

BOARD OF COUNTY COMMISSIONERS

DATE: February 19, 2008

AGENDA ITEM NO. 5

Consent Agenda **Regular Agenda** **Public Hearing**

County Administrator's Signature
[Handwritten Signature]

Subject:

Termination of Easement by General Release, for a Sewer Easement
Property Address: 800 Columbia Avenue
Palm Harbor, Florida 34683
File No. 1269

Department:

Public Works/
Real Estate

Staff Member Responsible:

Jan R. Herbst, P.E., Director/
James R. Meloy, Manager

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS APPROVE THE ATTACHED TERMINATION OF EASEMENT BY GENERAL RELEASE, TO RELINQUISH INTEREST IN A SEWER EASEMENT, AND AUTHORIZE THE CHAIRMAN TO SIGN AND THE CLERK TO ATTEST.

Summary Explanation/Background:

This request for the termination of a sewer easement over the east 20 feet of vacated public right-of-way formerly known as Seventh Street, located west of the north 1/2 of Block 45, in the Town of Sutherland Subdivision, is associated with the owners' desire to develop their property. The owners, Stephen P. O'Harrow and Janet O'Harrow, are the fee simple title holders of the easement that is requested to be terminated. The release of this sewer easement 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 termination would not have an adverse effect on the remaining easement area. Additionally, a Letter of No Objection was received from Pinellas County Utilities. Letters of No Objection were not requested or required from other utilities, since this sewer easement was granted solely for a sanitary sewer and other utilities have no rights to its use.

Research has found that there is no current Homeowners Association for the Town of Sutherland Subdivision.

Fiscal Impact/Cost/Revenue Summary:

There are no County funds involved in this transaction.

[Handwritten mark]

Exhibits/Attachments Attached:

Contract Review Transmittal
Termination of Easement by General Release
Letter of No Objection
Letter of Request Dated January 18, 2007
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP
REAL ESTATE DIVISION

Subject: Termination of Easement by General Release Owners: Stephen P. O'Harrow and Janet O'Harrow

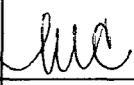
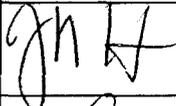
Prepared By: Cynthia M. Harris

Telephone No.: 43773

Parcel No.: 01/28/15/88560/045/0002

PLEASE RETURN TO DEPARTMENT OF PUBLIC WORKS
ATTN: BARBARA KUHL, 4TH FLOOR

Please review the attached Agreement and indicate any necessary revisions IN RED. Please make your review as complete and as soon as possible.

Review Sequence	Review Authority	Review Date	Signature	Review Comments	Comments Incorporated
1.	Public Works Administration Attn: Merry Celeste	1/22/08			
2.	Public Works Administration Attn: Barbara Kuhl, C.P.M.	1/24/08			
3.	Public Works Administration Attn: Jan R. Herbst, P.E.	1/24/08			
4.	Risk Management Beth Wininger, Director	1/25/08			
5.	County Administration Attn: Peter J. Yauch, P.E.	1/28/08			
6.	Approve as to Form Don Crowell	1/30/08			

Prepared by and return to:
James R. Meloy, Real Estate Division
Attn: Cynthia M. Harris
509 East Avenue South
Clearwater, FL 33756

TERMINATION OF EASEMENT BY GENERAL RELEASE

THIS TERMINATION OF EASEMENT BY GENERAL RELEASE is entered into this ____ day of _____, 20__, by PINELLAS COUNTY, Attention Real Estate Division, whose address is 509 East Avenue South, Clearwater, Florida 33756, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY."

WHEREAS, a sewer easement was granted to Pinellas County on April 19, 1966, and recorded in Pinellas County Official Records, Book 2380, Page 113 to and over the following described property:

The East 20' of 7th Street, lying west of the north ½ of Block 45, Town of Sutherland Subdivision as recorded in Plat Book H1, page 1, public records of Hillsborough County of which Pinellas County was formerly a part; and

WHEREAS, the property is currently owned by Stephen P. O'Harrow and Janet O'Harrow, in fee simple by a Warranty Deed, as recorded in Official Records Book 15650, Page 1072; and

WHEREAS, the owners have requested termination of the sewer easement, to allow greater flexibility in the development of their property; and

WHEREAS, the COUNTY has no present nor any foreseeable future need to retain this easement.

NOW, THEREFORE, for the sum of One Dollar (\$1.00), the receipt of which is hereby acknowledged, the COUNTY does release interest in that easement granted to Pinellas County on April 19, 1966, and recorded in Official Records Book 2380, Page 113, in favor of Stephen P. O'Harrow and Janet O'Harrow and their successors and assigns.

IN WITNESS WHEREOF, Pinellas County does hereunder set its respective hand and seal effective on the date shown above.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

ATTEST:

KEN BURKE,
Clerk of the Circuit Court

COUNTY:

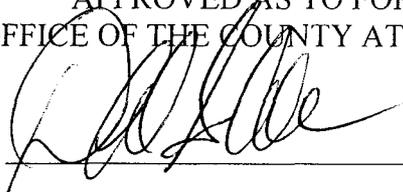
PINELLAS COUNTY, FLORIDA
By and through its Board of
County Commissioners

By: _____
Deputy Clerk

By: _____
Chairman

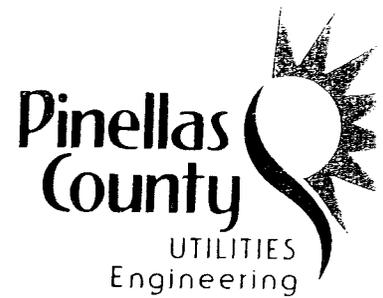
(OFFICIAL SEAL)

APPROVED AS TO FORM
OFFICE OF THE COUNTY ATTORNEY

By:  _____

**BOARD OF COUNTY
COMMISSIONERS**

Ronnie E. Duncan - Chairman
Robert B. Stewart - Vice Chairman
Calvin D. Harris
Susan Latvala
John Morroni
Karen Williams Seel
Kenneth T. Welch



Stephen O'Harrow
818 Edgehill Drive
Palm Harbor, FL 34684

January 9, 2007

RE: Petition to Vacate Easement over 7th Street
West of North ½ of Unplatted Block 45, Town of Sutherland
West End of Columbia Avenue
Adjacent to 01/28/15/88560/045/0002

Dear Mr. O'Harrow:

We have received your request for a letter of no objection to vacate an easement over 7th Street as referenced above. Pinellas County Utilities has no facilities in that location and therefore, we have no objection to the proposed vacation.

If you have questions or need further assistance you may reach me at (727) 464-3588.

Sincerely,

Pinellas County Utilities

A handwritten signature in cursive script, appearing to read "Sandra L. McDonald".

Sandra L. McDonald, P.E.
Public Works Engineering Supervisor

PLEASE ADDRESS REPLY TO:
14 S. Ft. Harrison Avenue
Clearwater, Florida 33756
Phone: (727) 464-3588
FAX: (727) 464-3595
Website: www.pinellascounty.org



Stephen O'Harrow
818 Edgehill Drive
Palm Harbor, FL 34684
Ph: 813-505-9740

James Meloy
Real Estate Division
509 East Avenue South
Clearwater, FL 33756

January 18, 2007

RE: Termination of easement for existing Sanitary Sewer Easement on the East 10 feet of previously vacated 7th Street, Palm Harbor.

Dear Mr. Meloy,

I would like to request that the easement on the East 10 feet of previously vacated 7th Street in Palm Harbor be terminated along the West side of the North ½ Block 45 (Section 2 Township 28 South Range 15 East) and along the West side of Columbia Ave (Columbia Ave. being adjacent to the North ½ Block 45). I spoke with Mary Jo Hughes regarding this termination on January 17, 2006 and she requested that I submit a letter to you requesting this termination. I appreciate your consideration and would be happy to provide any additional information/documentation that you need.

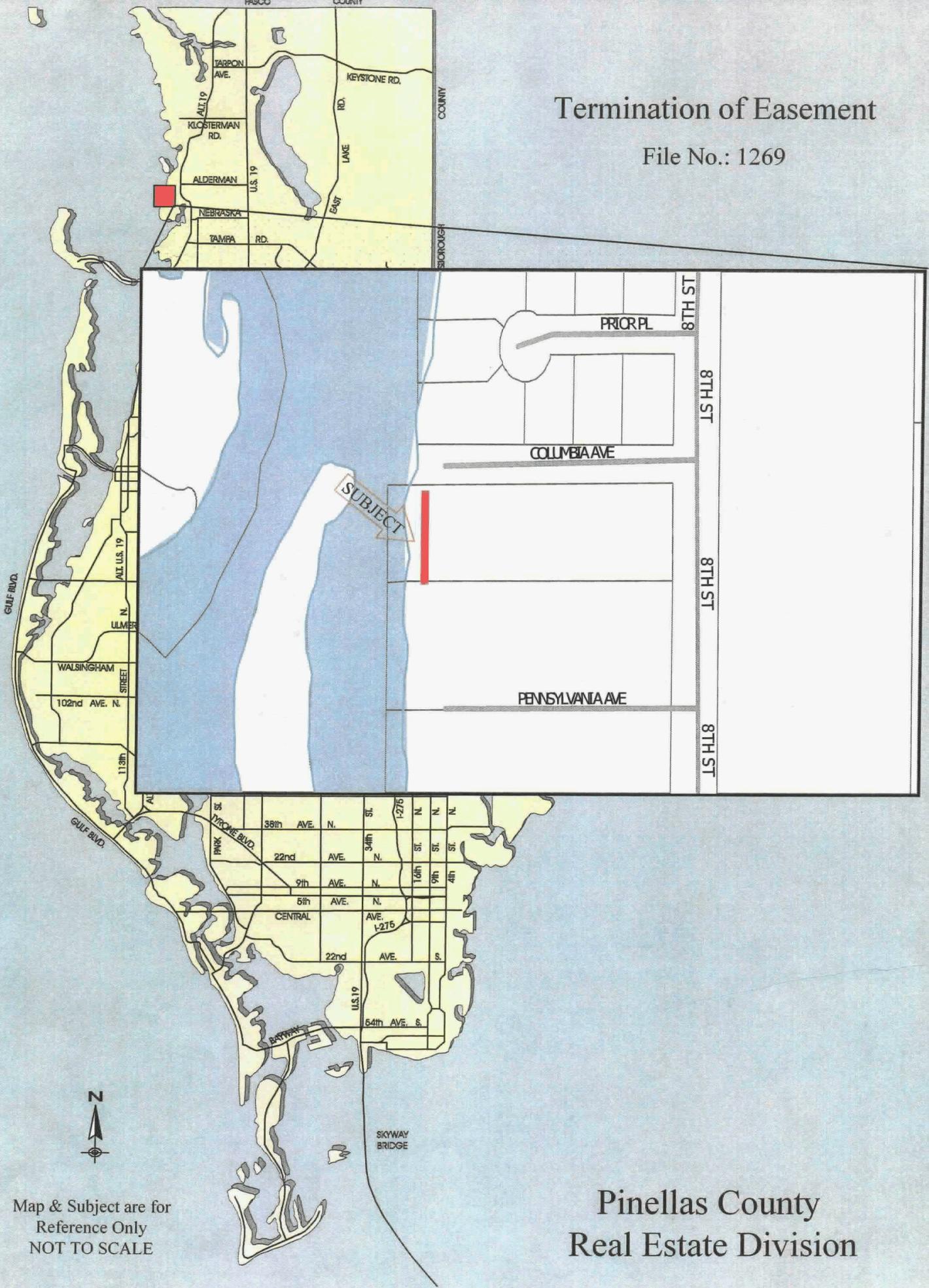
Sincerely,

A handwritten signature in black ink, appearing to read "Stephen O'Harrow". The signature is fluid and cursive, with the first name "Stephen" being the most prominent part.

Stephen O'Harrow

Termination of Easement

File No.: 1269



Map & Subject are for
Reference Only
NOT TO SCALE

Pinellas County
Real Estate Division