

BOARD OF COUNTY COMMISSIONERS

DATE: July 10, 2012
AGENDA ITEM NO. 3

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature

Subject:

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: Gordon & Caren Dore
Property Address: 2615 Hawks Landing Blvd.
Palm Harbor, Florida 34685
File No.: 1403

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 A PORTION OF THE 33 FOOT UPLAND BUFFER AND CONSERVATION EASEMENT, AND IF GRANTED, 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 33 foot upland buffer and conservation easement located in Lot 14, Block B, Hawks Landing Subdivision, is associated with the owners' desire to clear an encroachment of a screen/deck pool enclosure.

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.

The Petition was properly advertised in accordance with Florida Statute 177.101 and 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: Gordon & Caren Dore

TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement

Date: 6/19/2012 ESTIMATED EXPENDITURE/REVENUE:

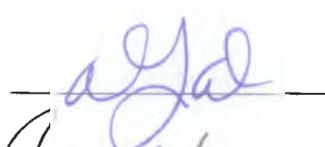
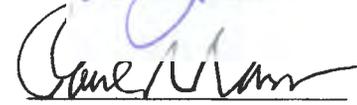
\$ 750.00

(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.*

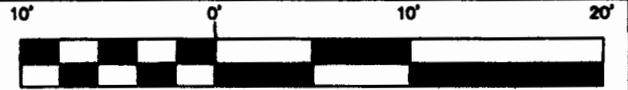
Upon completion of your review, please complete the Contract Review Transmittal Slip below and call 464-3672 at so that it can be picked up and taken to the next Review Authority on the list.

<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>5-10-12</u>		_____
Real Est. Mgmt (Paul Sacco)	<u>5/24/12</u>		<u>edit on bee memo</u>
Legal (Michael Zas)	<u>1/3 2</u>	<u>H2</u>	_____
County Admin. (Mark Woodard)	<u>6/11/12</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 , 2012
 All inquiries should be made to CYNTHIA HARRIS at telephone extension 43773 or 4-3672.

MAP OF LEGAL
DESCRIPTION & SKETCH
THIS IS NOT A SURVEY



SCALE : 1 " = 10.0'

SHEET 1 OF 2
SHEET 1 IS NOT VALID
WITHOUT SHEET 2

SURVEY
ABBREVIATIONS

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- ELY.= EASTERLY
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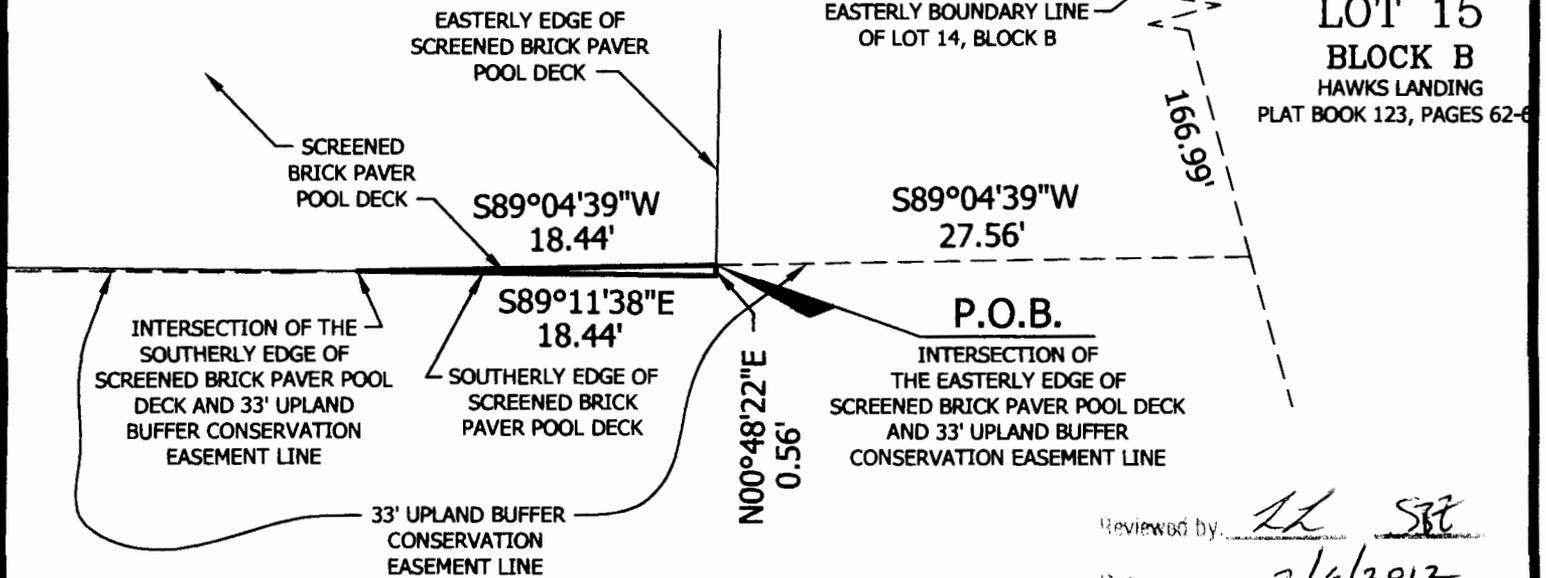
SEE SHEET 2 FOR
LEGAL DESCRIPTION

HAWK'S LANDING BOULEVARD
50' PRIVATE ROAD TRACT N

LOT 14
BLOCK B
HAWKS LANDING
PLAT BOOK 123, PAGES 62-67

P.O.C.
NORTHEASTERLY
BOUNDARY CORNER OF
LOT 14, BLOCK B
HAWKS LANDING
PLAT BOOK 123,
PAGES 62-67

LOT 15
BLOCK B
HAWKS LANDING
PLAT BOOK 123, PAGES 62-67



Reviewed by: *LL SBC*
Date: *2/6/2012*
SF2501 #1403

DATE OF DRAWING: 7/19/11
WORK ORDER NUMBER: 11-41
CERTIFIED TO:
GORDON DORE
MARC RUTENBERG HOMES, INC.

C **Surveying, Inc.**
CERTIFICATE OF AUTHORIZATION LB. # 7814
5327 COMMERCIAL WAY STE C-113
SPRING HILL, FL 34606
PHONE (352) 596-6682 / FAX. (352) 596-8636

Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map / report is for informational purposes only and is not valid. Additions or deletions to survey maps or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.
W. Kemp Morris 1/24/2012
Wth KEMP MORRIS SURVEYOR AND MAPPER #2878

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DESCRIPTION AS CREATED:

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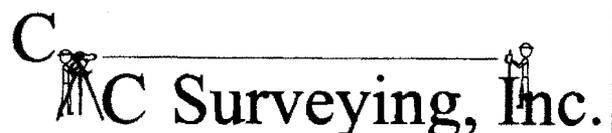
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CONTAINING 5.13 SQ.FT. MORE OR LESS
0.0001 ACRES MORE OR LESS

Surveyor's Notes:

- 1.) This Sketch has been prepared without the benefit of an Abstract of Title or Title Commitment and is subject to any Dedications, Limitations, Restrictions, Reservations, and/or Easements of Record. No instruments of record reflecting easements, rights-of-way, and/or ownership were furnished this surveyor except as shown.
- 2.) There may be additional Easements, Restrictions and/or Reservations affecting this property that may or may not be found in the public records of this county.
- 3.) No information on adjoining property owners or adjoining property recording information was provided to this surveyor.
- 4.) The Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- 5.) This Sketch does not reflect or determine ownership lines, lines affected by adverse use, lines of conflicting/overlapping deeds, or other lines that may otherwise be determined by a court of law.
- 6.) This Sketch has been prepared expressly for the named entities and is not transferable. No other person or entity is entitled to rely upon and/or re-use this Sketch for any purpose whatsoever without the express written consent of C&C Surveying, Inc. and the certifying Professional Surveyor and Mapper.
- 7.) Nothing herein shall be construed to give any rights or benefits to anyone other than those certified to on this Sketch.
- 8.) Printed dimensions shown on the Map of Sketch supersede scaled dimensions. There may be items drawn out of scale to graphically show their location.
- 9.) The words "Certified To:", as shown and used hereon, means an expression of the Professional Surveyor's opinion regarding the facts of the Sketch based on his best knowledge, information and belief, and that it thus constitutes neither a guarantee nor a warranty, either expressed or implied.
- 10.) Acceptance of this Sketch plat or use of the corner Monuments found or set during the performance of the field Sketch hereby limit the undersigned liability related to professional negligent acts, errors, or omissions to an amount not to exceed the fee charged.
- 11.) Accuracy: the expected use of surveyed lands, as classified in the Minimum Technical Standards (5J-17, Florida Administrative Code), is "Suburban". The minimum relative distance accuracy for this type of boundary is one foot in seven thousand five hundred feet. The accuracy obtained by field-measured control measurements and calculations was found to exceed this requirement.
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DATE OF DRAWING: 7/19/11
WORK ORDER NUMBER: 11-41

C
C Surveying, Inc.

CERTIFICATE OF AUTHORIZATION LB. # 7814
5327 COMMERCIAL WAY STE C-113
SPRING HILL, FL 34606
PHONE (352) 596-6682 / FAX. (352) 596-8636

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

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

Comes now your Petitioners, Gordon and Caren Dore represented by
George Nuebling for Marc Rutenberg Homes
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:

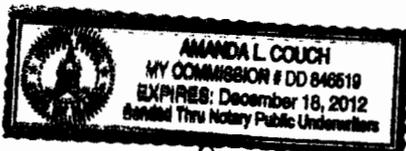


George Nuebling for Marc Rutenberg Homes

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 11 day of May, 2012, by
George Nuebling for Marc Rutenberg Homes. He is personally known to me, or has produced
_____ as identification, and who did (did not) take an oath.

NOTARY
SEAL



NOTARY
Print Name


Amanda L Couch

My Commission Expires: Dec. 18, 2012

Commission Number: DD 846519

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1403

PETITIONER

GORDON DORE
CAREN DORE
2615 HAWKS LANDING BLVD
PALM HARBOR, FLORIDA 34685

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

GOODSON, ALAN
GOODSON, LINDA
2619 HAWKS LANDING BLVD
PALM HARBOR, FL 34685-1751

FUSARI, RICHARD J
SIMMONS, SUSAN L
2661 HAWKS LANDING BLVD
PALM HARBOR, FL 34685-1751

TUSZYNSKI, MARK
JACARUSO, MARY F
2607 HAWKS LANDING BLVD
PALM HARBOR, FL 34685-1751

GHANEKAR, DILIP V
GHANEKAR, DEVYANI D
2625 HAWKS LANDING BLVD
PALM HARBOR, FL 34685-1751

PINELLAS COUNTY
ATTN: ENVIRONMENTAL MGMT
315 COURT ST
CLEARWATER, FL 33756-5165

QUALITY PROPERTIES ASSET MGMT CO
135 S LASALLE ST STE 925
CHICAGO, IL 60603

BELL, TERRY W
BELL, SHARON L
2603 HAWKS LANDING BLVD
PALM HARBOR, FL 34685-1751

MOFFATT, LESLIE S
MOFFATT, JUDY D
2610 HAWKS LANDING BLVD
PALM HARBOR, FL 34685-1754

HAWKS LANDING PRESERVATION ASSN
2655 MCCORMICK DR STE 200
CLEARWATER, FL 33759-1041

VAN WORP, ROBERT
4025 TAMPA RD
OLDSMAR, FL 34677-3208

DWINELL, DAVID J
DWINELL, SHERRY M
5792 STAG THICKET LN
PALM HARBOR, FL 34685-2536

RUTENBERG, MARC HOMES INC
2611 KEYSTONERD # B-4
TARPON SPRINGS, FL 34688-7403

MELILLI, STEVEN J
MELILLI, JULIE C
2643 HAWKS LANDING BLVD
PALM HARBOR, FL 34685-1751

LAMBERT, HARREL J JR
LAMBERT, JULIA S
2631 HAWKS LANDING BLVD
PALM HARBOR, FL 34685-1751

DEDELS, RYAN R
KORN, HEIDI G
2606 HAWKS LANDING BLVD
PALM HARBOR, FL 34685-1754

RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF AN EASEMENT LOCATED IN LOT 14, BLOCK B, HAWKS LANDING SUBDIVISION, LOCATED IN SECTION 35, TOWNSHIP 27 SOUTH, RANGE 16 EAST, AS RECORDED IN PLAT BOOK 123, PAGES 62 THROUGH 67, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

WHEREAS, Gordon Dore and Caren Dore, 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 portion of the easement will not have an adverse affect on the remaining easement area; and

WHEREAS, the Petitioners are the apparent owners 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:

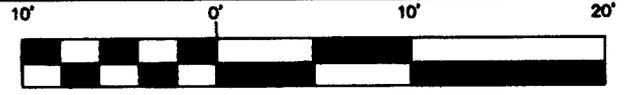
NAYS:

ABSENT AND NOT VOTING:

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By M. J. [Signature]
Attorney

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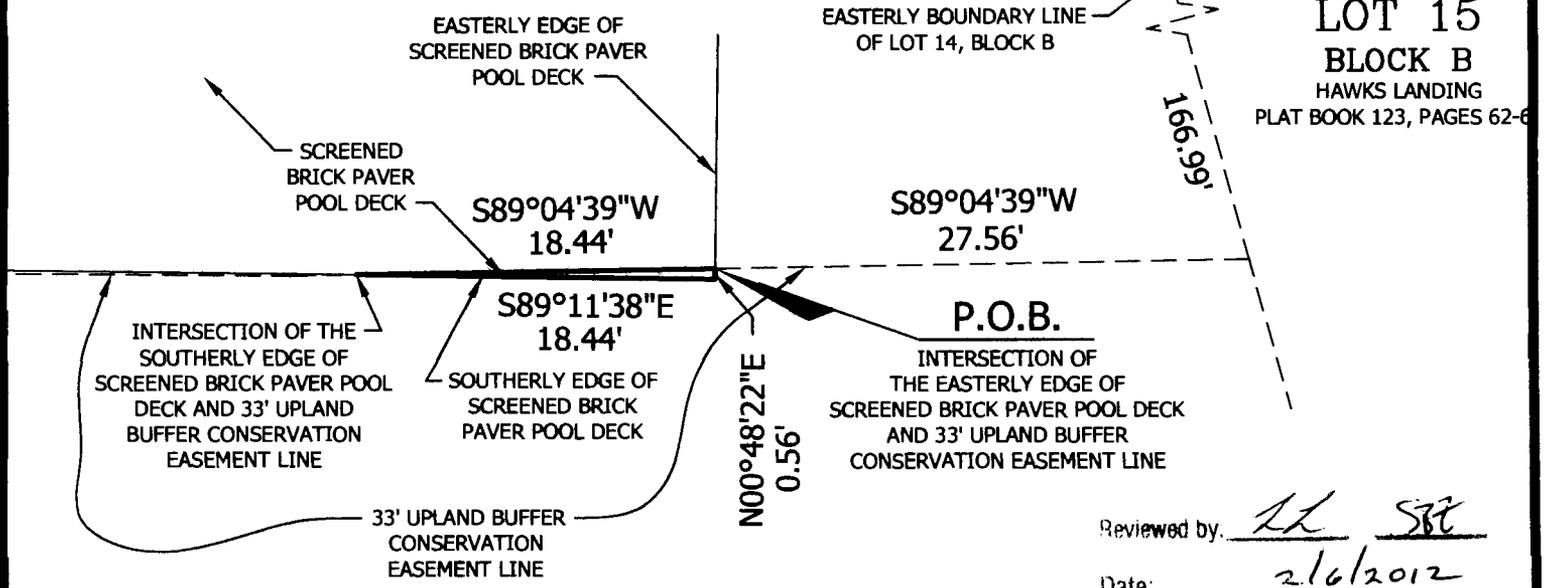
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LOT 14
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Reviewed by: LL SBC
 Date: 2/6/2012
SFW 501 #1403

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 W# KEMP MORRIS SURVEYOR AND MAPPER #2878

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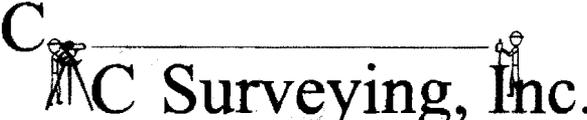
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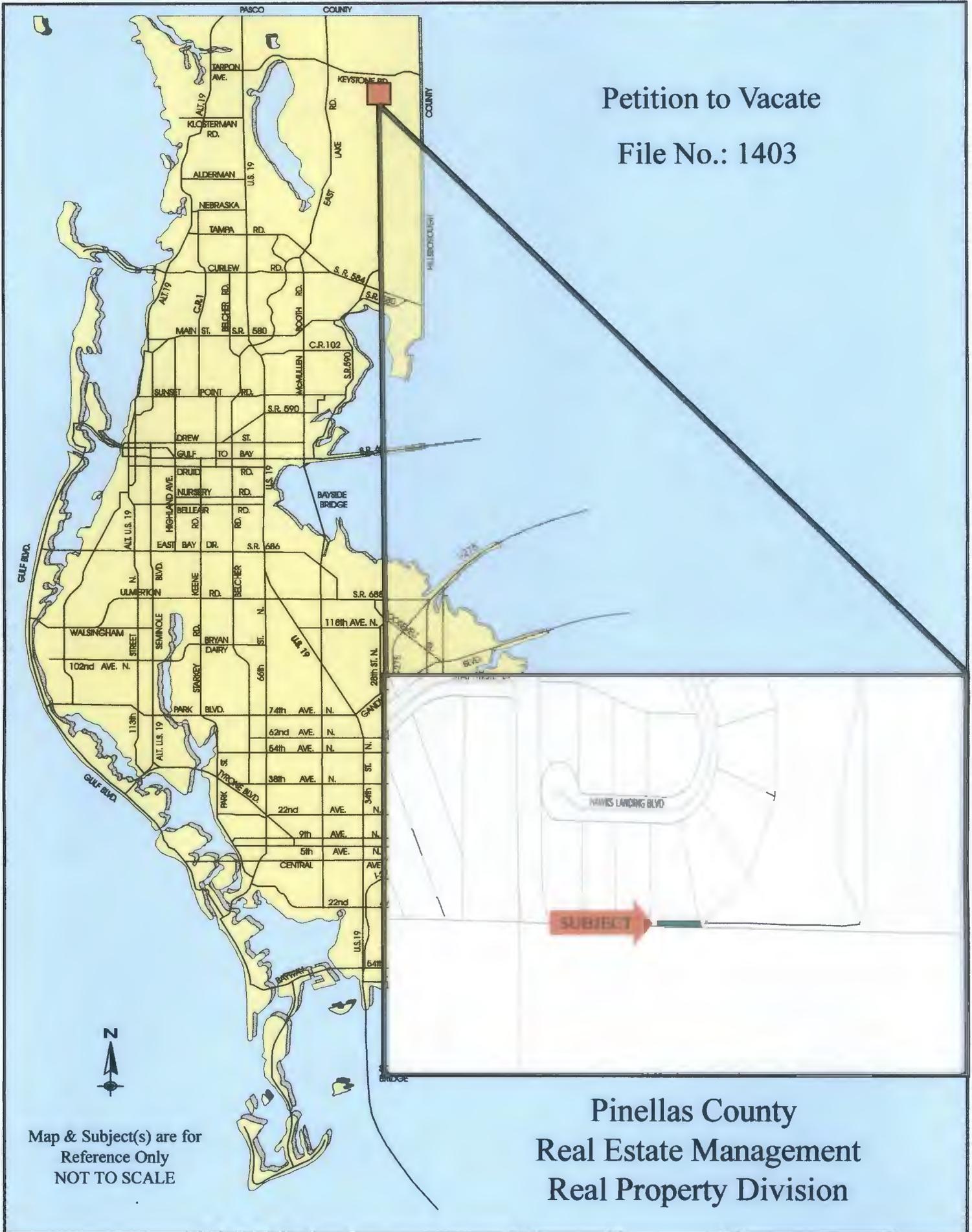
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