

BOARD OF COUNTY COMMISSIONERS

DATE: March 12, 2013

AGENDA ITEM NO. /

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature: *[Signature]*

Subject:

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: Charles and Debra Pulcano
Property Address: 3630 Darston Street
Palm Harbor, Florida 34685
File No.: 1415

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 easement located in Lot 41, Chattam Landing Phase II Subdivision, is associated with the owners' desire to allow for a screened pool enclosure and deck.

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 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), TECO 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:

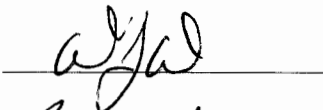
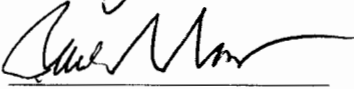

Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: CHARLES AND DEBRA PULCANO****TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement****Date: 3/12/2013 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>2-21-13</u>		_____
Real Est. Mgmt (Paul Sacco)	<u>2/21/13</u>		_____
Legal (Michael Zas)	<u>2/21/13</u>	<u>M Zas</u>	_____
County Admin. (Mark Woodard)	<u>2/21/13</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, Charles A. and Debra G. Pulcano

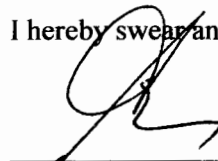
Name of Petitioner

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.

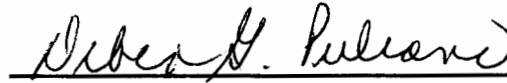
Your petitioner represent that: 1) the petitioner own the fee simple title to the whole or that portion of the plat (easement) that is sought to be vacated; 2) the vacation request herein will not cause injury to any surrounding property or property owners, and that the above described property does 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:



Charles A. Pulcano

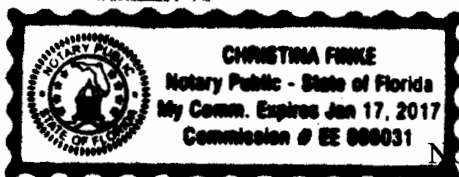
I hereby swear and/or affirm that the forgoing statements are true:



Debra G. Pulcano

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 15th day of February, 2013,
by Charles A. and Debra G. Pulcano. He/She is personally known to me, or has produced FL DL
as identification, and who did (did not) take an oath.



NOTARY
SEAL

NOTARY
Print Name

Christina Finke
Christina Finke

My Commission Expires: 1-17-17

Commission Number: EE 866031

LEGAL DESCRIPTION AND SKETCH
THIS IS NOT A SURVEY
SECTION 26, TOWNSHIP 27 SOUTH, RANGE 16 EAST

DARSTON ST (P)
24' COMMON AREA CENTERLINE

EXHIBIT "A"



SCALE 1" = 20'

12 CY
07/31/12

LINE TABLE

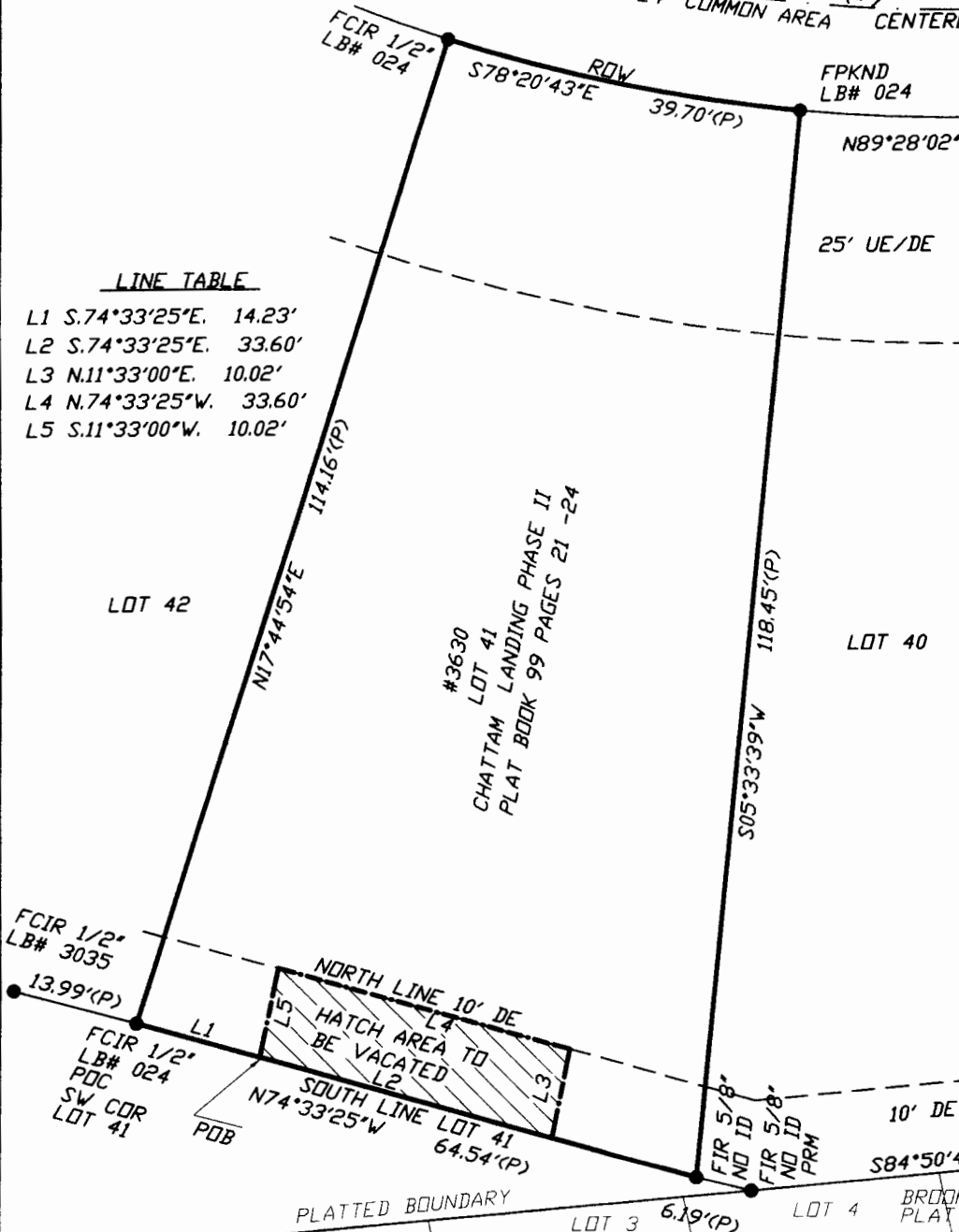
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L2 S.74°33'25"E. 33.60'
L3 N.11°33'00"E. 10.02'
L4 N.74°33'25"W. 33.60'
L5 S.11°33'00"W. 10.02'

LEGAL DESCRIPTION:

A PORTION OF THE 10 FOOT DRAINAGE EASEMENT TO BE VACATED LYING IN LOT 41, CHATTAM LANDING PHASE II, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 99, PAGES 21 THROUGH 24 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. BEING FURTHER DESCRIBED AS:

COMMENCE FROM THE SOUTHWEST CORNER OF SAID LOT 41, THENCE ALONG THE SOUTH LINE OF SAID LOT 41 S74°33'25"E 14.23 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE ALONG SAID SOUTH LINE OF LOT 41, S74°33'25"E 33.60 FEET; THENCE N11°33'00"E 10.02 FEET TO THE NORTH LINE OF SAID 10 FOOT DRAINAGE EASEMENT; THENCE ALONG SAID NORTH LINE OF 10 FOOT DRAINAGE EASEMENT, N74°33'25"W 33.60 FEET; THENCE S11°33'00"W 10.02 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 336 SQUARE FEET OR 0.01 ACRES,±.



SURVEYORS NOTES:

SEE LEGEND FOR SYMBOLS AND/OR ABBREVIATIONS USED HEREON. THE DRAWING SHOWN HEREON IS FOR GRAPHIC REPRESENTATION ONLY AND DOES NOT REPRESENT A BOUNDARY SURVEY. RIGHT-OF-WAY WERE FURNISHED TO THE UNDERSIGNED, UNLESS OTHERWISE SHOWN HEREON. NO UNDERGROUND FOUNDATIONS, STRUCTURES, INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN HEREON. THIS LEGAL DESCRIPTION AND SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. BASIS OF BEARING IS THE SOUTH LINE OF LOT 41, N74°33'25"W. BEARINGS SHOWN HEREON ARE BASED ON THE PLAT OF CHATTMAN LANDING PHASE II, PLAT BOOK 99, PAGES 21 - 24, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA. BOUNDARY MONUMENTS WERE NOT SET IN CONJUNCTION WITH THE PREPARATION OF THIS DRAWING.

LEGENDS & SYMBOLS

DE = DRAINAGE EASEMENT
FCIR = FOUND CAP IRON ROD
FIR = FOUND IRON ROD
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UE = UTILITY EASEMENT

CERTIFICATION:

I HEREBY CERTIFY THAT THIS LEGAL DESCRIPTION AND SKETCH WAS MADE UNDER MY DIRECTION ON THE DATE SHOWN HEREON AND THAT IT HAVE ACHIEVES THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPER, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.50 DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

BY: ERROL A. AYUSO DATE SIGN: 06-03-2012

ERROL A. AYUSO, P.S.M. #5955 DRAWN BY: EAA FIELD CREW

FILE NO. 11008R02EAS SURVEY FIELD DATE: 02-14-2011 CHECK BY: EAA

AYUSO SURVEYING, INC. D/B/A ERROL A. AYUSO
PROFESSIONAL SURVEYORS & MAPPERS PSM #5955
10170 11TH STREET NORTH #105
ST. PETERSBURG, FLORIDA 33716
727-528-2399 OR 528-1839, FAX 727-528-2038
E-MAIL AYUSOSURVEYING@YAHOO.COM

REVISIONS DATE: 07-14-12 PER COMMENTS

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1415

PETITIONER

CHARLES A. PULCANO
DEBRA G. PULCANO
3630 DARSTON STREET
PALM HARBOR, FLORIDA 34685

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	SHAGRIN, CERIL 3609 DARSTON ST PALM HARBOR, FL 34685-1183	RIDGEMOOR MASTER ASSN INC C/O MELROSE-SOVEREIGN CO ATTN DEE DEE RODRIGUEZ 35 27 PALM HARBOR BLVD PALM HARBOR, FL 34683-1416
ATKINSON, ROBERT W ATKINSON, LOU ANN 3621 DARSTON ST PALM HARBOR, FL 34685-1183	RAY, DEREK J 3600 DARSTON ST PALM HARBOR, FL 34685-1182	MC NAMARA, KEVIN F MC NAMARA, MARGARET A 3953 MERMOOR DR PALM HARBOR, FL 34685-1100
MONTESANO, TODD MONTESANO, MELISSA 675 PRESIDENT ST UNIT 1609 BALTIMORE, MD 21202-4583	HAMMEL, STEVEN E HAMMEL, SHIRLEY T 3959 MERMOOR DR PALM HARBOR, FL 34685-1100	MILLER, MADELAINE Z 3981 MERMOOR DR PALM HARBOR, FL 34685-1100
BERBLINGER, THERESA R 4005 MERMOOR DR PALM HARBOR, FL 34685-1135	SHAW, MARY M 3601 DARSTON ST PALM HARBOR, FL 34685-1183	STREITENBERGER, RICHARD M STREITENBERGER, DARLENE P 3624 DARSTON ST PALM HARBOR, FL 34685-1182
JEZIORSKI, JEFFREY A SR JEZIORSKI, KAREN L 3642 DARSTON ST PALM HARBOR, FL 34685-1182	BRACKEN, MARY 2503 CEDAR ST SEAFORD, NY 11783-2940	BORBATH, DONALD G TRE 3605 DARSTON ST PALM HARBOR, FL 34685-1183
HAUCK, ROGER E 3977 MERMOOR DR PALM HARBOR, FL 34685-1100	KEITH, LINDA S 3639 DARSTON ST PALM HARBOR, FL 34685-1183	SARROCCO, WILLIAM 3618 DARSTON ST PALM HARBOR, FL 34685-1182
GRISMER FAMILY TRUST GRISMER, ADAM SCOTT TRE 22941 STONERIDGE MISSION VIEJO, CA 92692-7603	DIMECH, EDWIGE 3648 DARSTON ST PALM HARBOR, FL 34685-1182	SCANLAN, SALLY A 3983 MERMOOR DR PALM HARBOR, FL 34685-1100

LITOWCHAK, PATRICIA J TRE
3636 DARSTON ST
PALM HARBOR, FL 34685-1182

O'DONNELL, ROBERT A
FARIS-O'DONNELL, NOOR G
650 HUNTINGTON AVE APT 24B
BOSTON, MA 02115-5911

CLARK, KIMBERLY A
3955 MERMOOR DR
PALM HARBOR, FL 34685-1100

KOENIG, ALYCE L
3654 DARSTON ST
PALM HARBOR, FL 34685-1182

HARPER, JULIE M
3664 DARSTON ST
PALM HARBOR, FL 34685-1182

CHATTAM LANDING HMOWN ASSN INC
C/O SENTRY MANAGEMENT INC
2180 WEST SR 434 STE 5000
LONGWOOD, FL 32779-5042

CORNEA, URSULA
3979 MERMOOR DR
PALM HARBOR, FL 34685-1100

WALL, JOHN JR
4001 MERMOOR DR
PALM HARBOR, FL 34685-1135

RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF AN DRAINAGE EASEMENT LOCATED IN LOT 41 CHATTAM LANDING PHASE II SUBDIVISION, LOCATED IN SECTION 26, TOWNSHIP 27 SOUTH, RANGE 16 EAST, AS RECORDED IN PLAT BOOK 99, PAGE 21 THROUGH 24, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

WHEREAS, Charles A. Pulcano and Debra G. Pulcano, 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

WHEAREAS, 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.

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Date 07/31/12

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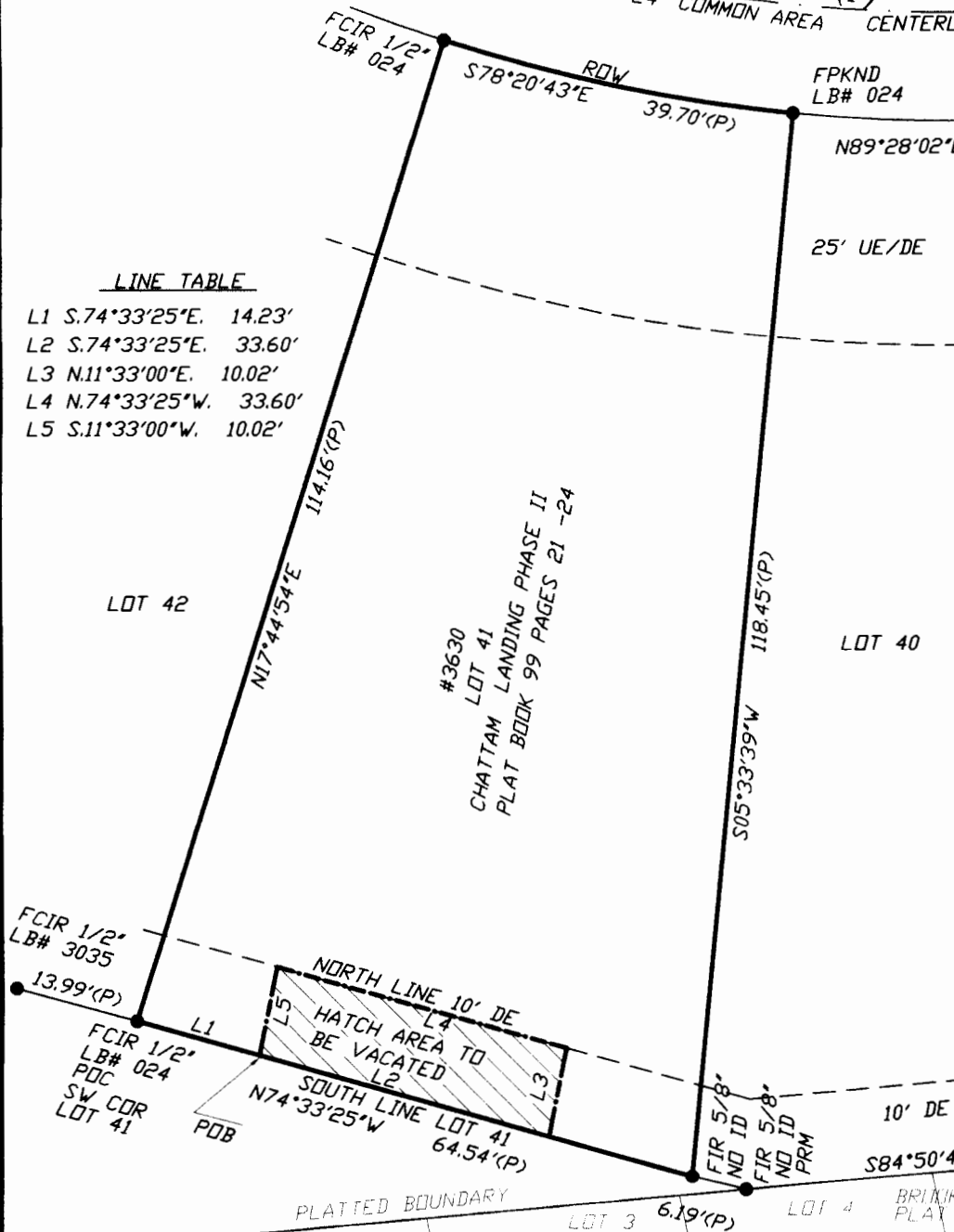
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BY: [Signature] DATE SIGN: 06-03-2012

ERROL A. AYUSO, P.S.M #5955 DRAWN BY: EAA FIELD CREW

FILE NO. 11008R02EAS SURVEY FIELD DATE: 02-14-2011 CHECK BY: EAA

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

**Pinellas County
Real Estate Management
Real Property Division**