

BOARD OF COUNTY COMMISSIONERS

DATE: January 15, 2013

AGENDA ITEM NO. 6

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature

Subject:

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: Mark & Tracey Bates
Property Address: 1307 Tenby Way
Palm Harbor, Florida 34683
File No.: 1418

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 A PORTION OF THE DRAINAGE EASEMENT, AND IF GRANTED, ADOPT THE ATTACHED RESOLUTION PURSUANT TO FLORIDA STATUTE 177.101, AND AUTHORIZE THE CLERK TO RECORD THE RESOLUTION IN THE PUBLIC RECORDS OF PINELLAS COUNTY.

Summary Explanation/Background:

This petition to vacate a portion of a drainage and utility easement located in Lot 5, Wexford Leas - Unit 2B, is associated with the owners' desire to redesign the pool and screen enclosure.

The petitioner is the apparent owner of record of that portion of the plat that is requested to be vacated. The vacation of this portion of the plat will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

Appropriate staff members reviewed the subject area and determined the vacation would not have an adverse effect on the remaining easement area. Building Development Review Services has not indicated the need to seek a variance. Additionally, Letters of No Objection have been received from Bright House, Knology, Pinellas County DEI, Progress Energy (Distribution), Progress Energy (Transmission) and Verizon.

The Petition was properly advertised in accordance with Florida Statute 177.101 and notice was mailed by the Clerk of the Court to the adjacent property owners and nearby residents. 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:

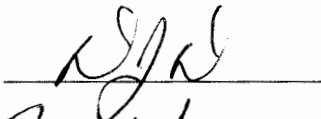
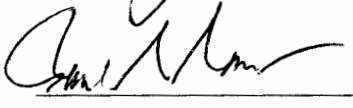
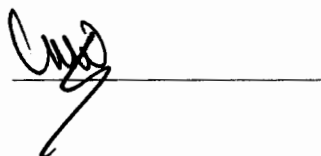
Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: Mark and Tracey Bates****TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement****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. (Dave DelMonte)	<u>12-13-12</u>		_____
Real Est. Mgmt (Paul Sacco)	<u>12/14/12</u>		_____
Legal (Michael Zas)	<u>12/17/12</u>	<u>M Zas</u>	_____
County Admin. (Mark Woodard)	<u>12/17/12</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 , **2013**
 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, PLAT OR PORTION OF PLAT (EASEMENT)

Comes now your Petitioners, Mark and Tracey Bates
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:



Mark A. Bates

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



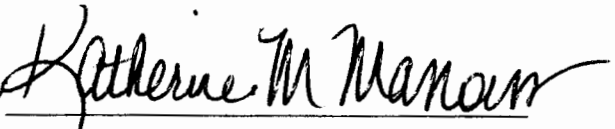
Tracey A. Bates

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 17th day of December, 2012,
by Mark A. Bates and Tracey A. Bates. He/She is personally known to me, or has produced _____
as identification, and who did (did not) take an oath.

NOTARY
SEAL

NOTARY
Print Name _____



My Commission Expires: _____ Commission Number: _____



SKETCH & LEGAL

A PORTION OF LOT 5,
WEXFORD LEAS - UNIT 2B
PINELLAS COUNTY, FLORIDA.

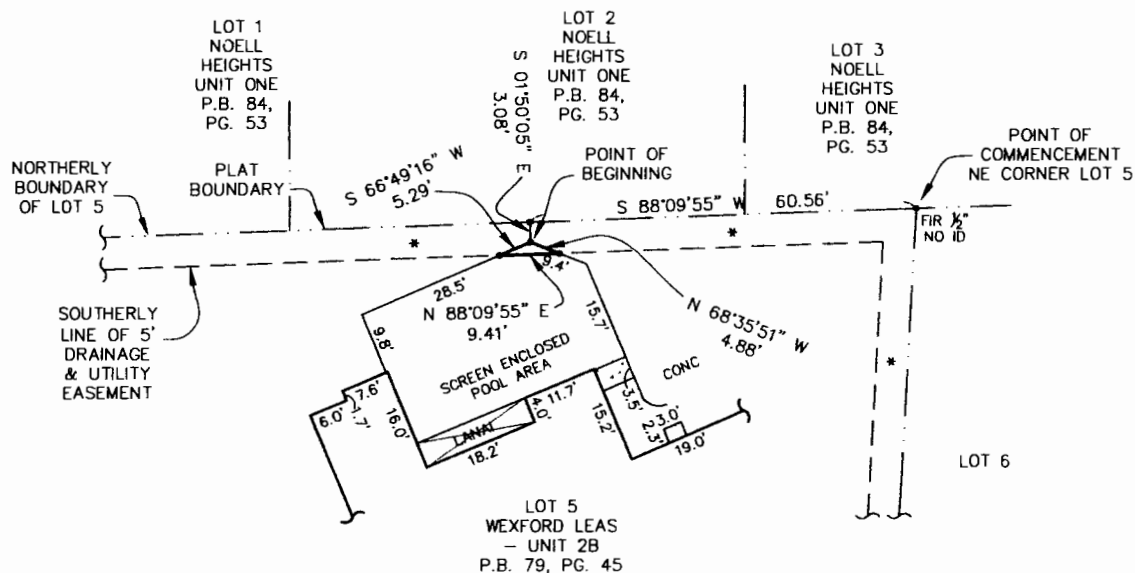
SEC. 12, TWP. 28 S, RNG. 15 E.

BEARING BASIS: N 88°09'55" E
ASSUMED ON NORTH BOUNDARY LINE
LOT 5 PER PLAT

NOT A SURVEY

* = 5' DRAINAGE & UTILITY EASEMENT - SEE NOTE

N
SCALE: 1" = 30'

**NOTE:**

5' DRAINAGE & UTILITY EASEMENT ALONG
NORTHERLY LOT LINE OF LOT 5 WAS PLATTED
AS A 10' DRAINAGE AND UTILITY EASEMENT;
SOUTHERLY 5' OF EASEMENT WAS VACATED
PER RESOLUTION 83-429, AS RECORDED IN
OFFICIAL RECORDS BOOK 5616, PAGE 314

LEGEND:

(C)= CALCULATED DATA, (D)= DEED DATA, (M)= MEASURED DATA, (P)= PLAT DATA, ϵ = CENTERLINE, A/C= AIR CONDITIONER, B/C= BACK OF CURB, C/S= CONCRETE SLAB, CH= CHORD, CHB= CHORD BEARING, CLF= CHAIN LINK FENCE, CONC= CONCRETE, COV.= COVERED, E/P= EDGE OF PAVEMENT, ESM'T= EASEMENT, F/C= FENCE CORNER, FCM= FOUND CONCRETE MONUMENT, FIF= FOUND IRON PIPE, FIR= FOUND IRON ROD, FN&D= FOUND NAIL & DISK, FPP= FOUND PINCHED PIPE, LFE= LOWEST FLOOR ELEVATION, MAS.= MASONRY, OR= OFFICIAL RECORD BOOK, PB= PLAT BOOK, PCP= PERMANENT CONTROL POINT, PRM= PERMANENT REFERENCE MONUMENT, R/W= RIGHT OF WAY, R= RADIUS, SIR=SET 1/2" IRON ROD & CAP No. 4493, SN&D= SET NAIL & DISK, TBM= TEMPORARY BENCHMARK, U/P= UTILITY POLE, W/F= WOOD FENCE

**JOHN R. BEACH & ASSOCIATES, INC.**

SURVEYORS AND MAPPERS
911 WEST ST. PETERSBURG DRIVE
OLDSMAR, FLORIDA 34677
(813) 854-1276 FAX (813) 855-8370

Drawn By:
JBS

Checked By:
JRB

Scale:
1"=30'

NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

Date: SKETCH & LEGAL 7/24/12 JBS

Project Number: 29891

Revisions: PER COUNTY COMMENTS 10/9/12 JBS

Square Feet: 9 ±

JOHN R. BEACH
FLORIDA REG. LAND SURVEYOR No. 2984

10/09/2012
DATE
LB#4493

SHEET 1 OF 2

SKETCH & LEGAL

A PORTION OF LOT 5,
WEXFORD LEAS - UNIT 2B
PINELLAS COUNTY, FLORIDA.

SEC. 12, TWP. 28 S, RNG. 15 E.

BEARING BASIS: N 88°09'55" E
ASSUMED ON NORTH BOUNDARY LINE
LOT 5 PER PLAT

SKETCH AND LEGAL

A PORTION OF THE 5 FOOT DRAINAGE AND UTILITY
EASEMENT RUNNING TO THE SOUTH OF, AND PARALLEL TO
THE NORTHERLY LOT LINE OF LOT 5, MAP OR PLAT ENTITLED
"WEXFORD LEAS - UNIT 2B", AS RECORDED IN PLAT BOOK
79, PAGE(S) 45-46, OF THE PUBLIC RECORDS OF PINELLAS
COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

COMMENCE AT THE NORTHEAST PROPERTY CORNER OF SAID
LOT 5, THENCE S 88°09'55" W ALONG THE NORTHERLY
BOUNDARY LINE OF SAID LOT 5, A DISTANCE OF 60.56 FEET;
THENCE, LEAVING SAID BOUNDARY LINE, S 01°50'05" E, A
DISTANCE OF 3.08 FEET, TO A POINT OF BEGINNING; THENCE
S 66°49'16" W, A DISTANCE OF 5.29 FEET TO A POINT ON
THE SOUTHERLY LINE OF A 5 FOOT DRAINAGE AND UTILITY
EASEMENT; THENCE N 88°09'55" E, ALONG SAID EASEMENT
LINE, A DISTANCE OF 9.41 FEET; THENCE N 68°35'51" W, A
DISTANCE OF 4.88 FEET, TO THE POINT OF BEGINNING.
CONTAINING 9 SQUARE FEET, MORE OR LESS.


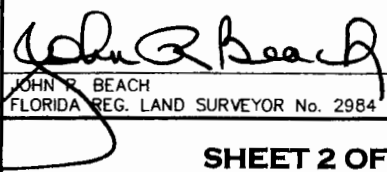
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OFFICIAL RECORDS BOOK 5616, PAGE 314

Reviewed by: CH SR
Date: 10/17/12
SFN 501/1418

LEGEND:

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 <p>JOHN R. BEACH & ASSOCIATES, INC. SURVEYORS AND MAPPERS 911 WEST ST. PETERSBURG DRIVE OLDSMAR, FLORIDA 34677 (813) 854-1276 FAX (813) 855-8370</p>	Drawn By: JBS	 <p>JOHN R. BEACH FLORIDA REG. LAND SURVEYOR No. 2984</p>	
	Checked By: JRB		DATE 10/08/2012
	Scale: 1"=30'		LB#4493
	NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER Project Number: 29891 Square Feet: 9 ±		
Date: SKETCH & LEGAL 7/24/12 JBS Revisions: PER COUNTY COMMENTS 10/9/12 JBS		SHEET 2 OF 2	

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1418

PETITIONER

MARK A. BATES
TRACEY A. BATES
1307 TENBY WAY
PALM HARBOR, FLORIDA 34683

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

O'CONNOR, TIMOTHY J
O'CONNOR, ANGELA S
372 MAE CT
PALM HARBOR, FL 34683-5632

BEDELL, CHARLES H
1320 NOELL BLVD
PALM HARBOR, FL 34683-5636

WILSON, CHRISTOPHER J
WILSON, KRISTIE F
1332 NOELL BLVD
PALM HARBOR, FL 34683-5636

BONO, GUY
BONO, LUCY
1368 NOELL BLVD
PALM HARBOR, FL 34683-5636

371 MAE CT
PALM HARBOR, FL 34683-5633

PORTER, THOMAS S
PORTER, REBECCA S
1308 NOELL BV
PALM HARBOR, FL 34683

SHOBERG, ELLIOT E
SHOBERG, JAMIE S
1344 NOELL BLVD
PALM HARBOR, FL 34683-5636

SMITH, ALAN L
1324 TENBY WAY
PALM HARBOR, FL 34683-6124

SCHMITT, WILLIAM A
SCHMITT, ANNE C
1308 TENBY WAY
PALM HARBOR, FL 34683-6124

MC SHANE, SYDNEY A
374 OAKHILL CT
PALM HARBOR, FL 34683-5912

HJVERT, STEPHEN J
400 FERNSHIRE DR
PALM HARBOR, FL 34683-6019

THOMPSON, RYAN E
THOMPSON, MANDY
1300 TENBY WAY
PALM HARBOR, FL 34683-6124

POET, KAREN R
307 12TH AVE
INDIAN ROCKS BEACH, FL 33785-
2854

LUISI, LUCY S
918 GULF VIEW BLVD
DUNEDIN, FL 34698-2609

DUNNING, RUSSELL M
DUNNING, MARY A
1316 TENBY WAY
PALM HARBOR, FL 34683-6124

GUARNERI, MICHAEL S
GUARNERI, MICHELE D
1315 TENBY WAY
PALM HARBOR, FL 34683-6125

GIACOMETTI, MARY K
ABERNETHY, JOHN E JR
1323 TENBY WAY
PALM HARBOR, FL 34683-6125

VILLAVICENCIO, WALTER N
VILLAVICENCIO, DEBRA
352 OAKHILL CT
PALM HARBOR, FL 34683-5912

POORMAN, DEBORRA M
POORMAN, KEVIN L
360 FERNSHIRE CT
PALM HARBOR, FL 34683-5901

RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF AN DRAINAGE AND UTILITY EASEMENT LOCATED IN LOT 5 WEXFORD LEAS – UNIT 2B SUBDIVISION, LOCATED IN SECTION 12, TOWNSHIP 28 SOUTH, RANGE 15 EAST, AS RECORDED IN PLAT BOOK 79, PAGE 45, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

WHEREAS, Mark A. Bates and Tracey A. Bates, petitioned this Board of County Commissioners to vacate the following described property:

**Lands described in legal description attached hereto as Exhibit “A”
and by this reference made a part hereof; and**

WHEREAS, vacating the requested portion of the easement will not have an adverse affect on the remaining easement area; 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 Petitioner has shown that the requested vacation will not cause injury to surrounding property owners; and

WHEREAS, the Publisher’s Affidavit, showing compliance with the notice requirements of Chapter 177.101 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 described property in the legal description attached hereto as Exhibit "A" and plat be, and the same are hereby vacated insofar as this Board of County Commissioners has the authority to do so.

BE IT FURTHER RESOLVED that this resolution and the proof of publication of the notice of public hearing, 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 AS TO FORM
OFFICE OF COUNTY ATTORNEY

By MZas
Attorney

SKETCH & LEGAL

A PORTION OF LOT 5,
WEXFORD LEAS — UNIT 2B
PINELLAS COUNTY, FLORIDA.

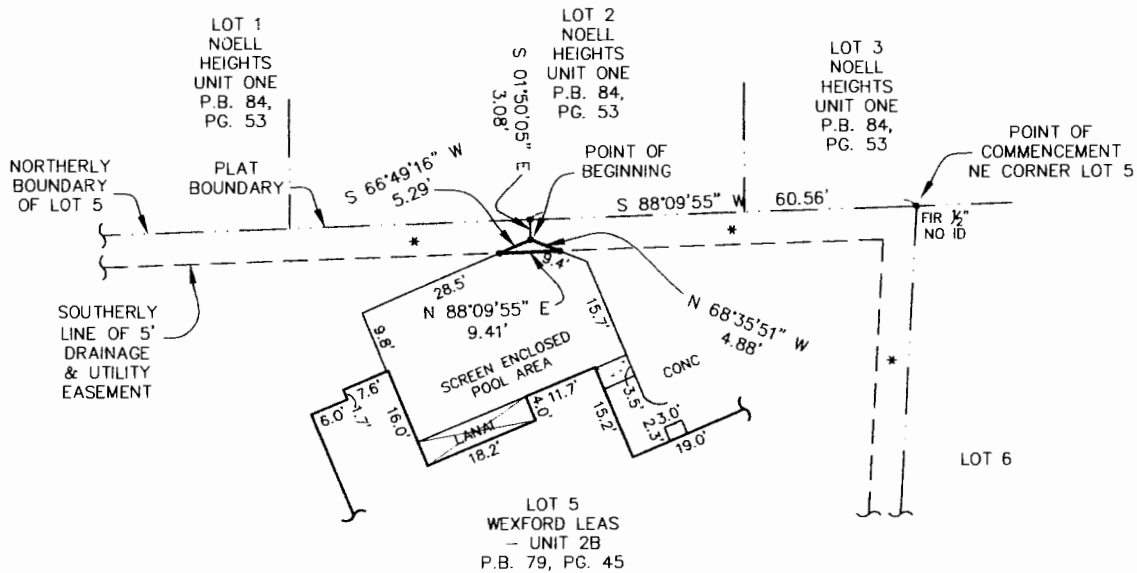
SEC. 12, TWP. 28 S, RNG. 15 E.

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LOT 5 PER PLAT

NOT A SURVEY

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N
SCALE: 1" = 30'

**NOTE:**

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**JOHN R. BEACH & ASSOCIATES, INC.**

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Drawn By:
JBS

Checked By:
JRB

Scale:
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LICENSED SURVEYOR AND MAPPER

Date: SKETCH & LEGAL 7/24/12 JBS

JOHN R. BEACH
FLORIDA REG. LAND SURVEYOR No. 2984

10/09/2012

DATE
LB#4493

Project Number: 29891

Revisions: PER COUNTY COMMENTS 10/9/12 JBS

Square Feet: 9 ±

SHEET 1 OF 2

SKETCH & LEGAL

A PORTION OF LOT 5,
WEXFORD LEAS - UNIT 2B
PINELLAS COUNTY, FLORIDA.

SEC. 12, TWP. 28 S, RNG. 15 E.

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LOT 5 PER PLAT

SKETCH AND LEGAL

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COMMENCE AT THE NORTHEAST PROPERTY CORNER OF SAID LOT 5, THENCE S 88°09'55" W ALONG THE NORTHERLY BOUNDARY LINE OF SAID LOT 5, A DISTANCE OF 60.56 FEET; THENCE, LEAVING SAID BOUNDARY LINE, S 01°50'05" E, A DISTANCE OF 3.08 FEET, TO A POINT OF BEGINNING; THENCE S 66°49'16" W, A DISTANCE OF 5.29 FEET TO A POINT ON THE SOUTHERLY LINE OF A 5 FOOT DRAINAGE AND UTILITY EASEMENT; THENCE N 88°09'55" E, ALONG SAID EASEMENT LINE, A DISTANCE OF 9.41 FEET; THENCE N 68°35'51" W, A DISTANCE OF 4.88 FEET, TO THE POINT OF BEGINNING. CONTAINING 9 SQUARE FEET, MORE OR LESS.


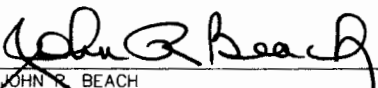
NOTE:

5' DRAINAGE & UTILITY EASEMENT ALONG NORTHERLY LOT LINE OF LOT 5 WAS PLATTED AS A 10' DRAINAGE AND UTILITY EASEMENT; SOUTHERLY 5' OF EASEMENT WAS VACATED PER RESOLUTION 83-429, AS RECORDED IN OFFICIAL RECORDS BOOK 5616, PAGE 314

Reviewed by: CH SBK
Date: 10/17/12
SFN 501/418

LEGEND:

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Project Number: 29891 Square Feet: 9 ±	Revisions: PER COUNTY COMMENTS 10/9/12 JBS	SHEET 2 OF 2	

Petition to Vacate

File No.: 1418



Map & Subject(s) are for
Reference Only
NOT TO SCALE

Pinellas County
Real Estate Management
Real Property Division