

MEMORANDUM

TO: Katherine Carpenter, Deputy Clerk
BCC Records

FROM: Diana Sweeney 
Asset Management and Real Property Division Manager

SUBJECT: PETITION TO VACATE – Submitted by Daniel Matiushenok and Anna
Matiushenok
File No. 1618 CATS 52876 Legistar
Property Address: 14435 Apache Avenue, Largo, FL 33774

DATE: February 01, 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 Peoples Gas
WOW!

Receipt dated 3-DEC-2020 and 11-JAN-2021 and copy of checks #522 and #523 in the amount of \$750.00.

Please set the public hearing for the BCC meeting of April 13, 2021, place the necessary newspaper advertising in accordance with State Statute 177.101 (which requires advertising in two weekly issues prior to the meeting, with no advertising requirement after the meeting), and mail notices of the public hearing date to the owners shown on the attached list. Thank you.

Petition to Vacate Form

PETITION TO VACATE APPLICANT(S):	Anna Matiushenok
Address:	14435 Apache Ave
City	Largo
State	FL
Zip Code	33774
Daytime Telephone Number	8473229390
Your Email Address	amatiushenok@gmail.com
Address (property)	14435 Apache Ave
City (property)	Largo
State (property)	FL
Zip Code (property)	33774
Parcel ID Number(s)	18-30-15-62636-011-0090
The right-of-way or alley is:	Open and used
Is there a pending "Contract for Sale"?	No
Is a corporation involved as owner or buyer?	No
Complete subdivision name as shown on the Subdivision Plat: (research at www.pcpao.org by selecting "Search Our Database")	OAKHURST ACRES 3RD ADD
Subdivision Plat Book Number (research at www.pcpao.org by going to "Search Our Database")	66
Page Number(s)	85
Is there a Homeowners Association?	No
Need to release to clear title:	No
Need to release to clear an existing encroachment:	Not Applicable
Want to release to allow for:	Screened Pool & Deck

Want to vacate to include the vacated right of way or alley into my property for:	Not Applicable
Is the Board of Adjustment and Appeals required?	No
Please provide any relevant additional comments:	requesting to release 2.5ft x 30ft of existing easement to allow a 10x20ft pool with enclosure.
Did anyone assist you with completing this application?	No
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
Release of a portion of an easement: Please include a copy of your deed and a copy of the easement.	Deed.pdf (91k)
Request made in preparation to build a pool, pool screen, or home addition: Please provide a to scale drawing of the proposed improvement.	pool_placement.jpeg (2015k)
Letter of No Objection - Cable Company	wow_.pdf (103k)
Letter of No Objection - Phone Company	brighthouse_Charter-Spectrum.pdf (43k)
Proof of Payment Certificate from the County Tax Collector's Office confirming that all current year and previous year taxes have been paid.	Paid_Tax_Bill.pdf (347k)
Additional Documentation	Frontier.pdf (749k)
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)

Anna Matiushenok

Date of Application

12/01/2020

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

PETITION TO VACATE, PLAT OR PORTION OF PLAT (EASEMENT)

Comes now your Petitioners, Daniel Matiushenok and Anna Matiushenok
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 petitioners have provided certificates showing that all state and county taxes have been paid; 3) 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; 4) 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:


Daniel Matiushenok

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


Anna Matiushenok

STATE OF Florida
COUNTY OF Pinellas

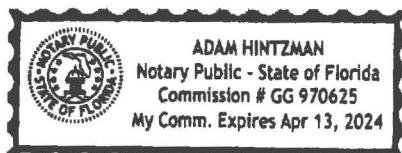
SWORN TO and subscribed before me by means of physical presence or online notarization this 4 day of January, 2020, by Daniel and Anna Matiushenok. Such person(s)
Notary Public must check applicable box:

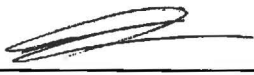
are personally known to me.

produced her current driver license.

produced _____ as identification.

(Notary Seal)




Notary Public

Printed Name of Notary: Adam Hintzman

Commission Number: GG 970625

My Commission Expires: 04/13/2024

THIS IS NOT A SURVEY.

SEC. 18, TWP. 30 S., RNG. 15 E.
PINELLAS COUNTY, FLORIDA

DESCRIPTION:

AN EASEMENT FOR POOL DECK PROJECTING INTO THE 7.5 FOOT UTILITY EASEMENT OF LOT 9, BLOCK 11 OAKHURST ACRES 3RD ADDITION RECORDED IN PLAT BOOK 66, PAGE 85, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, SAID POOL DECK EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID LOT 9; THENCE S22°43'34"W, ALONG THE NORTHWESTERLY BOUNDARY OF SAID LOT 9, A DISTANCE OF 7.50 FEET; THENCE S67°16'26"E, PARALLEL TO AND 7.50 FEET SOUTHWESTERLY OF THE NORTHEASTERLY BOUNDARY LINE OF SAID LOT 9, A DISTANCE OF 48.20 FEET TO THE POINT OF BEGINNING; THENCE N22°43'34"E, PERPENDICULAR TO SAID BOUNDARY LINE, A DISTANCE OF 2.50 FEET; THENCE S67°16'26"E, PARALLEL TO AND 5.00 FEET SOUTHWESTERLY OF THE NORTHEASTERLY BOUNDARY LINE OF SAID LOT 9, A DISTANCE OF 28.00 FEET; THENCE S22°43'34"W, PERPENDICULAR TO SAID BOUNDARY LINE, A DISTANCE OF 2.50 FEET; THENCE N67°16'26"W, PARALLEL TO AND 7.50 FEET SOUTHWESTERLY OF THE NORTHEASTERLY BOUNDARY LINE OF SAID LOT 9, A DISTANCE OF 28.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 70 SQUARE FEET, (0.002 ACRE) MORE OR LESS.

NOTES:

1. BEARINGS FOR THIS SKETCH OF DESCRIPTION ARE BASED ON THE NORTHWEST LINE OF LOT 9, BLOCK 11, OAKHURST ACRES 3RD ADDITION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 66, PAGE 85, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, HAVING A BEARING OF N22°43'34"E.
2. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
3. THIS SKETCH OF DESCRIPTION IS BASED ON U.S. SURVEY FEET.
4. THIS SKETCH OF DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD. THE GEOMETRY AS DESCRIBED ON THE RECORDED DOCUMENTS AS NOTED HEREIN AND IS SUBJECT TO AN ACCURATE FIELD BOUNDARY SURVEY.
5. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/20 OR SMALLER.

DEUEL & ASSOCIATES
CONSULTING ENGINEERS AND SURVEYORS LAND PLANNERS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PHONE 727.822.4151
WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER 26320
LICENSED BUSINESS NUMBER 107

THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

JOHN R. McDONALD, LS 6986

SKETCH OF DESCRIPTION
14435 APACHE AVENUE
LARGO

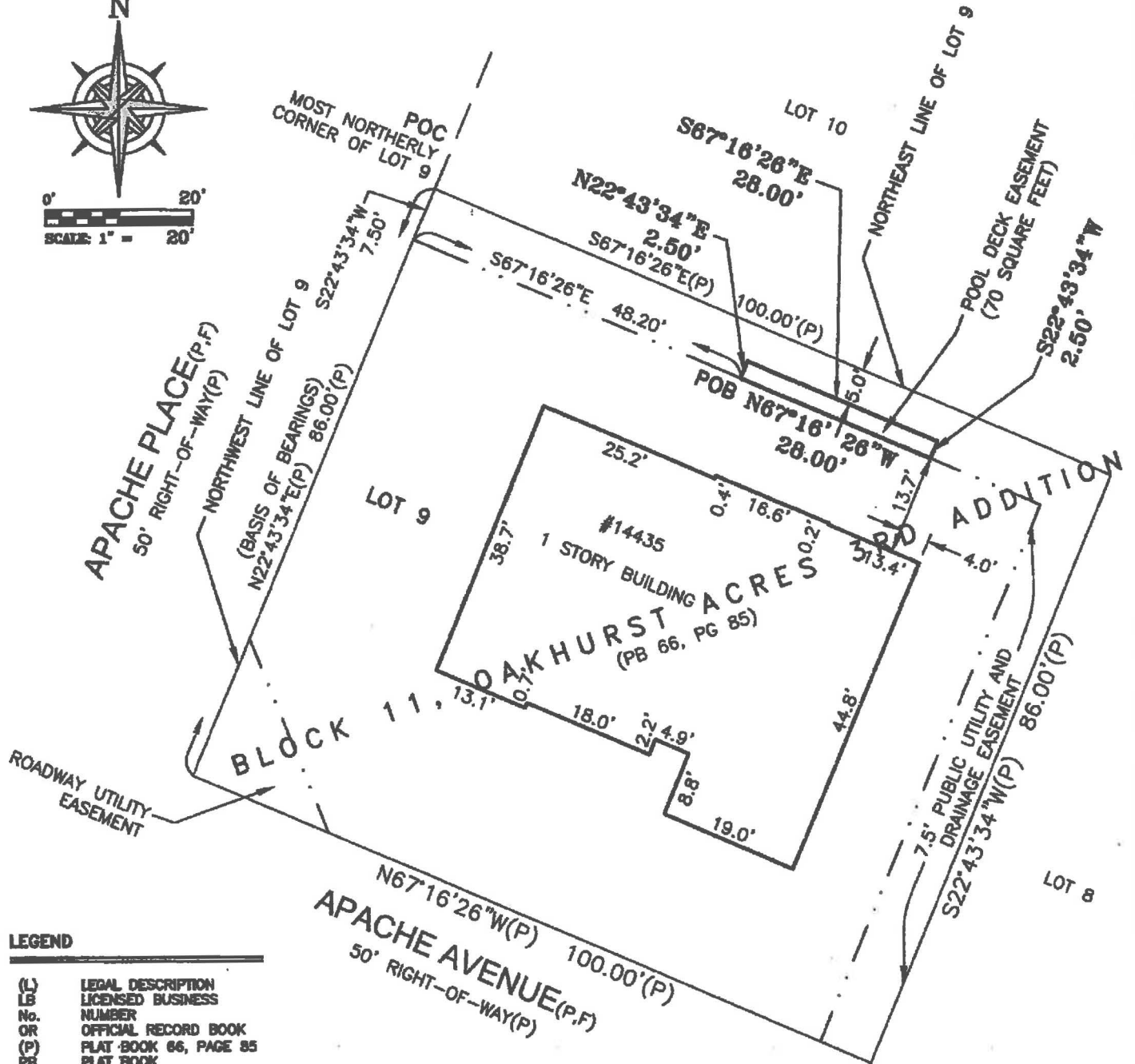
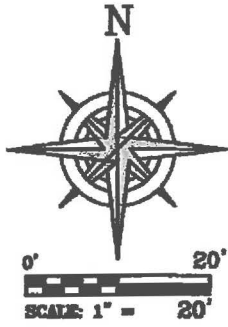
PINELLAS COUNTY

FLORIDA

WORK ORDER	2020-171
DATE	11/30/2020
DRAWN	TBM
SCALE	1" = 20'
SHEET NO.	1 OF 2

THIS IS NOT A SURVEY.

SEC. 18, TWP. 30 S., RNG. 15 E.
PINELLAS COUNTY, FLORIDA



LEGEND

- (L) LEGAL DESCRIPTION
- LB LICENSED BUSINESS
- No. NUMBER
- OR OFFICIAL RECORD BOOK
- (P) PLAT BOOK 66, PAGE 85
- PB PLAT BOOK
- PG PAGE/PAGES
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PSM PROFESSIONAL SURVEYOR & MAPPER
- R/W RIGHT-OF-WAY
- RNG. RANGE
- SEC. SECTION
- TWP. TOWNSHIP

DEUEL & ASSOCIATES
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33784
PHONE 727.822.4151
WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER 26320
LICENSED BUSINESS NUMBER 107

THIS DOCUMENT IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I, JOHN R. McDONALD, THE SURVEYOR IN RESPONSIBLE CHARGE, CERTIFY THAT THE SKETCH REPRESENTED HEREIN, WAS MADE UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AS PRESCRIBED IN CHAPTER 5J-17.052(6) DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. THIS DOCUMENT IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SKETCH OF DESCRIPTION
14435 APACHE AVENUE
LARGO

PINELLAS COUNTY

FLORIDA

WORK ORDER	2020-171
DATE	11/30/2020
DRAWN:	TBM
SCALE:	1" = 20'
SHEET NO.	2 OF 2



10-22-2020

RE: install of pool at 14435 apache Ave and part of vacation of easement.

XXX Bright House Networks has no objections.

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

_____ 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 811 for locating. **SEE NOTES**

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

NOTES:

Sincerely,
Ted Bingham
Bright House Networks
Field Engineer
Pinellas County
727-329-2847

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



January 6, 2021

MATIUSHENOK, DANIEL
MATIUSHENOK, ANNA
14435 APACHE AVE
LARGO FL 33774-4412

RE: *Approval of a Platted Utility Easement Vacation*
Parcel ID: 18-30-15-62636-011-0090
Legal: OAKHURST ACRES 3RD ADD BLK 11, LOT 9
Address: 14435 APACHE AVE-LARGO, PINELLAS COUNTY

Dear Ms. MATIUSHENOK,

Please be advised that Duke Energy Florida, LLC., *Distribution Department* and *Transmission Department* has “**NO OBJECTIONS**” to the approval of a platted utility easement vacation. This easement is located on Plat Book 66, Page 85. Proposed 2.5’ wide area approved to be vacated is further shown on below 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

10/22/2020

Attn: Anna Matiushenok
14435 Apache Ave
Largo, FL 33774
amatiushenok@gmail.com
(847) 322-9390

RE: Release of Easement – 14435 Apache Ave, Largo, FL 33774

Dear Ms. Matiushenok,

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



January 8, 2021

Daniel and Anna Matiushenok
14435 Apache Avenue
Largo, FL 33774

RE: Petition to Vacate Easement on Parcel ID 18-30-15-62636-011-0090

To Whom it May Concern:

Pinellas County Utilities has no objection with the petition to vacate an easement located on the north side of parcel ID 18-30-15-62636-011-0090. Pinellas County Utilities does not own or maintain any utilities within this easement. 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



10/23/2020

To: Anna Matushenok
14435 Apache Ave.
Largo, FL 33774

RE: Vacation of Easement
14435 Apache Ave.
Largo, FL 33774

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 locations. After reviewing the documents provided, TECO-PGS has NO objection to this vacate.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Joan Domming".

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



Internet – Cable – Phone

December 18, 2020

3001 Gandy Blvd N
Pinellas Park, FL

Re: Petition to Vacate:
14435 Apache Ave
Largo, 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

3001 Gandy Blvd N - Pinellas Park, FL 33782

PETITION TO VACATE NUMBER PTV 1618 - Matiushinok

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 177.101, 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.

MATIUSH INC., 04-13
510 TANGLEWOOD AVE.
ARLINGTON HEIGHTS, IL 60004

⑈1814 522
790

DATE 12/3/20

PAY TO THE ORDER OF Board of County Commissioners \$ 350
Three hundred & fifty

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com

MEMO

1:0710000131: 20270192810522

PETITION TO VACATE NUMBER PTV-1618

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.

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ADVERTISEMENT

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MATIUSH INC., 04-13 510 TANGLEWOOD AVE. ARLINGTON HEIGHTS, IL 60004	2-1 710 814	523
PAY TO THE ORDER OF <u>BOCC</u>	DATE <u>1/4/21</u>	\$ <u>400</u>
<u>Four hundred</u>		DOLLARS
CHASE JPMorgan Chase Bank, N.A. www.Chase.com	<u>MISS Apache ave</u> MEMO <u>33774</u>	
⑆071000013⑆	202701928⑈0523	

SPECIAL INSTRUCTIONS

- 5 weeks prior to Public Hearing date:

3/9/21

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:

3/16/21

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:**

3/24/21

- 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.)

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.