

BOARD OF COUNTY COMMISSIONERS

DATE: June 23, 2015

AGENDA ITEM NO. 39

Consent Agenda ☐

Regular Agenda ☐

Public Hearing ☒

 **County Administrator's Signature:**

Subject:

Quasi Judicial Petition to Vacate a Portion of an Easement.

Submitted By: Fannie Mae/Kristine Potvin
Keller Williams
5020 W Linebaugh Avenue
Suite 100
Tampa, FL 33624

File No.: 1479

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, AND IF GRANTED, ADOPT THE ATTACHED RESOLUTION PURSUANT TO FLORIDA STATE STATUTE 177.101, AND AUTHORIZE THE CLERK TO ATTEST AND RECORD THE RESOLUTION IN THE PUBLIC RECORDS OF PINELLAS COUNTY.

Summary Explanation/Background:

The subject petition seeks to vacate a portion of a drainage and utility easement along the north side of the property, in the Hillcrest Manor Subdivision, Section 17, Township 30 South, Range 15 East, Plat Book 67, Page 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. 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, Duke Energy Transmission and Distribution, Pinellas County Engineering and Technical Support, TECO Peoples Gas, TECO Electric and WOW!

The Petition was properly advertised in accordance with Florida Statute §177.101 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 owners have 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: Fannie Mae****TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement****Date: 6/2/2015 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>5/18</u>		
Real Est. Mgmt (Andrew Pupke)	<u>05/18/15</u>	<u>mp</u>	
DEI (Tom Farrand)	<u>4/17/2015</u>	<u>Approved in CATS</u>	
Legal (Chelsea Hardy)	<u>5/12/15</u>	<u>CDH</u>	
County Admin. (Paul Sacco)	<u>5/13/15</u>	<u>(PSS)</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)

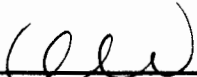
Comes now your Petitioner, Fannie Mae / Kristine Potvin
Name of Petitioner

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:



KRISTINE POTVIN
KELLER WILLIAMS

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and ~~subscribed before me~~ this 8th day of May, 20 15, by
Kristine Potvin. She is ~~personally known to me~~, or has produced _____ as
identification, and who did ~~(did not)~~ take an oath.



LEONARD D. GIAMANCO, JR.
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE856378
Expires 12/12/2016

NOTARY
SEAL

NOTARY
Print Name _____


My Commission Expires: _____ Commission Number: _____

JOB NO.: 150316		MURPHY'S LAND SURVEYING, INC. LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710	L.B. #7410
DRAWN BY: MRB	CHECKED BY: EDM		PHONE (727) 347-8740
DATE: 3/19/15			FAX (727) 344-4640

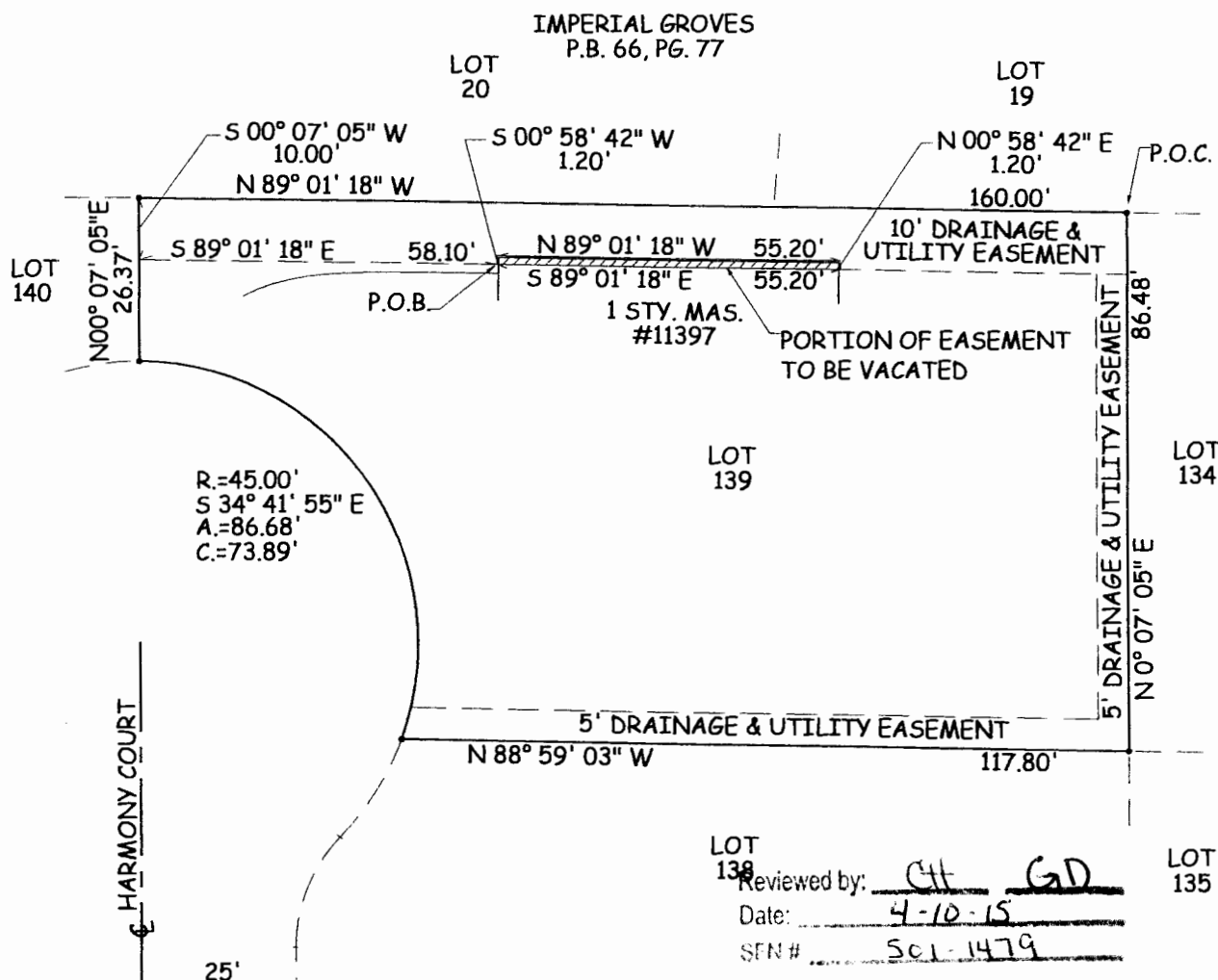
CERTIFIED TO: Justin Michalczak

SCALE: 1" = 30'

SKETCH
NOT A SURVEY

SEC. 17 TWP. 30 S. RGE. 15 E.

NORTH (PLAT)



SKETCH AND DESCRIPTION OF PORTION OF EASEMENT TO BE VACATED: Point of Commencement at the Northeast corner of Lot 139, HILLCREST MANOR FOURTH ADDITION, as recorded in Plat Book 67, Page 15 of the Public Records of Pinellas County, Florida; Thence North 89° 01' 18" West, a distance of 160.00 feet to the Northeast corner of Lot 140 and the Northwest corner of Lot 139; thence South 00° 07' 05" West, a distance of 10.00 feet; thence South 89° 01' 18" East, a distance of 58.10 feet to the Point of Beginning; thence South 89° 01' 18" East, a distance of 55.20 feet; thence North 00° 58' 42" East, a distance of 1.20 feet; thence North 89° 01' 18" West, a distance of 55.20 feet; thence South 00° 58' 42" West, a distance of 1.20 feet to the Point of Beginning.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in

Flood zone: X Comm. Panel No.: 125139 0114 G Map Date: 9/03/03 Base Flood Elev.: NA

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE); AND THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. (THIS SKETCH AND DESCRIPTION HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH). SKETCH AND DESCRIPTION NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

EDWARD D. MURPHY REG. P.L.S. # 5335

LEGEND:
 SEC. - SECTION R. - RADIUS N. - NORTH E. - EAST (P) - PLAT COMM. - COMMUNITY P.B. - PLAT BOOK P.O.C. - POINT OF COMMENCEMENT
 TWP. - TOWNSHIP A. - ARC S. - SOUTH W. - WEST (M) - MEASURED NO. - NUMBER PG. - PAGE P.O.B. - POINT OF BEGINNING
 RGE. - RANGE C. - CHORD R/W - RIGHT OF WAY BLK. - BLOCK ELEV. - ELEVATION REG. - REGISTERED P.L.S. - PROFESSIONAL LAND SURVEYOR
 L.B. - LICENSED BUSINESS

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1470

PETITIONER

USA FED NATL MTG ASSN/FANNIE MAE
11397 HARMONY COURT
LARGO, FLORIDA 33770

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

KRISTIN POTVIN
KELLER WILLIAMS
5020 W LINEBAUGH AVE
SUITE 100
TAMPA, FLORIDA 33624

BOSNIC, IBRAHIM
6026 N FAIRFIELD AVE
CHICAGO, IL 60659-3918

13596 IMPERIAL GROVE DR S
LARGO, FL 33774-4041

SANCHEZ, BRUNILDA R
11321 HARMONY CT
LARGO, FL 33774-4121

USA FED NATL MTG ASSN
950 E PACES FERRY RD STE 1900
ATLANTA, GA 30326-1384

HAUGHT, EASTON
HAUGHT, LAUREN
11320 HARMONY CT
LARGO, FL 33774-4121

ERMSCHER, ROB A
MOONEY-ERMSCHER, SUNNY J
11311 REGAL LN
LARGO, FL 33774-4134

MALONE, CYNTHIA
11391 REGAL LN
LARGO, FL 33774-4134

THOMAS, SAJEEV
JACOB, JESSY K
11355 HARMONY CT
LARGO, FL 33774-4121

HOLLE, MARY L
13582 IMPERIAL GROVE DR S
LARGO, FL 33774-4041

REYNOLDS, BERNICE E
11441 137TH ST N
LARGO, FL 33774-4006

NUNAN, JOHN S
NUNAN, MARY J
11351 REGAL LN
LARGO, FL 33774-4134

JAVID, KAMAL
JAVID, ELEANOR
11390 REGAL LN
LARGO, FL 33774-4134

11310 REGAL LANE LAND TR
INNOVATIVE SOL PARTNERS LL
PO BOX 751
INDIAN ROCKS BCH, FL 33785

13614 IMPERIAL GROVE DR S
LARGO, FL 33774-4041

POPIOLEK, THOMAS F JR TRE
POPIOLEK, MARY E TRE
13632 IMPERIAL GROVE DR S
LARGO, FL 33774-4041

MOORE, JOHN J
11468 IMPERIAL GROVE DR E
LARGO, FL 33774-4035

MC DEAVITT, LISA
11461 137TH ST N
LARGO, FL 33774-4006

HILLEBRAND, MELISSA L
11340 HARMONY CT
LARGO, FL 33774-4121

MC CLENDON, PATRICIA
11452 IMPERIAL GROVE DR W
LARGO, FL 33774-4045

11462 IMPERIAL GROVE DR W
LARGO, FL 33774-4045

U S BANK NATL ASSN TRE
1661 WORTHINGTON RD STE 100
WEST PALM BEACH, FL 33409

BEESE, GARY R
BEESE, LORENE R
11350 REGAL LN
LARGO, FL 33774-4134

WIGGINS, REBECCA S TRUST
WIGGINS, REBECCA S TRE
11380 HARMONY CT
LARGO, FL 33774-4121

MERTES, FLORENCE G
13568 IMPERIAL GROVE DR S
LARGO, FL 33774-4041

MICHALCZAK, JUSTIN
190 112TH AVENUE NO
APT. 1601
ST. PETERSBURG, FL 33716

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RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF A DRAINAGE AND UTILITY EASEMENT ALONG THE NORTH SIDE OF THE PROPERTY LOCATED IN LOT 139, HILLCREST MANOR FOURTH ADDITION, SECTION 17, TOWNSHIP 30, RANGE 15 EAST AS RECORDED IN PLAT BOOK 67, PAGE 15, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

WHEREAS, Fannie Mae, 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:

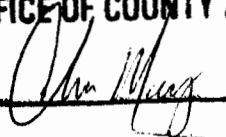
AYES:

NAYS:

ABSENT AND NOT VOTING:

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By



Attorney

LEGEND:							P.O.C. - POINT OF COMMENCEMENT
SEC. - SECTION	R. - RADIUS	N. - NORTH	E. - EAST	(P) - PLAT	COMM. - COMMUNITY	P.B. - PLAT BOOK	P.O.B. - POINT OF BEGINNING
TWP. - TOWNSHIP	A. - ARC	S. - SOUTH	W. - WEST	(M) - MEASURED	NO. - NUMBER	PG. - PAGE	P.L.S. - PROFESSIONAL LAND SURVEYOR
RGE. - RANGE	C. - CHORD	R/W - RIGHT OF WAY	BLK. - BLOCK	ELEV. - ELEVATION	REG. - REGISTERED		L.B. - LICENSED BUSINESS

Petition to Vacate

File No.: 1479

