

BOARD OF COUNTY COMMISSIONERS

DATE: November 17, 2009
AGENDA ITEM NO.

40.

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature:

Subject:

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: Nasser A. Moukaddem
Property Address: 14509 Teal Court
Clearwater, Florida 33762
File No.: 1357

Department:

Real Estate Management

Staff Member Responsible:

Paul S. Sacco, Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BCC) ACCEPT THE PETITION TO VACATE, 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 petition to vacate a portion of a utility easement on Lot 11, Feather Sound Custom Home Site Unit III Subdivision, is associated with the owners' desire to replace existing pool enclosure, deck and patio cover as well as clearing the title of the encroachment.

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 not indicated the need to seek a variance. Additionally, Letters of No Objection have been received from Bright House, Knology, Pinellas County Utilities, Progress Energy (Distribution), Progress Energy (Transmission), and Verizon.

County, Department of Real Estate Management solicited comments from various Feather Sound community groups and their responses follow:

Feather Sound Alliance: no objection/in favor

Feather Sound Custom Home Site III Homeowners' Association Inc.: no objection/in favor

Notice was mailed by the Clerk of the Court to the adjacent property owners and nearby residents, in accordance with Florida Statute requirements. The Deputy Clerk will report any citizen support or opposition to the BCC.

Fiscal Impact/Cost/Revenue Summary:

The owner has paid a \$550 filing fee.

Exhibits/Attachments Attached:

Petition to Vacate

Notification List

Resolution

Location Map

SUBMITTED TO THE BOARD OF COUNTY COMMISSIONERS
OF PINELLAS COUNTY, FLORIDA

PETITION TO VACATE, PLAT OR PORTION OF PLAT (EASEMENT)

Comes now your Petitioner, Nasser A. Moukaddem
Name of Petitioners

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:

24
Nasser A. Moukaddem

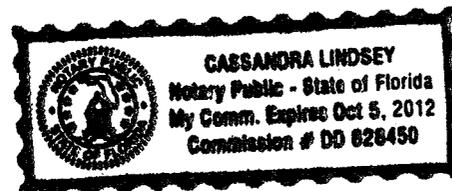
STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 15th day of October, 2009,
by Nasser A. Moukaddem. He is personally known to me, or has produced ID
as identification, and who did (did not) take an oath.

NOTARY
SEAL

NOTARY Cassandra Lindsey
Print Name Cassandra Lindsey

My Commission Expires: DD 828450 Commission Number: Oct 5, 2012

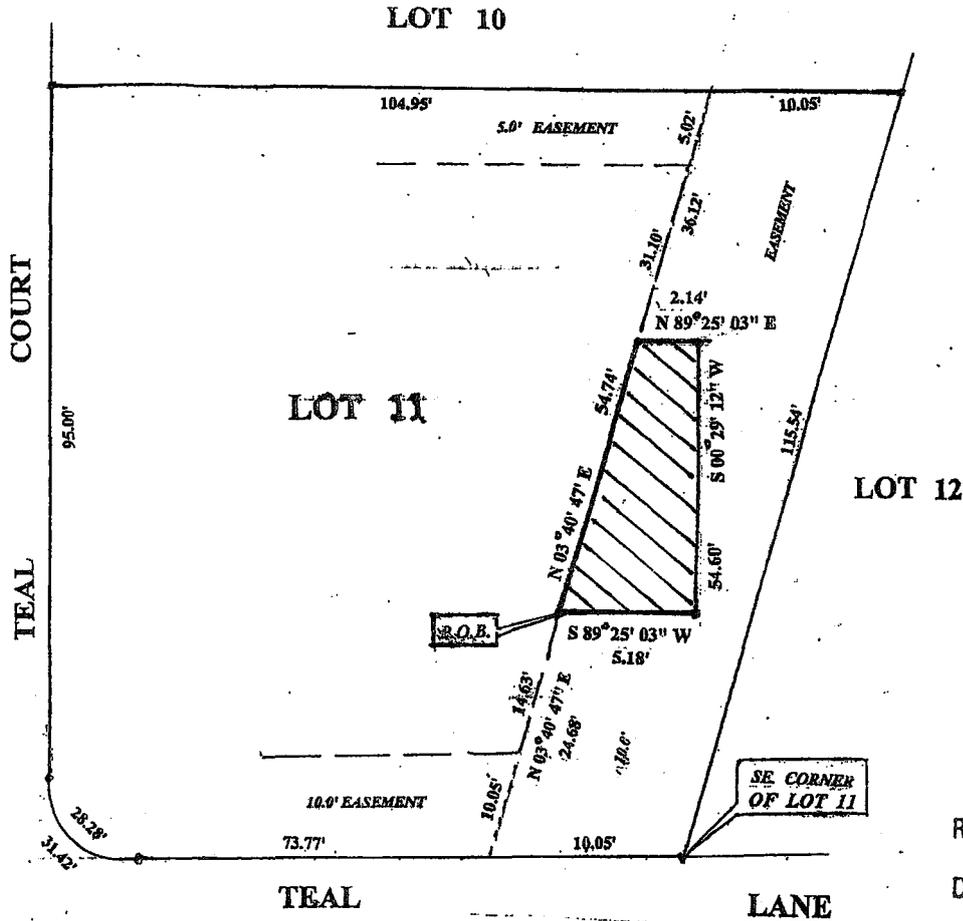


LEGAL DESCRIPTION AND SKETCH

10177

PREPARED FOR: NASSER A. MOUKADDEM

SEC. 2 , TWP. 30 S, RGE. 16 E.



Reviewed by: LL CS
 Date: 9/11/09

LEGAL DESCRIPTION FOR PARTIAL VACATION OF EASEMENT

FROM THE SOUTHEAST CORNER OF LOT 11, FEATHER SOUND CUSTOM HOME SITE UNIT III, AS RECORDED IN PLAT BOOK 73, PAGES 12 AND 13, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, RUN THENCE S 88 deg. 07' 28" W, ALONG THE SOUTH LINE OF SAID LOT 11, 10.05 FT.; THENCE RUN N 03 deg. 40' 47" E, ALONG THE EASEMENT LINE, 24.68 FT. FOR THE POINT OF BEGINNING; THENCE CONTINUE N 03 deg. 40' 47" E, ALONG SAID EASEMENT LINE, 54.74 FT.; THENCE N 89 deg. 25' 03" E, 2.14 FT.; THENCE S 00 deg. 29' 12" W, 54.60 FT.; THENCE S 89 deg. 25' 03" W, 5.18 FT. TO THE POINT OF BEGINNING.

LEGEND: FIR - FOUND IRON ROD, FCIR - FOUND CAPPED IRON ROD, SCIR - SET CAPPED IRON ROD, FIP - FOUND IRON PIPE, FCIP - FOUND CAPPED IRON PIPE, FND - FOUND NAIL & DISC, SND - SET NAIL & DISC, FCM - FOUND CONCRETE MONUMENT, PRM - PERMANENT REFERENCE MONUMENT, PCP - PERMANENT CONTROL POINT, PI - POINT OF INTERSECTION, ROW - RIGHT-OF-WAY, ELEV. - ELEVATION, CBS - CONCRETE BLOCK STRUCTURE, CONC - CONCRETE, ASPH - ASPHALT, PAVT - PAVEMENT, COV - COVERED, D - DEED, SEC - SECTION, TWP - TOWNSHIP, RGE - RANGE, P - PLAT, M - MEASURED, ESMT - EASEMENT, R - RADIUS, A - ARC, CH - CHORD, CB - CHORD BEARING, STY - STORY, CLF - CHAIN FENCE, WF - WOOD FENCE

I, WILLIAM C. KEATING, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SURVEY REPRESENTED HEREON, AS MEETING THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 473.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 61-G17-6 DEPT. OF PROFESSIONAL REGULATION.

ELEVATION STATEMENT: THIS IS TO CERTIFY THAT WE HAVE OBTAINED ELEVATIONS SHOWN HEREON, OF THE ABOVE DESCRIBED LAND. THESE ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM, 1988. BENCH MARKS PER PINELLAS COUNTY ENGINEERING DEPT. OR FEMA MAPS. FLOOD ZONE DISTINCTIONS ARE BASED UPON THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS ISSUED TO BE DUE TO INCONSISTENCIES FOUND IN THESE MAPS, THE ZONES ARE AN APPROXIMATE ESTIMATION TO THE BEST OF OUR ABILITY.

COMMUNITY NO. 12519	PANEL NO. 0143G	MAP DATE 9-03-03	APPEARS TO BE IN FLOOD ZONE AE	BASE FLOOD ELEVATION 9.00
DRAWN BY KW	DATE 12-30-08	ALLIED SURVEYING 4275 NO. HIGHLAND AVENUE CLEARWATER, FLORIDA 33755 TEL. 727-446-1163		
CHECKED BY WKC	SCALE NOT TO SCALE	WILLIAM C. KEATING, R.L.S. #1528, LB #6423		

PROPERTY OWNER NOTIFICATION LIST FOR FILE #1357

PETITIONER

NASSER A. MOUKADDEM
14509 TEAL COURT
CLEARWATER, FLORIDA 33762

ADJACENT PROPERTY OWNERS

NOTIFICATION LETTER SENT TO THESE OWNERS
BY THE CLERK OF THE CIRCUIT COURT – BCC RECORDS DIVISION

KEVORKIAN, JOHN J
KEVORKIAN, NANCY R
2950 TEAL LN
CLEARWATER, FL 33762-3065

HAMADEH, AHMAD A
PO BOX 17744
CLEARWATER, FL 33762-0744

DONADIO, WAYNE M
DONADIO, TONI M
2951 TEAL LN
CLEARWATER, FL 33762-3066

WACHTER, LAURIE
WACHTER, LEIGH
2823 SANDPIPER PL
CLEARWATER, FL 33762-3016

BARNUM, GERALD S
BARNUM, MAUREEN A
2917 SANDPIPER PL
CLEARWATER, FL 33762-3059

EATON, WILLIAM
EATON, MARY BETH
2858 SANDPIPER PL
CLEARWATER, FL 33762-3015

EAST, CLARK D
EAST, ELAINE S
2933 SANDPIPER PL
CLEARWATER, FL 33762-3059

COGHILL, STEPHEN C
RUE, SHEILA R
1005 PARKMAN ST
ALTADENA, CA 91001

POWERS, THOMAS J & SUSAN J
POWERS, THOMAS J TRE
14521 TEAL CT
CLEARWATER, FL 33762-3064

AMEEN, EDWARD
2811 SANDPIPER PL
CLEARWATER, FL 33762-3016

LAGOR, RAYMOND
LAGOR, JOYCE
2834 SANDPIPER PL
CLEARWATER, FL 33762-3015

RILEY, NANCY J
RILEY, JAMES T
2967 TEAL LN
CLEARWATER, FL 33762-3066

KELLER, PAMELA M
KELLER, PATRICK M
14534 TEAL CT
CLEARWATER, FL 33762-3064

GODFREY, WILLIAM H
GODFREY, MARILYN L
2846 SANDPIPER PL
CLEARWATER, FL 33762-3015

WILLIAMS, MICHAEL D
WILLIAMS, ROBYN S
14529 FEATHER SOUND DR
CLEARWATER, FL 33762-3006

JACOB, LALITHA
JACOB, POTHEN
2822 SANDPIPER PL
CLEARWATER, FL 33762-3015

CANNEY, GREGORY
MARIN-CANNEY, DONNA
2997 SANDPIPER PL
CLEARWATER, FL 33762-3059

JEFFERIES, RAY P
JEFFERIES, JANET C
2983 TEAL LN
CLEARWATER, FL 33762-3066

MASUT, MICHAEL J
MASUT-LANG, BARBARA
14522 TEAL CT
CLEARWATER, FL 33762-3064

NATALE, PAUL M
NATALE, DREMA K
2810 SANDPIPER PL
CLEARWATER, FL 33762-3015

YOUNG, L GEOFFREY
FRENCH, MELISA A
2902 TEAL LN
CLEARWATER, FL 33762-3065

LANZA, DONALD C
LANZA, SUZANNE T
2918 TEAL LN
CLEARWATER, FL 33762-3065

CHRISTOPHERSEN, DONALD A
2966 TEAL LN
CLEARWATER, FL 33762-3065

RAVENEL, STEPHEN D
RAVENEL, DIANNE M
2982 TEAL LN
CLEARWATER, FL 33762-3065

TUCKER, JOHN V
2965 SANDPIPER PL
CLEARWATER, FL 33762-3084

STOCK, PAUL
STOCK, ARABELA C
2949 SANDPIPER PL
CLEARWATER, FL 33762-3059

KIMBRELL, JAMES S
KIMBRELL, VALLE J
14547 FEATHER SOUND DR
CLEARWATER, FL 33762-3006

KINSEL, JOHN C
KINSEL, LYLA R
2901 SANDPIPER PL
CLEARWATER, FL 33762-3059

BASTAS, CHRISTOPHER D
BASTAS, ELIZABETH A
2934 TEAL LN
CLEARWATER, FL 33762-3065

NOVAK, MICHAEL J
NOVAK, MARGARET M
2998 TEAL LN
CLEARWATER, FL 33762-3065

REAL PROPERTY DIVISION
ATTN: JIM MELOY
509 EAST AVENUE S
CLEARWATER, FL 33756

RESOLUTION NO. _____

**RESOLUTION VACATING A PORTION OF A UTILITY
EASEMENT ON LOT 11, FEATHER SOUND – CUSTOM
HOME SITE UNIT III SUBDIVISION, AS RECORDED IN
PLAT BOOK 73, PAGES 12 AND 13, IN THE NW ¼
SECTION 2-30-16 OF THE PUBLIC RECORDS OF
PINELLAS COUNTY, FLORIDA**

**WHEREAS, Nasser A. Moukaddem 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 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 Petitioners 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 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.

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:

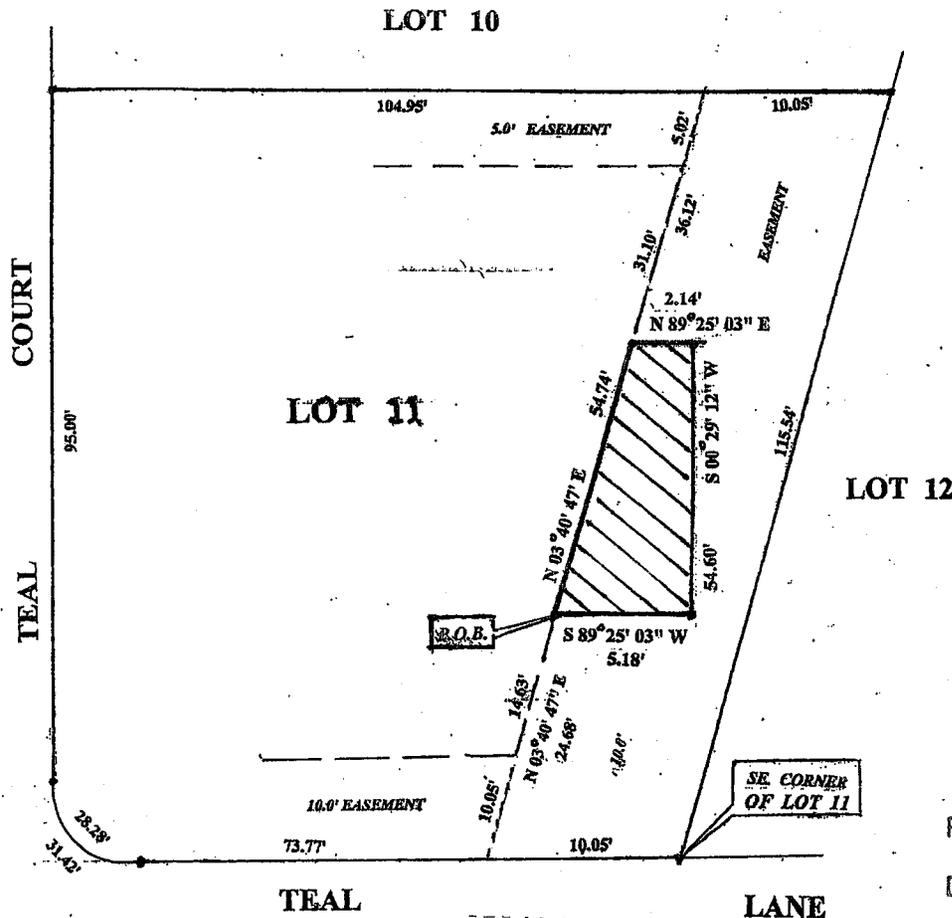
APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney

LEGAL DESCRIPTION AND SKETCH

PREPARED FOR: NASSER A. MOUKADDEM

SEC. 2 , TWP. 30 S, RGE. 16 E.



Reviewed by: LL CS
Date: 9/11/09

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DRAWN BY: KW	DATE: 12-30-08	ALLIED SURVEYING 2275 NO. HIGHLAND AVENUE CLEARWATER, FLORIDA 33755 TEL 727-446-1263 WILLIAM C. KEATING, R.L.S. #1528, L.B. #6423		
CHECKED BY: WKC	SCALE: 1/10 FT TO SCALE			

