

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

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA; VACATING THAT PORTION OF A 16 FOOT ALLEY LYING SOUTH OF THE SOUTH RIGHT-OF-WAY OF 54<sup>TH</sup> AVENUE NORTH AND LYING EAST OF AND ADJACENT TO LOT 7, BLOCK 2, THIRD SECTION OF LELLMAN HEIGHTS, PLAT BOOK 17, PAGE 8, LYING IN SECTION 3-31-16, PINELLAS COUNTY, FLORIDA; RETAINING PUBLIC UTILITY EASEMENTS OVER PORTIONS OF THE VACATED AREA; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Parkview Animal Hospital Inc., (“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 by this reference made a part hereof; and**

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

**WHEREAS**, the Petitioners’ affidavit has been received by the Board; and

**WHEREAS**, the Board finds that the platted right-of-way which is the subject of this Resolution no longer serves a public purpose and is a proper subject for vacation pursuant to §336.09, Florida Statutes.

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

1. The above-described property and plat shall be vacated, insofar as this Board of County Commissioners has the authority to do so pursuant to §336.09, Florida Statutes, subject to

the retention of two (2) public utility easements (“Easements”) over the following portions of the vacated area, including reasonable access thereto:

- a. The east eight (8) feet of the vacated area lying adjacent to Lots 4, 5, and 6, Block 2, THIRD SECTION OF LELLMAN HEIGHTS.
  - b. The lands described in the Utility Easement Area of the legal description in Exhibit “A”.
  - c. These Easements shall run with the land and shall be binding on heirs, successors and assigns.
2. 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.
  3. The Clerk shall record this Resolution in the Public Records of Pinellas County, Florida.
  4. This Resolution shall become effective upon recordation in the public records of Pinellas County, Florida.

In a regular meeting duly assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2021, 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: