

**BOARD OF COUNTY COMMISSIONERS**

**DATE:** June 4, 2013  
**AGENDA ITEM NO.** 2

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature:** 

**Subject:**

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: Karl and Kathleen Behnken

Property Address: 704 Lakewood Drive  
Palm Harbor, Florida 34684

File No.: 1423

**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 UTILITY 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 utility easement located in Lot 15, Highland Lakes Unit Sixteen, Phase I, is associated with the owners' desire to allow for a 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 indicated the need to seek a variance. Additionally, Letters of No Objection have been received from Bright House, Homeowners Association of Highland Lakes, Inc., Knology, Pinellas County DEI, Progress Energy (Distribution), Progress Energy (Transmission), Sutton Place Homeowners Association 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

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, Karl and Kathleen Behnken

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:

Karl Behnken

Karl Behnken

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

Kathleen M. Behnken

Kathleen M. Behnken

STATE OF FLORIDA  
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 22<sup>nd</sup> day of April, 2013,  
by Karl Behnken and Kathleen M. Behnken. He/She is personally known to me, or has produced Fla. driv.  
license as identification, and who did (did not) take an oath.



NOTARY  
SEAL

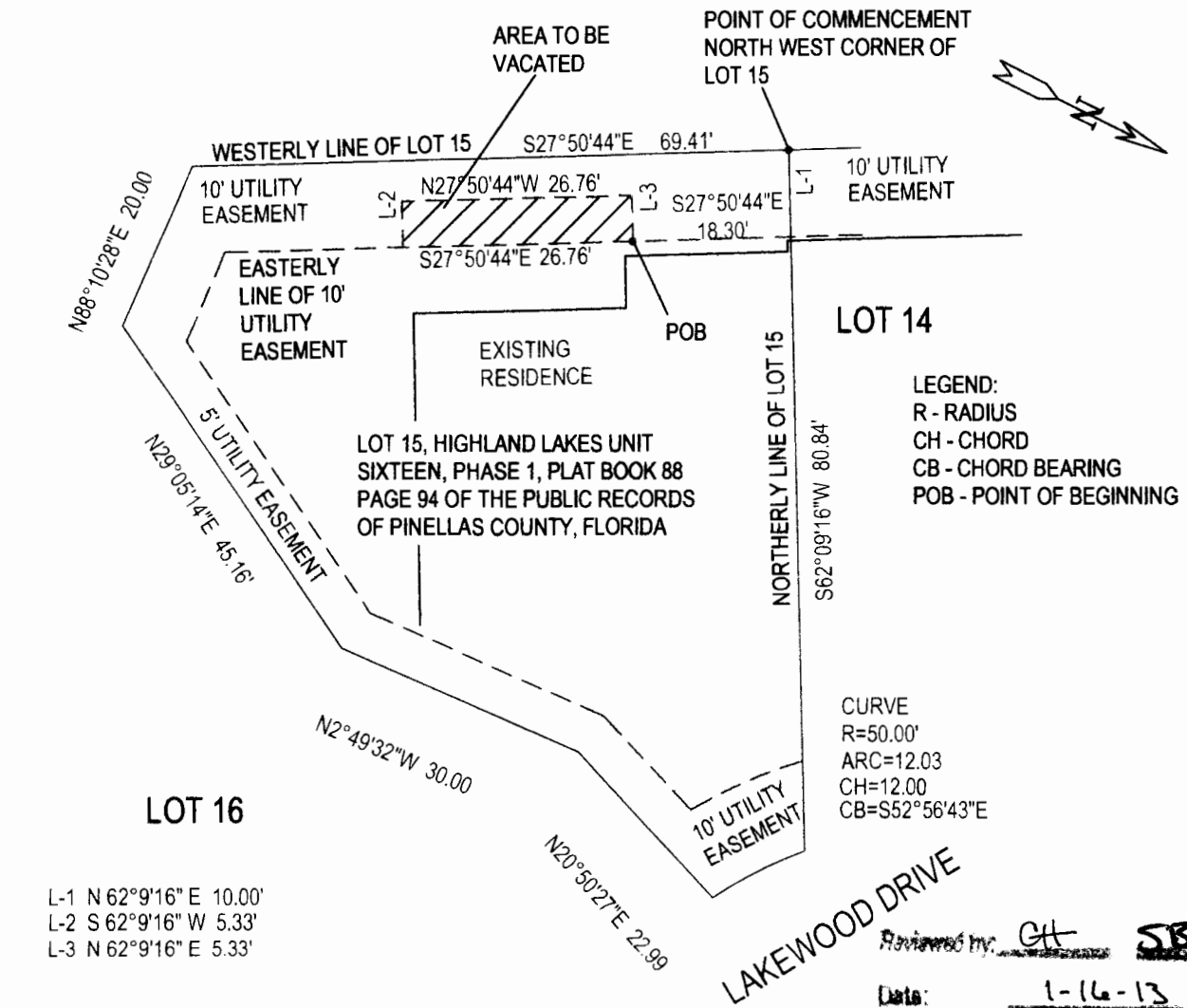
NOTARY  
Print Name

Joan P. Gordon  
Joan P. Gordon

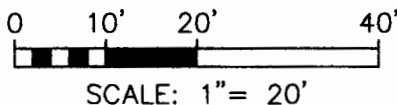
My Commission Expires: May 28, 2015

Commission Number: EE. 083208

LEGAL AND SKETCH - 704 LAKEWOOD DRIVE, PALM HARBOR, FL 34684  
SECTION 5, TOWNSHIP 28 SOUTH, RANGE 16 EAST - PARCEL 05-28-16-38919-000-0150  
SEE PAGE 2 FOR LEGAL DESCRIPTION



SKETCH OF A PORTION OF EASEMENT  
TO BE VACATED



FLORIDASURVEYOR@AOL.COM

**Know It Now, Inc.**

Florida Business Certificate Of  
Authorization Number LB 6912

LOCATION - 2011 HEIDELBERG AVENUE, DUNEDIN, FL  
VOICE 727-415-8305 FAX 727-736-2455



DATE SIGNED 12-7-12

*Bill Hyatt*

**BILL HYATT**

Reviewed by: *GH* *SB3*

Date: 1-16-13

501-1423

12-7-12 ADDED INFORMATION

NOT A SURVEY

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027, OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATION CODE.

Surveyor & Mapper Number 4636

LEGAL AND SKETCH - 704 LAKEWOOD DRIVE, PALM HARBOR, FL 34684

BEING A PORTION OF THE 10.00 FOOT EASEMENT ON THE WESTERLY SIDE OF LOT 15, HIGHLAND LAKES UNIT SIXTEEN, PHASE I, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 88, PAGES 94 THROUGH 96, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH WEST CORNER OF SAID LOT 15, THENCE DEPARTING THE WESTERLY LINE OF SAID LOT 15 AND RUNNING WITH THE NORTHERLY LINE OF SAID LOT 15, N62°09'16"E, A DISTANCE OF 10.00 FEET TO A POINT ON THE EASTERLY LINE OF SAID 10.00 FOOT EASEMENT; THENCE DEPARTING SAID NORTHERLY LINE AND RUNNING WITH THE EASTERLY LINE OF SAID EASEMENT, S27°50'44"E, A DISTANCE OF 18.30 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE WITH SAID EASTERLY LINE, S27°50'44"E, A DISTANCE OF 26.76 FEET; THENCE DEPARTING SAID EASTERLY LINE, S62°09'16"W, A DISTANCE OF 5.33 FEET; THENCE RUNNING N27°50'44"W, A DISTANCE OF 26.76 FEET; THENCE RUNNING N62°09'16"E, A DISTANCE OF 5.33 FEET TO THE POINT AND PLACE OF THE BEGINNING.

CONTAINING 142.63 SQUARE FEET.

DESCRIPTION OF A PORTION OF  
EASEMENT TO BE VACATED

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**BILL HYATT**

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1423

PETITIONER

BEHNKEN LIVING TRUST  
BEHNKEN, KARL TRE  
704 LAKEWOOD DR  
PALM HARBOR, FL 34684-3025

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

CRAIG, PHILIP S  
CRAIG, PAULINE O  
3492 BIRCHWOOD CT  
PALM HARBOR, FL 34684-3001

SHANKLIN, PHYLLIS H  
700 LAKEWOOD DR  
PALM HARBOR, FL 34684-3025

KOTLARZ, BARTOSZ  
1609 WINCHESTER DR  
WESTLAKE , OH 44145

DEMERS, HAROLD P  
764 LAKEWOOD DR  
PALM HARBOR, FL 34684-3025

PAPICH, DANIEL  
PAPICH, DENISE  
3311 COBBS CT  
PALM HARBOR, FL 34684-1607

BIGLOW, MIRIAM M  
PO BOX 570  
PALM HARBOR, FL 34682-0570

SUTTON PLACE HMOWN ASSN INC  
C/O MATA ENTERPRISES  
1301 SEMINOLE BLVD STE 110  
LARGO, FL 33770-8124

O'BRIEN, GENE  
O'BRIEN, PAM  
3508 GREENGLEN CIR  
PALM HARBOR, FL 34684-3017

YOOS, MICHAEL  
3506 GREENGLEN CIR  
PALM HARBOR, FL 34684-3017

ANELLO, RUDOLPH  
3496 BIRCH WOOD CT  
PALM HARBOR, FL 34684-3001

MITCHEN, DORIS  
MITCHEN, RICHARD A  
3518 GREENGLEN CIR  
PALM HARBOR, FL 34684-3017

BROOKS, GARY L  
3516 GREENGLEN CIR  
PALM HARBOR, FL 34684-3017

TRAN, TUONG  
3512 GREENGLEN CIR  
PALM HARBOR, FL 34684-3017

TREPETA, KENNETH G  
610 GREENGLEN LN  
PALM HARBOR, FL 34684-3019

MERCER, DOLORES A  
752 LAKEWOOD DR  
PALM HARBOR, FL 34684-3025

EDMONDSON, CLAIRE  
716 LAKEWOOD DR  
PALM HARBOR, FL 34684-3025

SHELDON, RICHARD G  
SHELDON, MARY J  
728 LAKEWOOD DR  
PALM HARBOR, FL 34684-3025

MOORE, CHARLES L  
MOORE, NANCY L  
111 CHEROKEE DR  
JEFFERSONVILLE, IN 47130-5230

KADUSHIN, JANICE  
KADUSHIN, MARC A  
740 LAKEWOOD DR  
PALM HARBOR, FL 34684-3025

HEGEMAN, RAUL J JR  
3488 BIRCHWOOD CT  
PALM HARBOR, FL 34684-3001

SADORF, TODD D  
SADORF, DARLENE M  
3514 GREENGLEN CIR  
PALM HARBOR, FL 34684-3017

PUSCIAN, CHRISTOPHER J  
601 MONTICELLO CT  
MARLTON, NJ 08053-3788

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

**RESOLUTION VACATING A PORTION OF A UTILITY  
EASEMENT LOCATED IN LOT 15 HIGHLAND LAKES  
UNIT SIXTEEN, PHASE 1 SUBDIVISION, LOCATED IN  
SECTION 5, TOWNSHIP 28 SOUTH, RANGE 16 EAST, AS  
RECORDED IN PLAT BOOK 88, PAGE 94, OF THE PUBLIC  
RECORDS OF PINELLAS COUNTY, FLORIDA.**

**WHEREAS, Karl Behnken and Kathleen M. Behnken, 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:**

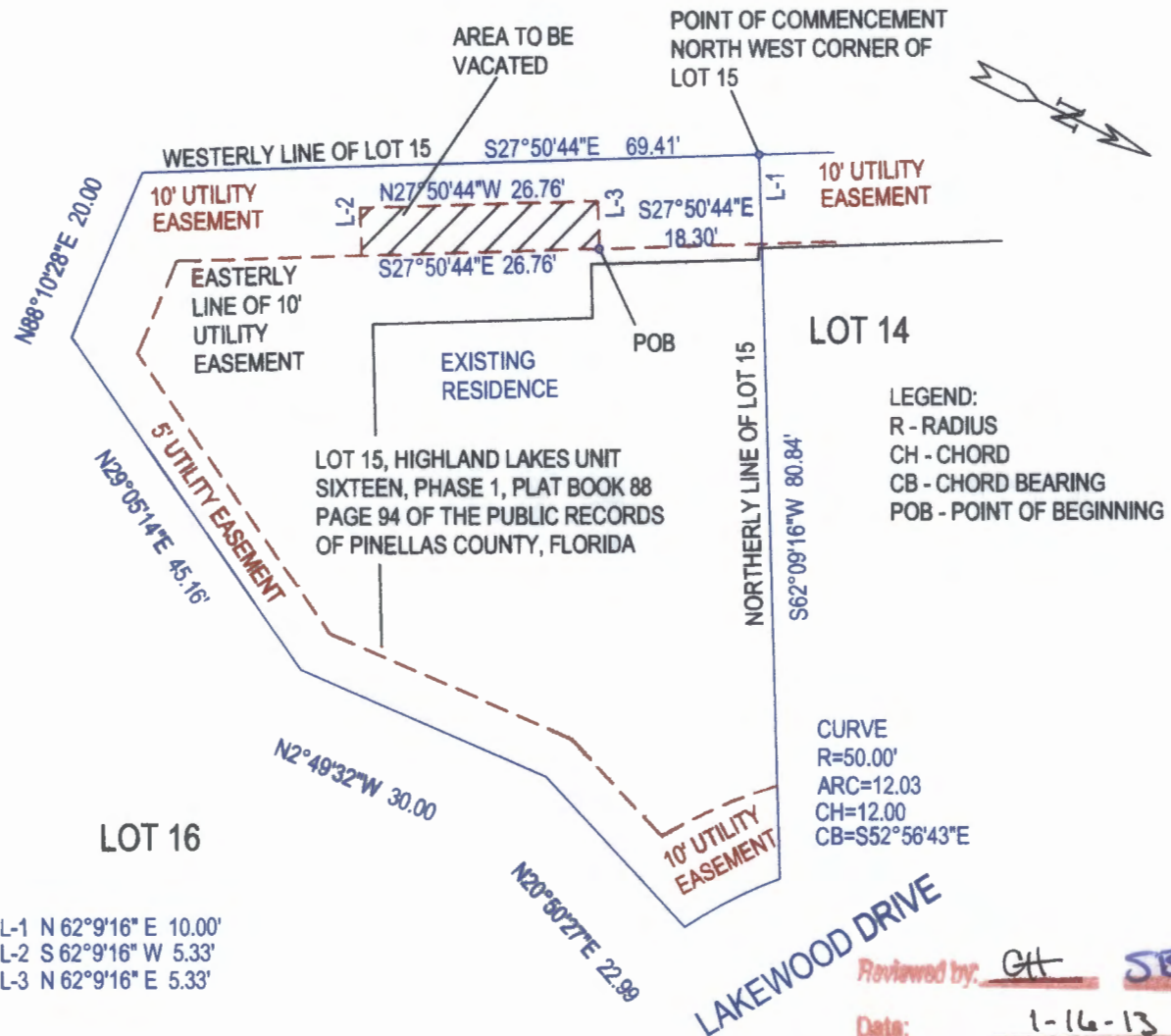
**NAYS:**

**ABSENT AND NOT VOTING:**

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

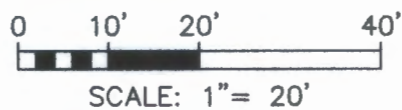
BY           *NZ*            
ATTORNEY

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L-1 N 62°9'16\" E 10.00'  
L-2 S 62°9'16\" W 5.33'  
L-3 N 62°9'16\" E 5.33'

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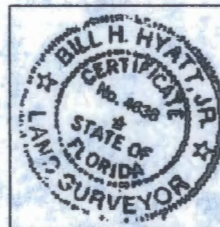


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VOICE 727-415-8305 FAX 727-736-2455



CURVE  
R=50.00'  
ARC=12.03  
CH=12.00  
CB=S52°56'43\"E

Reviewed by: GH SB3  
Date: 1-16-13  
501-1423

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File No.: 1423

