



### **MEMORANDUM**

TO:

Katherine Carpenter, Deputy Clerk

**BCC Records** 

FROM:

Diana Sweeney

Asset Management and Real Property Division Manager

SUBJECT:

PETITION TO VACATE - Submitted by Noell Family

File No. 1645

Accela PTV-21-00001

Legistar 21-1393A

Property Address: 4706 Pleasant Avenue, Palm Harbor, FL 34683

DATE:

July 14, 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:

Spectrum

**Duke Energy** 

Frontier

Pinellas County Utilities Engineering

**TECO Electric TECO Peoples Gas** 

WOW!

Receipt dated 09-MARCH-2021 and copy of check #1260251 in the total amount of \$750.00.

Please set the public hearing for the BCC meeting of August 24, 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.

Reference #	20386376
Status	Complete
PETITION TO VACATE APPLICANT(S):	Noell Family, LLC
Address:	PO Box 727
City	Ozona
State	FI
Zip Code	34660
Daytime Telephone Number	17274175501
Your Email Address	cnoell@yahoo.com
Address (property)	4706 Pleasant Avenue & adjacent vacant land
City (property)	Ozona
State (property)	FL
Zip Code (property)	34660
Parcel ID Number(s)	24-27-15-89280-000-6104 & 24-27-15-72162-002-0040
The right-of-way or alley is:	Unopened "paper" street
Is there a pending "Contract for Sale"?	Yes (list all parties involved in the sales contract) (Noell Family, LLC & DR Horton, Inc.)
s a corporation involved as owner or buyer?	Yes (give Corporation name and list Corporate Officers) (Robert L Noell, Jr, Patricia Noell, Christopher Noell, Cheryl Noell, & Jenny Noell)
Complete subdivision name as shown on the Subdivision Plat: (research at www.pcpao.org by selecting "Search Our Database")	Pleasant Valley Addition
Subdivision Plat Book Number (research at www.pcpao.org by going to 'Search Our Database")	14
Page Number(s)	12
s there a Homeowners Association?	No
leed to release to clear title:	Yes
leed to release to clear an existing encroachment:	Not Applicable
Vant to release to allow for:	Not Applicabl <b>e</b>
Vant to vacate to include the vacated right of way or alley into my property for:	Increased property size

	Other (Future development)
Is the Board of Adjustment and Appeals required?	No
Please provide any relevant additional comments:	Remnant 15 foot wide ROW surrounded by property owned by Noell Family, LLC
Did anyone assist you with completing this application?	Yes
Name (assistance):	Robert Pergolizzi, AICP/PTP - Gulf Coast Consulting, Inc.
Address (assistance):	13825 ICOT Blvd., Suite 605
City (assistance):	Clearwater
State (assistance):	FL
Zip Code (assistance):	33760
Title:	Principal
Daytime Telephone Number (assistance)	17275241818
Are there any other applicants/petitioners?	No
Are you an employee, or an elected official, of Pinellas County Government?	No
Do you have a current family relationship to an employee, or an elected official, of Pinellas County Government?	No
All information provided in this application is true to the best of my knowledge.	I AGREE
I have read and understand the Petition to Vacate application process and associated fees.	I AGREE
Checking the I AGREE box, as well as entering your name in the Signature box below, serves as an electronic signature for this application. I agree that this application may be electronically signed. I agree that the electronic signatures appearing on this application are the same as handwritten signatures for the purpose of validity, enforceability, and admissibility.	I AGREE
Petition to Vacate Applicant's Signature (type full name)	Robert Pergolizzi
Date of Application	03/15/2021
Last Update	2021-03-15 09:49:40
Start Time	2021-03-15 08:22:37
Finish Time	2021-03-15 09:49:40
P	71.40.128.10
Browser	IE
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### SKETCH OF DESCRIPTION FOR:

### D.R. HORTON, INC.

### SECTION 24, TOWNSHIP 27 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA

### "RIGHT OF WAY VACATION"

Reviewed	bv: _	CH	18
Date:	- 7	4/8/2021	
SFN#:		501-1645	

### **DESCRIPTION:**

A PORTION OF A 15 FOOT RIGHT OF WAY PER PLEASANT VALLEY ADDITION TO TARPON SPRINGS AS RECORDED IN PLAT BOOK 14, PAGE 12 OF THE PUBLICS RECORDS OF PINELLAS COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEASTERLY CORNER OF LOT 6, BLOCK II OF SAID PLEASANT VALLEY ADDITION; THENCE S.0074'54"W., 15.79 FEET TO A POINT ON THE NORTH BOUNDARY LINE OF TRACT 61 OF TAMPA AND TARPON SPRINGS LAND COMPANY SUBDIVISION AS RECORDED IN PLAT BOOK H1, PAGE 116 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG SAID NORTH BOUNDARY LINE, N.89'45'06"W., 145.17 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF FRED MARQUIS PINELLAS TRAIL (AKA ATLANTIC COAST LINE RAILROAD); THENCE DEPARTING SAID NORTH BOUNDARY LINE, ALONG SAID EASTERLY RIGHT OF WAY LINE, N.24'43'11"E., 17.29 FEET TO THE SOUTHWESTERLY CORNER OF LOT 6, BLOCK II OF SAID PLEASANT VALLEY ADDITION; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE, ALONG THE SOUTH BOUNDARY LINE OF LOT 6, BLOCK II OF SAID PLEASANT VALLEY ADDITION, S.89°46'23"E., 138.01 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 0.05 ACRES, MORE OR LESS.

- DATE OF SKETCH: DECEMBER 07, 2020.
- SUBJECT TO RIGHTS OF WAY, RESTRICTIONS, EASEMENTS AND RESERVATIONS OF RECORD.
- UNLESS OTHERWISE SHOWN, UNDERGROUND IMPROVEMENTS NOT LOCATED.
- PUBLIC RECORDS NOT SEARCHED BY JCH CONSULTING GROUP, INC.
- 5. BEARINGS SHOWN HEREON ARE RELATIVE TO AN ASSUMED BEARING OF N.89'45'06'W., ALONG THE NORTH BOUNDARY LINE OF TRACT 61 OF TAMPA AND TARPON SPRINGS LAND COMPANY SUBDIVISION AS RECORDED OF PLAT BOOK H1, PAGE 116, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.
- 6. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 7. THIS SKETCH HAS BEEN PREPARED FOR THE EXCLUSIVE BENEFIT OF THE PARTY(IES) NAMED HEREON, AND SHALL NOT BE DUPLICATED OR RELIED UPON BY ANY OTHER INDIVIDUAL OR ENTITY WITHOUT AUTHORIZATION FROM JCH CONSULTING GROUP, INC.

### **LEGEND:**

LINE BREAK

R/W RIGHT-OF-WAY CONC. CONCRETE

LS LAND SURVEYOR

LB. LICENSED BUSINESS

NO. NUMBER G CENTERLINE

P.C. POINT OF CURVATURE

P.I. POINT OF INTERSECTION

ARC LENGTH

R **RADIUS** 

Δ DELTA (CENTRAL ANGLE)

CB CHORD BEARING

CH CHORD DISTANCE

CHANGE IN DIRECTION

\*\*NOTE: THIS IS NOT A SURVEY\*\* SHEET 1 OF 2 ONE IS NOT COMPLETE WITHOUT THE OTHER

### **SURVEYOR'S CERTIFICATION:**

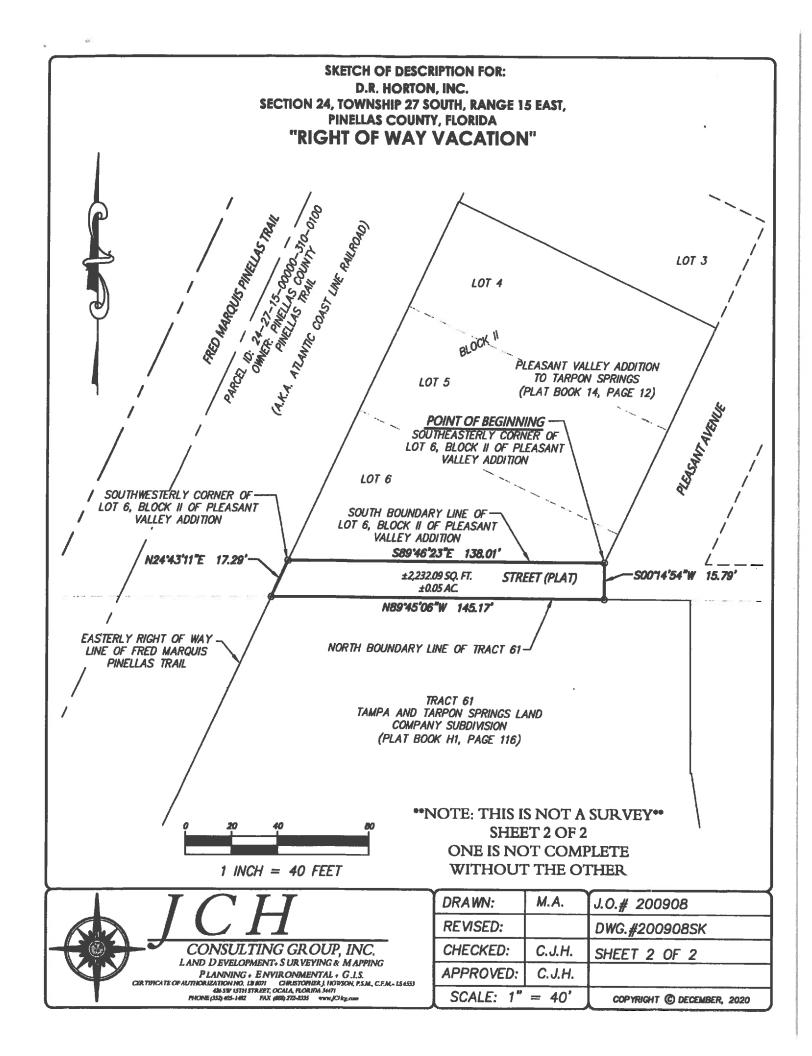
I HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050-052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FEORIDAE STATUTES.

CHRISTOPHER J. HOWSON UP 19M. C.F.M.-

OF JCH CONSULTING GROUP; INO NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

CONSULTING GROUP, INC. LAND DEVELOPMENT. SURVEYING & MAPPING PLANNING + ENVIRONMENTAL + G. I. S.
CERTIFICATE OF AUTHORIZATION NO. 18 8071 CIRRESTORIER J. HOVEON, F.S.M., C.F.M.- US 65531
465 SW 1511 STREET, OCALA, FLORIDA 54671
PHONE (553) 465-1482 FAX (688) 272-8335 www.jCileg.com

DRAWN:	M.A.	J.O.# 200908	
REVISED:		DWG.#200908SK	
CHECKED:	C.J.H.	SHEET 1 OF 2	
APPROVED:	C.J.H.		
SCALE:		COPYRIGHT © DECEMBER, 2020	



## Agent of Record Letter

I, Robert Noell of Noell Family, LCC, hereby designate and appoint **John Snyder of D.R. Horton, Inc.** and **Robert Pergolizzi of Gulf Coast Consulting, Inc.** as my Agent of Record for the purposes of representing me during the rezoning and development review process for the Noell Family project located at 4706 Pleasant Ave in Palm Harbor, Florida.

My Agent of Record is hereby vested with authority to make any representations, agreements, or promises which are necessary or desirable in conjunction with the review process. My Agent of Record is also authorized to accept of reject any conditions imposed by any reviewing board or entity.

Dated this \_\_\_\_\_ day of November, 2020

Noell Family, LLC

Robert Noell, Jr., Manager

STATE OF FLORIDA COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization this ☐ day of November, 2020, by Robert Noell, Jr. of Noell Family, LLC, a Florida limited liability company, who is personally known to me or provided \_\_\_\_\_ as identification.

[Notary Seal]

Notary Public Signature

Notary Public Printed Name:

My commission expires:



# 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, Noell Family, LLC 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:

Killy Magain.

Signature Robert Pergolizzi The foregoing instrument was acknowledged before me by means of physical presence or online notarization this day of day are personally known to me. ANITA V. ADKINSON Hotary Public-State of Florida produced her current driver license. Commission # GG 347252 My Commission Expires June 20, 2023 produced (Notary Seal)

Printed Name of Notary: Anta V. Adkinson

Commission Number: <u>46 347252</u>
My Commission Expires: <u>June 20, 2023</u>



Date January 7, 2021

Re:

Section 24, Township 27 S, Range 15 E, Pine	ellas County adjacent to 4076 Pleasant A	ve.
Charter / Spectrum has no objection Retained / granted	ns provided easements for our facilities a	re
XXX Charter / Spectrum has no objections of any Spectrum facilities to maint Vacate.	provided applicant bears the expense for tain service to customers affected by the	relocation proposed
proposed for subject areas.	quest, Spectrum will need detailed plans area, which may conflict with subject pro NOTES	
Spectrum requires 30 days written their facilities.	notice prior to construction start date t	to relocate
NOTES:		
	I accept the terms stated above:	
Sincerely, Ozzie Perez	Relt Pergley Sign	3/17/202/ Date
Charter Communications, Inc. Spectrum Field Engineer Pinellas County 727-329-2817	Print Name  Ashorized Aged	



February 3<sup>rd</sup>, 2021

3001 Gandy Blvd N Pinellas Park, FL

Re: Petition to Vacate: Valley Rd /Pleasant Rd Tarpon Fl

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





January 7, 2020

Robert Pergolizzi, AICP PTP Gulf Coast Consulting, Inc. 3825 ICOT Boulevard, Suite 605 Clearwater, FL 33760

RE: Petition to Vacate Right-of-Way between Parcel Number 24/27/15/89280/000/6104 and 24/27/15/72162/002/0040

To Whom it May Concern:

Pinellas County Utilities has no objection with the petition to vacate. Pinellas County Utilities does not have any utilities in the right of way between parcel ID 24/27/15/89280/000/6104 and 24/27/15/72162/002/0040 as depicted on the sketch provided with the 'petition to vacate request' dated 1/6/2021. If you have any questions, please do not hesitate to contact our office at 727-464-4068.

Sincerely,

Jenelle Ostrowski, P.E.

Engineer 3

Pinellas County Utilities Engineering Technical Services

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



March 10, 2021

Robert Pergolizzi Gulf Coast Consulting, Inc. 13825 ICOT Boulevard, Suite 605 Clearwater, FL 33760

RE: Approval of a 15' Alley Right of Way Vacation

Parcel ID: 24-27-15-89280-000-6104 and 24-27-15-72162-002-0040

Owner: NOELL FAMILY Address: 4706 PLEASANT AVE

Dear Mr. Pergolizzi,

Please be advised that Duke Energy Florida, LLC., *Distribution Department* and *Transmission Department* has "NO OBJECTIONS" to the approval of the proposed 15' alley 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



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

### 1/7/2021

Attn: Robert Pergolizzi, AICP/PTP Gulf Coast Consulting, Inc. 13825 ICOT Blvd. Suite 605 Clearwater, FL 33760 pergo@gulfcoastconsultinginc.com

RE: Vacation of Right-of-Way - adjacent to 4706 Pleasant Ave, Palm Harbor, FL

Dear Mr. Pergolizzi, ☐ 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.  $\hfill\Box$  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.  $\hfill\Box$  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

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

relocation/adjustments of Frontier Communications facilities needed to accommodate the proposed

Communications facilities. There will also be a reimbursement of all costs required for

Sincerely,

incereix, Stephen Waidley Stephen Waidley

construction project.

Frontier Communications

Regional Rights of Way & Municipal Affairs Manager



1/7/2021

To: Robert Pergolizzi, AICP PTP Gulf Coast Consulting, Inc. 13825 ICOT Blvd. Ste. #605 Clearwater, FL 33760

RE: Vacate Right of Way
Section 24, Township 27 S, Range 15 E, Pinellas County, FL
Unknown 15+/- foot wide ROW, adjacent to 4706 Pleasant Ave.
Pinellas County, FL

From: TECO Peoples Gas

To Whom It May Concern:

Thank you for contacting TECO Peoples Gas Company regarding the vacate request at the above referenced location. After reviewing the documents provided, TECO-PGS has NO objection to this vacate of Right of Way. Furthermore TECO-PGS has no facilities in this ROW.

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

Sincerely,

Joan Domning

Administrative Specialist, Senior Peoples Gas-Distribution Engineering

8416 Palm River Road

Tampa, FL 33619

Office: 813-275-3783

### Robert Pergolizzi

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

Sent: Monday, January 11, 2021 8:33 AM

To: Robert Pergolizzi

Subject: RE: ROW Vacation - No Objection request

Robert,

This is outside of our service territory so Tampa Electric doesn't have any objections.

Thanks,

Taylor J. Leggatt Supervisor, Land Rights 702 N. Franklin St., Tampa, FL 33602 (813) 228-1424



ACTICE. This arms is intended only for the individually, for whom it is addressed and may contain confidential information, if you have received this arms by matale; please notify the sender immediately, itself who small from your system and do not aspect disclose it to assume also disclose it to assume the properties as propert against viruses, we adone this for any which remain.

From: Robert Pergolizzi < pergo@gulfcoastconsultinginc.com>

Sent: Wednesday, January 6, 2021 2:10 PM

**To:** Leggatt, Taylor J. < TJLeggatt@tecoenergy.com > **Subject:** ROW Vacation - No Objection request

### **CAUTION** - External Email

\*\*\*\*\* Don't be quick to click! We're counting on you! This email is from an external sender! Don't click links or open attachments from unknown sources. To report a suspicious email, click the Forward to Phishing button within Outlook for analysis by our cyber security team. If the button is unavailable, forward the email as an attachment to <a href="mailto:phishing@tecoenergy.com">phishing@tecoenergy.com</a> \*\*\*\*\*

Mr. Leggatt – Please see the attached No Objection Letter request for the vacation of Right-of-Way. Contact me with any questions.

Robert Pergolizzi, AICP PTP Gulf Coast Consulting, Inc. 13825 ICOT Boulevard, Suite 605

Clearwater, FL 33760 Phone: 727-524-1818 Fax: 727-524-6090 Cell: 727-644-2695

Email: pergo@gulfcoastconsultinginc.com

## 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 casement 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 177.101, 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.

THIS CHECK IS PRINTED IN RED AND BLUE INK ON THE FACE ON CHEMICAL AND BLEACH REACTIVE PAPER WITH INVISIBLE FLUORESCENT FIBERS AND BASKETWEAVE ON BACK . JP Morgan Chase Bank, N.A. DRHUHTUN S# Check Number 1260251 Syracuse, NY America's 50-937 DRH Inc. Controlled Disb Amount 213 1341 Horton Circle \$\*\*\*\*\*\*750.00 03/09/21 Arlington, TX 76011 1680296 Void after 6 months from date of issue

Pay To The Order Of: PINELLAS COUNTY BOCC 315 COURT STREET CLEARWATER FL 33756

D. R. Hacton

FILE No.: 1645 – Noell Family BCC: August 24, 2021

## SPECIAL INSTRUCTIONS

- 5 weeks prior to Public Hearing date:

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:

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:

8/4/21

- 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.)

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