

**BOARD OF COUNTY COMMISSIONERS**

**DATE:** February 11, 2014  
**AGENDA ITEM NO.** 2

**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: REM Properties I, LLC  
Property Address: 2364 Keystone Road  
Tarpon Springs, Florida 34688  
File No.: 1419

**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 (BCC) CONSIDER THE PETITION TO VACATE AND/OR RELEASE A PORTION OF THE RIGHT OF WAY, RETAIN A 25 FOOT DRAINAGE EASEMENT AND RETAIN A UTILITY EASEMENT OVER THE ENTIRE PROPERTY 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 Right of Way known as Old Keystone Road between Keystone Road and George Street in Section 8/27/16. The subject right of way was established and acquired by various methods resulting in the need to vacate a portion of the right of way and release a portion of the right of way.

The petitioner is the owner of the unplatted property that borders the right of way. The vacation and/or release of this right of way will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

Two easements shall be reserved in conjunction with this vacation. The first easement is for a utility easement over the entire vacated area and the second easement is for an approximately 25 foot wide drainage easement as graphically depicted on the sketch and legal.

Appropriate staff members from Planning and DEI-Engineering reviewed the subject area and determined the vacation would not have an adverse effect on the vacated 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 \$750 filing fee, including advertising cost.

**Exhibits/Attachments Attached:**

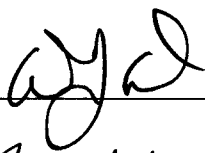

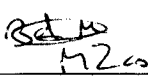

Contract Review Transmittal  
Petition to Vacate  
Notification List  
Resolution  
Location Map

**CONTRACT REVIEW TRANSMITTAL SLIP****PROJECT: REM Properties I, LLC****TYPE: Legislative Petition to Vacate a portion of ROW****Date: 2/11/2014 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>12-23-13</u>		
Real Est. Mgmt (Paul Sacco)	<u>1/6/13</u>		
DEI (Tom Farrand)	<u>3/20/2013</u>	<u>Approved in CATS</u>	
Legal (Michael Zas)			<u>1. DelMonte needs to explain why they vacate and a release</u>
County Admin. (Mark Woodard)	<u>1/15/14</u>		<u>See comment.</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.

SECTION 8, TWP. 27 S., RGE. 16 E.  
PINELLAS COUNTY, FLORIDA

**GEODATA SERVICES INC.**  
1822 DREW ST. SUITE 8  
CLEARWATER, FL 33765  
PHONE: (727)447-1763  
LB 7466



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

**RESOLUTION VACATING THAT PORTION OF RIGHT OF WAY  
KNOWN AS OLD KEYSTONE ROAD BETWEEN KEYSTONE  
ROAD AND GEORGE STREET IN SECTION 8-27-16, AND  
RESERVING A UTILITY EASEMENT OVER THE ENTIRE  
VACATED AREA AND RESERVING A DRAINAGE EASEMENT  
OVER APPROXIMATELY 25 FEET OF THE VACATED  
PROPERTY.**

**WHEREAS, REM Properties I, LLC, 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, a portion of the property was dedicated by plat and another portion  
does not appear to have been dedicated by plat; and**

**WHEREAS, the portion dedicated by plat can be vacated; and**

**WHEREAS, the portion not appearing on the plat should be released in order to  
disclaim any County interest therein; and**

**WHEREAS, the Petitioner is the apparent owner of record of the portion of the  
right of way that borders the property requested to be vacated, and have shown that the  
vacation of such 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, two easements shall be reserved in conjunction with the vacation. The first is for a general utility easement over the entire parcel and the second is for an approximately 25 foot wide drainage easement as graphically depicted on the sketch and description; 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 and released, 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 \_\_\_\_\_  
ATTORNEY**

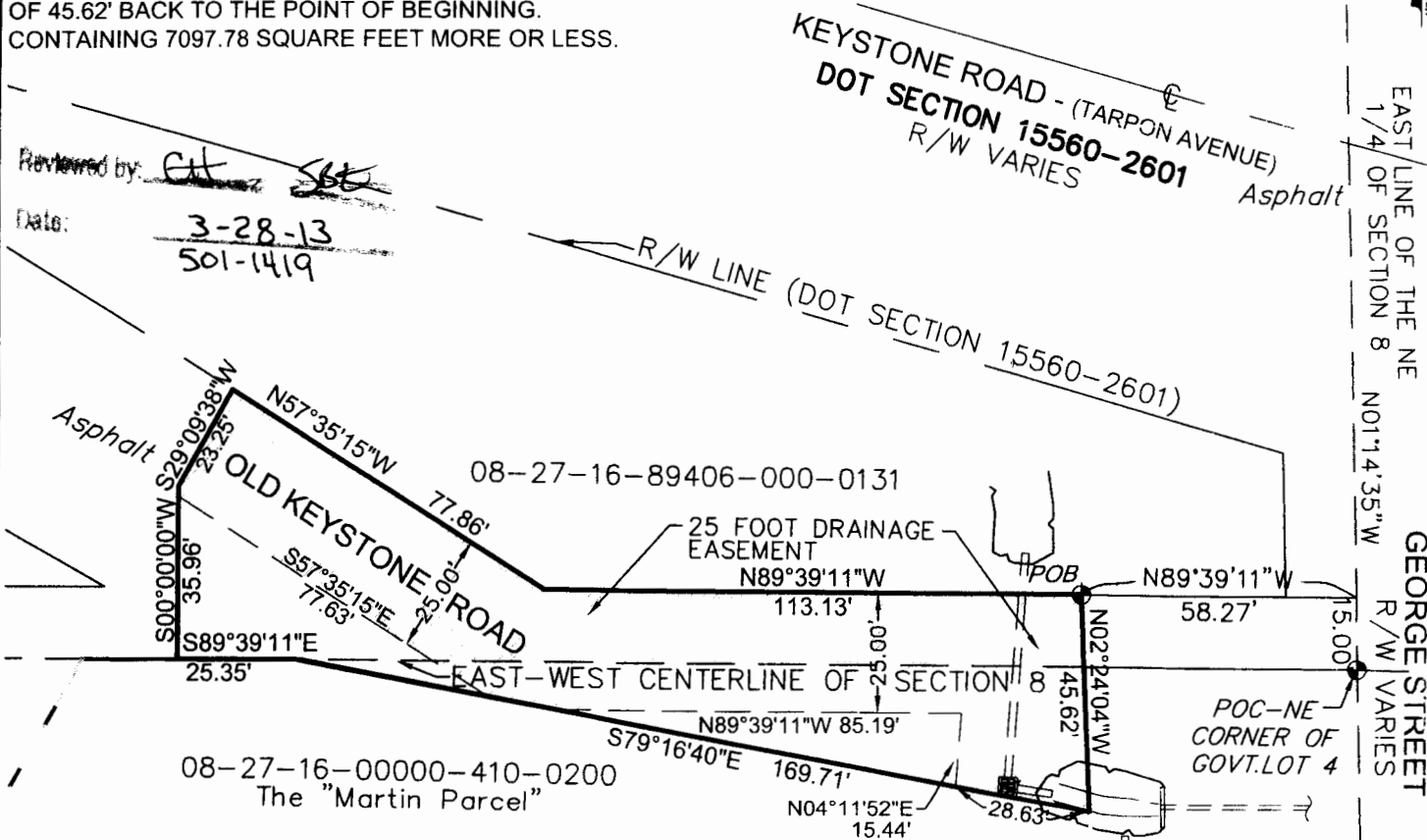
W.O. 4716

**SKETCH-OF-LEGAL**SECTION 8, TWP. 27 S., RGE. 16 E.  
PINELLAS COUNTY, FLORIDA**DESCRIPTION:**

A TRACT OF LAND BEING PART OF THE RIGHT OF WAY OF OLD KEYSTONE ROAD AS SHOWN ON THE "SPECIFIC PURPOSE SURVEY OF KEYSTONE ROAD" FILE NO. 0964, PRODUCED BY THE DIVISION OF SURVEYING AND MAPPING OF PINELLAS COUNTY, FLORIDA AND SIGNED ON 12-02-2009. SAID TRACT IS LOCATED NORTH OF, AND ADJACENT TO, THE "MARTIN" PARCEL AS LABELLED ON SAID SURVEY, AND A.K.A. (PARCEL # 08-27-16-00000-410-0200, AND RECORDED IN O.R. BOOK 4183, PAGE 923 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA) LYING IN SECTION 8, TOWNSHIP 27 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GOVT. LOT 4 IN SECTION 8, TOWNSHIP 27 SOUTH, RANGE 16 EAST, RUN THENCE N01°14'35"W ALONG THE EAST LINE OF NE 1/4 OF SECTION 8 FOR 15.00'; THENCE LEAVING SAID EAST LINE OF NE 1/4 OF SECTION 8 RUN N 89°39'11"W A DISTANCE OF 58.27' TO THE POINT OF BEGINNING; THENCE CONTINUE N 89°39'11"W A DISTANCE OF 113.13'; THENCE RUN N57°35'15"W A DISTANCE OF 77.86'; THENCE RUN S29°09'38"W A DISTANCE OF 23.25' THENCE S00°00'00"W A DISTANCE OF 35.96' TO A POINT ON THE EAST-WEST CENTERLINE OF SECTION 8, THENCE RUN ALONG SAID CENTERLINE S89°39'11"E A DISTANCE OF 25.35'; THENCE LEAVING SAID CENTERLINE RUN THENCE S79°16'40"E A DISTANCE OF 169.71', THENCE RUN N02°24'04"W A DISTANCE OF 45.62' BACK TO THE POINT OF BEGINNING.

CONTAINING 7097.78 SQUARE FEET MORE OR LESS.

**SURVEYOR'S NOTES:**

- 1.) BASIS OF BEARINGS IS THE EAST-WEST CENTERLINE OF SECTION 8 BEING S89°39'11"E PER COORDINATE CONTROL POINTS
- 2.) COORDINATE CONTROL POINT INFORMATION AND R/W GEOMETRY TAKEN FROM PINELLAS COUNTY SPECIFIC PURPOSE SURVEY.

**SURVEYOR'S CERTIFICATION:**

I, DENNIS J. EYRE, THE SURVEYOR IN RESPONSIBLE CHARGE, HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREON AND THAT SAID ABOVE SKETCH IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. SURVEY NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



THIS IS NOT A BOUNDARY SURVEY!!!

SCALE: 1" = 40'

DRAWN BY: B.J.E.

CHECKED BY: D.J.E.

DATE: JUNE 15TH 2012

ADDED EASEMENT:  
FEBRUARY 7th, 2013

SHEET 1 of 1

JOB NO.: 4716

LEGEND: DOT = Department of Transportation  
A.K.A. = Also Known As  
GOVT. = Government  
O.R. = Official Records Book  
PG. = Page  
POB = Point of Beginning  
POC = Point of Commencement  
R/W = Right-of-Way

**GEODATA SERVICES INC.**  
1822 DREW ST. SUITE 8  
CLEARWATER, FL 33765  
PHONE: (727)447-1763  
LB 7466

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

PETITION TO VACATE, PUBLIC RIGHT OF WAY OR ALLEYS

Comes now your Petitioners, REM Properties I, LLC  
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:

Richard E. Martin

Richard E. Martin, Manager  
REM Properties I, LLC

STATE OF FLORIDA  
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 17<sup>th</sup> day of October, 2013,  
by Richard E. Martin, Manager, REM Properties I, LLC. (He is personally known to me, or has produced  
as identification, and who did (did not) take an oath.

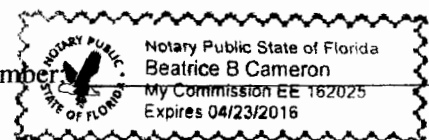
NOTARY  
SEAL

NOTARY Beatrice B. Cameron

Print Name \_\_\_\_\_

My Commission Expires: Beatrice B. Cameron

Commission Number \_\_\_\_\_





PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1419

PETITIONER

REM PROPERTIES, LLC  
RICHARD E. MARTIN  
307 62<sup>ND</sup> AVENUE NORTH  
ST. PETERSBURG, FL 33702

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

LA BELLE, ROGER  
2342 KEYSTONE RD  
TARPON SPRINGS, FL 34688-8619

MC AMIS, LAWRENCE S  
2343 KEYSTONE RD  
TARPON SPRINGS, FL 34688-8620

MC AMIS, SAMUEL C  
551 GEORGE ST N  
TARPON SPRINGS, FL 34688-8613

REM PROPERTIES LLC  
307 62ND AVE N  
ST PETERSBURG, FL 33702-7537

CITIMORTGAGE INC  
1000 TECHNOLOGY DR MS 314  
O FALLON, MO 63368

UPARC INC  
1501 N BELCHER RD STE 249  
CLEARWATER, FL 33765-1300

WILDER, MAURICE  
414 BUTTONWOOD LN  
LARGO, FL 33770-4046

MORLEY, FULLER L III  
MORLEY, BROOKE  
121 GEORGE ST S  
TARPON SPRINGS, FL 34688-8616

# Petition to Vacate

File No.: 1419

