



**BOARD OF COUNTY COMMISSIONERS**

**DATE:** February 24, 2015

**AGENDA ITEM NO.** 29

**Consent Agenda** ☐

**Regular Agenda** ☐

**Public Hearing** ☒

**County Administrator's Signature:**

**Subject:**

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: Kelly Crossland  
Property Address: 3127 Phoenix Avenue  
Oldsmar, Florida 34677  
File No.: 1470

**Department:**

Real Estate Management / Public Works

**Staff Member Responsible:**

Paul S. Sacco, Director / Richard Coates, Director

**Recommended Action:**

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) CONDUCT A PUBLIC HEARING TO CONSIDER GRANTING THE PETITION TO VACATE A PORTION OF THE 7.5 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 seven and a half (7.5) foot utility easement located in Lot 12, Block 7, Map of Section No 1 West Oldsmar, Official Records Plat Book 9, Page 79, in Section 22/28/16, 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 that there is no need to seek a variance. Additionally, Letters of No Objection have been received from Bright House, WOW!, Public Works, Pinellas County Planning and Development Services, 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 Board.

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

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

**Exhibits/Attachments Attached:**



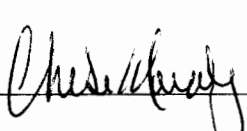
Contract Review Transmittal  
Petition to Vacate  
Notification List  
Resolution  
Location Map

**CONTRACT REVIEW TRANSMITTAL SLIP****PROJECT: Kelly Crossland****TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement****Date: 2/24/2015 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>1/21/15</u>		
Real Est. Mgmt (Paul Sacco)	<u>1/28/15</u>		
DEI (Tom Farrand)	<u>12/19/2014</u>	<u>Approved in CATS</u>	
Legal (Chelsea Hardy)	<u>1/23/15</u>		
County Admin.	<u>N/A</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                     , **2015**  
 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 Petitioner, Kelly L. Crossland  
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.

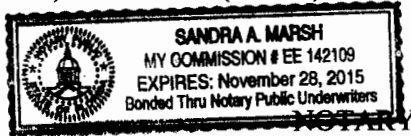
Your petitioner represent that: 1) the petitioner own the fee simple title to the whole or that portion of the plat (easement) that is sought to be vacated; 2) the vacation request herein will not cause injury to any surrounding property or property owners, and that the above described property does 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:

Kelly L. Crossland  
KELLY L. CROSSLAND

STATE OF FLORIDA  
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 15<sup>th</sup> day of January, 20 15, by Kelly L. Crossland. 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  
Print Name

Sandra A. Marsh  
Sandra A. Marsh

My Commission Expires: 11-28-2015

Commission Number: EE142109

SURVEYOR'S REPORT

**SKETCH AND DESCRIPTION: NOT A SURVEY**

**DESCRIPTION:**

THAT PART OF LOT 12, BLOCK 7, MAP OF SECTION NO 1 WEST OLDSMAR, AS RECORDED IN PLAT BOOK 9, PAGE 79, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE COMMON CORNER OF THE SOUTHWESTERLY RIGHT-OF-WAY PHOENIX AVENUE, LOTS 12 AND 13, BLOCK 7, AFORESAID MAP OF SECTION NO 1 WEST OLDSMAR; THENCE ALONG THE NORTHWESTERLY LINE SAID LOT 12, S42°48'34"W, 146.42 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 12; THENCE ALONG SAID SOUTHWESTERLY LINE, S44°53'00"E, 7.51 FEET TO THE INTERSECTION WITH THE SOUTHEASTERLY LINE OF A 7.50 FEET WIDE UTILITY EASEMENT; THENCE ALONG SAID SOUTHEASTERLY LINE, N42°48'34"E, 53.00 FEET FOR THE POINT OF BEGINNING; THENCE N47°11'26"W, 3.50 FEET; THENCE N42°48'34"E, 51.00 FEET; THENCE S47°11'26"E, 3.50 FEET TO THE AFORESAID SOUTHEASTERLY EASEMENT LINE; THENCE S42°48'34"W, 51.00 FEET TO THE POINT OF BEGINNING.

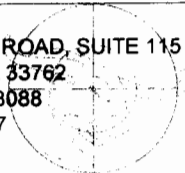
CONTAINING 179 SQUARE FEET OR 0.004 ACRES, MORE OR LESS.

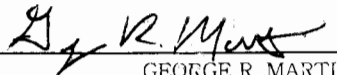
**NOTES:**

1. BASIS OF BEARINGS IS THE NORTHWESTERLY PROPERTY LINE, LOT 12, BLOCK 7, MAP OF SECTION NO 1 WEST OLDSMAR, BEING S42°48'34"W PER SURVEY PREPARED BY ROBERT D. LEHART, JOB NUMBER 12258, DATE 08/17/09.
2. LEGAL DESCRIPTION WAS PREPARED BY BULLSEYE SURVEYING, INC.
3. RE-USE OF THIS SKETCH FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
4. THIS SKETCH IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.

Bullseye Surveying, Inc.

LB 7818  
4590 ULMERTON ROAD, SUITE 115  
CLEARWATER FL 33762  
PHONE: 727-475-8088  
FAX: 727-264-0457



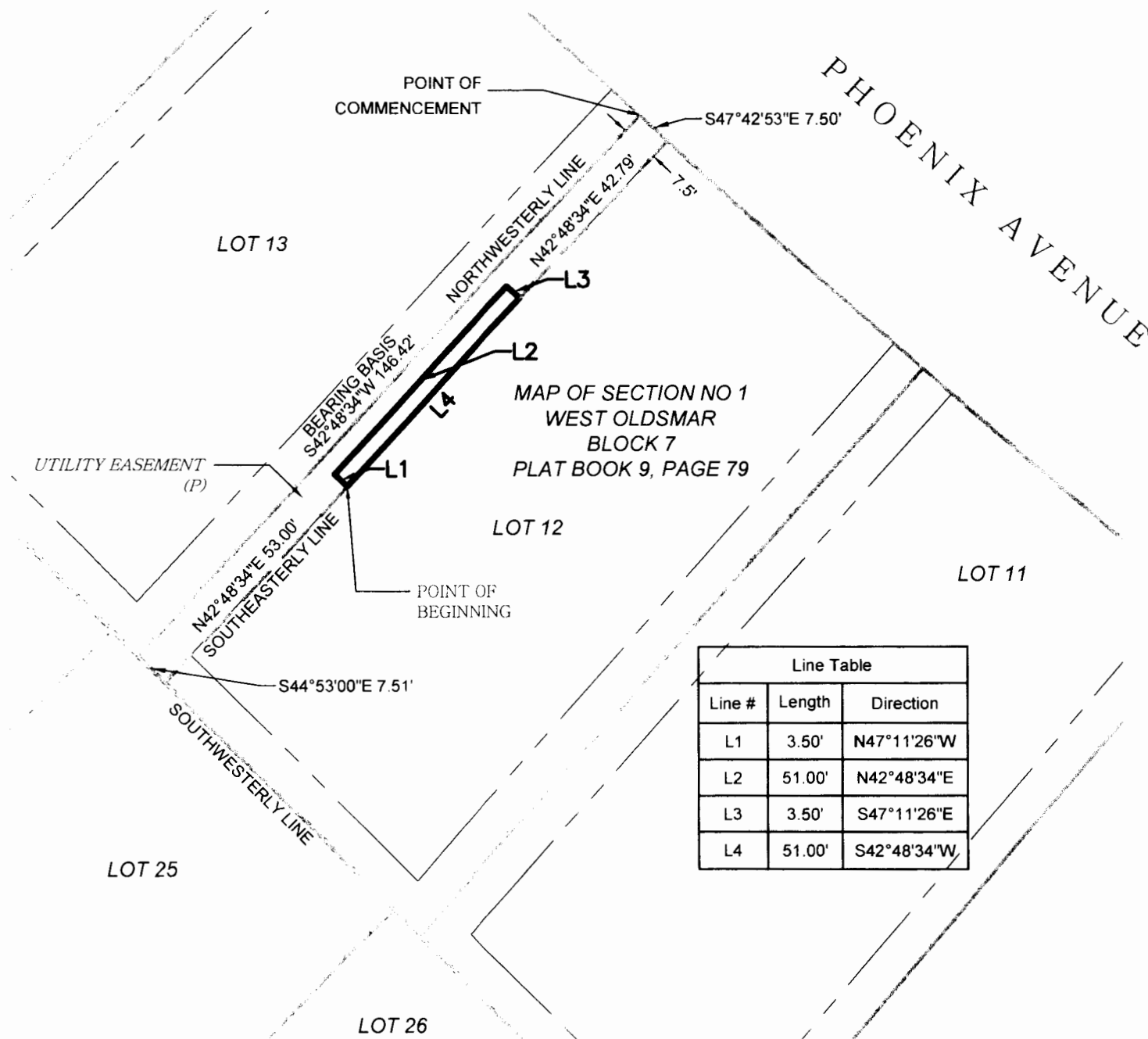
  
GEORGE R. MARTIN  
PROFESSIONAL SURVEYOR &  
MAPPER  
LICENSE NUMBER LS 6019  
STATE OF FLORIDA

Reviewed by: GH SE  
Date: 12-17-14  
Scale: Scale 1:1470

SCALE	SHEET NUMBER
N/A	1 of 2
SKETCH DATE	
10/17/2014	
FILE NAME	
14-075-Esmt.dwg	

# SKETCH OF DESCRIPTION: NOT A SURVEY

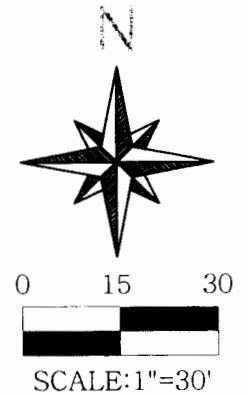
SECTION 22, TOWNSHIP 28 SOUTH, RANGE 16 EAST



REVISION #1 11/30/2014 ADDRESSED PINELLAS COUNTY COMMENTS

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## ABBREVIATIONS

### DENOTES

LB=LICENSED  
BUSINESS  
LS=LICENSED  
SURVEYOR  
OR=OFFICIAL RECORDS  
BOOK  
PG=PAGE  
(P)=PLAT  
R/W=RIGHT-OF-WAY

SCALE SHEET NUMBER

1"=30'

SKETCH DATE

10/17/2014

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2 of 2

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1470

PETITIONER

KELLY L. CROSSLAND  
3127 PHOENIX AVENUE  
OLDSMAR, FLORIDA 34677

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

BUBAR, CLIFFORD E REVOCABLE  
TRUST  
BUBAR, CLIFFORD E TRE  
590 SW 37TH AVE  
STEINHATCHEE, FL 32359-5094

\*\*\*\*\*  
\*\*\*\*\*  
19515 DEER LAKE RD  
LUTZ, FL 33548-4246

CROSSLAND, KELLY L  
3127 PHOENIX AVE  
OLDSMAR, FL 34677-5609

MARTIN, ELIZABETH G  
MARTIN, PAUL  
3119 PHOENIX AVE  
OLDSMAR, FL 34677-5609

VINCA, MUHAMET  
3107 DUANE AVE  
OLDSMAR, FL 34677-5668

ORKISZ, THOMAS  
3692 STATE ROAD 580 W  
OLDSMAR, FL 34677-5657

BUCKLES, H LEON  
PO BOX 1198  
INTERLACHEN, FL 32148

KUNA, ERIK  
KUNA, KRISTEN  
3118 PHOENIX AVE  
OLDSMAR, FL 34677-5608

BARTON, MARY E  
3103 DUANE AVE  
OLDSMAR, FL 34677-5668

BRITT, BRIAN  
CAPRON, CLIFFORD G TRUST  
10078 58TH ST  
PINELLAS PARK, FL 33782-3247

LYNCH, LOUIS L  
LYNCH, TERRY B  
3124 PHOENIX AVE  
OLDSMAR, FL 34677-5608

TERRILL, EDITH E  
PO BOX 1636  
OLDSMAR, FL 34677-1636

BARTON, FRED  
3093 DUANE AVE  
OLDSMAR, FL 34677-5663

CAMPLESE, NICOLA A  
2054 SHEFFIELD CT  
OLDSMAR, FL 34677-2553

BAILEY, MICHAEL A  
BAILEY, DARA A  
3136 PHOENIX AVE  
OLDSMAR, FL 34677-5608

FISHER, KEVIN  
FISHER, STEPHANIE  
8115 CHAMPION FOREST WAY  
TAMPA, FL 33635-6239

SURVEYOR'S REPORT

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Reviewed by: GH SB  
Date: 12-14-14  
SFN # 501-1470

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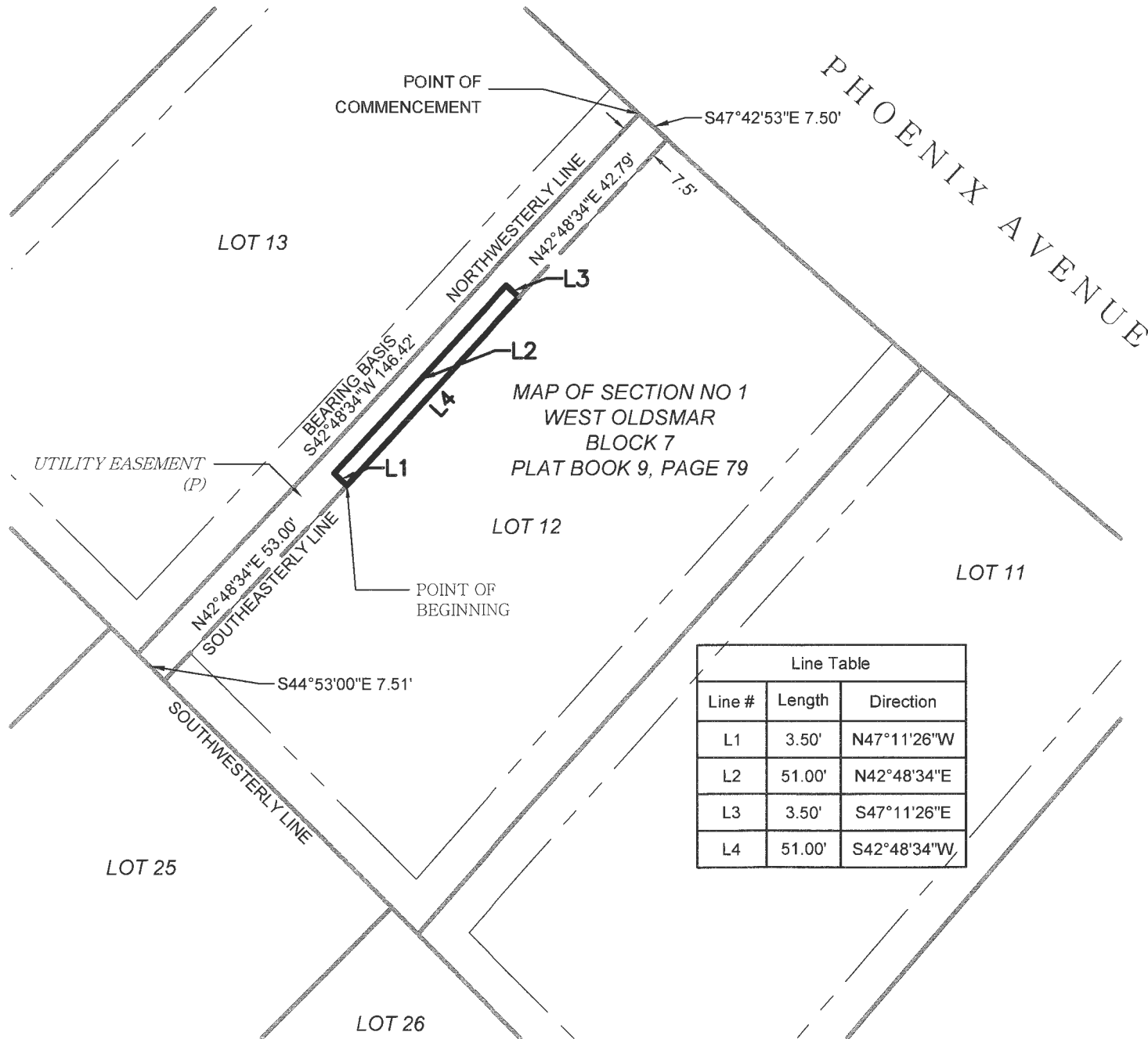
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PROFESSIONAL SURVEYOR &  
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LICENSE NUMBER LS 6019  
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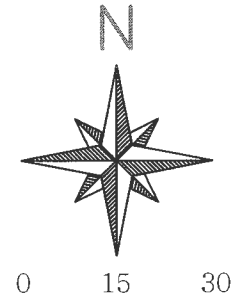
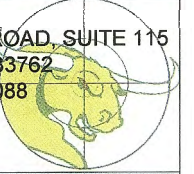
SECTION 22, TOWNSHIP 28 SOUTH, RANGE 16 EAST



Line Table		
Line #	Length	Direction
L1	3.50'	N47°11'26"W
L2	51.00'	N42°48'34"E
L3	3.50'	S47°11'26"E
L4	51.00'	S42°48'34"W

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SCALE: 1"=30'

## ABBREVIATIONS

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1"=30'

SKETCH DATE

10/17/2014

FILE NAME

14-075-Esmt.dwg

2 of 2

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

**RESOLUTION VACATING A PORTION OF A SEVEN AND A HALF FOOT (7.5) UTILITY EASEMENT LOCATED IN LOT 12 BLOCK 7 MAP OF SECTION NO 1 WEST OLDSMAR, SECTION 22, TOWNSHIP 28, RANGE 16, AS RECORDED IN PLAT BOOK 9, PAGE 79, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.**

**WHEREAS, Kelly L. Crossland, 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 easement will not have an adverse  
affect on the remaining easement area; and**

**WHEREAS, the Petitioner is the apparent owner 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:**

R:\Real Property\VACATIONS AND RELEASES\PETITIONS-PENDING 1400'S\File#1470-V Crossland\Board Packet\Resolution.doc

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY  
BY Chelsea M. Hays  
ATTORNEY

# Petition to Vacate

File No.: 1470



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

Pinellas County  
Real Estate Management  
Real Property Division