Subject:

Submitted By: Edward R. Sharp, Sr. Trust
West Family Trust u/w of Gurth A. West
U-HAUL Company of Florida
13473 E. Rena Drive
Largo, FL 33771

File No.: 1472

Department: Real Estate Management
Public Works

Staff Member Responsible: Paul S. Sacco, Assistant County Administrator
Troy Tinch, Division Manager

Recommended Action:
I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) CONSIDER GRANTING THE PETITION TO VACATE, SUBJECT TO THE RECOMMENDED CONDITIONS OUTLINE HEREIN, AND IF GRANTED, ADOPT THE ATTACHED RESOLUTION PURSUANT TO FLORIDA STATUTES, CHAPTER 336 AND AUTHORIZE THE CLERK TO ATTEST AND RECORD THE RESOLUTION IN THE PUBLIC RECORDS OF PINELLAS COUNTY.

Summary Explanation/Background:
The subject petition was previously submitted at the Board meeting on May 5, 2015. At that hearing, the item was deferred due to advertising requirements not being met.

The subject petition seeks to vacate a portion of right of way known as East Rena Drive and is 60 feet wide and extends from the North ROW of Ulmerton Road to a point approximately 330 feet North, in the Palm Breeze Estates Subdivision, Section 6, Township 30 South, Range 16 East, Plat Book 31, Page 64, Pinellas County, Florida.

The properties adjacent to the ROW subject to this vacation request have been annexed into Largo. As the road has not been transferred, the portion of East Rena Drive subject to this request is still under County jurisdiction. The properties adjacent to the remaining portion of East Rena Drive are not subject to the vacation request. The adjacent properties along North Rena Drive are located within unincorporated Pinellas County.

A Public Hearing was held on March 10, 2015 whereby sitting as the Countywide Planning Authority, the Board adopted Ordinance No. 15-13 approving the land use change request for this property. The request was to amend the Countywide Future Land Use Plan from Industrial Limited to Commercial General.
As a part of the vacation review process, County departments were asked to review the proposed petition to vacate and proposed reserved easement. Staff objects to the requested vacation until the Applicants construct a cul-de-sac as required by the County Code at the new termination of North Rena Drive. Before staff can make any other recommendation to the vacation petition, the Applicants are required to go through the Site Plan and Right-of-Way Utilization Permitting (RUP) processes to demonstrate that they can meet the Code requirements for the roadway termination with a turnaround, including providing additional ROW than what is currently existing. A performance bond, cash bond or letter of credit for the RUP is also necessary to insure compliance with County contingencies for the requested vacation. If vacated, staff recommends that a Drainage and Utility Easement be reserved over the vacated area. Staff agrees that once all conditions are met, the staff objection to the vacation would be lifted. If such conditions are not met, however, staff would recommend that the proposed vacation be denied.

Letters of no objection were received for the requested petition and Bright House, City of Largo, Duke Energy, Pinellas County Public Works, Verizon and WOW! All have requested to retain easements for equipment and facilities in the ROW.

**Fiscal Impact/Cost/Revenue Summary:**
The owners have paid a $750 filing fee.

**Exhibits/Attachments Attached:**
Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Maps
CONTRACT REVIEW TRANSMITTAL SLIP

PROJECT: Edward R. Sharp Trust, West Family Trust, U-Haul Company of Florida
TYPE: Legislative Petition to Vacate a portion of Right of Way
Date: 4/5/2015  ESTIMATED EXPENDITURE/REVENUE: $750.00

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.

<table>
<thead>
<tr>
<th>Review Authority</th>
<th>Review Date</th>
<th>Review Signature</th>
<th>Comments Included/Addressed</th>
<th>Initial &amp; Date</th>
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<tr>
<td>Real Property Div. (Sean Griffin)</td>
<td>4/5/15</td>
<td>CATS Response</td>
<td>Please see updated memo &amp; Resolution</td>
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<td>4/11/15</td>
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<td>4/14/15</td>
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- Release/Termination/Amendment
  - FS 177.101 - Vacation
  - X 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 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, PUBLIC RIGHTS-OF-WAY OR ALLEYS

Comes now your Petitioner, West Family Trust u/w of Gurth A. West
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:

David Owen, Agent

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 29th day of January, 2015, by
David Owen, as Agent. He is personally known to me, or has produced n/a as identification, and who did (did not) take an oath.

NOTARY SEAL

NOTARY
Print Name: Jacqueline M. Rivera
Commission Number: FF121863

My Commission Expires: May 11, 2018

(407) 398-0163 FloridaNotaryService.com
SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS
OF PINELLAS COUNTY, FLORIDA

PETITION TO VACATE PUBLIC RIGHTS-OF-WAY OR ALLEYS

Comes now your Petitioners, Edward R. Sharp Sr. and Joyce A. Sharp Trust
Name of Petitioner

and respectfully requests this Honorable Board of County Commissioners to adopt a resolution vacating:
Lands described in legal description attached
hereeto 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 foregoing statements are true:

[Signature]
David Owen, Agent

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 24th day of January, 2015, by
David Owen, as Agent. He is personally known to me, or has produced n/a
as identification, and who did (did not) take an oath.

NOTARY SEAL
NOTARY 
Print Name: Jacqueline M. Rivera
My Commission Expires: May 11, 2018 Commission Number: FF121863
SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS
OF PINELLAS COUNTY, FLORIDA

PETITION TO VACATE PUBLIC RIGHTS-OF-WAY OR ALLEYS

Comes now your Petitioner, U-HAUL Company of Florida
Name of Petitioner

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

Lands described in legal description attached
hereeto 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 foregoing statements are true:

Carlos Vizcarra

STATE OF ARIZONA
COUNTY OF MARICopa

Sworn to (or affirmed) and subscribed before me this 3 day of February, 2015, by
Carlos Vizcarra (He) She is personally known to me or has produced as identification, and who did (did not) take an oath.

Misty Farrow
Print Name

My Commission Expires: 6/23/15
Commission Number: 309209
DATE: November 18, 2014  
PROJECT NAME: Ulmerton  
PROJECT NO: 14-0345  
DESCRIPTION FOR: East Rena Drive Description

DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF EAST RENA DRIVE (60-FOOT RIGHT OF WAY), AS SHOWN ON THE PLAT OF PALM BREEZE ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 31, PAGE 64 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING SITUATED IN SECTION 6, TOWNSHIP 30 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 13, BLOCK 2 OF SAID PALM BREEZE ESTATES SUBDIVISION; THENCE NORTH 0°49'00" WEST ALONG THE EAST LINE OF SAID LOT 13, A DISTANCE OF 22.22 FEET TO AN INTERSECTION OF THE WEST RIGHT OF WAY LINE OF SAID EAST RENA DRIVE WITH THE NORTH RIGHT OF WAY LINE OF STATE ROAD NO. 688 (RIGHT OF WAY VARIES), AND THE POINT OF BEGINNING;

THENCE CONTINUE ALONG SAID WEST RIGHT OF WAY LINE, NORTH 0°49'00" WEST, A DISTANCE OF 449.12 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 20.00 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 27°29'43" WEST, 17.96 FEET; THENCE northwesterly along the arc of said curve and said right of way line, through a central angle of 53°21'57", an arc length of 18.63 feet; thence departing said west right of way line, north 35°50'01" east, a distance of 60.00 feet to a point on the east right of way line of said east rena drive and the western-most corner of lot 13, block 1 of said palm breeze estates subdivision, said corner being the beginning of a non-tangent curve concave southwesterly, having a radius of 80.00 feet and being subtended by a chord having a bearing and distance of south 27°29'29" east, 71.83 feet; thence southeasterly along the arc of said curve and said east right of way line, through a central angle of 53°21'02", an arc length of 74.49 feet to the end of said curve; thence south 0°49'00" east along said east right of way line, a distance of 453.29 feet to the aforementioned north right of way line of state road no. 688; thence north 86°50'30" west along said north right of way line, a distance of 60.14 feet to the point of beginning.

THE ABOVE DESCRIBED LANDS CONTAIN 0.686 ACRES, MORE OR LESS.

ALL AS SHOWN ON THE MAP ATTACHED HEREWITH AND MADE A PART HEREOF.
PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1472

PETITIONERS
EDWARD R. SHARP SR.
JOYCE A. SHARP TRUST
2 SEASIDE LANE #502
BELLEAIR, FL 33756

WEST FAMILY TRUST
U/W GURTH A. WEST
10184 BIRCH BLUFF LANE
LAS VEGAS, NV 89145-0822

U-HAUL COMPANY OF FL
2727 N. CENTRAL AVENUE
PHOENIX, AZ 85004-1155

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

WEST, SANDRA M TRE
TAYLOR, ADRIAN D TRE
10184 BIRCH BLUFF LN
LAS VEGAS, NV 89145-8822

ALLIANCE LARGO LLC
2201 WAUKEGAN RD STE 120
BANNOCKBURN, IL 60015-1588

BUSHWOOD ENTERPRISES INC
2854 QUAIL HOLLOW RD
CLEARWATER, FL 33761-3222

**************
**************
609 S BAYSHORE BLVD
SAFETY HARBOR, FL 34695-4003

**************
**************

MEINCH ENTERPRISES INC
13622 66TH ST
LARGO, FL 33771-4906

TYLER, HENRY
TYLER, TIMOTHY T
13 BELLEVUE DR
TREASURE ISLAND, FL 33706-1201

BANK OF AMERICA
ATTN CORP REAL ESTATE
1 N TRYON ST
CHARLOTTE, NC 28255-0001

WEST, SANDRA M
SHARP, EDWARD R TRE
2 SEASIDE LN APT 502
BELLEAIR, FL 33756-1988

VITUCCI, JUDY
VITUCCI, GARY
13497 RENA DR W
LARGO, FL 33771-4925

COMERFORD, MARK
6780 N RENA DR
LARGO, FL 33771-4924

R E M PROPERTIES V LLC
307 62ND AVE N
ST PETERSBURG, FL 33702-7537

U-HAUL CO OF FLORIDA
2727 N CENTRAL AVE
PHOENIX, AZ 85004-1155

SHARP, EDWARD R TRE
SHARP, JOYCE A TRE
2 SEASIDE LN APT 502
BELLEAIR, FL 33756-1988

DAVID OWEN
255 CAPRI CIRCLE NORTH
SUITE 35
TREASURE ISLAND, FL 33706

ROESCH, KENNETH M II FAMILY TRUST
ROESCH, ANITA M FAMILY TRUST
15411 NW 46TH LN
CHIEFLAND, FL 32626-4873

KULIGOWSKI, JOSEPH M
KULIGOWSKI, PATRICIA A
421 PALM ISL NE
CLEARWATER, FL 33767

HILKERT, LARRY L TRE
HILKERT, GLADYS N TRE
2160 LAURENCE DR S
CLEARWATER, FL 33764-6466

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ROESCH, ANITA M FAMILY TRUST
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CLEARWATER, FL 33767

HILKERT, LARRY L TRE
HILKERT, GLADYS N TRE
2160 LAURENCE DR S
CLEARWATER, FL 33764-6466

SEAN P. CASHEN, P.E.
GULF COAST CONSULTING, INC.
13825 ICOT BLVD. SUITE 605
CLEARWATER, FL 33760
RESOLUTION NO.__________

RESOLUTION VACATING A PORTION OF EAST RENA DRIVE IN PALM BREEZE ESTATES SUBDIVISION IN PLAT BOOK 31 PAGE 64 LOCATED IN SECTION 6, TOWNSHIP 30 SOUTH, RANGE 16 EAST OF THE PUBLIC RECORDS OF PINELLAS COUNTY, SUBJECT TO CERTAIN CONDITIONS, AND PROVIDING FOR A SUBSEQUENT EFFECTIVE DATE.

WHEREAS, the Edward R. Sharp Sr. and Joyce A. Sharp Trust, the West Family Trust u/w of Gurth A. West and U-HAUL Company of Florida 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 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 rights of convenient access of persons owning other parts of the subdivision, or cause injury to any surrounding property owners; and

WHEREAS, the Petitioners are aware and on notice that this vacation will potentially result in impacts regarding access to their properties; and

WHEREAS, a Drainage and Utility Easement will be retained over the entire vacated area; and

WHEREAS, in order to properly terminate a County roadway pursuant to the standards in the Pinellas County Code, the Petitioners are responsible for and agree to construct a cul-de-sac at the new termination of North Rena Drive; and
WHEREAS, the Petitioners also agree to grant the County sufficient property interests for the additional right-of-way needed for the required cul-de-sac; and

WHEREAS, the Petitioners' affidavits, showing compliance with the notice requirements of Chapter 336 of the Florida Statutes, have been received by the Board of County Commissioners; and

WHEREAS, the Petitioners have expressed their understanding and agreement to the County regarding the terms and conditions of this Resolution; and

WHEREAS, the County has determined that the interest of the public will not be adversely affected; (1) if the above-referenced cul-de-sac is properly constructed pursuant to the Pinellas County Code; and (2) provided that reasonable public road access remains for the properties adjacent to the vacated right-of-way.

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 vacated pursuant to §336.09, Florida Statutes, insofar as this Board of County Commissioners has the authority to do so, provided, however, that the vacation shall not take effect until the following conditions, as previously agreed to by the Petitioners, are met:

1. The Petitioners submit a written waiver of any and all claims of damages to their respective properties which could potentially result from this vacation, as well as a written acknowledgement that the Petitioners understand and agree to all of the conditions referenced in this Resolution;

2. The Petitioners go through the Pinellas County Site Plan Review process and obtain a Right-of-Way Utilization Permit for construction of the required cul-de-sac;
3. The Petitioners grant the County sufficient interest in the additional right-of-way needed for the required cul-de-sac;

4. The cul-de-sac is successfully built pursuant to the Pinellas County Code; and

5. Any and all necessary utility relocations and/or reservations from the County and other utility companies notified during this process are respectively relocated or retained.

The EFFECTIVE DATE of this vacation shall be the date upon which a written certification, acknowledging the successful completion of all of the above conditions, has been executed by the Pinellas County Building and Development Services Division Manager, or his or her designee. If the above conditions are not met within one year from the date of execution of this Resolution, this vacation shall not become effective.

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:
DATE: November 18, 2014
PROJECT NAME: Ulmerton
PROJECT NO: 14-0345
DESCRIPTION FOR: East Rena Drive Description

DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF EAST RENA DRIVE (60-FOOT RIGHT OF WAY), AS SHOWN ON THE PLAT OF PALM BREEZE ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 31, PAGE 64 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING SITUATED IN SECTION 6, TOWNSHIP 30 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THE ABOVE DESCRIBED LANDS CONTAIN 0.686 ACRES, MORE OR LESS.

ALL AS SHOWN ON THE MAP ATTACHED HEREWITH AND MADE A PART HEREOF
This map prepared by:

Aaron H. Homan

150 NW 78th Drive, Gainesville, Florida 32605
(352) 331-2782 / (352) 331-2470 / www.chw-ve.com

Sketch to Accompany Legal Description

A portion of East Rena Drive, Palm Breeze Estates Subdivision, Situated in Section 6, Township 30 South, Range 16 East, City of Largo, Pinellas County, Florida.

Sketch - Not a Boundary Survey

Subject Parcel 0.686 Acres

Description:

(See Attached)

Legend:
P.O.B. = Point of Beginning
P.O.C. = Point of Commitment
R/W = Right of Way
P.B. = Plat Book
(P) = Data Based on Plat of Record
(D) = Calculations Based on Plat of Record
Foot = Florida Department of Transportation
S.R. = State Road

Surveyor's Notes:

1. Bearings shown herein are based on a value of North 01°49' West for the east right of way line of E. Rena Drive and is identical to the Plat of Palm Breeze Estates Subdivision, According to the Plat thereof recorded in Plat Book 31, Page 64 of the Public Records of Pinellas County, Florida.

Line Data Table

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<tr>
<td>L2</td>
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<td>60.00</td>
</tr>
<tr>
<td>L3</td>
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Curve Data Table

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<th>Delta</th>
<th>Tangent</th>
<th>Chord</th>
<th>Chord Bear</th>
</tr>
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</table>
| C1    | 186.3  | 53215' | 10.65 | 17.86   | N 27°29'43"
| C2    | 744.9  | 53215' | 40.19 | 71.83   | S 27°29'43"

Certified to:

Concept Development Inc.

Certified by:

Aaron H. Homan

This map prepared by:

Aaron H. Homan

150 NW 78th Drive, Gainesville, Florida 32605
(352) 331-2782 / (352) 331-2470 / www.chw-ve.com

Palm Breeze Estates Subdivision, Page 64

Declaration of Plat, Pursuant to Florida Statute 117.0105, recorded in Plat Book 31, Page 64, Pinellas County, Florida.

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Aaron H. Homan

150 NW 78th Drive, Gainesville, Florida 32605
(352) 331-2782 / (352) 331-2470 / www.chw-ve.com

Palm Breeze Estates Subdivision, Page 64

Declaration of Plat, Pursuant to Florida Statute 117.0105, recorded in Plat Book 31, Page 64, Pinellas County, Florida.

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Palm Breeze Estates Subdivision, Page 64

Declaration of Plat, Pursuant to Florida Statute 117.0105, recorded in Plat Book 31, Page 64, Pinellas County, Florida.
DESCRIPTION:
(SEE ATTACHED)

LEGEND:
P.O.B. = POINT OF BEGINNING
R/W = RIGHT OF WAY
P.B. = PLAT BOOK
S.F. = SQUARE FEET

SURVEYOR'S NOTES:
1. Bearings shown herein are based on a value of NORTH 0°49' WEST for the EAST RIGHT OF WAY LINE of E.
RENA DRIVE and is IDENTICAL TO THE PLAT OF PALM BREEZE ESTATES SUBDIVISION, ACCORDING TO THE PLAT
THEREOF RECORDED IN PLAT 8001< 31, PAGE 64 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

CURVE DATA TABLE

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<tr>
<th>CURVE</th>
<th>LENGTH</th>
<th>RADIUS</th>
<th>DELTA</th>
<th>TANGENT CHORD</th>
<th>CHORD BEARING</th>
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<tr>
<td>C1</td>
<td>29.71'</td>
<td>80.00'</td>
<td>21°16'32&quot;</td>
<td>10.63'</td>
<td>26°54&quot;</td>
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<tr>
<td>C2</td>
<td>601.88'</td>
<td>47.00'</td>
<td>184°53'29&quot;</td>
<td>320.86'</td>
<td>83.29'</td>
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<tr>
<td>C3</td>
<td>29.71'</td>
<td>20.00'</td>
<td>68°51'41&quot;</td>
<td>13.71'</td>
<td>22.82'</td>
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<tr>
<td>C4</td>
<td>11.28'</td>
<td>20.00'</td>
<td>32°36'23&quot;</td>
<td>5.85'</td>
<td>11.23'</td>
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LINE DATA TABLE

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<th>LENGTH</th>
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<tbody>
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<td>L1</td>
<td>S 86°46'37&quot; E</td>
<td>27.13'</td>
</tr>
<tr>
<td>L2</td>
<td>A 35°50'01&quot; E</td>
<td>60.00'</td>
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</tbody>
</table>
Petition to Vacate

File No.: 1472

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

Pinellas County
Real Estate Management
Real Property Division