

BOARD OF COUNTY COMMISSIONERS

DATE: July 10, 2012

AGENDA ITEM NO. 4

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: Christie V. Gagnon and Christine L. Gagnon

Property Address: 1743 Portsmouth Road
Clearwater, Florida 33764

File No.: 1402

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 Portsmouth Road between Weymouth Drive and Lancaster Drive in the Pinellas Groves Subdivision is associated with the owners' desire to increase property size for development. Petitions to vacate resulting in severing or creating gaps in the right-of-way are usually objected to by County staff as they often create access issues. However, that is not the case here as even if the petition is granted, there is still necessary access to Allen's Creek from either side of the remaining right-of-way. A drainage easement will be retained over the vacated area.

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. 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, DEI-Engineering & Technical Support, 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: Christie V. and Christine L. Gagnon

TYPE: Legislative Petition to Vacate a portion of ROW

Date: 7/10/2012 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>6-14-12</u>	<u>[Signature]</u>	_____
Real Est. Mgmt (Paul Sacco)	<u>6/14/12</u>	<u>[Signature]</u>	_____
DEI (Kelli Levy)	<u>6/11/12</u>	<u>Approved in CATS</u>	_____
Legal (Michael Zas)	<u>6/15/12</u>	<u>M Zas</u>	_____
County Admin. (Mark Woodard)	<u>6/18/12</u>	<u>[Signature]</u>	_____

- _____ Release/Termination/Amendment
- _____ FS 177.101 - Vacation
- X FS 336.09/10/12 - ROW
- X Advertisement to Board Records
- X Scheduled Board Date
- X 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.

LEGAL DESCRIPTION

THAT PART OF PORTSMOUTH ROAD RIGHT OF WAY BOUNDED ON THE NORTH BY A LINE LYING 15 FEET SOUTH OF AND PARALLEL WITH THE WETLAND LINE AS STAKED BY THOMAS CUBA OF DELTA SEVEN, INC. ON JUNE 27, 2011 AND JULY 5, 2011, BOUNDED ON THE SOUTH BY A LINE LYING 15 FEET NORTH OF AND PARALLEL WITH THE SAID WETLAND LINE, BOUNDED ON THE EAST BY THE WEST LINE OF TRACT 24 AND THE WEST LINE OF TRACT 25, PINELLAS GROVES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 55, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND BOUNDED ON THE WEST BY THE WEST LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 30, TOWNSHIP 29 SOUTH, RANGE 16 EAST;

TOGETHER WITH

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CONTAINING 16,364 SQUARE FEET OR 0.376 ACRE MORE OR LESS.

PINELLAS COUNTY, FLORIDA

LEGEND

CL	CENTER LINE	PSM	PROFESSIONAL SURVEYOR AND MAPPER	NO.	NUMBER
LS	LICENSED SURVEYOR	LB	LICENSED BUSINESS	P.B.	PLAT BOOK

NOTES

1. BASIS OF BEARINGS: BEARINGS ARE BASED ON GRID NORTH RELATIVE TO THE NORTH AMERICAN DATUM (NAD) OF 1983 (1990 ADJUSTMENT), FLORIDA STATE PLANE, WEST ZONE. NATIONAL GEODETIC SURVEY (NGS) MONUMENTS USED TO ESTABLISH THE CONTROL FOR THIS SURVEY ARE "NEWPORT N" (AG0736), HAVING A NORTHING OF 1,308,409.69 FEET AND EASTING OF 415,338.12 FEET AND "BREEZE K" (AG0381) HAVING A NORTHING OF 1,311,051.21 FEET AND AN EASTING OF 415,263.59 FEET; THE BEARING BETWEEN POINTS "NEWPORT N" AND "BREEZE K" BEING N01°36'56"W.
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8. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

PREPARED FOR: CHRISTIE V. GAGNON CHRISTINE L. GAGNON	PROPOSED RIGHT OF WAY VACATION DESCRIPTION SKETCH		BY	DATE	DESCRIPTION
	SECTION 30, TOWNSHIP 29 S., RANGE 16 E.		JLS	5/22/12	REVISED BEARING IN DESCRIPTION
			CAB	5/31/12	REVISED SHEET # ON SHEET 2

	INITIALS	DATE
CREW CHIEF		
DRAWN	JLS	5/10/12
CHECKED	CB	5/31/12

Catherine A. Bosco
 CATHERINE A. BOSCO PSM LS 6257

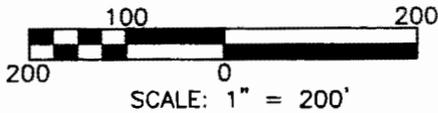
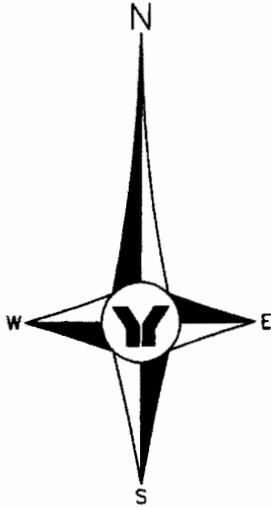


George F. Young, Inc.

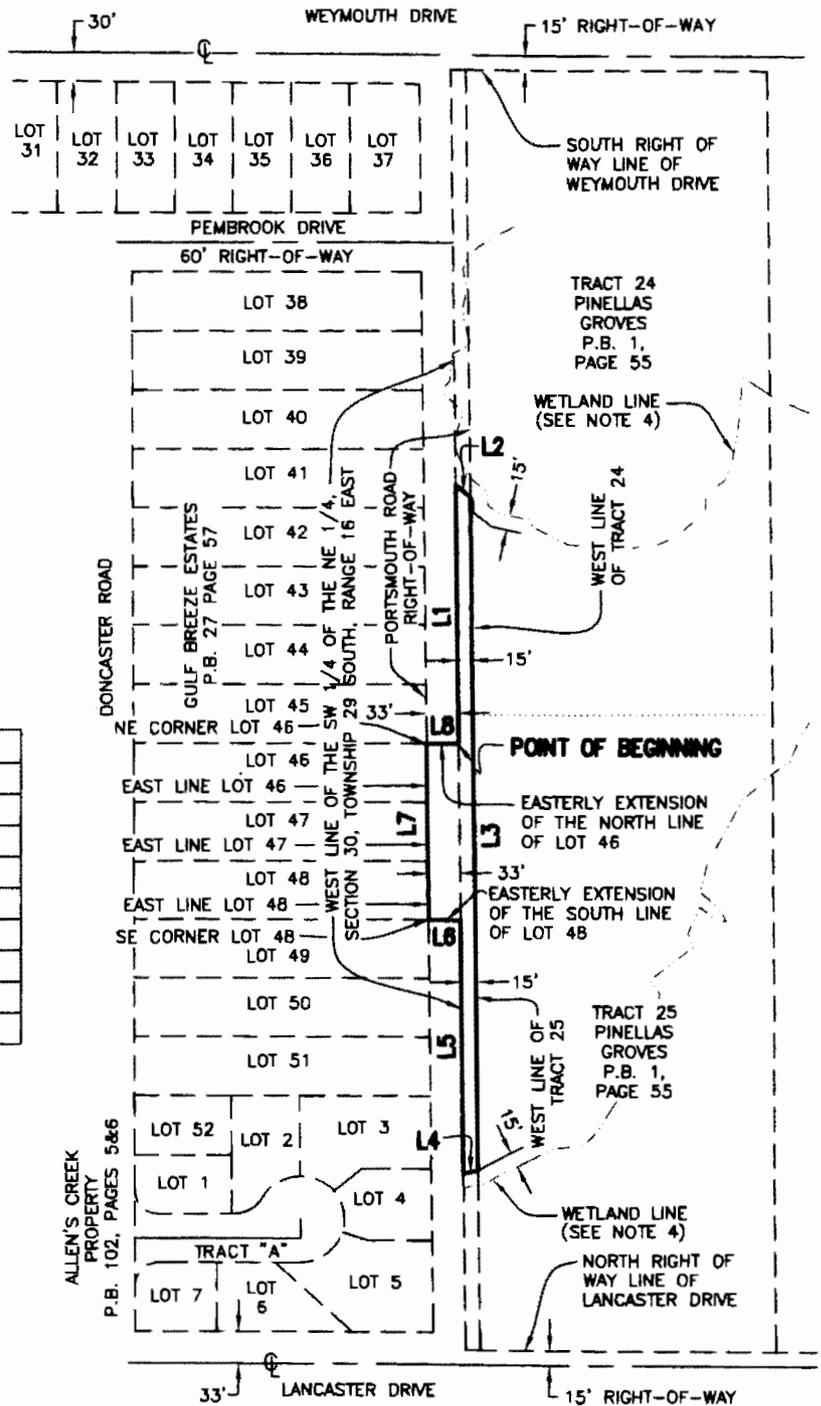
299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701
 PHONE (727) 822-4317 FAX (727) 822-2918

JOB NO.	11013309SS
SHEET NO.	

FILE: I:\PROJECT\SUR\1013309SS\DWG\1013309SS00SK.DWG LOGIN: CBOSCO ED: 05/31/12 08:00:00



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°42'08"W	263.71'
L2	S51°04'19"E	19.48'
L3	S00°42'08"E	687.10'
L4	S77°28'11"W	15.33'
L5	N00°42'08"W	258.94'
L6	N89°39'08"W	33.01'
L7	N00°42'08"W	180.01'
L8	S89°39'08"E	33.01'



PREPARED FOR:
CHRISTIE V. GAGNON
CHRISTINE L. GAGNON

**PROPOSED RIGHT OF WAY VACATION
DESCRIPTION SKETCH**

SECTION 30, TOWNSHIP 29 S., RANGE 16 E.

BY	DATE	DESCRIPTION
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CAB	5/31/12	REVISED SHEET # ON SHEET 2

	INITIALS	DATE
CREW CHIEF		
DRAWN	JLS	5/10/12
CHECKED	CB	5/31/12

SEE SHEET 1 OF 2
FOR DESCRIPTION, NOTES
LEGEND, SIGNATURE
AND SEAL



George F. Young, Inc.

299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701
PHONE (727) 822-4317 FAX (727) 822-2918

JOB NO.
11013309SS
SHEET NO.

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1402

PETITIONER

CHRISTIE V. GAGNON
CHRISTINE L. GAGNON
1745 PORTSMOUTH DRIVE
CLEARWATER, FLORIDA 33764

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

ALLEN'S CREEK HOMEOWNERS ASSN
1434 CLEVELAND ST
CLEARWATER, FL 33755-5241

EVANS, ANTHONY
2451 ROBERTA LN
CLEARWATER, FL 33764-6539

BROGA, VERA M
2390 WEYMOUTH DR
CLEARWATER, FL 33764-6553

GOULET, DAVID L
GOULET, JACKCINE
2445 WEYMOUTH DR
CLEARWATER, FL 33764-6556

BELL, SALLE V
1730 DONCASTER RD
CLEARWATER, FL 33764-6526

PRATT, JAYNE G
1737 DONCASTER RD
CLEARWATER, FL 33764-6525

FIERRO, SALVATORE STEVEN
1767 DONCASTER RD
CLEARWATER, FL 33764-3524

FERNANDEZ, JAIME A
12531 95TH ST
LARGO, FL 33773-2508

SCOTT, ANN S REVOCABLE LIVING TR
2389 WEYMOUTH DR
CLEARWATER, FL 33764

WEBB, WINSTON S
WEBB, DEBORAH C
3592 CAMELIA PL
LARGO, FL 33771-2622

MIRANDA, ANDREW JR
MIRANDA, CORA LU
2400 WEYMOUTH DR
CLEARWATER, FL 33764-6553

TSUCHIGANE LIVING TRUST
TSUCHIGANE, ROBERT TRE
1768 DONCASTER RD
CLEARWATER, FL 33764-6526

BURKE, LENORE RAE REVOCABLE TRUST
BURKE, LENORE RAE TRE
4594 BROCKHAM WAY
STERLING HEIGHTS, MI 48310-5052

MILEY, PAUL J
MILEY, JENNIFER N
1801 ALICIA WAY
CLEARWATER, FL 33764-7511

BOSETTI, CHRISTOPHER G
2380 WEYMOUTH DR
CLEARWATER, FL 33764-6553

KNOOP, PAUL R
KNOOP, KENNA M
2431 ROBERTA LN
CLEARWATER, FL 33764-6539

MC CLEERY, FREDRICK S
2441 WEYMOUTH DR
CLEARWATER, FL 33764-6556

LIM, KOKKHEANG
1761 ALBEMARLE RD
CLEARWATER, FL 33764-6520

BEHRENS, DEBRA T
1738 DONCASTER RD
CLEARWATER, FL 33764-6526

LONGACRE, DAVID E
LONGACRE, PATRICIA A
2439 WEYMOUTH DR
CLEARWATER, FL 33764-6556

PAGANINI, CYNTHIA A
MASON, DANIEL W III
1800 ALICIA WAY
CLEARWATER, FL 33764-7512

RILEY, GARRY L
RILEY, DENICE N
2392 CREEK CT
CLEARWATER, FL 33764-6596

KING, CHARLES P
KING, RITA M
1725 DONCASTER RD
CLEARWATER, FL 33764-6525

SIBILIA FAMILY TRUST
SIBILIA, DANIELE GIUSEPPE TRE
VIA APPIA 20
82013 BONEA BN,

CHRISTIANO, JOY
1875 PARLIAMENT WAY
CLEARWATER, FL 33764-7568

ODLAND, KEITH A
1779 DONCASTER RD
CLEARWATER, FL 33764-3524

TUCKER, TAMRA Y
1756 DONCASTER RD
CLEARWATER, FL 33764-6526

BIEBER, KYLE C
RAKOCZY, CHRISTINE A
2704 BERNVILLE RD
READING, PA 19605

WILLIAMS, DOUGLAS E
WILLIAMS, STACI K
2399 CREEK CT
CLEARWATER, FL 33764-6596

RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF PORTSMOUTH ROAD RIGHT OF WAY, BETWEEN WEYMOUTH DRIVE AND LANCASTER DRIVE, GULF BREEZE ESTATES IN PLAT BOOK 27 PAGE 57 IN SECTION 30-29-16, RESERVING A DRAINAGE EASEMENT.

WHEREAS, Christie V. Gagnon and Christine L. Gagnon, 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, a Drainage easement will be reserved over the property; 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

LEGAL DESCRIPTION

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PINELLAS COUNTY, FLORIDA

LEGEND

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PREPARED FOR:
CHRISTIE V. GAGNON
CHRISTINE L. GAGNON

**PROPOSED RIGHT OF WAY VACATION
DESCRIPTION SKETCH**

SECTION 30, TOWNSHIP 29 S., RANGE 16 E.

BY	DATE	DESCRIPTION
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CHECKED	CB	5/31/12
FIELD BOOK		

Catherine A. Bosco
CATHERINE A. BOSCO PSM LS 6257
5/31/12



George F. Young, Inc.

299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701
PHONE (727) 822-4317 FAX (727) 822-2919

BUSINESS ENTITY LB21

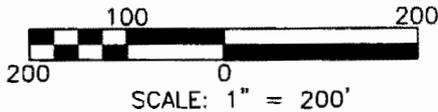
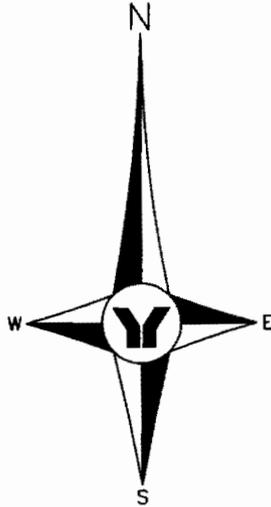
ARCHITECTURE ENGINEERING ENVIRONMENTAL LANDSCAPE PLANNING SURVEYING UTILITIES

JOB NO.
11013309SS

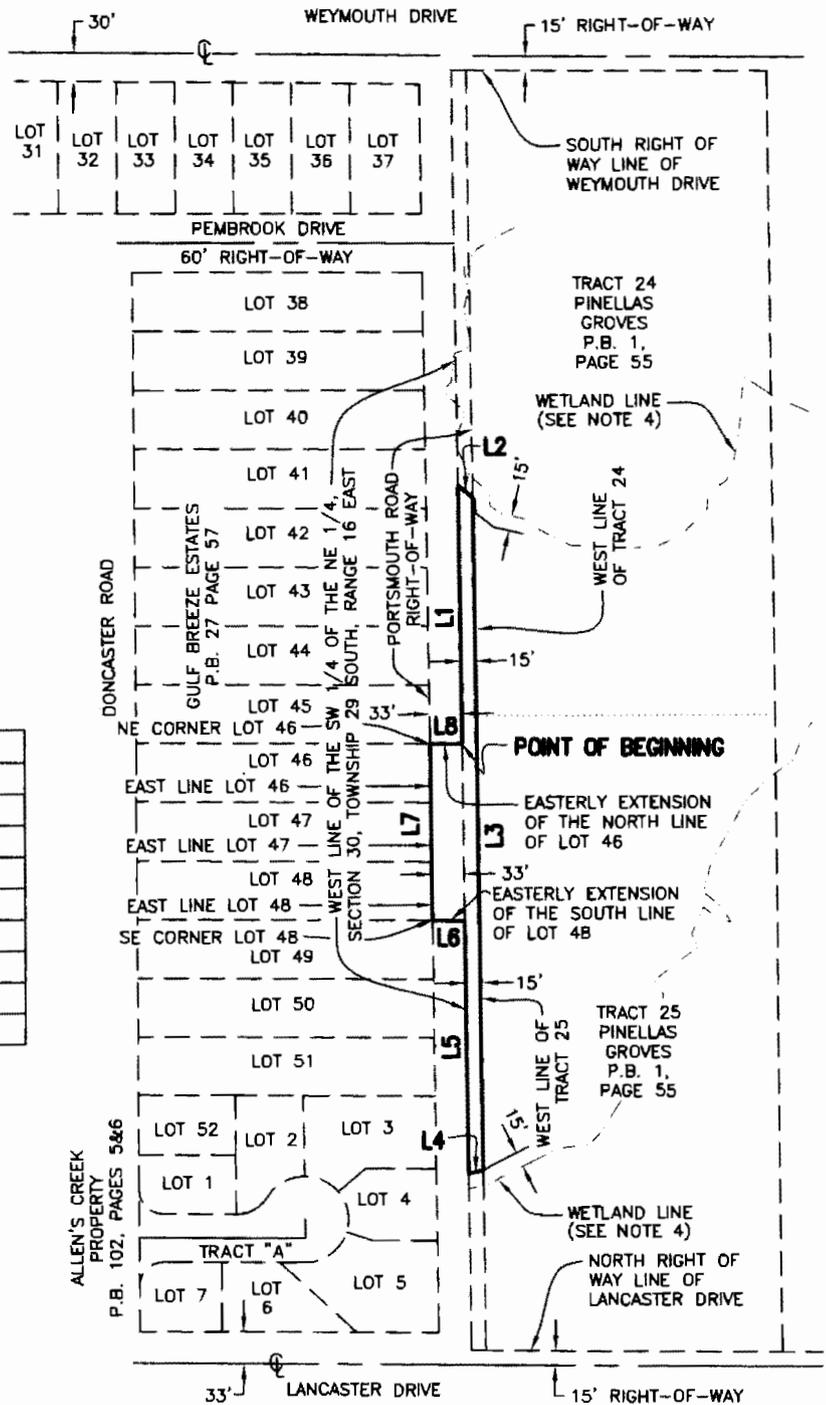
SHEET NO.

1 -- 2

FILE: I:\PROJECT\SUR\11013309SS\DWG\11013309SS00SK.DWG LOGIN: CBOSCO DATED: 05/31/12 08:00:00



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°42'08"W	263.71'
L2	S51°04'19"E	19.48'
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L4	S77°28'11"W	15.33'
L5	N00°42'08"W	258.94'
L6	N89°39'08"W	33.01'
L7	N00°42'08"W	180.01'
L8	S89°39'08"E	33.01'



Reviewed by SBE LL
 6/4/12
 STN 501 11/402

PREPARED FOR:
 CHRISTIE V. GAGNON
 CHRISTINE L. GAGNON

**PROPOSED RIGHT OF WAY VACATION
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CREW CHIEF		
DRAWN	JLS	5/10/12
CHECKED	CB	5/31/12
FIELD BOOK		

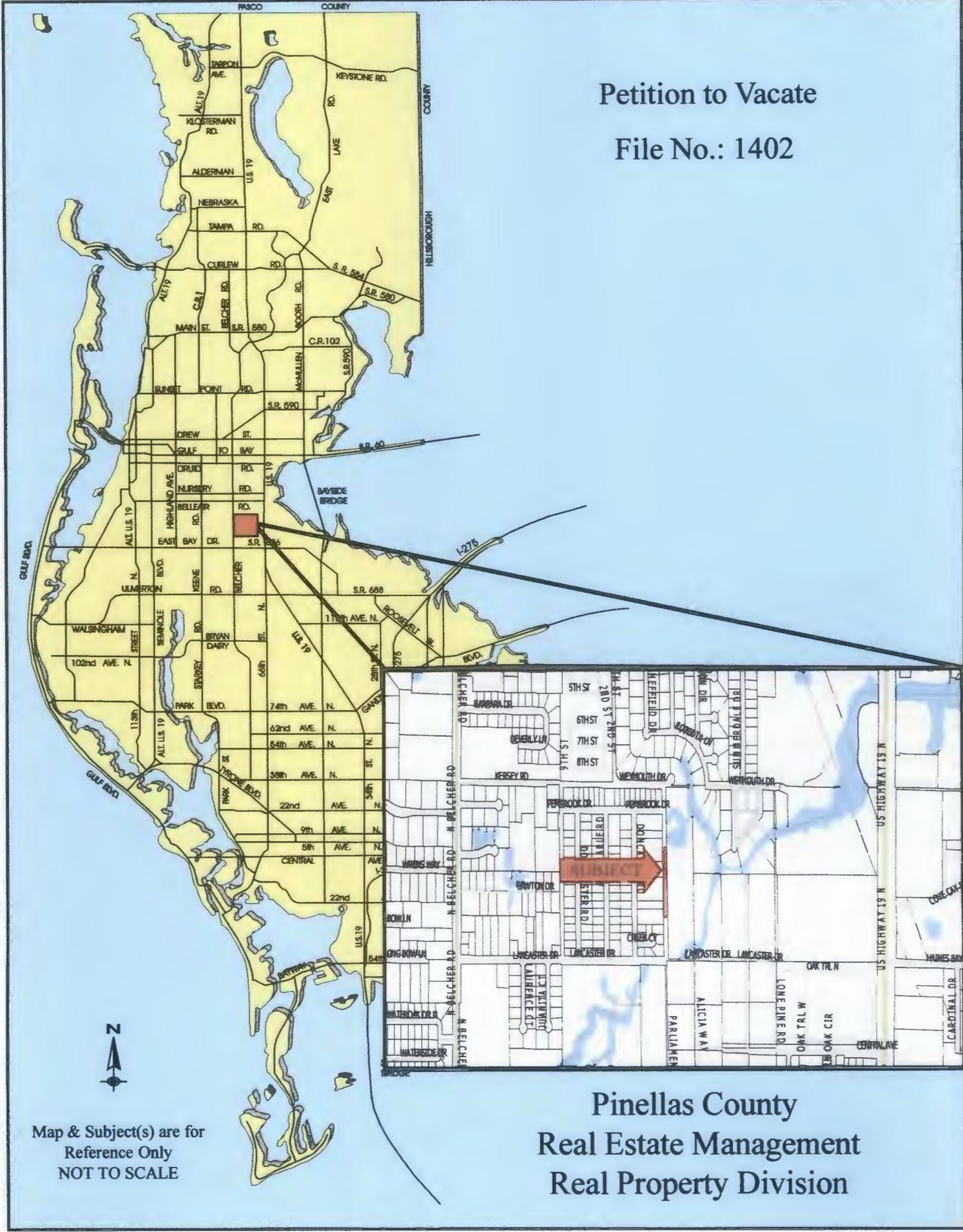
SEE SHEET 1 OF 2
 FOR DESCRIPTION, NOTES
 LEGEND, SIGNATURE
 AND SEAL



George F. Young, Inc.
 299 DR. MARTIN LUTHER KING JR. STREET, N. ST. PETERSBURG, FLORIDA 33701
 PHONE (727) 822-4317 FAX (727) 822-2919
 BUSINESS ENTITY LB21

JOB NO.
 11013309SS
 SHEET NO.

Petition to Vacate
File No.: 1402



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

Pinellas County
Real Estate Management
Real Property Division