

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA; VACATING THAT PORTION OF THE 15 FOOT RIGHT-OF-WAY LYING WEST OF AND ADJACENT TO THE NORTH ½ OF LOT 4, PINELLAS GROVES, PLAT BOOK 1 PAGE 55, LYING IN THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 29-30-15, PINELLAS COUNTY, FLORIDA, LESS THAT PORTION LYING WITHIN 33 FOOT OF THE NORTH LINE OF SECTION 29-30-15; RETAINING A 15-FOOT-WIDE PUBLIC UTILITY EASEMENT OVER THE VACATED AREA; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Landen Clint Patrick Miller (“the Petitioner”) has petitioned this Board of County Commissioners (“Board”) to vacate the following described property:

**Lands described in the legal description attached hereto as Exhibit “A” and incorporated herein by reference; and**

WHEREAS, pursuant to Section 336.09, Florida Statutes, the Board has the authority to vacate abandon, discontinue and close any existing public or private street, alleyway, road, highway, or other place used for travel, or any portion thereof; and

WHEREAS, the Petitioner’s affidavit and application to vacate the platted right-of-way has been received by the Board; and

WHEREAS, as a condition of the vacation of the platted right-of-way, the Petitioner will grant Pinellas County a 15-foot-wide utility easement over the vacated area; and

WHEREAS, the Petitioner has shown that the vacation of such portions of the plat will not otherwise affect the ownership or right of convenient access of persons owning other parts of the subdivision; and

**WHEREAS**, the Board finds that the platted right-of-way which is the subject of this Resolution is a proper subject for vacation pursuant to Section 336.09, Florida Statutes.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pinellas County, Florida that:

1. The recitals set forth above are true and correct and incorporated herein by reference.
2. The vacation of the above-described property and plat shall be conditioned on the Petitioner granting Pinellas County a 15-foot-wide public utility easement over the vacated area, a true and correct copy of which is attached hereto as Exhibit B and incorporated herein by reference.
3. To the extent that the vacated area overlaps with any other public easement or right-of-way created by deed, plat, petition, maintenance, or otherwise, the subject vacation shall have no effect thereon.
4. This Resolution shall become effective upon the execution and recording of the public utility easement in the public records of Pinellas County, Florida.

In a regular meeting duly assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, 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:

SURVEYOR'S REPORT

**SKETCH AND DESCRIPTION: NOT A SURVEY**

**DESCRIPTION:**

THAT PART OF THE NW 1/4 OF SECTION 29, TOWNSHIP 30 SOUTH, RANGE 15 EAST, LOCATED BETWEEN THE WEST LINE OF LOT 4, PINELLAS GROVES INC., RECORDED IN PLAT BOOK 1, PAGE 55, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND THE EAST LINE OF RIVIERA HEIGHTS 2ND ADDITION, RECORDED PLAT BOOK 59, PAGE 8, PUBLIC RECORDS PINELLAS COUNTY, FLORIDA AND NORTH OF THE NORTH LINE OF EDEE ESTATES, RECORDED PLAT BOOK 67, PAGE 7, PUBLIC RECORDS PINELLAS COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER, AFORESAID SECTION 29-30S-15E, THENCE ALONG THE NORTH LINE, SAID SECTION 29-30S-15E, S89°15'09"E, 1327.85 FEET TO THE EAST LINE OF AFORESAID RIVIERA HEIGHTS 2ND ADDITION AND IT'S NORTHERLY EXTENSION; THENCE ALONG SAID NORTHERLY EXTENSION, S00°41'59"W, 33.00 FEET FOR THE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF 86TH AVENUE NORTH (COUNTY ROAD 139), S89°20'53"E, 15.00 FEET TO THE WEST LINE OF LOT 4, AFORESAID PINELLAS GROVES; THENCE ALONG SAID WEST LINE, S00°41'59"W, 306.07 FEET TO THE NORTH LINE OF AFORESAID EDEE ESTATES; THENCE ALONG SAID NORTH LINE, N89°13'15"W, 15.00 FEET TO THE AFORESAID EAST LINE, RIVIERA HEIGHTS 2ND ADDITION; THENCE ALONG SAID EAST LINE, N00°41'59"E, 306.03 FEET TO THE POINT OF BEGINNING.

**DATA SOURCES:**

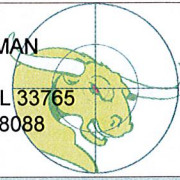
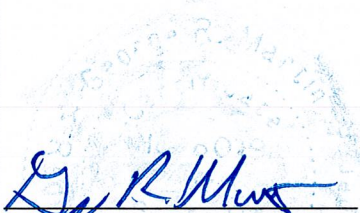
- (1) BASIS OF BEARING IS THE EAST LINE OF RIVIERA HEIGHTS 2ND ADDITION, BEING S00°41'59"W (ASSUMED PER (4)).
- (2) WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 20436, PAGE 2300, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.
- (3) PLAT OF PINELLAS GROVES, RECORDED PLAT BOOK 1, PAGE 55, PUBLIC RECORDS, PINELLAS COUNTY, FLORIDA.
- (4) PLAT OF RIVIERA HEIGHTS 2ND ADDITION, RECORDED PLAT BOOK 59, PAGE 8, PUBLIC RECORDS, PINELLAS COUNTY, FLORIDA.
- (5) PLAT OF SUSSEX ESTATES, RECORDED PLAT BOOK 65, PAGE 20, PUBLIC RECORDS, PINELLAS COUNTY, FLORIDA.
- (6) PLAT OF EDEE ESTATES, RECORDED PLAT BOOK 67, PAGE 7, PUBLIC RECORDS, PINELLAS COUNTY, FLORIDA.

**NOTES:**

1. RE-USE OF THIS SKETCH FOR PURPOSES OTHER THAN WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE RE-USERS SOLE RISK AND WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREIN SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE CERTIFIED TO.
2. THIS SKETCH IS NOT INTENDED TO SHOW THE LOCATION OR EXISTENCE OF ANY JURISDICTIONAL, HAZARDOUS OR ENVIRONMENTALLY SENSITIVE AREAS.

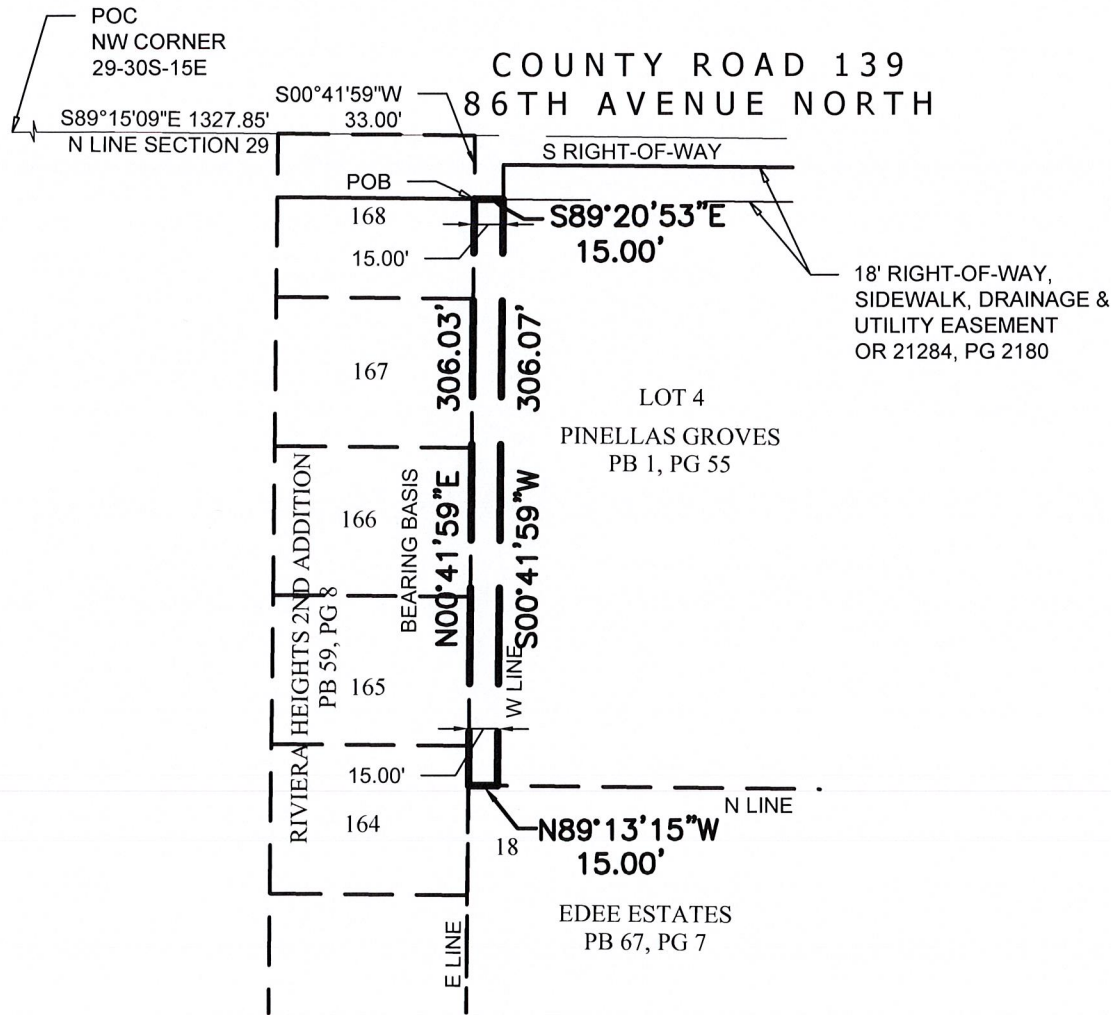
Reviewed by: CH TS  
 Date: 5/25/2021  
 SFN#: 501-1623

REVISIONS		
#	DATE	DETAILS
1	5/10/2021	ADDRESSED COMMENTS/MOVED NORTH LINE

Bullseye Surveying, Inc.	
LB 7818 2198 NE COACHMAN ROAD, UNIT F CLEARWATER, FL 33765 PHONE: 727-475-8088	
 GEORGE R. MARTIN PROFESSIONAL SURVEYOR & MAPPER LICENSE NUMBER LS 6019 STATE OF FLORIDA	
SCALE	SHEET NUMBER
N/A	1 of 2
SKETCH DATE	
01/28/2021	
FILE NAME	
21-003.dwg	

# SKETCH OF DESCRIPTION: NOT A SURVEY

SECTION 29, TOWNSHIP 30 SOUTH, RANGE 15 EAST  
PINELLAS COUNTY, FLORIDA



**Bullseye Surveying, Inc.**

LB 7818  
2198 NE COACHMAN ROAD, UNIT F  
CLEARWATER, FL 33765  
PHONE: 727-475-8088

**ABBREVIATIONS**

**DENOTES**

BNDY= BOUNDARY  
LB= LICENSED BUSINESS  
LS= LICENSED SURVEYOR  
OR= OFFICIAL RECORDS BOOK  
(P)= PLAT  
PG= PAGE  
PB= PLAT BOOK  
POB= POINT OF BEGINNING  
POC= POINT OF COMMENCEMENT

SCALE	SHEET NUMBER
1"=100'	<b>2 of 2</b>
SKETCH DATE	
01/28/2021	
FILE NAME	
21-003.dwg	

REVISIONS		
#	DATE	DETAILS
1	5/10/2021	ADDRESSED COMMENTS/MOVED NORTH LINE

Prepared by and return to:  
Real Property Division  
Attn: Josh Rosado  
509 East Avenue South  
Clearwater, FL 33756

Property Appraiser  
Attention: *Utilities Dept*

UTILITY EASEMENT

THIS UTILITY EASEMENT granted this \_\_\_\_\_ day of \_\_\_\_\_, 2021, by LANDEN CLINT PATRICK MILLER, whose address is 13380 86<sup>th</sup> Avenue, Seminole, FL, 33776, hereinafter referred to as “Grantor” to PINELLAS COUNTY, whose address is 509 East Avenue South, Clearwater, Florida 33756, a political subdivision of the State of Florida, hereinafter referred to as “Grantee.”

WITNESSETH

THAT THE GRANTOR, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby convey to Grantee a perpetual non-exclusive Utility Easement over, under and upon that portion of that certain property which is owned by Grantor and located in Pinellas County, Florida, to wit:

**Lands described in legal description attached as Exhibit “A” hereto and made a part hereof, hereinafter referred to as the “Easement Area.”**

TO HAVE AND TO HOLD said Easement unto said Grantee subject to the following conditions:

1. Grantor hereby warrants and covenants that (a) Grantor is the owner of the fee simple title to the Easement Area, and that (b) Grantor has full right and lawful authority to grant and convey this Easement to the Grantee.
2. The rights granted herein specifically include: (a) the right to access, install, inspect, maintain, and repair all current and future County utilities under, over and upon the Easement Area; (b) the right to authorize use of and access to the Easement Area by private and other public utilities as needed to install, provide and maintain power, telecommunications and other utilities as deemed necessary or appropriate by the Grantee; (c) the right to clear the Easement Area of trees, limbs, undergrowth and other physical objects which, in the opinion of the Grantee, endanger or interfere with the safe and efficient installation, operation or maintenance of the County utilities; (d) the right with advance notification for the Grantee’s staff and /or independent contractors, employees, engineers, and other personnel to have ingress and egress across the Grantor's property to the

Easement Area to inspect, conduct testing, repair, and maintain the County utilities.

3. The Grantor is prohibited from installing new structures or trees in the Easement Area without prior consent of the Grantee.

4. This Easement, and all rights and obligations hereunder, shall run with the land for as long as this Easement is in existence.

5. Each party agrees to be responsible for its own negligence and that of its employees, agents, and invitees. Nothing herein shall be construed as a waiver of Grantor's sovereign immunity or further limitation thereof beyond Florida Statute § 768.28, nor Grantor's consent to be sued by third parties in any manner arising from this Easement.

IN WITNESS WHEREOF, the said Grantor has granted to the Grantee and have hereunder set their hands on the date above written.

SIGNED AND DELIVERED  
IN THE PRESENCE OF:

WITNESSES:

GRANTOR:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Landen Clint Patrick Miller

\_\_\_\_\_  
Print Name: \_\_\_\_\_