

BOARD OF COUNTY COMMISSIONERS

DATE: July 9, 2013

AGENDA ITEM NO. 7

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature:

Subject:

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: Aaron and Deanna Betton

Property Address: 13915 Whisperwood Drive

Clearwater, FL 33762

File No.: 1422

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 A DRAINAGE AND 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 drainage and utility easement located in Lot 8, Feather Sound - Custom Home Site Unit 1 Subdivision, is associated with the owners' desire to build a screened pool 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.

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

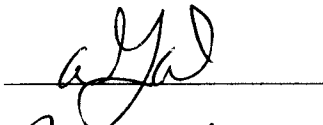
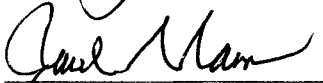
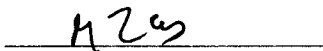
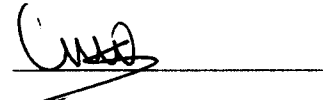
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: Aaron & Deanna Betton****TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement****Date: 6/6/2013 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>6-5-13</u>		_____
Real Est. Mgmt (Paul Sacco)	<u>6/5/13</u>		_____
Legal (Michael Zas)	<u>6/7/13</u>		_____
County Admin. (Mark Woodard)	<u>6/10/13</u>		<u>-> See comment</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, Aaron and Deanna Betton
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:


Aaron Betton

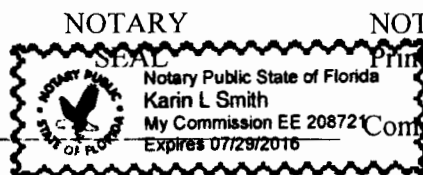
I hereby swear and/or affirm that the forgoing statements are true:

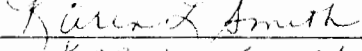

Deanna Betton

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 4th day of March, 2012¹³,
by Aaron Betton and Deanna Betton. He/She is personally known to me, or has produced _____
_____ as identification, and who did (did not) take an oath.

My Commission Expires: _____



NOTARY 
Print Name KARIN L. SMITH
Commission Number: _____

GH 08
11-1-12
501-1422

DESCRIPTION:


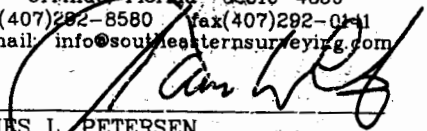
A portion of Lot 8, FEATHER SOUND-CUSTOM HOME SITE UNIT I, according to the plat thereof as recorded in Plat Book 75, Pages 70-71, Public Records of Pinellas County, Florida, lying in Section 2, Township 30 South, Range 16 East, being more particularly described as follows:

COMMENCE at the Northeast corner of Lot 8, FEATHER SOUND-CUSTOM HOME SITE UNIT I, according to the plat thereof as recorded in Plat Book 75, Pages 70-71, Public Records of Pinellas County, Florida, thence along the Easterly line of said Lot 8, South 24°28'17" East, a distance of 10.00 feet, thence departing said Easterly lot line, South 65°31'43" West, a distance of 5.00 feet to the POINT OF BEGINNING; thence South 24°28'17" East, a distance of 85.00 feet parallel with and 5.00 feet Westerly of said Easterly line of Lot 8; South 65°31'43" West, a distance of 5.00 feet; thence North 24°28'17" West, a distance of 85.00 feet parallel with and 10.00 feet Westerly of said Easterly line of Lot 8; thence North 65°31'43" East, a distance of 5.00 feet to the POINT OF BEGINNING.

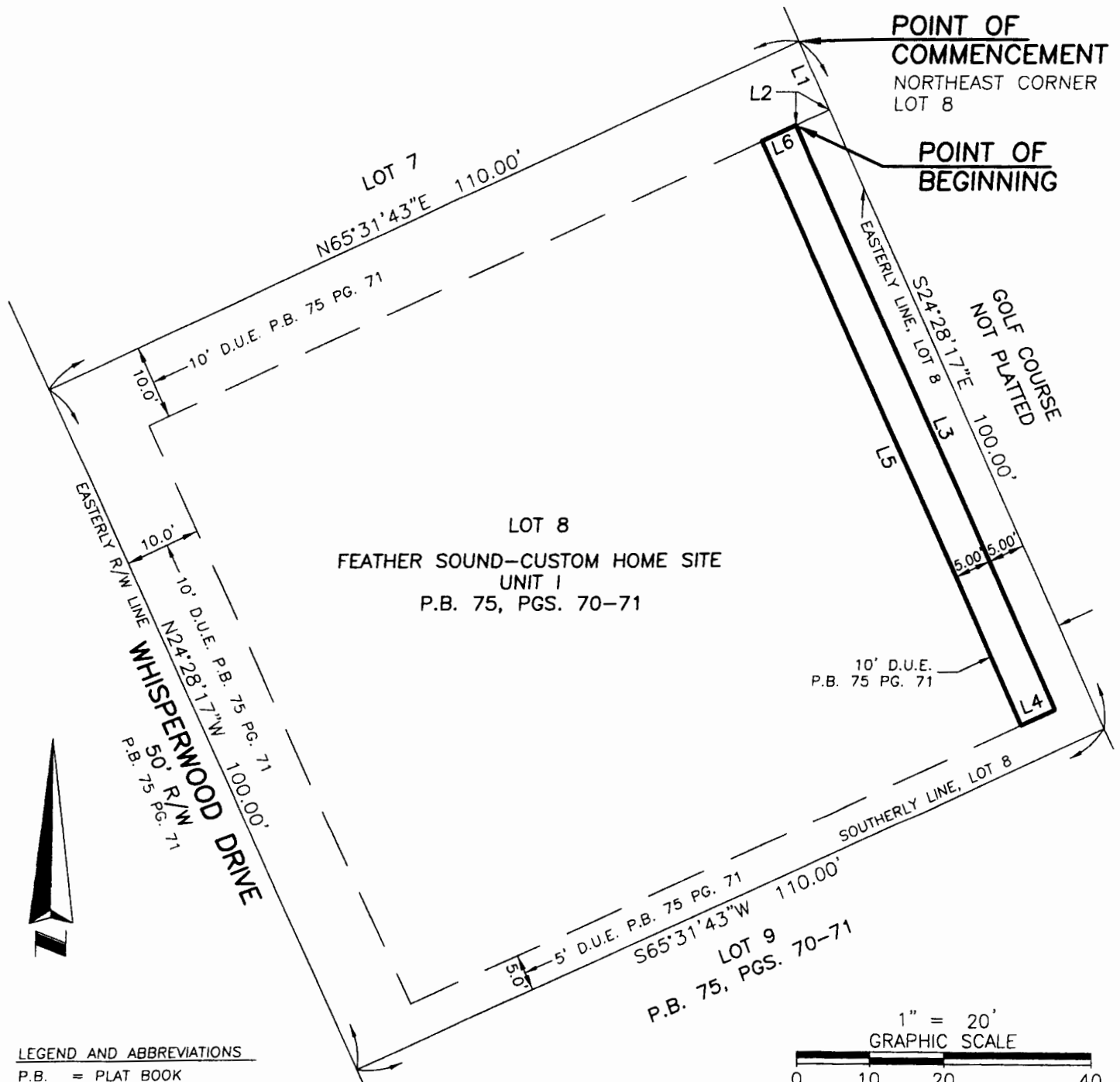
Containing: 425 square feet, or 0.01 acres, more or less.

SURVEYORS REPORT

1. Bearings shown hereon are based on the Easterly Right of Way line of Whisperwood Drive, as shown on FEATHER SOUND-CUSTOM HOME SITE UNIT I, Plat Book 75, Pages 70-71, Public Records of Pinellas County, Florida, as being South 24°28'17" East.
2. This "Sketch of Description" was performed without benefit of a Title search. A Title search may reveal additional information affecting the Parcel as shown.
3. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Minimum Technical Standards for Land Surveying Chapter 5J-17.050-.052 requirements.

DESCRIPTION	Date: July 13, 2012		Certification Number LB2108 56776001
	Job Number: 56776	Scale: 1" = 20'	
FOR	Chapter 5J-17.050-.052, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		 SOUTHEASTERN SURVEYING AND MAPPING CORPORATION 6500 All American Boulevard Orlando, Florida 32810-4350 (407)292-8580 Fax (407)292-0141 email: info@southeasternsurveying.com
Mr. Aaron Betton			
Revised 10-26-2012 Corrected scale and scrivener's error.	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		 JAMES L. PETERSEN REGISTERED LAND SURVEYOR Number 4791

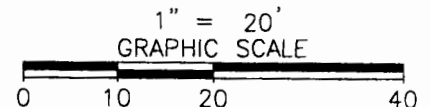
SKETCH OF DESCRIPTION



LEGEND AND ABBREVIATIONS

P.B. = PLAT BOOK
PGS. = PAGES
D.U.E. = DRAINAGE & UTILITY EASEMENT
R/W = RIGHT OF WAY

LINE TABLE		
LINE	BEARING	LENGTH
L1	S24°28'17"E	10.00'
L2	S65°31'43"W	5.00'
L3	S24°28'17"E	85.00'
L4	S65°31'43"W	5.00'
L5	N24°28'17"W	85.00'
L6	N65°31'43"E	5.00'



SOUTHEASTERN SURVEYING AND MAPPING CORPORATION
6500 All American Boulevard
Orlando, Florida 32810-4350
(407)292-8580 fax(407)292-0141
email: info@southeasternsurveying.com
Certification Number LB2108

Revised 10-26-2012
Corrected scale and scrivener's error.
Drawing Number 56776001
Date: July 13, 2012
Sheet 2 of 2
See Sheet 1 for Description & Surveyors Report

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1422

PETITIONER

AARON W. BETTON
DEANNA P. BETTON
13915 WHISPERWOOD DRIVE
CLEARWATER, FLORIDA 33762

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

ROOT, BRUCE L
ROOT, MARILYN G
13871 WHISPERWOOD DR
CLEARWATER, FL 33762-3347

13863 WHISPERWOOD DR
CLEARWATER, FL 33762-3347

COLLIER, CHRISTOPHER M
COLLIER, BARBARA M
2937 WHISPER LN S
CLEARWATER, FL 33762-3344

HOLDER, MARY C
HOLDER, THOMAS E
14069 WHISPERWOOD DR
CLEARWATER, FL 33762-3351

FEATHER SOUND GOLF LLC
10688 CRESTWOOD DR STE D
MANASSAS, VA 20109-3464

MUELLER, HERBERT J JR
MUELLER, MARY J
2936 WHISPER LN S
CLEARWATER, FL 33762-3344

JONES, JEFFREY A
JONES, CYNTHIA D
13882 WHISPERWOOD DR
CLEARWATER, FL 33762-3346

GALLUCCIO, GUY
GALLUCCIO, CHRIS
13870 WHISPERWOOD DR
CLEARWATER, FL 33762

HANSEN, ROBERT H
13982 WHISPERWOOD DR
CLEARWATER, FL 33762-3348

MOSSBACHER, ROBERT P
MOSSBACHER, NICOLE I
13981 WHISPERWOOD DR
CLEARWATER, FL 33762-3349

ELLIE, RANDY D
ELLIE, VILMARIS A
13953 WHISPERWOOD DR
CLEARWATER, FL 33762-3349

PARKS, JOHN MICHAEL
PARKS, LINDA ANN
13916 WHISPERWOOD DR
CLEARWATER, FL 33762-3348

BARBIERI, JOSEPH J TRE
13954 WHISPERWOOD DR
CLEARWATER, FL 33762-3348

MACKIE, RYAN O
MACKIE, JENNIFER
2942 WHISPER LN N
CLEARWATER, FL 33762-3342

FELTHAM, JONATHAN A
FELTHAM, JANET L
13887 WHISPERWOOD DR
CLEARWATER, FL 33762-3347

RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF AN DRAINAGE AND UTILITY EASEMENT LOCATED IN LOT 8 FEATHER SOUND – CUSTOM HOME SITE UNIT 1 SUBDIVISION, LOCATED IN SECTION 2, TOWNSHIP 30 SOUTH, RANGE 16 EAST, AS RECORDED IN PLAT BOOK 75, PAGE 70, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

WHEREAS, Aaron W. Betton and Deanna P. Betton, 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 12as
Attorney

CH 08
11-1-12
501-1422

DESCRIPTION:

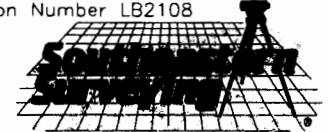
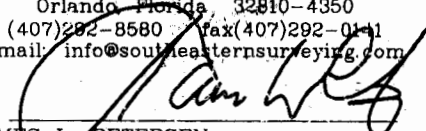
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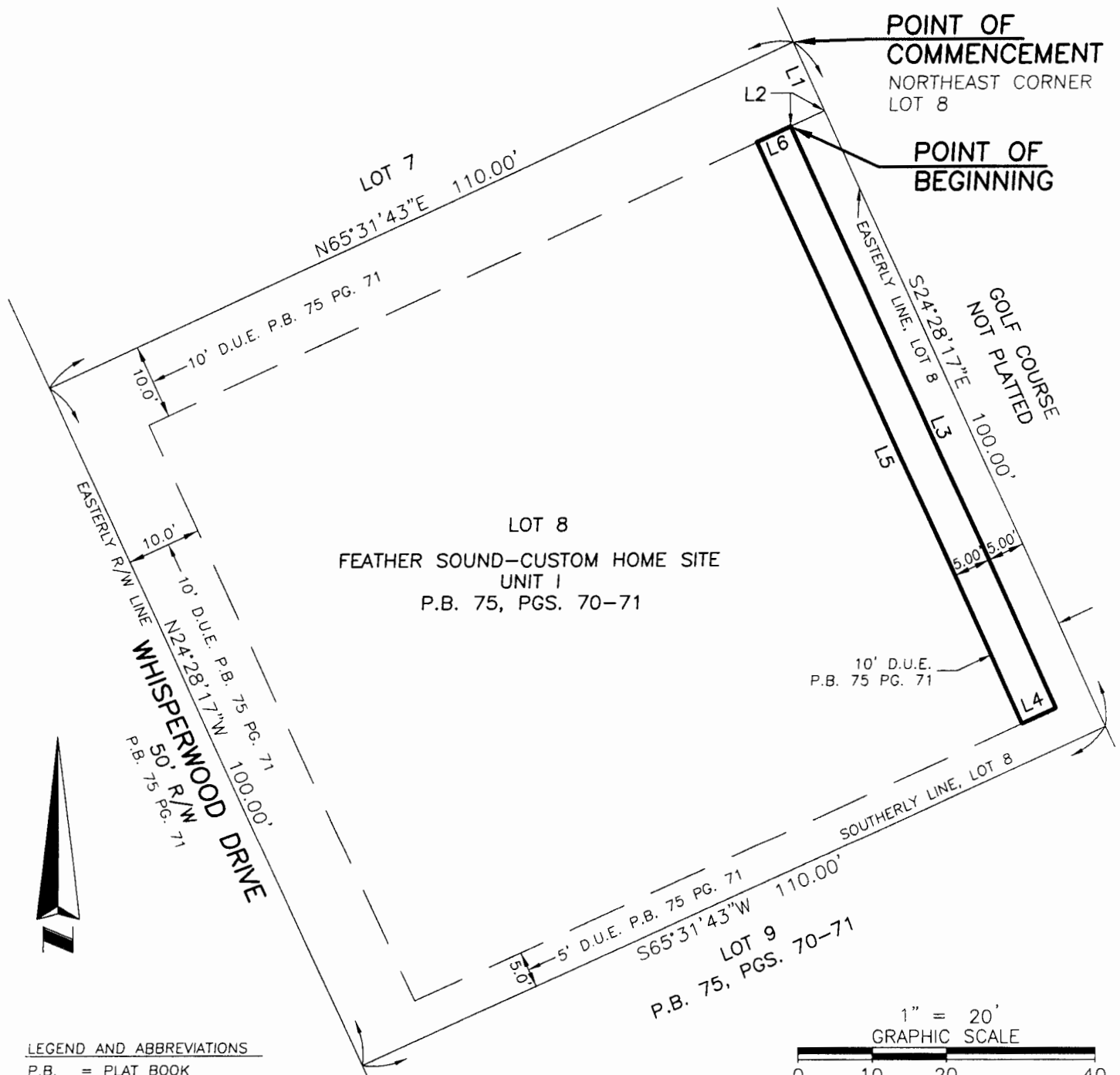
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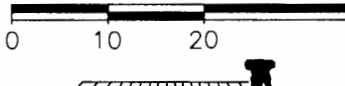
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Revised 10-26-2012
Corrected scale and scrivener's error.
Drawing Number 56776001
Date: July 13, 2012
Sheet 2 of 2
See Sheet 1 for Description
& Surveyors Report

1" = 20'
GRAPHIC SCALE



**SOUTHEASTERN SURVEYING
AND MAPPING CORPORATION**
6500 All American Boulevard
Orlando, Florida 32810-4350
(407)292-8580 fax(407)292-0141
email: info@southeasternsurveying.com
Certification Number LB2108

Petition to Vacate

File No.: 1422

