

BOARD OF COUNTY COMMISSIONERS

DATE: July 9, 2013

AGENDA ITEM NO. 8

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature:

Subject:

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: Betty Rodriguez
Property Address: 15480 Bristol Circle West
Clearwater, Florida 33764
File No.: 1425

Department:

Real Estate Management
Environment and Infrastructure

Staff Member Responsible:

Paul S. Sacco, Director
David Scott, Executive 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 was heard by the Board of County Commissioners on June 4, 2013 and was temporarily deferred pending more information regarding the code enforcement open case that is pending at this time and those responses are set forth below. The zoning notice of violation was issued on October 12, 2012, and involved a violation of Section 138-525(d) of the Pinellas County Land Development Code which speaks to the placement of a wooden shed in excess of 100 square feet which encroaches in the portion of the easement to be vacated.

In response to the BCC's questions, the setbacks for a shed this size are ten (10) feet from the rear property line and six (6) feet from the side property line. If the easement is vacated, then a rear and side setback variance will be required. Height is not an issue in this case as the allowable height is 45 feet. Regardless of the vacation, the petitioner would have to seek a variance as to the setback and size issues through the Board of Adjustment.

This petition to vacate a portion of a utility easement located in Lot 27, Block 42, Newport Unit No. 1, is associated with the owners' desire to clear encroachment of a storage shed and impending fines by Code Enforcement regarding the setback and size issues. As noted above, the vacation is the first step in the process.

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 and Development Review Services has indicated the need to seek a variance. Additionally, Letters of No Objection have been received from Bright House, Knology, Pinellas County DEI, Progress Energy (Distribution), Progress Energy (Transmission) 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)

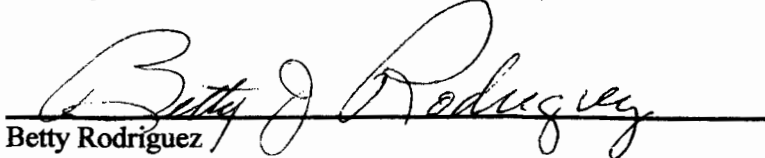
Come now your Petitioner, Betty Rodriguez
Name of Petitioner

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.

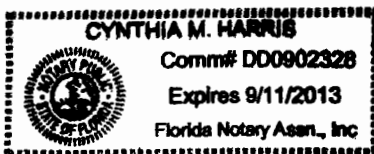
Your petitioner represent that: 1) the petitioner own the fee simple title to the whole or that portion of the plat (easement) that is sought to be vacated; 2) the vacation request herein will not cause injury to any surrounding property or property owners, and that the above described property does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

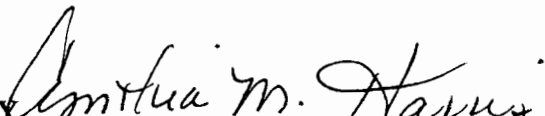

Betty Rodriguez

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 25th day of April, 2013,
by Betty Rodriguez. She is personally known to me, or has produced FL Drivers License
as identification, and who ~~did~~ (did not) take an oath.

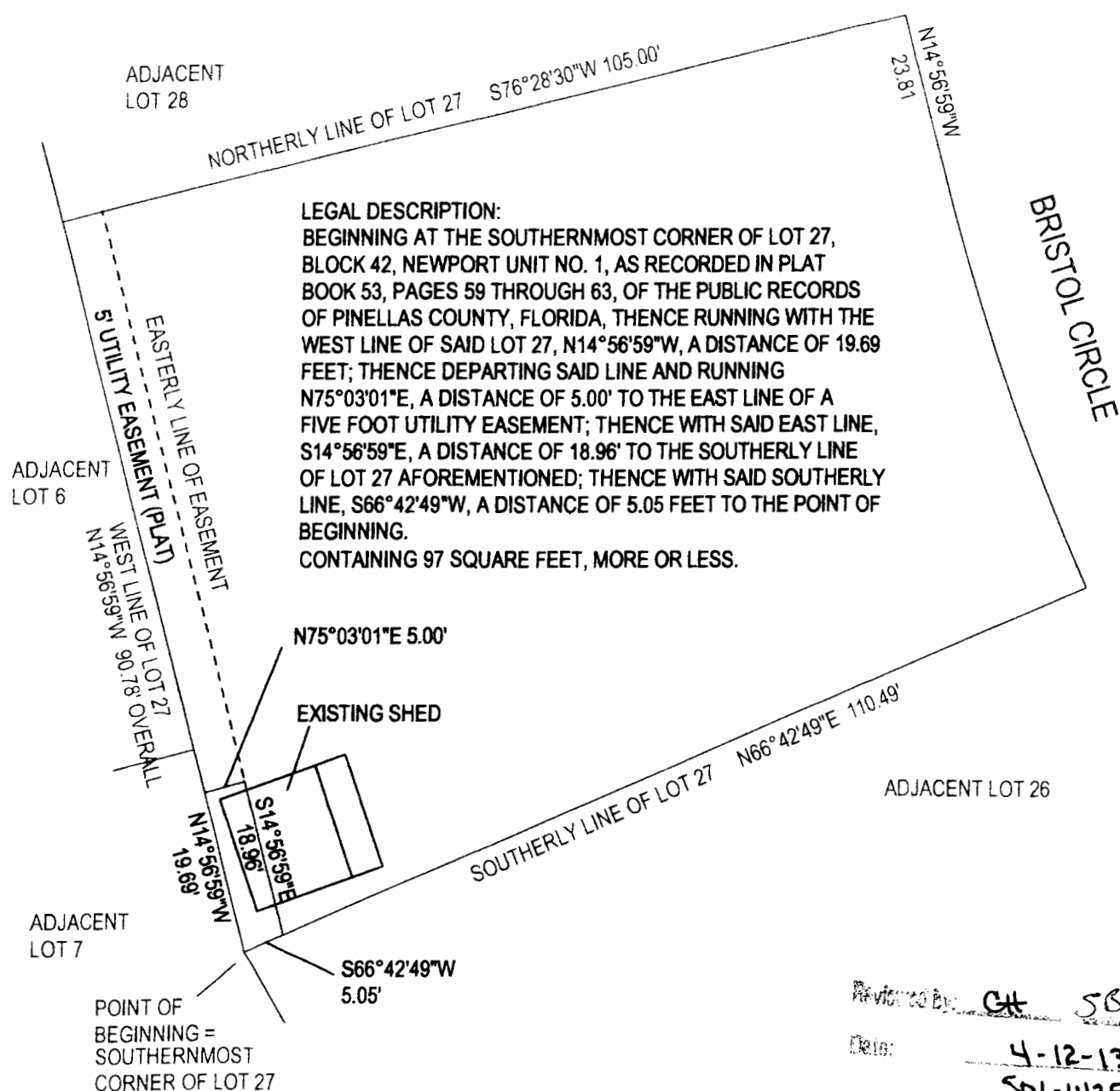


NOTARY
SEAL

NOTARY 
Print Name Cynthia M. Harris

My Commission Expires: _____ Commission Number: _____

**SKETCH AND LEGAL - 15480 BRISTOL CIRCLE WEST, CLEARWATER, FLORIDA
FOR VACATION OF PORTION OF FIVE FOOT UTILITY EASEMENT**



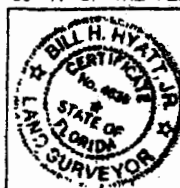
Reviewed By: CH 586
 Date: 4-12-13
501-1425

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.

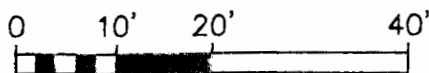
Surveyor & Mapper Number 4636

DATE SIGNED 3-23-2013



Bill H. Hyatt

BILL HYATT



SCALE: 1" = 20'

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

FLORIDASURVEYOR@AOL.COM

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1425

PETITIONER

BETTY RODRIGUEZ
15480 BRISTOL CIRCLE WEST
CLEARWATER, FLORIDA 33764

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

RODRIGUEZ, BETTY J
15480 BRISTOL CIR W
CLEARWATER, FL 33764-7007

JENSEN, SARI C
3144 RENAISSANCE LOOP SE
RIO RANCHO, NM 87124-7631

SUMMERS, KENNETH R
15526 BEDFORD CIR W
CLEARWATER, FL 33764-7066

JUDD, ARLENE
15536 BRISTOL CIR W
CLEARWATER, FL 33764-8012

FULTZ, MICHAEL P
FULTZ, LORI
15525 BEDFORD CIR W
CLEARWATER, FL 33764-7067

HOWELL, HERBERT E
7214 QUINCY LN
CLEARWATER, FL 33764-8020

RICE, MILLICENT R
RICE, KURT M
6550 W 30TH DR

JENNINGS, CHRISTINE S
15484 BEDFORD CIR W
CLEARWATER, FL 33764-7005

LI, STEVE
HUYNH, JANET LI
16661 MCKEEVER ST
GRANADA HILLS, CA 91344-4236

WEST TERRE HAUTE, IN 47885-8989

DE WITT, WILLIAM C
DE WITT, JANE A
15475 BRISTOL CIR W
CLEARWATER, FL 33764-7006

CROKE, IRENE M
15470 BEDFORD CIR W
CLEARWATER, FL 33764-7005

CARRASCO, ANGEL Q
CARRASCO, FRANCISCA V
15491 BEDFORD CIR W
CLEARWATER, FL 33764-7004

MASON, RODNEY A
MASON, BRENDA
15419 BEDFORD CIR W
CLEARWATER, FL 33764-7004

ADKINS, KENNETH R
7172 QUINCY CT
CLEARWATER, FL 33764-7060

MITTON, TODD A
MITTON, SHELLEY D
15456 BRISTOL CIR W
CLEARWATER, FL 33764-7007

KANE, JEFFREY L
15472 BRISTOL CIR W
CLEARWATER, FL 33764-7007

GOODWIN, RALPH W
GOODWIN, MARGARET L
15517 BRISTOL CIR W
CLEARWATER, FL 33764-8013

BYNE, EVELYN F
15549 BEDFORD CIR W
CLEARWATER, FL 33764-7067

HOSMAN, CHARLES D
HOSMAN, SHIRLEY D
7233 QUINCY LN
CLEARWATER, FL 33764-8019

VEGA, JENNIFER
JENNINGS, CHRISTINE
1005 CREST PARK PT
GAINESVILLE, GA 30504-6601

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1425

PETITIONER

BETTY RODRIGUEZ
15480 BRISTOL CIRCLE WEST
CLEARWATER, FLORIDA 33764

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BY THE CLERK OF THE CIRCUIT COURT – BCC RECORDS DIVISION

CASTORO, VELETTE
15554 BRISTOL CIR W
CLEARWATER, FL 33764-8012

FIERRO, LOUIS
15473 W BEDFORD CIR
CLEARWATER, FL 33764-7004

DEMBECKI, COLLEEN M
DEMBECKI, EDWARD J JR
15456 BEDFORD CIR W
CLEARWATER, FL 33764-7005

POPOLANO, JORGE D
15455 BEDFORD CIR W
CLEARWATER, FL 33764-7004

WALLACE, DEJA N
15464 BRISTOL CIR W
CLEARWATER, FL 33764-7007

SWINBURNE, JOHN M
SWINBURNE, ANNE M
15518 BRISTOL CIR W
CLEARWATER, FL 33764-8012

KENNEDY, MARY E
15437 BEDFORD CIR W
CLEARWATER, FL 33764-7004

RESOLUTION NO. _____

**RESOLUTION VACATING A PORTION OF A UTILITY
EASEMENT LOCATED IN LOT 27, BLOCK 42, NEWPORT
UNIT NO. 1 SUBDIVISION, LOCATED IN SECTION 31,
TOWNSHIP 29 SOUTH, RANGE 16 EAST, AS RECORDED
IN PLAT BOOK 53, PAGES 59 THROUGH 63, OF THE
PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.**

**WHEREAS, Betty Rodriguez, 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:

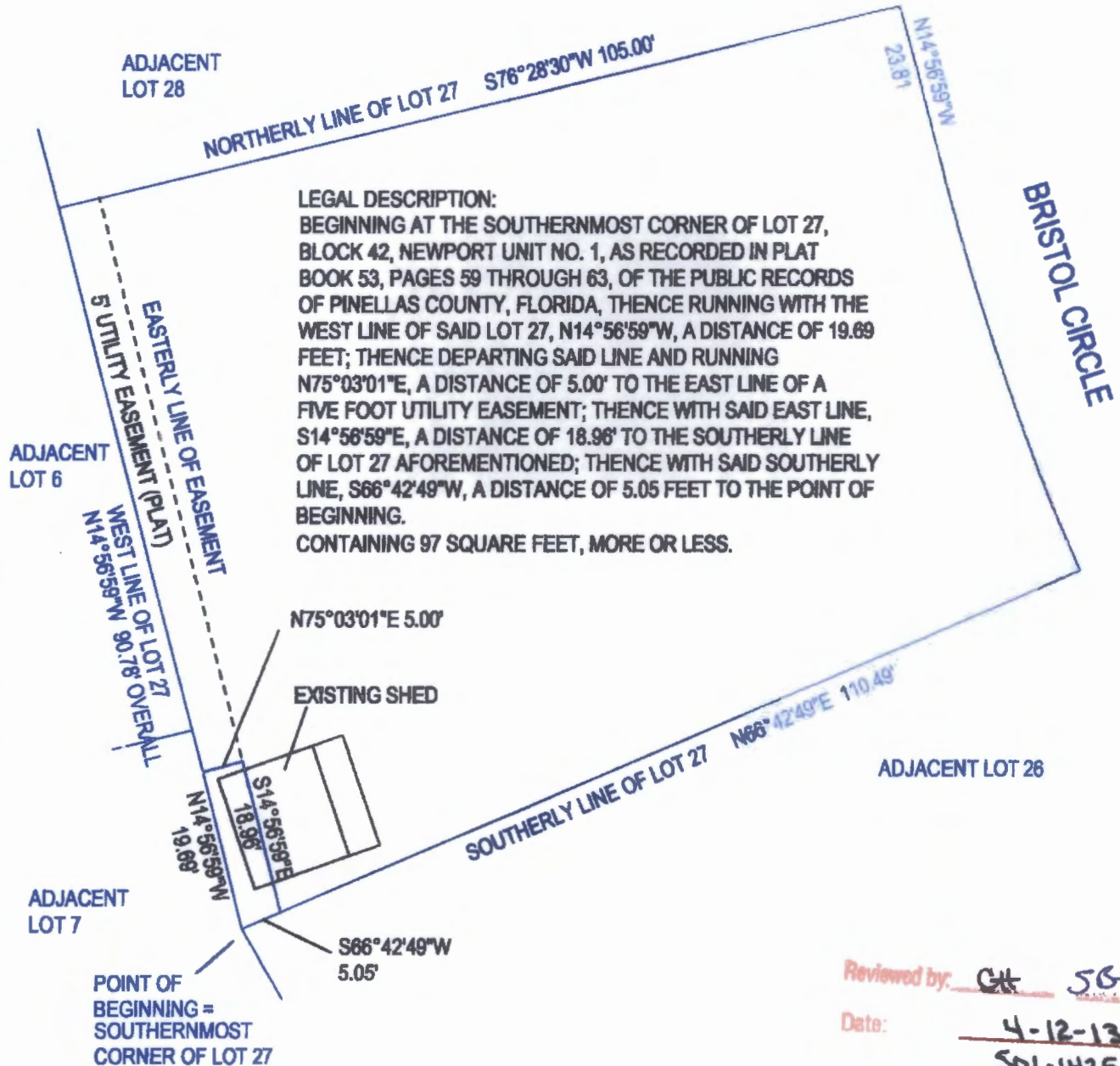
NAYS:

ABSENT AND NOT VOTING:

**APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY**

BY M2as
ATTORNEY

**SKETCH AND LEGAL - 15480 BRISTOL CIRCLE WEST, CLEARWATER, FLORIDA
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Reviewed by: GH 508
 Date: 4-12-13
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Petition to Vacate

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