

MEMORANDUM

TO: Katherine Carpenter, Deputy Clerk
BCC Records

FROM: Diana Sweeney 
Asset Management and Real Property Division Manager

SUBJECT: PETITION TO VACATE – Submitted by Robert W. Morgan
File No. 1570 CATS 53190 Legistar 21-992A
Property Address: 5382 102nd Street North, Saint Petersburg, FL 33708

DATE: June 08, 2021

Enclosed herewith are the following originals:

Petition to Vacate

Copy of the Legal Description (Original signed and sealed Legal is attached to the Resolution)
Application and Findings of Fact

Letters of no objection from:

Bright House
Duke Energy
Frontier
Pinellas County Utilities Engineering
TECO Electric
TECO Peoples Gas
WOW!

Receipt dated 07-DEC-2018 and 05-FEB-2021 and copy of checks #5358 and #5553 in the total amount of \$750.00.

Please set the public hearing for the BCC meeting of July 13, 2021, place the necessary newspaper advertising in accordance with State Statute 336.10 (which requires advertising one time at least two weeks prior to the public hearing and one time within 30 days after the adoption of the Resolution vacating), and mail notices of the public hearing date to the owners shown on the attached list. Thank you.

APPLICATION AND FINDINGS OF FACT

FOR PETITION TO RELEASE PLATS OR PORTIONS OF PLAT (EASEMENTS)

APPLICANT(S): Robert W. Morgan
Address: 5382 102nd St N.
City, State, Zip: St Petersburg, FL 33708
Daytime Telephone Number: 727-331-4040

SUBJECT PROPERTY ADDRESS: _____

City, State, Zip: _____

Property Appraiser Parcel Number: 3/31/15/64134/000/0070

PLEASE ANSWER THE FOLLOWING QUESTIONS TO THE BEST OF YOUR KNOWLEDGE

- 1. The right-of-way or alley is: not open and used unopened "paper" street
- 2. Is there a pending "Contract for Sale"? _____ Yes No

If yes, please list all parties involved in the sales contract:

- 3. Is a corporation involved as owner or buyer?
If yes, please give corporation name and list corporate officers:

- 4. Complete subdivision name as shown on the subdivision plat:

Orange Estates 1st Add

- 5. Subdivision Plat Book Number _____ Page number(s) _____

- 6. Is there a Homeowners Association? _____ Yes No

- 7. Reason(s) for requesting this release – check all that apply:

-Need to release to clear an existing encroachment:
_____ Pool _____ Screened Pool & Deck _____ Building Other

-Need to release to clear title: Yes _____ No

-Want to release to allow for:

Pool Screened Pool/Deck Building Addition Other

-Want to vacate to include the vacated right of way or alley into my property for:

Increased property size Prohibiting unwanted use of the area

Other:

8. Is Board of Adjustment required? Yes No

To determine if a variance is required, please call the BUILDING DEVELOPMENT REVIEW SERVICES DEPARTMENT at 464-3888.

9. Please provide any relevant additional comments:

10. If anyone has assisted you with the preparation of this form, gathering of information or requesting information on your behalf, please list their name, title, address and phone number below.

Name _____ Title _____

Address _____ Phone _____

CITIZEN DISCLOSURE

11. 1) I have a current family relationship to an employee, or an elected official, of Pinellas County Government. That person is _____, employed in the Department of _____, or Office of _____, Elected Official.

2) I am not aware of any current family relationship to any employee, or Elected Official, of Pinellas County Government.

3) I am an employee of Pinellas County Government, in the _____ Department, or the Office of _____, Elected Official.

The definition of family relationship, for the purposes of this document, is the immediate family consisting of: father, mother, brother, sister, half-brother or sister, adopted brother or sister, or by law or marriage, father-in-law, mother-in-law, brother-in-law, or sister-in-law.

APPLICANT(S) SIGNATURE

DATE: Dec 7 2018



VACATION OF RIGHT-OF-WAY

DESCRIPTION:

A PORTION OF LAND BEING PART OF THE PUBLIC RIGHT OF WAY, KNOWN AS 54TH AVENUE NORTH. THIS RIGHT OF WAY WAS DEDICATED IN THE PLAT ORANGE ESTATES OF ST. PETERSBURG FIRST ADDITION, RECORDED IN PLAT BOOK 36 PAGE 13 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA ON JANUARY 13TH 1955, AND THIS PORTION OF THE RIGHT OF WAY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE 30 FOOT PORTION OF LAND LYING NORTH OF LOT 7, SAID ORANGE ESTATES OF ST. PETERSBURG FIRST ADDITION. FROM THE NORTHEAST CORNER OF LOT 7, ORANGE ESTATES OF ST. PETERSBURG FIRST ADDITION PLAT BOOK 36, PAGE 13 OF PINELLAS COUNTY, FLORIDA - FOR A POINT OF BEGINNING - ALSO BEING A POINT ON THE WEST RIGHT OF WAY OF 102ND STREET NORTH; THENCE NORTH 88°47'29" WEST ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 70.00 FEET; THENCE NORTH 00°26'52" EAST ALONG AN EXTENSION OF THE WEST PROPERTY LINE OF SAID LOT 7 A DISTANCE OF 30.00 FEET; THENCE SOUTH 88°47'29" EAST ALONG A LINE 30.00 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 70.00 FEET TO AN EXTENSION OF THE WEST RIGHT OF WAY LINE OF SAID 102nd STREET; THENCE SOUTH 00°26'52" WEST ALONG SAID EXTENSION OF THE WEST RIGHT OF WAY LINE OF SAID 102nd STREET A DISTANCE OF 30.00 FEET BACK TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 2,100 SQUARE FEET OR 0.048 ACRES, MORE OR LESS.

SURVEYOR'S NOTES:

1.) BASIS OF BEARINGS IS THE WEST RIGHT OF WAY OF 102ND STREET NORTH



Reviewed by: CH TS
Date: 5/4/2021
SFN#: 501-1570



NORTHWEST CORNER OF LOT 6 ORANGE ESTATES OF ST. PETERSBURG FIRST ADDITION

LOT 6

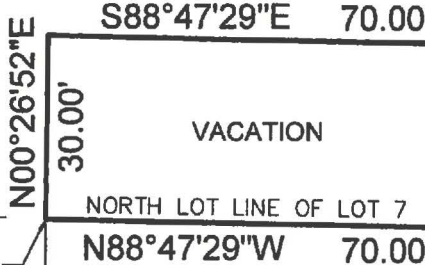
LOT 18

LOT 19

54th AVENUE NORTH

R/W VARIES

P.O.B. NORTHEAST CORNER OF LOT 7 ORANGE ESTATES OF ST. PETERSBURG FIRST ADDITION



WEST LOT LINE OF LOT 7

EAST LOT LINE OF LOT 7

WEST RIGHT OF WAY 102ND STREET NORTH

S00°26'52"W 100'

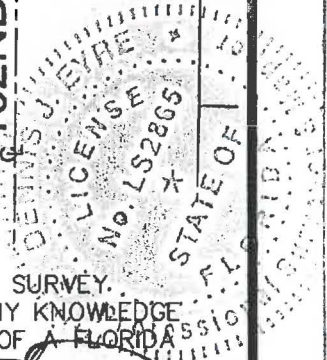
102ND STREET NORTH

60' RW

SURVEYOR'S CERTIFICATION:

I, DENNIS J. EYRE, THE SURVEYOR IN RESPONSIBLE CHARGE, HEREBY CERTIFY THAT THE SURVEY REPRESENTED HEREON AND THAT SAID ABOVE SKETCH IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. SURVEY NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Dennis J. Eyre
DENNIS J. EYRE, P.L.S. NUMBER 2865
DATE: APRIL 21st, 2021



THIS IS NOT A BOUNDARY SURVEY!!!

DRAWN BY:	B.J.E.
CHECKED BY:	D.J.E.
DATE:	March 25th, 2021
SHEET	1 of 1
JOB NO.:	5601

LEGEND:	
⊙	= CENTERLINE
PG.	= PAGE
POB	= POINT OF BEGINNING
POC	= POINT OF COMMENCEMENT
R/W	= RIGHT-OF-WAY

GEODATA SERVICES INC.
1822 DREW ST. SUITE 8
CLEARWATER, FL 33765
PHONE: (727)447-1763
LB 7466



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

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

Comes now your Petitioners, Robert W. Morgan
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.

The Petitioners hereby represent that to the best of their knowledge and belief, 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 surrounding property owners.

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

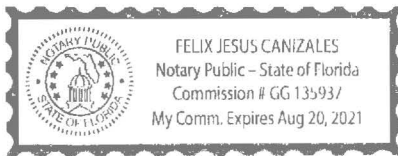
Robert W. Morgan
Robert W. Morgan

STATE OF Florida
COUNTY OF pinellas

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this 5th day of February, 2021, by Robert W. Morgan. Such person(s) Notary Public must check applicable box:

- are personally known to me.
 produced ^{his} her current driver license.
 produced Florida DL as identification.

(Notary Seal)



Felix Canizales
Notary Public
Printed Name of Notary: Felix Canizales
Commission Number: GG 135937
My Commission Expires: 08/20/2021



Date March 31, 2021

--Re: 5382 102nd St N St Petersburg Florida, 33708 Parcel # 3-31-15-34134-000-0070

_____ Charter / Spectrum has no objections provided easements for our facilities are Retained / granted

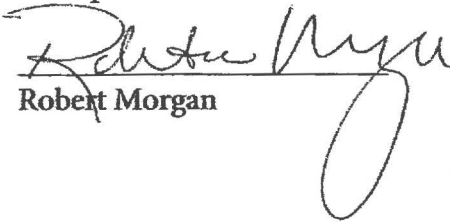
XXX Charter / Spectrum has no objections provided applicant bears the expense for relocation of any Spectrum facilities to maintain service to customers affected by the proposed Vacate.

_____ In order to properly evaluate this request, Spectrum will need detailed plans of facilities proposed for subject areas. Spectrum has facilities within this area, which may conflict with subject project Please call one call locating. SEE NOTES

_____ Spectrum requires 30 days written notice prior to construction start date to relocate their facilities.

NOTES:

I accept the terms stated above:

 4/5/21
Robert Morgan Date

Sincerely,
Ozzie Perez



Charter Communications, Inc. Spectrum
Field Engineer
Pinellas County
727-329-2817



Frontier Communications
3712 W Walnut St.
Tampa, FL USA 33607
Office: (727) 462-1760
Fax: (727) 562-1175
Mobile: (941) 266-9218
Email: stephen.waidley@ftr.com

4/5/2021

Attn: Robert Morgan
5382 102nd St N
St Petersburg, FL 33708
(727) 331-4040

RE: Vacation of Portion of Right-of-Way – 5382 102nd St N, St Petersburg, FL

Dear Mr. Morgan,

Our records do not indicate that there are Frontier Communications facilities in the area of the Plat request as per the attachment provided.

Frontier Communications has no objection to the above referenced request as per the attachment.

Frontier Communications has facilities within the proposed vacate area. A recordable non-exclusive Easement in favor of Frontier will be required for Frontier Communications facilities to remain in the proposed vacated R.O.W.

Frontier Communications has facilities in the area, which may be in conflict with your proposed construction plans. Please contact Sunshine 811 by dialing 811, 2 full business days prior to the start of your work to have these facilities located for you. Please take all necessary precautions to protect and avoid damage of these facilities during your construction.

Frontier Communications has facilities in the area, which may be in conflict with your proposed construction plans. Please send a set of construction plans and references to the Frontier Communications Engineering Department in regards to the above project.

Frontier Communications has facilities in the area of your proposed construction. Prepayment is required to markup a set of construction plans in order to confirm and accurately depict Frontier Communications facilities. There will also be a reimbursement of all costs required for relocation/adjustments of Frontier Communications facilities needed to accommodate the proposed construction project.

Please call me if you have any questions or need any additional information at (941) 266-9218.

Sincerely,

Stephen Waidley
Frontier Communications
Regional Rights of Way & Municipal Affairs Manager

2401 25th St. N.
St. Petersburg, FL 33713
SP-15
Jonathan.Kasper@duke-energy.com
o: 727-893-9262



April 5, 2021

MORGAN, ROBERT W
5382 102ND ST N
ST PETERSBURG FL 33708-3457

RE: *Approval of a Right of Way Vacation*
Parcel ID: 03-31-15-64134-000-0070
Owner: MORGAN, ROBERT W
Address: 5382 102ND ST N

Dear Mr. MORGAN,

Please be advised that Duke Energy Florida, LLC., *Distribution Department* and *Transmission Department* has “**NO OBJECTIONS**” to the approval of the proposed right of way vacation shown on accompanying exhibit.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Jonathan Kasper

Jonathan Kasper
Land Representative
Duke Energy Florida



April 5, 2021

Robert Morgan
5182 102nd Street North
Saint Petersburg, FL 33708

RE: Petition to Release Right-of-Way/ Easement for Parcel Number 13-29-15-93456-000-0110

Dear Mt. Morgan:

Pinellas County Utilities objection to the petition for proposed release. Pinellas County Utilities has utilities in the vicinity of this property. If you have any questions, please do not hesitate to contact our office at (727) 464-4068.

Sincerely,

Joseph Graham, PE
Interagency Water Manager
Engineering Technical Services
Pinellas County Utilities

14 South Fort Harrison Avenue
Clearwater, FL 33756
Phone (727) 464-4000
Fax (727) 464-3717
V/TDD (727) 464-4062

Rosado, Josh

Subject: FW: 5382 102nd St., North, St. Petersburg, Fla. 33708, Petition to Vacate

From: **Leggatt, Taylor J.** <TJLeggatt@tecoenergy.com>

Date: Tue, Apr 6, 2021 at 9:43 AM

Subject: RE: 5382 102nd St., North, St. Petersburg, Fla. 33708, Petition to Vacate

To: Treva Hearne <trevahearne@gmail.com>

Hi Treva,

Tampa Electric does not serve this area, therefore, we have no objections to the proposed vacate.

Thanks,

Taylor J. Leggatt

Supervisor, Land Rights

702 N. Franklin St., Tampa, FL 33602

(813) 228-1424



NOTICE: This email is intended only for the individual(s) to whom it is addressed and may contain confidential information. If you have received this email by mistake, please notify the sender immediately, delete this email from your system and do not copy or disclose it to anyone else. Although we take precautions to protect against viruses, we advise you to take your own precautions to protect against viruses as we accept no liability for any which remain.



3/31/2021

To: Treva J. Hearne, Esq.
Reno Law Group
433 W. Plumb Lane
Reno, NV 89509

RE: Vacate of Easement
5382 102nd St. N.
St. Petersburg, FL 33708

From: TECO Peoples Gas

To Whom It May Concern:

Thank you for contacting TECO Peoples Gas Company regarding the vacate of easement at the above referenced location. After reviewing the documents provided, TECO-PGS has NO objection to this request.

If you have further questions, please do not hesitate to call.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joan A. Domning". The signature is fluid and cursive.

Joan Domning
Administrative Specialist, Senior
Peoples Gas-Distribution Engineering
8416 Palm River Road
Tampa, FL 33619
Office: 813-275-3783



Internet – Cable – Phone

May 17 2021

3001 Gandy Blvd N
Pinellas Park, FL

Re: Petition to Vacate:
5382 102nd street
St..Petersburg, FL 33704

Thank you for contacting Wide Open West (WOW!) with the subject request.

XX WOW! Has 'NO OBJECTION'.

_____ In order to properly evaluate this request, WOW! Will need detailed plans of facilities proposed for the subject area.

_____ WOW! Maintains facilities within this area that conflict with the subject request. WOW! Has no objections provided easements for our facilities are granted and/or applicant bears the entire expense for relocation of associated WOW! Services.

Please refer any further questions and/or correspondence to:

WOW!
Richard LaGanga
Construction Manager Southeast
3001 Gandy Blvd. N.
Pinellas Park, FL 33782

Sincerely,

Richard LaGanga
Construction Supervisor Southeast Region
WOW! Internet – Cable - Phone
(C) (727-422-8040
(E) Richard.laganga@wowinc.com

3001 Gandy Blvd N - Pinellas Park, FL 33782

PETITION TO RELEASE
PUBLIC HEARING

For your information, below please find the steps necessary for the Real Estate Division to prepare your petition for the public hearing.

At the time you bring in the completed application, letters of no objection and all documents requested, a \$350.00 non-refundable application fee is required to begin the petition to release or release of easement application. When the County staff review and approval of the application is complete, **you will be notified by mail and requested to submit the Petition to Release form together with the \$400.00 filing and advertising fee, and all pertinent fees associated with approval of the request.** Upon receipt of the check, made payable to the Board of County Commissioners (BOCC), and the Petition, the **PETITION TO RELEASE PACKAGE** is prepared by County staff for presentation to the **BOARD OF COUNTY COMMISSIONERS** as a public hearing agenda item.

FYI, below are the steps necessary for the Real Estate Division to prepare for the public hearing include:

ADVERTISEMENT

In accordance with Florida State Statute 177.10, the date of the public hearing will be advertised " *by publishing legal notice in a newspaper of general circulation in the county in which the parcel of land is located, in not less than two weekly issues of said paper*". The advertisement is placed in the paper by the Clerk of the Circuit Court, Board Records Section.

ADVERTISEMENT

In accordance with Florida State Statute 336.09, 336.10, & 336.12, " *the Commissioners shall hold a public hearing and shall publish notice thereof, one time in a newspaper of general circulation in the county in which the parcel of land is located, at least two weeks prior to the date stated therein for such hearing*". Following the Public Hearing, " *Notice of the adoption of the Resolution by the Commissioners shall be published one time, within 30 days following its adoption, in one issue of a newspaper of general circulation*". These advertisements are placed in the paper by the Clerk of the Circuit Court, Board Records Section.

Robert W. Morgan
5382 102nd Street North
St Petersburg, FL 33708

5358
63-1455/631

Dec 7 2018
DATE

PAY TO THE ORDER OF BOCC

Three hundred fifty \$ 00 \$ 350.00

DOLLARS  Security features included. Details on back.

FIRST HOME BANK
SEMINOLE, FLORIDA 33772

FOR _____ Robert W. Morgan MP

⑆06311455⑆ 0012000048⑆ 5358

PETITION TO RELEASE
PUBLIC HEARING

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ADVERTISEMENT

In accordance with Florida State Statute 177.101, the date of the public hearing will be advertised "***by publishing legal notice in a newspaper of general circulation in the county in which the parcel of land is***

located, in not less than two weekly issues of said paper". The advertisement is placed in the paper by the **Clerk of the Circuit Court, Board Records Section.**

ADVERTISEMENT

In accordance with Florida State Statute 336.09, 336.10, & 336.12, "***the Commissioners shall hold a public hearing and shall publish notice thereof, one time in a newspaper of general circulation in the county in which the parcel of land is located, at least two weeks prior to the date stated therein for such hearing***". Following the Public Hearing, "***Notice of the adoption of the Resolution by the Commissioners shall be***

published one time, within 30 days following its adoption, in one issue of a newspaper of general circulation". These advertisements are placed in the paper by the Clerk of the Circuit Court, Board Records Section.

Robert W. Morgan 5382 102nd Street North St Petersburg, FL 33708	5553 63-1455/631
	2/5/2021 Date
Pay to the order of BOCC	\$ 400.00
four hundred & 00/100	Dollars
FIRST HOME BANK SEMINOLE, FLORIDA 33772	Security features included. Details on back.
For _____	<i>Robert W. Morgan</i> MP
⑆063114551⑆ 0012000048⑆ 5553	

Mini-Street - Village Mortgage

SPECIAL INSTRUCTIONS

- 5 weeks prior to Public Hearing date:

6/8/21

Tuesday of that week Real Property (Josh Rosado) coordinates with Jo Lugo for availability on the proposed agenda and gives notice of the proposed number of Petition to Release packages.

- 4 weeks prior to Public Hearing date:

6/15/21

Tuesday of that week Real Property (Josh Rosado) Notifies Jo the actual number of petitions and the names of the petitioners projected to go to the agenda.

- **ADVERTISEMENT ACTION:**

- 3 weeks prior to Public Hearing date
- (for F.S. 177.101:) (for F.S. 336.09, 10, 12)

6/23/21

Wednesday of that week, the Request to Advertise package for each petition must be delivered to BCC Records (Norman Loy) to meet State Statute advertising requirements. (If any petition package is not approved as of this day, please notify Jo ASAP so they can PULL the item from the Board agenda.)

PLEASE NOTE: When the Request to Advertise package is delivered to Board Records/Norman, a copy of the ad is provided to Jo.

Thank you.