



**BOARD OF COUNTY COMMISSIONERS**

**DATE:** October 8, 2013

**AGENDA ITEM NO.** 6

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature:**

**Subject:**

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: John & MaryAnn Ricci  
Property Address: 12232 91<sup>st</sup> Terrace North  
Seminole, Florida 33772  
File No.: 1434

**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 ten foot utility easement lying within the southerly portion of Lot 90, Seminole Woodlands Third Addition, Plat Book 78, Page 46 in Section 21-30-15 Pinellas County, Florida, is associated with the owners' desire to install a screened pool and deck.

The petitioners are the apparent owners 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. 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


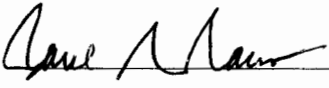

Location Map

**CONTRACT REVIEW TRANSMITTAL SLIP****PROJECT: John and Maryann Ricci****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.

<b><u>Review Authority</u></b>	<b><u>Review Date</u></b>	<b><u>Review Signature</u></b>	<b><u>Comments Included/Addressed Initial &amp; Date</u></b>
Real Property Div. (Dave DelMonte)	<u>8-19-13</u>		_____
Real Est. Mgmt (Paul Sacco)	<u>8/23/13</u>		_____
DEI (Tom Farrand)	<u>8/16/2013</u>	<u>Approved in CATS</u>	_____
Legal (Michael Zas)	<u>8/16/13</u>	<u>MZas</u>	_____
County Admin. (Mark Woodard)	<u>9/16/13</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, PLAT OR PORTION OF PLAT (EASEMENT)


Comes now your Petitioners, John and Maryann Ricci  
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:

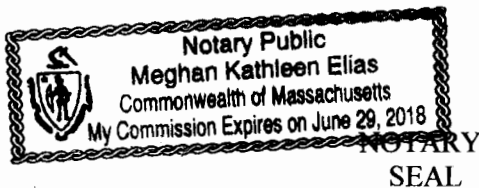
  
John Ricci

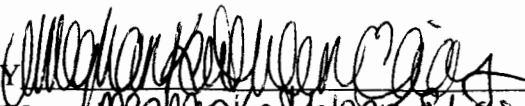
I hereby swear and/or affirm that the forgoing statements are true:

  
Maryann Ricci

STATE OF FLORIDA  
COUNTY OF PINELLAS

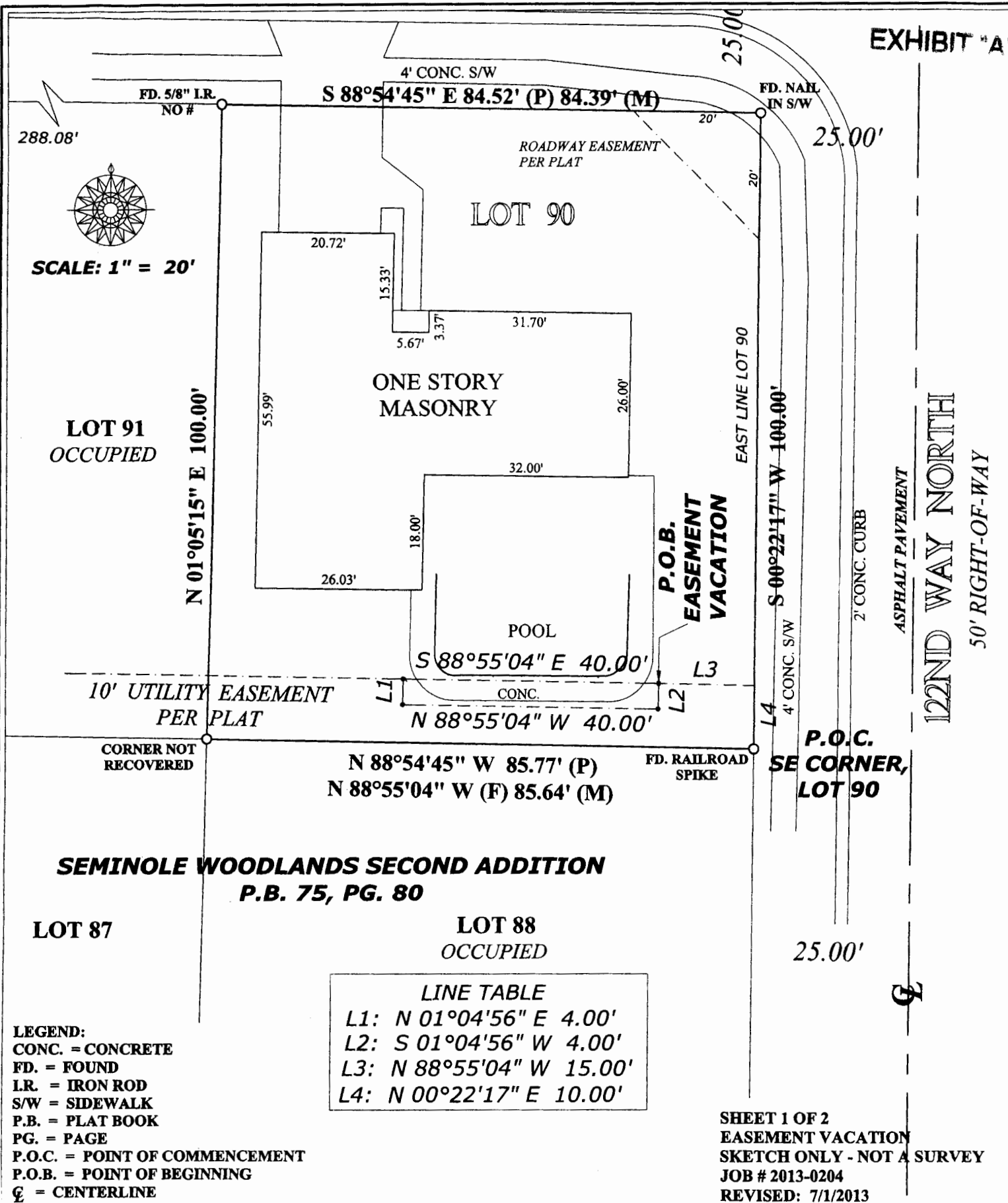
Sworn to (or affirmed) and subscribed before me this 11<sup>th</sup> day of August, 2013,  
by John Ricci and Maryann Ricci. He/She is personally known to me, or has produced FLand RI  
DLs as identification, and who did (did not) take an oath.



NOTARY   
Print Name Meghan Kathleen Elias

My Commission Expires: June 29<sup>th</sup> 2018

Commission Number: N/A



SIGNATURE:

LAUREN R. PENNY P.S.M. # 4931

DATE: 6-4-2013

DRAWN BY: LP/JMF



L.R. PENNY AND ASSOCIATES, INC.  
 10730 102ND AVENUE NORTH  
 SEMINOLE, FLORIDA 33778  
 PHONE: (727) 398-4360  
 FAX: (727) 319-6051  
 LICENSED BUSINESS #6539

## LEGAL DESCRIPTION - VACATION OF A PORTION OF A 10' UTILITY EASEMENT:

A PORTION OF A 10' UTILITY EASEMENT LYING IN LOT 90, SEMINOLE WOODLANDS THIRD ADDITION, AS RECORDED IN PLAT BOOK 78, PAGE 46, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCE AT THE SOUTHEAST CORNER, LOT 90, SEMINOLE WOODLAND THIRD ADDITION, AS RECORDED IN PLAT BOOK 78, PAGE 46, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID LOT 90 N.00°22'17"E., A DISTANCE OF 10.00 FEET; THENCE N.88°55'04"W., A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE S.01°04'56"W., A DISTANCE OF 4.00 FEET; THENCE N.88°55'04"W., A DISTANCE OF 40.00 FEET; THENCE N.01°04'56"E., A DISTANCE OF 4.00 FEET; THENCE S.88°55'04"E., A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 160 SQ. FT. MORE OR LESS.

Reviewed by: GT SB  
Date: 7-9-13  
501-1434

SHEET 2 OF 2 - LEGAL DESCRIPTION  
JOB # 2013-0204  
REVISED: 7/1/2013

SIGNATURE: \_\_\_\_\_



LAUREN R. PENNY P.S.M. # 4931

DATE: 6-4-2013DRAWN BY: LP/JMF

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PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1434

PETITIONER

JOHN RICCI  
MARYANN RICCI  
12232 91<sup>ST</sup> TERRACE NORTH  
SEMINOLE, FLORIDA 33772

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

BROCHMAN, PETER J  
BROCHMAN, JACQUELYN K  
12277 91ST AVE  
SEMINOLE, FL 33772-3221

RAISCH, MARK H  
RAISCH, VIRGINIA M  
12297 91ST TER  
SEMINOLE, FL 33772-3215

HILLEGAS, JOSEPH C  
HILLEGAS, DIANE Y  
9201 122ND WAY  
SEMINOLE, FL 33772-3236

WENDEL, ROBERT J JR  
WENDEL, JAMIE L  
12230 91ST AVE  
SEMINOLE, FL 33772-3220

ANDERSON, JENNIFER L  
ANDERSON, H JAMES  
9095 122ND WAY  
SEMINOLE, FL 33772-3233

MEADE, NANCY D  
9125 122ND WAY  
SEMINOLE, FL 33772-3234

VITAN, RONALD W  
VITAN, MARGARITA E  
12255 91ST AVE  
SEMINOLE, FL 33772-3221

STUELKE, JAMES R  
STUELKE, MARILYN M  
12254 91ST TER  
SEMINOLE, FL 33772-3212

MISKIN, MARY Z  
MISKIN, ANDJA  
12264 92ND TER  
SEMINOLE, FL 33772-3209

SLINGERLAND, FRED  
964 182ND AVE E  
REDINGTON SHORES, FL 33706

PATTERSON, LOIS G  
12233 91ST AVE  
SEMINOLE, FL 33772-3221

SEMINOLE SPECIAL RECREATION DIST  
C/O SCHULER, TIMOTHY C.  
PO BOX 3096  
SEMINOLE, FL 33775-3096

SOFFOS, LIBBIE  
9075 122ND WAY  
SEMINOLE, FL 33772-3233

RICCI, JOHN  
RICCI, MARYANN  
12232 91ST TER  
SEMINOLE, FL 33772-3212

PERKINS, SHIRLEY  
PERKINS, DALLAS B  
12257 91ST TER  
SEMINOLE, FL 33772-3215

BEAUCHAMP, LINDA E  
12270 91ST AVE  
SEMINOLE, FL 33772-3220

\*\*\*\*\*  
\*\*\*\*\*  
12250 91ST AVE  
SEMINOLE, FL 33772-3220

MORACA, MATTHEW  
700 CENTRAL AVE STE 300  
ST PETERSBURG, FL 33701-3699

KENNEDY, RONALD V JR  
12279 91ST TER  
SEMINOLE, FL 33772-3215

PRESLER, ADAM  
BOSC, MELISSA  
9115 122ND WAY  
SEMINOLE, FL 33772-3234

\*\*\*\*\*

\*\*\*\*\*

12299 91ST AVE  
SEMINOLE, FL 33772-3221

ROGERS, GAIL E  
ROGERS, FRANK D JR  
12298 91ST TER  
SEMINOLE, FL 33772-3212

CHINA, JANICE H  
12210 91ST AVE  
SEMINOLE, FL 33772-3220

ADAMS, TIMOTHY P  
12219 91ST TER  
SEMINOLE, FL 33772-3215

SIMPKINS, WAYNE T  
12228 92ND TER  
SEMINOLE, FL 33772-3209

COLLINS, KEVIN P  
COLLINS, AMANDA J  
12276 91ST TER  
SEMINOLE, FL 33772-3212

PEACOCK, CASSIUS L III  
PEACOCK, MARIE J  
12280 91ST AVE  
SEMINOLE, FL 33772-3220

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION VACATING A PORTION OF A TEN FOOT  
UTILITY EASEMENT LOCATED IN LOT 90, SEMINOLE  
WOODLANDS THIRD ADDITION SUBDIVISION,  
LOCATED IN SECTION 21, TOWNSHIP 30 SOUTH, RANGE  
15 EAST, AS RECORDED IN PLAT BOOK 78, PAGE 46, OF  
THE PUBLIC RECORDS OF PINELLAS COUNTY,  
FLORIDA.**

**WHEREAS, John and Maryann Ricci, 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           H. Zas            
ATTORNEY

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## Petition to Vacate

File No.: 1434



**Map & Subject(s) are for  
Reference Only  
NOT TO SCALE**

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