

**BOARD OF COUNTY COMMISSIONERS**

**DATE:** April 9, 2013  
**AGENDA ITEM NO.** 5

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature:**

**Subject:**

Legislative Petition to Vacate a Portion of Public Right-of-Way

Submitted By: Glenn and Leah Bergoffen  
Property Location: 615 Maryland Avenue  
Crystal Beach, Florida 34681  
File No.: 1420

**Department:**

Real Estate Management

**Staff Member Responsible:**

Paul S. Sacco, Director

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) CONSIDER PUBLIC INPUT ON THE PETITION TO VACATE, AND IF GRANTED, ADOPT THE ATTACHED RESOLUTION PURSUANT TO FLORIDA STATUTE 336.10, AND AUTHORIZE THE CLERK TO RECORD THE RESOLUTION IN THE PUBLIC RECORDS OF PINELLAS COUNTY. STAFF RECOMMENDS DENIAL.

**Summary Explanation/Background:**

A petition to vacate the subject property was previously submitted by the petitioner. The petition was heard and denied by the Board without prejudice on August 5, 2008 after hearing numerous objections from citizens and concerns from staff. The Board's action was based on its directive to the Petitioners to consider a public dock versus a private dock. The Petitioners have since then rejected the possibility of a public dock.

The subject petition seeks to vacate a portion of the South Gulf Drive right-of-way which is within the Revised Plat of Crystal Beach subdivision, filed and recorded in 1924. South Gulf Drive provides public waterfront access and has historically been used as a water view/waterfront footpath by the public. It is not open to vehicular traffic.

The Petitioners' property extends to the eastern edge of the South Gulf Drive right-of-way; the public right-of-way then extends west to the waterfront, hence Petitioners' property is not waterfront. The Petitioners are seeking the vacation of a portion of the plat in order to secure riparian rights along the shoreline necessary to obtain a permit to construct a private dock. As the Petitioners do not currently have any waterfront property interest, they cannot apply for a dock permit without first obtaining riparian rights along the shoreline. The proposed petition to vacate would reserve an easement over the majority of the vacated area which would allow continued use of the right-of-way for public access and utilities, if necessary. However, the easement to be reserved by the County will not include the area where the dock physically lands along the shoreline (approximately 4 feet x 15 feet), which would, by operation of law, inure to Petitioners, giving them riparian rights necessary to apply for the dock permit.

As part of the vacation review process, several County departments were asked to review the proposed petition and reserved easement. County departments, including Planning and the Department of Environment and Infrastructure's Watershed Management and Stormwater Departments, object to this request based on the comprehensive plan, environmental impacts and the precedent set by this matter. The basis for the staff recommendation of denial is set forth herein.

In the Pinellas County Comprehensive Plan, the Board has adopted objectives in the Recreation, Open Space and Culture Element to accomplish the following: (1) protect the County's open spaces and scenic vistas for their contributions to quality of life, (2) prohibit the conversion of dedicated recreation/open space land uses, and encourage the retention of non-dedicated recreation/open spaces land uses, and (3) maintain, enhance and expand public shoreline access. The Gulf Drive right-of-way in the Crystal Beach community from Ohio Avenue south to Georgia Avenue provides uninterrupted public waterfront access along St. Joseph Sound for the general public, which is an important public resource in heavily urbanized Pinellas County. Gulf Drive is a rare amenity in the County in that it provides a scenic public road along a waterfront (in this case, St. Joseph Sound) that is completely in the public realm, with two exceptions where private docks are located. The Gulf Drive right-of-way is used by the immediate and larger community, and provides the public with scenic views of the Sound and beyond, and contributes to the quality of life of the entire Crystal Beach community. With much of the County's waterfront in private ownership, the Board adopted the above objectives and their related policies in the Comprehensive Plan to protect and maintain those areas that currently provide public waterfront access and scenic views. Vacating the public right-of-way for this one lot would set a precedent for similar vacations up and down this portion of Gulf Drive, resulting in numerous docks in St. Joseph Sound. The resulting multiple vacations and docks are likely to blur the distinction between public and private space, where currently Gulf Drive is a distinctly public area. The proposed vacation of Gulf Drive and the precedent it would establish for numerous additional right-of-way vacations and private docks is inconsistent with the objectives and policies in the Comprehensive Plan that the Board has adopted to protect, retain, and maintain public shoreline access and scenic vistas in coastal areas.

The Department of Environment and Infrastructure's (DEI) main objection to the request is a similar issue raised by the Planning Department. The original developer of this subdivision set aside the waterfront for public use and enjoyment and it has remained so since that time. There are only three structures along this shoreline, a community observation pier maintained by the Crystal Beach association and two "grandfathered" single-family docks that were specifically granted permission to exist by the developer in 1941. The remainder of the shoreline is completely open to the public in its natural state. Environmental assets in the area of the requested vacation that would be impacted include extensive sea grass beds and the mangroves and associated wetland species that form a vegetated buffer that prevents erosion loss of the shoreline and filters runoff from the adjacent community. Although the request would still allow for pedestrian access in the right-of-way, approval would set the precedent for up to twenty (20) additional docks which would significantly change the public and natural experience of walking this shoreline.

Over the years, there have been other requests for docks along this shoreline (four formal requests and multiple inquiries to staff), and these requests have been withdrawn or denied due primarily to this concern, which has been expressed by the public on multiple occasions. In addition to the public use issue, DEI staff is concerned about the cumulative environmental impacts that would occur from the construction and use of up to twenty (20) new docks in this area. There are extensive, shallow sea grass beds along this shoreline which are currently protected from dock impacts by public ownership of the shoreline. Due to the shallowness of this area, docks would have to be in the neighborhood of 300 ft. in length and will directly shade out those sea grasses beneath them. Also, the addition of more boats to this shoreline creates the potential for unlimited additional impacts from prop dredging.

Letters of No Objection have been received from Bright House, Knology, Progress Energy (Distribution), Progress Energy (Transmission), and Verizon .

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 owners have paid a \$750 filing fee.

#### **Exhibits/Attachments Attached:**

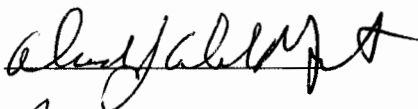
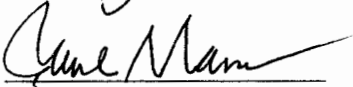
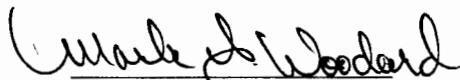
Contract Review Transmittal  
Petition to Vacate  
Notification List  
Resolution  
Location Map

**CONTRACT REVIEW TRANSMITTAL SLIP****PROJECT: Glenn & Leah Bergoffen****TYPE: Legislative Petition to Vacate a portion of Right-of-Way****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.

<b><u>Review Authority</u></b>	<b><u>Review Date</u></b>	<b><u>Review Signature</u></b>	<b><u>Comments Included/Addressed Initial &amp; Date</u></b>
Real Property Div. (Dave DelMonte)	<u>3/22/13</u>		_____
Real Est. Mgmt (Paul Sacco)	<u>3/22/13</u>		_____
Legal (Michael Zas)	<u>3/22/13</u>	<u>M Zas</u>	_____
County Admin. (Mark Woodard)	<u>3/25/13</u>		<u>Clarify staff objection + basis.</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, PUBLIC RIGHTS-OF-WAY OR ALLEYS

Comes now your Petitioners, Todd Pressman for Glenn and Leah Bergoffen  
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.

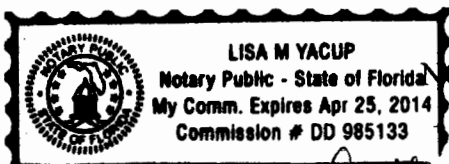
Your petitioners represent that: 1) the petitioners own the fee simple title to the whole or that portion of the plat (easement) that is sought to be vacated; 2) the vacation request herein will not cause injury to any surrounding property or property owners, and that the above described property does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

  
\_\_\_\_\_  
Todd Pressman, Agent

STATE OF FLORIDA  
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 22 day of February, 2013,  
by Todd Pressman for Glenn and Leah Bergoffen. He is personally known to me, or has produced FLDL PL25-800-58-133-0 as identification, and who did (did not) take an oath.



NOTARY  
SEAL

NOTARY 

Print Name Lisa M. Yacup

My Commission Expires: April 25, 2014

Commission Number: DD 985133

SECTION . . . 34 . . . , TOWNSHIP . . . 27 . . . SOUTH, RANGE . . . 15 . . . EAST, . . . . . PINELLAS . . . . . COUNTY, FLORIDA

## LEGAL DESCRIPTION and SKETCH OF VACATION AREA

THIS IS NOT A FIELD SURVEY

EXHIBIT "A"

### LEGAL DESCRIPTION - VACATION AREA

A TRACT OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 27 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, OVER AND ACROSS GULF DRIVE AS SHOWN ON THE REVISED PLAT OF CRYSTAL BEACH, AS RECORDED IN PLAT BOOK 7, PAGE 30, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK H, OF SAID REVISED PLAT OF CRYSTAL BEACH; THENCE S16°22'53"E, ALONG THE WEST BOUNDARIES OF SAID LOT 1 AND LOT 2, ALSO BEING THE EAST RIGHT-OF-WAY OF GULF DRIVE (PER PLAT), A DISTANCE OF 85.38 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID WEST BOUNDARY OF LOT 2, S78°19'38"W, A DISTANCE OF 87.59 FEET; THENCE N00°00'00"E, A DISTANCE OF 2.98 FEET; THENCE N90°00'00"W, A DISTANCE OF 23.32 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF ST. JOSEPH SOUND; THENCE SOUTHERLY ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) S19°07'02"E, A DISTANCE OF 9.58 FEET, (2) S13°03'48"E, A DISTANCE OF 13.01 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, N90°00'00"E, A DISTANCE OF 17.24 FEET; THENCE N00°00'00"E, A DISTANCE OF 12.52 FEET; THENCE N78°15'47"E, A DISTANCE OF 89.35 FEET TO A POINT ON THE WEST BOUNDARY OF SAID LOT 2, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY OF SAID GULF DRIVE (PER PLAT); THENCE N16°22'53"W, ALONG SAID WEST BOUNDARY OF LOT 2, A DISTANCE OF 6.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 969 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

PREPARED FOR

GLEN BERGOFFEN

Reviewed by: *CH* *CS*

Date:

10/29/12

SHEET 1 OF 3

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED ON THIS SURVEY AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

*George A. Shimp III*

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

JOB NUMBER: 060675F

DATE SURVEYED: N/A

DRAWING FILE: 060675F.DWG

DATE DRAWN: 8-15-2012

LAST REVISION: N/A

X REFERENCE: 051070



R.C.  
LB 1834

**GEORGE A. SHIMP III  
AND ASSOCIATES, INCORPORATED**

LAND SURVEYORS LAND PLANNERS

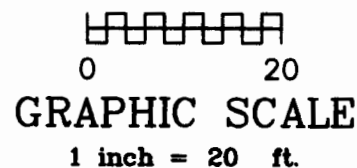
3301 DeSOTO BOULEVARD, SUITE D  
PALM HARBOR, FLORIDA 34683

PHONE (727) 784-5496 FAX (727) 786-1256

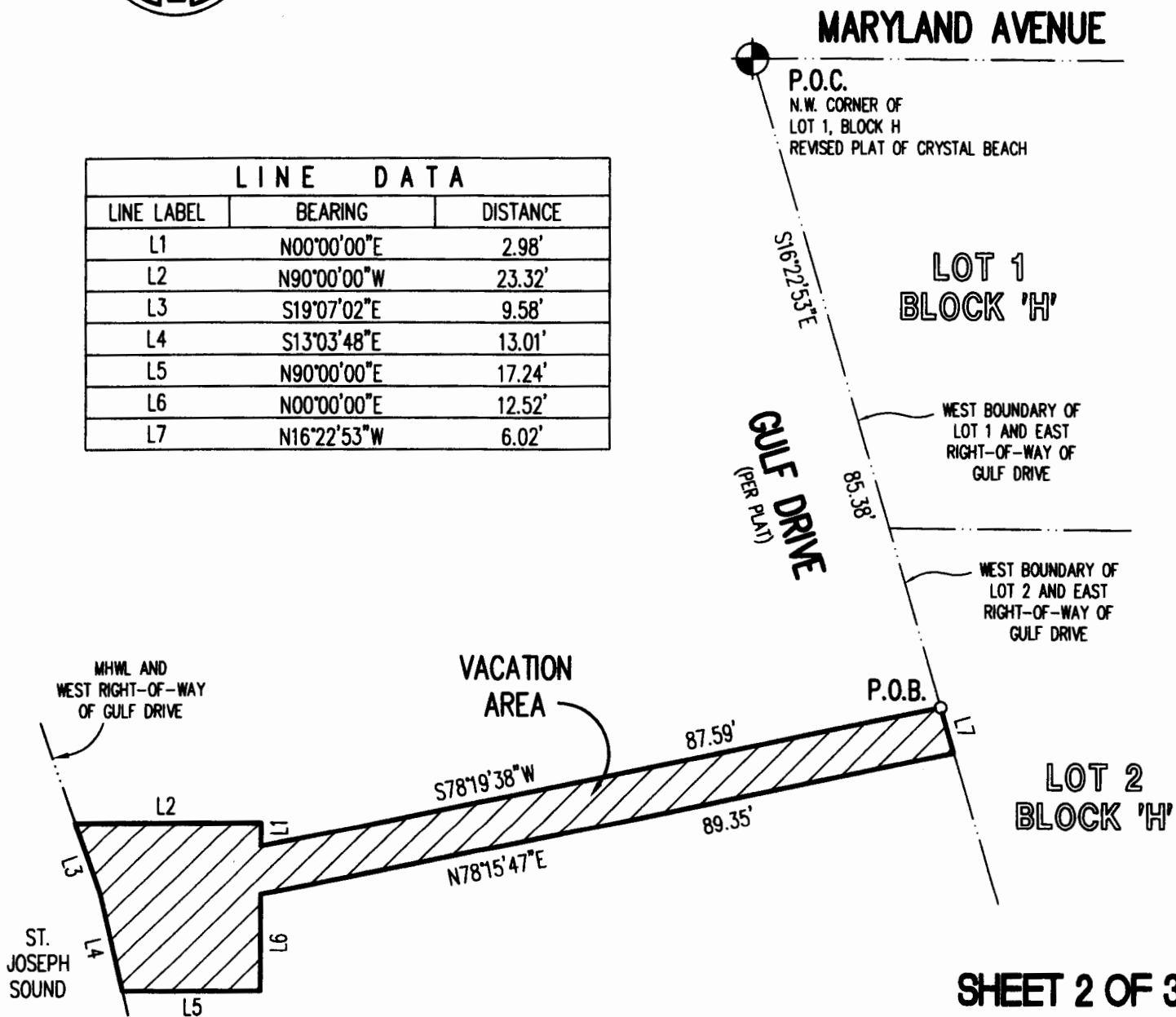
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LINE DATA		
LINE LABEL	BEARING	DISTANCE
L1	N00°00'00"E	2.98'
L2	N90°00'00"W	23.32'
L3	S19°07'02"E	9.58'
L4	S13°03'48"E	13.01'
L5	N90°00'00"E	17.24'
L6	N00°00'00"E	12.52'
L7	N16°22'53"W	6.02'



**SHEET 2 OF 3**

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED ON THIS SURVEY AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

*George A. Shimp II*

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

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DRAWING FILE: 060675F.DWG DATE DRAWN: 8-15-2012  
LAST REVISION: SEE SHEET 1 X REFERENCE: SEE SHEET 1



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LB 1834

# LEGAL DESCRIPTION and SKETCH OF VACATION AREA THIS IS NOT A FIELD SURVEY

## ABBREVIATIONS

A = ARC LENGTH	FPP = FOUND PINCHED PIPE	PROP = PROPERTY
A/C = AIR CONDITIONER	FRM = FRAME	PSM = PROFESSIONAL SURVEYOR & MAPPER
AF = ALUMINUM FENCE	FZL = FLOOD ZONE LINE	PT = POINT OF TANGENCY
ALUM = ALUMINUM	GAR = GARAGE	PVM'T = PAVEMENT
ASPH = ASPHALT	G/E = GLASS ENCLOSURE	RAD = RADIUS
BFE = BASE FLOOD ELEVATION	HWF = HOG WIRE FENCE	R = RECORD
BLDG = BUILDING	HWL = HIGH WATER LINE	REF = REFERENCE
BLK = BLOCK	INV = INVERT	RES = RESIDENCE
BM = BENCH MARK	LB = LAND SURVEYING BUSINESS	RL = RADIAL LINE
BNDY = BOUNDARY	LFE = LOWEST FLOOR ELEV	RLS = REGISTERED LAND SURVEYOR
BRG = BEARING	LHSM = LOWEST HORIZONTAL SUPPORTING MEMBER	RND = ROUND
BWF = BARBED WIRE FENCE	LS = LAND SURVEYOR	RNG = RANGE
C = CALCULATED	M = MEASURED	RRS = RAIL ROAD SPIKE
CB = CHORD BEARING	MAS = MASONRY	R/W = RIGHT-OF-WAY
CBS = CONCRETE BLOCK STRUCTURE	MES = MITERED END SECTION	SCM = SET CONCRETE MONUMENT
CHD = CHORD	MH = MANHOLE	S/E = SCREENED ENCLOSURE
CL = CENTERLINE	MHWL = MEAN HIGH WATER LINE	SEC = SECTION
CLF = CHAIN LINK FENCE	MSL = MEAN SEA LEVEL	SET N&D = SET NAIL AND DISK RLS# 2512
CLOS = CLOSURE	N&B = NAIL AND BOTTLE CAP	SIR = SET 1/2" IRON ROD RLS# 2512
COL = COLUMN	N&D = NAIL AND DISK	SQ = SQUARE
CONC = CONCRETE	N&T = NAIL AND TAB	SRF = SPLIT RAIL FENCE
CR = COUNTY ROAD	NGVD = NATIONAL GEODETIC VERTICAL DATUM	SR = STATE ROAD
C/S = CONCRETE SLAB	NO = NUMBER	STY = STORY
COR = CORNER	O/A = OVERALL	SUB = SUBDIVISION
COV = COVERED AREA	OHW = OVERHEAD WIRE(S)	S/W = SIDEWALK
D = DEED	OR = OFFICIAL RECORDS	TB = "T" BAR
DOT = DEPARTMENT OF TRANSPORTATION	O/S = OFFSET	TBM = TEMPORARY BENCH MARK
DRNG = DRAINAGE	P = PLAT	TC = TOP OF CURB
D/W = DRIVEWAY	PB = PLAT BOOK	TOB = TOP OF BANK
EL OR ELEV = ELEVATION	PC = POINT OF CURVE	TOS = TOE OF SLOPE
EOP = EDGE OF PAVEMENT	PCC = POINT OF COMPOUND CURVE	TRANS = TRANSFORMER
EOW = EDGE OF WATER	PCP = PERMANENT CONTROL POINT	TWP = TOWNSHIP
ESM'T = EASEMENT	PG = PAGE	TYP = TYPICAL
FCM = FOUND CONCRETE MONUMENT	PK = PARKER KALON	UG = UNDERGROUND
FES = FLARED END SECTION	PL = PROPERTY LINE	UTIL = UTILITY
FIP = FOUND IRON PIPE	POB = POINT OF BEGINNING	WD = WOOD
FIR = FOUND IRON ROD	POC = POINT OF COMMENCEMENT	WF = WOOD FENCE
FL = FLOW LINE	POL = POINT ON LINE	WIF = WROUGHT IRON FENCE
FLD = FIELD	PP = POWER POLE	WIT = WITNESS
FND = FOUND	PRC = POINT OF REVERSE CURVATURE	WRF = WIRE FENCE
FOP = FOUND OPEN PIPE	PRM = PERMANENT REFERENCE MONUMENT	WV = WATER VALVE
FPC = FLORIDA POWER CORP.		

\*\*\* ABBREVIATIONS MAY ALSO BE CONCATENATED AS REQUIRED.

\*\*\* OTHER COMMONLY RECOGNIZED AND/OR ACCEPTED ABBREVIATIONS ARE ALSO UTILIZED BUT NOT SPECIFIED HEREON.

# SHEET 3 OF 3

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*George A. Shimp III*

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JOB NUMBER: 060675F

DATE SURVEYED: N/A

DRAWING FILE: 060675F.DWG

DATE DRAWN: 8-15-2012

LAST REVISION: SEE SHEET 1

X REFERENCE: SEE SHEET 1



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PHONE (727) 784-5496 FAX (727) 786-1256

LB 1834



SECTION . . . 34 . . . , TOWNSHIP . . . 27 . . . SOUTH, RANGE . . . 15 . . . EAST, . . . . . PINELLAS . . . . . COUNTY, FLORIDA

**LEGAL DESCRIPTION and SKETCH  
OF PUBLIC ACCESS EASEMENT**  
THIS IS NOT A FIELD SURVEY

**LEGAL DESCRIPTION – PUBLIC ACCESS EASEMENT**

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CONTAINING 909 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

**PREPARED FOR**

GLEN BERGOFFEN

Reviewed by *GH* *CH*  
Date: 3/15/13  
SDI-1420

**SHEET 1 OF 3**

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED ON THIS SURVEY AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

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JOB NUMBER: 060675F

DATE SURVEYED: N/A

DRAWING FILE: 060675F.DWG

DATE DRAWN: 8-15-2012

LAST REVISION: N/A

X REFERENCE: 051070



R.C.  
LB 1834

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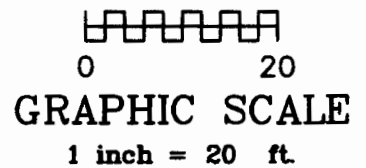
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SECTION . . . 34 . . . , TOWNSHIP . . . 27 . . . SOUTH, RANGE . . . 15 . . . EAST, . . . PINELLAS . . . COUNTY, FLORIDA

# LEGAL DESCRIPTION and SKETCH OF PUBLIC ACCESS EASEMENT

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L4	S89°30'00"E	15.58'
L5	S00°30'00"W	4.00'
L6	N89°30'00"W	14.16'
L7	S19°07'02"E	1.01'
L8	S13°03'48"E	13.01'
L9	N90°00'00"E	17.24'
L10	N00°00'00"E	12.52'
L11	N16°22'53"W	6.02'

**MARYLAND AVENUE**

P.O.C.  
N.W. CORNER OF  
LOT 1, BLOCK H  
REVISED PLAT OF CRYSTAL BEACH

**LOT 1  
BLOCK 'H'**

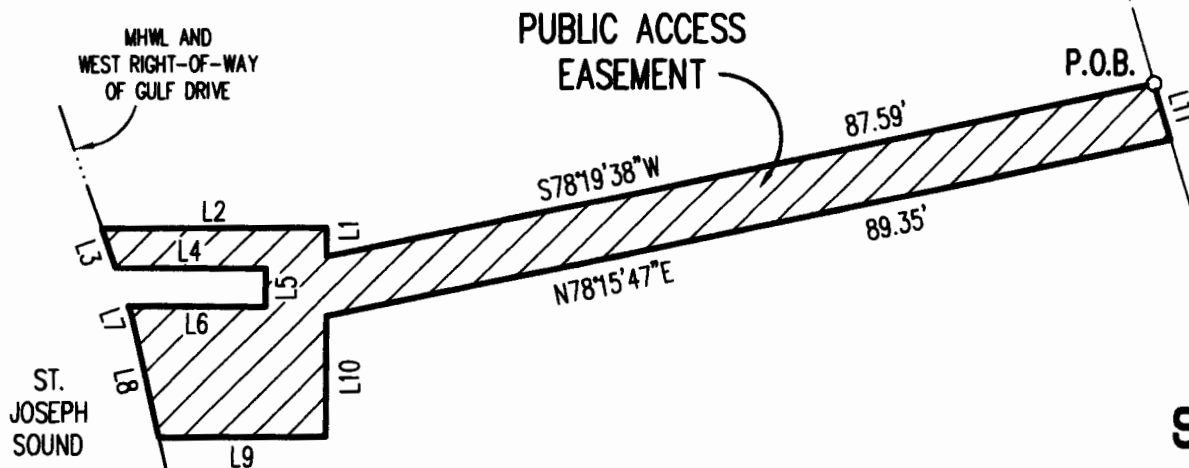
**GULF DRIVE**  
(PER PLAT)

WEST BOUNDARY OF  
LOT 1 AND EAST  
RIGHT-OF-WAY OF  
GULF DRIVE

WEST BOUNDARY OF  
LOT 2 AND EAST  
RIGHT-OF-WAY OF  
GULF DRIVE

P.O.B.

**LOT 2  
BLOCK 'H'**



**SHEET 2 OF 3**

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED ON THIS SURVEY AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

*George A. Shimp III*

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

JOB NUMBER: 060675F

DATE SURVEYED: N/A

DRAWING FILE: 060675F.DWG

DATE DRAWN: 8-15-2012

LAST REVISION: SEE SHEET 1

X REFERENCE: SEE SHEET 1



**GEORGE A. SHIMP III  
AND ASSOCIATES, INCORPORATED**

LAND SURVEYORS LAND PLANNERS  
3301 DeSOTO BOULEVARD, SUITE D  
PALM HARBOR, FLORIDA 34683

PHONE (727) 784-5496 FAX (727) 786-1256

LB 1834

# LEGAL DESCRIPTION and SKETCH OF PUBLIC ACCESS EASEMENT THIS IS NOT A FIELD SURVEY

## ABBREVIATIONS

A = ARC LENGTH	FPP = FOUND PINCHED PIPE	PROP = PROPERTY
A/C = AIR CONDITIONER	FRM = FRAME	PSM = PROFESSIONAL SURVEYOR & MAPPER
AF = ALUMINUM FENCE	FZL = FLOOD ZONE LINE	PT = POINT OF TANGENCY
ALUM = ALUMINUM	GAR = GARAGE	PVM'T = PAVEMENT
ASPH = ASPHALT	G/E = GLASS ENCLOSURE	RAD = RADIUS
BFE = BASE FLOOD ELEVATION	HWF = HOG WIRE FENCE	R = RECORD
BLDG = BUILDING	HWL = HIGH WATER LINE	REF = REFERENCE
BLK = BLOCK	INV = INVERT	RES = RESIDENCE
BM = BENCH MARK	LB = LAND SURVEYING BUSINESS	RL = RADIAL LINE
BNDY = BOUNDARY	LFE = LOWEST FLOOR ELEV	RLS = REGISTERED LAND SURVEYOR
BRG = BEARING	LHSM = LOWEST HORIZONTAL SUPPORTING MEMBER	RND = ROUND
BWF = BARBED WIRE FENCE	LS = LAND SURVEYOR	RNG = RANGE
C = CALCULATED	M = MEASURED	RRS = RAIL ROAD SPIKE
CB = CHORD BEARING	MAS = MASONRY	R/W = RIGHT-OF-WAY
CBS = CONCRETE BLOCK STRUCTURE	MES = MITERED END SECTION	SCM = SET CONCRETE MONUMENT
CHD = CHORD	MH = MANHOLE	S/E = SCREENED ENCLOSURE
CL = CENTERLINE	MHWL = MEAN HIGH WATER LINE	SEC = SECTION
CLF = CHAIN LINK FENCE	MSL = MEAN SEA LEVEL	SET N&D = SET NAIL AND DISK RLS# 2512
CLOS = CLOSURE	N&B = NAIL AND BOTTLE CAP	SIR = SET 1/2" IRON ROD RLS# 2512
COL = COLUMN	N&D = NAIL AND DISK	SQ = SQUARE
CONC = CONCRETE	N&T = NAIL AND TAB	SRF = SPLIT RAIL FENCE
CR = COUNTY ROAD	NGVD = NATIONAL GEODETIC VERTICAL DATUM	SR = STATE ROAD
C/S = CONCRETE SLAB	NO = NUMBER	STY = STORY
COR = CORNER	O/A = OVERALL	SUB = SUBDIVISION
COV = COVERED AREA	OHW = OVERHEAD WIRE(S)	S/W = SIDEWALK
D = DEED	OR = OFFICIAL RECORDS	TB = "T" BAR
DOT = DEPARTMENT OF TRANSPORTATION	O/S = OFFSET	TBM = TEMPORARY BENCH MARK
DRNG = DRAINAGE	P = PLAT	TC = TOP OF CURB
D/W = DRIVEWAY	PB = PLAT BOOK	TOB = TOP OF BANK
EL OR ELEV = ELEVATION	PC = POINT OF CURVE	TOS = TOE OF SLOPE
EOP = EDGE OF PAVEMENT	PCC = POINT OF COMPOUND CURVE	TRANS = TRANSFORMER
EOW = EDGE OF WATER	PCP = PERMANENT CONTROL POINT	TWP = TOWNSHIP
ESM'T = EASEMENT	PG = PAGE	TYP = TYPICAL
FCM = FOUND CONCRETE MONUMENT	PK = PARKER KALON	UG = UNDERGROUND
FES = FLARED END SECTION	PL = PROPERTY LINE	UTIL = UTILITY
FIP = FOUND IRON PIPE	POB = POINT OF BEGINNING	WD = WOOD
FIR = FOUND IRON ROD	POC = POINT OF COMMENCEMENT	WF = WOOD FENCE
FL = FLOW LINE	POL = POINT ON LINE	WIF = WROUGHT IRON FENCE
FLD = FIELD	PP = POWER POLE	WIT = WITNESS
FND = FOUND	PRC = POINT OF REVERSE CURVATURE	WRF = WIRE FENCE
FOP = FOUND OPEN PIPE	PRM = PERMANENT REFERENCE MONUMENT	WV = WATER VALVE
FPC = FLORIDA POWER CORP.		

\*\*\* ABBREVIATIONS MAY ALSO BE CONCATENATED AS REQUIRED.

\*\*\* OTHER COMMONLY RECOGNIZED AND/OR ACCEPTED ABBREVIATIONS ARE ALSO UTILIZED BUT NOT SPECIFIED HEREON.

**SHEET 3 OF 3**

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED ON THIS SURVEY AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

*George A. Shimp III*

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

JOB NUMBER: 060675F

DATE SURVEYED: N/A

DRAWING FILE: 060675F.DWG

DATE DRAWN: 8-15-2012

LAST REVISION: SEE SHEET 1

X REFERENCE: SEE SHEET 1



**GEORGE A. SHIMP II  
AND ASSOCIATES, INCORPORATED**

LAND SURVEYORS LAND PLANNERS  
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PHONE (727) 784-5496 FAX (727) 786-1256

LB 1834

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1420

PETITIONER

GLENN BERGOFFEN  
LEAH BERGOFFEN  
C/O TODD PRESSMAN  
334 EASTLAKE ROAD, SUITE 102  
PALM HARBOR, FLORIDA 34684

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

ERVING, SHIRLEY L 1996 REV TRUST  
JONES, SHIRLEY L TRE  
PO BOX 727  
CRYSTAL BEACH, FL 34681-0727

PECKHAM, RONALD  
PECKHAM, MARIA D  
PO BOX 650  
SUGARLOAF, NY 10981

GIBB, DONALD B  
GIBB, NANCY A  
PO BOX 542  
CRYSTAL BEACH, FL 34681-0542

JACOBS, ROBERT  
JACOBS, BRIGITTE  
PO BOX 678  
CRYSTAL BEACH, FL 34681-0678

FALZON, DENNIS S  
PO BOX 965  
CRYSTAL BEACH, FL 34681-0965

PILLE, JAMES  
PO BOX 574  
CRYSTAL BEACH, FL 34681-0574

TWAITS, LEE J  
TWAITS, PAULA J  
PO BOX 1017  
CRYSTAL BEACH, FL 34681-1017

GRIBBIN, JULIA  
6079 HIDDEN VALLEY DR  
DOYLESTOWN, PA 18902-9474

RHODES, JAMES B  
PO BOX 144  
CRYSTAL BEACH, FL 34681-0144

SCOGNAMIGLIO, SERGIO  
PO BOX 975  
CRYSTAL BEACH, FL 34681-0975

RAPA, LESZEK B  
PO BOX 477  
CRYSTAL BEACH, FL 34681-0477

SENTOWSKI, JOSEPH C  
SENTOWSKI, ADRIENNE L  
PO BOX 828  
CRYSTAL BEACH, FL 34681-0828

ANDERSON, STANLEY  
4946 S HALIFAX BLVD  
PORT ORANGE, FL 32127-5108

BALL, LINDSAY P  
BALL, SUSANNE S  
PO BOX 1153  
CRYSTAL BEACH, FL 34681-1153

WHITTLE, MARK F  
WHITTLE, LYNN A  
PO BOX 615  
CRYSTAL BEACH, FL 34681-0615

BANASIAK, THOMAS  
PO BOX 790  
CRYSTAL BEACH, FL 34681-0790

CSASZAR, LUKAS  
MATEJIKOVA, LUDMILA  
PO BOX 371  
CRYSTAL BEACH, FL 34681-0371

LAPCEVIC, DONNA  
QUINONES, JESSICA NOEL  
PO BOX 674  
CRYSTAL BEACH, FL 34681-0674

WEST, KAREN E  
BOLAND, ADIL R  
603 CARLISLE DR  
LUTZ, FL 33548-4267

KNIGHT, GREGORY C  
KNIGHT, PEGGY S  
3108 S CANAL DR  
PALM HARBOR, FL 34684

HAYES, CURRY A  
GEATZ, J TOBIN  
205 S MAYO ST

SMITH, FRANK J  
SMITH, LINDA JO  
7350 E 650 N

HERRELL, SHARON C  
PO BOX 203  
SURREY, ME 04684-0203

FICCO, COLLEEN O  
PO BOX 1133  
CRYSTAL BEACH, FL 34681-1133

RIZZUTO, RITA C  
PO BOX 429  
CRYSTAL BEACH, FL 34681-0429

WEISS, KRISTIN M  
PO BOX 378  
CRYSTAL BEACH, FL 34681-0378

CHAISSON, JOHN W  
CHAISSON, MARY E  
6579 VAN GORDON CT  
ARVADA, CO 80004-2437

ROSE, THOMAS & DOROTHEA  
REVOCABLE TRUST  
104 CARLYLE DR  
PALM HARBOR, FL 34683-1805

VAN KEUREN, KRISTINA  
VAN KEUREN, MICHAEL  
26 ISLAND VIEW DR W  
SAG HARBOR, NY 11963-2913

NAUMANN, DONALD F  
PO BOX 1142  
CRYSTAL BEACH, FL 34681-1142

CREIGHTON, MATTHEW G  
CREIGHTON, LINDA E  
PO BOX 182  
CRYSTAL BEACH, FL 34681

HULTGREN, STEVAN R  
HULTGREN, KATHLENE H  
PO BOX 376  
CRYSTAL BEACH, FL 34681-0376

FRALEY, PHILIP R  
FRALEY, KAREN L  
PO BOX 841  
CRYSTAL BEACH, FL 34681-0841

CARSON, H AGNES  
PO BOX 264  
CRYSTAL BEACH, FL 34681-0264

POZNIAKOWSKI, MARZENA  
POZNIAKOWSKI, ANDRZEJ  
PO BOX 36  
CRYSTAL BEACH, FL 34681-0036

VALK, NEIL A  
PO BOX 829  
CRYSTAL BEACH, FL 34681-0829

TORRES, SHARON G  
501 SW 96TH LN  
OCALA, FL 34476-7536

VINSON, DOROTHY E  
VINSON, DONALD W  
PO BOX 1139  
CRYSTAL BEACH, FL 34681-1139

VALK, DONALD F  
PO BOX 804  
PALM HARBOR, FL 34682-0804

SUTO, KAREN  
SUTO, STEPHEN  
PO BOX 97  
CRYSTAL BEACH, FL 34681-0097

HAINES, KAREN  
PO BOX 927  
CRYSTAL BEACH, FL 34681-0927

HIRSCH, RANDY  
SCHELLIN, LISA  
1930 LAGO VISTA BLVD  
PALM HARBOR, FL 34685-3332

CONLON, SUSAN T  
PO BOX 377  
CRYSTAL BEACH, FL 34681-0377

MITCHELL, RICHARD S  
PO BOX 435  
CRYSTAL BEACH, FL 34681-0435

CURRY, BRUCE A  
PO BOX 963  
CRYSTAL BEACH, FL 34681-0963

PURPURA, JEANNE A TRE  
PO BOX 113  
CRYSTAL BEACH, FL 34681-0113

SAGER, DAVID C  
PO BOX 525  
CRYSTAL BEACH, FL 34681-0525

PREVOT, ERIN  
PO BOX 322  
CRYSTAL BEACH, FL 34681-0322

COLLINS, KELLY A  
PO BOX 901  
CRYSTAL BEACH, FL 34681-0901

MABIN, RODNEY E  
PO BOX 977  
CRYSTAL BEACH, FL 34681-0977

BALL, LINDSAY P  
BALL, SUSANNE S  
6391 N STATE RD 53  
MADISON, FL 32340-3766

HINTON, WALTER RAY  
HINTON, MARY JOAN  
PO BOX 593  
CRYSTAL BEACH, FL 34681-0593

ZIESMER, SCOTT M  
ZIESMER, JENNIFER G  
2661 STANTON HALL CT  
WINDERMERE, FL 34786-3401

MC QUILKIN, GARY  
MC QUILKIN, ELAINE  
3202 LEIGH RD  
POMPANO BEACH, FL 33062-1214

TURNER, GERRY W  
TURNER, GAYLA F  
PO BOX 636  
CRYSTAL BEACH, FL 34681-0636

CRYSTAL BEACH COMMUNITY ASSN INC  
PO BOX 281  
CRYSTAL BEACH, FL 34681-0281

MC GREGOR, MARCIE  
HURST, SANDRA  
775 PENNSYLVANIA AVE  
PALM HARBOR, FL 34683-4019

ROY, JAMES L  
PO BOX 757  
CRYSTAL BEACH, FL 34681-0757

SMALL, BENJAMIN  
SMALL, MARCI  
110 SPRING ST  
METUCHEN, NJ 08840-2320

REYNOLDS, GUY C  
7348 SKYVIEW AVE  
NEW PORT RICHEY, FL 34653-1946

BACHMAN, GREGG P  
TEDDY, SHERRIE D  
PO BOX 931  
CRYSTAL BEACH, FL 34681-0931

KIDD, GREGORY B  
PO BOX 263  
CRYSTAL BEACH, FL 34681-0263

LIS, MATTHEW J  
LIS, CYNTHIA B  
PO BOX 879  
CRYSTAL BEACH, FL 34681-0879

CLIFFORD, DONNA C  
243 W CANAL DR  
PALM HARBOR, FL 34684-1205

CRYSTAL BEACH COMNTY CHURCH  
PO BOX 571  
CRYSTAL BEACH, FL 34681-0571

PECTEAU, DIANNE L  
CLARKE, KENNETH F  
PO BOX 942  
CRYSTAL BEACH, FL 34681-0942

TAYLOR, MARY S REVOCABLE LIVING  
TRUST  
TAYLOR, MARY S TRE  
107 PETERSON LN  
PALM HARBOR, FL 34683-1823

PAIGHT, AUDREY S TRUST  
PAIGHT, AUDREY S TRE  
PO BOX 955  
CRYSTAL BEACH, FL 34681-0955

FICCO, CHAD  
FICCO, COLLEEN  
608 PENNSYLVANIA AVE  
CRYSTAL BEACH, FL 34681

WILLS, JERRY M  
WILLS, JULIE K  
PO BOX 501  
CRYSTAL BEACH, FL 34681-0501

GORDON, JAMES A  
1709 FOX RUN DR  
TARPON SPRINGS, FL 34689-3033

LANE, JEFFERY P  
LANE, REBECCA M  
PO BOX 742  
CRYSTAL BEACH, FL 34681-0742

CHOONG, LIONEL C  
KEIR-CHOONG, JEAN M  
PO BOX 976  
CRYSTAL BEACH, FL 34681-0976

SCHMIDT, LARRY W  
DUWA, SUSAN  
PO BOX 311  
CRYSTAL BEACH, FL 34681-0311

WILSON, STEPHANIE  
270 DUNCAN LOOP E APT 302  
DUNEDIN, FL 34698-8390

BURKE, MICHAEL  
CHARLAND, JANE  
PO BOX 534  
CRYSTAL BEACH, FL 34681-0534

\*\*\*\*\*  
\*\*\*\*\*  
PO BOX 847  
CRYSTAL BEACH, FL 34681-0847

MERCADANTE, BENEDICT P  
9 FORBES PL # 410  
DUNEDIN, FL 34698

REIS, PAUL MICHAEL  
532 S MAYO ST  
CRYSTAL BEACH, FL 34681

SAGER, MARJORIE S  
PO BOX 525  
CRYSTAL BEACH, FL 34681-0525

BALL, LINDSAY P  
BALL, SUSANNE S  
6391 N STATE RD 53  
MADISON, FL 32340-3766

HENRY, LINDA G  
PO BOX 1131  
CRYSTAL BEACH, FL 34681

NAUMANN, KENNETH S  
NAUMANN, DESIREE  
PO BOX 817  
CRYSTAL BEACH, FL 34681-0817

RIESE, DANIEL II  
RIESE, NANCY A  
10815 LUSCOMBE CT  
NEW PORT RICHEY, FL 34654-5211

DILLEY, MAX  
DILLEY, SHEILA SELZER  
3785 SIENA LN  
PALM HARBOR, FL 34685-3611

ROSEN, ERIC L  
ROSEN, BARBARA A  
PO BOX 265  
CRYSTAL BEACH, FL 34681-0265

MURRAY, ROBERT P  
47 SHEPHARD RD  
GIBSONIA, PA 15044-7864

WEINZIERL, MARK  
WEINZIERL, DENISE  
PO BOX 1103  
CRYSTAL BEACH, FL 34681-1103

LYNCH, DENA S  
LYNCH, EDWARD  
PO BOX 836  
CRYSTAL BEACH, FL 34681-0836

SCHULZ, BERNADETTE J  
PO BOX 892  
CRYSTAL BEACH, FL 34681-0892

CLARK, ROBERT W  
CLARK, ANN O  
PO BOX 714  
CRYSTAL BEACH, FL 34681-0714

GRAHAM, ALLISON E  
GRAHAM, KAREN S  
709 SPARROW AVE  
PALM HARBOR, FL 34683-1920

WIKLE, PAULA C  
PO BOX 217  
CRYSTAL BEACH, FL 34681-0217

FRIESEN REAL ESTATE HOLDINGS LLC  
503 N MAIN ST  
MADISON, GA 30650-1431

JACOBS, JOYCE  
PO BOX 204  
CRYSTAL BEACH, FL 34681-0204

PROSSER, RICHARD E  
PROSSER, MELINDA G  
8 PROSSER RD SUNDYS HARBOR  
HARPSWELL, ME 04079

PALMER, KARIN B  
PO BOX 421  
CRYSTAL BEACH, FL 34681-0421

CANNON, RAYMOND G  
CANNON, KATHRYN  
PO BOX 71  
CRYSTAL BEACH, FL 34681-0071

CLOSE, DAVID O CREDIT SHELTER TRUST  
CLOSE, MARY M TRE  
930 YOSEMITE LN  
LINCOLN, CA 95648-8305

WRIGHT, CHRISTOPHER T  
WRIGHT, RONI S  
PO BOX 585  
CRYSTAL BEACH, FL 34681-0585

PETERSON, DOROTHY J  
PO BOX 791  
CRYSTAL BEACH, FL 34681-0791

TONKING, JOHN  
PO BOX 339  
CRYSTAL BEACH, FL 34681-0339

MATTIOLI, MARY ANN  
MATTIOLI, ANTHONY  
PO BOX 754  
CRYSTAL BEACH, FL 34681-0754

BURNETT, TONI F  
PO BOX 399  
CRYSTAL BEACH, FL 34681-0399

LUPER, SIMON  
FRALEIGH, ILONA  
12018 MARBLEHEAD DR  
TAMPA, FL 33626-2502

NAUMANN, DOUGLAS E  
NAUMANN, LIZA B  
PO BOX 725  
CRYSTAL BEACH, FL 34681-0725

HARRIS, JACKSON C  
HARRIS, JEANIE C  
PO BOX 493  
CRYSTAL BEACH, FL 34681-0493

PATTERSON, SAM  
COLLINS, BESS  
2589 CHECKERBERRY DR  
LEXINGTON, KY 40509-4384

OSBORNE, GARY T  
OSBORNE, CYNTHIA M  
PO BOX 794  
CRYSTAL BEACH, FL 34681-0794

DRAGER, DANIEL  
PO BOX 573  
CRYSTAL BEACH, FL 34681-0573

CUNNAGIN, PHILLIP W  
CUNNAGIN, LENORA E  
1014 DELAWARE AVE  
PALM HARBOR, FL 34683-3523

REED, LINDA A  
PO BOX 18  
CRYSTAL BEACH, FL 34681-0018

MURPHY, JOHN W III  
MURPHY, MARY J  
PO BOX 553  
CRYSTAL BEACH, FL 34681-0553

ESTES, KAREN A  
DECAIRE, M JOANNE  
7760 58TH ST  
PINELLAS PARK, FL 33781-3258

OZONA PROPERTIES LLP  
13665 AUTOMOBILE BLVD  
CLEARWATER, FL 33762-3843

GULKIS IRREVOCABLE FAMILY TRUST  
GULKIS, DANIEL ALEC TRE  
14700 DRAFTHORSE LN  
WELLINGTON, FL 33414-1086

SAUSSY, CHARLES R  
PO BOX 98  
CRYSTAL BEACH, FL 34681-0098

RAMIREZ, MICHAEL  
RAMIREZ, BECKY J  
PO BOX 912  
CRYSTAL BEACH, FL 34681-0912

HUBER, CAROLYN G  
PO BOX 549  
CRYSTAL BEACH, FL 34681-0549

DINGESS, ROBERT L II  
PO BOX 52  
CRYSTAL BEACH, FL 34681-0052

NAUMANN, DOUGLAS E  
NAUMANN, LIZA B  
PO BOX 725  
CRYSTAL BEACH, FL 34681-0725

YANETRUOC LTD  
PO BOX 472  
GRAND CAYMAN KY1-1106,

POWERS, CAROL  
PO BOX 124  
CRYSTAL BEACH, FL 34681-0124

SMITH, JASON  
PO BOX 907  
CRYSTAL BEACJ, FL 34681-0907

\*\*\*\*\*  
PO BOX 726  
CRYSTAL BEACH, FL 34681-0726



**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION VACATING A PORTION OF GULF DRIVE REVISED PLAT OF CRYSTAL BEACH SUBDIVISION P.B. 7, PG. 30, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; AND RETAINING A RIGHT-OF-WAY, PUBLIC ACCESS AND GENERAL UTILITY EASEMENT OVER THE MAJORITY OF THE VACATED AREA.**

**WHEREAS, Glenn Bergoffen and Leah Bergoffen, 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, 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, Pinellas County will retain a perpetual public easement for utilities, right-of-way and unimpeded public access over the following described property:**

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

**WHEREAS, the retained easement described in Exhibit "B" prohibits petitioners from impeding access or constructing anything in, on or over the entire easement area; 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, retaining a public easement for utilities, public access and right-of-way, insofar as this Board of County Commissioners has the authority to do so.**

**BE IT FURTHER RESOLVED that this Resolution, 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 AS TO FORM  
OFFICE OF COUNTY ATTORNEY

BY MJ as  
ATTORNEY

**LEGAL DESCRIPTION and SKETCH  
OF VACATION AREA**

THIS IS NOT A FIELD SURVEY

**EXHIBIT "A"****LEGAL DESCRIPTION - VACATION AREA**

A TRACT OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 27 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA, OVER AND ACROSS GULF DRIVE AS SHOWN ON THE REVISED PLAT OF CRYSTAL BEACH, AS RECORDED IN PLAT BOOK 7, PAGE 30, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK H, OF SAID REVISED PLAT OF CRYSTAL BEACH; THENCE S16°22'53"E, ALONG THE WEST BOUNDARIES OF SAID LOT 1 AND LOT 2, ALSO BEING THE EAST RIGHT-OF-WAY OF GULF DRIVE (PER PLAT), A DISTANCE OF 85.38 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID WEST BOUNDARY OF LOT 2, S78°19'38"W, A DISTANCE OF 87.59 FEET; THENCE N00°00'00"E, A DISTANCE OF 2.98 FEET; THENCE N90°00'00"W, A DISTANCE OF 23.32 FEET TO A POINT ON THE MEAN HIGH WATER LINE OF ST. JOSEPH SOUND; THENCE SOUTHERLY ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) S19°07'02"E, A DISTANCE OF 9.58 FEET, (2) S13°03'48"E, A DISTANCE OF 13.01 FEET; THENCE LEAVING SAID MEAN HIGH WATER LINE, N90°00'00"E, A DISTANCE OF 17.24 FEET; THENCE N00°00'00"E, A DISTANCE OF 12.52 FEET; THENCE N78°15'47"E, A DISTANCE OF 89.35 FEET TO A POINT ON THE WEST BOUNDARY OF SAID LOT 2, SAID POINT ALSO BEING ON THE EAST RIGHT-OF-WAY OF SAID GULF DRIVE (PER PLAT); THENCE N16°22'53"W, ALONG SAID WEST BOUNDARY OF LOT 2, A DISTANCE OF 6.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 969 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

**PREPARED FOR**

GLEN BERGOFFEN

Reviewed by: CH QJDate: 10/29/12**SHEET 1 OF 3**

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED ON THIS SURVEY AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.



GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR &amp; MAPPER No. 6137

JOB NUMBER: 060675F

DATE SURVEYED: N/A

DRAWING FILE: 060675F.DWG

DATE DRAWN: 8-15-2012

LAST REVISION: N/A

X REFERENCE: 051070



R.C.

LB 1834

**GEORGE A. SHIMP II  
AND ASSOCIATES, INCORPORATED**

LAND SURVEYORS LAND PLANNERS

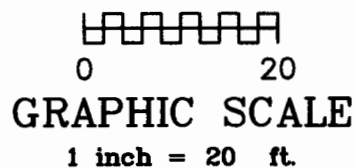
3301 DeSOTO BOULEVARD, SUITE D

PALM HARBOR, FLORIDA 34683

PHONE (727) 784-5496 FAX (727) 786-1256

# LEGAL DESCRIPTION and SKETCH OF VACATION AREA

THIS IS NOT A FIELD SURVEY



LINE DATA		
LINE LABEL	BEARING	DISTANCE
L1	N00°00'00"E	2.98'
L2	N90°00'00"W	23.32'
L3	S19°07'02"E	9.58'
L4	S13°03'48"E	13.01'
L5	N90°00'00"E	17.24'
L6	N00°00'00"E	12.52'
L7	N16°22'53"W	6.02'

**MARYLAND AVENUE**

P.O.C.  
N.W. CORNER OF  
LOT 1, BLOCK H  
REVISED PLAT OF CRYSTAL BEACH

**LOT 1  
BLOCK 'H'**

WEST BOUNDARY OF  
LOT 1 AND EAST  
RIGHT-OF-WAY OF  
GULF DRIVE

WEST BOUNDARY OF  
LOT 2 AND EAST  
RIGHT-OF-WAY OF  
GULF DRIVE

**GULF DRIVE**  
(PER PLAT)

P.O.B.

**LOT 2  
BLOCK 'H'**

MHWL AND  
WEST RIGHT-OF-WAY  
OF GULF DRIVE

**VACATION  
AREA**

ST.  
JOSEPH  
SOUND

**SHEET 2 OF 3**

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DRAWING FILE: 060675F.DWG DATE DRAWN: 8-15-2012  
LAST REVISION: SEE SHEET 1 X REFERENCE: SEE SHEET 1



**GEORGE A. SHIMP II  
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PALM HARBOR, FLORIDA 34683

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LB 1834

# LEGAL DESCRIPTION and SKETCH OF VACATION AREA THIS IS NOT A FIELD SURVEY

## ABBREVIATIONS

A = ARC LENGTH	FPP = FOUND PINCHED PIPE	PROP = PROPERTY
A/C = AIR CONDITIONER	FRM = FRAME	PSM = PROFESSIONAL SURVEYOR & MAPPER
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### SHEET 3 OF 3

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED ON THIS SURVEY AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

*George A. Shimp III*

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

JOB NUMBER: 060675F DATE SURVEYED: N/A  
DRAWING FILE: 060675F.DWG DATE DRAWN: 8-15-2012  
LAST REVISION: SEE SHEET 1 X REFERENCE: SEE SHEET 1



**GEORGE A. SHIMP II  
AND ASSOCIATES, INCORPORATED**

LAND SURVEYORS LAND PLANNERS  
3301 DeSOTO BOULEVARD, SUITE D  
PALM HARBOR, FLORIDA 34683

PHONE (727) 784-5496 FAX (727) 786-1256

LB 1834

SECTION . . . 34 . . . , TOWNSHIP . . . 27 . . . SOUTH, RANGE . . . 15 . . . EAST, . . . . . PINELLAS . . . . . COUNTY, FLORIDA

# LEGAL DESCRIPTION and SKETCH OF PUBLIC ACCESS EASEMENT

THIS IS NOT A FIELD SURVEY

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CONTAINING 909 SQUARE FEET OR 0.02 ACRES, MORE OR LESS.

Reviewed by: CH CH

Date: 3/15/13

S01-1420

## PREPARED FOR

GLEN BERGOFFEN

**SHEET 1 OF 3**

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE SURVEY SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED ON THIS SURVEY AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

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R.C.  
LB 1834

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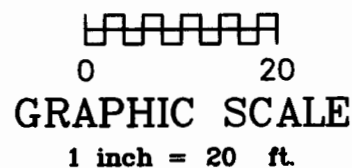
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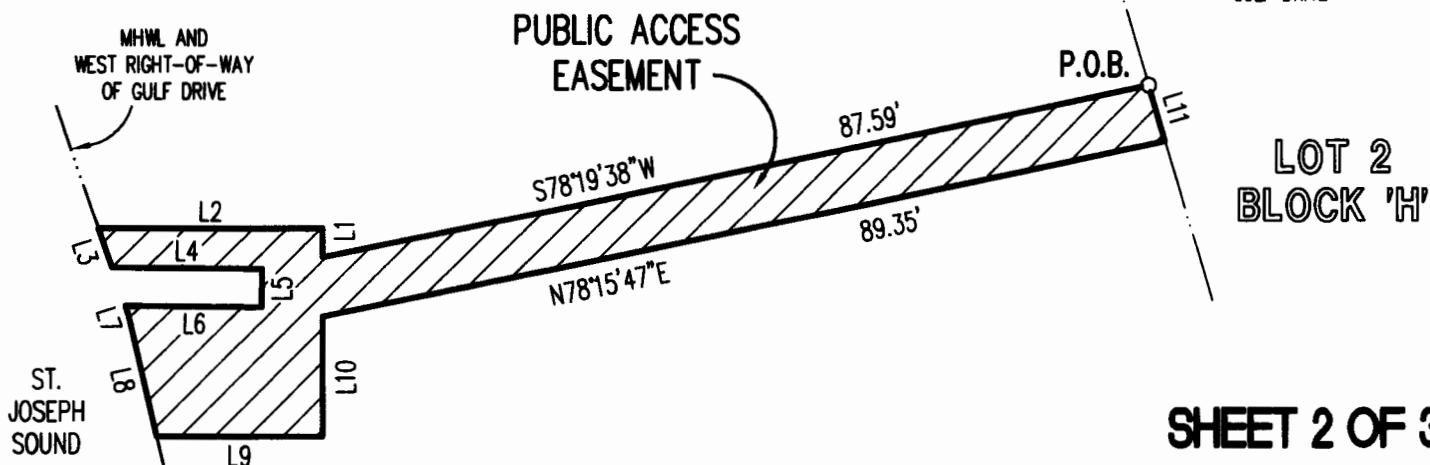


## LEGAL DESCRIPTION and SKETCH OF PUBLIC ACCESS EASEMENT

**THIS IS NOT A FIELD SURVEY**



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**SHEET 2 OF 3**

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George A. A. III

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

JOB NUMBER: 060675F	DATE SURVEYED: N/A
DRAWING FILE: 060675F.DWG	DATE DRAWN: 8-15-2012
LAST REVISION: SEE SHEET 1	X REFERENCE: SEE SHEET 1



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**LAND SURVEYORS LAND PLANNERS**  
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**PALM HARBOR, FLORIDA 34683**

**PHONE (727) 784-5496 FAX (727) 786-1256**

**LB 1834**

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*George A. Shimp III*

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JOB NUMBER: 060675F

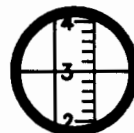
DATE SURVEYED: N/A

DRAWING FILE: 060675F.DWG

DATE DRAWN: 8-15-2012

LAST REVISION: SEE SHEET 1

X REFERENCE: SEE SHEET 1



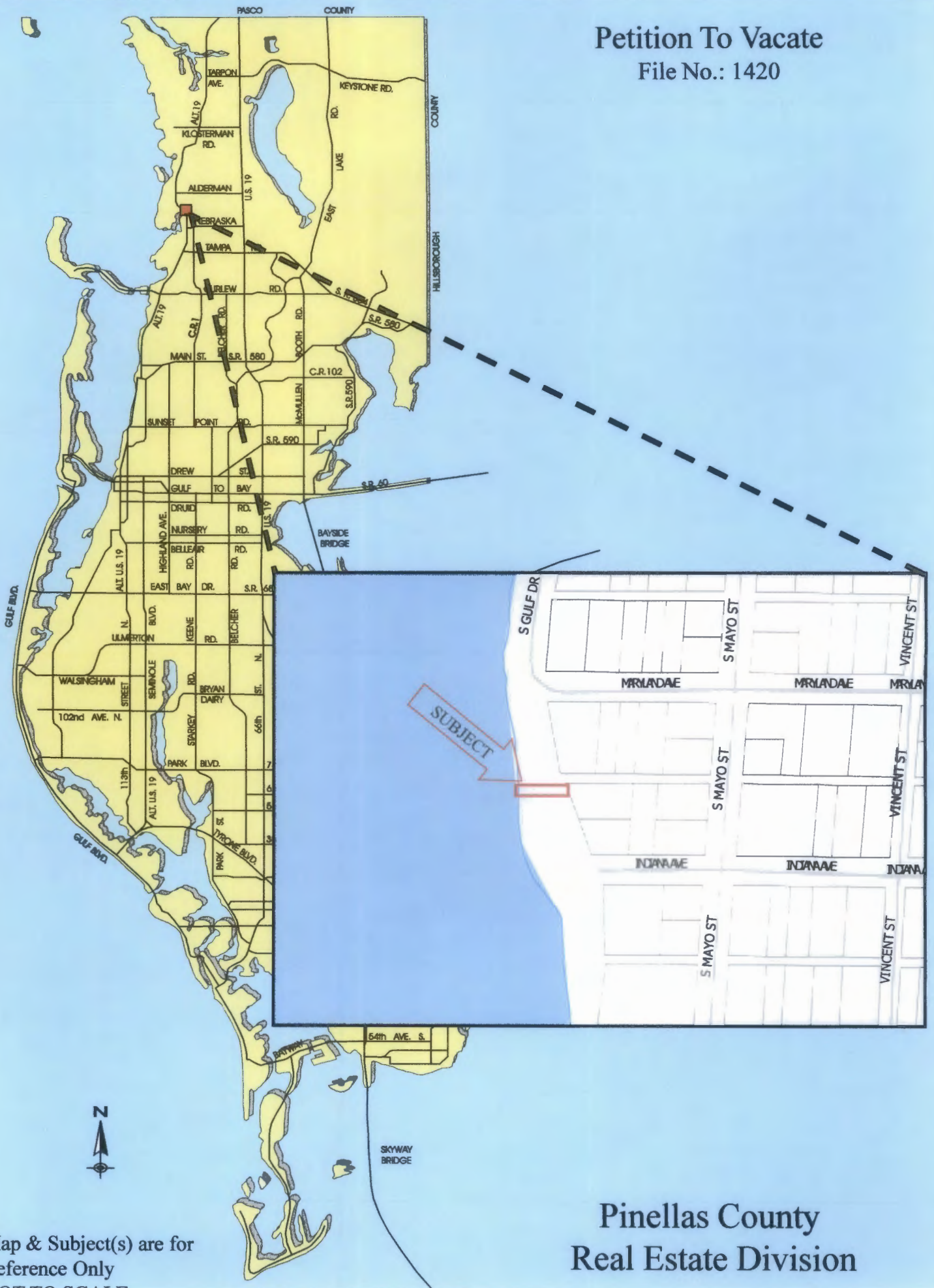
LB 1834

**GEORGE A. SHIMP III  
AND ASSOCIATES, INCORPORATED**

LAND SURVEYORS LAND PLANNERS  
3301 DeSOTO BOULEVARD, SUITE D  
PALM HARBOR, FLORIDA 34683

PHONE (727) 784-5496 FAX (727) 786-1256

Petition To Vacate  
File No.: 1420



Pinellas County  
Real Estate Division

Presentation regarding the Petition to  
Vacate by Glenn and Leah Bergoffen,  
by Todd Pressman



## Existing Today, North

Proposed Dock

Gulf Dr.

Shell Path to North

Bergoffen Home

## Existing Today (South)

Shell Path  
to South



## Existing Mangrove Cut













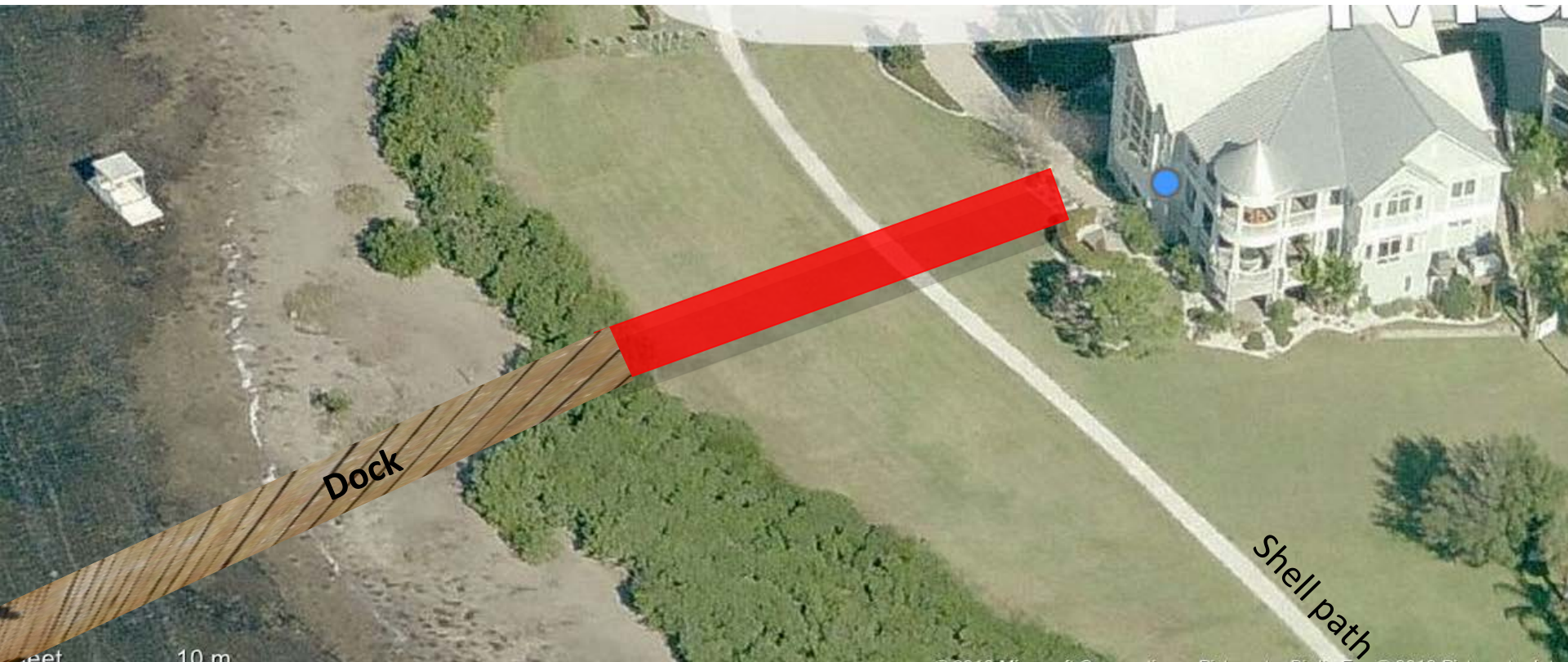
## Processing of Issue: Existing Site



**Not to scale – for ‘dramatization’ only**



## Action 1: Request paper Vacation to provide property to water & dock rights



Not to scale – for 'dramatization'  
only

## Action 2: At same time place paper Easement on top of Vacation to restore all public's rights



Not to scale – for dramatization only



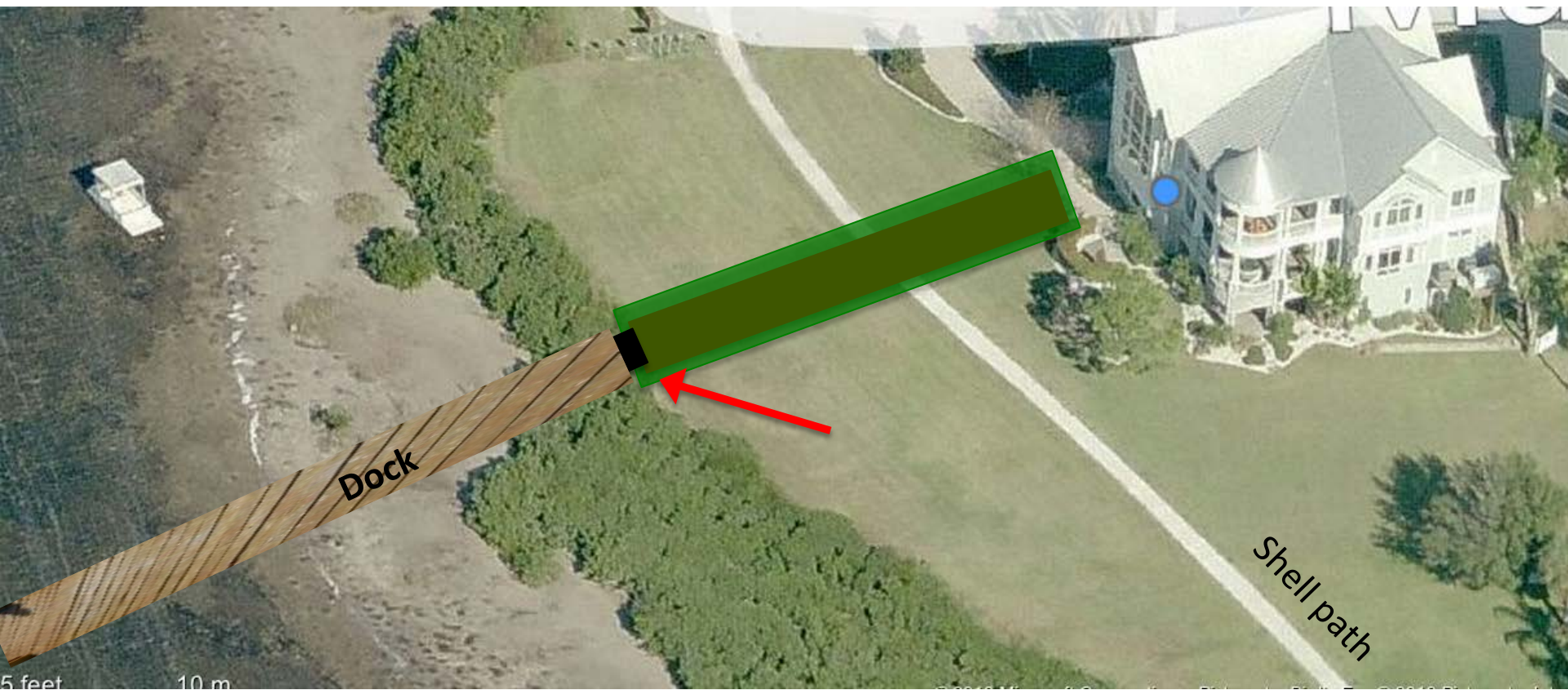
## Action 2: At same time, place Easement over Vacation to restore all public's rights



Not to scale – for dramatization only



**Remaining is small sliver for dock.**



Not to scale – for dramatization only

## End Result: Right of way remains the same



SECTION . . . 34 . . . , TOWNSHIP . . . 27 . . . SOUTH, RANGE . . . 15 . . . EAST, . . . . . PINELLAS . . . . . COUNTY, FLORIDA

## LEGAL DESCRIPTION and SKETCH

THIS IS NOT A SURVEY



GRAPHIC SCALE  
1 inch = 20 ft.

MARYLAND AVENUE

P.O.C.  
N.W. CORNER OF  
LOT 1, BLOCK 'H'  
REVISED PLAT OF CRYSTAL BEACH

LOT 1  
BLOCK 'H'

GULF DRIVE  
(per plat)

WEST BOUNDARY OF LOT 1  
AND EAST RIGHT-OF-WAY OF  
GULF DRIVE

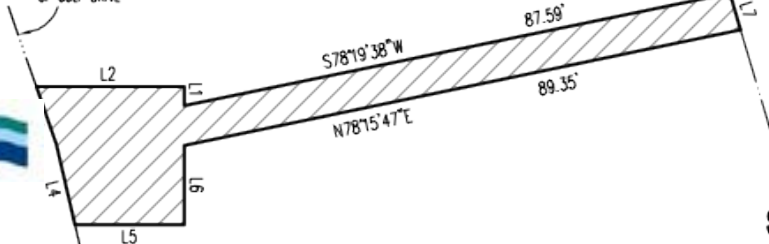
WEST BOUNDARY OF LOT 2  
AND EAST RIGHT-OF-WAY OF  
GULF DRIVE

P.O.B.

LOT 2  
BLOCK 'H'

LINE DATA		
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L7	N16°22'53"W	6.02'

MHWL AND  
WEST RIGHT-OF-WAY  
OF GULF DRIVE



SHEET 2 OF 3

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 61G17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED HEREON AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

GEORGE A. SHIMP II, FLORIDA REGISTERED LAND SURVEYOR No. 2512

JOB NUMBER: 060675F DATE SURVEYED: N/A  
DRAWING FILE: 060675F.DWG DATE DRAWN: 8-15-2012  
LAST REVISION: SEE SHEET 1 X REFERENCE: SEE SHEET 1



**GEORGE A. SHIMP II  
AND ASSOCIATES, INCORPORATED**

LAND SURVEYORS LAND PLANNERS  
3301 DeSOTO BOULEVARD, SUITE D  
PALM HARBOR, FLORIDA 34683  
PHONE (727) 784-5496 FAX (727) 786-1256

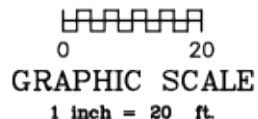
LB 1834

Official  
Vacation  
Survey

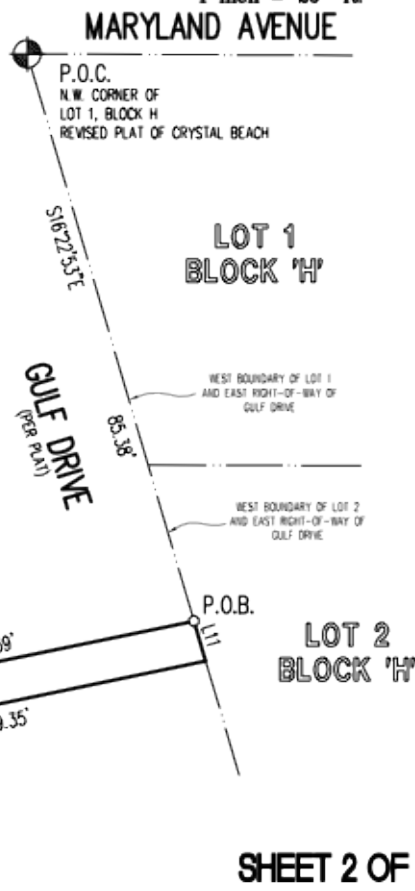


# LEGAL DESCRIPTION and SKETCH

THIS IS NOT A SURVEY



LINE DATA		
LINE LABEL	BEARING	DISTANCE
L1	N00°00'00"E	2.98'
L2	N90°00'00"W	23.32'
L3	S19°07'02"E	4.32'
L4	S89°30'00"E	15.58'
L5	S00°30'00"W	4.00'
L6	N89°30'00"W	14.16'
L7	S19°07'02"E	1.01'
L8	S13°03'48"E	13.01'
L9	N90°00'00"E	17.24'
L10	N00°00'00"E	12.52'
L11	N16°22'53"W	6.02'



Official  
Easement  
Survey

SHEET 2 OF 3

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LB 1834































## Seagrass Scarring

### Impacts, Studies and Working Groups



Repetitive Scarring Causes Intensive Damage



Blatant Damage Is Avoidable



Documenting Extent of Damage State-wide



Florida Fish and Wildlife Conservation Commission

### Water Quality...

Vessels in unmanaged moorings can create water quality issues from illegal waste discharge or other pollutants.



Engine blocks illegally hold boats in Place off Wisteria Island in Key West Harbor.



# The Problems Associated With Unregulated Anchoring

## Damage to seabed

- Ground tackle (scouring)
- Dragging damage
- Crushing & Shading

## Shoreside damage

- Mangroves and other vegetation
- Damage from wading and climbing
- Littering

**FWC**





## Column: Working together, we're saving Tampa Bay

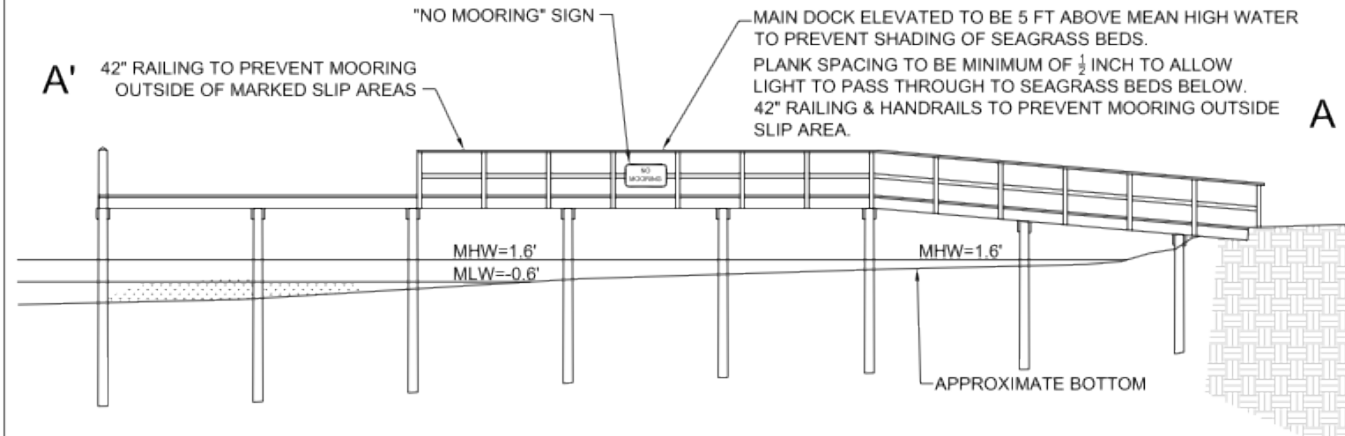
By Holly Greening, special to the Times  
Friday, March 22, 2013 4:30am



**After decades of sea grass loss, we saw a net increase of 500-plus acres of emergent tidal wetlands from 1995-2012.**

The most recent sea grass surveys show that we are 91 percent of the way to our goal of recovering 38,000 acres of sea grasses in Tampa Bay. These underwater grasses are our most important indicator of the bay's health because they support so many marine species and require clean water to flourish

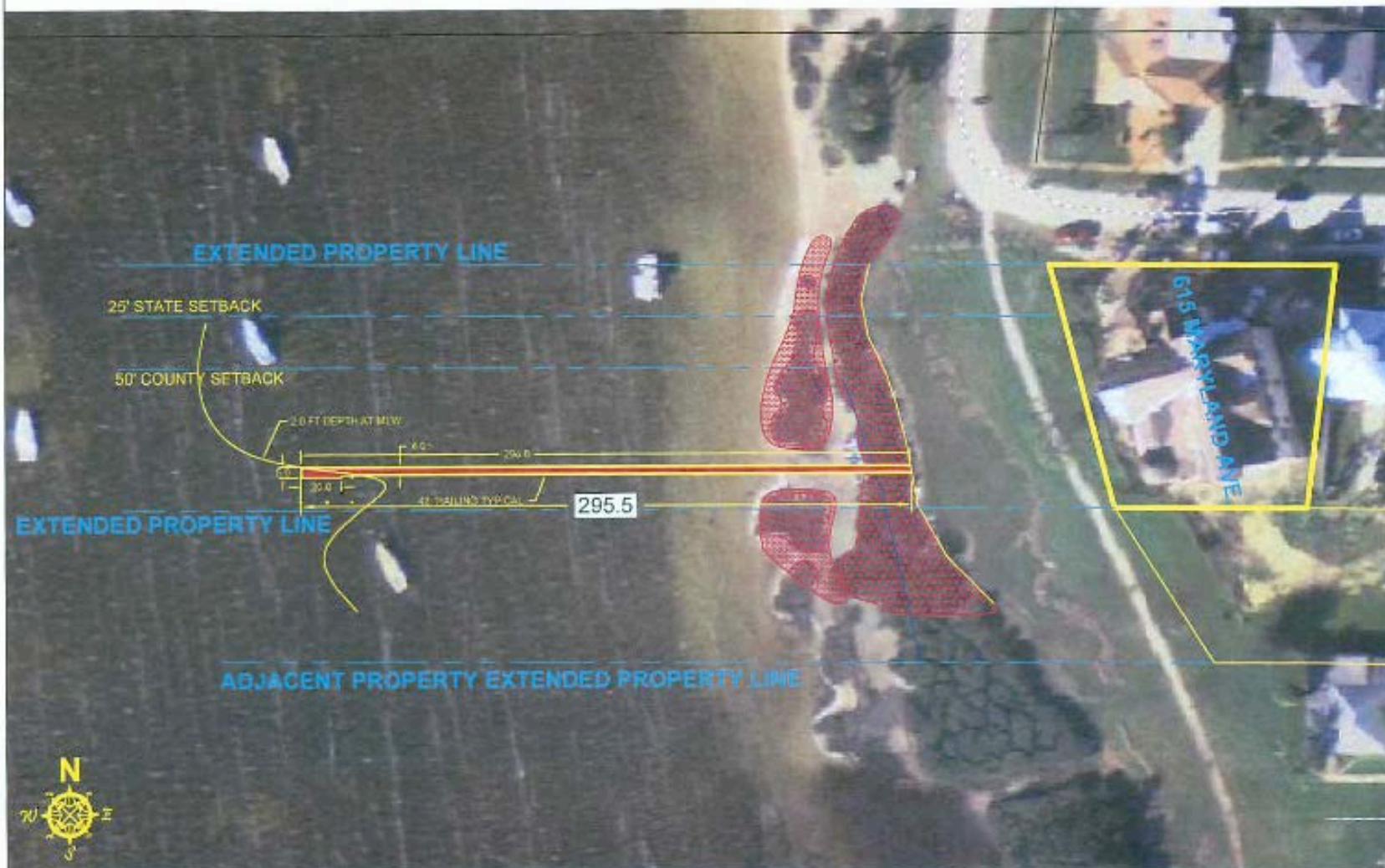
SCALE: 1" = 10'



**BERGOFFEN PRIVATE DOCK**  
**CROSS SECTION A - A'**

**Environmentally  
Friendly  
Designed**





**WOODS CONSULTING**  
 1714 COUNTY ROAD 1, SUITE 22  
 DUNEDIN, FL 34698  
 PH. (727) 796-5747  
 FAX (727) 796-7470

**BERGOFFEN**

**Dock Option**

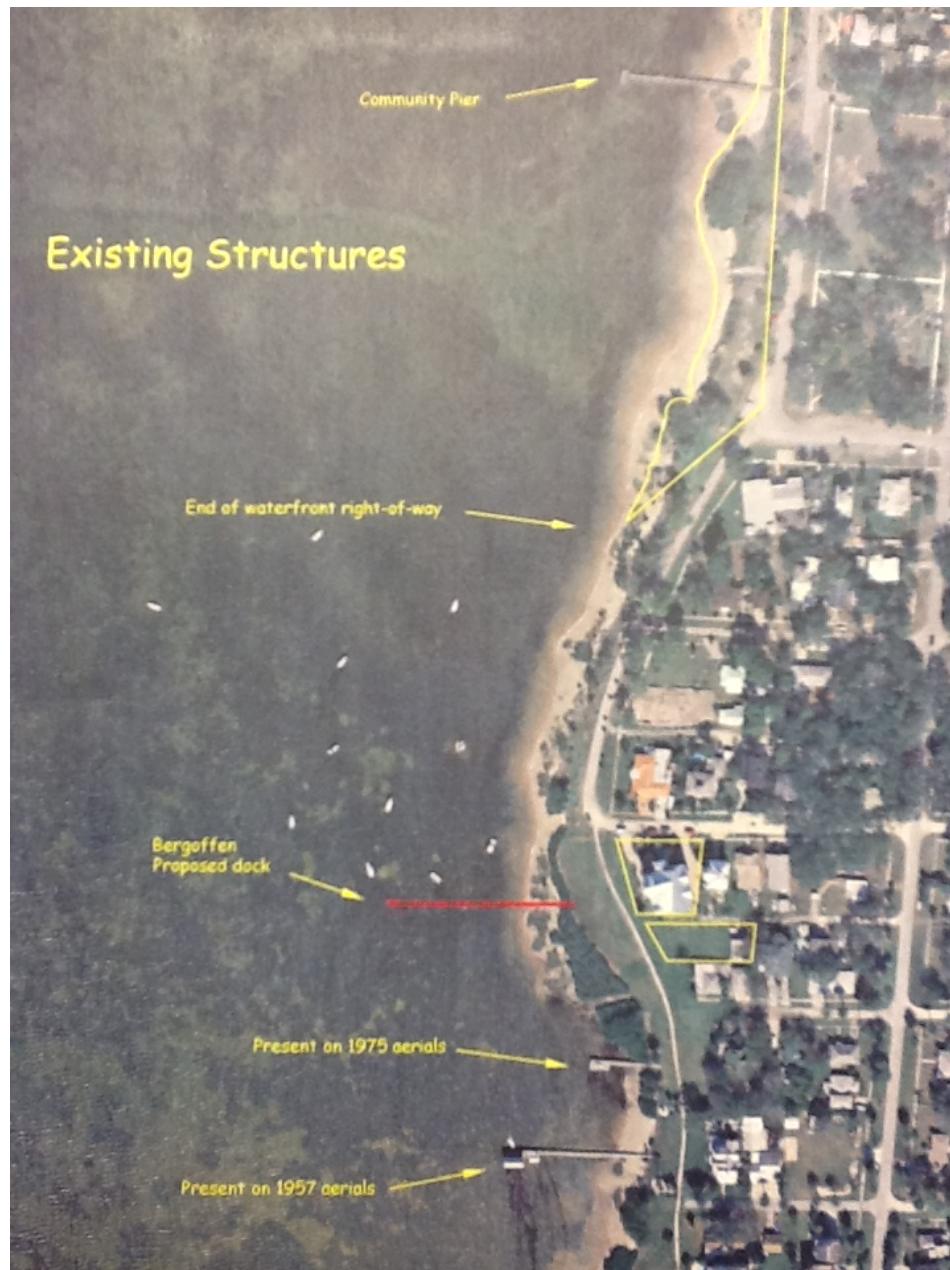
*\*ELEVATIONS REFERENCE NGVD-1929*

TOTAL SQUARE FEET	1,200.0
WATERWAY WIDTH	OPEN
WATERFRONT WIDTH	182.5 FT
MHW +1.6	MLW -0.6
ELEVATIONS REFERENCE NGVD-1929	

File: 27 Nov 2007 - 3:00pm - 4" Bergoffen Mapwood Red C&G dock/dock option for P&H EMP Master Red Table

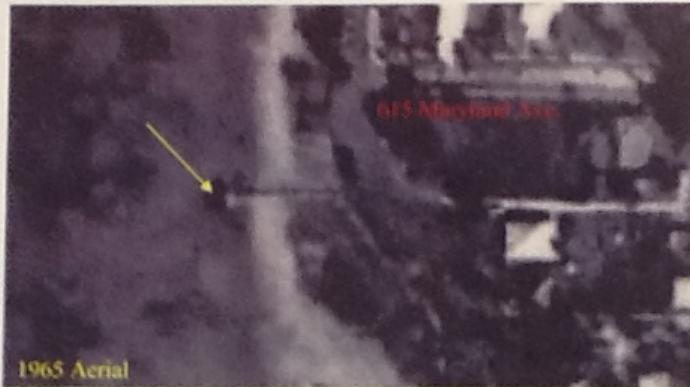
# Historical and Precedent





## Historical Structures

## 615 Maryland Ave. Aerials



**Bergoffen  
Site**





## Permit History for Existing Docks on ROW

Bergoffen  
Proposed dock

Area to be vacated

- Present on 1975 aerials
- Riparian rights granted by developer
- Maintenance permit issued in 1981

- Present on 1957 aerials
- Predates the Authority
- Right to dock and boathouse conveyed by developer in 1941
- 1974 on after the fact permit was denied by BCC and the addition was removed





**Existing Pier at 266' (per Google)**









**80' dock added  
in '01 after Fla.  
said no interest**

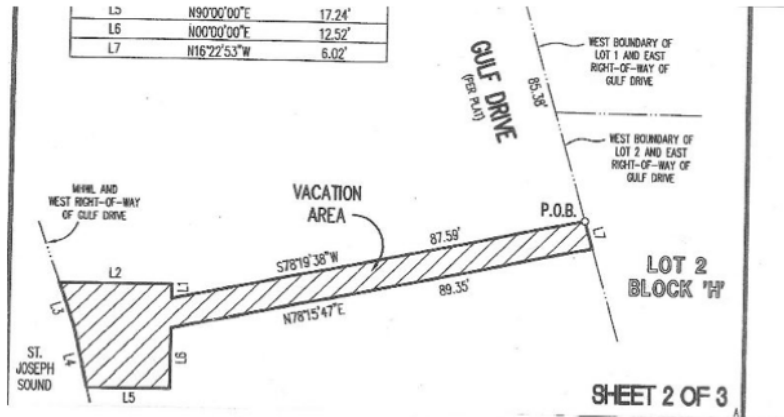






## SAVE OUR SHORELINE!

Drawing:



**Misinformation  
campaign**  
Some intentional -  
Some not

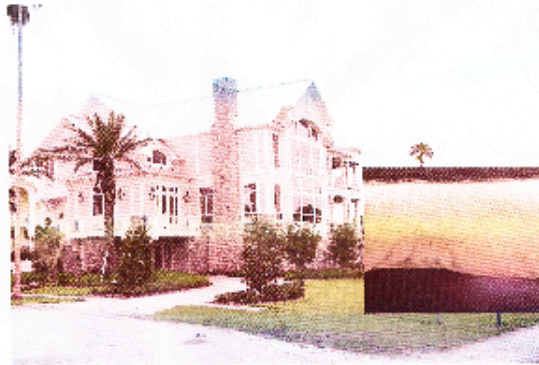
Striped area depicts 969 square feet of beach along St Joseph Sound to be deeded from public ownership to the Bergoffen family for constructing & owning a 296 foot PRIVATE boat dock.

The Pinellas County Board of Commissioners will re-consider granting legal ownership of a portion of publicly-owned gulf- front property in Crystal Beach to the Bergoffen family who resides near the coastline.

The hearing will be Tuesday, April 9th, at 9:30 am, at the 5th floor Commissioners' Assembly Room, 315 Court St., Clearwater, 33756.  
Your attendance is needed!

# STOP THE LAND GRAB!

*Unless YOU object,  
OUR land will  
belong to THEM for only a  
\$750.<sup>00</sup> processing fee!*



If land along *our beautiful, shared Crystal Beach Path* is vacated by Pinellas County to the Bergoffen's, **they can build anything they want** that the building code allows!

What can you do to stop this? **You need to do 2 things:**

1. **Write** every member of the Pinellas County Commission (they *all* vote on this petition) either by internet at [www.pinellascounty.org/forms/bcc\\_form.htm](http://www.pinellascounty.org/forms/bcc_form.htm) or by mail at 315 Court Street, Clearwater, FL 33756.
2. **Attend the Board Hearing** on Tuesday, April 9, at 9:30 AM at 315 Court Street, Clearwater—5<sup>th</sup> Floor Hearing Room. *That's how we stopped them 5 years ago!*

**Misinformation  
campaign**

Some intentional -  
Some not

**Petition to Pinellas County Board of Commissioners Requesting Vote to Deny  
Bergoffen *Petition to Vacate* County Land in Crystal Beach, Florida**

Petition summary and background	Even though the Bergoffen Petition to Vacate is accompanied by a Petition for Public Easement, our concern is that the requested vacation (1) could cause injury to surrounding property and property owners, (2) would adversely affect an area shared by the public and that we hope to preserve for future public use, (3) would adversely affect the public interest, (4) could jeopardize future right of convenient access, and (5) likely would impair a fragile coastal environmental ecosystem along St. Joseph Sound.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to deny the Bergoffen Petition to Vacate County Land in Crystal Beach, Florida.

[illegible]



## Addressed misinformation thru:

- Holding an advertized public meeting
- Presenting information thru eblast
- Meeting with the Community Board
- Developing and advertizing a web location
- Posting informational materials in the dedicated community bulletin boards

### **NOTICE OF INFORMATIONAL PUBLIC MEETING ON THE PRIVATE "DOCK" ISSUE ("Vacation Issue")**

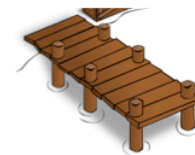
The public is invited to attend an informational meeting on March 20<sup>th</sup>, starting at 7 PM, at the Crystal Beach Community Hall, located at 517 Crystal Beach Avenue.

There will be a factual presentation of the private dock proposed at 615 Maryland Avenue.

One fact that is being misunderstood is that the shell path along the Gulf will be obstructed or that the public will not be able to maintain their current walking passage along the Shell path. This is absolutely not correct. There will be no changes to the shell path concerning citizen passage nor the ability of the public to cross that area as it is enjoyed today!

For further questions or concerns, please contact Todd Pressman at 727-804-1760; or email at [Todd@Pressmaninc.com](mailto:Todd@Pressmaninc.com) or go to the web page:

<http://www.keepgulfdriveopen.com/>



Thank you!

# Summary

- Property owner resides at an unregulated, non-permitted, sea bottom destructing mooring field - dozens of boats.
- Historical presence of a dock
- Current policy forces environmental destruction on and off the shore
- Docks exist along this stretch of shore with no negative impacts

## Existing Today, North

Proposed Dock

Gulf Dr.

Shell Path to North

Bergoffen Home



# Summary

- Property owner resides at an unregulated, non-permitted, sea bottom destructing mooring field - dozens of boats.
- Historical presence of a dock
- Current policy forces environmental destruction on and off the shore
- Docks exist along this stretch of shore with no negative impacts