

**MINUTES OF THE REGULAR MEETING
OF THE TECHNICAL REVIEW COMMITTEE
LADY LAKE, FLORIDA
April 16, 2013**

The Technical Review Committee meeting was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida at 10:00 a.m.

MEMBERS PRESENT: Thad Carroll, Growth Management Director; Wendy Then, Town Planner; Thomas (Butch) Goodman, Utilities Supervisor; Joe Crum, Building Official; and Police Chief Chris McKinstry

STAFF PRESENT: Julia Wolfe, Staff Assistant to Town Clerk

The meeting was called to order by Thad Carroll, Growth Management Director.

1. Approval of Minutes: April 2, 2013

Upon a motion by Chief Chris McKinstry and seconded by Joe Crum, the Technical Review Committee approved the minutes as presented for the April 2, 2013 meeting, by a vote of 5-0.

2. Resolution No. 2013-103 – William and Kathleen Boseski – Partial Easement Vacation; Vacating Five Feet of a 30 Foot Special Utility Easement Located Off of the Rear of the House – Located at 1013 San Remo Lane

Wendy Then, Town Planner, presented the background summary for this agenda item (on file in the Town Clerk's office). She stated the applicants, William and Kathleen Boseski, have submitted an application for the partial vacation of a 30-foot Special Utility Easement. The applicants are proposing to construct a 19.9' x 20.1' screened enclosure with spa and to accommodate an existing 7.9' x 28.1' screened enclosure off of the rear of the house. Ms. Then stated the proposed improvements would encroach five feet into the easement, requiring the applicants to submit the Easement Vacation application first. The subject easement is located upon Lot 5444 of the Orange Blossom Gardens Unit 17b, and is more particularly described in the attached Exhibit "A" of Resolution No. 2013-103.

Ms. Then stated as part of the Easement Vacation application, the Utility Review form for vacation of an easement was submitted to the following local utility companies on April 1, 2013:

- Lady Lake Public Works
- CenturyLink/Embarq
- SECO
- Comcast
- The Villages Utilities

Please see response/comments in the following table:

Utility Name	Utilities on Site	Approve/Deny Project	Comments
Lady Lake Public Works	No	Approve	Pending Determination by VCCD
CenturyLink/Embarq	Yes	Approve	
SECO	Yes	Approve	Rear 7.5' is sufficient
Comcast			Outstanding
VCCD		w/ Options	ARC Approval 01/24/13

Ms. Then stated an e-mail communication was received from The Villages Utilities Department today, stating they will not be able to grant the vacation. She stated the e-mail read as follows:

District utility operations and maintenance contractor CH2MHill/OMI investigated the presence of utility lines within the easement. The field investigation determined that a 20-inch effluent main is located approximately nine feet from the existing structure at the closest point. The ground penetrating radar also indicated that the pipe is approximately eight to nine feet deep. Because of the proximity and depth of the existing line, the District is not able to grant the request for vacation of a portion of the easement.

Ms. Then stated with receipt of this comment, the application cannot move forward to the Town Commission.

Ms. Then stated the applicant is present and is welcome to come to the podium to ask any questions of Town staff, or make any comments.

Mr. William Boseski approached the podium and identified himself. He asked what the minimum setback for the easement was. He stated a waiver which was granted when the concrete was poured has already been signed. He asked is there an acceptable setback from where the poles are holding up the screens. Mr. Boseski asked if the screen could be moved in a couple of feet back from the slab, would that be acceptable rather than the slab being removed.

Ms. Then stated a utility review form was sent, and because this is an easement, the utility company has the discretion to determine what would be adequate to operate their lines and for maintenance; therefore the Town cannot impose a minimum requirement in terms of easement. The Villages Utility Department has determined a 9' easement is not sufficient for their operations and maintenance. Ms. Then stated regarding the concrete, the Town did a covenant of removal; which means they can tear down the concrete and replacement would be at the owner's expense. She noted that perhaps The Villages' may not want to involve themselves if there is any potential of damage occurring to not only a slab, but also a vertical structure, by granting this easement as they would then be responsible for the cost of replacement.

Mr. Boseski asked if it wouldn't then be up to him to replace the structure at his cost.

Ms. Then stated if the easement is granted, the land would then belong to the homeowner, and if something should happen to the property owner's structure, it would be the utility company's

responsibility.

Mr. Boseski asked if there was an appeal method.

Mr. Then stated the Town has requested that The Villages Utility provide options, but her response from them stated they do not want to incur the possible liability.

Mr. Carroll stated at this time, the Town is unable to move forward with the application; however the Town can keep the application active if Mr. Boseski would like to approach The Villages. He stated the Town is unable to negotiate on the applicant's behalf regarding the easement. Mr. Carroll stated if Mr. Boseski was able to negotiate an acceptable distance with The Villages, then staff would modify the Resolution to include the acceptable distance in the header of the Resolution. He stated there is the other issue of the existing structure on the property within the easement, as well.

Mr. Boseski stated he measured the existing structure to the flags and it is 11'9", with the farthest being 15'.

Mr. Carroll stated he has not been on site so he could not attest to the distance. He stated staff corresponded verbally yesterday with the District and received a follow-up e-mail today. He stated if Mr. Boseski would like to keep the application active, the Town could keep it active.

Mr. Boseski stated he would like the application to remain active and asked for the name and address of who to contact at The Villages.

Ms. Then commented for the record that the flags may be from SECO or one of the other utility companies. Ms. Then stated staff has asked The Villages if they have marked the property, and once they respond, staff will visit the site and take pictures and properly indentify that 9 ft. is the closest point to the structure. Ms. Then stated contact information for The Villages will be provided to Mr. Boseski.

Mr. Carroll asked if there were any other questions or comments.

Joe Crum made a motion to table Resolution No. 2013-103 to allow the applicant time to talk with the appropriate companies to try to work out a solution, and this item will need to come back before the Technical Review Committee for their consideration. The motion was seconded by Chief Chris McKinstry and passed by a vote of 5-0.

Mr. Carroll asked that the applicant approach staff once he receives a determination from The Villages and the application will be put on agenda for the next available Technical Review Committee meeting. He stated the applicant has 60 days to come back before the Technical Review Committee to keep the application active.

Ms. Then stated contact could be as simple as giving a progress or status report of the application.

4. Chairperson/Members' Report:

Growth Management Director Thad Carroll asked if there were any comments or reports. There were none.

5. Adjourn:

With nothing further to discuss or report, the meeting was adjourned at 10:11 a.m.

Julia Wolfe
Staff Assistant to the Town Clerk

Thad Carroll
Growth Management Director

Minutes transcribed by Julia Wolfe, Staff Assistant to Town Clerk