roadway dead ends.

The Petitioners are the owners of the parcels to the north and south of the proposed plat vacation area, 2 James Roy Ave West and 24 Pamela Parkway. The Petitioners experienced flooding from the Intracoastal Waterway during Hurricane Irma and have communicated a desire to construct a flood mitigation structure. The structure proposed would consist of a new seawall tied into the Petitioners' seawalls. As mentioned, this new seawall would be constructed in the right of way vacation area along the property line of the Intracoastal Waterway. The proposed vacation area is 50' X 149'-156', the depth varies as the vacation area follows the Intracoastal Waterway waterline. The vacation area, which has been surveyed, totals 7,654 sq. ft. If approved, each Petitioner would receive a 25' wide section of the vacated area along the length of their residential properties.

The area to be vacated is currently open to the public due to its status as a dedicated roadway and provides legal access to the Intracoastal Waterway. However, this area is not maintained as a public access point by Flagler County, and there is no community homeowners association that may oversee the maintenance of the access way. The end of the roadway is rock and sand and is unsuitable for launching trailered vessels. While some have utilized this area for canoe/kayak launching, it has also seen motor vehicle accidents and loitering. The vacation area is essentially an alleyway and vacation will not disrupt traffic patterns.

Sections 336.09, 336.10, and 336.12, Florida Statutes, authorizes the County Commission to vacate roads within its jurisdiction by conducting an advertised public hearing and adopting a resolution.



**DEPARTMENT CONTACT:** Tim Telfer, Land Management (386) 313-4066

**OPTIONS FOR THE BOARD:**

1. **APPROVAL** – adopt the Resolution vacating the western terminus Pamela Parkway.
2. **APPROVAL WITH CONDITIONS** – adopt the Resolution vacating the western terminus of Pamela Parkway with incorporation of additional conditions
3. **DENIAL** – do not adopt the Resolution vacating the western terminus of Pamela Parkway.
4. **TABLE** – table the request for additional information.

**ATTACHMENTS:**

1. Resolution
2. Public Notice



**RESOLUTION 2021 - \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, TO VACATE THE WESTERN TERMINUS OF PAMELA PARKWAY, AS DEPICTED IN THE PLAT OF LIKINS SUBDIVISION, RECORDED IN MAP BOOK 5, PAGES 66 THROUGH 67, OF THE PUBLIC RECORDS OF FLAGLER COUNTY, FLORIDA; RETAINING A DRAINAGE EASEMENT THEREON; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Richard Marchewka and John Dougherty (the "Petitioners") petitioned this Board of County Commissioners of Flagler County, Florida, ("Board") to vacate the portion of the Pamela Parkway right of way adjacent to their residential properties, as depicted in the Plat of Likins Subdivision, recorded in Official Records of Flagler County, Map Book 5, Pages 66-67; and

**WHEREAS**, the Petitioners are the owners of the properties on adjacent sides of the western terminus of Pamela Parkway, and the vacation of such portion of the roadway will therefore not affect the ownership or right of convenient access of persons owning abutting property; and

**WHEREAS**, the Petitioners' residences experienced flooding during Hurricane Irma, and vacating the terminus of Pamela Parkway will allow the Petitioners to construct a bulkhead where the roadway ends at the Intracoastal Waterway; and

**WHEREAS**, vacating the requested portion of the roadway will not have an adverse effect on the health, safety, and welfare of the community; and

**WHEREAS**, notice of the Board's consideration of the vacation of the western terminus of Pamela Parkway was published in accordance with Section 336.10, Florida Statutes; and

**WHEREAS**, the Board considered this item at its January 11, 2021 meeting and heard public comment before tabling the item to the February 1, 2021 meeting in order to post a notice at the site for interested members of the neighborhood and to modify the vacation resolution to retain a drainage easement across the roadway being vacated.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF FLAGLER COUNTY, FLORIDA, THAT:**

1. The above recitals are incorporated herein as findings of fact.
2. In accordance with Section 336.09, *Florida Statutes*, and subject to the terms herein, Flagler County hereby closes and vacates that portion of Pamela

Parkway described and depicted in Attachment A, attached hereto and incorporated herein. Flagler County renounces and disclaims any right or interest of the County or the public in this section of the Pamela Parkway right of way except that the County retains an easement over, under, across, and through said portion of the right of way for purposes of stormwater drainage, including without limitation the right to construct, operate, and maintain stormwater drainage facilities thereon.

3. This Resolution shall take effect upon recording in the Official Records of Flagler County.

**APPROVED** in open session by the Flagler County Board of County Commissioners in Bunnell, Florida, on this 1st day of February 2021.

**FLAGLER COUNTY BOARD  
OF COUNTY COMMISSIONERS**

**ATTEST:**

\_\_\_\_\_  
Tom Bexley, Clerk of the Circuit  
Court and Comptroller

\_\_\_\_\_  
Donald T. O'Brien Jr., Chair

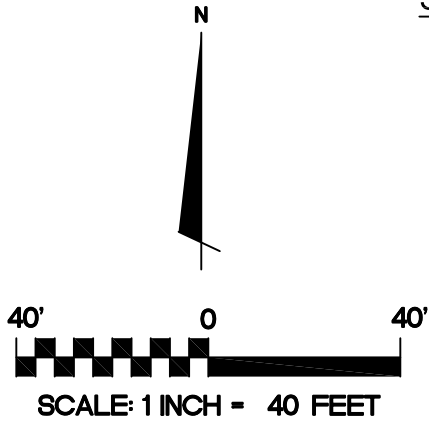
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Al Hadeed, County Attorney

SKETCH AND DESCRIPTION  
(NOT A BOUNDARY SURVEY)



RESERVED FOR RECORDING INFORMATION



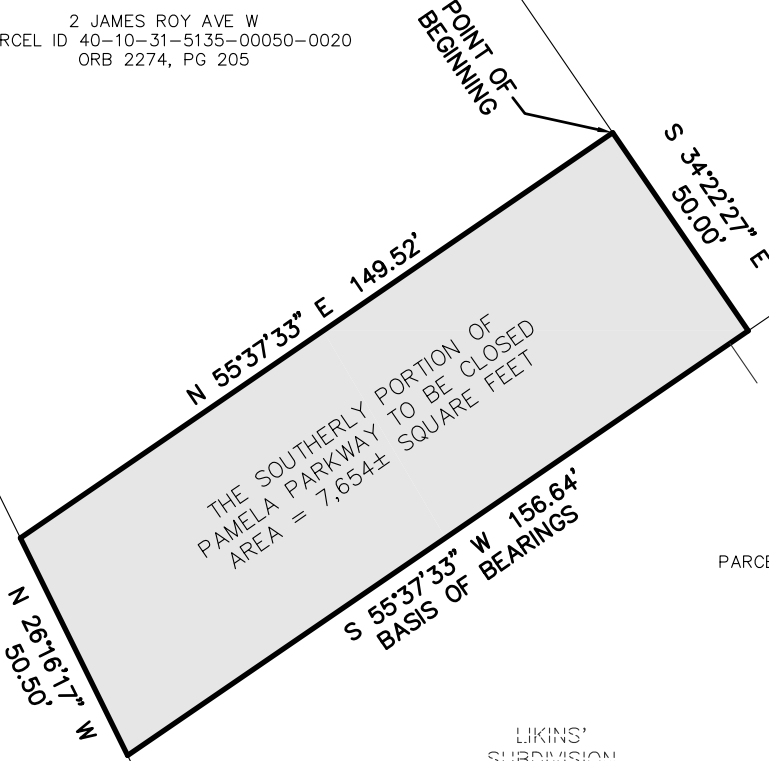
LIKINS'  
SUBDIVISION  
MB 05, PGS 66-67  
LOT 17

2 JAMES ROY AVE W  
PARCEL ID 40-10-31-5135-00050-0020  
ORB 2274, PG 205

JAMES ROY AVENUE W.  
50' R/W

PAMELA PARKWAY  
50' R/W

FLORIDA INTRACOASTAL WATERWAY  
500' R/W



THE SOUTHERLY PORTION OF  
PAMELA PARKWAY TO BE CLOSED  
AREA = 7,654± SQUARE FEET

24 PAMELA PARKWAY  
PARCEL ID 40-10-31-3900-00000-0200  
ORB 2457, PG 793

LIKINS'  
SUBDIVISION  
MB 05, PGS 66-67  
LOT 20

PRELIMINARY

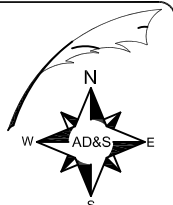
THIS SKETCH AND DESCRIPTION IS FOR INFORMATIONAL PURPOSES ONLY.  
SEE SHEET 2 OF 2 FOR DESCRIPTION, NOTES, ABBREVIATIONS, SYMBOLS AND SIGNATURE.

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DATE: 09-23-2020  
AD&S NO. 2020-FLG-001  
DRAWN TLT  
CHECKED JJW

PREPARED FOR:  
FLAGLER COUNTY  
1769 E MOODY BLVD, BLDG-2  
BUNNELL, FLORIDA 32110

ATLANTIC DRAFTING &  
SURVEYING, INC.  
1362 N. US HWY 1, SUITE 304  
ORMOND BEACH, FLORIDA 32174  
PHONE: 386-264-8490 - LB#8179



**SKETCH AND DESCRIPTION**  
(NOT A BOUNDARY SURVEY)



RESERVED FOR RECORDING INFORMATION

**DESCRIPTION:**

THE SOUTHERLY PORTION OF PAMELA PARKWAY LYING IN SECTION 40, TOWNSHIP 10 SOUTH, RANGE 31 EAST IN FLAGLER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE INTERSECTION OF JAMES ROY AVENUE W., 50 FEET WIDE AND PAMELA PARKWAY, 50 FEET WIDE AS SHOWN ON THE PLAT OF LIKINS' SUBDIVISION AND RECORDED IN MAP BOOK 5, PAGES 66-67 OF THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA; THENCE LEAVING THE SOUTHWEST CORNER OF SAID INTERSECTION AND RUNNING WITH AN EXTENSION OF THE SOUTHWESTERLY RIGHT-OF-WAY OF SAID JAMES ROY AVENUE W. SOUTH 34°22'27" EAST FOR A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF SAID PAMELA PARKWAY; THENCE RUNNING WITH A PART OF THE SOUTHEASTERLY RIGHT-OF-WAY OF SAID PAMELA PARKWAY SOUTH 55°37'33" WEST FOR A DISTANCE OF 156.64 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF THE FLORIDA INTRACOASTAL WATERWAY, 500 FEET WIDE, SAID POINT ALSO BEING THE END OF THE RIGHT-OF-WAY OF SAID PAMELA PARKWAY; THENCE RUNNING WITH A PART OF THE RIGHT-OF-WAY OF SAID FLORIDA INTRACOASTAL WATERWAY NORTH 26°16'17" WEST FOR A DISTANCE OF 50.50 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF SAID PAMELA PARKWAY; THENCE RUNNING WITH A PART OF THE NORTHWESTERLY RIGHT-OF-WAY OF SAID PAMELA PARKWAY NORTH 55°37'33" EAST FOR A DISTANCE OF 149.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,654 SQUARE FEET OF LAND MORE OR LESS.

**SURVEYOR'S NOTES:**

1. THIS IS A SKETCH AND DESCRIPTION AND NOT A BOUNDARY SURVEY.
2. THE BASIS OF BEARINGS FOR THIS SKETCH AND DESCRIPTION IS S 55°37'33" W ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF PAMELA PARKWAY AS SHOWN ON THE PLAT OF LIKINS' SUBDIVISION AND RECORDED IN MAP BOOK 5, PAGES 66-67 OF THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA.
3. THERE MAY BE ADDITIONAL COVENANTS, EASEMENTS, RESERVATIONS, RESTRICTIONS, OR OTHER MATTERS NOT SHOWN ON THIS SKETCH AND DESCRIPTION WHICH MAY BE FOUND IN THE OFFICIAL RECORDS OF FLAGLER COUNTY, FLORIDA.
4. THIS SKETCH AND DESCRIPTION WERE PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT OR TITLE COMMITMENT.
5. THIS SKETCH AND DESCRIPTION ARE NOT VALID WITHOUT THE ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

**ABBREVIATIONS**

C=CURVE	R/W=RIGHT-OF-WAY
D=DELTA	CL = CENTER LINE
R=RADIUS	POB=POINT OF BEGINNING
L=LENGTH	POC=POINT OF COMMENCEMENT
CH=CHORD	PCP=PERMANENT CONTROL POINT
CB=CHORD BEARING	SEC=SECTION
PC=POINT OF CURVE	RNG=RANGE
PT=POINT OF TANGENCY	TWP=TOWNSHIP
PI=POINT OF INTERSECTION	ID=IDENTIFICATION
MB=MAP BOOK	(D)=DEED
PB=PLAT BOOK	(P)=PLAT
PG.=PAGE	(F)=FIELD MEASURED
ORB=OFFICIAL RECORD BOOK	(NR)=NON-RADIAL
SF=SQUARE FEET	(RAD)=RADIAL
AC=ACRES	

SIGNED: \_\_\_\_\_  
JOSEPH JAY WOOLDRIDGE, FLORIDA PSM LS6994

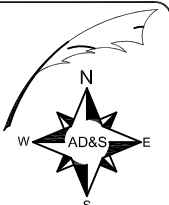
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DATE: 09-23-2020  
AD&S NO. 2020-FLG-001  
DRAWN TLJ  
CHECKED JJW  
SHEET 2 OF 2

PREPARED FOR:  
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1362 N. US HWY 1, SUITE 304  
ORMOND BEACH, FLORIDA 32174  
PHONE: 386-264-8490 - LB#8179





**Order Confirmation**

**Not an Invoice**

<b>Account Number:</b>	465546
<b>Customer Name:</b>	Flagler County Board Of County Commissioners
<b>Customer Address:</b>	FLAGLER COUNTY BOARD OF COUNTY COMMISSIONERS OFFICE OF MANAGEMENT & BUDGET 1769 E MOODY BLVD STE 306 ATTN: TDC 1769 E MOODY BLVD STE 306 BUNNELL Florida 32110
<b>Contact Name:</b>	FCOBOCC FLAGLER COUNTY BOARD OF COUNTY C
<b>Contact Phone:</b>	3864370106
<b>Contact Email:</b>	gturner@flaglerchamber.org
<b>PO Number:</b>	

<b>Date:</b>	12/08/2020
<b>Order Number:</b>	5380261
<b>Prepayment Amount:</b>	\$ 0.00

**Print**

Product	#Insertions	Start - End	Category
DTB news-journalonline.com	1	12/23/2020 - 12/23/2020	Public Notices
DTB Palm Coast News Tribune	1	12/23/2020 - 12/23/2020	Public Notices

<b>Total Order Confirmation</b>	<b>\$15.64</b>
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## Ad Preview

### PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT in accordance with Section 336.10 of the Florida Statutes, the Flagler County Board of County Commissioners will consider a resolution to vacate the approximately 150' western terminus of Pamela Parkway as shown on the plat of Likins Subdivision as recorded in Map Book 5, Pages 66-67 of the Official Records of Flagler County, Florida. This hearing will be held at the Flagler County Government Services Building located at 1769 E. Moody Blvd., Bunnell, Florida, Building 2, in the Board Chambers on January 11, 2021 at 9:30 a.m. or soon thereafter.

PURSUANT TO FLORIDA STATUTE 286.0105, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THE HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, HE/SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

NT#5380261 Dec. 23, 2020 11