

RESOLUTION NO. 2012-19

A RESOLUTION BY THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA, VACATING FOUR 5-FOOT UTILITY AND DRAINAGE EASEMENTS BETWEEN LOTS AND 3 AND 4 OF BLOCK 78, NORTH UNIT NO. 1 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 21. PAGE 27 PUBLIC RECORDS OF PINELLAS COUNTY FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The owner of the Southerly half of Lot 1, Lot 3 and Lot 4 less the easterly 20.5 feet thereof, Block 78, St. Petersburg Beach North Unit No. 1 according to the Plat thereof recorded in Plat book 21, page 27, Public records of Pinellas County, Florida have requested the City vacate the 4 easements located across the parcel for drainage and public utilities of 5 feet lying between lots 1 and 3 and lots 3 and 4, Block 78, St. Petersburg Beach North Unit No. 1 according to the Plat thereof recorded in Plat book 21, page 27, Public records of Pinellas County, Florida;

WHEREAS, there are no utilities located within the easement and no current plans to place any utilities within the easement;

WHEREAS, the Southern half of Lot 1, Lot 3, and the westerly portion of lot 4 (less the easterly 20.5 feet) have been developed as one lot with a single family home situated thereon;

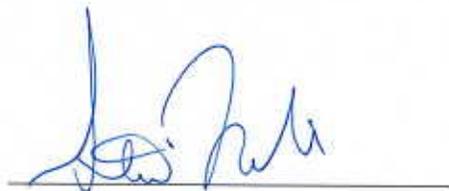
WHEREAS, two of the easements are located under the existing structure and the other two easements are located under the existing carport;

WHEREAS, the City of St. Pete Beach and other utility providers have no need for said easements.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA:

Section 1: The City Commission of the City of St. Pete Beach, in accordance with the City Charter, hereby vacates the four utility and drainage easements located across the Southerly half of Lot 1, Lot 3 and Lot 4 less the easterly 20.5 feet thereof, Block 78, St. Petersburg Beach North Unit No. 1 according to the Plat thereof recorded in Plat book 21, page 27, Public records of Pinellas County, Florida.

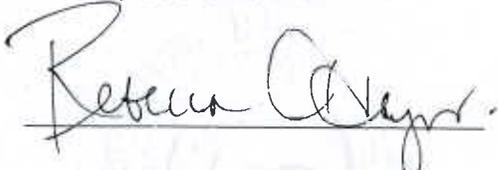
Section 2: This resolution shall become effective immediately upon adoption.



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STEVE MCFARLIN, MAYOR

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Resolution was adopted in accordance with the provisions of applicable law this 11<sup>th</sup> Day of December, 2012.



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Rebecca Haynes, City Clerk

7116 GULF BLVD. • SUITE D • ST. PETE BEACH, FL 33706  
(727) 363-6100 • FAX (727) 363-6116

PATRICIA FIELDS ANDERSON  
THOMAS A. BRODERSEN



November 26, 2012

*via personal delivery*

Ms. Catherine Hartley, Senior Planner  
City of St. Pete Beach  
155 Corey Avenue  
St. Pete Beach FL 33706

Re: 655 77<sup>th</sup> Avenue, St. Pete Beach, Florida

Dear Ms. Hartley:

Attached you will find our PETITION TO VACATE EASEMENT(S) on this property:

1. Petition
2. Owner's Authorization from Seller (Stambaugh) and Buyer (Monaghan)
3. No Objection letter from Progress Energy
4. No Objection letter from Brighthouse Networks
5. No Objection letter from Verizon Florida
6. Survey highlighted to show FOUR easements
7. Legal Description of subject property ("Exhibit A")
8. Affidavit of abutting property owner
9. Proposed Resolution of City Commission

My clients would very much like to have this matter heard at the regular meeting of the City Commission on December 11, 2012. If there are any questions, or if there is anything else I can provide to facilitate this matter, please let me know.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized name followed by a long horizontal line extending to the right.





**EXCEPT AS**

The Southerly Half of Lot One (1) and all of Lot Three (3) and all of Lot Four (4) except that part of Lot Four (4) lying Easterly of the following described line: A line running from the Northerly to the Southerly boundary of said Lot Four (4) parallel to the Easterly boundary of said Lot Four (4) and seven (7) feet Easterly of the most Easterly point or line of the foundation of the garage now located on said Lot 4, Block 78, St. Petersburg Beach NORTH UNIT NO.1, as recorded in Plat Book 21, Page 27, Public Records of Pinellas County, Florida, and Except that part of said Lot Four (4) conveyed by Deed recorded in Official Records Book 2103, Page 708.

OTHERWISE DESCRIBED AS: The Southerly Half of Lot One (1), and all of Lot Three (3) and Lot Four (4) less the Northeasterly 20.05 feet thereof, all in Block 78 of St. Petersburg Beach NORTH UNIT NO.1, as recorded in Plat Book 21, Page 27, Public Records of Pinellas County, Florida, less that part of said Lot Four (4) conveyed by Deed recorded in Official Records Book 2103, Page 708.



PETITION TO VACATE EASEMENT

Case Number: \_\_\_\_\_

OWNER:

Name: STAMBAUGH, Althea, as Trustee / MONAGHAN, Sean C. (Buyer)

Address: 4300 Poinsettia Drive / 707 President Street, Apt 1231

City: St. Pete Beach State: FL 33706 / Baltimore, Maryland 21202

Zip: \_\_\_\_\_ Phone: (727) 455-3875 / (443) 422-4097

AUTHORIZED AGENT:

Name: ANDERSON & BRODERSEN, P.A. Thomas A. Brodersen, Esq.

Address: 7116 Gulf Blvd., Suite D

City: St. Pete Beach State: Florida

Zip: 33706 Phone: (727) 363-6100

PROPERTY (Address and Legal Description): 655 77th Avenue, St. Pete Beach  
Lot 3, all of Lot 4 less the E'ly 20.5 ft thereof, and the S'ly  
half of Lot 1, Block 78, NORTH UNIT 1

DETAILS OF THE REQUEST: (Add additional sheets if necessary)

Vacate FOUR five-foot (5') easements across property for utilities  
and drainage purposes.

This application, together with all required supporting document, shall be submitted by 12:00 noon on the stated filing date for the City Commission. Failure to do so will delay your application to a later date.

See Attached Owner's Authorization

Owner Signature and Date

Authorized Agent Signature and Date

*[Handwritten Signature]*  
11/23/12



NOV 26 2012  
COMMUNITY DEVELOPMENT

Owner's Authorization for Agent  
Community Development Department  
City of St. Pete Beach, Florida

I/WE Althea F. Stambough  
(print name of property owner)

hereby authorize Thomas A. Brodersen, Esq.  
(print name of agent)

to represent me/us in an application for Vacation of Easement  
(type of application: variance, land use, zoning, special event, etc)

Althea F. Stambough  
Signature of owner

\_\_\_\_\_  
Signature of owner

Althea F. Stambough  
Print name of owner

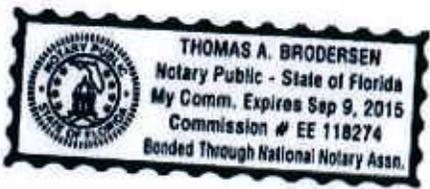
\_\_\_\_\_  
Print name of owner

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day  
of November 2012, by Althea F. Stambough who  
is personally known \_\_\_\_\_ or produced via Florida Driver License as  
identification.

[Signature]  
(Notary Signature)

(Date)

My commission expires \_\_\_\_\_





NOV 26 2012  
COMMUNITY DEVELOPMENT

Owner's Authorization for Agent  
Community Development Department  
City of St. Pete Beach, Florida

I/WE Sean C Monaghan  
(print name of property owner)

hereby authorize Thomas A Brodersen  
(print name of agent)

to represent me/us in an application for Vacation of Easement  
(type of application: variance, land use, zoning, special event, etc)

Sean C. Monaghan  
Signature of owner

\_\_\_\_\_  
Signature of owner

SEAN C MONAGHAN  
Print name of owner

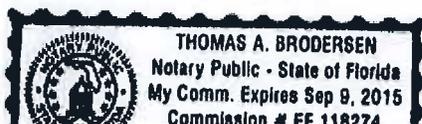
\_\_\_\_\_  
Print name of owner

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day  
of November 2012, by Sean C. Monaghan who  
is personally known \_\_\_\_\_ or produced by Maryland Drivers License as  
identification.

[Signature]  
(Notary Signature)

11/23/12  
(Date)

My commission expires \_\_\_\_\_



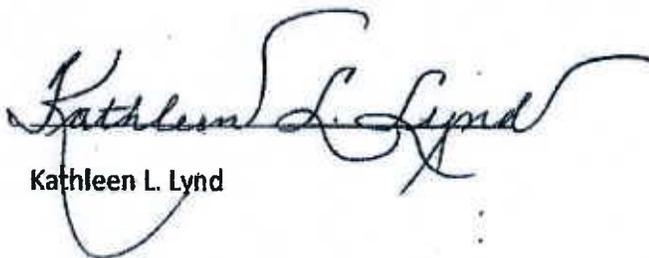
**St. Pete Beach, Florida 33706**

STATE OF NEW YORK )

COUNTY OF MONROE ) ss.:

Kathleen L. Lynd, being duly sworn, deposes and states:

1. I am the owner of certain premises located 650 78<sup>th</sup> Avenue, St. Pete Beach, Florida.
2. I have been shown a survey of the property immediately south of my home, that is, 655 77<sup>th</sup> Avenue, prepared by David C. Harner P.L.S. and dated October 26, 2012 (the "Survey"), which survey is attached hereto and made a part hereof.
3. The Survey shows four five-foot side lot line utility easements which run across the property immediately south of my home.
4. I am informed that these easements do not affect my property or utility services to my property.
5. I have no objection to the City of St. Pete Beach vacating, abandoning or removing the above-referenced easements from the property located at 655 77<sup>th</sup> Avenue.

  
Kathleen L. Lynd

Sworn to before me this 21<sup>st</sup>  
day of November, 2012.



Stormwater  
Reclaimed Water  
Wastewater

George Kinney

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**From:** Steven Hallock  
**Sent:** Wednesday, November 28, 2012 9:38 AM  
**To:** Catherine Hartley  
**Cc:** Mike Bonfield; George Kinney  
**Subject:** FW: 655 77th  
**Attachments:** 655 77th.jpg; easement78th.pdf

We have finished our investigation and we have no wastewater, reclaimed water or stormwater located in these easements. We service all of our customers from the street and cannot see ever needing to utilize the easements. As a result we are not opposed to the vacating. If you need anything else please let me know.

*Steven J. Hallock*

Public Services Director  
City of St Pete Beach  
155 Corey Ave, St Pete Beach, FL 33706-1839  
Phone: 727.363.9243  
FAX: 727.367.2736  
[s.hallock@stpetebeach.org](mailto:s.hallock@stpetebeach.org)  
[www.stpetebeach.org](http://www.stpetebeach.org)

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**From:** City Planner  
**Sent:** Friday, November 16, 2012 3:55 PM  
**To:** Renee Cooper  
**Cc:** George Kinney; Steven Hallock  
**Subject:** 655 77th

Hi Renee,

I have a fun and interesting question for you on this lovely Friday afternoon.

George and I met with an attorney today who, on behalf of his client, wishes to submit an application for the vacation of a few utility easements. I have attached both a survey and a general map of the area (area in red box... a bit larger than the surveyed area). They need to know if we have ANY utilities in those easements. I looked over the GIS utility map and there isn't anything on the map, but we all know that doesn't mean there isn't something in the ground. Can you take a look at the attachments and tell me what you think?

Thanks so much!

*Catherine*

Catherine M. Hartley, AICP, CNU-a  
Senior Planner  
City of St. Pete Beach, Florida  
727-363-9266

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Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



Potable Water

November 26, 2012

Thomas A. Brodersen, Esq.  
Anderson & Brodersen, P.A.  
7116 Gulf Boulevard, Suite D  
St. Pete Beach, FL 33706

Re: **Letter of No Objection**  
Parcel ID: 36/31/15/61524/078/0030  
Address: 655 77<sup>th</sup> Ave., St. Pete Beach, FL  
Map Page: 10-GN

Dear Mr. Brodersen:

We have received your request for a letter of no objection to the vacation of four (4) five-foot (5') side lot line easements that traverse the referenced property. We have no potable water or reclaimed water facilities in that location; they lie within 77<sup>th</sup> Avenue right-of-way. Therefore, we do not object to the vacation of the easements.

Please feel free to contact me if I may be of further service at (727) 464-4068.

Sincerely,

**Pinellas County Department of Environment & Infrastructure**

A handwritten signature in cursive script that reads "Sandra L. McDonald".

Sandra L. McDonald, P.E.

Public Works Engineering Supervisor

Telephone

COMMUNITY DEVELOPMENT



**Verizon Florida LLC**  
1909 US Highway 301, Bldg. D  
Tampa, FL 33619  
(813) 627-8358

November 21, 2012

Mr. Thomas A. Brodersen  
Anderson & Brodersen, P.A.  
7116 Gulf Boulevard, Suite D  
St. Pete Beach, FL 33706

RE: Vacallon & abandonment of 5-foot side lot line Utility Easements and  
Encroachment of a 5-foot rear lot easement  
655 77<sup>th</sup> Avenue, St. Petersburg, FL (Stambaugh)  
Pinellas County PID No. 36/31/15/61524/078/0030

Dear Mr. Brodersen:

\_\_\_\_\_ Verizon Florida LLC will require easements as indicated on the attached plat.

\_\_\_\_\_ Verizon Florida Inc requires no additional easements.

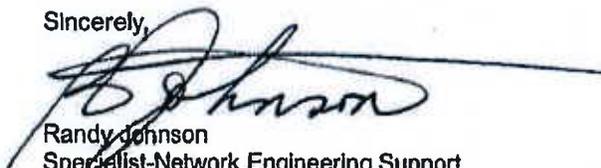
\_\_\_\_\_ Verizon Florida LLC does object to the above referenced right of way vacation. This is necessary, as we have facilities in the existing rights of way, which needs to be maintained.

~~XXXX~~ Verizon Florida LLC has no objection to the above referenced requests.

\_\_\_\_\_ Verizon Florida LLC has no objection to the above referenced vacate providing we may maintain an easement presently occupied by our buried facilities or providing we are reimbursed for the relocation of our facilities to a new location. The approximate location of the facilities is depicted in the attached sketch.

Please call me if you have any questions or need any additional information at (727) 562-1102.

Sincerely,

  
Randy Johnson  
Specialist-Network Engineering Support

Cable

(01 1211023.2000



Date: November 20, 2012

Thomas Brodersen  
Anderson and Brodersen, P.A.  
7116 Gulf Blvd., Suite D  
St. Petersburg Beach, Fl. 33706  
Parcel ID: 36-31-15-61524-078-0030

**Re: Vacation and abandonment of 5 foot side lot line Utility Easements  
Encroachment of a 5 foot rear lot Utility Easement  
Address: 655 77<sup>th</sup> Ave, St. Petersburg Beach, Fl.**

Dear Mr. Brodersen,

Thank you for advising us of the proposed project/vacation/adjustment.

Bright House Networks has No Objection. See Note.

Bright House Networks has no objections provided utility easements for our facilities are granted or retained. See Note.

Bright House Networks has no objections provided the applicant bears the expense for the relocation of any Bright House Networks facilities to maintain service to customers affected by the proposed vacation or construction. See Note.

In order to properly evaluate this request, Bright House Networks will need detailed plans of the facilities proposed for the subject areas.

Bright House Networks has facilities within this area, which may conflict with this proposed project. Please call Sunshine One Call for locates. See Note.

Bright House Networks requires 60 days written notice prior to the construction start date to relocate their facilities.

**the four (4) five-foot (5) side lot line Utility Easements across the property lying on either side of the boundary line between Lot 1 and Lot 3, and between Lot 3 and Lot 4 of the property. In addition, Bright House Networks has no objection to the encroachment of a greenhouse into the 5 foot rear lot line easement of the above referenced address.**

**The encroachment, in its present form, does not constitute a violation of the National Electric Safety Code nor interfere with Bright House Network's use of the easement based on Bright House Network's current use of the easement area. Accordingly, Bright House shall consent to the current encroachment as long as the encroachment does not constitute a violation of the National Electric Safety Code or interfere with Bright House's use of the easement area.**

**This letter shall not constitute a waiver of Bright House's rights under the easement with respect to the encroachment. Should future use of the easement area by Bright House Networks pursuant to the easement result in the encroachment constituting either a National Electrical Safety Violation or an interference with Bright House Network's use of the easement area, removal or relocation of the encroachment within the easement area may be necessary at your expense.**

Sincerely,

A handwritten signature in blue ink that reads "Don Anthony". The signature is stylized and cursive.

**Don Anthony  
Construction Supervisor  
Bright House Networks  
Pinellas County, Fl.**

Electric

November 19, 2012



Thomas A. Brodersen  
Anderson & Brodersen, P. A.  
7116 Gulf Blvd., Suite D  
St. Pete Beach, FL 33706

**RE: *Vacation and abandonment of 5 foot side lot line Utility Easements  
Encroachment of a 5 foot rear lot utility easement  
Address: 655 77<sup>th</sup> Avenue, St. Petersburg, FL  
Parcel ID: 36-31-15-61524-078-0030***

Dear Mr. Brodersen:

Please be advised that Progress Energy Florida, Inc. (formerly known as Florida Power Corporation), Distribution and Transmission Departments have **"NO OBJECTIONS"** to the vacation and abandonment of the four (4) five-foot (5') side lot line utility easements across the property (lying on either side of the boundary line between Lot 1 and Lot 3, and between Lot 3 and Lot 4 of the property), which is more particularly described as follows:

The Southerly Half of Lot One and all of Lot 3 and Lot 4 LESS the Northeasterly 20.05 feet thereof, all in Block 78 of **ST. PETERSBURG BEACH NORTH UNIT NO. 1**, as recorded in Plat Book 21, Page 27 Records of Pinellas County, Florida, LESS that part of said Lot 4 conveyed by Deed recorded in Official Record Book 2103, Page 708.

See Legal Description on the accompanying Exhibit "A", attached hereto and incorporated herein by this reference.

In addition, we have **"NO OBJECTIONS"** to the encroachment of a greenhouse into the 5 foot rear lot line utility easement of the above referenced addressed.

The encroachment, in its present form, does not constitute a violation of the National Electric Safety Code nor interfere with Progress Energy's use of the easement area based on Progress Energy's current use of the easement area. Accordingly, Progress Energy shall consent to your current encroachment so long as such encroachment does not constitute a violation of the National Electric Safety Code nor interfere with Progress Energy's use of the easement area.

an interference with Progress Energy's use of the easement area, a removal or relocation of the encroachment within the easement area may be necessary at your expense.

Please contact me at 727-562-5651 if I may be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tuyen La". The signature is written in a cursive, flowing style.

Tuyen La  
Land Agent  
Distribution Right-of Way-Florida