

BOARD OF COUNTY COMMISSIONERS

DATE: *October 8, 2013*
AGENDA ITEM NO. 5

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

County Administrator's Signature:

Subject:

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: Christos and Desiree Kyriazis
Property Address: 9756 Commodore Drive
Seminole, Florida 33776
File No.: 1433

Department:

Real Estate Management
Environment & Infrastructure

Staff Member Responsible:

Paul S. Sacco, Director
David Scott, Executive Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) CONSIDER THE PETITION TO VACATE A PORTION OF THE UTILITY EASEMENT, 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 across the rear in Lot 9, Block D, Yacht Club Estates Unit 3, is associated with the owners' desire to clear encroachment of the 200 square foot patio roof structure within the 7 foot side setback and 10 foot rear setback.

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, Knology, Pinellas County Department of Environment and Infrastructure, 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 Board.

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


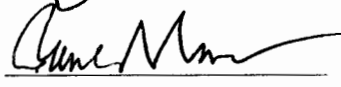
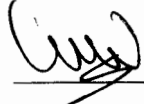
CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: Christos and Desiree Kyriazis****TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement****Date: 10/8/2013****ESTIMATED EXPENDITURE/REVENUE:****\$ 750.00**

(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>8/13</u>		
Real Est. Mgmt (Paul Sacco)	<u>8/20/13</u>		
DEI (Tom Farrand)	<u>6/12/2013</u>	<u>Approved in CATS</u>	
Legal (Michael Zas)	<u>8/29/13</u>	<u>M Zas</u>	
County Admin. (Mark Woodard)	<u>9/4/13</u>		<u>See Fiscal Summary</u>

- Release/Termination/Amendment
- X FS 177.101 - Vacation
- FS 336.09/10/12 - ROW
- X Advertisement to Board Records
- X Scheduled Board Date
- X 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, Christos F. Kyriazis and Desiree D. Kyriazis

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.

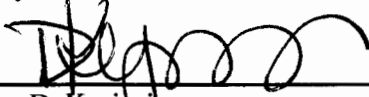
Your petitioner represent that: 1) the petitioner own the fee simple title to the whole or that portion of the plat (easement) that is sought to be vacated; 2) the vacation request herein will not cause injury to any surrounding property or property owners, and that the above described property does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



Christos F. Kyriazis

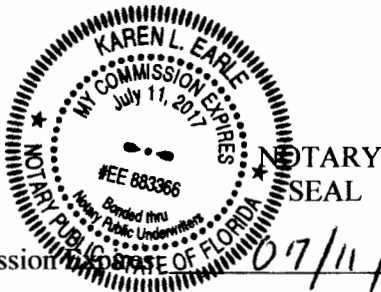
I hereby swear and/or affirm that the forgoing statements are true:



Desiree D. Kyriazis

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 8th day of August, 2013,
by Christos F. Kyriazis and Desiree D. Kyriazis. He/She is personally known to me, or has produced _____
NONE as identification, and who did (did not) take an oath.



NOTARY
Print Name

Karen L. Earle
KAREN L. EARLE

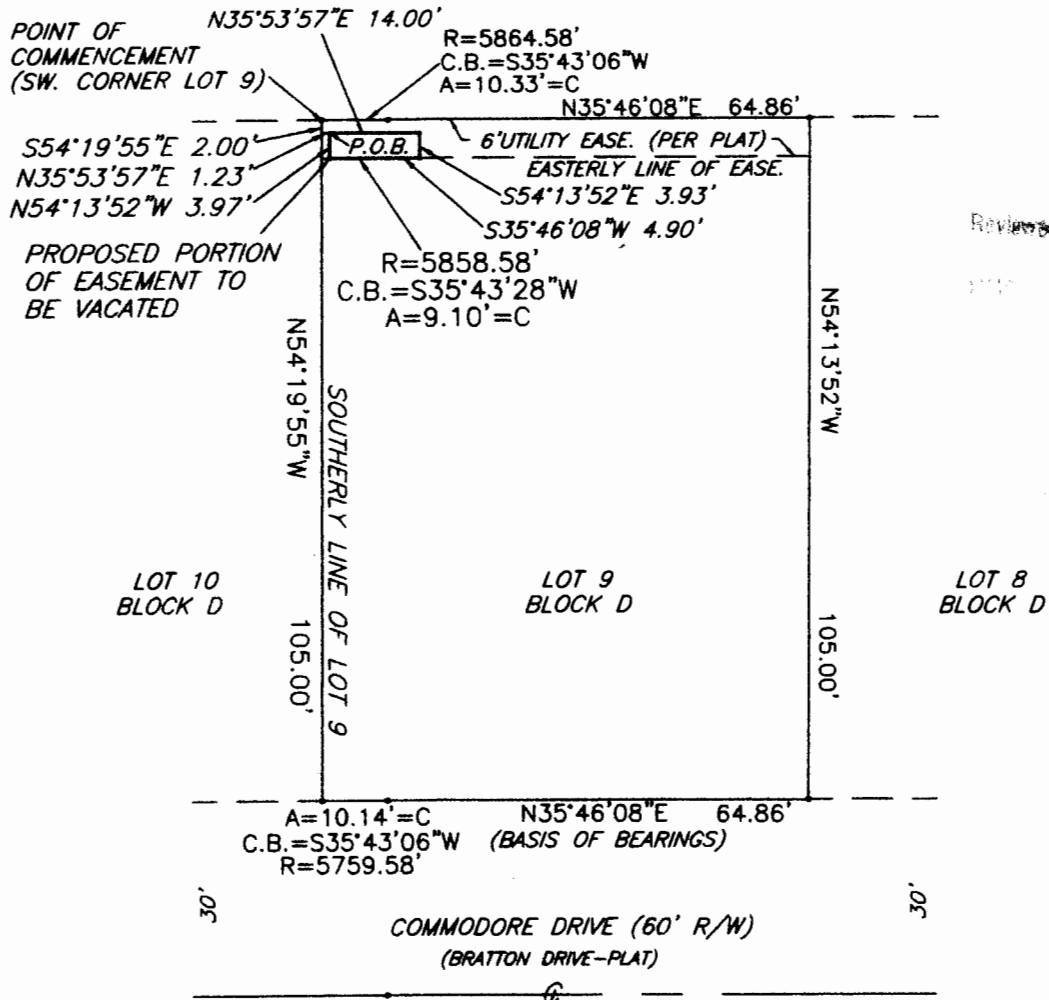
My Commission

07/11/2017

Commission Number:

#EE 883366

SKETCH OF LEGAL DESCRIPTION
(THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY AND
IS FOR LEGAL DESCRIPTION PURPOSES ONLY)



Reviewed by: **CH** **SB8**
6-3-13
501-1433

PROPOSED LEGAL DESCRIPTION FOR THE EASEMENT AREA TO BE VACATED:

THAT PART OF THE PLATTED 6 FOOT WIDE UTILITY EASEMENT LYING ALONG THE REAR OF LOT 9, BLOCK D, YACHT CLUB ESTATES UNIT 3, AS RECORDED IN PLAT BOOK 57, PAGES 37 AND 38, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 9; RUN THENCE S.54°19'55"E. ALONG THE SOUTHERLY LINE OF SAID LOT 9 A DISTANCE OF 2.00 FEET; THENCE N.35°53'57"E. A DISTANCE OF 1.23 FEET TO THE POINT OF BEGINNING, BEING THE SOUTHWEST CORNER OF THE EXISTING EAVES; THENCE N.35°53'57"E. ALONG THE WESTERLY EDGE OF THE EXISTING EAVES A DISTANCE OF 14.00 FEET TO THE NORTHWEST CORNER OF SAID EAVES; THENCE S.54°13'52"E. ALONG THE NORTHERLY LINE OF THE EXISTING EAVES A DISTANCE OF 3.93 FEET TO THE EASTERLY LINE OF AFOREMENTIONED 6 FOOT WIDE UTILITY EASEMENT; THENCE ALONG SAID EASTERLY LINE, S.35°46'08"W. A DISTANCE OF 4.90 FEET; THENCE ALONG SAID LINE BY A CURVE TO THE LEFT HAVING A RADIUS OF 5858.58 FEET, CHORD OF 9.10 FEET, CHORD BEARING S35°43'28"W, RUN AN ARC DISTANCE 9.10 FEET TO SOUTHERLY EDGE OF THE EXISTING EAVES; THENCE ALONG THE SOUTHERLY EDGE OF THE EXISTING EAVES, N54°13'52"W A DISTANCE OF 3.97 FEET TO THE POINT OF BEGINNING. CONTAINING 55.28 SQUARE FEET, MORE OR LESS.

JOB NUMBER: MMXII278	DAVID C. HARNER	FLOOD ZONE: "X"
TELEPHONE: (727) 360-0636	PROFESSIONAL LAND SURVEYOR	FLOOD MAP DATE: 8/18/09
DATE OF FIELD SURVEY: 11/01/12	9925 GULF BOULEVARD	COMMUNITY NUMBER: 125139
SCALE: 1 INCH = 30 FEET	TREASURE ISLAND, FL. 33706	PANEL NUMBER: 0177 G
DRAWN BY: DCH	SECTION 19 TOWNSHIP 30 SOUTH RANGE 15 EAST	CHECKED BY: DCH
CERTIFIED TO: CHRISTOS F. AND DESIREE D. KYRIAZIS		
I HEREBY CERTIFY TO THE HEREON NAMED PARTY OR PARTIES, AND ONLY TO THOSE NAMED HEREON, THAT THE LEGAL DESCRIPTION AND SKETCH THEREOF REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO FLORIDA STATUTE 472.027.		
LEGEND: A=ARC LENGTH ADJ=ADJACENT B.C.=BACK OF CURB C.=CHORD LENGTH CONC=CONCRETE CL=CENTERLINE C.B.=CHORD BEARING R/W=RIGHT OF WAY EL=ELEVATION F.I.P.=FOUND IRON PIPE S.I.P.=SET IRON PIPE WITH CAP #2650 F.C.M.=FOUND CONCRETE MONUMENT M=MEASURED P.O.B.=POINT OF BEGINNING D=DEED R=RADIUS W.F.=WOOD FENCE DR.=DRAINAGE UT.=UTILITY EASE.=EASEMENT B.M.=BENCHMARK P.R.M.=PERMANENT REFERENCE MONUMENT P=PLAT E.P.=EDGE OF PAVEMENT		
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER		

DCH, 5/28/13
DAVID C. HARNER P.L.S.
REGISTRATION NUMBER 2650

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1433

PETITIONER

CHRISTOS F. KYRIAZIS
DESIREE D. KYRIAZIS
9756 COMMODORE DRIVE
SEMINOLE, FLORIDA 33776

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

12600 FRANK DR S
SEMINOLE, FL 33776-1724

MUSSER, ROBERT E
9813 PORTSIDE DR
SEMINOLE, FL 33776-1122

KYRIAZIS, CHRISTOS F
KYRIAZIS, DESIREE D
9756 COMMODORE DR
SEMINOLE, FL 33776-1136

CROOM, THOMAS P
CROOM, DEBRA E
9795 PORTSIDE DR
SEMINOLE, FL 33776-1120

JOHNSON, KEITH A
4889 MEHURIN ST
JEFFERSON, LA 70121-3226

CONNELL, MARGARET
9816 COMMODORE DR
SEMINOLE, FL 33776-1138

COX, STEVE
COX, NINCIANN
9774 COMMODORE DR
LARGO, FL 33776-1136

THOMPSON, MICHAEL S
THOMPSON, CHRISTINE A
9775 COMMODORE DR
SEMINOLE, FL 33776-1137

GULF PROP ASSOC
C/O WALLRICH, WAYNE T
12723 82ND TER
SEMINOLE, FL 33776-3232

ALEGRE, MARCOS
ALEGRE, RITA
9700 COMMODORE DR
SEMINOLE, FL 33776-1136

HILL, VERA TRUST
HILL, VERA TRE
9688 COMMODORE DR
SEMINOLE, FL 33776-1134

SABEN, JEANNE M
SABEN, JAMES K
9675 COMMODORE DR
SEMINOLE, FL 33776-1135

HUDDLESTON, MARY E
HUDDLESTON, LARRY R
9767 PORTSIDE DR
SEMINOLE, FL 33776-1120

HENDRICKSON, RICHARD L
HENDRICKSON, MARY CHAPMAN
9801 PORTSIDE DR
SEMINOLE, FL 33776-1122

9796 PORTSIDE DR
SEMINOLE, FL 33776-1119

WORLEY, JAMES MICHAEL
WORLEY, CAROLYN ELLEN
9792 COMMODORE DR
SEMINOLE, FL 33776-1136

DONNELLY, RONALD T
DONNELLY, GERALDINE A
9808 PORTSIDE DR
SEMINOLE, FL 33776-1121

STACZEK, ROMAN
STACZEK, CHARLOTTE
9689 COMMODORE DR
SEMINOLE, FL 33776-1135

PALMERI, VICTORIA
PALMERI, DAVID
9821 PORTSIDE DR
SEMINOLE, FL 33776-1122

PEACOCK, SANDRA MURLENE
9881 PORTSIDE DR
SEMINOLE, FL 33776-1122

REGISTER, GLENN T
REGISTER, LISA A
9820 PORTSIDE DR
SEMINOLE, FL 33776-1121

BLACK, MICHAEL R
BLACK, CHERYL
5120 E ADAMO DR STE F
TAMPA , FL 33619-3210

KISIDA, RICHARD P
KISIDA, CYNTHIA M
9797 COMMODORE DR
SEMINOLE, FL 33776-1137

DOPP, MARK L
DOPP, CHERYL A
9757 COMMODORE DR
SEMINOLE, FL 33776-1137

RESOLUTION NO. _____

**RESOLUTION VACATING A PORTION OF A UTILITY
EASEMENT LOCATED IN LOT 9, BLOCK D, YACHT
CLUB ESTATES UNIT 3, LOCATED IN SECTION 19,
TOWNSHIP 30 SOUTH, RANGE 15 EAST, AS RECORDED
IN PLAT BOOK 57, PAGES 37 THROUGH 38, OF THE
PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.**

**WHEREAS, Christos F. Kyriazis and Desiree D. Kyriazis, 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:

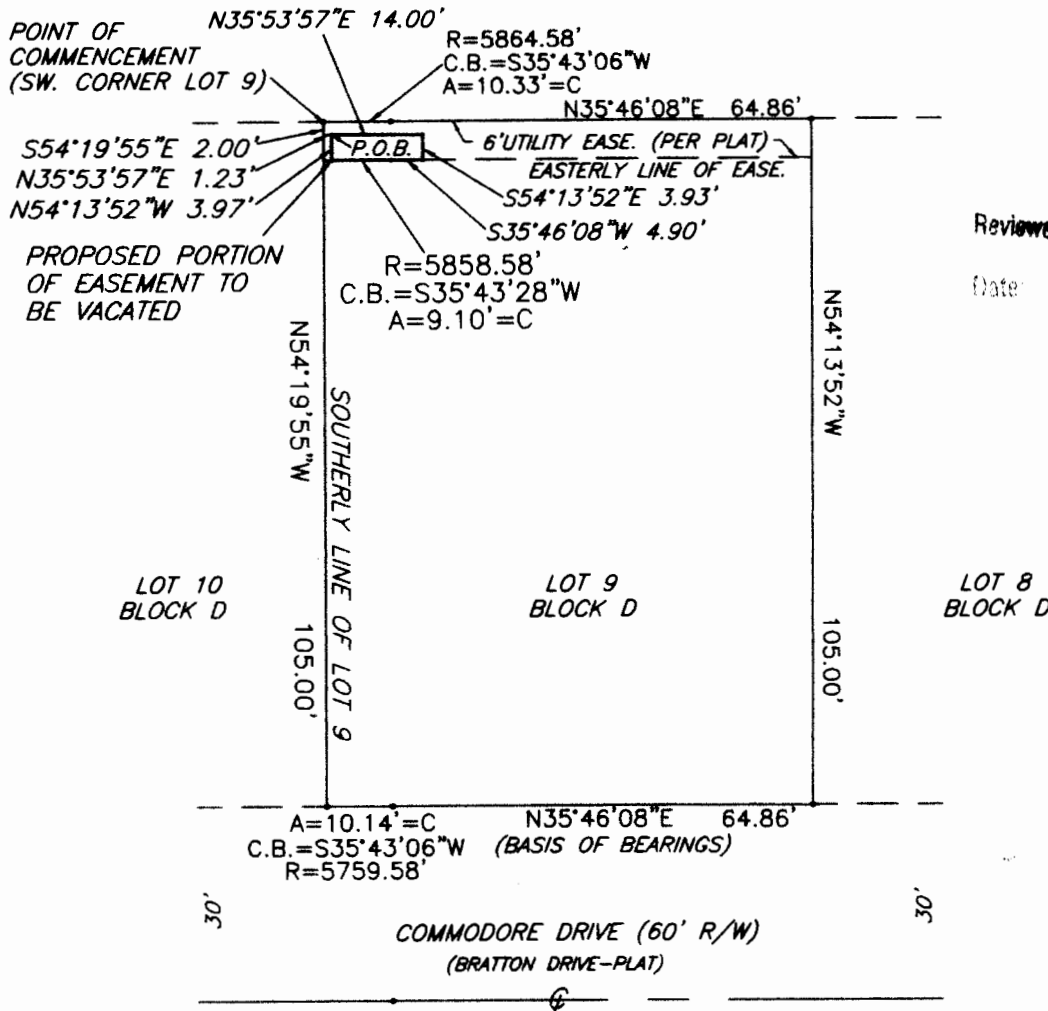
ABSENT AND NOT VOTING:

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

BY _____
ATTORNEY

EXHIBIT "A"

SKEETCH OF LEGAL DESCRIPTION (THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY AND IS FOR LEGAL DESCRIPTION PURPOSES ONLY)



Reviewed by: CH SSB
Date: 6-3-13
501-1433

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DC 5/28/13
DAVID C. HARNER P.L.S.
REGISTRATION NUMBER 2650

Petition to Vacate

File No.: 1433

