

BOARD OF COUNTY COMMISSIONERS

DATE: February 11, 2014
AGENDA ITEM NO. 3

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, 2013.

Submitted By: James Payne
Property Address: 3507 42nd Avenue North
St. Petersburg, Florida 33714
File No.: 1445

Department:

Real Estate Management
Environment and Infrastructure

Staff Member Responsible:

Paul S. Sacco, Director
David Scott, Executive 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:

The subject petition seeks to vacate a portion of the 16 foot alley lying north of lots 10-12 of revised plat of Norton's Subdivision No.3. A utility easement will be retained over the entire vacated right of way.

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 from Planning and DEI-Engineering reviewed the subject area and determined the vacation would not have an adverse effect on the vacated area. Letters of No Objection have been received from Bright House, Knology, DEI-Engineering & Technical Support, Progress Energy (Distribution), Progress Energy (Transmission), 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 \$750 filing fee, including advertising cost.

Exhibits/Attachments Attached:

Contract Review Transmittal
Petition to Vacate
Notification List
Resolution
Location Map

CONTRACT REVIEW TRANSMITTAL SLIP

PROJECT: James Payne

TYPE: Legislative Petition to Vacate a portion of ROW

Date: 2/11/2014 **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>1-9-14</u>	<u></u>	_____
Real Est. Mgmt (Paul Sacco)	<u>1/9/14</u>	<u></u>	_____
DEI (Tom Farrand)	<u>11/5/2013</u>	<u>Approved in Cats</u>	_____
Legal (Michael Zas)	<u>1/15/14 1/15/2014</u>	<u></u>	_____
County Admin. (Mark Woodard)	<u>1/15/14</u>	<u></u>	<u>The Petition to vacate reflects one name while the resolution shows three.</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 _____, 2014
 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

Comes now your Petitioner, James Payne
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; 4) an easement will be retained over the entire vacated area.

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


James Payne

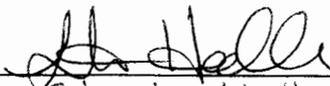
STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 23 day of December, 2013,
by James Payne. He is personally known to me, or has produced FL Drivers License as
identification, and who did (did not) take an oath.



STACIE HOLLON
MY COMMISSION # EE 180141
EXPIRES: April 6, 2016
Bonded Thru Budget Notary Services

NOTARY
SEAL

NOTARY 
Print Name Stacie Hollon

My Commission Expires: April 6, 2016 Commission Number: EE 180141

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

PETITION TO VACATE, PUBLIC RIGHTS-OF-WAY OR ALLEYS

Comes now your Petitioner, Phonephavanh Xayalinh and Sareouth Chhoeung
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.

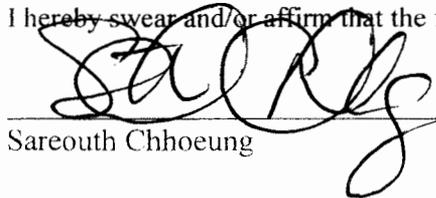
Your petitioners represent that: 1) the petitioners own the fee simple title to the whole or that portion of the plat (easement) that is sought to be vacated; 2) the vacation request herein will not cause injury to any surrounding property or property owners, and that the above described property does 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; 4) an easement will be retained over the entire vacated area.

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



Phonephavanh Xayalinh

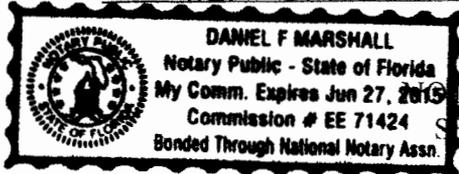
I hereby swear and/or affirm that the forgoing statements are true:



Sareouth Chhoeung

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 14TH day of JANUARY, 2014.
by Phonephavanh Xayalinh and Sareouth Chhoeung. He/She is personally known to me, or has produced FLORIDA DRIVERS LICENSE as identification, and who did (did not) take an oath.



NOTARY
SEAL

NOTARY Daniel F Marshall
Print Name DANIEL F MARSHALL

My Commission Expires: JUNE 27, 2015 Commission Number: EE 71424

PROPERTY OWNER COURTESY NOTIFICATION LIST FOR FILE #1445

PETITIONER

JAMES PAYNE
3507 42ND AVENUE NORTH
ST. PETERSBURG, FL 33714

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

BUI, QUOC LINH P
NGUYEN, KIM PHUONG
3093 40TH AVE N
ST PETERSBURG, FL 33703

ALLEN, MICHAEL R
3665 42ND AVE N
ST PETERSBURG, FL 33714-3727

XAYALINH, PHONEPHAVANH
CHHOEUNG, SAREOUTH
3614 43RD AVE N
ST PETERSBURG, FL 33714-3730

CSX TRANSPORTATION
500 WATER ST
JACKSONVILLE, FL 32202-4423

PRESTON, JAMES
3616 42ND AVE N
ST PETERSBURG, FL 33714-3728

LARSON, PAUL A
312 6TH AVE
INDIAN ROCKS BEACH, FL 33785-2550

J & J METAL FABRICATORS INC
4185 35TH ST N
ST PETERSBURG, FL 33714-3705

FARNUM, BRIAN E
3600 42ND AVE N
ST PETERSBURG, FL 33714

KIRK, MARGARET
3631 42ND AVE N
ST PETERSBURG, FL 33714-3727

NGUYEN, THUYDANG
NGUYEN, HIEU
3618 43RD AVE N
ST PETERSBURG, FL 33714-3730

COMMUNITY HOUSING PIN CNTY
445 31ST ST N
ST PETERSBURG, FL 33713-7605

FISH, WILLIAM J
FISH, HARRIET C
3670 42ND AVE N
ST PETERSBURG, FL 33714-3728

WOLFE, MARK S
WOLFE, SUSAN A
3610 42ND AVE N
ST PETERSBURG, FL 33714-3728

RANDLES, HARRY R
3645 43RD AVE N
ST PETERSBURG, FL 33714-3729

MARSH, CATHERINE A
WALKER, DAVID F
5601 PIERCE DR NE
ST PETERSBURG, FL 33703-2543

CAULFIELD, HUBERT E
CAULFIELD, CLOTILDE W
311 CORDOVA BLVD NE
ST PETERSBURG, FL 33704-3015

ROBERTS, JEFFREY
3655 42ND AVE N
ST PETERSBURG, FL 33714-3727

PINELLAS BD OF PUB INST
PO BOX 2942
LARGO, FL 33779-2942

CIHAK, JOSEPH W
TRAVERSA, COLLEEN P
3840 46TH AVE N
ST PETERSBURG, FL 33714-3641

ROWLAND, JASPER M
49245 DOUGLAS ST
INDIO, CA 92201-7591

RESOLUTION NO. _____

RESOLUTION VACATING A PORTION OF A 16 FOOT ALLEY LYING NORTH OF LOTS 10-12 BLOCK F, OF REVISED PLAT OF NORTON'S SUBDIVISION NO. 3 IN PLAT BOOK 19, PAGE 57 IN SECTION 3-31-16, RESERVING A UTILITY EASEMENT OVER THE ENTIRE VACATED AREA.

WHEREAS, James Payne, Phonephavanh Xayalinh and Sareouth Chhoeung 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 utility easement will be reserved over the entire vacated area; 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:

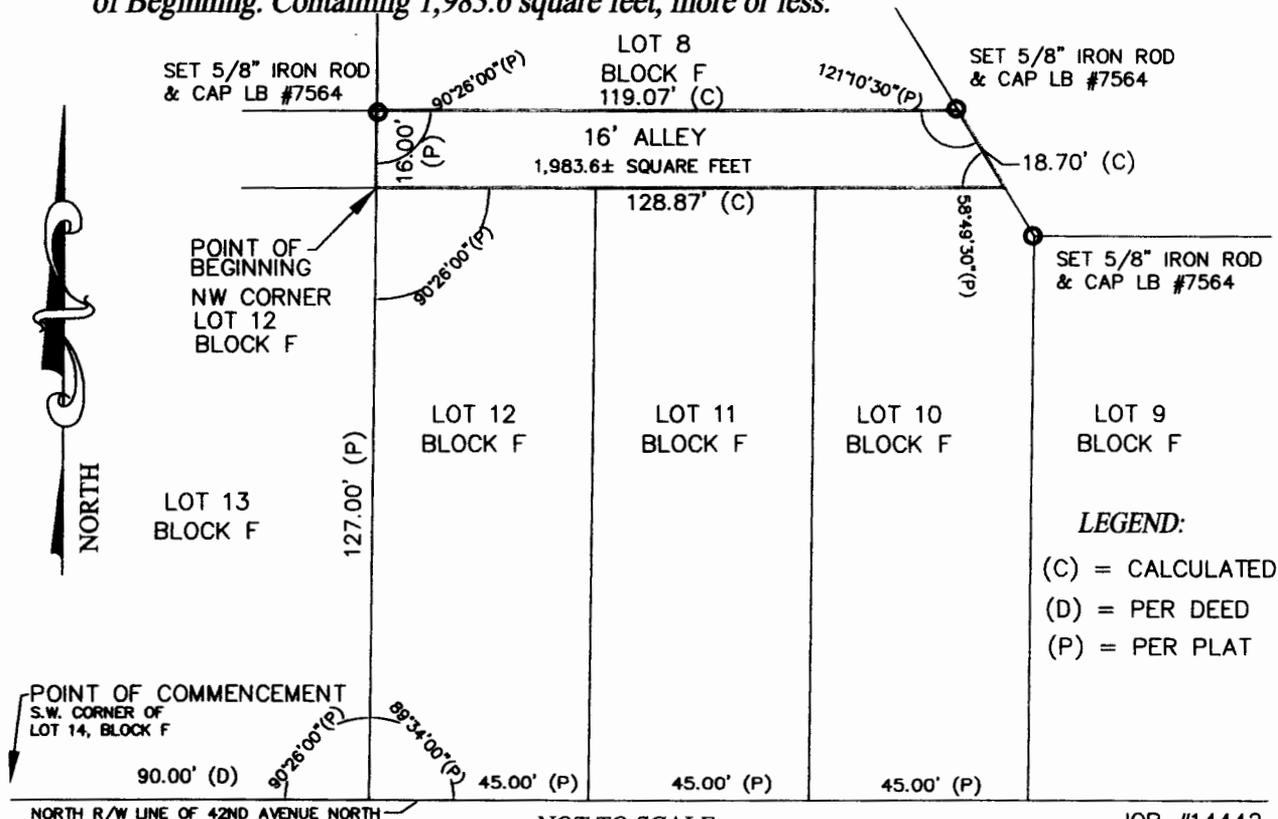
**APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY**

**BY _____
ATTORNEY**

**SKETCH OF DESCRIPTION OF
16' VACATED ALLEY, NORTH OF LOTS 10-12, BLOCK F
OF REVISED PLAT OF NORTON'S SUB. NO. 3
PLAT BOOK, 19, PAGE 57, PINELLAS COUNTY**

LEGAL DESCRIPTION

Commence at the S.W. corner of Lot 14, Block F, of REVISED PLAT OF NORTON'S SUB. NO. 3, according to the Map or Plat thereof, as recorded in Plat Book 19, Page(s) 57, of the Public Records of Pinellas County, Florida, thence Easterly along the North right-of-way line of 42nd Avenue North, 90.00 feet to the S.W. corner of Lot 12, Block F, thence Northerly along the West line of said Lot 12, Block F, 127.00 feet to the N.W. corner of said Lot 12, Block F, and the Point of Beginning; thence continue Northerly 16.00 feet; thence, Easterly, 119.07 feet; thence Southeasterly, a distance of 18.70 feet to a point on the Northerly line of Lot 10, Block F; thence Westerly along the North line of Lots 10, 11 & 12, Block F, a distance of 128.87 feet to the Point of Beginning. Containing 1,983.6 square feet, more or less.



LEGEND:
(C) = CALCULATED
(D) = PER DEED
(P) = PER PLAT

NOT TO SCALE
NOTE: THIS IS NOT A BOUNDARY SURVEY

PLATTED AS: 42nd AVENUE
KNOWN AS: 42nd AVENUE NORTH

I hereby certify that the SKETCH of DESCRIPTION of the hereon described property was prepared under my direct supervision and meets the Minimum Technical Standards set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-0.050 thru 5J0.052, Florida Administrative Code, Pursuant to Chapter 472.027, Florida Statutes.

[Signature]
10/28/13

Reviewed by: *GH* *SSB*
Date: 11-4-13
501-1445

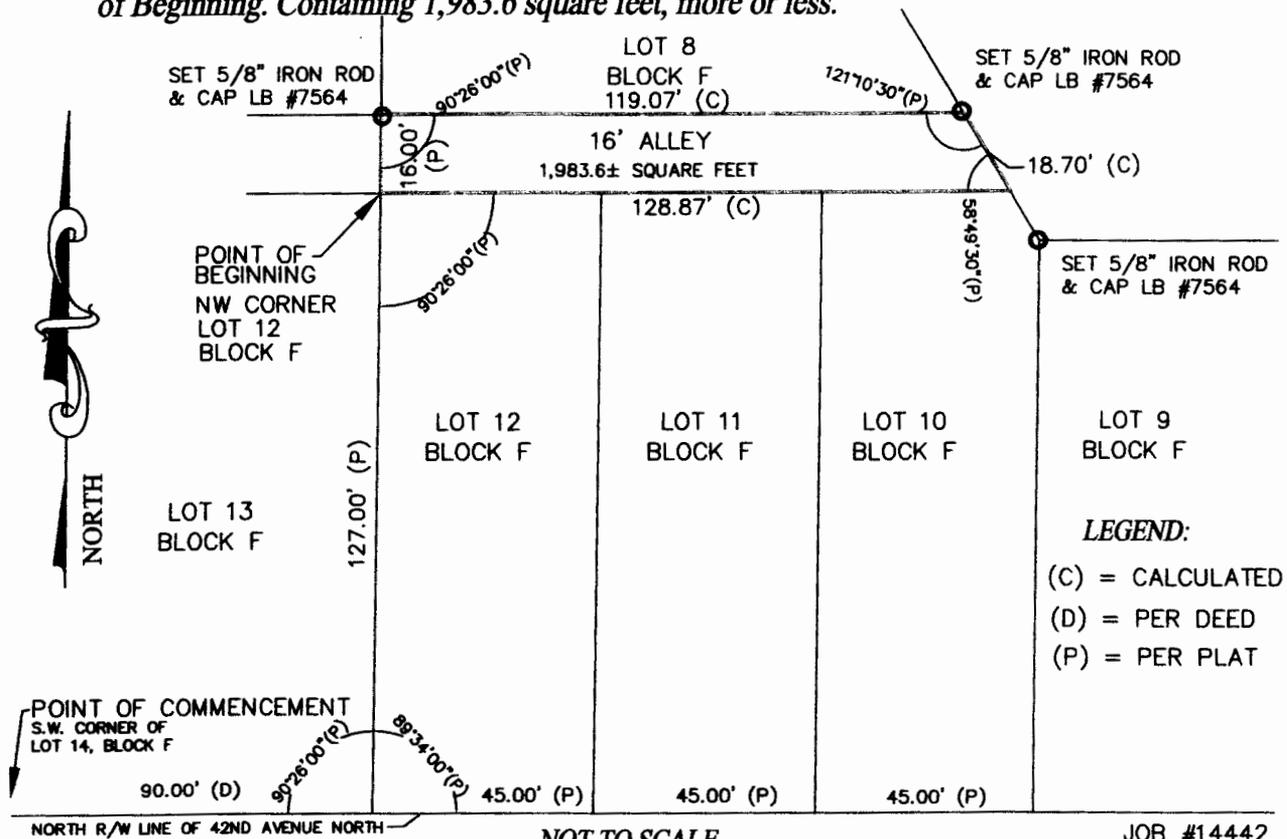
CERTIFIED BY: ALAN E. ROZON, JR. PSM NO. 6513 DATED
FIRST CHOICE SURVEYING, INC. P.O. BOX 470978, LAKE MONROE, FL 32747
407.951.3425 (Office); 407.520.5453 (Fax); LB #7564

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**SKETCH OF DESCRIPTION OF
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CERTIFIED BY: ALAN E. ROZON, JR. PSM NO. 6513 DATED 10/28/13

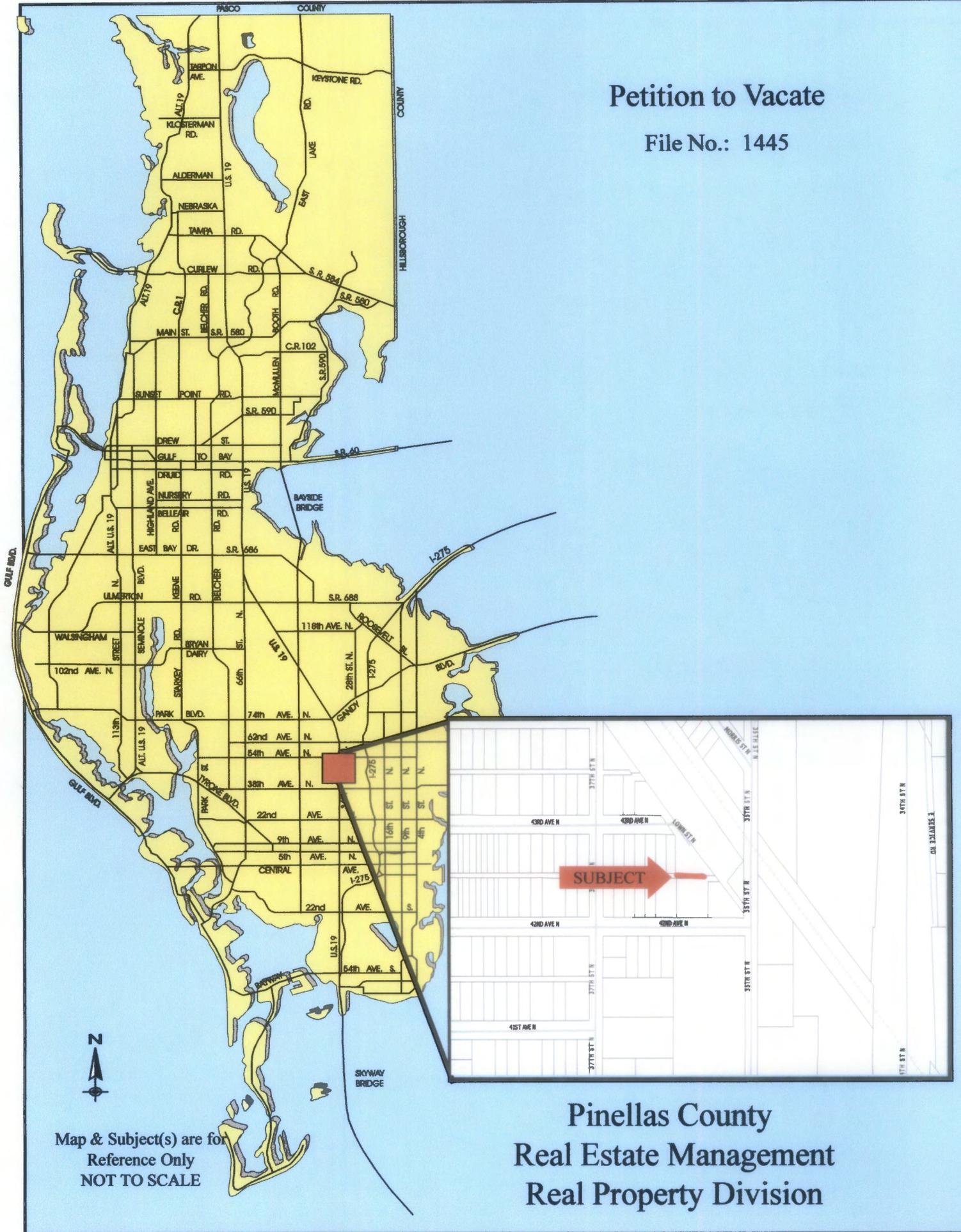
Prepared by: GH SBR
Date: 11-4-13
501-1445

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NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Petition to Vacate

File No.: 1445



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

Pinellas County
Real Estate Management
Real Property Division