



BOARD OF COUNTY COMMISSIONERS

DATE: October 8, 2013
AGENDA ITEM NO. 6

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature: 

Subject:

Quasi-Judicial Petition to Vacate a Portion of an Easement

Submitted By: John & MaryAnn Ricci
Property Address: 12232 91st Terrace North
Seminole, Florida 33772
File No.: 1434

Department:

Real Estate Management
Environment & Infrastructure

Staff Member Responsible:

Paul S. Sacco, Director
David Scott, Executive Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS (BOARD) CONSIDER THE PETITION TO VACATE A PORTION OF THE UTILITY EASEMENT, 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 ten foot utility easement lying within the southerly portion of Lot 90, Seminole Woodlands Third Addition, Plat Book 78, Page 46 in Section 21-30-15 Pinellas County, Florida, is associated with the owners' desire to install a screened pool and deck.

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. Additionally, Letters of No Objection have been received from Bright House, Knology, Pinellas County Department of Environment and Infrastructure, 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 Board.

Fiscal Impact/Cost/Revenue Summary:

The owner has paid a \$690 filing fee, plus advertising cost of \$60.

Exhibits/Attachments Attached:

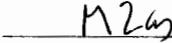
Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP**PROJECT: John and Maryann Ricci****TYPE: Quasi-Judicial Petition to Vacate a portion of an Easement****Date: 10/8/2013 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>8-19-13</u>		_____
Real Est. Mgmt (Paul Sacco)	<u>8/23/13</u>		_____
DEI (Tom Farrand)	<u>8/16/2013</u>	<u>Approved in CATS</u>	_____
Legal (Michael Zas)	<u>8/1/13</u>		_____
County Admin. (Mark Woodard)	<u>9/16/13</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 , 2013
 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, PLAT OR PORTION OF PLAT (EASEMENT)

Comes now your Petitioners, John and Maryann Ricci
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.

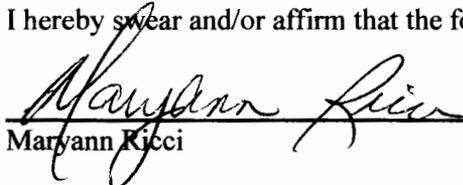
Your petitioner represent that: 1) the petitioner own the fee simple title to the whole or that portion of the plat (easement) that is sought to be vacated; 2) the vacation request herein will not cause injury to any surrounding property or property owners, and that the above described property does 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:



John Ricci

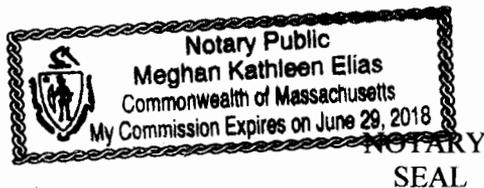
I hereby swear and/or affirm that the forgoing statements are true:



Maryann Ricci

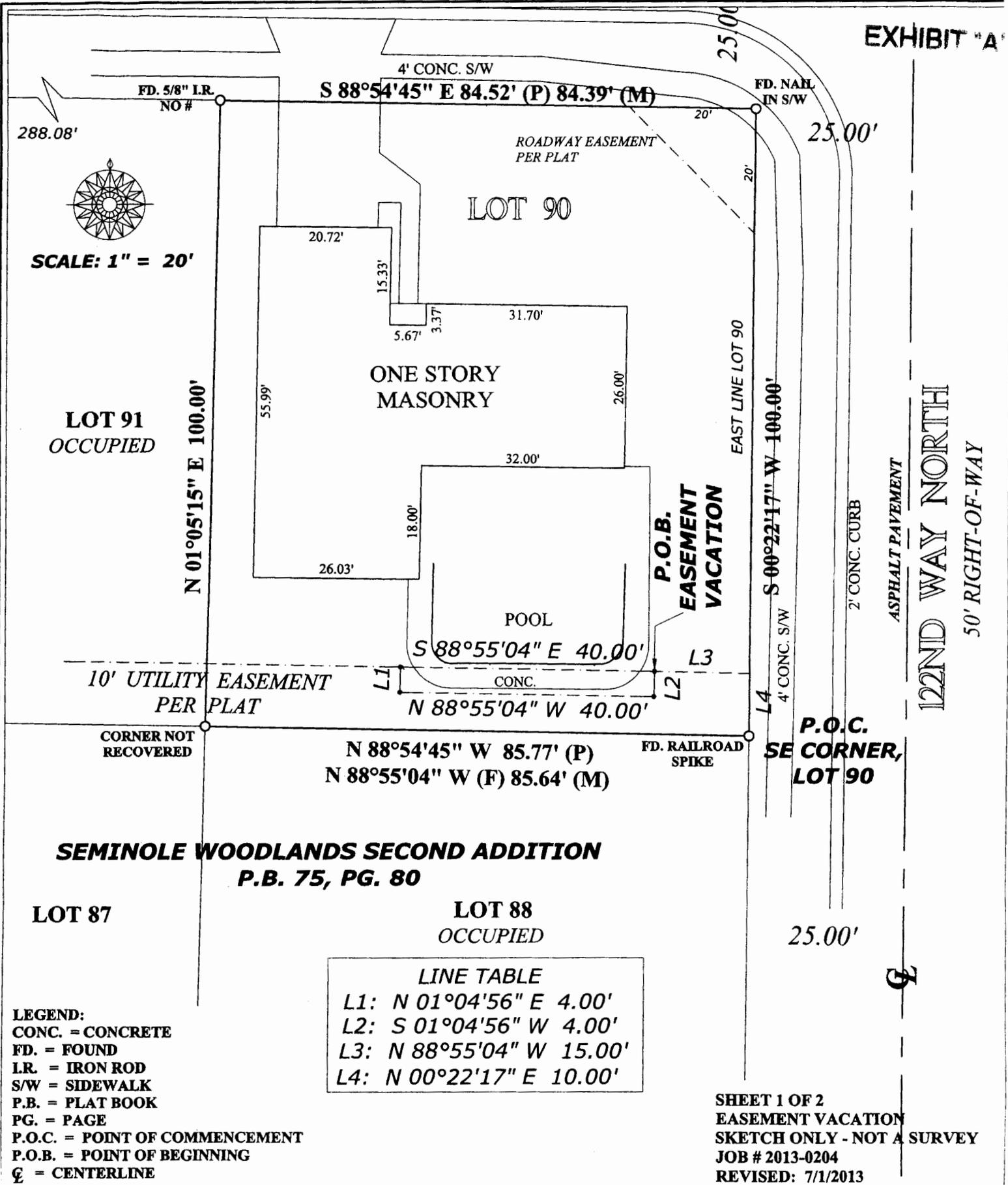
STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 11th day of August, 2013,
by John Ricci and Maryann Ricci. He/She is personally known to me, or has produced Florida RI
DLs as identification, and who did (did not) take an oath.

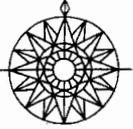


NOTARY 
Print Name Meghan Kathleen Elias

My Commission Expires: June 29th 2018 Commission Number: N/A



SCALE: 1" = 20'



LINE TABLE

L1:	N 01°04'56" E 4.00'
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SHEET 1 OF 2
 EASEMENT VACATION
 SKETCH ONLY - NOT A SURVEY
 JOB # 2013-0204
 REVISED: 7/1/2013

SIGNATURE: *Lauren R. Penny*
 LAUREN R. PENNY P.S.M. # 4931
 DATE: 6-4-2013
 DRAWN BY: LP/JMF



L.R. PENNY AND ASSOCIATES, INC.
 10730 102ND AVENUE NORTH
 SEMINOLE, FLORIDA 33778
 PHONE: (727) 398-4360
 FAX: (727) 319-6051
 LICENSED BUSINESS #6539

LEGAL DESCRIPTION - VACATION OF A PORTION OF A 10' UTILITY EASEMENT:

A PORTION OF A 10' UTILITY EASEMENT LYING IN LOT 90, SEMINOLE WOODLANDS THIRD ADDITION, AS RECORDED IN PLAT BOOK 78, PAGE 46, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER, LOT 90, SEMINOLE WOODLAND THIRD ADDITION, AS RECORDED IN PLAT BOOK 78, PAGE 46, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG THE EAST LINE OF SAID LOT 90 N.00°22'17"E., A DISTANCE OF 10.00 FEET; THENCE N.88°55'04"W., A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING; THENCE S.01°04'56"W., A DISTANCE OF 4.00 FEET; THENCE N.88°55'04"W., A DISTANCE OF 40.00 FEET; THENCE N.01°04'56"E., A DISTANCE OF 4.00 FEET; THENCE S.88°55'04"E., A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 160 SQ. FT. MORE OR LESS.

Reviewed by: GT SB
Date: 7-9-13
501-1434

SHEET 2 OF 2 - LEGAL DESCRIPTION
JOB # 2013-0204
REVISED: 7/1/2013

SIGNATURE: *Lauren R. Penny*
LAUREN R. PENNY P.S.M. # 4931
DATE: 6-4-2013
DRAWN BY: LP/JMF



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PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1434

PETITIONER

JOHN RICCI
MARYANN RICCI
12232 91ST TERRACE NORTH
SEMINOLE, FLORIDA 33772

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

BROCHMAN, PETER J
BROCHMAN, JACQUELYN K
12277 91ST AVE
SEMINOLE, FL 33772-3221

RAISCH, MARK H
RAISCH, VIRGINIA M
12297 91ST TER
SEMINOLE, FL 33772-3215

HILLEGAS, JOSEPH C
HILLEGAS, DIANE Y
9201 122ND WAY
SEMINOLE, FL 33772-3236

WENDEL, ROBERT J JR
WENDEL, JAMIE L
12230 91ST AVE
SEMINOLE, FL 33772-3220

ANDERSON, JENNIFER L
ANDERSON, H JAMES
9095 122ND WAY
SEMINOLE, FL 33772-3233

MEADE, NANCY D
9125 122ND WAY
SEMINOLE, FL 33772-3234

VITAN, RONALD W
VITAN, MARGARITA E
12255 91ST AVE
SEMINOLE, FL 33772-3221

STUELKE, JAMES R
STUELKE, MARILYN M
12254 91ST TER
SEMINOLE, FL 33772-3212

MISKIN, MARY Z
MISKIN, ANDJA
12264 92ND TER
SEMINOLE, FL 33772-3209

SLINGERLAND, FRED
964 182ND AVE E
REDINGTON SHORES, FL 33706

PATTERSON, LOIS G
12233 91ST AVE
SEMINOLE, FL 33772-3221

SEMINOLE SPECIAL RECREATION DIST
C/O SCHULER, TIMOTHY C.
PO BOX 3096
SEMINOLE, FL 33775-3096

SOFFOS, LIBBIE
9075 122ND WAY
SEMINOLE, FL 33772-3233

RICCI, JOHN
RICCI, MARYANN
12232 91ST TER
SEMINOLE, FL 33772-3212

PERKINS, SHIRLEY
PERKINS, DALLAS B
12257 91ST TER
SEMINOLE, FL 33772-3215

BEAUCHAMP, LINDA E
12270 91ST AVE
SEMINOLE, FL 33772-3220

12250 91ST AVE
SEMINOLE, FL 33772-3220

MORACA, MATTHEW
700 CENTRAL AVE STE 300
ST PETERSBURG, FL 33701-3699

KENNEDY, RONALD V JR
12279 91ST TER
SEMINOLE, FL 33772-3215

PRESLER, ADAM
BOSC, MELISSA
9115 122ND WAY
SEMINOLE, FL 33772-3234

12299 91ST AVE
SEMINOLE, FL 33772-3221

ROGERS, GAIL E
ROGERS, FRANK D JR
12298 91ST TER
SEMINOLE, FL 33772-3212

CHINA, JANICE H
12210 91ST AVE
SEMINOLE, FL 33772-3220

ADAMS, TIMOTHY P
12219 91ST TER
SEMINOLE, FL 33772-3215

SIMPKINS, WAYNE T
12228 92ND TER
SEMINOLE, FL 33772-3209

COLLINS, KEVIN P
COLLINS, AMANDA J
12276 91ST TER
SEMINOLE, FL 33772-3212

PEACOCK, CASSIUS L III
PEACOCK, MARIE J
12280 91ST AVE
SEMINOLE, FL 33772-3220

RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF A TEN FOOT UTILITY EASEMENT LOCATED IN LOT 90, SEMINOLE WOODLANDS THIRD ADDITION SUBDIVISION, LOCATED IN SECTION 21, TOWNSHIP 30 SOUTH, RANGE 15 EAST, AS RECORDED IN PLAT BOOK 78, PAGE 46, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

WHEREAS, John and Maryann Ricci, petitioned this Board of County Commissioners to vacate the following described property:

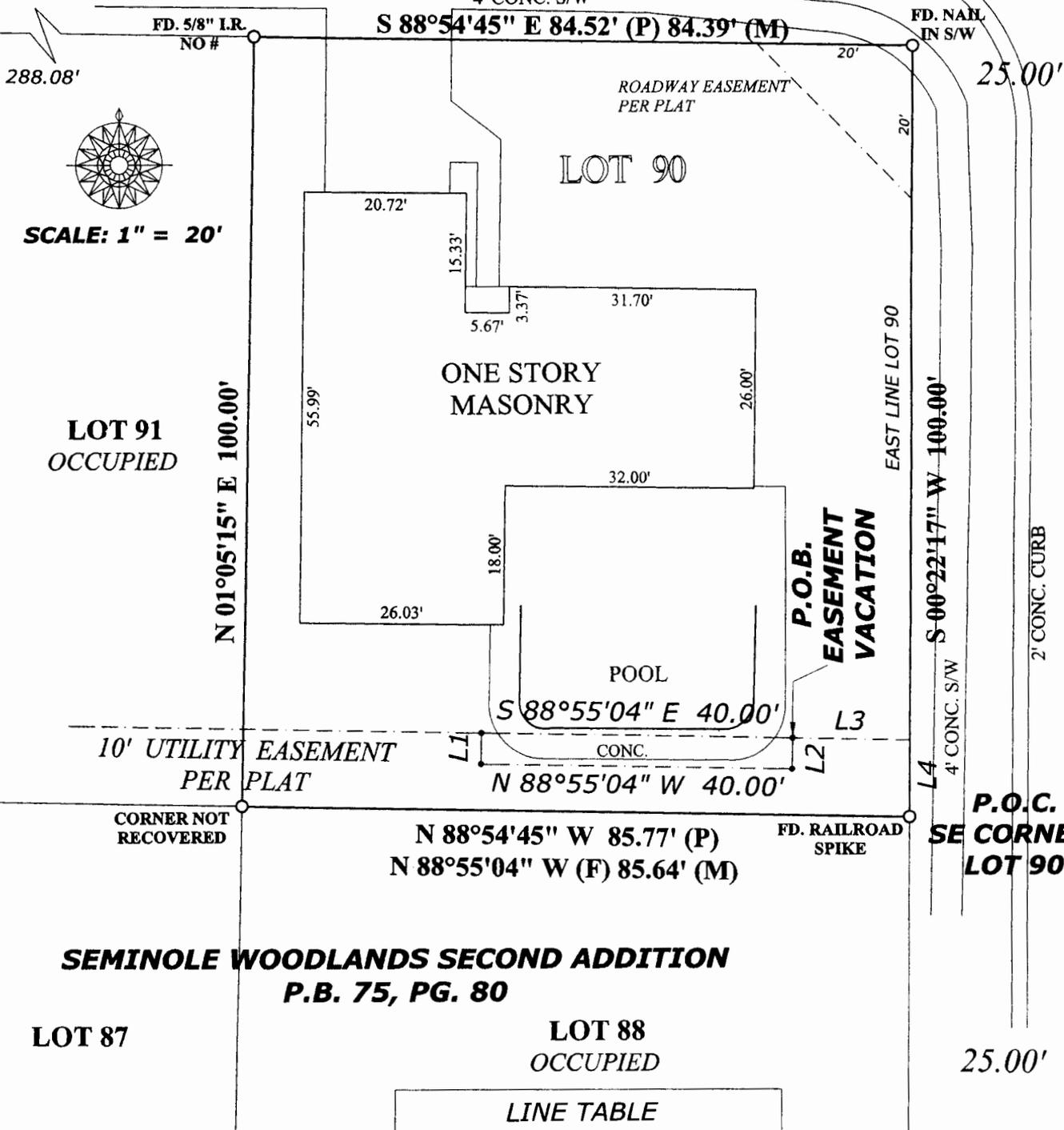
Lands described in legal description attached hereto as Exhibit "A" and by this reference made a part hereof; and

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.



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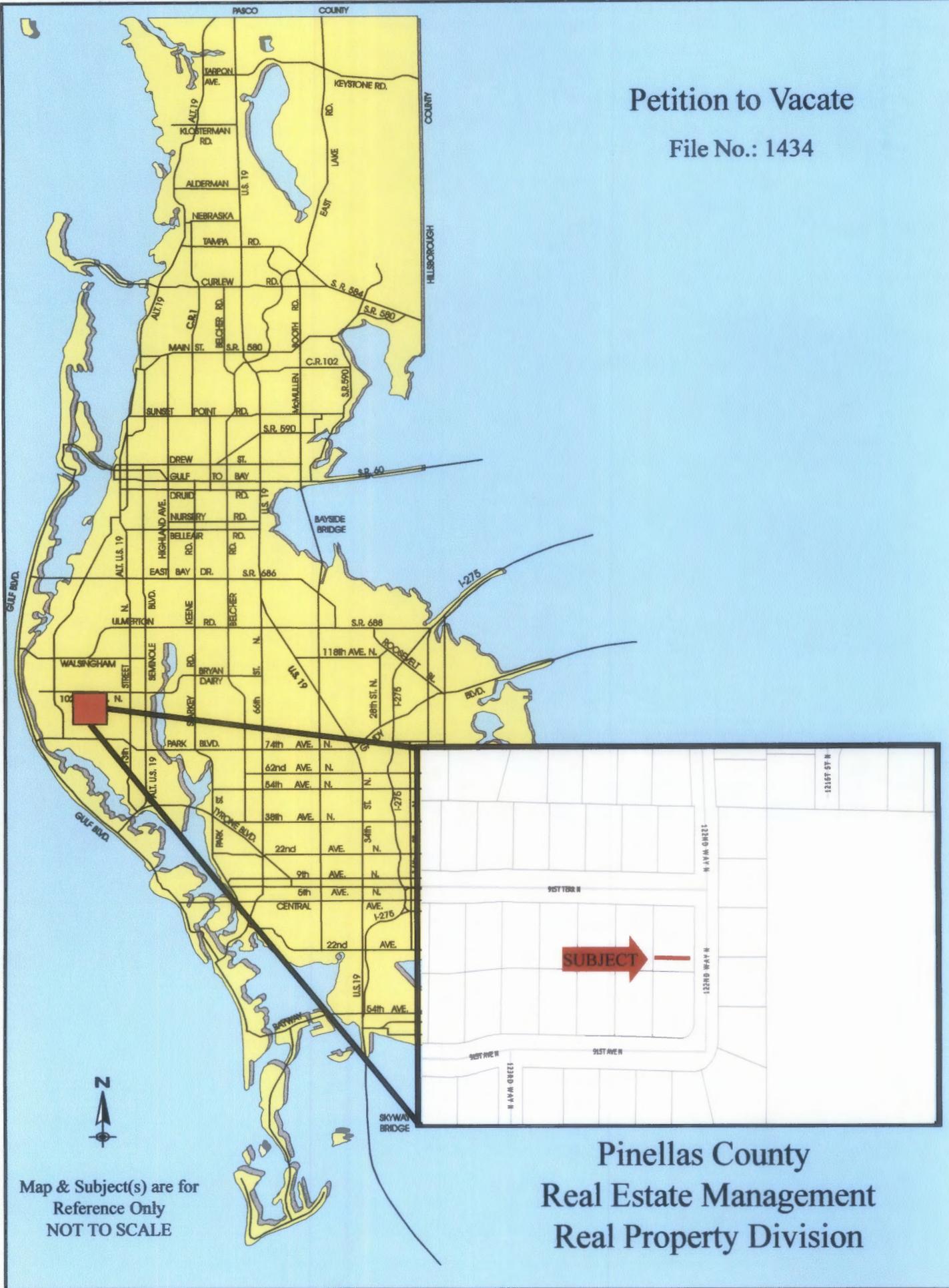
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Petition to Vacate

File No.: 1434



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

Pinellas County
Real Estate Management
Real Property Division