

**BOARD OF COUNTY  
COMMISSIONERS**

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




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**MEMORANDUM**

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**TO:** Norman D. Loy, Deputy Clerk  
BCC Records

**FROM:** Sean P. Griffin   
Real Property Manager

**SUBJECT:** PETITION TO VACATE – Submitted by Brien & Mary Bourbeau  
File No. 1558                      CATS 50816                      Legistar 19-472A  
Property Address: 749 Prior Place, Palm Harbor, Fl 34683

**DATE:** July 23, 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!

Receipts dated 29-JUN-2018 and 04-APR-2019 and copy of checks #1070 and #968 in the amount of \$750.00.

Please set the public hearing for the BCC meeting of August 20, 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.

and

Please set the public hearing for the BCC meeting of August 20, 2019, place the necessary newspaper advertising in accordance with State Statute 177.101 (which requires advertising not less than in two weekly issues prior to the Public Hearing and no advertising required following the hearing), 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](http://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, Brien and Mary Bourbeau  
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:

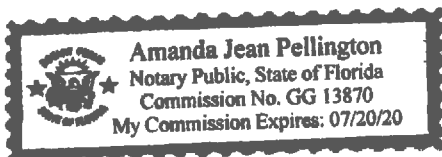
B. Bourbeau  
Brien Bourbeau

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

Mary Paige Bourbeau  
Mary Bourbeau

STATE OF FLORIDA  
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me this 4th day of April, 2019,  
by Brien Bourbeau and Mary Bourbeau. He/She is personally known to me, or has produced  
Driver's License as identification, and who did (did not) take an oath.



NOTARY  
SEAL

NOTARY A Pellington  
Print Name Amanda Pellington

My Commission Expires: \_\_\_\_\_ Commission Number: \_\_\_\_\_

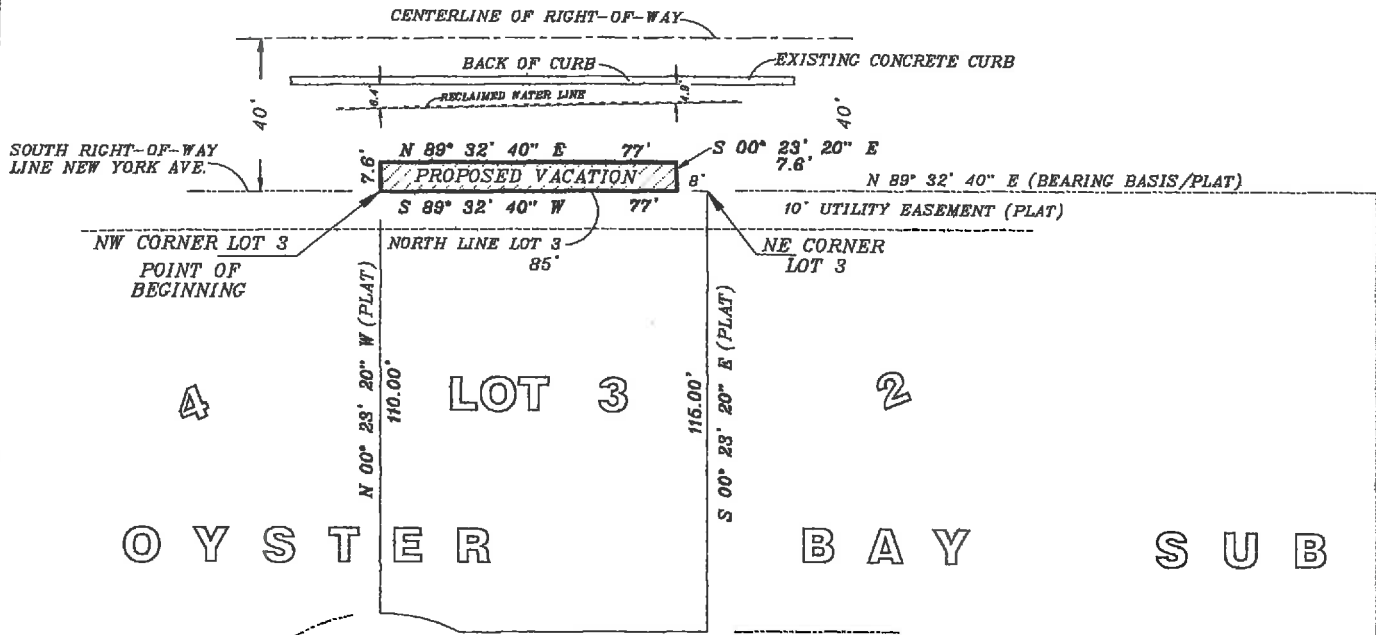
DESCRIPTIVE SKETCH ONLY  
NOT A SURVEY

SECTION 2, TOWNSHIP 28S., RANGE 15E.  
PINELLAS COUNTY, FLORIDA

EXHIBIT "A"

Reviewed by: CH SS  
Date: 2-26-18  
SFN# 501-1558

**NEW YORK AVENUE**  
(80' RIGHT-OF-WAY/PLAT BOOK H1, PAGE 1)



8th STREET NORTH

PRIOR PLACE



SCALE: 1" = 50'

NOTE:  
RECLAIMED WATER LINE LOCATION STAKED BY PINELLAS COUNTY.

PROPOSED RIGHT-OF-WAY VACATION OF A PORTION OF NEW YORK AVENUE, TOWN OF SUTHERLAND, AS RECORDED IN PLAT BOOK H1, PAGE 1, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA, OF WHICH PINELLAS COUNTY WAS FORMERLY A PART, BEING DESCRIBED AS FOLLOWS.

BEGINNING AT THE NW CORNER OF LOT 3, OYSTER BAY SUBDIVISION, AS RECORDED IN PLAT BOOK 84, PAGE 61, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE N 00° 23' 20" W, 7.6 FEET; THENCE N 89° 32' 40" E, 77 FEET; THENCE S 00° 23' 20" E, 7.6 FEET TO A POINT ON THE NORTH BOUNDARY OF SAID LOT 3; THENCE S 89° 32' 40" W, ALONG THE SAID NORTH BOUNDARY OF LOT 3 ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF NEW YORK AVENUE, 77 FEET TO THE POINT OF BEGINNING, CONTAINING 585.20 SQUARE FEET MORE OR LESS.

DRAWN BY: JCB CAD FILE: OYSTER BAY-L0T3

EVANS LAND SURVEYING, INC.

1460 BELTREES STREET UNIT 9  
DUNEDIN, FL 34698 (727)734-3821

TYPE	DATE	INV. NO.	I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTERS 5J-17.050 TO 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE
DESCRIPTIVE SKETCH	6/28/2017	2017-215	
REVISED SKETCH	6/18/2018	2018-182	
REVISED SKETCH	11/20/2018	-----	
REVISED SKETCH	2/08/2019	2019-42	

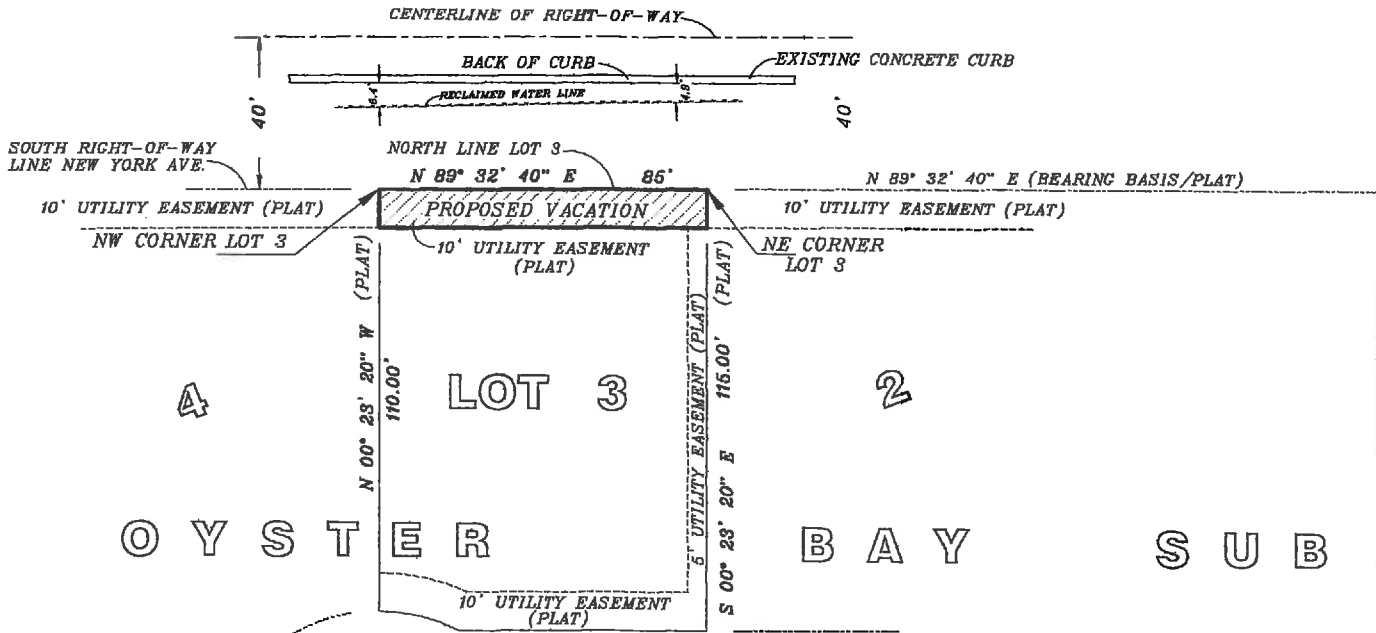
DESCRIPTIVE SKETCH ONLY  
NOT A SURVEY

SECTION 2, TOWNSHIP 28S., RANGE 15E.  
PINELLAS COUNTY, FLORIDA

EXHIBIT B

Reviewed by: CH GD  
Date: 5-15-19  
SFN# 501-1558

**NEW YORK AVENUE**  
(80' RIGHT-OF-WAY/PLAT BOOK HI, PAGE 1)



O Y S T E R                      B A Y                      S U B

8TH STREET NORTH

PRIOR PLACE



SCALE: 1" = 50'

NOTE:  
RECLAIMED WATER LINE LOCATION STAKED BY PINELLAS COUNTY.

PROPOSED UTILITY EASEMENT VACATION DESCRIBED AS FOLLOWS:

THE NORTH 10 FEET OF LOT 3, OYSTER BAY SUBDIVISION, AS RECORDED IN PLAT BOOK 84, PAGE 61, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

DRAWN BY: JCB      CAD FILE: OYSTER BAY-LOT3

**EVANS LAND SURVEYING, INC.**

1460 BELTREES STREET      UNIT 9  
DUNEDIN, FL. 34698      (727)734-3821

TYPE	DATE	INV. NO.
DESCRIPTIVE SKETCH	5/07/2019	2019-128

I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTERS 5J-17.050 TO 5J-17.052 OF THE FLORIDA ADMINISTRATIVE CODE

*Larry J. Evans*      5-07-2019  
 LARRY J. EVANS      JOHN C. BINDER  
 FL. REG. NO. 2937      FL. REG. NO. 4888  
 (INVALID WITHOUT SIGNATURE AND EMBOSSED SEAL)

APPLICATION AND FINDINGS OF FACT

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

APPLICANT(S): Brien & Mary Paige Bourbeau  
Address: 749 Prior Place  
City, State, Zip: Palm Harbor, FL 34683  
Daytime Telephone Number: 941.284.7238

SUBJECT PROPERTY ADDRESS: 749 Prior Place  
City, State, Zip: Palm Harbor, FL 34683  
Property Appraiser Parcel Number: Section 2, Township 28 S  
Range 15 E

PLEASE ANSWER THE FOLLOWING QUESTIONS TO THE BEST OF YOUR KNOWLEDGE

1. The right-of-way or alley is:  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:

N/A

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

N/A

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

Oyster Bay Sub

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:

↳ To add screened pool/deck

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: 6/29/2018

Mary Paige Bourbon  
Bin Bourbon



Date May 15, 2019

Re: 749 Prior Place Palm Harbor Florida 34683 Lot 3 Section 2 Township 28S, Range 15E

Pinellas County Plat Book 84 Page 61

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 read "Ozzie Perez".

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



2401 25<sup>th</sup> Street North (SP-15)  
St. Petersburg, FL 33713  
Lynn.Valiton@duke-energy.com  
☎ 727.893-8265

July 23, 2019

Brien And Paige Bourbeau  
749 Prior Place  
Palm Harbor, Florida 34683

**RE: *Approval of vacation of a portion of Right-of-Way and 10 Utility Easement***  
***Property: 749 Prior Place***  
***Tax Parcel Number: 02-28-15-65007-000-0030***

Dear Mr. and Ms. Bourbeau,

Please be advised that **DUKE ENERGY FLORIDA, LLC, d/b/a DUKE ENERGY *Distribution and Transmission Department*** have “**NO OBJECTIONS**” to the vacation of that portion of Right-of-Way that lies North of 749 Prior Place, Palm Harbor, Florida 34683 and a 10’ Utility Easement, as shown on the accompanying Exhibit “A” (2 pages), attached hereto and incorporated herein by this reference.

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

Sincerely,

A handwritten signature in black ink that reads "Lynn Valiton". The signature is fluid and cursive, with the first and last names clearly legible.

Lynn Valiton  
Land Representative  
Right of Way - Florida





*Network Engineering  
And Planning*

April 26, 2019

1280 Cleveland St., FLCW5033  
Clearwater, FL 33755  
Ofc: 727-562-1101  
Fax: 727-562-1175

Brien & Paige Bourbeau  
749 Prior Place  
Palm Harbor, FL

RE: **749 Prior Place**  
**Palm Harbor, FL**

Dear Mr. Bourbeau,

Thank you for your letter advising us of your proposed construction. Frontier Communications has no objections. Please be advised that we have no facilities in the area.

Thank you for cooperatively working with our office. If you need further assistance, please call Granville Stephens at 727-562-1190 in the Clearwater OSP Engineering Office.

Sincerely,

*Granville Stephens*

Granville Stephens  
Senior Network Engineer

**BOARD OF COUNTY  
COMMISSIONERS**

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



April 26<sup>th</sup>, 2019

Brien and Mary Bourbeau  
749 Prior Place  
Palm Harbor, FL 34683

RE: Petition to Release  
PID: 02/28/15/65007/000/0030  
10' Utility Easement along the rear of the property  
749 Prior Place  
Palm Harbor, Fl. 34683

Dear Mr. and MRS. Bourbeau,

We are in receipt of notification from Pinellas County Real Estate Management requesting a response to the release of a 10' Utility Easement located at the rear of the mentioned Parcel. Pinellas County Utilities does not have any potable water, sanitary sewer, or reclaimed water facilities in this Easement and 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

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

April 29, 2019

Cynthia Harris  
Real Estate Management  
509 East Avenue

RE: Petition to Vacate: See attached Legal Description  
Section 2, Township 28 South, Range 15 East  
749 Prior Place

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](mailto: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



5/13/2019

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

RE: Vacation of Easement  
Brien & Paige Bourbeau  
749 Prior Place  
Palm Harbor, FL 34683

From: TECO Peoples Gas

To whom it may concern:

Thank you for contacting TECO Peoples Gas Company regarding the vacation of easement 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 black ink, appearing to read "Joan Damning".

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



It's that kind of experience.

wowways.com

**WOW! Internet • Cable • Phone**

June,4 2018

**Paige Bourbeau**

749 Prior Place

Palm Harbor, FL

RE-Palm Harbor/ 749 Prior Place

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

\_XX WOW! Has '**NO CONFLICT**' with the proposed project construction at the level of plans I received 6/4/2018

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

WOW! Has buried facilities within the project limits. The buried WOW! Route shown on the attached utility mark-up Drawing No.11260- 06 indicate WOW!'s approximate routing. Please call Sunshine State One Call of Fla. Inc. (811) for utility locates if additional details are needed.

Please refer any further correspondence to:

**WOW!**  
**Richard LaGanga**  
**Construction Supervisor**  
**3001 Gandy Blvd. N.**  
**Pinellas Park, FL 33782**

Sincerely,

Richard LaGanga  
Construction Supervisor  
Cell- 727-239-0158

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.

MARY P BOURSEAU  
749 PRIOR PL  
PALM HARBOR, FL 34683-3446

968  
E3-27/631 FL  
11823

04/04/2019  
DATE

PAY TO THE ORDER OF Board of County Commissioners \$ 400.<sup>00</sup>  
Four Hundred Dollars and <sup>00</sup>/<sub>100</sub> DOLLARS

Bank of America

Wealth Management Banking

Request To Vacate

Mary Paige Bourbeau

⑆063100277⑆ 003769605714⑈0968

**PETITION TO RELEASE**  
**PUBLIC HEARING**

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GULF COAST HEALTHCARE PROVIDERS LLC  
749 PRIOR PL  
PALM HARBOR FL 34683-3446

1070  
53-4630 FL  
892

06/29/18  
Date

Pay To The  
Order Of

BOCC

\$ 350.00

Three Hundred & Fifty dollars Dollars

Bank of America

ACH RPT 06/10/277

For

Pool/Vacate

Mien Bourkew

## 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:**

7/3/19

- 3 weeks prior to Public Hearing date

- (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.