

BOARD OF COUNTY COMMISSIONERS

DATE: April 21, 2015

AGENDA ITEM NO. 28

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, 2015.

Submitted By: Jann L. Russell and Michael G. Cousin
Property Address: 9155 94th Avenue North
Largo, Florida 33777

File No.: 1463

Department:

Real Estate Management
Public Works

Staff Member Responsible:

Paul Sacco, Assistant County Administrator
Ken Jacobs, Division Manager

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 the east 15 feet of the 30 foot wide right of way lying adjacent to the west boundary of lot 29, Pinellas Groves, Plat Book 1, Page 55, in Section 23/30/15, 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 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, Duke Energy (Distribution) and (Transmission), Pinellas County Engineering and Technical Support, 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:


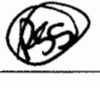
Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: Jann Russell and Michael Cousin****TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement****Date: 3/17/2015 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.

<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>2/24/15</u>		
Public Works (Tom Farrand)	<u>2/3/2015</u>	<u>Approved in CATS</u>	
Legal (Chelsea Hardy)	<u>2/26/15</u>	<u>CDH</u>	<u>Public Purpose determine = county responsibility, not petitioner; see resolution</u>
Real Est. Mgmt (Paul Sacco)	<u>3/4/15</u>		
County Administrator (Mark Woodward)			

- ☐ 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)

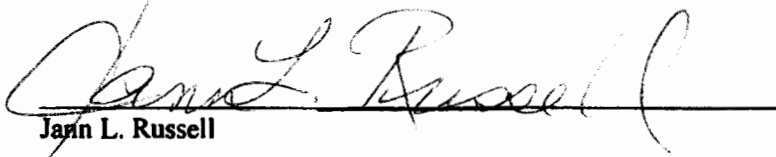
Comes now your Petitioners, Jann L. Russell and Michael G. Cousin
Name of Petitioner

and respectfully requests this Honorable Board of County Commissioners to adopt a resolution vacating:

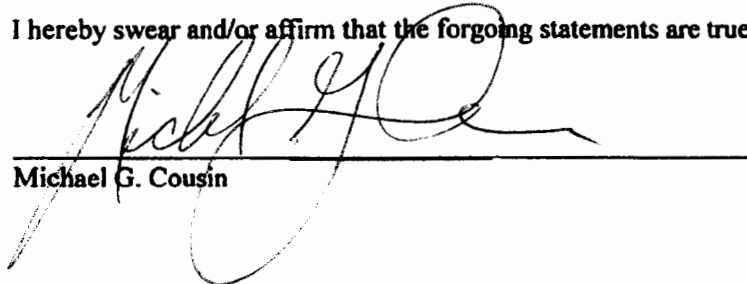
Lands described in legal description attached
hereto and by this reference made a part hereof.

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:

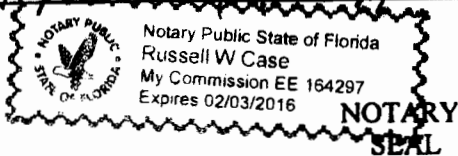

Jann L. Russell

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


Michael G. Cousin

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 10th day of February, 2015, by
Jann L. Russell and Michael G. Cousin. He/She is personally known to me, or has produced
[Signature] as identification, and who did (did not) take an oath.



NOTARY Russell Case
Print Name RUSSELL CASE

My Commission Expires: 2-13-16 Commission Number: 164297

SECTION 23 TOWNSHIP 30 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA

SKETCH OF LEGAL NOT A SURVEY

LEGAL DESCRIPTION:

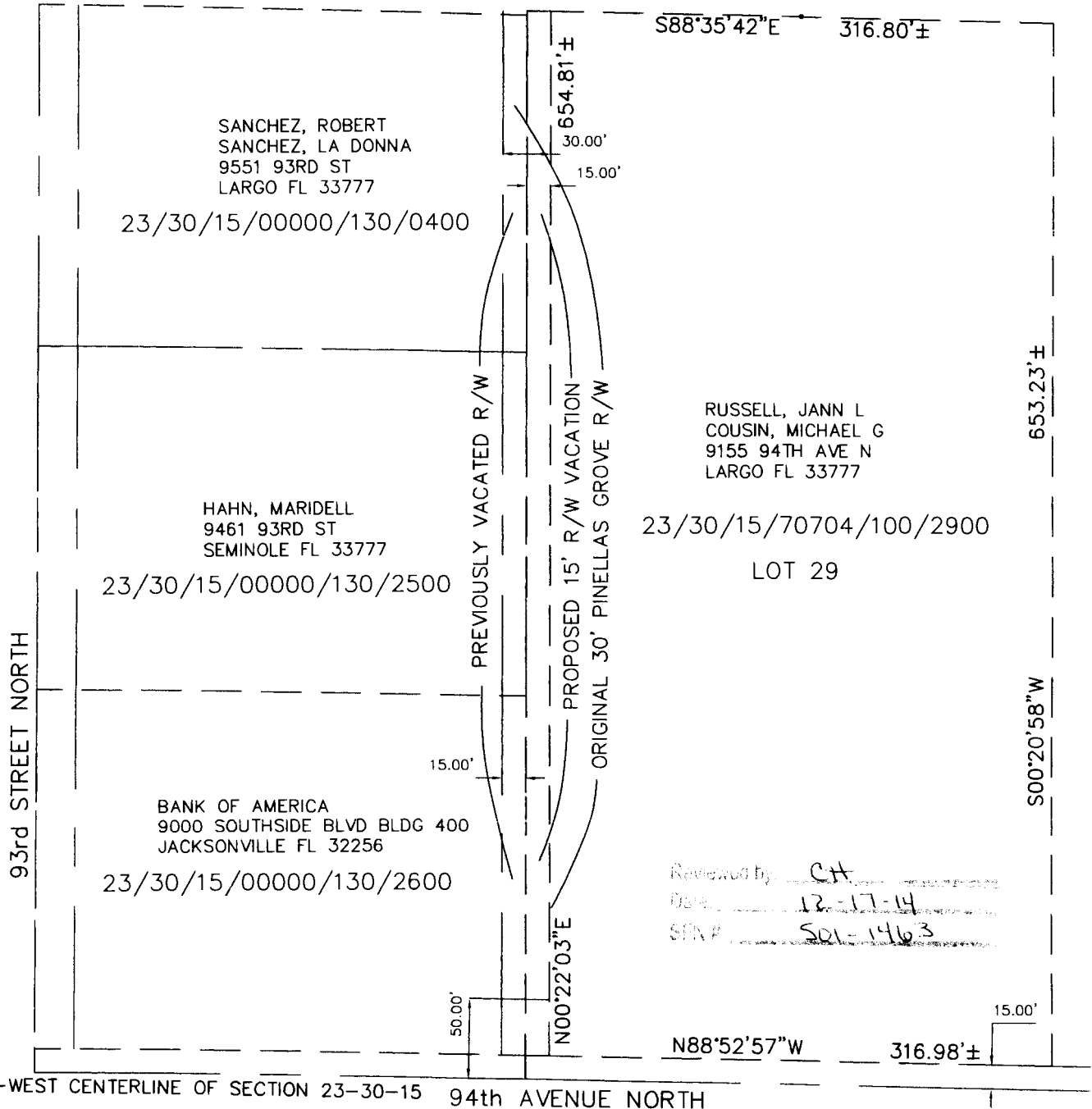
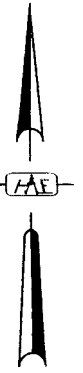
THE EAST 15 FEET OF THE 30 FOOT WIDE PINELLAS GROVES RIGHT-OF-WAY LYING ADJACENT TO THE WEST BOUNDARY OF LOT 29, IN THE NORTHEAST 1/4 OF SECTION 23, TOWNSHIP 30 SOUTH, RANGE 15 EAST, AS SHOWN BY PLAT OF PINELLAS GROVES, ACCORDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, LESS THAT PART LYING 50 FEET NORTH OF THE EAST-WEST CENTERLINE OF SECTION 23, TOWNSHIP 30 SOUTH, RANGE 15 EAST.

GRAPHIC SCALE

0' 100' 1" = 100' 200' 300'



NORTH ASSUMED



Reviewed by: CH
Date: 12-17-14
SPN # 501-1463

LEGEND

- (P) = Data per Record Data
- (M) = Measured Data
- PG.(s) = Page (s)
- O.R. = Official Record Book
- P.B. = Plat Book
- R/W = Right-of-way
- LB = Corporate Certificate Number
- P.L.S. = Professional Land Surveyor
- Q = Centerline

CERTIFICATION:

CERTIFIED AS A SKETCH OF LEGAL UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER, THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

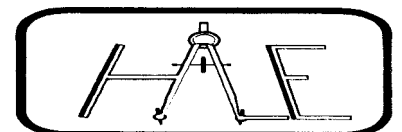
GUY D. HALE PLS 4526

JOB NUMBER: 2014092

12/15/2014 REVISED

DATE: 05/08/2014

GUY HALE LAND SURVEYING



111 FOREST LAKES BOULEVARD
OLDSMAR, FLORIDA 34677
(727) 734-4266 FAX (727) 734-3228

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1463

PETITIONER

JANN L. RUSSELL
MICHAEL G. COUSIN
9155 94TH AVENUE NORTH
SEMINOLE, FL 33777

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

RUFFO, ELISA
9351 92ND ST
LARGO, FL 33777-2406

MILLS, WILMA R
9174 98TH AVE
LARGO, FL 33777-1720

BROOKS, SAM D
BROOKS, MARGARET T
9353 91ST ST
LARGO, FL 33777-2410

CLEMENT, MARK W
CLEMENT, CYNTHIA L
9396 92ND ST
LARGO, FL 33777-2405

333 ESTATE LLC
333 DR ML KING JR ST N
ST PETERSBURG, FL 33701-2717

BANK OF AMERICA
9000 SOUTHSIDE BLVD BLDG 400
JACKSONVILLE, FL 32256-0787

HALL, AMBER L
FREEMAN, PATRICK
9398 90TH ST
SEMINOLE, FL 33777-2415

BEIDELSCHIES, KIMBERLEY J
9399 91ST ST
LARGO, FL 33777-2410

PINELLAS COUNTY
ATTN PW OPERATIONS
22211 US HWY 19 N
CLEARWATER, FL 33765-2328

SCHNEIDER, RICHARD K
SCHNEIDER, MONICA R
9601 93RD ST
SEMINOLE, FL 33777-2145

SANCHEZ, ROBERT
SANCHEZ, LA DONNA
9551 93RD ST
LARGO, FL 33777-2100

MATHOS, ERIC R
9394 91ST ST
LARGO, FL 33777-2409

CARTER, JAMES W
CARTER, ASHLEY E
9350 91ST ST
LARGO, FL 33777-2409

HAHN, MARIDELL
9461 93RD ST
SEMINOLE, FL 33777-2118

USHER, ADAM D
9250 94TH AVE
SEMINOLE, FL 33777-2125

RUSSELL, JANN L
COUSIN, MICHAEL G
9155 94TH AVE N
LARGO, FL 33777-2142

DIRLING, DAVID M EST
9387 91ST ST
LARGO, FL 33777-2410

LUCKAS, MARIE C EST
C/O LUCKAS, ROBERT
9382 91ST ST
SEMINOLE, FL 33777

BRASS, ROBERT
BRASS, BARBARA
9000 94TH AVE
SEMINOLE, FL 33777-2122

WELLS, ANNA-MARIE E
9384 92ND ST
LARGO, FL 33777-2405

TICHENOR, RONALD REV LIV TRE
TICHENOR, RONALD G TRE
990 LODESTAR
TARPON SPRINGS, FL 34690-6505

DELATORRE, CHARLES
DELATORRE, LYNN
9121 94TH AVE
SEMINOLE, FL 33777-2142

ATTORNEY CHARLES E. LYKES
1172 BROWNELL STREET
SUITE A
CLEARWATER, FL 33756

RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF THE EAST 15 FEET OF THE 30 FOOT WIDE RIGHT OF WAY LYING ADJACENT TO THE WEST BOUNDARY OF LOT 29, PINELLAS GROVES SUBDIVISION, PLAT BOOK 1, PAGE 55 LOCATED IN SECTION 23, TOWNSHIP 30 SOUTH, RANGE 15 EAST OF THE PUBLIC RECORDS OF PINELLAS COUNTY.

WHEREAS, Jann L. Russell and Michael G. Cousin, 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 County has determined and verified 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 and County determination, showing compliance with the notice requirements of Chapter 336.10 of the Florida Statutes, have 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 Chris Hardy Attorney

SKETCH OF LEGAL NOT A SURVEY**LEGAL DESCRIPTION:**

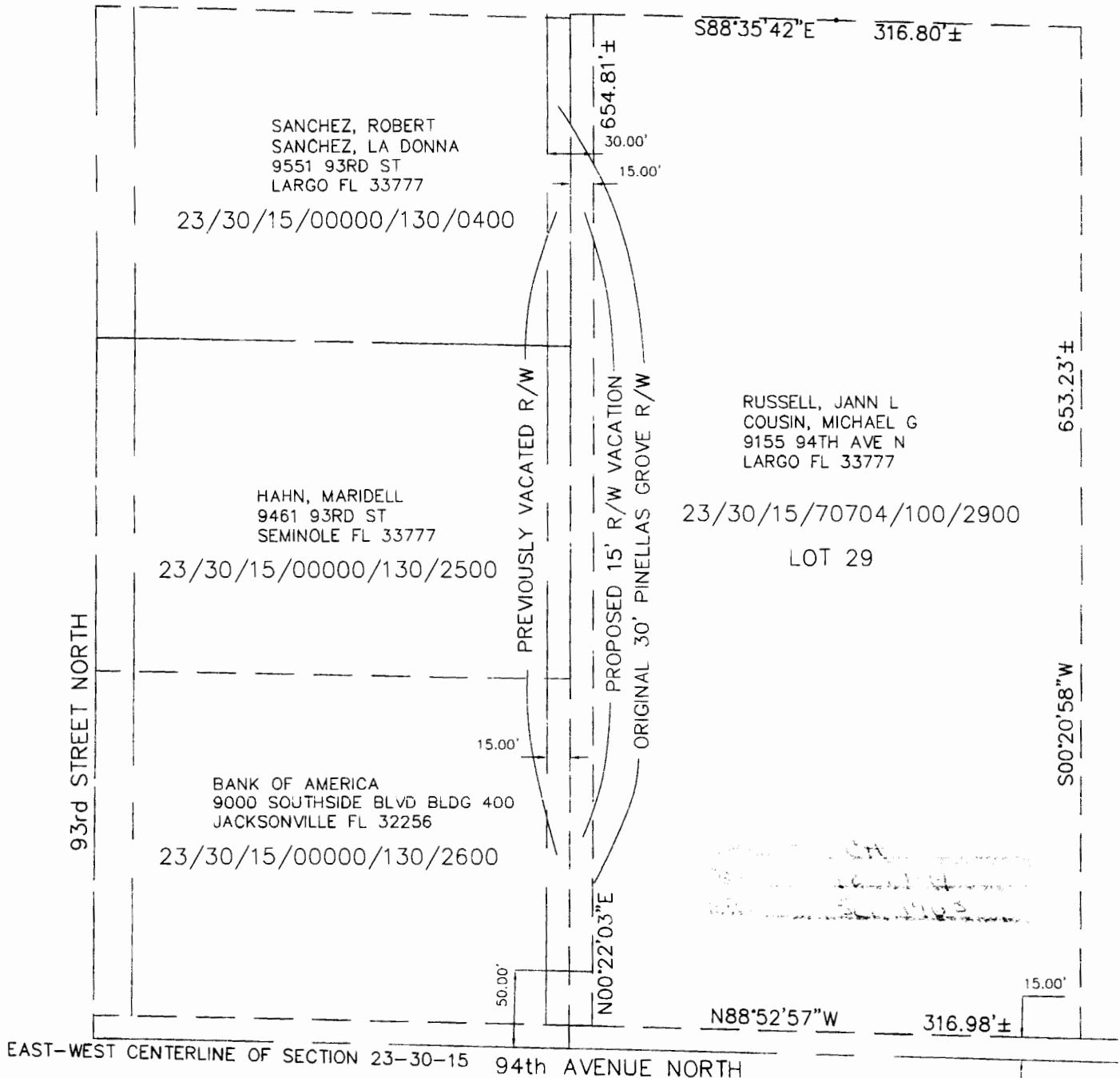
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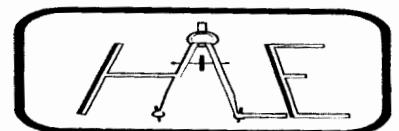
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GUY D. HALE PLS # 4626

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12/15/2014 REVISED

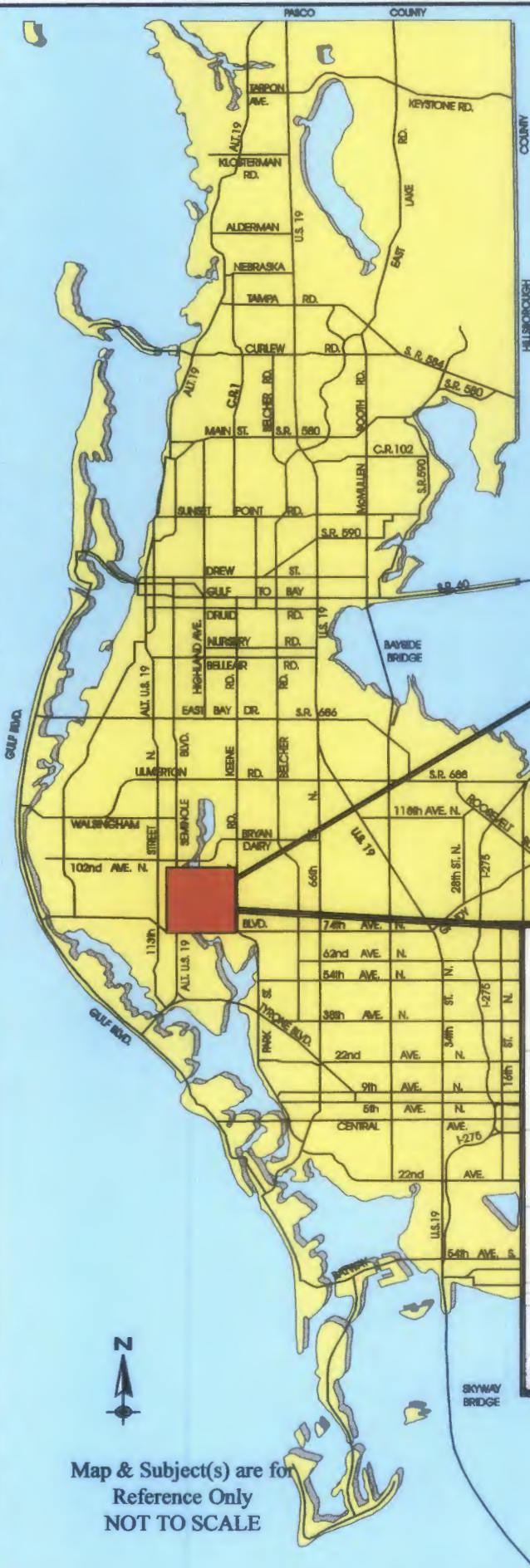
DATE: 05/08/2014

GUY HALE LAND SURVEYING

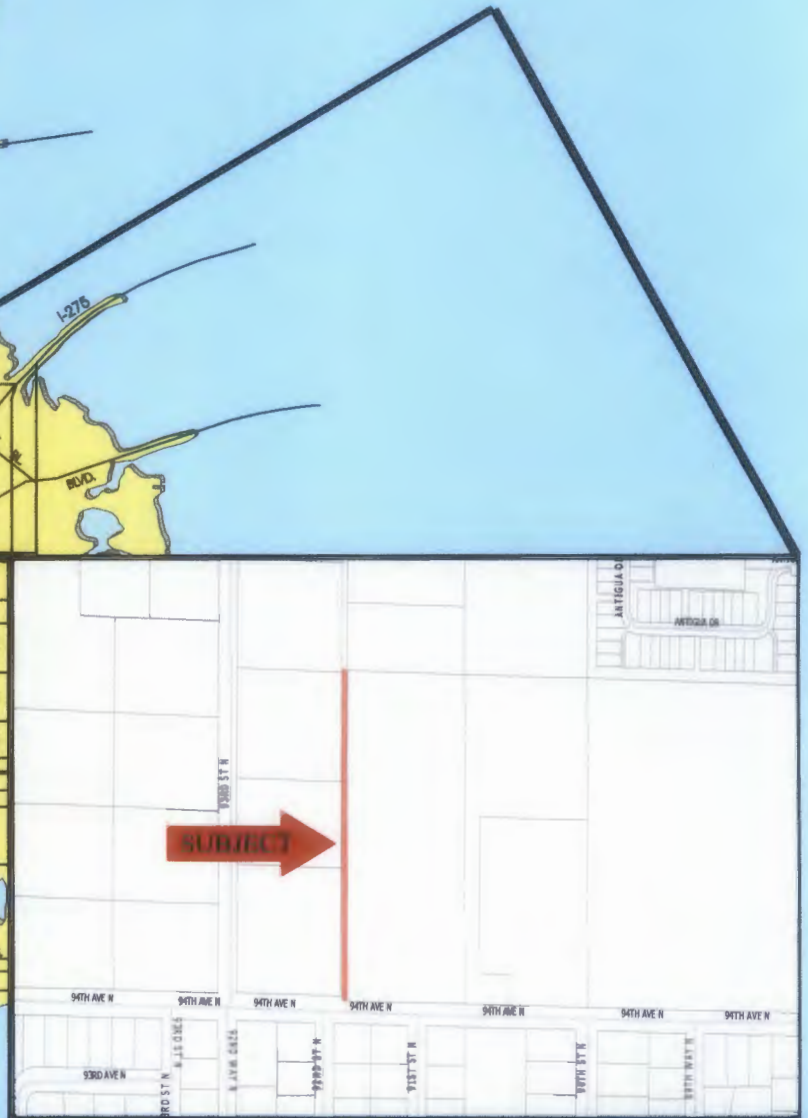
111 FOREST LAKES BOULEVARD
 OLDSMAR, FLORIDA 34677
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Petition to Vacate

File No.: 1463



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



Pinellas County
Real Estate Management
Real Property Division