

BOARD OF COUNTY COMMISSIONERS

DATE: October 7, 2014

AGENDA ITEM NO. 4

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, 2014.

Submitted By: The Shampaine Family Trust
Property Address: 0 Main Street
Safety Harbor, Florida 34695

Lance V. Ritchie
Kathleen Ritchie
1535 Main Street
Safety Harbor, Florida 34695

File No.: 1459

Department:

Real Estate Management
Department of Public Works

Staff Member Responsible:

Paul S. Sacco, Director
Richard Coates, P.E., 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 Park Street and a portion of Cherokee Avenue lying in Lohmeyer Heights Subdivision, north of Main Street and lying southerly of and westerly of Fernbrooke Subdivision, Plat Book 79, Page 72, in Section 4/29/16 of Pinellas County, Florida.

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 Public Works 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, Engineering and Technical Support, Duke Energy (Distribution) and (Transmission), TECO, Verizon and WOW!

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:


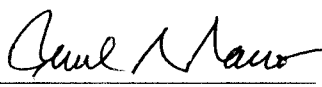


Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: Shampaine Family Trust, Lance & Kathleen Ritchie****TYPE: Legislative Petition to Vacate a portion of Right of Way****Date: 10/7/2014 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. (Sean Griffin)	<u>9/10/14</u>		
Real Est. Mgmt (Paul Sacco)	<u>9/10/14</u>		
DEI (Tom Farrand)	<u>8/28/14</u>	<u>Approved in CATS</u>	
Legal (Michael Zas)	<u>9/10/14</u>		
County Admin. (Joe Lauro)	<u>9/11/14</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 Petitioners, Lance V. Ritchie and Kathleen Ritchie
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:



Lance V. Ritchie

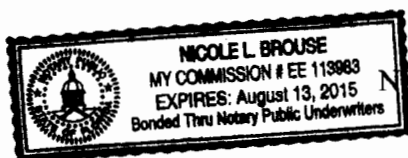
I hereby swear and/or affirm that the forgoing statements are true:




Kathleen Ritchie

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 8 day of September, 20 14, by
Lance V. Ritchie and Kathleen Ritchie. He/She is personally known to me or has produced _____
as identification, and who did (did not) take an oath.



NOTARY
SEAL

NOTARY 
Print Name Nicole Brouse

My Commission Expires: _____

Commission Number: 8/13/15

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

PETITION TO VACATE, PUBLIC RIGHTS-OF-WAY OR ALLEYS

Comes now your Petitioners, The Shampaine Family Trust
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 Shampaine
Richard Shampaine

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

Karen Shampaine
Karen Shampaine

STATE OF FLORIDA
COUNTY OF PINELLAS

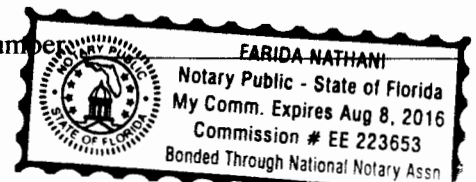
Sworn to (or affirmed) and subscribed before me this 5 day of sep, 2014, by
Richard Shampaine and Karen Shampaine. He/She is personally known to me, or has produced FL
DRIVER license as identification, and who did (did not) take an oath.

NOTARY
SEAL

NOTARY Faith
Print Name Faith Nathan

My Commission Expires: 8/8/16

Commission Number



CORNERSTONE SURVEYING AND LAND PLANNING INC.

BUSINESS AND MAILING ADDRESS: 16644 SAGUARO LANE SPRING HILL, FLORIDA 34610

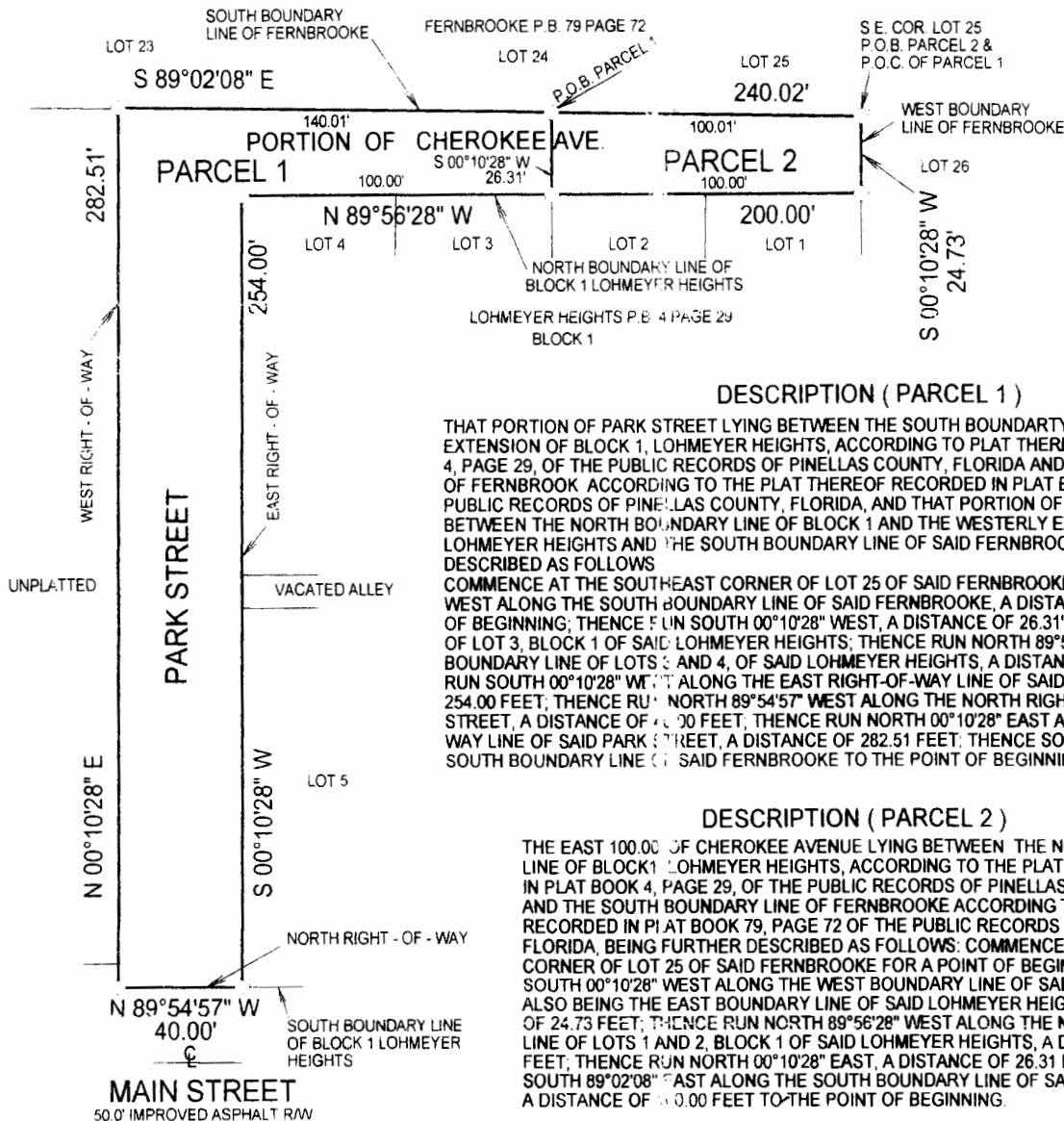
PROFESSIONAL SURVEYOR AND MAPPER:
KENNETH A. LANDSEADEL

CERTIFICATE OF AUTHORIZATION NUMBER LB 4686

ADDITIONS OR DELETIONS TO THIS MAP BY OTHERS THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY

WORK ORDER NO. 14034
MAP NO. 10198A
SURVEY DATE: 05/30/2014

SCALE: 1" = 60.0'



DESCRIPTION (PARCEL 1)

THAT PORTION OF PARK STREET LYING BETWEEN THE SOUTH BOUNDARY LINE OF THE WESTERLY EXTENSION OF BLOCK 1, LOHMEYER HEIGHTS, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 29, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND THE SOUTH BOUNDARY LINE OF FERNBROOK ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 79, PAGE 72 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND THAT PORTION OF CHEROKEE AVENUE LYING BETWEEN THE NORTH BOUNDARY LINE OF BLOCK 1 AND THE WESTERLY EXTENSION THEREOF OF SAID LOHMEYER HEIGHTS AND THE SOUTH BOUNDARY LINE OF SAID FERNBROOK BEING FURTHER DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF LOT 25 OF SAID FERNBROOK. THENCE RUN NORTH 89°02'08" WEST ALONG THE SOUTH BOUNDARY LINE OF SAID FERNBROOK, A DISTANCE OF 100.01' TO THE POINT OF BEGINNING; THENCE RUN SOUTH 00°10'28" WEST, A DISTANCE OF 26.31' TO THE NORTHEAST CORNER OF LOT 3, BLOCK 1 OF SAID LOHMEYER HEIGHTS; THENCE RUN NORTH 89°56'28" WEST ALONG THE NORTH BOUNDARY LINE OF LOTS 3 AND 4, OF SAID LOHMEYER HEIGHTS, A DISTANCE OF 100.00 FEET, THENCE RUN SOUTH 00°10'28" WEST ALONG THE EAST RIGHT-OF-WAY LINE OF SAID PARK STREET, A DISTANCE OF 254.00 FEET; THENCE RUN NORTH 89°54'57" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF MAIN STREET, A DISTANCE OF 40.00 FEET, THENCE RUN NORTH 00°10'28" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF SAID PARK STREET, A DISTANCE OF 282.51 FEET; THENCE SOUTH 89°02'08" EAST ALONG THE SOUTH BOUNDARY LINE OF SAID FERNBROOK TO THE POINT OF BEGINNING.

DESCRIPTION (PARCEL 2)

THE EAST 100.00' OF CHEROKEE AVENUE LYING BETWEEN THE NORTH BOUNDARY LINE OF BLOCK 1, LOHMEYER HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 29, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND THE SOUTH BOUNDARY LINE OF FERNBROOK ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 79, PAGE 72 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF LOT 25 OF SAID FERNBROOK FOR A POINT OF BEGINNING. THENCE RUN SOUTH 00°10'28" WEST ALONG THE WEST BOUNDARY LINE OF SAID FERNBROOK ALSO BEING THE EAST BOUNDARY LINE OF SAID LOHMEYER HEIGHTS, A DISTANCE OF 24.73 FEET; THENCE RUN NORTH 89°56'28" WEST ALONG THE NORTH BOUNDARY LINE OF LOTS 1 AND 2, BLOCK 1 OF SAID LOHMEYER HEIGHTS, A DISTANCE OF 100.00 FEET; THENCE RUN NORTH 00°10'28" EAST, A DISTANCE OF 26.31 FEET; THENCE RUN SOUTH 89°02'08" EAST ALONG THE SOUTH BOUNDARY LINE OF SAID FERNBROOK, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

ABBREVIATIONS

COR. - CORNER
P.B. - PLAT BOOK
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCE
SEC. - SECTION
TWP. - TOWNSHIP
RNG. - RANGE

CERTIFIED TO:
RICK SHAMPAINE
LANCE RICHIE

SEC. 04 TWP. 29 S. RNG. 16 E.

TYPE OF SURVEY:

SKETCH (THIS IS NOT A SURVEY)

Kenneth A. Landseadel
KENNETH A. LANDSEADEL P.S.M. # 4248

NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1459

PETITIONER

SHAMPAINE FAMILY TRUST
1020 WOODCREST AVENUE
SAFETY HARBOR, FL 34695

LANCE V. RITCHIE
KATHLEEN RITCHIE
1535 MAIN STREET
SAFETY HARBOR, FL 34695

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

RITCHIE, LANCE V
RITCHIE, KATHLEEN
1535 MAIN ST
SAFETY HARBOR, FL 34695-3318

SHAMPAINE REVOCABLE TRUST
SHAMPAINE, RICHARD P TRE
1020 WOODCREST AVE
SAFETY HARBOR, FL 34695-4423

CLIFFORD, SCOTT R
CLIFFORD, ERICA T
11 FERNBROOKE DR
SAFETY HARBOR, FL 34695-3330

BURKHART, TROY L
BURKHART, NANCY M
1 FERNBROOKE DR
SAFETY HARBOR, FL 34695-3330

JOLLEY, ROBERT R
JOLLEY, CAROL J
13 FERNBROOKE DR
SAFETY HARBOR, FL 34695-3330

OLD HARBOR PL HMOWN ASSN INC
C/O SENTRY MANAGEMENT, INC
2180 WEST SR 434, STE 5000
LONGWOOD, FL 32779-5042

SOWERS, JAMIE M
101 PARK ST
SAFETY HARBOR, FL 34695-3712

MC LANE, D SCOTT
WALTER, DOROTHY C
3 FERNBROOKE DR
SAFETY HARBOR, FL 34695-3330

OLECK, PHILIP H
OLECK, PAMELA L
102 PARK ST
SAFETY HARBOR, FL 34695-3711

KURDZIEL, JAMES
KURDZIEL, SHARON
4631 HARBOR POINTE DR
PORT RICHEY, FL 34668-6176

FREEDMAN, ANTHONY J
MACURDY, CHERYL A
103 PARK ST
SAFETY HARBOR, FL 34695-3712

SALAMEH, REBA S TRUST
SALAMEH, REBA S TRE
7 FERNBROOKE DR
SAFETY HARBOR, FL 34695-3330

STILES, MERLYN R
101 CRESTWOOD DR
SAFETY HARBOR, FL 34695-3715

MASCOLL, JOHN O
MASCOLL, JANNIS J
5 FERNBROOKE DR
SAFETY HARBOR, FL 34695-3330

CURRY, PAUL R
CURRY, JENNIFER
1709 MAIN ST
SAFETY HARBOR, FL 34695-3322

WEISS FAMILY TRUST
WEISS, GEORGE F TRE
337 MIDWAY IS
CLEARWATER, FL 33767-2318

ZIERES, CAROL L
9 FERNBROOKE DR
SAFETY HARBOR, FL 34695-3330

RUSSELL, CHARLES W JR
RUSSELL, DOROTHY B
104 PARK ST
SAFETY HARBOR, FL 34695-3711

PATRICK, BRENDAN
PATRICK, RACHEL
1701 ANGLERS CT
SAFETY HARBOR, FL 34695-3721

RESOLUTION NO. _____

**RESOLUTION VACATING A PORTION OF PARK STREET AND
CHEROKEE AVENUE IN LOHMEYER HEIGHTS, LYING NORTH
OF MAIN STREET AND LYING SOUTHERLY AND WESTERLY
OF FERNBROOKE SUBDIVISION IN PLAT BOOK 79 PAGE 72
LOCATED IN SECTION 4, TOWNSHIP 29 SOUTH , RANGE 16
EAST OF THE PUBLIC RECORDS OF PINELLAS COUNTY.**

**WHEREAS, the Shampaine Family Trust, and Lance and Kathleen Ritchie, 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 H. Zas
ATTORNEY

CORNERSTONE SURVEYING AND LAND PLANNING INC.

BUSINESS AND MAILING ADDRESS: 16644 SAGUARO LANE SPRING HILL, FLORIDA 34610

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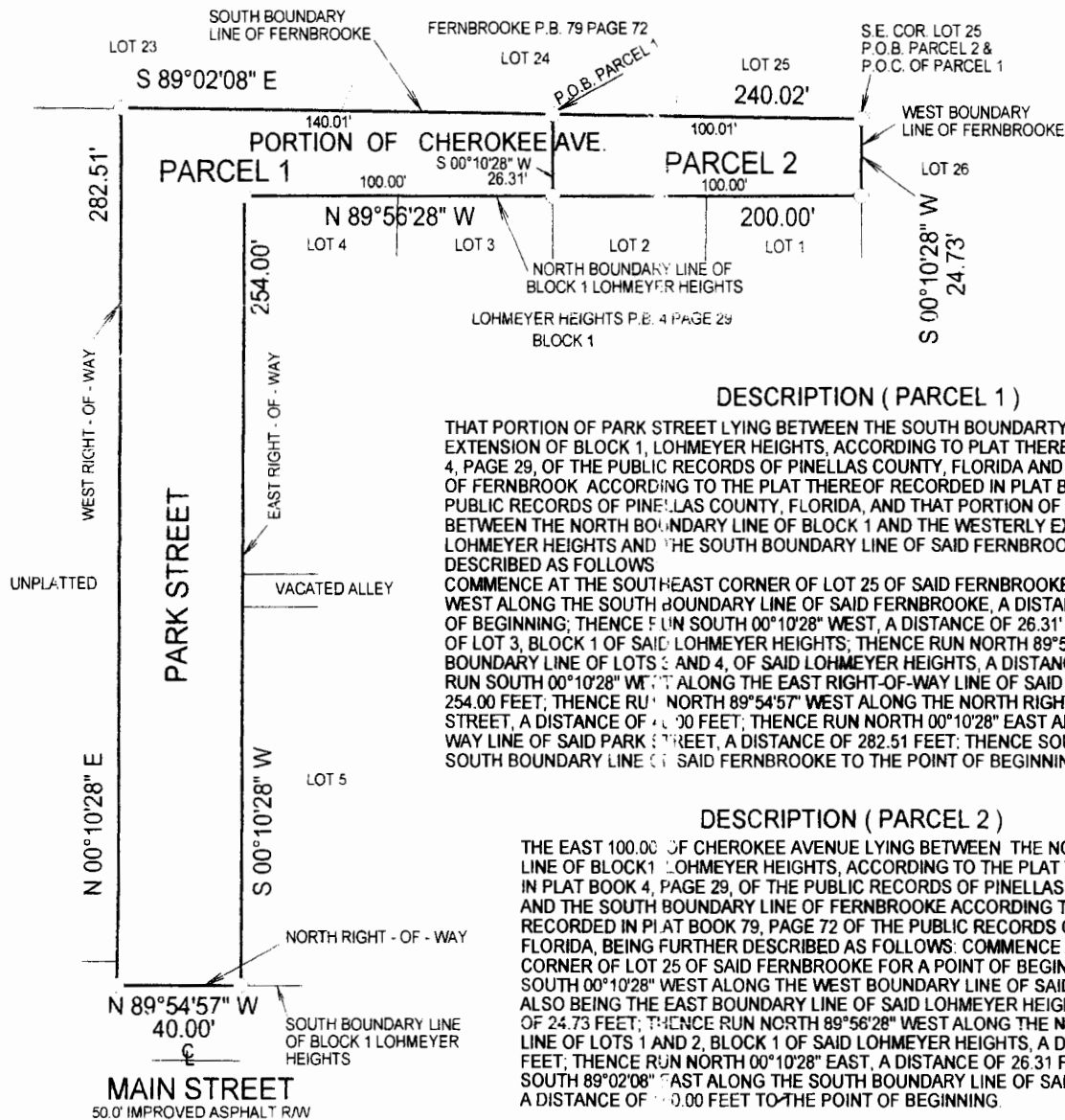
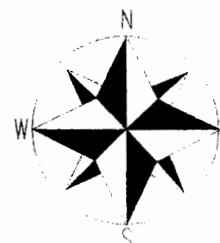
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Kenneth A. Landseadel
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Petition to Vacate

File No.: 1459

