



# Pinellas County

## Legislation Details (With Text)

**File #:** 19-472A **Version:** 1

**Type:** Petition to Vacate **Status:** Passed

**File created:** 3/26/2019 **In control:** Board of County Commissioners

**On agenda:** 8/20/2019 **Final action:** 8/20/2019

**Title:** Petition of Brien Bourbeau and Mary Bourbeau to vacate a portion of right-of-way known as New York Avenue, Town of Sutherland, Plat Book H-1, Page 1, lying adjacent to the northerly boundary of Lot 3, Oyster Bay Subdivision, Plat Book 84, Page 61, lying within Section 2-28-15 (Legislative Hearing); and the ten-foot utility easement lying in the north 10 feet of Lot 3, Oyster Bay Subdivision, Plat Book 84, Page 61, lying within Section 2-28-15, Pinellas County, Florida. (Quasi-Judicial Hearing)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Final Letter to Petitioner with Recorded RES 19-58, 2. Recorded RES 19-58, 3. Affidavit of Publication - Public Notice for Adopted Resolution, 4. Adopted RES 19-58, 5. Comment Cards Submitted for Public Comment, 6. Bourbeau Vacation Resolution\_aatf, 7. Affidavit of Publication - Notice of Public Hearing, 8. Notification Mailing to Affected Property Owners, 9. Request for Advertising.pdf, 10. Petitioner Application.pdf, 11. Exhibit B - Easement Sketch.pdf, 12. Exhibit A - ROW Sketch.pdf, 13. Resolution.pdf, 14. Location Map

Date	Ver.	Action By	Action	Result
8/20/2019	1	Board of County Commissioners	approved	Pass

### Subject:

Petition of Brien Bourbeau and Mary Bourbeau to vacate a portion of right-of-way known as New York Avenue, Town of Sutherland, Plat Book H-1, Page 1, lying adjacent to the northerly boundary of Lot 3, Oyster Bay Subdivision, Plat Book 84, Page 61, lying within Section 2-28-15 (Legislative Hearing); and the ten-foot utility easement lying in the north 10 feet of Lot 3, Oyster Bay Subdivision, Plat Book 84, Page 61, lying within Section 2-28-15, Pinellas County, Florida. (Quasi-Judicial Hearing)

### Recommended Action:

Consider granting the petition to vacate, and if granted, adopt the attached resolution pursuant to Florida State Statute 336 and Florida State Statute 177.

- The petitioners reduced their original vacation request for the right-of-way from 11.6 feet to 7.6 feet as requested by the Stormwater and Vegetation Division of the Public Works Department.
- The ten foot utility easement will also be vacated to allow for construction of the pool in an easement.
- A three foot easement will be retained along the new property line over the north three feet of the vacated area for access and maintenance and to ensure that no permanent structures are constructed in the in the area.

Authorize the Clerk of the Court to attest and record the resolution in the Public Records of Pinellas County.

**Strategic Plan:**

Deliver First Class Services to the Public and Our Customers

5.2 Be responsible stewards of the public's resources

5.3 Ensure effective and efficient delivery of county services and support

**Summary:**

The purpose of this request is to vacate 7.6 feet of an 80 foot right-of-way in the rear of the property and the ten foot utility easement on the property. The petitioners are seeking the required dimensions to construct a pool in the backyard.

**Background Information:**

The petitioners originally requested 11.6 feet of the right-of-way be vacated to build a pool. A site visit revealed the need for the petitioners to reduce the amount requested to 7.6 feet to allow for future maintenance of the remaining 72.4 feet of right-of-way. A three foot easement will be retained along the new property line over the north 3 feet of the vacated area for access and maintenance and to ensure that no permanent structures are constructed in the in the area. The fence will be moved to correct the new property line.

County departments were queried and have no objection to the vacation request.

Letters of no objection were received from Bright House, Duke Energy, Frontier, Pinellas County Utilities Engineering, TECO Electric, and TECO Gas.

The petition was properly advertised in accordance with Florida State Statutes 336 and 177. Pursuant to the Real Property Division Procedures, notice was mailed by the Clerk of the Court to property owners within two hundred feet of the subject property and two yard signs were placed on the property. The Deputy Clerk will report to the Board any citizen support or opposition.

**Fiscal Impact:**

\$750.00 has been received for this request

**Staff Member Responsible:**

Andrew W. Pupke, Director, Real Estate Management

**Partners:**

N/A

**Attachments:**

Resolution

Exhibit A - Sketch and Legal

Location Map

Advertising Packet