

**BOARD OF COUNTY COMMISSIONERS**

**DATE:** March 18, 2014

**AGENDA ITEM NO.** 3

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature:**

**Subject:**

Legislative Petition to Vacate a Portion of Right-of-Way (ROW) per §336.09 Florida State Statutes, (2013).

Submitted By: Ronald G. and Sherry L. Nottingham  
Property Address: 5383 102<sup>nd</sup> Street North  
St. Petersburg, Florida 33708  
File No.: 1448

**Department:**

Real Estate Management  
Environment and Infrastructure (DEI)

**Staff Member Responsible:**

Paul S. Sacco, Director  
David Scott, Executive 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 54<sup>th</sup> Avenue ROW lying north of and adjacent to Lot 20, Orange Estates of St. Petersburg First Addition, Plat Book 36, Page 13 in Section 3-31-15.

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 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, Duke Energy (Distribution) and (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:**


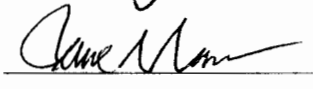

Contract Review Transmittal  
Petition to Vacate  
Notification List  
Resolution  
Location Map

**CONTRACT REVIEW TRANSMITTAL SLIP****PROJECT: Ronald and Sherry Nottingham****TYPE: Legislative Petition to Vacate a portion of ROW****Date: 3/18/2014****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>2-6-14</u>		
Real Est. Mgmt (Paul Sacco)	<u>2/6/14</u>		
DEI (Tom Farrand)	<u>1/14/2014</u>	<u>Approved in Cats</u>	
Legal (Michael Zas)	<u>1/18/14</u>	<u>MZ</u>	
County Admin. (Mark Woodard)	<u>2/19/14</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                     , 2014  
 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, Ronald G. and Sherry L. Nottingham

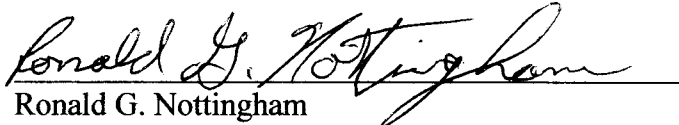
Name of Petitioner

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 petitioners represent that: 1) the petitioners 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; 4) an easement will be retained over the entire vacated area.

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

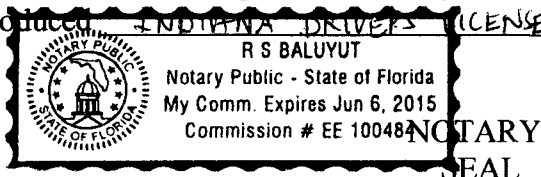
  
Ronald G. Nottingham

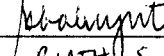
I hereby swear and/or affirm that the forgoing statements are true:

  
Sherry L. Nottingham

STATE OF FLORIDA  
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 29<sup>TH</sup> day of JANUARY, 2014,  
by Ronald G. Nottingham and Sherry L. Nottingham. He/ She is personally known to me, or has  
produced INDIANA DRIVERS LICENSE as identification, and who did (did not) take an oath.



NOTARY   
Print Name RUTH S BALUYUT

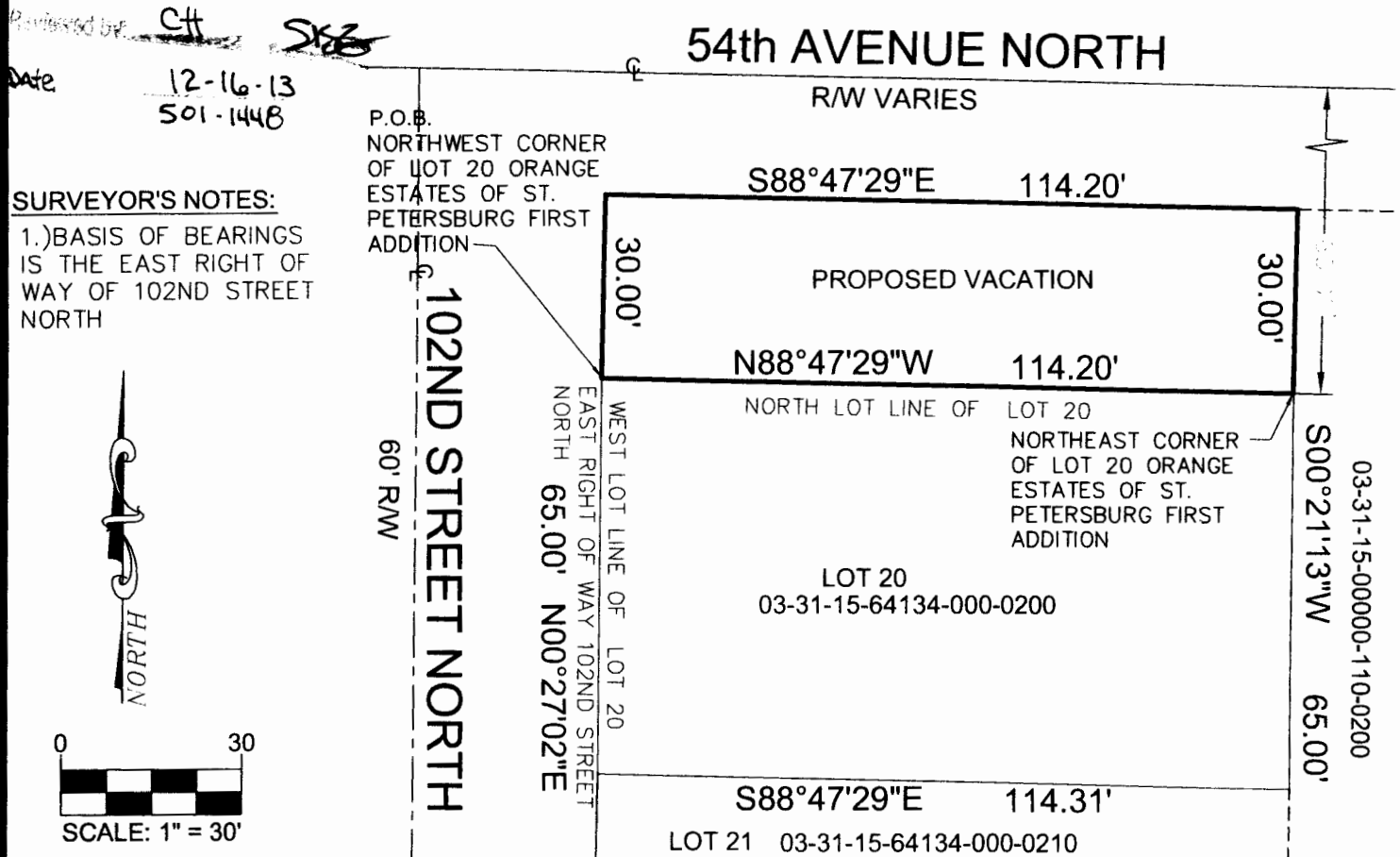
My Commission Expires: JUNE 6, 2015

Commission Number: EE100484

**DESCRIPTION:** PROPOSED VACATION OF RIGHT-OF-WAY

A PORTION OF LAND BEING PART OF THE PUBLIC RIGHT OF WAY, KNOWN AS 54TH AVENUE NORTH. THIS RIGHT OF WAY WAS DEDICATED IN THE PLAT ORANGE ESTATES OF ST. PETERSBURG FIRST ADDITION, RECORDED IN PLAT BOOK 36 PAGE 13 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA ON JANUARY 13TH 1955, AND THIS PORTION OF THE RIGHT OF WAY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 30 FOOT STRIP OF LAND NORTH OF LOT 20, SAID ORANGE ESTATES OF ST. PETERSBURG FIRST ADDITION FROM THE NORTHWEST CORNER OF LOT 20, ORANGE ESTATES OF ST. PETERSBURG FIRST ADDITION PLAT BOOK 36, PAGE 13 OF PINELLAS COUNTY, FLORIDA - FOR A POINT OF BEGINNING - RUN N00°27'02"E ALONG THE EAST RIGHT OF WAY EXTENDED OF 102ND STREET NORTH A DISTANCE OF 30.00 FEET, RUN THENCE S88°47'29"E ALONG A LINE 30 FEET NORTH OF AND PARALLEL TO THE NORTH LOT LINE OF SAID LOT 20, 114.20 FEET, RUN THENCE S00°21'13"W A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 20, THENCE N88°47'29"W ALONG THE NORTH LOT LINE OF AFOREMENTIONED LOT 20, A DISTANCE OF 114.20 FEET BACK TO FEET BACK TO THE POINT OF BEGINNING. CONTAINING 3426.00 SQUARE FEET MORE OR LESS.

**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!!!**

DRAWN BY: B.J.E.

CHECKED BY: D.J.E.

DATE:  
MARCH 15TH, 2015

SHEET 1 of 1

JOB NO.: 4791

**LEGEND:**

PG. = PAGE  
POB = POINT OF BEGINNING  
POC = POINT OF COMMENCEMENT  
R/W = RIGHT-OF-WAY

**GEODATA SERVICES INC**  
822 DREW ST. SUITE 8  
CLEARWATER, FL 34615  
PHONE: (727) 447-763  
LB 7466



PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1448

PETITIONER

RONALD G. NOTTINGHAM  
SHERRY L. NOTTINGHAM  
5383 102<sup>ND</sup> STREET NORTH  
ST. PETERSBURG, FL 33708

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

MATUSKA, WALDEMAR G  
3897 BELLE VISTA DR E  
ST PETE BEACH, FL 33706-2628

BITTNER, CATHELINE  
5342 102ND ST N  
ST PETERSBURG, FL 33708-3457

LEOPARD, JULI B  
10215 53RD AVE N  
ST PETERSBURG, FL 33708-3313

LORENZEN, JAMES G  
LORENZEN, CAROL L  
10214 54TH AVE N  
ST PETERSBURG, FL 33708-3324

KESWICK CHRISTIAN SCHOOL INC  
10101 54TH AVE N  
ST PETERSBURG, FL 33708-3411

KUUSELA, KARI U EST  
5283 102ND ST N  
ST PETERSBURG, FL 33708-3454

KRAMER, BRUCE R  
10202 53RD AVE N  
ST PETERSBURG, FL 33708-3314

JULIAN, SHELIA A  
10100 54TH AVE N  
ST PETERSBURG, FL 33708-3412

PRESTON, KERIMA  
PRESTON, RAYMOND B  
5323 102ND ST N  
ST PETERSBURG, FL 33708-3456

NOTTINGHAM, RONALD G  
NOTTINGHAM, SHERRY L  
9017 CAMBY RD  
CAMBY, IN 46113-9296

DAVIS, CHRISTINE M  
10234 54TH AVE  
ST PETE BEACH, FL 33708-3324

MORGAN, ROBERT W  
5382 102ND ST N  
ST PETERSBURG, FL 33708-3457

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

**RESOLUTION VACATING A PORTION OF 54<sup>TH</sup> AVENUE  
NORTH RIGHT OF WAY LYING NORTH OF AND ADJACENT  
TO LOT 20, ORANGE ESTATES OF ST. PETERSBURG FIRST  
ADDITION SUBDIVISION IN PLAT BOOK 36, PAGE 13 IN  
SECTION 3-31-15.**

**WHEREAS, Ronald G. and Sherry L. Nottingham, 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  
OFFICE OF COUNTY ATTORNEY**

BY \_\_\_\_\_  
ATTORNEY

**DESCRIPTION:** PROPOSED VACATION OF RIGHT-OF-WAY

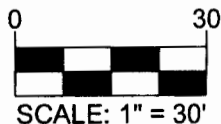
A PORTION OF LAND BEING PART OF THE PUBLIC RIGHT OF WAY, KNOWN AS 54TH AVENUE NORTH. THIS RIGHT OF WAY WAS DEDICATED IN THE PLAT ORANGE ESTATES OF ST. PETERSBURG FIRST ADDITION, RECORDED IN PLAT BOOK 36 PAGE 13 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA ON JANUARY 13TH 1955, AND THIS PORTION OF THE RIGHT OF WAY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 30 FOOT STRIP OF LAND NORTH OF LOT 20, SAID ORANGE ESTATES OF ST. PETERSBURG FIRST ADDITION FROM THE NORTHWEST CORNER OF LOT 20, ORANGE ESTATES OF ST. PETERSBURG FIRST ADDITION PLAT BOOK 36, PAGE 13 OF PINELLAS COUNTY, FLORIDA - FOR A POINT OF BEGINNING - RUN N00°27'02"E ALONG THE EAST RIGHT OF WAY EXTENDED OF 102ND STREET NORTH A DISTANCE OF 30.00 FEET, RUN THENCE S88°47'29"E ALONG A LINE 30 FEET NORTH OF AND PARALLEL TO THE NORTH LOT LINE OF SAID LOT 20, 114.20 FEET, RUN THENCE S00°21'13"W A DISTANCE OF 30.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 20, THENCE N88°47'29"W ALONG THE NORTH LOT LINE OF AFOREMENTIONED LOT 20, A DISTANCE OF 114.20 FEET BACK TO FEET BACK TO THE POINT OF BEGINNING. CONTAINING 3426.00 SQUARE FEET MORE OR LESS.

Reviewed by: CH SJB  
Date: 12-16-13  
501-1448

**SURVEYOR'S NOTES:**

1.) BASIS OF BEARINGS IS THE EAST RIGHT OF WAY OF 102ND STREET NORTH



P.O.B.  
NORTHWEST CORNER  
OF LOT 20 ORANGE  
ESTATES OF ST.  
PETERSBURG FIRST  
ADDITION

102ND STREET NORTH  
60' RW

WEST LOT LINE OF LOT 20  
EAST RIGHT OF WAY 102ND STREET  
NORTH 65.00' N00°27'02"E

54th AVENUE NORTH

R/W VARIES

S88°47'29"E 114.20'

30.00'

PROPOSED VACATION

30.00'

N88°47'29"W 114.20'

NORTH LOT LINE OF LOT 20  
NORTHEAST CORNER  
OF LOT 20 ORANGE  
ESTATES OF ST.  
PETERSBURG FIRST  
ADDITION

LOT 20  
03-31-15-64134-000-0200

03-31-15-00000-110-0200  
S00°21'13"W 65.00'

S88°47'29"E 114.31'

LOT 21 03-31-15-64134-000-0210

**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.

DENNIS J. EYRE, P.L.M. No. 2445  
DATE: MARCH 15, 2015

**THIS IS NOT A BOUNDARY SURVEY!!!**

DRAWN BY: B.J.F.

CHECKED BY: D.M.E.

DATE:  
MARCH 15th, 2015

SHEET 1 OF 1

JOB NO.: 4791

**LEGEND:**

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 34615  
PHONE: (727) 447-7663  
LB 7466





# Petition to Vacate

File No.: 1448



Pinellas County  
Real Estate Management  
Real Property Division