KEN BURKE, CLERK OF COURT AND COMPTROLLER PINELLAS COUNTY, FL INST# 2019070527 03/06/2019 09:48 AM OFF REC BK: 20451 PG: 2094-2107 DocType:GOV

RESOL	LUTION	NO.	19-7	

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, VACATING THAT PORTION OF 74TH STREET NORTH LYING WEST OF LOTS 11 THROUGH 14, BLOCK D, BON CREEK PARK SUBDIVISION, AS RECORDED IN PLAT BOOK 24, PAGE 81, LYING IN SECTION 6/31/16, IN PINELLAS COUNTY, FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Tommy G. Mathison, (the Petitioner) has petitioned this Board of County Commissioners 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 affirmed that he owns the fee simple title to the tract covered by the portion of the plat sought to be vacated; and

WHEREAS, the owner of the unplatted property to the west of and adjacent to Lots 11-14 of the Bon Creek Subdivision currently utilizes the portion of the right-of-way adjacent to Lot 14 for access to her property; and

WHEREAS, the Petitioner has executed an ingress/egress easement over the portion of the right-of-way adjacent to Lot 14 for the benefit of and co-signed by the property owner referenced above for continued access to her property, attached hereto as Exhibit B, which will become effective upon the vacation of the right of way; and

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

WHEREAS, the Petitioner's affidavit has been received by the Board of County Commissioners; and

WHEREAS, Petitioner has agreed to grant Pinellas County the drainage and access

easement attached hereto as Exhibit C to ensure adequate access for maintenance of the Bon

Creek Drainage Canal is preserved, which will become effective upon the vacation of the right

of way.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of

Pinellas County, Florida that the above described property and plat, as further referenced in

Exhibit A, be vacated insofar as this Board of County Commissioners has the authority to do

so, pursuant to Chapter 336, Florida Statutes, subject to the following conditions:

1. The ingress/egress easement referenced herein and attached hereto as Exhibit B shall be

promptly recorded.

2. The drainage and access easement referenced herein and attached hereto as Exhibit C

shall be promptly recorded.

NOW BE IT FURTHER RESOLVED that this Board of County Commissioners shall

adopt this resolution with authorization for the Clerk to record in the Public Records of Pinellas

County, Florida.

EFFECTIVE DATE: This Resolution shall become effective upon adoption as provided by law.

In a regular meeting duly assembled on the 26th day of February , 2019, Commissioner

Long offered the foregoing Resolution and moved its adoption,

Eggers which was seconded by Commissioner , and upon roll call the

vote was:

AYES: Seel, Gerard, Eggers, Justice, Long, Peters, and Welch.

NAYS: None.

Absent and not voting: None.

APPROVED AS TO FORM

LEGAL DESCRIPTION and SKETCH

THIS IS NOT A SURVEY

LEGAL DESCRIPTION - VACATION AREA

A PORTION OF THAT 20 FOOT WIDE STRIP OF LAND (KNOWN AS 74th STREET NORTH), LYING WEST OF AND ADJOINING TO LOTS 11, 12, 13 AND 14, BLOCK D, BON CREEK PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24, PAGE 81, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 11, BLOCK D; THENCE N70°08'03"W, A DISTANCE OF 21.16 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF SAID 74th STREET NORTH; THENCE N00°47'40"E, ALONG SAID WESTERLY RIGHT-OF-WAY OF 74th STREET NORTH, A DISTANCE OF 283.40 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF 54th AVENUE NORTH; THENCE S89°49'17"E, ALONG SAID SOUTHERLY RIGHT-OF-WAY OF 54th AVENUE NORTH, A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST BOUNDARY OF SAID BLOCK D; THENCE S00°47'40"W, ALONG SAID WEST BOUNDARY OF BLOCK D, A DISTANCE OF 290.53 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,739 SQUARE FEET OR 0.13 ACRES, MORE OR LESS.

PREPARED FOR

TOMMY MATHISON

Reviewed by: CH 57
Date: 1-4-18
SFN# 501-1542

SHEET 1 OF 2

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON SUBSTANTIALLY MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J–17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED HEREON AND SHALL NOT BE VALID AND BINDING AGAINST! THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

George A Shimp II

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

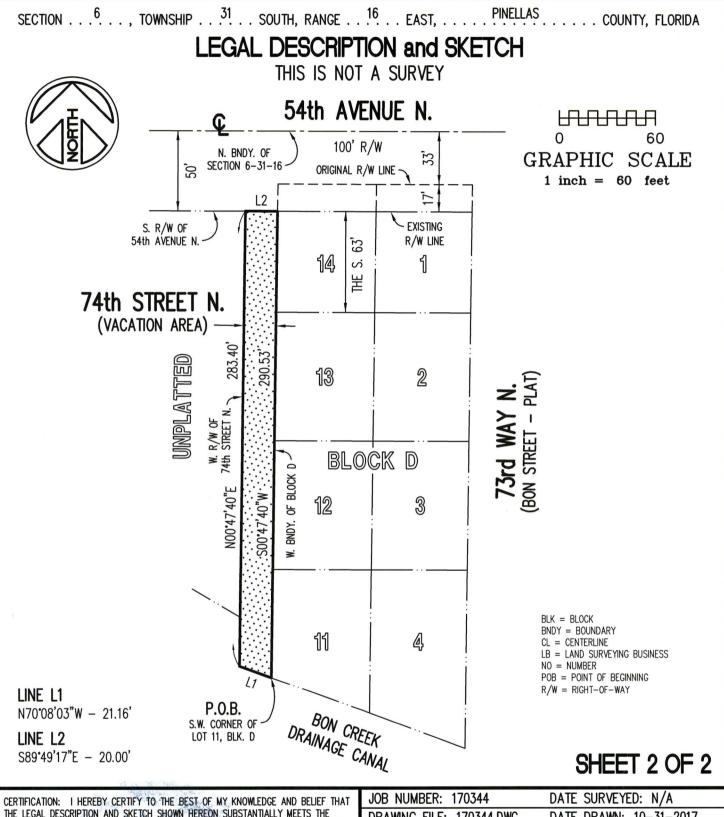
JOB NUMBER: 170344 DATE SURVEYED: N/A
DRAWING FILE: 170344.DWG DATE DRAWN: 10-31-2017
LAST REVISION: N/A X REFERENCE: N/A



LB 1834

GEORGE A. SHIMP II AND ASSOCIATES, INCORPORATED

LAND SURVEYORS LAND PLANNERS 3301 Desoto Boulevard, Suite D PALM HARBOR, FLORIDA 34683 PHONE (727) 784-5496 FAX (727) 786-1256



THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON SUBSTANTIALLY MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED HEREON AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

DRAWING FILE: 170344.DWG DATE DRAWN: 10-31-2017 LAST REVISION: SEE SHEET 1 X REFERENCE: SEE SHEET 1



LB 1834

GEORGE A. SHIMP II AND ASSOCIATES, INCORPORATED

LAND SURVEYORS LAND PLANNERS 3301 DeSOTO BOULEVARD, SUITE D PALM HARBOR, FLORIDA 34683 PHONE (727) 784-5496 FAX (727) 786-1256 Prepared by and return to: Attn: Tommy G. Mathison 415 Wildwood Way Belleair, FL 33756

My Commission Expires:_

INGRESS/EGRESS EASEMENT				
THIS INDENTURE, made this <u>Sed</u> day of <u>January</u> , 20 <u>19</u> , by TOMMY G. MATHISON, whose address is 415 Wildwood Way, Belleair, Florida 33756, hereinafter referred to as "Grantor," to JUDITH ANN BROTHERS, whose address is 7400 54 TH Avenue North, St. Petersburg, Florida, 33709, hereinafter referred to as "Grantee."				
WITNESSETH				
That the said Grantor, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable considerations to those in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does hereby grant and release unto the said Grantee, a perpetual ingress/egress easement over and across the following described property, located in Pinellas County, to wit:				
Lands described in legal description attached as Exhibit "B" hereto and made a part hereof, herein referred to as the "Easement."				
This Easement shall become effective upon vacation of the right of way as requested by Grantor, pursuant to petition to vacate request file 1542.				
SIGNED AND DELIVERED IN THE PRESENCE OF:				
WITNESSES: Johnson J. Mathison Print Name: <u>Elizabetaleurs</u> TOMMY G. MATHISON Print Name: <u>Cyn thia M. Hav</u> ris				
STATE OF FLORIDA COUNTY OF PINELLAS The foregoing instrument was acknowledged before me this 3 ^{dd} day of January, 2019, by Tommy G. Mathison. The individual is personally known to me and/or has produced a Florida Drivers License as identification.				
NOTARY Notary Public State of Florida CYNTHIA M. HARRIS My Commission GG 105659 Expires 09/11/2021 SEAL NOTARY NOTARY NOTARY Print Name:				

Commission Number:____

Print Name: HTTho, CBAKSdaW Print Name: ELZZABETN LEWIS	Judia Am Brothers JUDITH ANN BROTHERS
STATE OF FLORIDA COUNTY OF PINELLAS The foregoing instrument was acknowledged bef 2019, by Judith Ann Brothers. The individual a Florida Driver's License as identification.	Fore me this 3 day of January, I is personally known to me and/or has produced NOTARY Cyntha M. Harris
NOTARY SEAL My Commission Expires 09/11/2021 Notary Public State of Florida CYNTHIA M. HARRIS My Commission GG 105659 Expires 09/11/2021	Print Name: Commission Number:

LEGAL DESCRIPTION and SKETCH

THIS IS NOT A SURVEY

LEGAL DESCRIPTION - INGRESS AND EGRESS EASEMENT

A PORTION OF THAT 20 FOOT WIDE STRIP OF LAND (KNOWN AS 74th STREET NORTH), LYING WEST OF AND ADJOINING TO LOT 14, BLOCK D, BON CREEK PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 24, PAGE 81, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 14, BLOCK D; THENCE N89°12′20″W, A DISTANCE OF 20.00 FEET TO A POINT ON THE WESTERLY RIGHT—OF—WAY OF SAID 74th STREET NORTH; THENCE N00°47′40″E, ALONG SAID WESTERLY RIGHT—OF—WAY OF 74th STREET NORTH, A DISTANCE OF 62.78 FEET TO A POINT ON THE SOUTHERLY RIGHT—OF—WAY OF 54th AVENUE NORTH; THENCE S89°49′17″E, ALONG SAID SOUTHERLY RIGHT—OF—WAY OF 54th AVENUE NORTH, A DISTANCE OF 20.00 FEET TO A POINT ON THE WEST BOUNDARY OF SAID BLOCK D; THENCE S00°47′40″W, ALONG SAID WEST BOUNDARY OF BLOCK D, A DISTANCE OF 63.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,258 SQUARE FEET OR 0.03 ACRES, MORE OR LESS.

PREPARED FOR

TOMMY MATHISON

Reviewed by: CH SE

Date: 12-20-18

SFN# 501-1542

SHEET 1 OF 2

CERTIFICATION: I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON SUBSTANTIALLY MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J–17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED HEREON AND SHALL NOT BE VALID AND BINDING AGAINST. THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

George A Shimp II

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

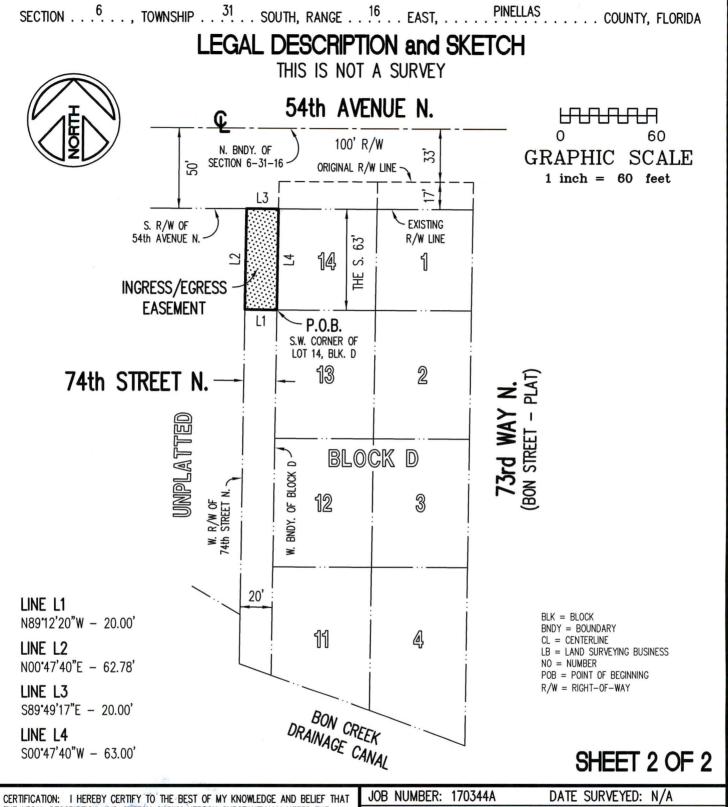
JOB NUMBER: 170344A DATE SURVEYED: N/A
DRAWING FILE: 170344A.DWG DATE DRAWN: 12-7-2018
LAST REVISION: N/A X REFERENCE: 170344



LB 1834

GEORGE A. SHIMP II AND ASSOCIATES, INCORPORATED

LAND SURVEYORS LAND PLANNERS 3301 DeSOTO BOULEVARD, SUITE D PALM HARBOR, FLORIDA 34683 PHONE (727) 784-5496 FAX (727) 786-1256



THE LEGAL DESCRIPTION AND SKETCH SHOWN HEREON SUBSTANTIALLY MEETS THE STANDARDS OF PRACTICE FOR LAND SURVEYING DESCRIBED IN THE STATE OF FLORIDA RULE 5J-17, F.A.C. FURTHERMORE, THIS CERTIFICATION SHALL NOT EXTEND TO ANY OTHER PERSONS OR PARTIES OTHER THAN THOSE NAMED HEREON AND SHALL NOT BE VALID AND BINDING AGAINST THE UNDERSIGNED SURVEYOR WITHOUT THE ORIGINAL RAISED SEAL AND SIGNATURE OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

GEORGE A. SHIMP III, PROFESSIONAL SURVEYOR & MAPPER No. 6137

DRAWING FILE: 170344A.DWG DATE DRAWN: 12-7-2018

LAST REVISION: SEE SHEET 1 X REFERENCE: SEE SHEET 1



LB 1834

GEORGE A. SHIMP II AND ASSOCIATES, INCORPORATED

LAND SURVEYORS LAND PLANNERS 3301 DeSOTO BOULEVARD, SUITE D PALM HARBOR, FLORIDA 34683 PHONE (727) 784-5496 FAX (727) 786-1256 Prepared by and return to: Real Property Division Attn: Cynthia M. Harris 509 East Avenue South Clearwater, FL 33756

DRAINAGE AND ACCESS EASEMENT

THIS INDENTURE, made this 6th day of September, 2018, between TOMMY G. MATHISON, whose mailing address is 415 Wildwood Way, Belleair, Florida, 33756, hereinafter referred to as "Grantor," of the property located 5306 73rd Way North, St. Petersburg, Florida 33709 and PINELLAS COUNTY, Department of Real Estate Management, Attention: Real Property Division, whose address is 509 East Avenue South, Clearwater, Florida 33756, a political subdivision of the State of Florida, including its agents, contractors, successors and assigns, hereinafter referred to as "Grantee."

WITNESSETH:

That the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration to them in hand paid by the Grantee the receipt whereof is hereby acknowledged, does grant and convey unto the Grantee, and the Grantee's successors and assigns a perpetual Drainage and Access Easement, over and across the following described property, located at 5306 73rd Way North in Pinellas County, to wit:

Lands described in the legal description attached as Exhibit *C * and made a part hereof, hereinafter referred to as "Easement".

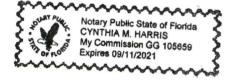
Grantor hereby warrants and covenants (a) that Grantor is the owner of the fee simple title to the property in which the above described Easement is located; and (b) that Grantor has full right and lawful authority to grant and convey this Easement to the Grantee.

The Easement shall be granted unto said Grantee, its successors and assigns forever, subject to the following terms and conditions:

- 1. The Grantor retains the right to use the Easement area for any lawful purposes other than those that interfere with or are inconsistent with the Grantee's interest granted herein.
- 2. The grant of this easement does restrict the right of the Grantor in the use of the Easement area to the extent that no trees or structures, shall be allowed. Additionally, no excavation or activities that may endanger or interfere with the drainage system may be allowed.
- 3. The rights herein granted to the Grantee, by the Grantor, specifically include but are not limited to: (a) the right to install, inspect, maintain, and repair all current and future Pinellas County drainage facilities under, over and upon the Easement; (b) the right for the Grantee to clear the Easement of trees, limbs, undergrowth, and other physical objects which may endanger or interfere with the safe and efficient installation, operation or maintenance of the drainage system; and (c) the reasonable right for the Grantee to have ingress and egress across the Grantor's property to the Easement.
- 4. The Easement shall become effective upon vacation of the right of way as requested by Grantor, pursuant to petition to vacate request file 1542.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand on the day and year first written above. SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF: **GRANTOR:** WITNESSES: Sign: Print Name: Sign: Print Name: STATE OF FLORIDA **COUNTY OF PINELLAS** The foregoing instrument was acknowledged before me this ______ day of _______ leave tember_______ _____, 20 18, by Tommy G. Mathison. The individual is personally known to me and/or has produced a Florida Driver's License as identification.

NOTARY SEAL



NOTARY
Print Name Lynthia M. Harris
Commission Number
My Commission Expires

PINELLAS COUNTY
PUBLIC WORKS
SURVEY AND MAPPING DIVISION
22211 U.S. HIGHWAY 19 N.
CLEARWATER, FLORIDA 33765-2328

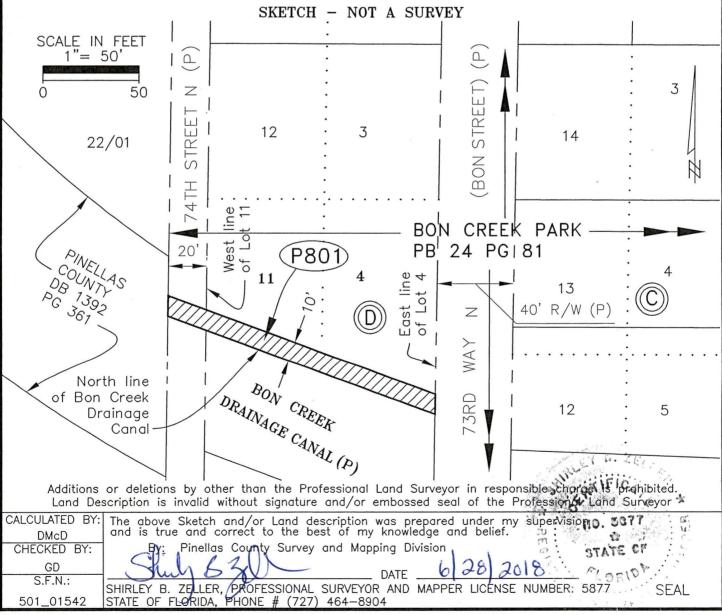


SECTION(S) 06, TOWNSHIP 31 SOUTH, RANGE 16 EAST DESCRIPTION

A 10 foot wide strip of land lying within the vacated right—of—way of 74th Street North and lying within Lots 4 and 11 of Block D, BON CREEK PARK subdivision as recorded in Plat Book 24, Page 81, public records of Pinellas County, in the Northwest 1/4 of Section 6, Township 31, Range 16 East, bounded as follows:

Bounded on the South by the north line of Bon Creek Drainage Canal and the westerly extension thereof as shown on said BON CREEK PARK subdivision, bounded on East by the east line of said Lot 4, bounded on the North by a line being 10 feet northeasterly of and parallel with said north line of Bon Creek Drainage Canal, and bounded on the West by a line being 20 feet West of and parallel with the west line of said Lot 11.

Containing: 1490 square feet or 0.034 acres more or less.



Serial Number 19-00795N



Published Weekly Clearwater, Pinellas County, Florida

COUNTY OF PINELLAS

STATE OF FLORIDA

Before the undersigned authority personally appeared <u>Kelly Martin</u> who on oath says that he/she is Publisher's Representative of the Business Observer a weekly newspaper published at Clearwater, Pinellas County, Florida; that the attached copy of advertisement,

being a Notice of Public Hearing

in the matter of Public Hearing on February 26, 2019 at 6:00pm

in the Court, was published in said newspaper in the

issues of 2/8/2019

Affiant further says that the said Business Observer is a newspaper published at Clearwater, Pinellas County, Florida, and that said newspaper has heretofore been continuously published and has been entered as periodicals matter at the Post Office in Clearwater in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

Kelly Mar

Sworn to and subscribed before me this

8th day of February, 2019 A.D.

by Kelly Martin who is personally known to me.

Notary Public, State of Florida (SEAL)



NOTICE OF PUBLIC HEARING

Notice is hereby given that on February 26, 2019, beginning at 6:00 P.M., public hearing will be held by the Board of County Commissioners in the Count Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Cour Street, Clearwater, Florida 33756, to consider the petition of Tommy G. Mathisor to vacate, abandon and/or close the following:

That portion of 74th Street North lying west of Lots 11 through 14, Block D, Bon Creek Park, Plat Book 24, Page 81, Lying in Section 5, Township 31, Range 16, Pinellas County, Florida.

Persons are advised that, if they decide to appeal any decision made at this meeting hearing, they will need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be heared.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING YOUR ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 SOUTH FORT HARRISON AVENUE, SUITE 500, CLEARWATER FLORIDA 33756, (727) 464-4880 (VOICE), (727) 464-4062 (TDD).

KEN BURKE, CLERK TO
THE BOARD OF COUNTY COMMISSIONERS
By: Norman D. Loy, Deputy Clerk

February 8, 2019

19-00795N

BOARD OF COUNTY
BOARD OF COUNT

Serial Number 19-01356N



Published Weekly Clearwater, Pinellas County, Florida

COUNTY OF PINELLAS

STATE OF FLORIDA

Before the undersigned authority personally appeared <u>Kelly Martin</u> who on oath says that he/she is Publisher's Representative of the Business Observer a weekly newspaper published at Clearwater, Pinellas County, Florida; that the attached copy of advertisement,

being a Public Notice

in the matter of Resolution Vacating Property - Petitioned by Tommy G Mathison

in the Court, was published in said newspaper in the

issues of 3/1/2019

Affiant further says that the said Business Observer is a newspaper published at Clearwater, Pinellas County, Florida, and that said newspaper has heretofore been continuously published and has been entered as periodicals matter at the Post Office in Clearwater in said Pinellas County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

Kelly Martin

PUBLIC NOTICE

You will please take notice that the Pinellas County Board of County Commissioners at its regular meeting of February 26, 2019, in the County Commission Assembly Room, Pinellas County Courthouse, Clearwater, Florida, adopted a resolutior vacating the following legally described property as petitioned by Tommy G Mathison.

Resolution vacating that portion of 74th Street North, lying west of Lots 11 through 14, Block D, Bon Creek Park Subdivision as Recorded in Plat Book 24, Page 81, lying in Section 6, Township 31, Range 16, Pinellas County, Florida, and providing for an effective date.

KEN BURKE, CLERK TO
THE BOARD OF COUNTY COMMISSIONERS
By: Norman D. Loy, Deputy Clerk

March 1, 2019

19-013561

Sworn to and subscribed before me this

1st day of March, 2019 A.D.

by Kelly Martin who is personally known to me.

Notary Public, State of Florida (SEAL)

Pamela A Cox COMMISSION # GG251785 EXPIRES: August 23, 2022 Bonded Thru Aaron Notary BOARD OF COUNTY COMMISSIONERS PINELLAS COUNTY FLORIDA

BOARD OF

It, KENNETH P. BURKE, Clerk of the Circuit Court and Clerk Ex-Officio. Board of County Commissioners, do hereby certify that the above and foregoing is a true and correct copy of the original as it appears in the official files of the Board of County Commissioners of Pinellas County, Florida. Witness my hand and seal of said County FL this day of AD. 20

KENNETH P. BURKE, Clerk of the Circuit Court Ex-Officio Clerk of the Board of County Commissioners, Pinellas County, Florida.

S.