

BOARD OF COUNTY COMMISSIONERS

DATE: April 9, 2013
AGENDA ITEM NO. 4

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature

Subject:

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: Nicholas & Stacy Fraser
Property Address: 113945 75th Avenue
Seminole, Florida 33776
File No.: 1410

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 25 FOOT 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 25 foot drainage and utility easement located in Lot 11, Block 1 Crossing at the Narrows Subdivision, is associated with the owners' desire to build an inground pool and paver 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 Utilities, 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:

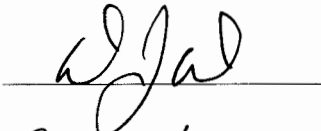


Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: Nicholas & Stacy Fraser****TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement****Date: 4/9/2013 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>3-26-13</u>		_____
Real Est. Mgmt (Paul Sacco)	<u>3/26/13</u>		_____
Legal (Michael Zas)	<u>3/26/13</u>	<u>mZas</u>	_____
County Admin. (Mark Woodard)	<u>3/26/13</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)

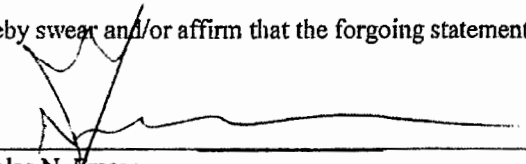
Comes now your Petitioners, Nicholas N. Fraser and Stacy L. Fraser
Name of Petitioner

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.

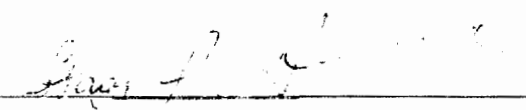
Your petitioner represent that: 1) the petitioner own the fee simple title to the whole or that portion of the plat (easement) that is sought to be vacated; 2) the vacation request herein will not cause injury to any surrounding property or property owners, and that the above described property does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



Nicholas N. Fraser

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



Stacy L. Fraser

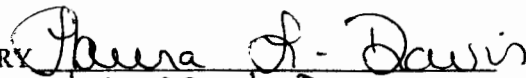
STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 25 day of June, 20 12, by
Nicholas N. Fraser and Stacy L. Fraser. 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


Laura L. Davis

My Commission Expires: _____

Commission Number: EE066847

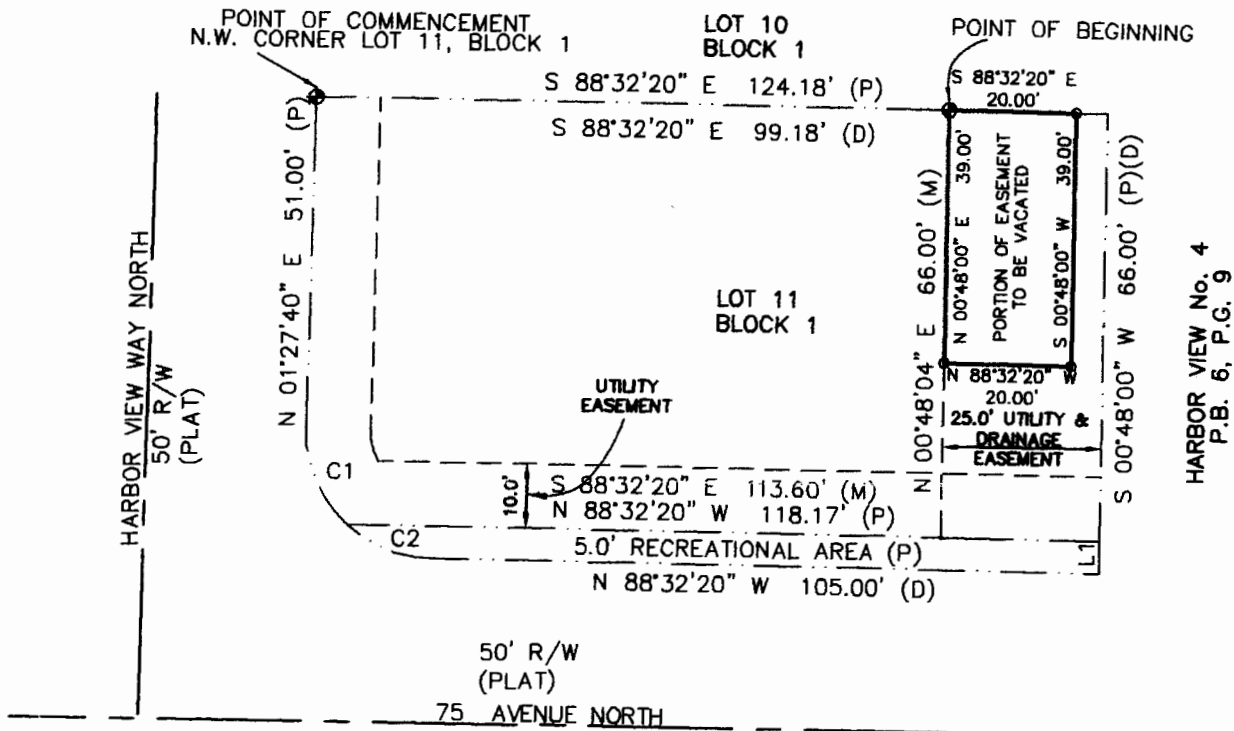


SKETCH & LEGAL
EASEMENT VACATION
LOT 11, BLOCK 1
CROSSING AT THE NORROWS
PINELLAS COUNTY, FLORIDA.

NOT A SURVEY

SEC. 30, TWP. 30 S, RNG. 15 E.

BEARING BASIS: S 88°32'20" E NORTH LOT LINE
LOT 11, BLOCK
1 PER PLAT



LINE	BEARING	DISTANCE
L1	N 00°48'00" E	5.00' (P)

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	20.00' (P)	16.95' (P)	16.45' (P)	S 22°50'29" E
C2	20.00' (P)	14.45' (P)	14.14' (P)	S 67°50'05" E

DESCRIPTION:

THE NORTHERLY 39.00 FEET OF THE WEST 20.00 FEET OF THE 25 FOOT UTILITY & DRAINAGE EASEMENT ON LOT 11, BLOCK 1, CROSSING AT THE NORROWS, AS RECORDED IN PLAT BOOK 92, PAGES 26 THROUGH 29, SECTION 30, TOWNSHIP 30 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH WEST CORNER OF SAID LOT 11, BLOCK 1; THENCE S 88°32'20" E, A DISTANCE OF 99.18 FEET TO THE POINT OF BEGINNING; THENCE S 88°32'20" E, A DISTANCE OF 20.00 FEET; THENCE S 00°48'00" W, A DISTANCE OF 39.00 FEET; THENCE N 88°32'20" W, A DISTANCE OF 20.00 FEET; THENCE N 00°48'00" E A DISTANCE OF 39.00 FEET, TO THE POINT OF BEGINNING, HAVING AN AREA OF 780± SQUARE FEET.

Project Number: 29812

LEGEND:

(C)= CALCULATED DATA, (D)= DEED DATA, (M)= MEASURED DATA, (P)= PLAT DATA, &= 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, FIP= 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: CWC	
		Checked By: JRB	
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER		Date: 02/03/2012 SECOND SKETCH & LEGAL 2/28/13 JBS	JOHN R. BEACH FLORIDA REG. LAND SURVEYOR No. 2984 DATE LB#4493
Revisions:			

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1410

PETITIONER

NICHOLAS N. FRASER
STACY L. FRASER
113945 75TH AVENUE
SEMINOLE, FL 33776

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

RAMIREZ, POLLEY
13951 HARBOR VIEW DR
SEMINOLE, FL 33776-3714

LA BRUTO, LYNNETTE R
LA BRUTO, L THOMAS
13992 75TH AVE
SEMINOLE, FL 33776-3721

SIMPSON, WILLIAM J
SIMPSON, JULIA A
13974 75TH AVE
SEMINOLE, FL 33776-3721

KNIGHT, JAMES E JR
KNIGHT, SUSAN E
13854 76TH AVE
SEMINOLE, FL 33776-3723

WALTERS, ARTHUR L III
WALTERS, PATRICIA
13985 75TH AVE
SEMINOLE, FL 33776-3700

EASTRIDGE, DEWEY
7600 138TH ST
SEMINOLE, FL 33776-3817

HANSON, ARTHUR C
FERRULO, ELIZABETH L
13917 75TH AVE
SEMINOLE, FL 33776-3722

HAMEL, HARVEY C
HAMEL, NICOLE S
13916 75TH AVE
SEMINOLE, FL 33776-3712

BRUBAKER, KELLY
7573 HARBOR VIEW WAY N
SEMINOLE, FL 33776-3716

HIGGINS, LINDA
7524 HARBOR VIEW WAY
SEMINOLE, FL 33776-3715

CROSSINGS AT THE NARROWS, INC
13992 75TH AVE
SEMINOLE, FL 33776-3721

PHELPS, TRAVIS H
7555 HARBOR VIEW WAY
SEMINOLE, FL 33776-3716

RADCLIFFE, RANDALL
RADCLIFFE, VANESSA
7519 HARBOR VIEW WAY
SEMINOLE, FL 33776-3716

YOUNG, LYNDIA D
13890 76TH AVE
SEMINOLE, FL 33776-3723

RAFFERTY, HEIDI
RAFFERTY, ANDREW JR
13956 75TH AVE
SEMINOLE, FL 33776-3721

DUFFY, JOHN PATRICK
DUFFY, KIMBERLY MAGDALEN
13898 75TH AVE
SEMINOLE, FL 33776-3710

AMANTI, MARGARET F
AMANTI, FRANCISCO FERNANDO
7537 HARBOR VIEW WAY
SEMINOLE, FL 33776-3716

MORAN, JAMES F
MORAN, JUDITH M
13938 75TH AVE
SEMINOLE, FL 33776-3721

BOND, JAMES
BOND, MARSHA
7560 HARBOR VIEW WAY
SEMINOLE, FL 33776-3715

ATKINSON, LARRY S
ATKINSON, JULIA F
7542 HARBOR VIEW WAY
SEMINOLE, FL 33776-3715

MARISCAL, HEATHER G
MARISCAL, CHRISTOPHER J
13891 75TH AVE
SEMINOLE, FL 33776-3727

GINGRAS, ROGER L
GINGRAS, LYNNE P
13873 75TH AVE
SEMINOLE, FL 33776-3727

DION, RAY
DION, LINDA J
BOX 321
CARBONEAR NL A1Y 1B7,

GIBBONS, JONATHAN
DAHL, MICHELLE A
777 N ASHLEY DR # 1316
TAMPA, FL 33602

BARRUCCI, PETER
BARRUCCI, MARYANN
13872 75TH AVE
SEMINOLE, FL 33776-3710

AUSTIN LAND TRUST
ENGLANDER, LEONARD S
13904 75TH AVE
SEMINOLE, FL 33776

RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF A 25 FOOT DRAINAGE AND UTILITY EASEMENT LOCATED IN LOT 11, BLOCK 1, CROSSING AT THE NARROWS SUBDIVISION, LOCATED IN SECTION 30, TOWNSHIP 30, RANGE 15, AS RECORDED IN PLAT BOOK 92, PAGES 26 THROUGH 29, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

WHEREAS, Nicholas N. Fraser and Stacy L. Fraser, 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:

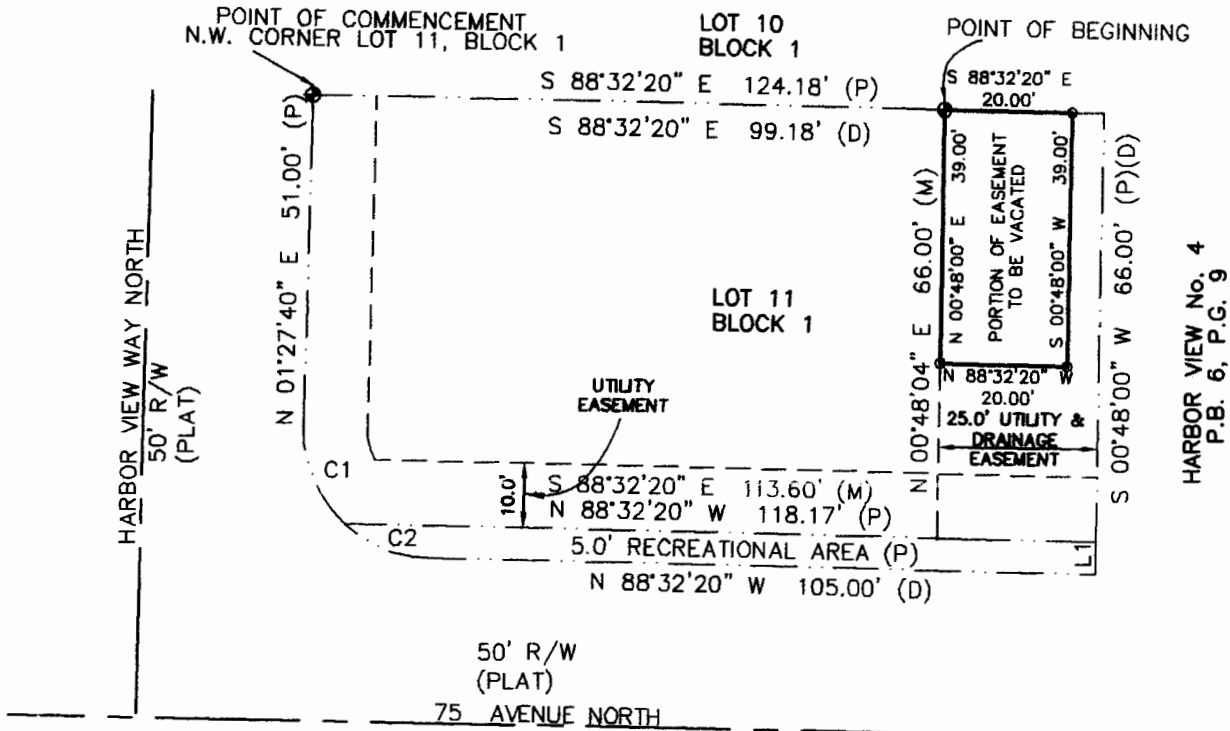
APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

BY MJ as
ATTORNEY

SKETCH & LEGAL
EASEMENT VACATION
LOT 11, BLOCK 1
CROSSING AT THE NORROWS
PINELLAS COUNTY, FLORIDA.

NOT A SURVEY

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BEARING BASIS: S 88°32'20" E NORTH LOT LINE
LOT 11, BLOCK
1 PER PLAT



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Reviewed by: GH SSB
Date: 3-25-13
501-1410

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<p>ONE WAY</p>	<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: CWC	<p>JOHN R. BEACH FLORIDA REG. LAND SURVEYOR No. 2984 DATE 03/21/2013</p>
		Checked By: JRB	
		Scale: 1"=30'	
		<p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER</p>	
<p>Revisions:</p>		<p>Date: 02/03/2012 SECOND SKETCH & LEGAL 2/28/13 JBS</p>	

Petition to Vacate

File No.: 1410



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

Pinellas County
Real Estate Management
Real Property Division