

**BOARD OF COUNTY COMMISSIONERS**

**DATE:** June 24, 2014  
**AGENDA ITEM NO.** 26

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature:**

**Subject:**

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: William & Connie Boller  
Property Address: 7645 Harbor View Way  
Seminole, Florida 33776  
File No.: 1455

**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 A PORTION OF THE 25 FOOT EASEMENT, AND IF GRANTED, 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 subject petition seeks to vacate a portion of a twenty-five (25) foot drainage easement located in Lot 3, Block 1 Crossing at the Narrows Subdivision, Official Records Plat Book 92 Page 26 in Section 30/30/15, Pinellas County, Florida.

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, WOW!, Pinellas County Utilities, Duke Energy (Distribution), Duke Energy (Transmission), TECO 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 BCC.

**Fiscal Impact/Cost/Revenue Summary:**

The owner has paid a \$750 filing fee, including advertising cost.

**Exhibits/Attachments Attached:**

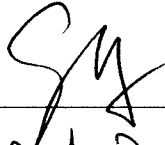


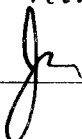
Contract Review Transmittal  
Petition to Vacate  
Notification List  
Resolution  
Location Map

**CONTRACT REVIEW TRANSMITTAL SLIP****PROJECT: William & Connie Boller****TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement****Date: 6/24/2014 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. (Sean Griffin)	<u>5/29</u>		
Real Property Div. (Dave DelMonte)	<u>5/29/14</u>		
Real Est. Mgmt (Paul Sacco)	<u>5/29/14</u>		
DEI (Tom Farrand)	<u>5/29/2014</u>	<u>Approved in CATS</u>	
Legal (Michael Zas)	<u>6/2/2014</u>	<u>Is this in the background?</u> <u>850 may want to mention that</u> <u>yes</u>	
County Admin. (Joe Lauro)	<u>6/3/14</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                 , **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, PLAT OR PORTION OF PLAT (EASEMENT)

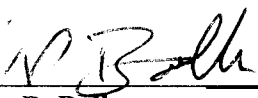
Comes now your Petitioners, William D. Boller and Connie P. Boller  
Name of Petitioner

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:

  
William D. Boller

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

  
Connie P. Boller

STATE OF FLORIDA  
COUNTY OF PINELLAS

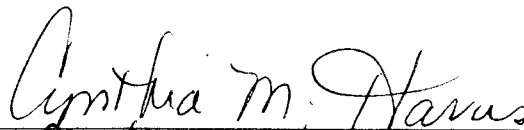
Sworn to (or affirmed) and subscribed before me this 30 day of May, 2014, by  
William D. Boller and Connie P. Boller. He/She is personally known to me, or has produced Drivers Licenses  
as identification, and who ~~did~~ (did not) take an oath.



CYNTHIA M HARRIS  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# FF033788  
Expires 8/11/2017

NOTARY  
SEAL

NOTARY  
Print Name

  
Cynthia M. Harris

My Commission Expires: \_\_\_\_\_ Commission Number: \_\_\_\_\_

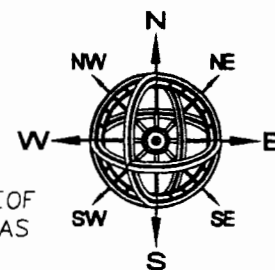
**SECTION 30, TOWNSHIP 30 SOUTH, RANGE 15 EAST**  
**LEGAL DESCRIPTION AND SKETCH**  
**PROPOSED PARTIAL EASEMENT VACATION**

**DESCRIPTION:**

A PORTION OF LOT 3, BLOCK 1, CROSSING AT THE NARROWS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 92, PAGES 26 THROUGH 29 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 3 AND RUN THENCE N.88°32'20"W. ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 16.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE N.88°32'20"W. A DISTANCE OF 9.00 FEET; THENCE RUN S.00°48'00"W. ALONG THE WEST LINE OF A PLATTED 25 FOOT WIDE DRAINAGE AND UTILITY EASEMENT A DISTANCE OF 78.13 FEET, TO THE SOUTH LINE OF SAID LOT 3; THENCE RUN S.84°15'30"E. ALONG SAID SOUTH LINE A DISTANCE OF 9.03 FEET; THENCE RUN N.00°48'00"E. ALONG A LINE 9.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID EASEMENT A DISTANCE OF 78.80 FEET TO A POINT ON THE AFORESAID NORTH LINE OF SAID LOT 3 AND THE POINT OF BEGINNING.

CONTAINING 706 SQUARE FEET MORE OR LESS.



**NORTH BASIS:**  
**ASSUMED**

**SCALE: 1" = 30'**

**ABBREVIATION:**

CL = CENTERLINE  
 (M) = MEASURED  
 PC = POINT OF CURVATURE  
 (P) = PLAT  
 PT = POINT OF TANGENCY

**CURVE 1**

RADIUS=325.00'  
 ARC=9.55'  
 CHORD=9.55'  
 CHORD BEARING=  
 N 01°21'59"W

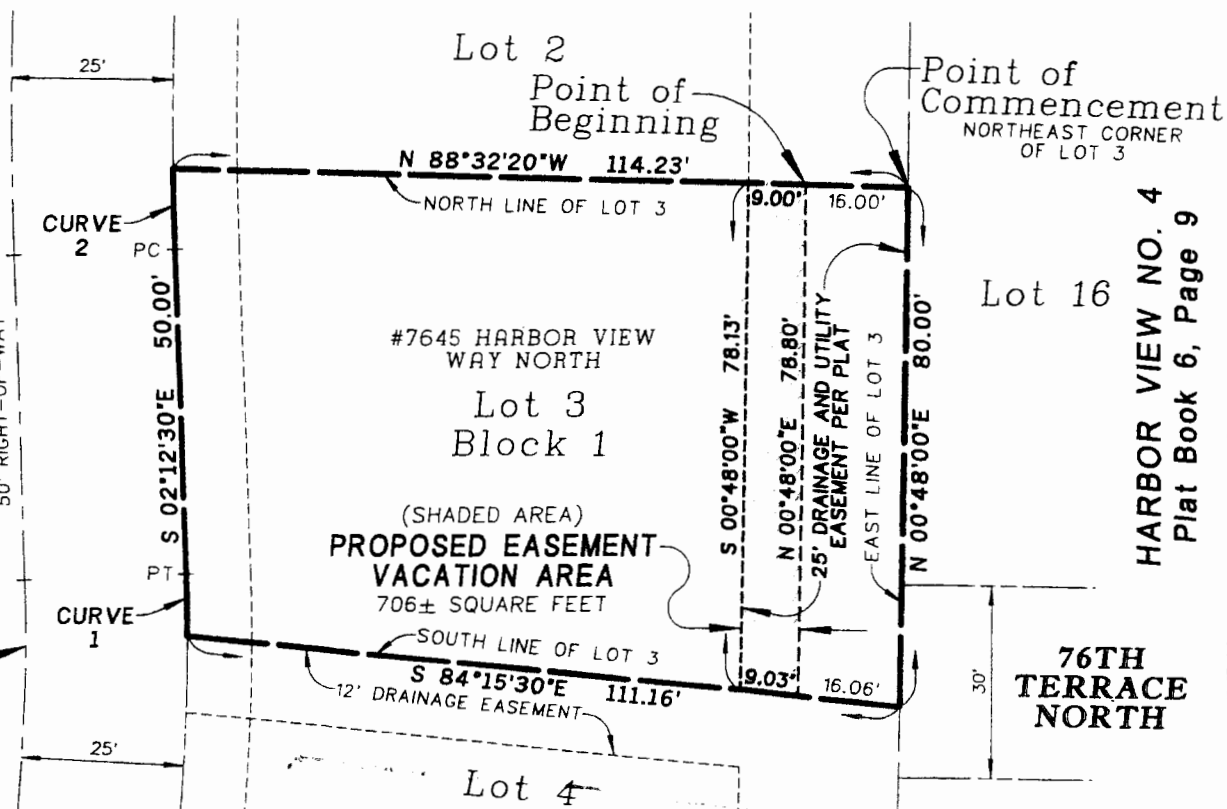
**CURVE 2**

RADIUS=500.00'  
 ARC=12.28'  
 CHORD=12.28'  
 CHORD BEARING=  
 N 01°30'18"W(P)  
 N 01°29'23"W(M)

**FOR: WILLIAM D. & CONNIE P. BOLLER**

Basis of Bearings:

EAST LINE OF LOT 3, BLOCK 1 AS BEING N.00°48'00"E.,  
 PER PLAT.



Reviewed by: CH GD  
 Date: 5-6-14  
 SFN #: 501-1455

Lot 25

REVISED: 4/09/14  
 REVISED: 3/13/14  
 PREPARED: 1/15/14

**THIS IS NOT A SURVEY**

This Legal Description and Sketch was prepared without the benefit of a title search and is subject to all easements, Rights-of-way, and other matters of record.

NOTE: Legal Description and Sketch not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper

I hereby certify that the Legal Description and Sketch represented hereon meets the requirements of Chapter 50-17.032, Florida Administrative Code.

**JOHN C. BRENDLA**  
 Florida Surveyor's Registration No. 1269  
 Certificate of Authorization No. 760

Prepared by:  
**JOHN C. BRENDLA & ASSOCIATES, INC.**  
 CONSULTING ENGINEERS AND LAND SURVEYORS  
 4015 82nd Avenue North  
 Pinellas Park, Florida 33781  
 phone (727) 576-7546 ~ fax (727) 577-9932

SHEET 1 OF 1

Job#: 1401-37  
 Drawn: DS

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1455

PETITIONER

WILLIAM D. BOLLER  
CONNIE P. BOLLER  
7645 HARBOR VIEW WAY  
SEMINOLE, FL 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

BOLLER, WILLIAM D  
BOLLER, CONNIE P  
7645 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3718

BRODIE, IAIN  
BRODIE, HOLLY A  
7573 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3716

HITCHINGHAM, MICHAEL L  
13890 77TH AVE  
SEMINOLE, FL 33776-3731

AUTREY, DANIEL L  
AUTREY, MICHELE B  
7591 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3716

MC FARLAND, STANLEY D  
7692 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3717

VEALE, JOHN D  
7602 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3717

EMERSON, LYNN D  
13917 76TH TER  
SEMINOLE, FL 33776-3737

KESHISHIAN, JONATHAN  
KESHISHIAN, JESSICA  
7685 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3718

MAYLEBEN, DANIEL C  
MAYLEBEN, MARY L  
7656 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3717

STEPAN, BRIAN R JR  
7638 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3717

FRANKLIN, LESLIE D  
13916 77TH AVE  
SEMINOLE, FL 33776-3733

HITCHINGHAM, MICHAEL  
13899 76TH TER  
SEMINOLE, FL 33776-3730

EASTRIDGE, DEWEY  
7600 138TH ST  
SEMINOLE, FL 33776-3817

KELLNER, RONALD E  
KELLNER, PATRICIA A  
7674 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3717

SUTTON, CHARMAINE L  
7578 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3715

FENTRESS, ROBERT C  
FENTRESS, BARBARA J  
7663 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3718

SKLADZIEN, BOGUSLAW  
SKLADZIEN, BARBARA  
114 13TH ST  
BELLEAIR BEACH, FL 33786-3304

BARLOW, DAVID R  
7620 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3717

YEAGER, MARY K  
7627 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3718

MARR, MICHAEL A  
MARR, BRENDA D  
7609 HARBOR VIEW WAY  
SEMINOLE, FL 33776-3718

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

**RESOLUTION VACATING A PORTION OF A 25 FOOT DRAINAGE EASEMENT LOCATED IN LOT 3, BLOCK 1, CROSSING AT THE NARROWS SUBDIVISION, LOCATED IN SECTION 30, TOWNSHIP 30, RANGE 15, AS RECORDED IN PLAT BOOK 92, PAGES 26 THROUGH 29, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.**

**WHEREAS, William D. Boller and Connie P. Boller, 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 M. Zas  
ATTORNEY**



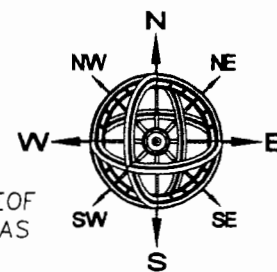
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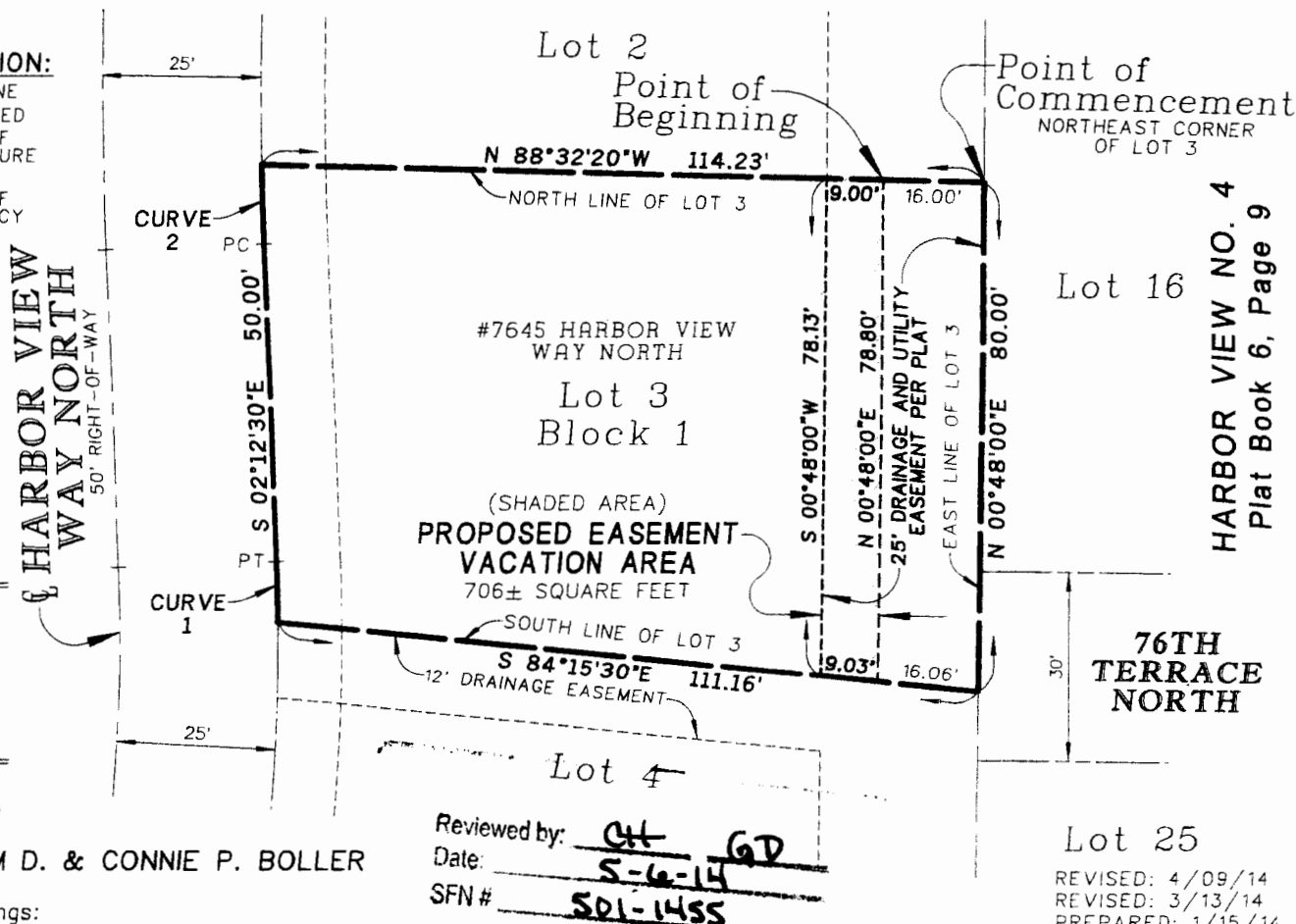
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REVISD: 4/09/14  
 REVISED: 3/13/14  
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**JOHN C. BRENDLA**

Florida Surveyor's Registration No. 1269  
 Certificate of Authorization No. 760

Prepared by:  
**JOHN C. BRENDLA & ASSOCIATES, INC.**  
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 phone (727) 576-7546 ~ fax (727) 577-9932

SHEET 1 OF 1

Job #: 1401-37  
 Drawn: DS



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



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