

BOARD OF COUNTY COMMISSIONERS

DATE: August 6, 2013

AGENDA ITEM NO. 1

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature

Subject:

Legislative Petition to Vacate a Portion of ROW per §336.09 Florida State Statutes, 2011.

Submitted By: Capon Corporation
Property Address: 1209 N Florida Avenue
Tarpon Springs, Florida 34689
File No.: 1431

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, AND IF GRANTED, ADOPT THE ATTACHED RESOLUTION PURSUANT TO FLORIDA STATUTE 336.09, AND AUTHORIZE THE CLERK TO RECORD THE RESOLUTION IN THE PUBLIC RECORDS OF PINELLAS COUNTY.

Summary Explanation/Background:

The subject petition seeks to vacate a portion of the Right of Way lying north of lots 21, 22, and 23 and a portion lying west of lot 23, Tampa and Tarpon Springs Land Company, Plat Book H1, Page 116.

The petitioner is the 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. Letters of No Objection have been received from Bright House, Knology, DEI-Engineering & Technical Support, Progress Energy (Distribution), Progress Energy (Transmission), and Verizon.

The Petition was properly advertised in accordance with Florida Statute 336.09 and additionally 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:


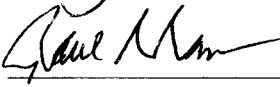
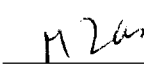

Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: Capon Corporation, John Mills, President****TYPE: Legislative Petition to Vacate a portion of ROW****Date: 6/4/2013****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>6-26-13</u>		
Real Est. Mgmt (Paul Sacco)	<u>6/28/13</u>		
DEI (Tom Farrand)	<u>6/25/2013</u>	<u>Approved in CATS</u>	
Legal (Michael Zas)	<u>7/1/13</u>		
County Admin. (Mark Woodard)	<u>7/3/13</u>		

- ☐ Release/Termination/Amendment
☐ FS 177.101 - Vacation
☒ FS 336.09/10/12 - ROW
☒ Advertisement to Board Records
☒ Scheduled Board Date
☒ Complies with Section 8 Real Estate Procedures 3.2.2 Notification

Please return to Real Estate Management Department, Real Property Division by , 2013
 All inquiries should be made to CYNTHIA HARRIS at telephone extension 43773 or 4-3672.

SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS
OF PINELLAS COUNTY, FLORIDA

PETITION TO VACATE, PUBLIC RIGHT OF WAY OR ALLEYS

Comes now your Petitioners, Capon Corporation, John Mills, President

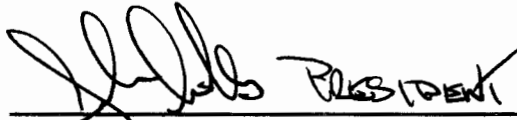
Name of Petitioner

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.

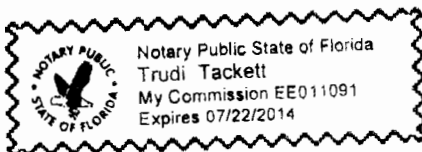
I hereby swear and/or affirm that the forgoing statements are true:



John Mills, President
Capon Corporation


STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 10 day of June, 2013,
by John Mills, President, Capon Corporation. He is personally known to me, or has produced _____
as identification, and who did (did not) take an oath.



NOTARY
SEAL

NOTARY
Print Name



Trudi Tackett

My Commission Expires: 7/22/2014

Commission Number: EE011091

JOHNSON ASSOCIATES

SURVEYING AND MAPPING

11911 South Curley Street
San Antonio, Florida 33576
(352) 588-2768 FAX: (352) 588-2713

DESCRIPTION:

That portion of right-of-way lying North of Lots 21, 22 and 23, AND that portion of right-of-way lying West of Lot 23, in Section 24, Township 27 South, Range 15 East, AND that portion of right-of-way lying North of, and East of, Lot 1 in Section 23, Township 27 South, Range 15 East, all of TAMPA & TARPON SPRINGS LAND COMPANY, as per the map or plat thereof, recorded in Plat Book H1, Page 116, of the public records of Pinellas County, Florida, and being more particularly described as follows: For a POINT OF BEGINNING commence at the Northwest corner of said Section 24; thence along the North boundary of the Northwest 1/4 of said Section 24, S.89°40'54"E., a distance of 1,376.72 feet to the Northerly prolongation of the East boundary of aforementioned Lot 21, in said Section 24; thence along said Northerly prolongation, S.00°47'04"W., a distance of 15.00 feet to the Northeast corner of said Lot 21; thence along the North boundaries of said Lots 21, 22 and 23, N.89°40'54"W., a distance of 1,362.44 feet to the Northwest corner of said Lot 23; thence along the West boundary of said Lot 23, S.03°36'49"W., a distance of 997.29 feet to the Southwest corner of said Lot 23; thence S.89°47'09"W., a distance of 30.07 feet to the Southeast corner of aforementioned Lot 1, in said Section 23; thence along the East and North boundaries of said Lot 1, the following two (2) courses and distances: 1) N.03°36'49"E., 997.57 feet; 2) N.89°40'54"W., 433.72 feet to the Northwest corner of said Lot 1; thence along the Northerly prolongation of said Lot 1, N.03°09'16"E., a distance of 15.02 feet to the North boundary of the Northeast 1/4 of said Section 23; thence along the North boundary of the Northeast 1/4 of said Section 23, S.89°40'54"E., a distance of 448.87 feet to the POINT OF BEGINNING. Containing 1.32 acres, more or less.

We hereby certify that the sketch and legal description shown hereon are true and correct to the best of our knowledge and belief, and were prepared in accordance with the "Minimum Technical Standards," set forth by the Florida Board of Land Surveyors in Chapter 5J-17 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

For D.C. Johnson & Associates, Inc.
Christopher H. Xynides Fl. Reg. No. 5566
Florida Licensed Business Number 4514
Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.

Corner monuments were not set in conjunction with the preparation of this drawing.

Improvements, if any, have not been located in conjunction with the preparation of this drawing.

This sketch is for graphic illustration only, and does not represent a field survey.

Descriptions created per this sketch.

No instruments of record reflecting easements, rights-of-way and/or ownership were furnished to the undersigned except as shown. The undersigned makes no other guarantees or representations regarding information shown hereon pertaining to easements, rights-of-way, setback lines, agreements, reservations, or other matters.

Bearings are assumed, based on the North boundary of the Northwest 1/4 of Section 24, Township 27 South, Range 15 East, Pinellas County, Florida. Said line bears S.89°40'54"E.

2/07/13 DESCRIPTION and SKETCH RR

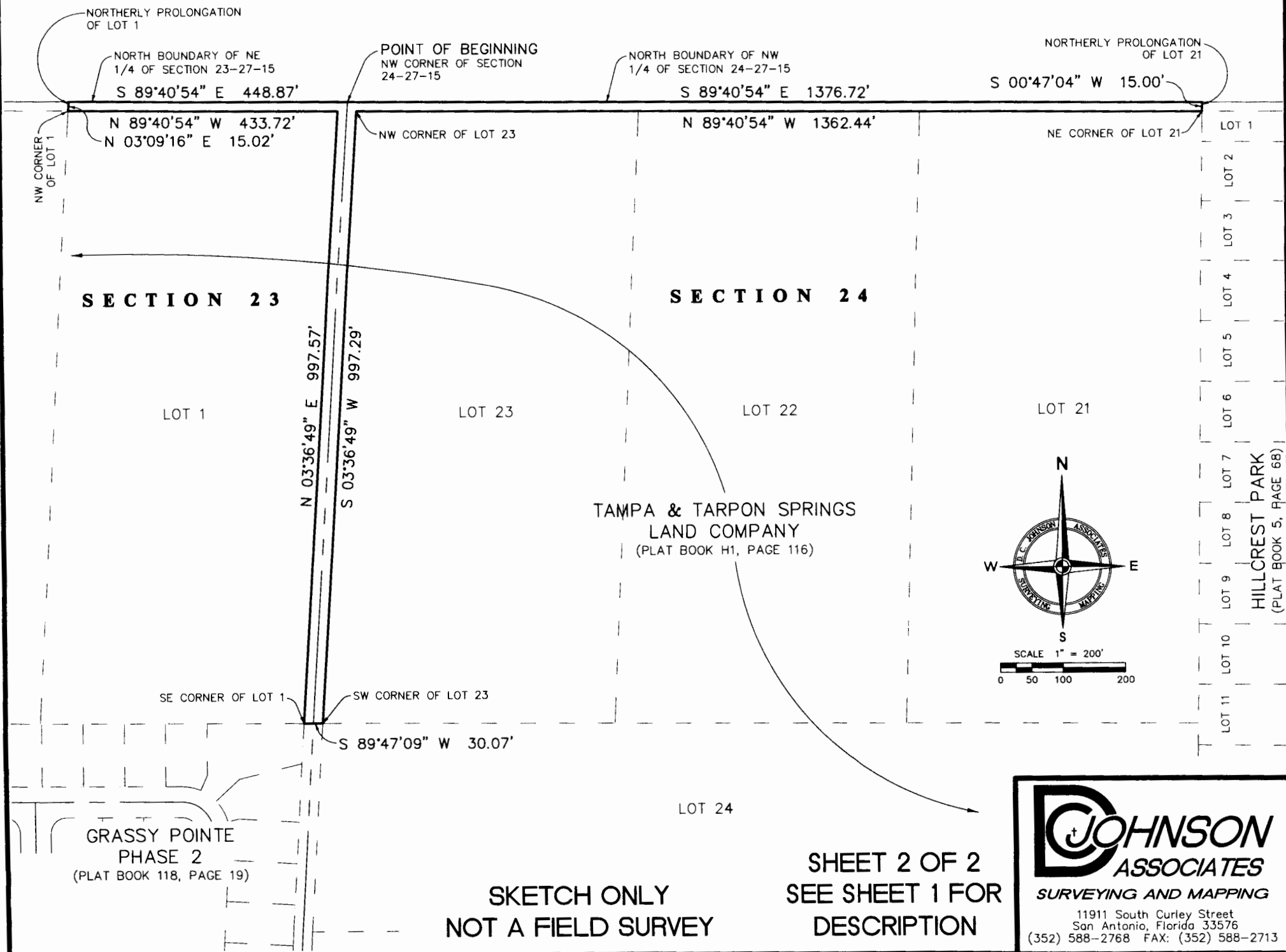
**RIGHT-OF-WAY
TO BE VACATED**

PREPARED FOR
Gaylor Engineering

JOB NO. 12151A01.00003 CHKD BY: CHX

Reviewed by: *GA* *SB*
Date: 5-13-13
501-1431

**SHEET 1 OF 2
SEE SHEET 2 FOR
SKETCH**



PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1431

PETITIONER

CAPON CORPORATION
JOHN MILLS, PRESIDENT
1209 NORTH FLORIDA AVENUE
TARPON SPRINGS, FLORIDA 34689

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

CAPON CORP
1209 N FLORIDA AVE
TARPON SPRINGS, FL 34689-2003

SOBON, DOROTA
SOBON, ARKADIUSZ
419 DENISE ST
TARPON SPRINGS, FL 34689-1969

FINNAN, MICHAEL J
FINNAN, WENDIE
431 DENISE ST
TARPON SPRINGS, FL 34689-1969

MUELLER, THORSTEN
MUELLER, NOZOMI
427 DENISE ST
TARPON SPRINGS, FL 34689-1969

TARPON SPRINGS, CITY OF
C/O TARPON SPRINGS GOLF CLUB
PO BOX 5004
TARPON SPRINGS, FL 34688-5004

GERRITY, CHRISTOPHER
GERRITY, MARY A
423 DENISE ST
TARPON SPRINGS, FL 34689-1969

RESOLUTION NO. _____

RESOLUTION VACATING THAT PORTION OF RIGHT OF WAY LYING NORTH OF LOTS 21, 22 AND 23 AND THAT PORTION LYING WEST OF LOT 23 IN SECTION 24-27-15, AND THAT PORTION LYING NORTH OF AND EAST OF LOT 1, IN SECTION 23-27-15, TAMPA & TARPON SPRINGS LAND COMPANY, PLAT BOOK H1, PAGE 116.

WHEREAS, the Capon Corporation, has petitioned this Board of County Commissioners to vacate the following described property:

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

WHEREAS, the Petitioner is the apparent owner of record of the portion of the plat requested to be vacated, and have shown that 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 is not needed for any public purpose; 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, insofar as this Board of County Commissioners has the authority to do so, pursuant to 336.09, Florida Statutes.

BE IT FURTHER RESOLVED that this resolution and 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 M. Law
ATTORNEY

EXHIBIT "A"



SURVEYING AND MAPPING

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TO BE VACATED

PREPARED FOR
Gaylor Engineering

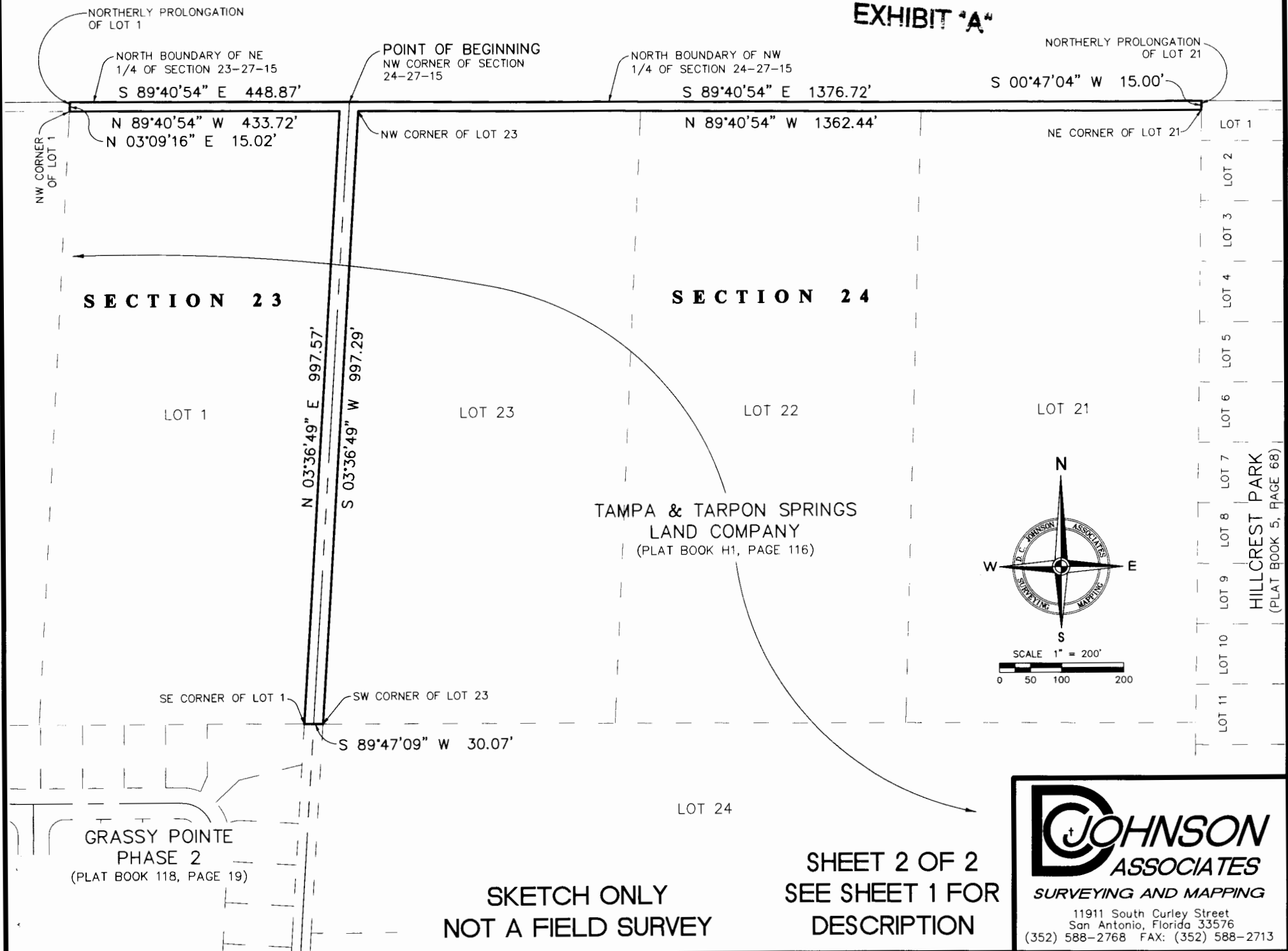
JOB NO. 12151A01.00003 CHKD BY: CHX

Reviewed by: CH SB

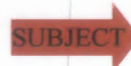
Date: 5-13-13
501-1431

SHEET 1 OF 2
SEE SHEET 2 FOR
SKETCH

EXHIBIT "A"



File No.: 1431



**Pinellas County
Real Estate Management
Real Property Division**