



BOARD OF COUNTY COMMISSIONERS

DATE: March 18, 2014

AGENDA ITEM NO. 5

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: Daniel & Nancy Riese
Property Address: 702 Tampa Road
Palm Harbor, Florida 34683
File No.: 1450

Department:

Real Estate Management

Staff Member Responsible:

Paul S. Sacco, 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:

This petition to vacate a portion of the ROW known as St. Louis Avenue in the W. V. Futrell's Subdivision is associated with the owners' desire to increase property size, repair the road and prevent erosion. A drainage and utility easement will be retained over the vacated area.

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 from the Department of Environment and Infrastructure (DEI) and Planning 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, Clearwater Gas System, Knology (WOW!), DEI Engineering & Technical Support, Duke 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 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: Daniel and Nancy Riese****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.

<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>2-25-14</u>		
Real Est. Mgmt (Paul Sacco)	<u>2/26/14</u>		
DEI (Tom Farrand)	<u>2/17/2014</u>	<u>Approved in Cats</u>	
Legal (Michael Zas)	<u>2/26/14</u>	<u>M Zas</u>	
County Admin. (Mark Woodard)	<u>2/27/14</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, Daniel Riese II and Nancy Ann Riese
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:

x Daniel Riese II
Daniel Riese II

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

x Nancy Ann Riese
Nancy Ann Riese

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 10 day of February, 2014,
by Daniel Riese II and Nancy Ann Riese. He/She is personally known to me, or has produced Florida
Divers License as identification, and who did (did not) take an oath.



NOTARY
SEAL

NOTARY Heather Mouawad
Print Name

My Commission Expires: 5/2/16

Commission Number: EE 194935

SECTION . . . 11 . . . , TOWNSHIP . . . 28 . . . SOUTH, RANGE . . . 15 . . . EAST, PINELLAS COUNTY, FLORIDA

LEGAL DESCRIPTION and SKETCH

THIS IS NOT A SURVEY

LEGAL DESCRIPTION

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CONTAINING 9,312 SQUARE FEET OR 0.21 ACRES, MORE OR LESS.

PREPARED FOR

DANIEL RIESE

Reviewed by: GH SB
Date: 1-27-14
501-1450

REVISED SURVEY PER COUNTY'S COMMENTS ON 1-16-2014 (130253.DWG)

SHEET 1 OF 3

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS' OR PARTIES OTHER THAN THOSE NAMED HEREON AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

George A Shimp III

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

JOB NUMBER: 130253	DATE SURVEYED: N/A
DRAWING FILE: 130253.DWG	DATE DRAWN: 9-24-2013
LAST REVISION: 1-16-2014	X REFERENCE: 110076



T.S.
LB 1834

**GEORGE A. SHIMP II
AND ASSOCIATES, INCORPORATED**

LAND SURVEYORS LAND PLANNERS
3301 DeSOTO BOULEVARD, SUITE D
PALM HARBOR, FLORIDA 34683
PHONE (727) 784-5496 FAX (727) 786-1256

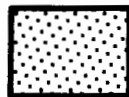
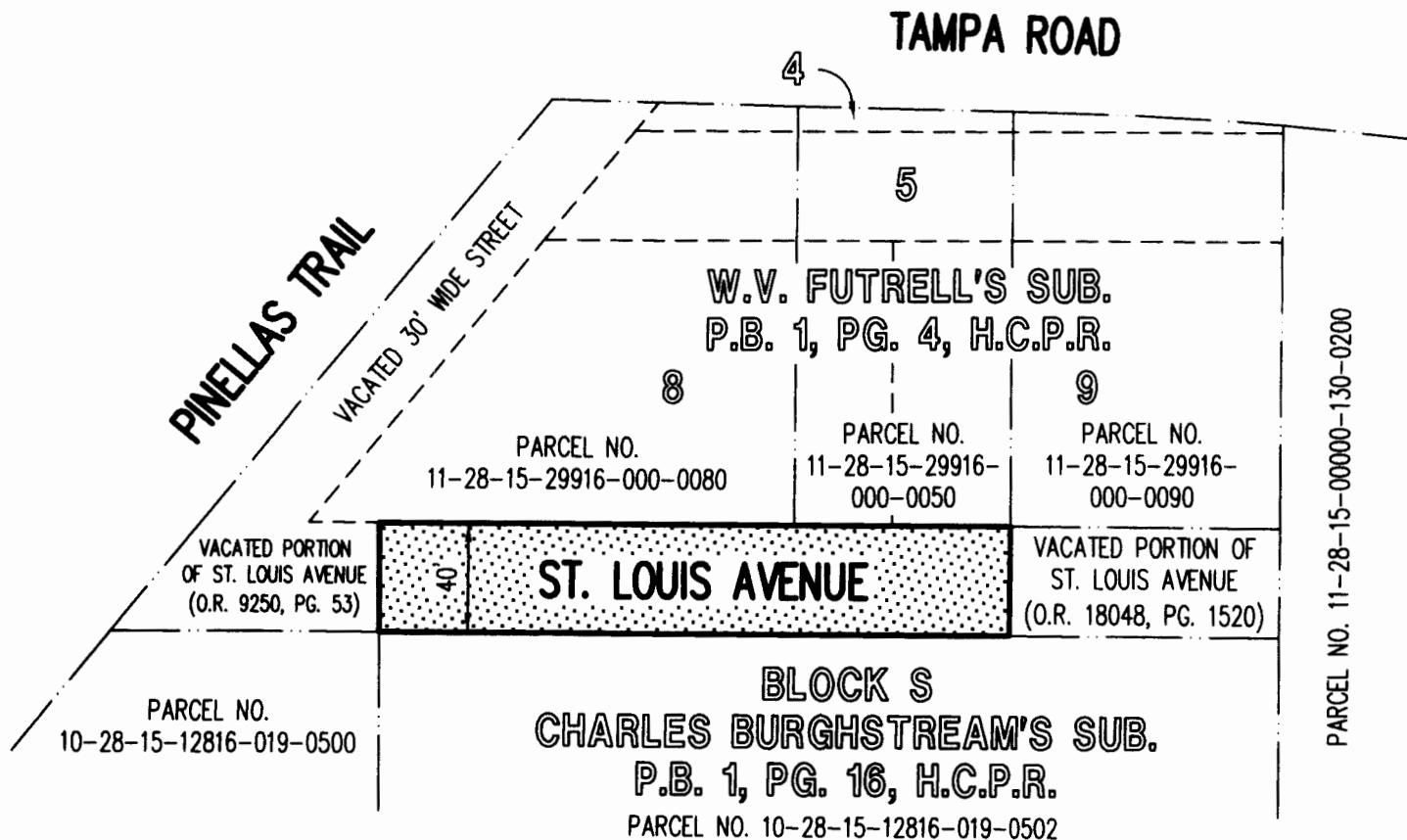
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0 70
GRAPHIC SCALE
1 inch = 70 feet



DENOTES SUBJECT AREA
(TO BE VACATED)

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SHEET 3 OF 3

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PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1450

PETITIONER

DANIEL RIESE
NANCY RIESE
702 TAMPA ROAD
PALM HARBOR, FL 34683

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

VENTOURIS, JAMES
VENTOURIS, THERESA
3384 TARPON WOODS BLVD
PALM HARBOR, FL 34685-2123

PINELLAS BD OF PUB INST
PO BOX 2942
LARGO, FL 33779-2942

NOELL, CHRISTOPHER E
NOELL, CHERYL L
PO BOX 816
OZONA, FL 34660-0816

SHERWOOD FOREST RV LLC
175 ALT 19 S
PALM HARBOR, FL 34683-5541

PINELLAS COUNTY
ATTN: SPECIAL ACCTS
315 COURT ST
CLEARWATER, FL 33756-5165

DEUTSCHE BANK NATL TRUST CO TRE
6501 IRVINE CENTER DR
MAIL CODE DDIT1
IRVINE, CA 92618-2118

WILDER, RICHARD G
WILDER, BARBARA W
324 MARGIE ST
PALM HARBOR, FL 34683-5252

ANTIQUE AUTOMOBILE RADIO INC
700 TAMPA RD
PALM HARBOR, FL 34683-5454

MARGIE STREET HOLDING LLC
175 2ND ST S APT 1009
SAINT PETERSBURG, FL 33701-4319

MAYHALL, BETTY J
306 MARGIE ST
PALM HARBOR, FL 34683-5215

RIESE, DANIEL II
RIESE, NANCY A
10815 LUSCOMBE CT
NEW PORT RICHEY, FL 34654-5211

BARRON'S AIR CONDITIONING,
APPLIANCES & SVC INC
704 TAMPA RD
PALM HARBOR, FL 34683-5454

RESOLUTION NO. _____

**RESOLUTION VACATING A PORTION OF ST. LOUIS AVENUE
RIGHT OF WAY, W.V. FUTRELL'S SUBDIVISION, H.P.B 1,
PAGE 4 IN SECTION 11-28-15 RESERVING A DRAINAGE AND
UTILITY EASEMENT OVER THE VACATED AREA.**

**WHEREAS, Daniel Riese and Nancy Riese, 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, the Petitioner is the apparent owner 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 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, a Drainage and Utility Easement will be reserved over the entire
vacated portion of right of way property; 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**

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PREPARED FOR

DANIEL RIESE

Reviewed by: GH SK
Date: 1-27-14
501-1450

REVISED SURVEY PER COUNTY'S COMMENTS ON 1-16-2014 (130253.DWG)

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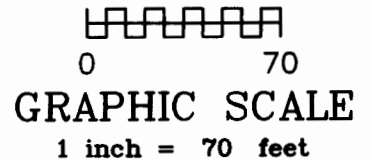
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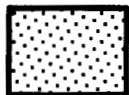
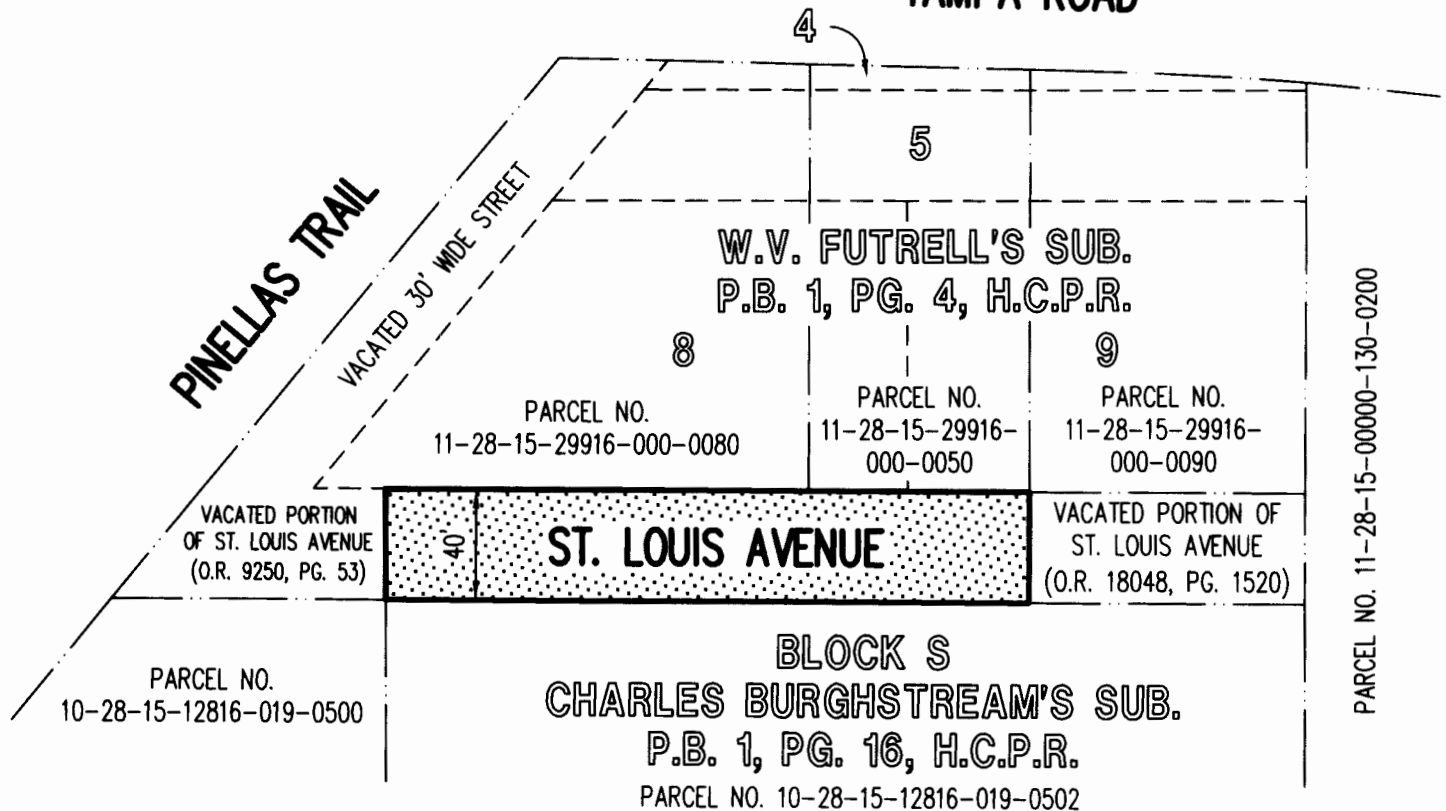
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TAMPA ROAD



DENOTES SUBJECT AREA
(TO BE VACATED)

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*** OTHER COMMONLY RECOGNIZED AND/OR ACCEPTED ABBREVIATIONS ARE ALSO UTILIZED BUT NOT SPECIFIED HEREON.

SHEET 3 OF 3

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON SUBSTANTIALLY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED HEREON AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

George A. Shimp III

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

JOB NUMBER: 130253

DATE SURVEYED: N/A

DRAWING FILE: 130253.DWG

DATE DRAWN: 9-24-2013

LAST REVISION: SEE SHEET 1

X REFERENCE: SEE SHEET 1



**GEORGE A. SHIMP II
AND ASSOCIATES, INCORPORATED**

LAND SURVEYORS LAND PLANNERS

3301 DeSOTO BOULEVARD, SUITE D

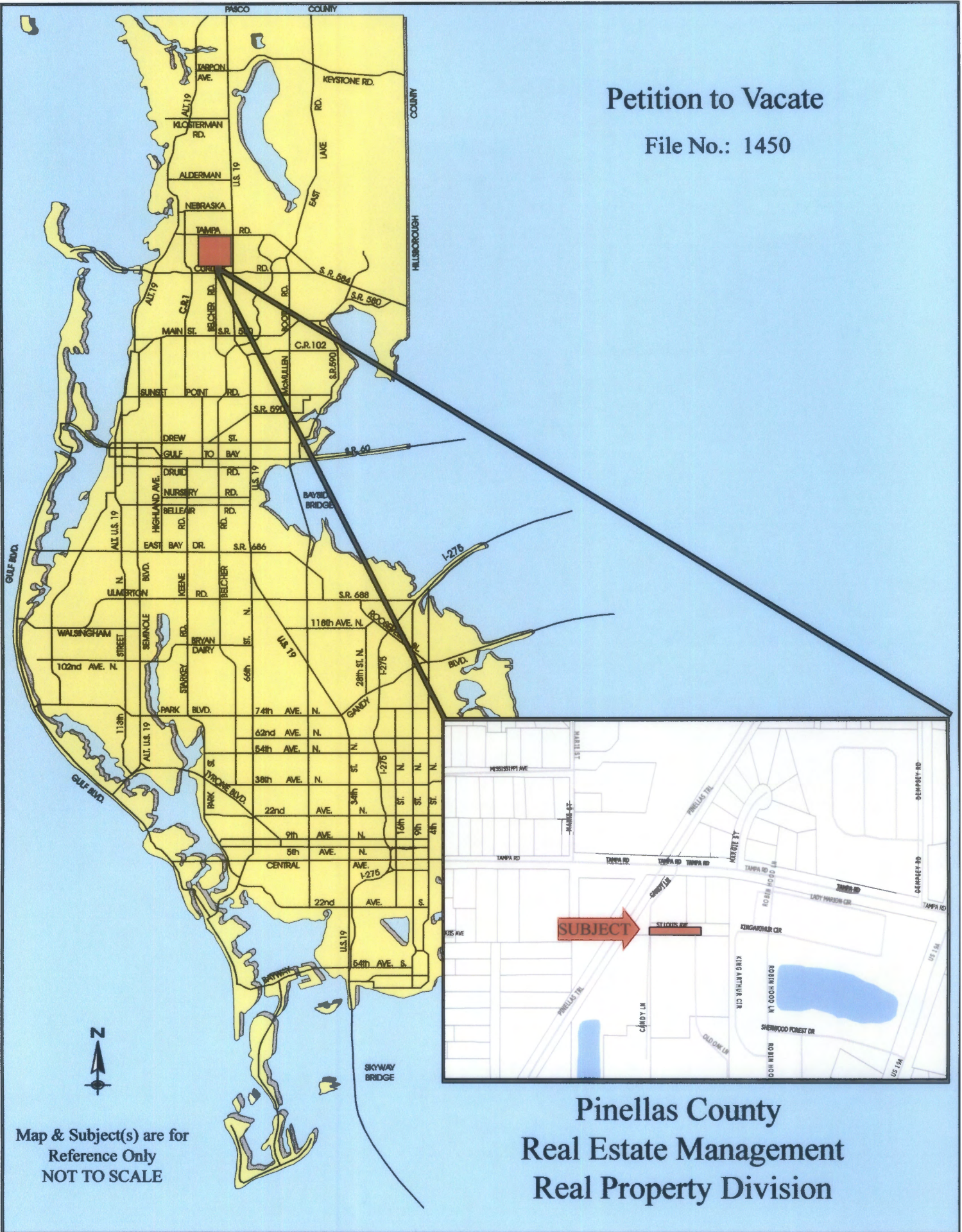
PALM HARBOR, FLORIDA 34683

PHONE (727) 784-5496 FAX (727) 786-1256

LB 1834

Petition to Vacate

File No.: 1450



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

Pinellas County
Real Estate Management
Real Property Division