

BOARD OF COUNTY COMMISSIONERS

DATE: October 8, 2013

AGENDA ITEM NO. 3

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature 

Subject:

Legislative Petition to Vacate a Portion of ROW per §336.09 Florida Statutes, 2013.

Submitted By: David A. Blanck, 3960 46th Avenue North, St. Petersburg, Florida 33714
Roy & Jennie Worden, 3976 46th Avenue North, St. Petersburg, Florida 33714
Michael Carpenter, 4525 40th Street North, St. Petersburg, Florida 33714
File No. 1414

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 THE PETITION TO VACATE, AND 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 alley adjacent to Lot 9, 10, 11, 12 and 13, Replat of Mohawk Park Subdivision. The petitioners own the adjacent property, Lot 9, 10, 11, 12 and 13, Block 1, Plat Book 19, Page 78.

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, Department of Environment and Infrastructure, Progress Energy Distribution and Transmission, TECO 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 owners have paid a \$690 filing fee, plus advertising cost of \$60.00.

Exhibits/Attachments Attached:



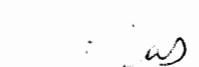
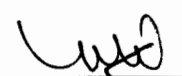
Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: David A. Blanck, Roy and Jennie Worden and Michael Carpenter****TYPE: Legislative Petition to Vacate a portion of ROW****Date: 10/8/2013 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>9-10-13</u>		
Real Est. Mgmt (Paul Sacco)	<u>9/10/13</u>		
DEI (Tom Farrand)	<u>2/1/2013</u>	<u>Approved in CATS</u>	
Legal (Michael Zas)	<u>9/12/2013</u>		
County Admin. (Mark Woodard)	<u>9/17/13</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 RIGHTS-OF-WAY OR ALLEYS

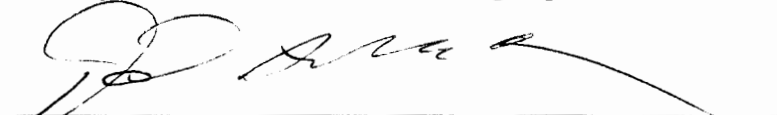
Comes now your Petitioner, David A. Blanck
Name of Petitioner

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:


David A. Blanck

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 13 day of August, 2013,
by David A. Blanck. He is personally known to me, or has produced _____
as identification, and who did (did not) take an oath.

NOTARY
SEAL

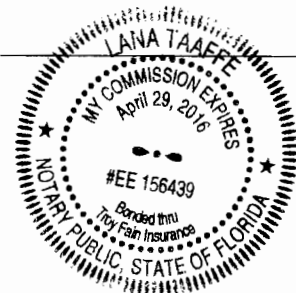
NOTARY
Print Name


Lana Taaffe

My Commission Expires:

4/29/16

Commission Number:



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

PETITION TO VACATE, PUBLIC RIGHTS-OF-WAY OR ALLEYS

Comes now your Petitioners, Roy A. and Jennie L. Worden
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:

Roy A. Worden
Roy A. Worden

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

Jennie L. Worden
Jennie L. Worden

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 28th day of August, 2013,
by Roy A. and Jennie L. Worden. He/She is personally known to me, or has produced _____
_____ as identification, and who did (~~did not~~) take an oath.

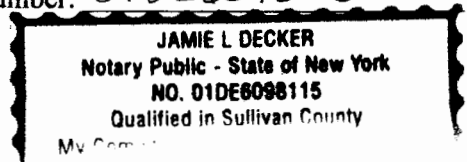
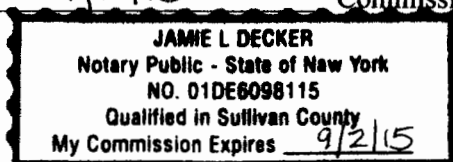
NOTARY
SEAL

NOTARY
Print Name

Jamie Decker
Jamie Decker

My Commission Expires: 9/2/15

Commission Number: 01DE6098115



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

PETITION TO VACATE, PUBLIC RIGHTS-OF-WAY OR ALLEYS

Comes now your Petitioner, Michael J. Carpenter
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:


Michael J. Carpenter
Michael J. Carpenter

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 5 day of MAY, 2013,
by Michael J. Carpenter. He is personally known to me, or has produced FL. ID
as identification, and who did (did not) take an oath.

NOTARY
SEAL

My Commission Expires: _____

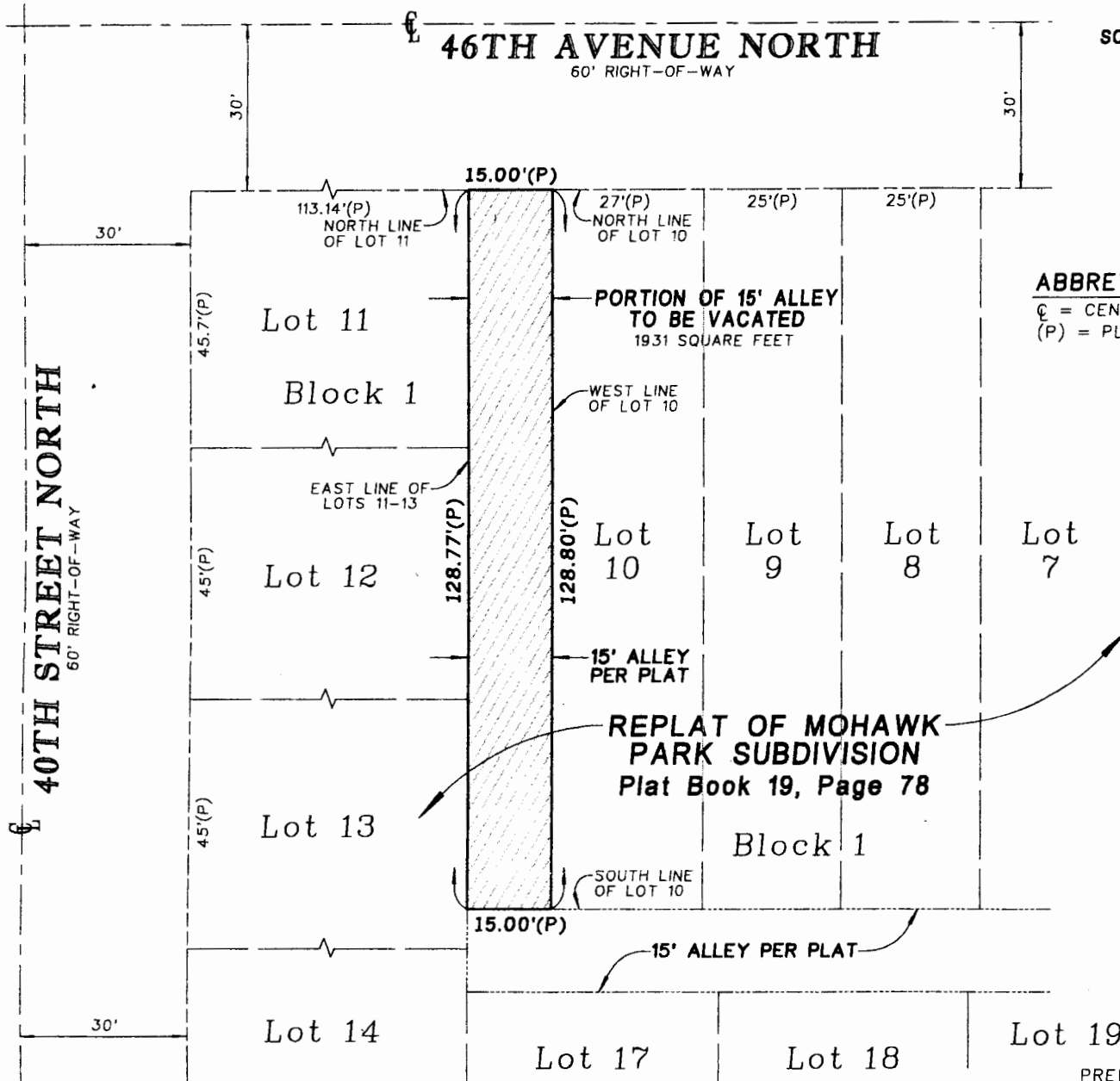
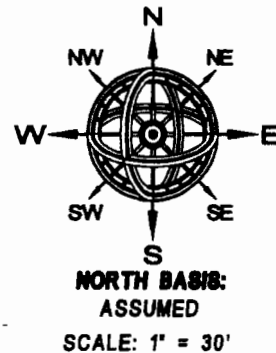
NOTARY Paul J. Carter
Print Name
Commission  **PAUL J CARTER**
MY COMMISSION # DD821723
EXPIRES November 07, 2013
(407) 388-0153 FloridaNotaryService.com

SECTION 3, TOWNSHIP 31 SOUTH, RANGE 16 EAST

LEGAL DESCRIPTION AND SKETCH

THAT PORTION OF PLATTED 15 FOOT ALLEY LYING WEST OF AND ADJACENT TO LOT 10, BLOCK 1, REPLAT OF MOHAWK PARK SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19, PAGE 78 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

CONTAINING 1931 SQUARE FEET MORE OR LESS.



ABBREVIATIONS:
 CL = CENTERLINE
 (P) = PLAT

FOR: DAVID ANTHONY BLANCK

THIS IS NOT A SURVEY

PREPARED: 5/22/12

This Legal Description and Sketch was prepared without the benefit of a title search and is subject to all easements, Rights-of-way, and other matters of record.

NOTE: Legal Description and Sketch not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

Job#: 1205-39
 Drawn: DS

I hereby certify that the Legal Description and Sketch represented hereon meets the requirements of Chapter 50-17.052, Florida Administrative Code.

JOHN C. BRENDLA
 Florida Surveyor's Registration No. 1269
 Certificate of Authorization No. 760

Prepared by:
JOHN C. BRENDLA & ASSOCIATES, INC.
 CONSULTING ENGINEERS AND LAND SURVEYORS
 4015 82nd Avenue North
 Pinellas Park, Florida 33781
 phone (727) 576-7546 ~ fax (727) 577-9932

SHEET 1 OF 1

Reviewed by: *[Signature]* **566** *[Signature]*
 Date: *[Signature]* # 1000

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1414

PETITIONER

DAVID A. BLANCK
3960 46TH AVENUE N
ST. PETERSBURG, FL 33714

ROY A. WORDEN
JENNIE L. WORDEN
3976 46TH AVENUE N
ST. PETERSBURG, FL 33714

MICHAEL CARPENTER
4525 40TH STREET N
ST. PETERSBURG, FL 33714

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

WORDEN, ROY A
WORDEN, JENNIE L
246 MAIN ST
HURLEYVILLE, NY 12747-5431

BLANCK, DAVID ANTHONY
3960 46TH AVE N
ST PETERSBURG, FL 33714-3643

PIACENZA, TERESA MAY
PIACENZA, JOSEPH RICHARD III
1818 BIRCH ST
KLAMATH FALLS, OR 97601-6402

KLITSCH, MARK
4300 15TH AVE N
ST PETERSBURG, FL 33713-5230

CARPENTER, MICHAEL J
4525 40TH ST N
ST PETERSBURG, FL 33714-3535

BAY TO GULF HOLDINGS LLC
4302 HENDERSON BLVD
TAMPA, FL 33629-5692

MASON, JAMES P
MASON, BARBARA
4448 GLENBROOK DR
PALM HARBOR, FL 34683-1561

TRUONG, THANG M
3985 45TH AVE N
ST PETERSBURG, FL 33714-3636

TRAN, BE VAN
LE, MUOI THI
3949 45TH AVE N
ST PETERSBURG, FL 33714-3636

SAUER, KARL A
SAUER, JO ELLEN
1211 COUNTRY CLUB DR N
ST PETERSBURG, FL 33710-4424

CLARK, TONY GEORGE
CLARK, KELLIE S
4580 40TH ST N
ST PETERSBURG, FL 33714-3536

WALDORF INC
13306 GULF BLVD
ST PETERSBURG, FL 33708-2514

MC MANUS, BRUCE R
MC MANUS, SUZANNE A
8025 PLAINVILLE RD
PLAINVILLE, NY 13137-0211

LUONG, TUAN VAN
3993 45TH AVE N
ST PETERSBURG, FL 33714-3636

SAUER, KARL A
SAUER, JO ELLEN
1211 COUNTRY CLUB DR N
ST PETERSBURG, FL 33710-4424

MARCUS, STEVEN A
6975 ORKNEY AVE N
ST PETERSBURG, FL 33709-1447

WILLIAMS, TANYA J
3939 45TH AVE N
ST PETERSBURG, FL 33714-3636

CLAYTON, RICHARD W
4837 11TH AVE N
ST PETERSBURG, FL 33713-5111

BLACKWELL, STEPHEN W
4550 39TH ST N
ST PETERSBURG, FL 33714-3615

MURPHY, THOMAS K & APRIL
REVCABLE TRUST
MURPHY, THOMAS K TRE
3182 SAN JOSE ST
CLEARWATER, FL 33759-3523

RESOLUTION NO. _____

**RESOLUTION VACATING A PORTION OF A PLATTED 15 FOOT
ALLEY ADJACENT TO LOT 10, REPLAT OF MOHAWK PARK
SUBDIVISION IN PLAT BOOK 19, PAGE 78 IN SECTION 3-31-16,**

**WHEREAS, David A. Blanck, Roy and Jennie Worden and Michael J. Carpenter,
have 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 Petitioners are the apparent owners 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 Petitioners have 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

By MZas
County Attorney

File No.: 1414

File No.: 1414



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