

BOARD OF COUNTY COMMISSIONERS

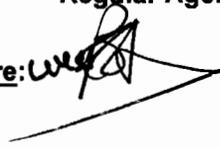
DATE: August 9, 2011

AGENDA ITEM NO. /

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature: 

Subject:

Legislative Petition to Vacate a Portion of ROW per §336.09 Florida State Statutes, 2011.

Submitted By: Bart Leland Mickler and Suzi Mickler

Property Address: 1342 Riverside Avenue
Tarpon Springs, Florida 34689

File No.: 1393

Department:

Real Estate Management

Staff Member Responsible:

Paul S. Sacco, Director

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:

This petition to vacate a portion of the Right of Way known as Riverside Avenue in the Minnehaha Terrace Subdivision is associated with the owners' desire to acquire and maintain the property. The right of way for Riverside Avenue only exists adjacent to the owner's property and this section does not provide access to any other property.

The petitioners are the apparent owners 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. A general utility easement will be retained over the entire vacated area for access and maintenance. Building Development Review Services has not indicated the need to seek a variance. Additionally, Letters of No Objection have been received from Bright House, City of Tarpon Springs, Knology, Pinellas County Utilities, Progress Energy (Distribution), Progress Energy (Transmission), TECO and Verizon.

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 \$690 filing fee, plus advertising cost of \$60.

Exhibits/Attachments Attached:

Petition to Vacate
Notification List
Resolution
Location Map
Contract Review Transmittal

CONTRACT REVIEW TRANSMITTAL SLIP

PROJECT: Bart Leland Mickler and Suzi Mickler

TYPE: Legislative Petition to Vacate a portion of Right of Way

Date: 8/9/2011 ESTIMATED EXPENDITURE/REVENUE:

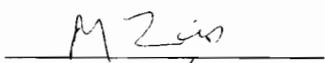
\$ 750.00

(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. (Dave Delmonte)	<u>7-11-11</u>		_____
Real Est. Mgmt (Paul Sacco)	<u>7/11/11</u>		_____
Legal (Michael Zas)	<u>7/11/11</u>		_____
County Admin. (Mark Woodard)	<u>7/12/11</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 , 2011
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

Cynthia Tarapani, As Authorized Agent for
Comes now your Petitioner, Bart Leland Mickler & Suzi Mickler
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 petitioners represent that: 1) the petitioners 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:

Cynthia Tarapani
Cynthia Tarapani

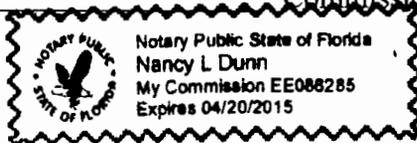
STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 30th day of JUNE, 2011,
by Cynthia Tarapani for Bart Leland Mickler and Suzi Mickler. She is personally known to me, ~~or has~~
~~produced~~ _____ as identification, and ~~who did (did not) take an oath.~~

NOTARY
SEAL

NOTARY Nancy L. Dunn
Print Name _____

My Commission Expires: _____ Commission Number: _____



AFFIDAVIT TO AUTHORIZE AGENT

Names of all Property Owners on Deed: Bart Leland Mickler and Suzi Mickler

I am/ we are the owners and record title holders of the following property generally located at 1342 Riverside Avenue, Tarpon Springs, Florida, 34689. The legal description of the subject property is Lot 1 and the south 1/2 of Lot 2, Block 1, Minnehaha Terrace as recorded in Plat Book 13, Page 21, Public Records of Pinellas County, Florida.

The above described subject property constitutes the property for which a request for the vacation of a portion of Riverside Avenue has been filed with Pinellas County.

The undersigned has appointed Cynthia Tarapani, Vice President, Florida Design Consultants, to act as their agent and execute any petitions or other documents necessary to affect the street vacation application.

This affidavit has been executed to induce Pinellas County to consider and act on the street vacation of the above described property.

We, the undersigned authority, hereby certify that the foregoing is true and correct.

[Handwritten signature of Bart Leland Mickler]

Bart Leland Mickler

[Handwritten signature of Suzi Mickler]

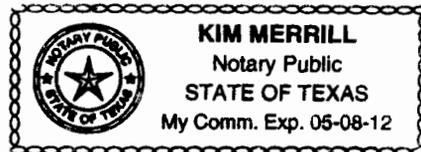
Suzi Mickler

Country of US, City/ County of Austin / Travis
Sworn to and subscribed before me this 24 day of Sept, 2010, by Bart Leland Mickler and Suzi Mickler, who are personally known to me/ have produced TX DL as identification.

[Handwritten signature of Notary Public]

Notary Public

My Commission Expires: May 8 2012



PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1393

PETITIONER

BART LELAND MICKLER
SUZI MICKLER
1342 RIVERSIDE AVENUE
TARPON SPRINGS, FLORIDA 34689

ADJACENT PROPERTY OWNERS

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

REAL PROPERTY DIVISION
ATTN: CYNTHIA HARRIS
509 EAST AVENUE S
CLEARWATER, FL 33756

VARNER, RAYMOND M
VARNER, T MOZELLE
290 TOCCOA CT
ELLIJAY, GA 30540-0899

POWERS, GAVER M III
POWERS, VIRGINIA K
1326 RIVERSIDE AVE
TARPON SPRINGS, FL 34689-6613

LEISNER, ANTHONY B
1350 RIVERSIDE AVE
TARPON SPRINGS, FL 34689-6614

VINSON, DANIEL B
436 E TARPON AVE
TARPON SPRINGS, FL 34689-4322

DELAND, WILLIAM D
DELAND, CHRISTINE
1358 RIVERSIDE AVE
TARPON SPRINGS, FL 34689-6614

THIS IS NOT A SURVEY

THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY. THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

BEARINGS ARE BASED UPON THE SOUTHEASTERLY LINE OF LOT 1, BLOCK 1, MINNEHAHA TERRACE, AS RECORDED IN PLAT BOOK 13, PAGE 21 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING ASSUMED AS S45°25'47"E.

LEGAL DESCRIPTION: RIGHT-OF-WAY VACATION

A parcel of land being a portion Riverside Avenue, according to MINNEHAHA TERRACE, as recorded in Plat Book 13, page 21 of the Public Records of Pinellas County, Florida, lying within Section 3, Township 27 South, Range 15 East, Pinellas County, Florida, being more particularly described as follows:

COMMENCE at the Northeast corner of Lot 1, Block 1, MINNEHAHA TERRACE, as recorded in Plat Book 13, page 21 of the Public Records of Pinellas County, Florida; thence S45°25'47"W, along the Southeasterly line of said Lot 1 (being the basis of bearings for this legal description), for 218.83 feet to the POINT OF BEGINNING; thence continue S45°25'47"W, along the Southerly extension of said Southeasterly line of Lot 1, for 44.70 feet to the point of intersection with a seawall, according to that certain Special Purpose Survey titled "Vacation of Right-of-Way" prepared by Mohammad B. Far, PLS 5545, job number 081010, dated 10-15-2008; thence N25°34'57"W, along said seawall, for 24.93 feet; thence N37°14'05"W, continuing along said seawall, for 52.64 feet to the point of intersection with the Southerly extension of the Northwesterly line of the South 1/2 of Lot 2, said Block 1, MINNEHAHA TERRACE; thence leaving said seawall, N45°00'00"E, along said Southerly extension of the Northwesterly line of the South 1/2 of Lot 2, for 46.09 feet to the point of intersection with the Southwesterly line of said Lot 2; thence S27°47'31"E, along said Southwesterly line of Lot 2 and the Southwesterly line of said Lot 1, respectively, for 72.79 feet to the point of curvature of a curve concave Northerly; thence Easterly, continuing along said Southwesterly line of Lot 1, along the arc of said curve, having a radius of 5.00 feet, a central angle of 106°46'42", an arc length of 9.32 feet, and a chord bearing S81°10'52"E for 8.03 feet to the POINT OF BEGINNING.

Containing 3,067 square feet or 0.070 acres, more or less.

Error of closure: 0.0089 feet (LCS)

Reviewed by: LL SZ
Date: 5/3/11

NOTE: THE GEOMETRY PERTAINING TO THE PARCEL OF LAND DESCRIBED HEREIN IS BASED UPON THAT CERTAIN SPECIAL PURPOSE SURVEY TITLED "VACATION OF RIGHT OF WAY" PREPARED BY MOHAMMAD B. FAR, PLS 5545, JOB NUMBER 081010, DATED 10-15-08, AND IS SUBJECT TO AN ACCURATE FIELD BOUNDARY SURVEY.

PREPARED FOR:

Mickler Anclote Property

SHEET DESCRIPTION:

Legal Description and Sketch of Right-of-Way Vacation

SCALE: NONE	DATE: 8-20-2010	DRAWN: LCS <i>h</i>	CALCED: LCS <i>u</i>	CHECKED: LCS <i>u</i>
JOB No.:	EPN:	SECTION:	TOWNSHIP:	RANGE:
2010-0032	408	3	27 S	15 E

SEE SHEET 1 FOR LEGAL DESCRIPTION
SEE SHEET 2 FOR SKETCH
REVISION 1: 4-20-2011(LCS)



FLORIDA DESIGN CONSULTANTS, INC.
ENGINEERS, ENVIRONMENTALISTS
SURVEYORS & PLANNERS

3030 Starkey Blvd.
New Port Richey, Florida 34655
(727) 849-7588

Certificate of Authorization: LB 6707
State of Florida

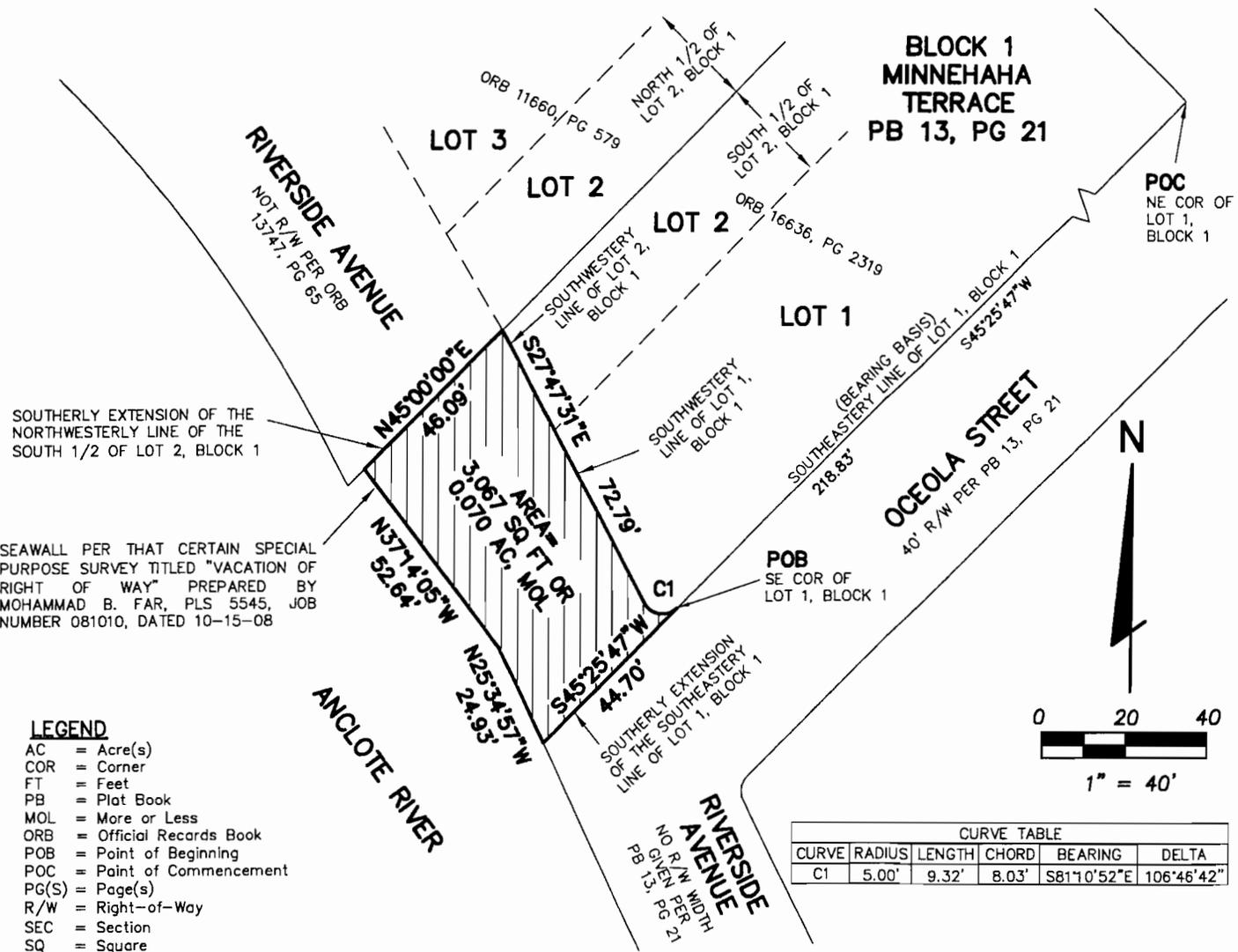
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LICENSED SURVEYOR AND MAPPER.

ROBERT C. WRIGHT, JR.
PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER LS 4965
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SOUTHERLY EXTENSION OF THE NORTHWESTERLY LINE OF THE SOUTH 1/2 OF LOT 2, BLOCK 1

SEAWALL PER THAT CERTAIN SPECIAL PURPOSE SURVEY TITLED "VACATION OF RIGHT OF WAY" PREPARED BY MOHAMMAD B. FAR, PLS 5545, JOB NUMBER 081010, DATED 10-15-08

LEGEND

- AC = Acre(s)
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- FT = Feet
- PB = Plat Book
- MOL = More or Less
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- POC = Point of Commencement
- PG(S) = Page(s)
- R/W = Right-of-Way
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- SQ = Square

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	5.00'	9.32'	8.03'	S81°10'52"E	106°46'42"

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PREPARED FOR: **Mickler Anclote Property**

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SCALE: 1" = 40'	DATE: 8-20-2010	DRAWN: LCS <i>W</i>	CALCED: LCS <i>A</i>	CHECKED: LCS <i>W</i>
JOB No.: 2010-0032	EPN: 408	SECTION: 3	TOWNSHIP: 27 S	RANGE: 15 E

SEE SHEET 1 FOR LEGAL DESCRIPTION
SEE SHEET 2 FOR SKETCH
REVISION 1: 4-20-2011(LCS)

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C/O CYNTHIA TARAPANI
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3030 STARKEY BOULEVARD
NEW PORT RICHEY, FLORIDA 34655

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DELAND, CHRISTINE
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RESOLUTION NO. _____

**RESOLUTION VACATING A PORTION OF RIVERSIDE AVENUE
RIGHT OF WAY, MINNEHAHA TERRACE SUBDIVISION, PLAT
BOOK 13, PAGE 21 IN SECTION 3-25-15.**

**WHEREAS, Bart Leland Mickler and Suzi Mickler, 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 Petitioners have shown 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, showing compliance with the notice
requirements of Chapter 336.10 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, 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 M. Las
ATTORNEY

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Date: 5/3/11

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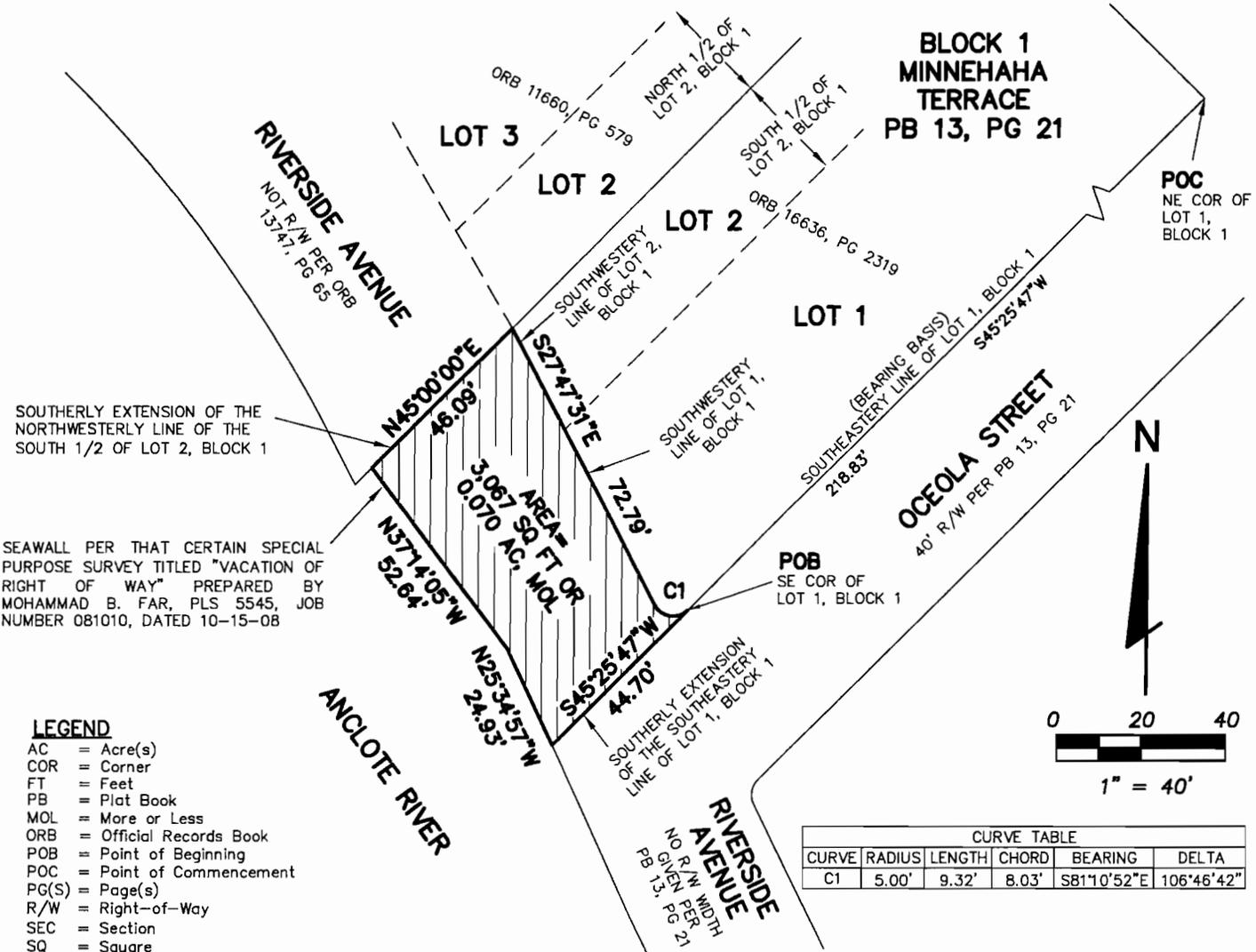
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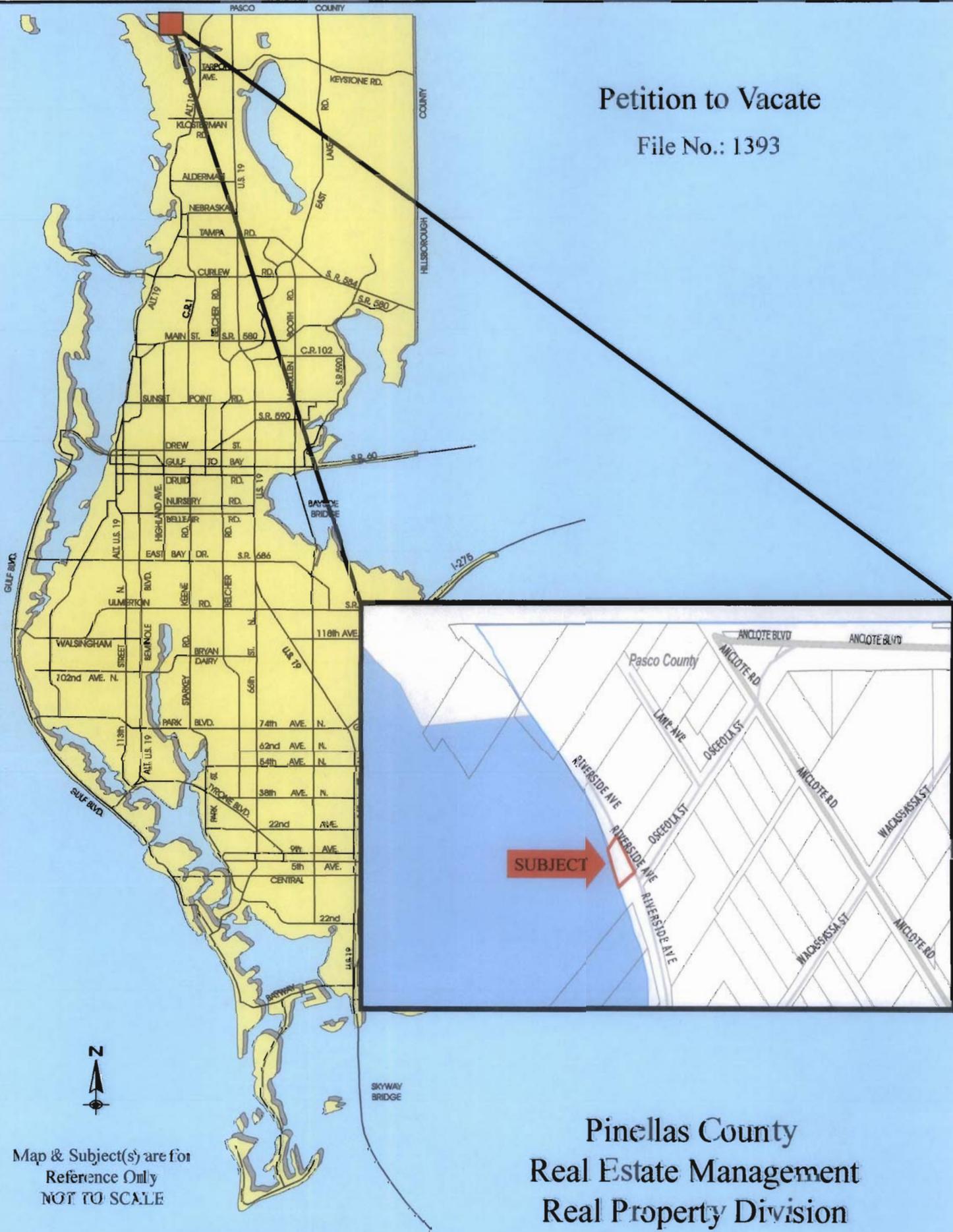
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LICENSE NUMBER LS 4965
STATE OF FLORIDA

Petition to Vacate

File No.: 1393



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

Pinellas County
Real Estate Management
Real Property Division