

BOARD OF COUNTY COMMISSIONERS

DATE: January 15, 2013

AGENDA ITEM NO. 4

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature:

Subject:

Legislative Petition to Vacate a Portion of Right of Way

Submitted By: Joseph R. Edwards
Property Address: 5501 Island Avenue
Seminole, Florida 33772
File No.: 1413

Department:

Real Estate Management

Staff Member Responsible:

Paul S. Sacco, Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BCC) CONSIDER GRANTING THE PETITION TO VACATE, AND IF GRANTED, ADOPT THE ATTACHED RESOLUTION PURSUANT TO FLORIDA STATUTE 336.09, AND AUTHORIZE THE CLERK TO RECORD THE RESOLUTION IN THE PUBLIC RECORDS OF PINELLAS COUNTY.

Summary Explanation/Background:

This petition to vacate regards an unopened portion of Pine Street, between Island Avenue and Bates Street, in the Section A, Seminole Estates Subdivision. A drainage and general utility easement will be reserved over the entire vacated area. The vacation of this portion of the plat will not affect the ownership, or right of convenient access of persons owning other portions of the subdivision.

Staff reviewed the subject area and determined this vacation would not have an adverse effect on the remaining right-of-way grid, or traffic flow in the neighborhood. Letters of No Objection have been received from Bright House, Knology, Pinellas County Utilities, Progress Energy (Distribution), Progress Energy (Transmission), Verizon, and TECO. Research indicates there is no current Homeowner's Association for the Seminole Estates Section A Subdivision. Notice was mailed by the Clerk of the Court to the adjacent property owners and nearby residents, in accordance with Florida Statute requirements. The Deputy Clerk will report any citizen support or opposition to the BCC.

Fiscal Impact/Cost/Revenue Summary:

The owner has paid a \$690 filing fee, plus advertising cost of \$60.

Exhibits/Attachments Attached:

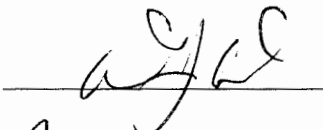
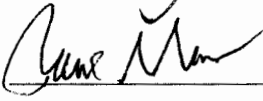

Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: Joseph R. Edwards****TYPE: Legislative Petition to Vacate a portion of Right of Way****Date: 1/15/2013 ESTIMATED EXPENDITURE/REVENUE:****\$ 750.00****(Circle appropriate choice above.)**

In accordance with the policy guide for Contract Administration, the attached documents are submitted for your review and suggested comments and/or changes.

- To assist other reviewers in this process, please mark your comments and/or suggested changes directly upon the document itself in RED INK.*

Upon completion of your review, please complete the Contract Review Transmittal Slip below and call 464-3672 at so that it can be picked up and taken to the next Review Authority on the list.

<u>Review Authority</u>	<u>Review Date</u>	<u>Review Signature</u>	<u>Comments Included/Addressed Initial & Date</u>
Real Property Div. (David DelMonte)	<u>12-11-12</u>		_____
Real Est. Mgmt (Paul Sacco)	<u>12/11/12</u>		_____
Legal (Michael Zas)	<u>12/13/12</u>	<u>M Zas</u>	_____
County Admin. (Mark Woodard)	<u>12/13/12</u>		_____

- ☐ Release/Termination/Amendment
☐ FS 177.101 - Vacation
☒ FS 336.09/10/12 - ROW
☒ Advertisement to Board Records
☒ Scheduled Board Date
☒ Complies with Section 8 Real Estate Procedures 3.2.2 Notification

Please return to Real Estate Management Department, Real Property Division by , **2012**
 All inquiries should be made to CYNTHIA HARRIS at telephone extension 43773 or 4-3672.

SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS
OF PINELLAS COUNTY, FLORIDA

PETITION TO VACATE, PUBLIC RIGHTS-OF-WAY OR ALLEYS

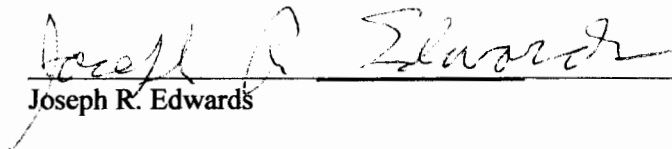
Comes now your Petitioner, Joseph R. Edwards
Name of Petitioner

and respectfully requests this Honorable Board of County Commissioners to adopt a resolution vacating:

Lands described in legal description attached
hereto and by this reference made a part hereof.

Your petitioner represent that: 1) the petitioner own the fee simple title to the whole or that portion of the plat (easement) that is sought to be vacated; 2) the vacation request herein will not cause injury to any surrounding property or property owners, and that the above described property does not now serve and is not needed for any public purpose; 3) the interest of the public will not be adversely affected by this vacation, nor will such vacation affect the ownership, or the right of convenient access, of persons owning any other parts of said subdivision.

I hereby swear and/or affirm that the forgoing statements are true:

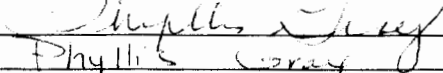


Joseph R. Edwards

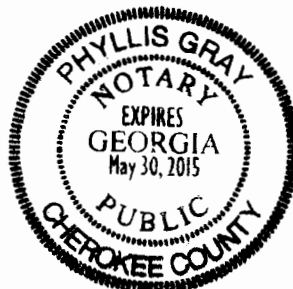
STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 30th day of October, 2012,
by Joseph R. Edwards. He is personally known to me, or has produced FL Driv. Lic.
as identification, and who did (did not) take an oath.

NOTARY
SEAL

NOTARY 
Print Name Phyllis Gray

My Commission Expires: 5/30/15 Commission Number: -



JOB NO.: 120584		MURPHY'S LAND SURVEYING, INC. LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710	L.B. #7410
DRAWN BY: MRB	CHECKED BY: EDM		PHONE (727) 347-8740
DATE: 5/17/12			FAX (727) 344-4640

CERTIFIED TO: Joe Edwards

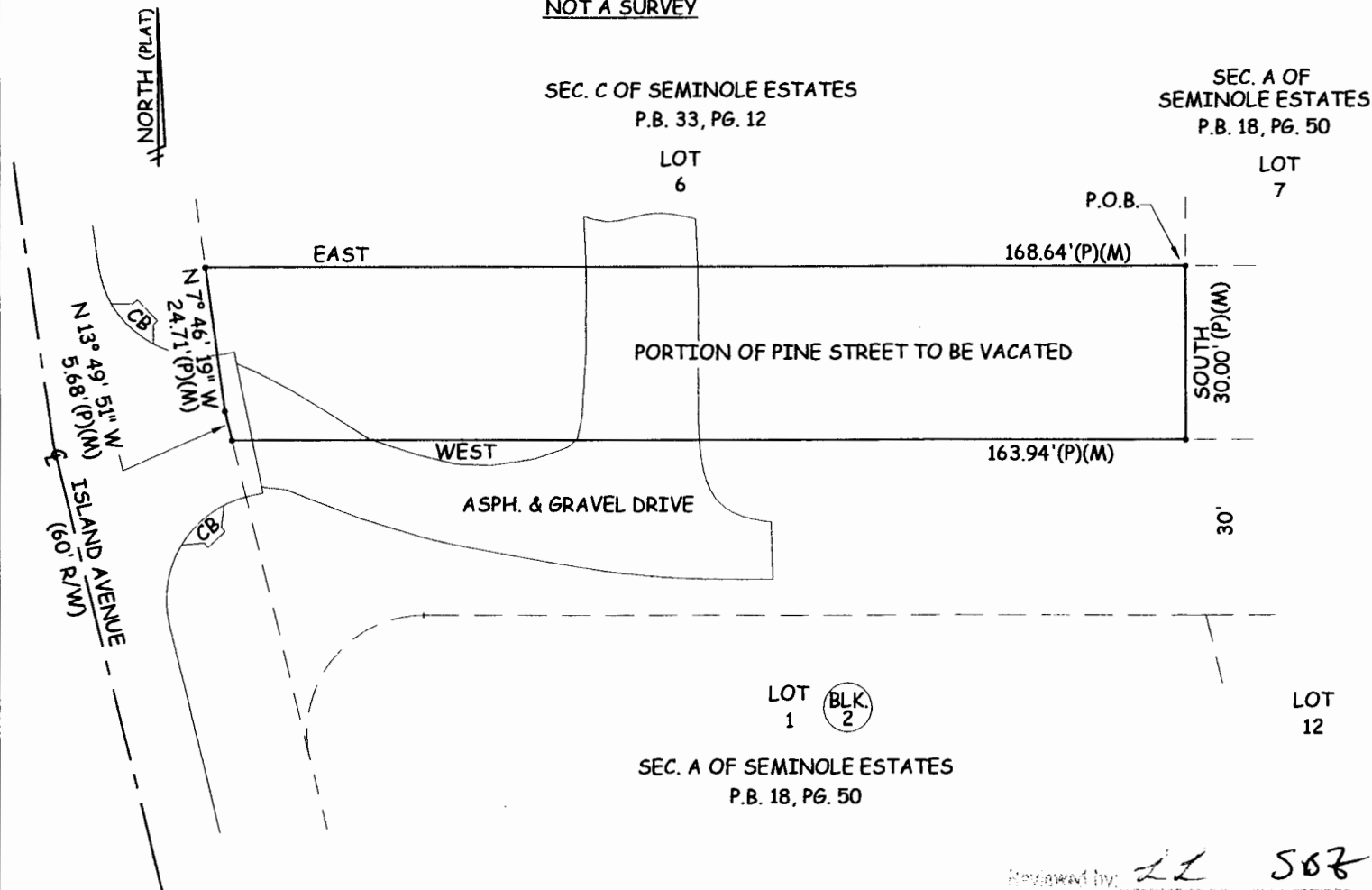
SCALE: 1" = 30'

SKETCH
NOT A SURVEY

SEC. 33 TWP. 30 S. RGE. 15 E.

SEC. C OF SEMINOLE ESTATES
P.B. 33, PG. 12

SEC. A OF SEMINOLE ESTATES
P.B. 18, PG. 50



Reviewed by: LL 508
 Date: 10/9/2012
SSN 501 1413

A SKETCH AND DESCRIPTION OF PARCEL OF PINE STREET TO BE VACATED:

Begin at the Southwest corner of Lot 7, Block 4, SECTION A SEMINOLE ESTATES, as recorded in Plat Book 18, Pages 50-51 of the Public Records of Pinellas County, Florida, thence run SOUTH, 30.00 feet; thence run WEST, 163.94 feet; thence run N 13° 49' 51" W, 5.68 feet; thence run N 7° 46' 19" W, 24.71 feet; thence run EAST, 168.64 feet to the Point of Beginning. Containing 4995.39 square feet (0.115 acres).

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in

Flood zone: AE Comm. Panel No.: 125139 0183 G Map Date: 9/03/03 Base Flood Elev: 11.0'

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. (THIS SKETCH AND DESCRIPTION HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH. SKETCH AND DESCRIPTION NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

Edward D. Murphy
 EDWARD D. MURPHY, REG. P.L.S. # 5333

LEGEND:
 SEC. - SECTION R. - RADIUS N. - NORTH E. - EAST (P) - PLAT COMM. - COMMUNITY P.B. - PLAT BOOK P.O.B. - POINT OF BEGINNING
 TWP. - TOWNSHIP A. - ARC S. - SOUTH W. - WEST (M) - MEASURED NO. - NUMBER PG. - PAGE P.L.S. - PROFESSIONAL LAND SURVEYOR
 RGE. - RANGE C. - CHORD R/W - RIGHT OF WAY BLK. - BLOCK ELEV. - ELEVATION REG. - REGISTERED L.B. - LICENSED BUSINESS

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1413

PETITIONER

JOSEPH R. EDWARDS
5501 ISLAND AVENUE
SEMINOLE, FLORIDA 33772

ADJACENT PROPERTY OWNERS

NOTIFICATION LETTER SENT TO THESE OWNERS
BY THE CLERK OF THE CIRCUIT COURT – BCC RECORDS DIVISION

REAL PROPERTY DIVISION
ATTN: CYNTHIA M. HARRIS
509 EAST AVENUE S
CLEARWATER, FL 33756

JONES, CLIFFORD
JONES, JUDY
5493 ISLAND AVENUE
SEMINOLE, FL 33772

SEWELL, BILLY J
SEWELL, VALERIE
4486 FRANKFORT RD
GEORGETOWN, KY 40324-9485

O'GRADY, PLONI G TRUST
O'GRADY, PLONI G TRE
5536 ISLAND AVE
SEMINOLE, FL 33772-7142

FULMER, ALLEN L
8335 CHEYENNE DR
SEMINOLE, FL 33777-2742

HESHELOW, HARLAN F
HESHELOW, KATHY N
5550 BATES ST
SEMINOLE, FL 33772-7149

ALMEIDA, ADELINO D
ALMEIDA, SUSETTE M
11566 PINE ST
SEMINOLE, FL 33772-7145

SCHOENBERG, EMILIE
11514 PINE ST
SEMINOLE, FL 33772-7145

11515 BAYSHORE DR
SEMINOLE, FL 33772-7116

RIZZO, MARIA R
5514 BATES ST
SEMINOLE, FL 33772-7149

RUHL, STEPHEN C
RUHL, PATRICIA D
5492 BATES ST
SEMINOLE, FL 33772-7147

KILBURN, KEVIN
KILBURN, MARY
11533 PINE ST
SEMINOLE, FL 33772-7146

VALENTY, JAMES M
VALENTY, CELESTE A
11522 PINE ST
SEMINOLE, FL 33772-7145

CHARLES, FREDERICK B
5469 ISLAND AVE
SEMINOLE, FL 33772-7141

SOUSA, LAWRENCE P
SOUSA, SUSAN W
5400 BATES ST
SEMINOLE, FL 33772-7147

YIMOYNES, GAYLE R
5536 BATES ST
SEMINOLE, FL 33772-7149

SEGRETE, MONA
SEGRETE, JENNIFER
5447 ISLAND AVE
SEMINOLE, FL 33772-7141

MC KAY, JOSEPH A
MC KAY, SUSAN B
5435 ISLAND AVE
SEMINOLE, FL 33772-7141

ORKIN, NEIL L
3803 GULF BLVD
ST PETE BEACH, FL 33706

ALLEY, ROBERT L
ALLEY, VIOLA S
5527 ISLAND AVE
SEMINOLE, FL 33772-7143

PEARSON, DON
PEARSON, KIMBERLY
11511 PINE ST
SEMINOLE, FL 33772-7146

RESOLUTION NO. _____

**RESOLUTION VACATING A PORTION OF PINE STREET,
BETWEEN LOTS 1 AND 6 OF THE SECTION A,
SEMINOLE ESTATES SUBDIVISION, IN SECTION 33,
TOWNSHIP 30 SOUTH, RANGE 15 EAST, AS RECORDED
IN PLAT BOOK 18, PAGES 50 AND 51, OF THE PUBLIC
RECORDS OF PINELLAS COUNTY, FLORIDA, AND
RESERVING A DRAINAGE AND GENERAL UTILITY
EASEMENT OVER THE VACATED AREA.**

**WHEREAS, Joseph R. Edwards, petitioned this Board of County
Commissioners to vacate the following described property:**

**Lands described in legal description attached hereto
and by this reference made a part hereof; and**

**WHEREAS, the Petitioners are the apparent owners of record of the portion
of the plat requested to be vacated, and the vacation of such portion of the plat will
not affect the ownership or right of convenient access of persons owning other parts
of the subdivision; and**

**WHEREAS, the Petitioners have shown that the requested vacation will not
cause injury to surrounding property owners and is not needed for any public
purpose except a drainage and general utility easement; and**

**WHEREAS, a drainage and general utility easement will be reserved over
the entire vacated area, as described in the attached legal description; and**

WHEREAS, the Publisher's Affidavit, showing compliance with the notice requirements of Chapter 336.10 of the Florida Statutes, has been received by the Board of County Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida, in regular session duly assembled on this _____ day of _____, 20____, that the above described property and plat be, and the same are hereby vacated insofar as this Board of County Commissioners has the authority to do so pursuant to Chapter 336.09, Florida Statutes.

BE IT FURTHER RESOLVED that this resolution and the proof of publication of the notice of public hearing, and the proof of publication of the notice of adoption hereof, be recorded in the deed records of Pinellas County, Florida.

Commissioner _____ offered the foregoing resolution and moved its adoption, which was seconded by Commissioner _____ and upon roll call, the vote was:

AYES:

NAYS:

ABSENT AND NOT VOTING:

APPROVED BY THE
OFFICE OF THE ATTORNEY GENERAL

By M2as _____
Attorney

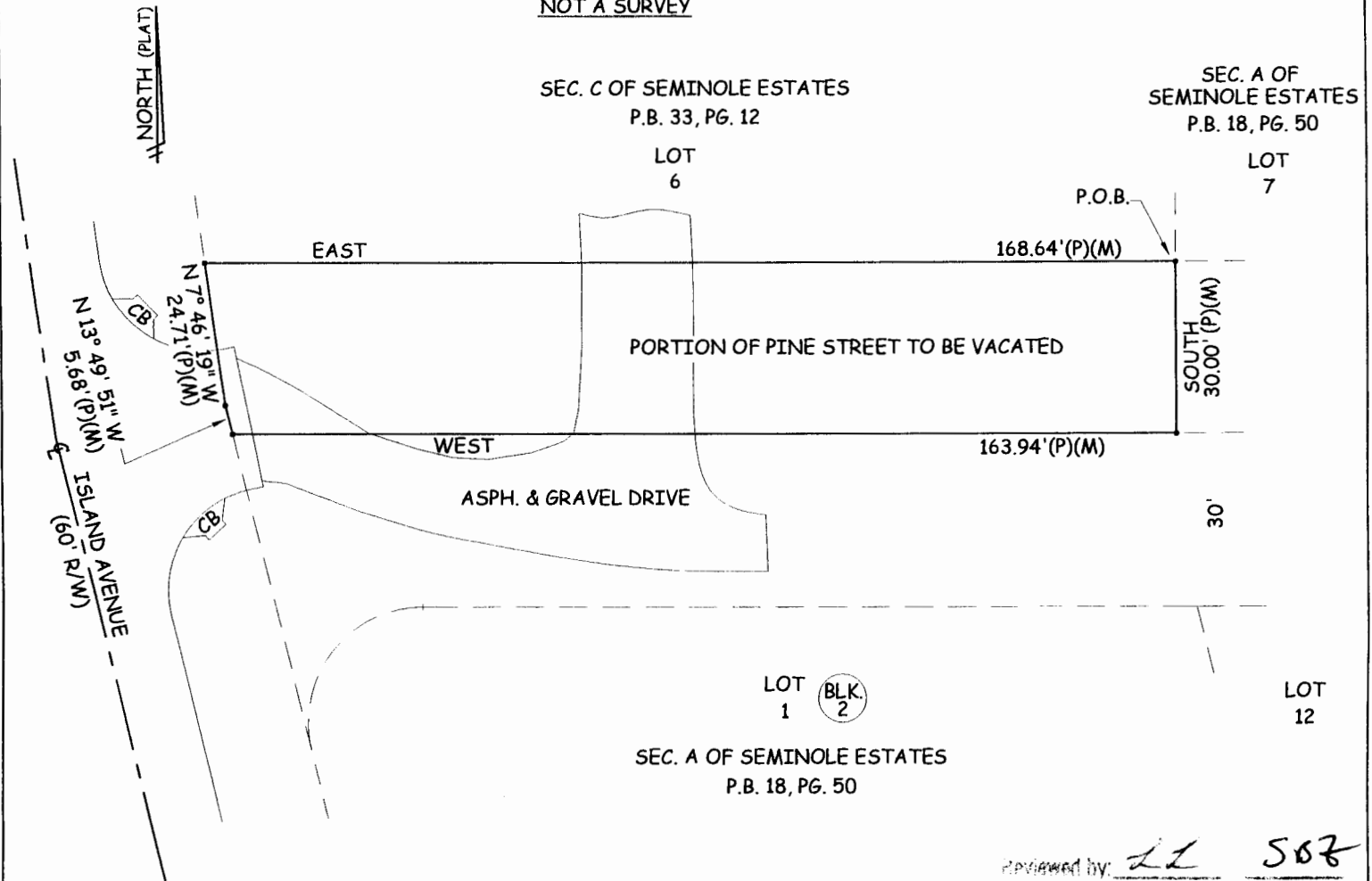
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Petition to Vacate

File No.: 1413

