


**BOARD OF COUNTY
COMMISSIONERS**

Dave Eggers
Pat Gerard
Charlie Justice
Janet C. Long
Kathleen Peters
Karen Williams Seel
Kenneth T. Welch



MEMORANDUM

TO: Norman D. Loy, Deputy Clerk
BCC Records

FROM: Sean P. Griffin 
Real Property Manager

SUBJECT: PETITION TO VACATE – Submitted by Michael S. Smith and Shawntee Smith
File No. 1562 CATS 50985 Legistar 19-604A
Property Address: 14090 79th Avenue North, Seminole, FL 33776

DATE: May 30, 2019

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! (Knology)

Receipts dated 6-SEP-2018 and 1-APR-2019 and copy of checks #118 and #119 in the amount of \$750.00.

Please set the public hearing for the BCC meeting of July 23, 2019, place the necessary newspaper advertising in accordance with State Statute 336.10 (which requires advertising one time not less than 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

Pinellas County
Real Estate Management
509 East Ave. S.
Clearwater, FL 33756
Main Office: (727) 464-3496
FAX: (727) 464-5251
V/TDD: (727) 464-4062

www.pinellascounty.org



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

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

Comes now your Petitioners, Michael Smith and Shawntee Smith
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.

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

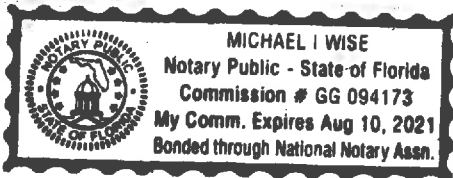
[Signature]
Michael Smith

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

[Signature]
Shawntee Smith

STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this Second day of April, 2019,
by Michael Smith and Shawntee Smith. He/She is personally known to me, or has produced a FL,
Driver's License as identification, and who did (did not) take an oath.



NOTARY
SEAL

NOTARY Michael I Wise
Print Name [Signature]

My Commission Expires: Aug 10, 2021 Commission Number: GG 094173

SECTION 30, TOWNSHIP 30 SOUTH, RANGE 15 EAST

DESCRIPTION AND SKETCH

RIGHT-OF-WAY VACATION AREA

LEGAL DESCRIPTION:

A PORTION OF BAYSHORE DRIVE RIGHT-OF-WAY (100 FOOT WIDE RIGHT-OF-WAY) AS RECORDED IN OFFICIAL RECORDS BOOK 1881, PAGE 325 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 4, BLOCK 4, BAYHAVEN FIRST ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 60, PAGE 52 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND RUN THENCE S.29°04'15"E. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BAYHAVEN DRIVE (100 FOOT WIDE RIGHT-OF-WAY PER DEED) AND THE WESTERLY LINE OF SAID LOT 4 A DISTANCE OF 12.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.29°04'15"E. A DISTANCE OF 73.14 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID BAYSHORE DRIVE; THENCE RUN N.88°34'24"W. ALONG SAID SOUTH RIGHT-OF-WAY LINE 13.93 FEET; THENCE RUN N.29°04'15"W. ALONG A LINE 12 FEET WESTERLY OF AND PARALLEL TO THE SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 66.07 FEET; THENCE RUN N.60°55'45"E. A DISTANCE OF 12.00 FEET TO THE THE POINT OF BEGINNING.

CONTAINING 835 SQUARE FEET OR 0.019 ACRES MORE OR LESS.

THIS DESCRIPTION AND SKETCH IS BASED UPON THE RECORDED PLAT

Reviewed by: CH SB
Date: 4-3-19
SFN# 501-1562

REVISED: 3/20/19
REVISED: 12/20/18
PREPARED: 8/20/18

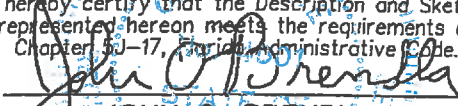
FOR: MICHAEL S. SMITH
SHAWNTEE M. HELLER

THIS IS NOT A SURVEY

This Description and Sketch was prepared without the benefit of a title search and is subject to all easements, Rights-of-way, and other matters of record.

NOTE: Description and Sketch not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

I hereby certify that the Description and Sketch represented hereon meets the requirements of Chapter 30-17, Florida Administrative Code.

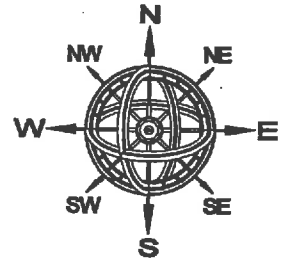

JOHN O. BRENDLA
Florida Surveyor's Registration No. 4601
Certificate of Authorization No. 760

Prepared by:
JOHN C. BRENDLA AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
4015 82nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7546 ~ fax (727) 577-9932

Job: 1808-43
Drawn: DS

SECTION 30, TOWNSHIP 30 SOUTH, RANGE 15 EAST

SKETCH OF DESCRIPTION
RIGHT-OF-WAY VACATION AREA

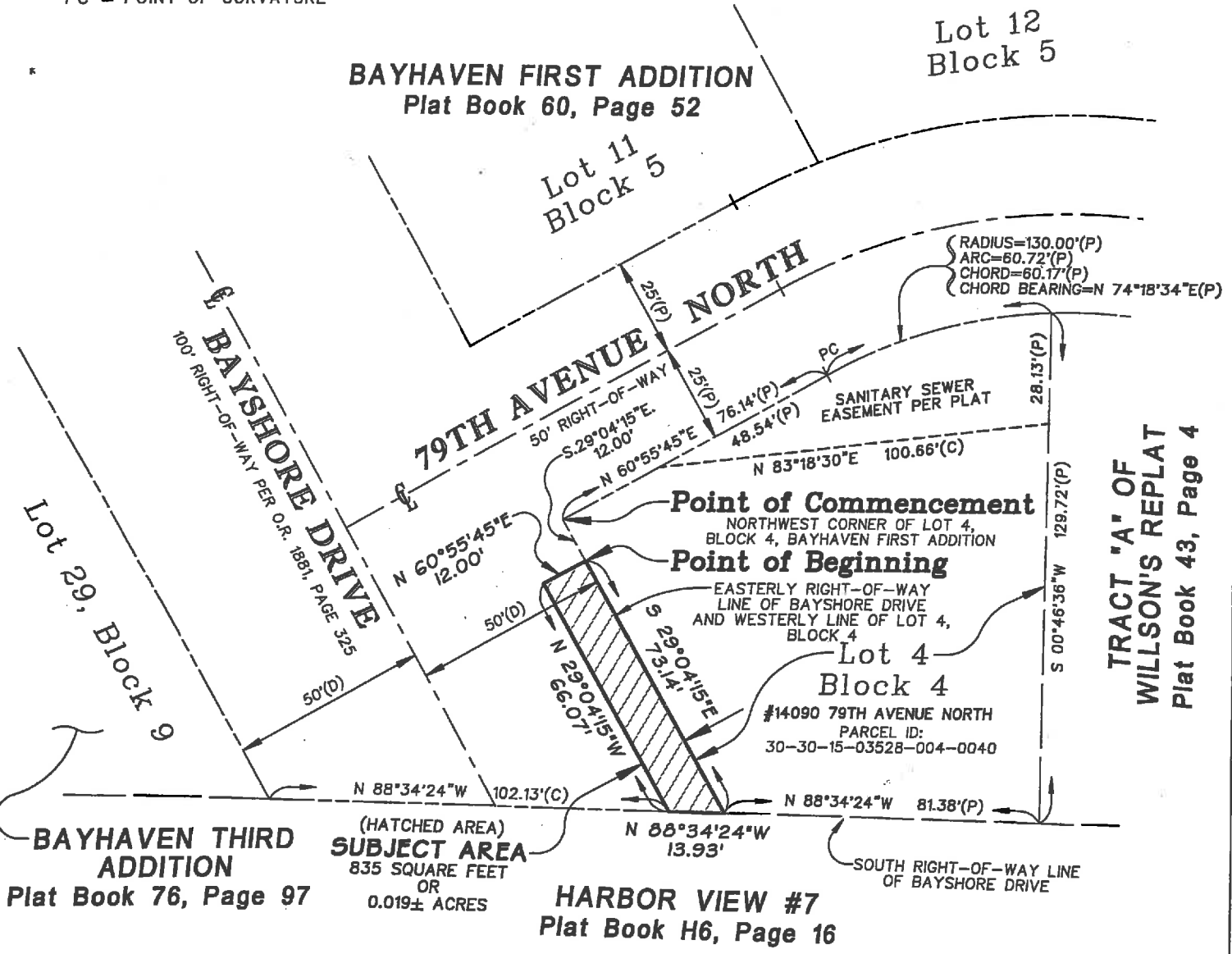


NORTH BASIS:
PLAT

SCALE: 1" = 40'

ABBREVIATIONS:

- (C) = CALCULATED
- CL = CENTERLINE
- (D) = DEED
- H = HILLSBOROUGH COUNTY
- ID = IDENTIFICATION
- O.R. = OFFICIAL RECORDS
- (P) = PLAT
- PC = POINT OF CURVATURE



BAYHAVEN THIRD ADDITION
Plat Book 76, Page 97

(HATCHED AREA)
SUBJECT AREA
835 SQUARE FEET
OR
0.019± ACRES

HARBOR VIEW #7
Plat Book H6, Page 16

Lot 4
Block 4
#14090 79TH AVENUE NORTH
PARCEL ID:
30-30-15-03528-004-0040

TRACT "A" OF
WILLSON'S REPLAT
Plat Book 43, Page 4

REVISED: 3/20/19
REVISED: 12/20/18
PREPARED: 8/20/18

THIS IS NOT A SURVEY

Job: 1808-43
Drawn: DS

Basis of Bearings:
EASTERLY RIGHT-OF-WAY LINE OF BAYSHORE DRIVE
AS BEING S.29°04'15"E., PER PLAT.

FOR: MICHAEL S. SMITH
SHAWNTEE M. HELLER

Prepared by:
JOHN C. BRENDA AND ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS AND MAPPERS
4015 82nd Avenue North
Pmellas Park, Florida 33781
phone (727) 576-7546 ~ fax (727) 577-9932
SHEET 2 OF 2



Date May 6, 2019

Re: 14090 79th Ave Seminole Florida S 29 04'15"E

Bright House Networks has no objections provided easements for our facilities are Retained / granted

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

_____ **In order to properly evaluate this request, Bright House will need detailed plans of facilities proposed for subject areas.**

_____ **Bright House has facilities within this area, which may conflict with subject project Please call one call locating. SEE NOTES**

_____ **Bright House requires 30 days written notice prior to construction start date to relocate their facilities.**

NOTES:

A handwritten signature in blue ink, appearing to be "Ozzie Perez", written over a horizontal line.

**Sincerely,
Ozzie Perez
Bright House Networks
Field Engineer
Pinellas County
727-329-2817**

2401 25th Street North (SP-15)
St. Petersburg, FL 33713

Lynn.Valiton@duke-energy.com

☎: 727.893.9265



May 22, 2019

Michael and Shawntee Smith
14090 79th Ave
Seminole, Florida 33776

**RE: *Approval of a vacation of Right of Way
Section 30, Township 30 South, Range 15 East, Pinellas County, Florida
14090 79th Ave, Seminole, Florida***

Dear Mr. and Mrs. Smith,

Please be advised that Duke Energy Florida, LLC., *Distribution Department* and *Transmission Department* has "NO OBJECTIONS" to the vacation of that certain Right-of-Way that abuts Lot 4, Block 4, BAYHAVEN FIRST ADDITION, according to the map or plat thereof as recorded in Plat Book 60, Page 52, Public Records of Pinellas County, Florida, also as shown on the attached Exhibit "A".

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

Sincerely,

Lynn Valiton
Land Representative
Land Services - Florida



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

5/6/2019

Attn: Cynthia M. Harris
Real Estate Management
Real Property Division
509 East Avenue
Phone (727) 464-3773

RE: Vacation of Portion of Right of Way – 14090 79th Avenue

Dear Ms. Harris,

- 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

**BOARD OF COUNTY
COMMISSIONERS**

Jay J. Beyrouth
Dave Eggers
Pat Gerard
Charlie Justice
Janet C. Long
Karen Williams Seel
Kenneth T. Welch



May 6th, 2019

Michael and Shawntee Smith
14090 79th Ave.
Seminole, FL., 33776

RE: Petition to Vacate Easement:
Section 30, Township 30 S, range 15 E, Pinellas County, FL.
14090 79th Ave.
Seminole, FL. 33776

Dear Michael and Shawntee Smith,

We are in receipt of your request dated August 8th, 2018 requesting a response to the release of an Easement on the referenced Parcel. Pinellas County Utilities has "No Objection" to this request. If you have any questions, please do not hesitate to contact me at (727) 464-8418

Sincerely,


Raymond S Letts
Engineering Specialist II
Pinellas County Utilities
14 South Ft Harrison Ave.
Clearwater, FL. 33756
727-464-8418

Pinellas County Utilities
14 S. Fort Harrison Ave.
Clearwater, FL 33756
Phone: (727) 464-4000
Fax: (727) 464-3717
www.pinellascounty.org



AN EMERA COMPANY

May 22, 2019

Cynthia Harris
Real Estate Management
509 East Avenue

RE: Petition to Vacate: See attached Legal Description
Section 30, Township 30 South, Range 15 East
Lot 4, Block 4 Bayhaven First Addition

Dear Ms. Harris,

Tampa Electric Company does not serve the subject area therefore does not object to the Petition to Vacate for the abovementioned property; more particularly described as follows:

See Legal Description attached hereto and by reference made a part hereof.

If you have any questions or concerns, you may contact me at (813) 228-1424 or tjleggatt@tecoenergy.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Taylor J. Leggatt".

Taylor J. Leggatt
Real Estate Services
Distribution Easement Coordinator



4/29/2019

To: Cynthia Harris
Pinellas County Real Estate Management-Real Property Division
509 East Ave. Clearwater, FL 33756

RE: Vacation of Right-of-Way-Michael S. Smith

LEGAL DESCRIPTION:

A PORTION OF BAYSHORE DRIVE RIGHT-OF-WAY (100 FOOT WIDE RIGHT-OF-WAY) AS RECORDED IN OFFICIAL RECORDS BOOK 1981, PAGE 325 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 4, BLOCK 4, BAYHAVEN FIRST ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 80, PAGE 52 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA AND RUN THENCE S.29°04'15"E. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF BAYHAVEN DRIVE (100 FOOT WIDE RIGHT-OF-WAY PER DEED) AND THE WESTERLY LINE OF SAID LOT 4 A DISTANCE OF 12.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.29°04'15"E. A DISTANCE OF 73.14 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SAID BAYSHORE DRIVE; THENCE RUN N.88°34'24"W. ALONG SAID SOUTH RIGHT-OF-WAY LINE 13.93 FEET; THENCE RUN N.29°04'15"W. ALONG A LINE 12 FEET WESTERLY OF AND PARALLEL TO THE SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 66.07 FEET; THENCE RUN N.60°55'45"E. A DISTANCE OF 12.00 FEET TO THE THE POINT OF BEGINNING.

CONTAINING 835 SQUARE FEET OR 0.019 ACRES MORE OR LESS.

From: TECO Peoples Gas

To whom it may concern:

Thank you for contacting TECO Peoples Gas Company regarding the vacation of right of way at the above referenced address. After reviewing the documents provided, TECO-PGS has NO objection to this vacate. Furthermore, TECO-PGS has no facilities in the area of this address.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Joan Domning".

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



May 09, 2019

Cynthia M. Harris
Real Estate Management
Real Property Division
509 East Ave.

Attn: Cynthia M. Harris

Re: Smith 14090 79th Ave.

Thank you for advising **Wide Open West (WOW!)** of the subject project.

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

Please refer any further correspondence to:

WOW!
Dave Hamlin
Construction Coordinator
3001 Gandy Blvd. N.
Pinellas Park, FL 33782

Sincerely

A handwritten signature in blue ink, appearing to read "D. E. Hamlin Jr.", is written over a light blue horizontal line.

David E. Hamlin Jr.
Construction Project Coordinator
WOW!
(727) - 239-0156 Office
(678) - 409-8721 Cell

3001 Gandy Blvd N - Pinellas Park, FL 33782

APPLICATION AND FINDINGS OF FACT

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

APPLICANT(S): Michael and Shawntee Smith
Address: 14090 79th ave
City, State, Zip: Seminole, FL 33776
Daytime Telephone Number: 527-409-2285

SUBJECT PROPERTY ADDRESS: 14090 79th ave
City, State, Zip: Seminole, FL 33776
Property Appraiser Parcel Number: 30-30-15-03528-004-0040

PLEASE ANSWER THE FOLLOWING QUESTIONS TO THE BEST OF YOUR KNOWLEDGE

1. The right-of-way or alley is: open and used ^{its used by us} 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:

Bayhaven first edition block 4 lot 4

5. Subdivision Plat Book Number 60 Page number(s) 52

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:

The fence has been at its current location for over 25 years.
We have established and maintained the mature landscape for over 7 years.

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: 9/4/18

[Signature]
[Signature]

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.

Bank of America Advantage

MICHAEL S SMITH
14090 79TH AVE
SEMINOLE, FL 33776-3317

118
82 27 521 FL
28733

9/6/18 Date

Pay BOCC \$ 360 --
to the order of Three hundred and fifty /100 Dollars

Bank of America

ACH RT 681100277

MEMO

[Signature]

⑆063100277⑆ 229032324577⑆0118

PETITION TO RELEASE
PUBLIC HEARING

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Bank of America Advantage

MICHAEL S SMITH
14090 79TH AVE
SEMINOLE, FL 33776-3317

119
03-27-831 FL
23753

4.1.19

Pay BOCC
to the order of four hundred \$ 400-
00/100 Dollars

Bank of America

ACH P/T 033100277

MEMO

[Signature]

⑆063 100 277⑆ 22903 23 24577⑆0 1 19

SPECIAL INSTRUCTIONS

- 5 weeks prior to Public Hearing date:

6/18/19 Tuesday of that week Real Estate (Cynthia Harris) 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:

6/25/19 Tuesday of that week Real Estate (Cynthia Harris) 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

7/3/19 - (for F.S. 177.101:) (for F.S. 336.09, 10, 12)

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.