

MEMORANDUM

TO: Katherine Carpenter, Deputy Clerk
BCC Records

FROM: Diana Sweeney 
Asset Management and Real Property Division Manager

SUBJECT: PETITION TO VACATE – Submitted by Wat Lao Mixayaram, Inc.
File No. 1599 CATS 52364 Legistar 20-1239A
Property Address: 4300 43rd Avenue North, Saint Petersburg, FL 33714

DATE: November 09, 2020

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!

Receipt dated 7-FEB-2020 and 25-JUNE-2020 and copy of checks #86819 and #1432 in the total amount of \$750.00.

Please set the public hearing for the BCC meeting of December 15, 2020, 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.

APPLICATION AND FINDINGS OF FACT

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

APPLICANT(S): Wat Lao Mixayaram, Inc.
Address: 4300 43rd Avenue North
City, State, Zip: St. Petersburg, FL 33714
Daytime Telephone Number: _____

SUBJECT PROPERTY ADDRESS: 4340 43rd Street North
City, State, Zip: St. Petersburg, FL 33714
Property Appraiser Parcel Number: 03-31-16-01134-009-0040

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? Yes

If yes, please give corporation name and list corporate officers:

Wat Lao Mixayaran, Inc., a Florida not for profit corporation. Please see attached for a list of officers.

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

Ann Park Heights, please see attached.

5. Subdivision Plat Book Number 6 Page number(s) 100

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: Please see attached.

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:

Please see attached.

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 Catherine Selm, Esq. Title Macfarlane Ferguson & McMullen, P.A.
Address 625 Court Street, Clearwater, Florida 34698 Phone 727-441-8966

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 of _____, or 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.

DATE: 11/14/19

APPLICANT(S) SIGNATURE

Seazu
Seazu Phothisarath, as its President

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, Wat Lao Mixaiyaram Inc.
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 affirm that the forgoing statements are true:

[Signature]
Signature

SEANU PHOUKSAVANG
Print Name

(President)
Title

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of physical presence or online notarization this
day of JUNE, 2020, by SEANU PHOUKSAVANG person(s) Notary Public
must check applicable box:

are personally known to me.

produced her current driver license.

produced _____ as identification.

(Notary Seal)

[Signature]
Notary Public

Printed Name of Notary: SON VORAKANE

Commission Number: 41937256

My Commission Expires: May 18 2021

AGENT OF RECORD LETTER

TO PINELLAS COUNTY, STATE OF FLORIDA AND/OR OTHER GOVERNMENTAL AGENCIES AND SUBDIVISIONS AND DEPARTMENTS OF SAME AND PUBLIC UTILITIES.

For the property identified as Parcel ID number 03-31-16-01134-009-0040, I, Seazu Phothisarath, the President of WAT LAO MIXAYARAM, INC., a Florida not-for-profit ("Owner"), hereby designate and appoint Brian J. Aungst, Jr., Esq., Macfarlane Ferguson & McMullen, P.A., Brian Barker, P.E. and Deuel and Associates, as Owner's Agents of Record for the purposes of representing Owner during the vacation application, Development Review Process and/or permitting/hearing processes, including, without limitation, vacation application negotiation and approval, site plan review, construction plan review, right of way vacation, utility and drainage plan review and signage. Owner's Agents of Record are hereby vested with authority to make any representations, agreements, or promises that are necessary or desirable in conjunction with the review process. Owner's Agents of Record are also authorized to accept or reject any conditions imposed by any reviewing board or entity.

Date: 2/18, 2020

WAT LAO MIXAYARAM, INC.,
a Florida not-for-profit
APPLICANT/OWNER (PRINT)

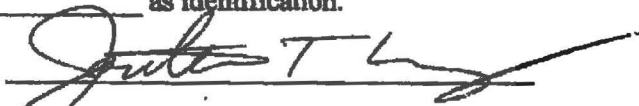


APPLICANT/OWNER'S SIGNATURE

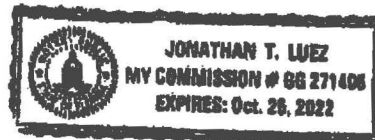
STATE OF FLORIDA
COUNTY OF PINELLAS

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this 18 day of February, 2020, by Phothisarath Seazu

(name of person making statement), who is personally known to me or who produced FLDL as identification.



Name: Jonathan T Luez
Notary Public State of Florida
(Seal)



THIS IS NOT A SURVEY.
THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY
THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

SEC. 3, TWP. 31 S., RNG. 16 E.
PINELLAS COUNTY, FLORIDA

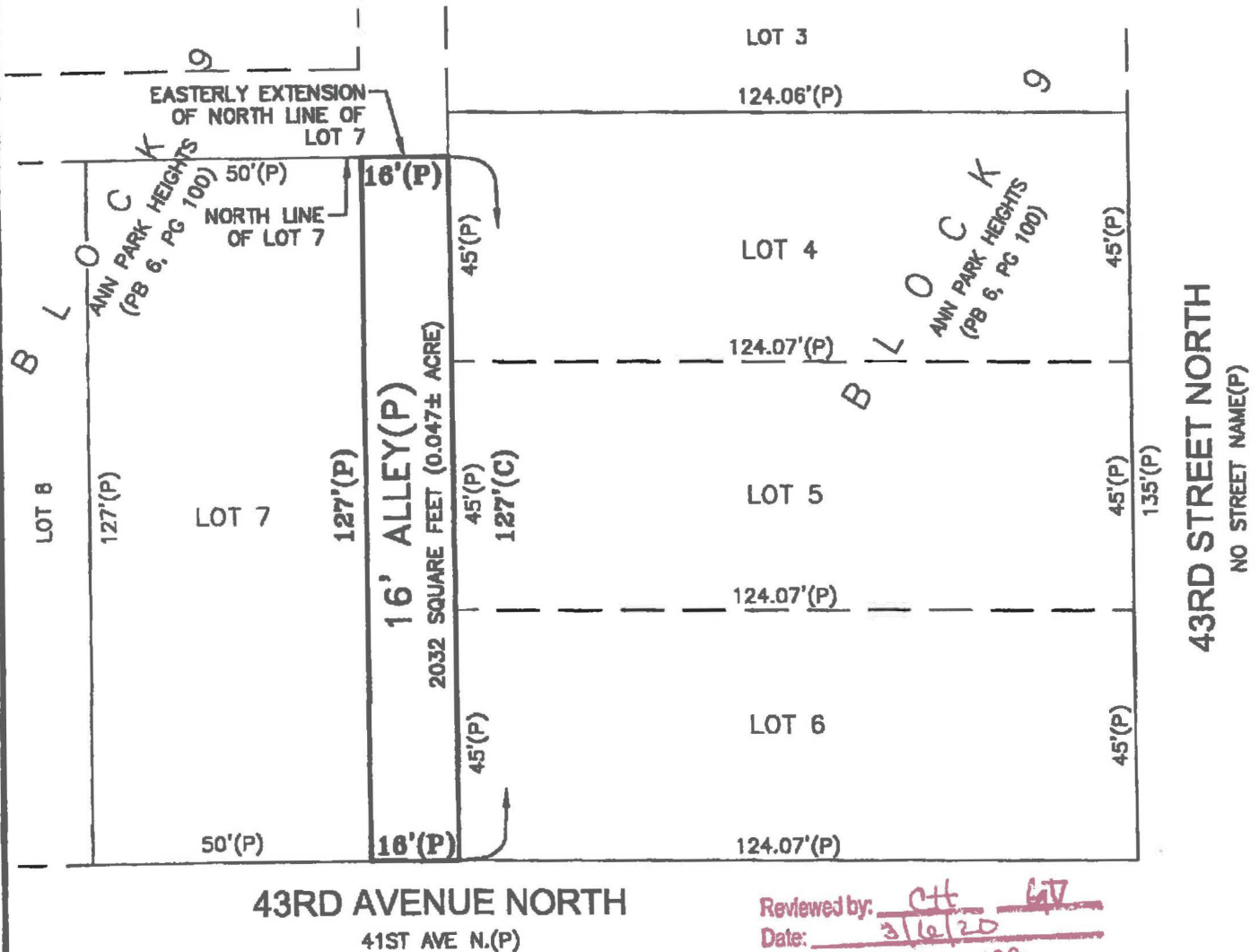
DESCRIPTION:

A PARCEL OF LAND LYING IN THE NORTHWEST 1/4 OF THE
SOUTHWEST 1/4 OF SECTION 3, TOWNSHIP 31 SOUTH, RANGE
16 EAST, PINELLAS COUNTY, FLORIDA, BEING DESCRIBED AS
FOLLOWS:

THE 16 FOOT WIDE ALLEY LYING EASTERLY OF LOT 7, BLOCK 9
AND WESTERLY OF LOTS 5, 6 AND A PORTION OF LOT 4,
BLOCK 9, AS SHOWN ON THE PLAT OF ANN PARK HEIGHTS,
RECORDED IN PLAT BOOK 6, PAGE 100, PUBLIC RECORDS OF
PINELLAS COUNTY, FLORIDA.

LEGEND

- (C) CALCULATED
- LB LICENSED BUSINESS
- No. NUMBER
- OR OFFICIAL RECORD BOOK
- (P) PLAT BOOK 6, PAGE 100
- PB PLAT BOOK
- PG PAGE/PAGES
- PSM PROFESSIONAL SURVEYOR & MAPPER
- R/W RIGHT-OF-WAY
- RNG. RANGE
- SEC. SECTION
- TWP. TOWNSHIP



NOTES:

1. ADDITIONS OR DELETIONS TO THIS SKETCH OF DESCRIPTION OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED.
2. THIS SKETCH OF DESCRIPTION IS BASED ON U.S. SURVEY FEET.
3. 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.
4. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1/30 OR SMALLER.

Reviewed by: CH GT
Date: 3/6/20
SFN# 501-1599

DEUEL & ASSOCIATES
CONSULTING ENGINEERS LAND SURVEYORS LAND PLANNERS

565 SOUTH HERCULES AVENUE
CLEARWATER, FL 33764
PHONE 727.822.4151
WWW.DEUELENGINEERING.COM
CERTIFICATE OF AUTHORIZATION NUMBER 28320
LICENSED BUSINESS NUMBER 107

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

Dana A. Wallie 8/27/2019
DANA A. WALLIE, PSM, LS 5674

SKETCH OF DESCRIPTION
WAT LAO MIXAYARAM INC.
4300 43RD AVENUE NORTH

CITY OF ST. PETERSBURG

FLORIDA

WORK ORDER	2018-179
DATE:	8/27/2019
DRAWN:	PAL/LJC
SCALE:	1" = 30'
SHEET NO.	1 OF 1



Date September 6, 2019

Re: Section 3, Township 31 S, Range 16E 4300 43rd Ave North, St Petersburg, Florida

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:

Sincerely,
Ozzie Pardo

Bright House Networks
Field Engineer
Pinellas County
727-329-2817

I accept the terms stated above:

Seazu 7/23/20
Sign Date

SEAZU PHATHISARATHI
Print Name



2401 25th Street North (SP-15)
St. Petersburg, FL 33713
Chris.Pickens@duke-energy.com
o: 727.893-9342

November 15, 2019

Greg Presby
Project Manager
Deuel & Associates

RE: *Petition to Release – 4300 43rd Avenue North, Saint Petersburg, FL 33714*
Parcel #: 03-31-16-01134-009-0040

Mr. Presby,

Please be advised that **DUKE ENERGY FLORIDA, LLC., d/b/a DUKE ENERGY *Distribution Department* and *Transmission Department*** have “**NO OBJECTIONS**” to the petition to release the 16 foot wide alley lying Easterly of Lot 7, Block 9 and Westerly of Lots 5, 6 and a portion of Lot 4, Block 9, as shown on the Plat of Ann Park Heights, recorded in Plat Book 6, Page 100, Public Records of Pinellas County, Florida, and as shown on Sketch and Description provided by Deuel & Associates, dated 8/27/2019, and further enclosed as Exhibit “A”.

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

Sincerely,

Chris Pickens

Chris Pickens
Research Specialist-Land Services
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

11/21/2019

Attn: Greg Presby
Deuel & Associates
565 S. Hercules Ave
Clearwater, FL 33764
(727) 822-4151

RE: Vacation of 16' wide Alley – 4300 43rd Ave N

Dear Mr. Presby,

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

Stephen Waidley
Frontier Communications
Regional Rights of Way & Municipal Affairs Manager

**BOARD OF COUNTY
COMMISSIONERS**

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



September 9th 2019

Greg Presby
Deuel and Associates
565 S Hercules Ave.
Clearwater, Fl. 33764

RE: Petition to Vacate
16' Alley Way lying easterly of Lot 7 Block 9 and westerly of Lots 5,6, and a portion of Lot 4
43rd St N and 43rd Ave N.
See attached Legal and Sketches

Dear Mr. Presby,

We are in receipt of your request dated 9-4-19 requesting a response to the release of a 16' Alley way located at 43rd St N and 43rd Ave N. Pinellas County Utilities does not have any utilities located within the request. With the information submitted, Pinellas County Utilities has "No Objection" with the petition to vacate the easement.

If you have any questions, please do not hesitate to contact me at (727) 464-8418.

Sincerely,

Raymond S Letts
Engineering Specialist II
14 S Ft. Harrison Ave., 2nd Fl.
Clearwater, Fl. 33756

Pinellas County Utilities Engineering
14 S. Fort Harrison Ave.
Clearwater, FL 33756
Phone: 727-464-5899
727-464-3595
V/TDD: (727) 464-4062

S:\Shared\Engineering\DRS\Easement Reviews\2019\4300-43rd ave n no objection 20190909.docx



www.pinellascounty.org



September 5, 2019

Greg Presby
Deuel & Associates
565 S Hercules Ave
Clearwater, Florida 33764

RE: Petition to Release: See attached Legal Description
Section 3, Township 31 S, Range 16 E
4300 - 43rd Avenue North, St. Petersburg, Florida 33714

Dear Mr. Presby,

Tampa Electric Company does not serve the subject area therefore does not object to the Petition to Release 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 blue ink that reads "Taylor J. Leggatt".

Taylor J. Leggatt
Real Estate Services
Distribution Easement Coordinator



9/5/2019

To: Greg Presby
Deuel & Associates
565 S. Hercules Ave
Clearwater, FL 33764

RE: Vacation of Alleyway
4300 43rd Ave. N. St. Petersburg, FL 33714
Section 3, Township 31 S, Range 16 E
Pinellas County, FL

From: TECO Peoples Gas

To whom it may concern:

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

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



February 7, 2020

Gina M. Bass
Macfarlane Ferguson & McMullen
P.O. Box 1889, Clearwater, FL 33756
625 Court Street, Suite 200, Clearwater, FL 33756

Re: Tax Parcel 03-D1-16-01134-009-0040, 4300 - 43rd Ave. North, St. Petersburg FL. 33714

Attn: Gina M. Bass

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

XXX - Wow! Has "No Objection" with this proposed Vacation

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 "Dave Hamlin Jr.", is written over the word "Sincerely,".

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

3001 Gandy Blvd N - Pinellas Park, FL 33782

PETITION TO VACATE NUMBER PTV 1599 - Wat Lao Mixayaram, Inc.

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.

MACFARLANE FERGUSON & MCMULLEN PA		86819
OPERATING ACCOUNT		05-118212
P.O. BOX 1881 TAMPA, FLORIDA 33601		
WALLEY NATIONAL BANK	Date: February 7, 2020	\$ 350.00
Pay To The Order Of	Three hundred fifty and 00/100	
Board of County Commissioners 508 East Ave Clearwater, FL 33758	MACFARLANE FERGUSON & MCMULLEN REGISTERED PROFESSIONAL ACCOUNTANTS	

⑈00086819⑈ ⑆021201383⑆800002004992⑈

PETITION TO VACATE NUMBER PTV 1599 - Wat Lao

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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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.

WAT LAO MIXAYARAM INC 4800 43RD ST N SAINT PETERSBURG, FL 33714-3504		1432 83-751/831 11044
PAY TO THE ORDER OF <u>PINELLAS COUNTY BOARD COUNTY COMMISSIONERS</u>		DATE <u>6.25.20</u>
<u>four hundred and 00/100</u>		<u>\$ 400.00</u> DOLLARS
FOR <u>County</u>	<u>Rodriguez</u>	
⑆0000001432⑆ ⑆063107513⑆ 2000034123948⑆		

SPECIAL INSTRUCTIONS

- 5 weeks prior to Public Hearing date:

11/10/20

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:

11/17/20

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 weeks prior to Public Hearing date

11/24/20

- (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.