

RESOLUTION NO. 19-88

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA; VACATING A PORTION OF A PRIVATE PLATTED DRAINAGE EASEMENT LOCATED ACROSS THE SOUTHWESTERLY PORTION OF LOT 3 AND A PORTION OF THE 15 FOOT WIDE PRIVATE PLATTED DRAINAGE AND UTILITY EASEMENT LOCATED ALONG THE WESTERLY BOUNDARY OF LOT 3 (3620 SHADY LANE), SHADY LANE, PLAT BOOK 102, PAGE 6, LYING IN SECTION 26-27-15, PINELLAS COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Frank Liberio (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**

WHEREAS, the Petitioner has shown that he owns the underlying portion of the plat sought to be vacated and that all state and county taxes on said property have been paid; and

WHEREAS, subject to the conditions further outlined herein, 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 Petitioner has agreed to certain conditions as set forth herein and must be met as part of the vacation process; and

WHEREAS, the Petitioner’s affidavit has been received by the Board of County Commissioners.

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 hereby vacated, insofar as this Board of County Commissioners has the authority to do so, pursuant to §177.101, Florida Statutes and Art. VIII, § 1 of the Florida Constitution, and pursuant to the following terms and conditions:

1. Vacation of the private platted drainage and utility easements does not allow the easement areas to be altered in a manner that negatively impacts the drainage flow, reduces treatment, decreases the volume of stormwater attenuation that the property is required to accommodate, or negatively impacts any other requirement of the stormwater facility located on the underlying property pursuant to the original County-approved site plan, dated February 1, 1988.
2. The Petitioner shall submit and obtain County approval of a revision to an approved site plan, also known as an RAP (the “Application”) within twelve (12) months of passage of this Resolution, which shall ensure that the overall stormwater flow, capacity, and other such requirements imposed on the subject property pursuant to the originally approved subdivision site plan remains unaltered. The stormwater calculations submitted as part of the RAP site plan application must be prepared by a licensed professional civil engineer registered in the State of Florida.
3. The Petitioner shall commence construction of the County-approved stormwater mitigation plan to adequately address the existing stormwater capacity requirements elsewhere on the property pursuant to the County-approved Application within one year of Application approval, and complete construction within eighteen (18) months of Application approval.
4. The Petitioner shall grant the Shady Lane Homeowners Association, Inc. (HOA) an easement over the newly constructed portion of the subdivision drainage system located on the Petitioner’s property and provide evidence of acceptance by the HOA within twelve (12) months of Application approval, in order to maintain consistency with the original drainage easement dedication to and acceptance by the HOA pursuant to the Shady Lane Plat, dated May 2, 1989. The easement shall specify an effective date contingent upon the vacation of the easements referenced herein.
5. The Petitioner acknowledges and agrees that, as a result of the RAP site plan process, additional requirements related to and consistent with the requirements herein may be imposed. The timeframes set forth herein may be extended for good cause by the County Administrator.
6. The County shall provide the Petitioner with written notice when all conditions contained or referenced herein have been completed to the County’s satisfaction.

7. If the conditions herein are not satisfied as set forth herein, the vacation shall not take effect, the private platted drainage and utility easements shall remain in place, the proposed HOA easement will not become effective, and the Petitioner shall be responsible for abiding by any and all requirements and prohibitions related to such easements and the originally approved subdivision site plan.
8. Should any provision of this Resolution be deemed invalid, illegal, or unenforceable, such provision shall in no way affect the validity of any other provision of this Resolution, and the Resolution shall be amended only to the extent necessary to bring it within the requirements of the law while maintaining the overall intent of the Resolution.

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 12th day of November, 2019, Commissioner Welch offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Peters, 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

By: Chelsea Mandy
Office of the County Attorney

SECTION . . . 26 . . . , TOWNSHIP . . . 27 . . . SOUTH, RANGE . . . 15 . . . EAST, PINELLAS COUNTY, FLORIDA

LEGAL DESCRIPTION and SKETCH

THIS IS NOT A SURVEY

LEGAL DESCRIPTION – EASEMENT VACATION AREA

A PORTION OF THE 15.00 FOOT WIDE PRIVATE DRAINAGE AND UTILITY EASEMENT LOCATED ALONG THE WESTERLY BOUNDARY OF LOT 3, SHADY LANE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 102, PAGES 67 AND 68, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE S84°18'10"E, ALONG THE NORTH BOUNDARY OF SAID LOT 3, A DISTANCE OF 16.60 FEET TO THE EASTERLY BOUNDARY OF AFORESAID 15.00 FOOT WIDE PRIVATE DRAINAGE AND UTILITY EASEMENT; THENCE S31°01'30"W, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 41.83 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S31°01'30"W, ALONG SAID EASTERLY BOUNDARY, A DISTANCE OF 19.88 FEET TO THE SOUTHWESTERLY BOUNDARY OF SAID 15.00 FOOT WIDE PRIVATE DRAINAGE AND UTILITY EASEMENT; THENCE N35°43'59"W, ALONG SAID SOUTHWESTERLY BOUNDARY, A DISTANCE OF 7.79 FEET; THENCE N31°01'30"E, A DISTANCE OF 16.81 FEET; THENCE S58°58'30"E, A DISTANCE OF 7.15 FEET TO THE POINT OF BEGINNING.

CONTAINING 131 SQUARE FEET OR 0.003 ACRES, MORE OR LESS.

PREPARED FOR

FRANK D. LIBERIO, TRUSTEE

Reviewed by: CH SB
Date: 3-6-19
SFN# 501-1567

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 III

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

JOB NUMBER: 140117B

DATE SURVEYED: N/A

DRAWING FILE: 140117B.DWG

DATE DRAWN: 10-5-2018

LAST REVISION: N/A

X REFERENCE: 140117



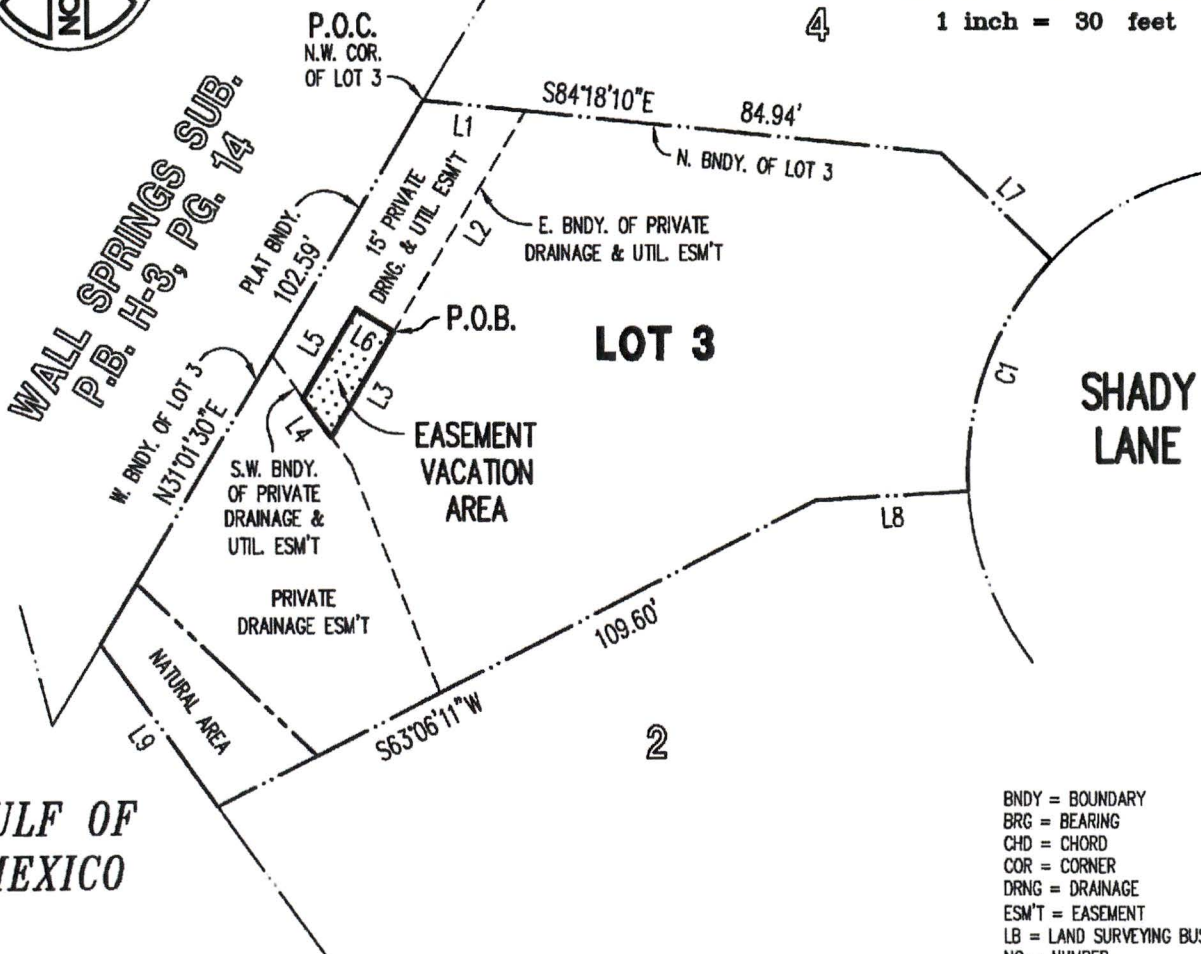
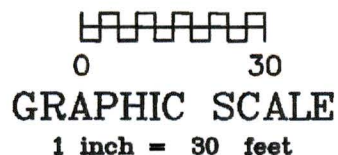
R.C.
LB 1834

**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

LEGAL DESCRIPTION and SKETCH

THIS IS NOT A SURVEY



GULF OF MEXICO

SHADY LANE

LOT 3

EASEMENT VACATION AREA

BNDY = BOUNDARY
BRG = BEARING
CHD = CHORD
COR = CORNER
DRNG = DRAINAGE
ESM'T = EASEMENT
LB = LAND SURVEYING BUSINESS
NO = NUMBER
PB = PLAT BOOK
PG = PAGE
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
SUB = SUBDIVISION
UTIL = UTILITY

LINE L1 S84°18'10"E - 16.60'	LINE L4 N35°43'59"W - 7.79'	LINE L7 S46°14'38"E - 25.00'
LINE L2 S31°01'30"W - 41.83'	LINE L5 N31°01'30"E - 16.81'	LINE L8 S86°31'00"W - 25.00'
LINE L3 S31°01'30"W - 19.88'	LINE L6 S58°58'30"E - 7.15'	LINE L9 N35°44'00"W - 32.59'

CURVE C1
RADIUS = 50.00'
ARC = 41.15'
CHORD = 40.00'
CHD. BRG. = S20°05'41"W

SHEET 2 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.

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COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE S31°01'30"W, ALONG THE WESTERLY BOUNDARY OF SAID LOT 3, A DISTANCE OF 48.17 FEET TO THE NORTHEASTERLY BOUNDARY OF AFORESAID PRIVATE DRAINAGE EASEMENT AND THE POINT OF BEGINNING; THENCE ALONG SAID NORTHEASTERLY BOUNDARY FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) S35°43'59"E, A DISTANCE OF 21.84 FEET, (2) S21°19'33"E, A DISTANCE OF 39.71 FEET TO A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID LOT 3; THENCE S63°06'11"W, ALONG SAID SOUTHEASTERLY BOUNDARY, A DISTANCE OF 22.52 FEET TO A POINT ON THE SOUTHWESTERLY BOUNDARY OF SAID PRIVATE DRAINAGE EASEMENT; THENCE ALONG SAID SOUTHWESTERLY BOUNDARY FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) N46°01'10"W, A DISTANCE OF 18.57 FEET, (2) N46°34'03"W, A DISTANCE OF 21.94 FEET TO AFORESAID WESTERLY BOUNDARY OF LOT 3; THENCE N31°01'30"E, ALONG SAID WESTERLY BOUNDARY OF LOT 3, A DISTANCE OF 43.07 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,646 SQUARE FEET OR 0.038 ACRES, MORE OR LESS.

PREPARED FOR

FRANK D. LIBERIO, TRUSTEE

Reviewed by: CH 58
Date: 3-6-19
SFN# 501-1567

SHEET 1 OF 2 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.

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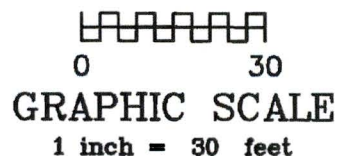
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LEGAL DESCRIPTION and SKETCH

THIS IS NOT A SURVEY



WALL SPRINGS SUB.
P.B. H-3, PG. 14

GULF OF MEXICO

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LB 1834

Serial Number
19-06009N

Business Observer

Published Weekly
Clearwater, Pinellas County, Florida

COUNTY OF PINELLAS

STATE OF FLORIDA

Before the undersigned authority personally appeared Kelly Martin 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 Hearing on November 12, 2019 at 9:30am; petition of Frank Liberio

in the Court, was published in said newspaper in the

issues of 11/1/2019, 11/8/2019

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.

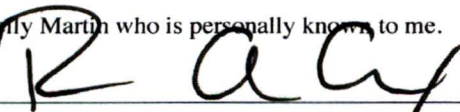
*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.


Kelly Martin

Sworn to and subscribed before me this

8th day of November, 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

NOTICE OF PUBLIC HEARING

Notice is hereby given that on November 12th, 2019, beginning at 9:30 A.M., a public hearing will be held by the Board of County Commissioners in the County Commission Assembly Room, Fifth Floor, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, 33756, to consider the petition of Frank Liberio, to vacate, abandon and/or close the following:

A private Drainage Easement located across the Southwesterly portion of Lot 3, and a portion of the 15-foot wide private Drainage and Utility Easement located along the Westerly boundary of Lot 3 (3620 Shady Lane), Shady Lane Subdivision, Plat Book 102, Page 6, lying in Section 26, Township 27, Range 15, 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 based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING YOU 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

November 1, 8, 2019

19-06009

RECEIVED
BOARD OF
2019 NOV 12 PM 12:28
BOARD OF COUNTY
COMMISSIONERS
PINELLAS COUNTY FLORIDA

I, 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 14 day of November A.D. 2014

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

By

Jan E. Peters
Deputy Clerk

