



CITY OF PINELLAS PARK

Staff Report

Community Development Department
Planning & Development Services Division

I. APPLICATION DATA

- A. **Case Number:** Not applicable
- B. **Location:**
1. **Address:** Located at 7801 US Highway 19 North
2. **Parcel Number:** A portion of 27-30-16-69840-100-2902
- C. **Request:** The City has interests in the right-of-way of the parcel and is requesting to have the piece of the parcel dedicated to the City.
- D. **Applicant:** Matter Brothers Furniture
- E. **Agent:** Aaron Petersen, Construction Services Director
- F. **Legal Ad Text:** Not applicable
- G. **Public Hearings:**

Board of Adjustment Hearing Date: Not applicable

Planning and Zoning Commission Hearing Date: Not applicable

City Council Hearing Date(s): 7/25/2019
Deadline to send public hearing notices: Not applicable
Advertising deadline: Not applicable

II. BACKGROUND INFORMATION

- A. **Site Area:** a Six Hundred and Thirty-Nine (639) foot by Twenty-Five (25) foot segment of property
- B. **Essential Services:**

1. **Staff Analysis:** The deed has been reviewed by all relevant departments and it would not cause any undue strain on City resources.

III. SUMMARY

A. Findings

Based on the information and analysis contained in this report, staff finds as follows: The City will now own the area that the road drainage infrastructure is within and legally be able to maintain it. Previously the drainage ditch was within private property without easement. The ditch has been piped as part of this development with access points. This drainage way conveys the drainage of 78th Avenue N. and US HWY 19 N. to the PPWMD Channel 2. This section of 78th Avenue N. will now meet the required size north of centerline.

B. Staff Recommendation

Consistent with the above identified findings, and subject to such additional findings of fact as are established at a public hearing, if applicable, staff recommends **acceptance** of this warranty deed for right-of-way.

Planning & Development Services Director: _____

Community Development Administrator: _____

IV. ACTION:

CITY COUNCIL – MOVE TO:

- 1: APPROVE
- 2: APPROVE WITH THE FOLLOWING CONDITIONS:
- 3: DENY

V. ATTACHMENTS:

Exhibit A: Application with Legal Description

Exhibit B: Aerial Map

Exhibit C: Land Use Map

Exhibit D: Zoning Map

Exhibit E: FIRM Map

Exhibit F: Site Photographs

Exhibit G: Attorney Letter

Exhibit "A"
Application & Legal Description

THIS WARRANTY DEED, Made this ____ day of _____, A.D. 2019,

By **MATTER BROTHERS REAL ESTATE, L.C.**, hereinafter called the Grantor,
and **THE CITY OF PINELLAS PARK, a Florida municipal corporation**,

whose mailing address is: 5141 78th Avenue North, Pinellas Park, FL 33781,

hereinafter called the Grantee, of the County of Pinellas in the State of Florida.

WITNESSETH, That the said Grantor, for and in consideration of the sum of ten dollars (\$10.00) and other valuable considerations to said Grantor in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, and sold unto the said Grantee, and Grantee's heirs, or successors, and assigns forever, all that certain parcel of land in the County of Pinellas and State of Florida, to wit:

PARCEL NO. : A PORTION OF 27-30-16-69840-100-2902 as further described below and depicted in Exhibit A (sketch of proposed right-of-way Deed area), which is attached hereto and made a part hereof

LEGAL DESCRIPTION

(A 639.17' x 25' x 639.17' x 25' parcel of land dedicated for Right-of-Way)

THE PROPERTY TO BE DEEDED TO THE CITY OF PINELLAS PARK FOR RIGHT OF WAY IS THAT PORTION OF PARCEL# 27-30-16-69840-100-2902, FURTHER DESCRIBED AS THE EAST 25.00 FEET OF FARM 30 IN SECTION 27, TOWNSHIP 30, RANGE 16 EAST AS SHOWN BY THE MAP OF PINELLAS FARMS RECORDED IN PLAT BOOK 7, PAGE(S) 4 AND 5, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA OF WHICH PINELLAS WAS FORMERLY A PART. THE ABOVE TRACT CONTAINING 15,979 SQUARE FEET, MORE OR LESS.

A PARCEL CONTAINING 0.37 ACRES M.O.L.

This property is not the Homestead Property of the Grantor, nor contiguous to Homestead Property of the Grantor, as such Homestead is defined by Florida Constitution.

Subject to easements and restrictions of record.

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever, except taxes for the year 2019 and subsequent. ("Grantor" and "Grantee" are used herein for singular or plural, the singular shall include the plural, and any gender shall include all genders as contest requires.)

("Grantor" and "Grantee" are used herein for singular or plural, the singular shall include the plural, and any gender shall include all genders as contest requires.)

Signed, Sealed and Delivered in our Presence:

(Wit.) _____
PRINT NAME BELOW SIGNATURE

**THOMAS M. MATTER, MANAGING MEMBER FOR
MATTER BROTHERS REAL ESTATE, L.C.**

(Wit.) _____
PRINT NAME BELOW SIGNATURE

STATE OF FLORIDA COUNTY OF PINELLAS	<p>The foregoing instrument was acknowledged before me this _____, 2019, by _____, on behalf of whom the instrument was executed. <i>(Name of person acknowledging and title of position)</i></p> <p>_____ Notary Public signature</p> <p>_____ (Name of Notary typed, printed or stamped)</p> <p>Personally known _____ or produced identification</p> <p>Type of identification produced _____</p>
<p>(SEAL ABOVE)</p> <p style="text-align: center;">The transfer of the above Property by Warranty deed from MATTER BROTHERS REAL ESTATE, L.C., to the CITY OF PINELLAS PARK, is hereby accepted by the CITY OF PINELLAS PARK, this ____ day of _____, 2019.</p> <p style="text-align: center;">_____ SANDRA L. BRADBURY, MAYOR</p>	
<p>ATTENTION NOTARY: Although the information requested is OPTIONAL, it could prevent fraudulent attachment of this certificate to an unauthorized document.</p>	
THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED AT RIGHT:	<p>Title or Type of Document <u>Warranty Deed</u></p> <p>Number of Pages <u>1</u> Date of Document _____</p> <p>Signers Other Than Named Above <u>NONE</u></p>

This Instrument was prepared by:
Please return this instrument to:

PLANNING & DEVELOPMENT SERVICES DIVISION
CITY OF PINELLAS PARK, 6051 78th Avenue N., Pinellas Park, FL 33781-1100

Exhibit "C" Land Use Map

7801 US Hwy. 19 North Land Use Map

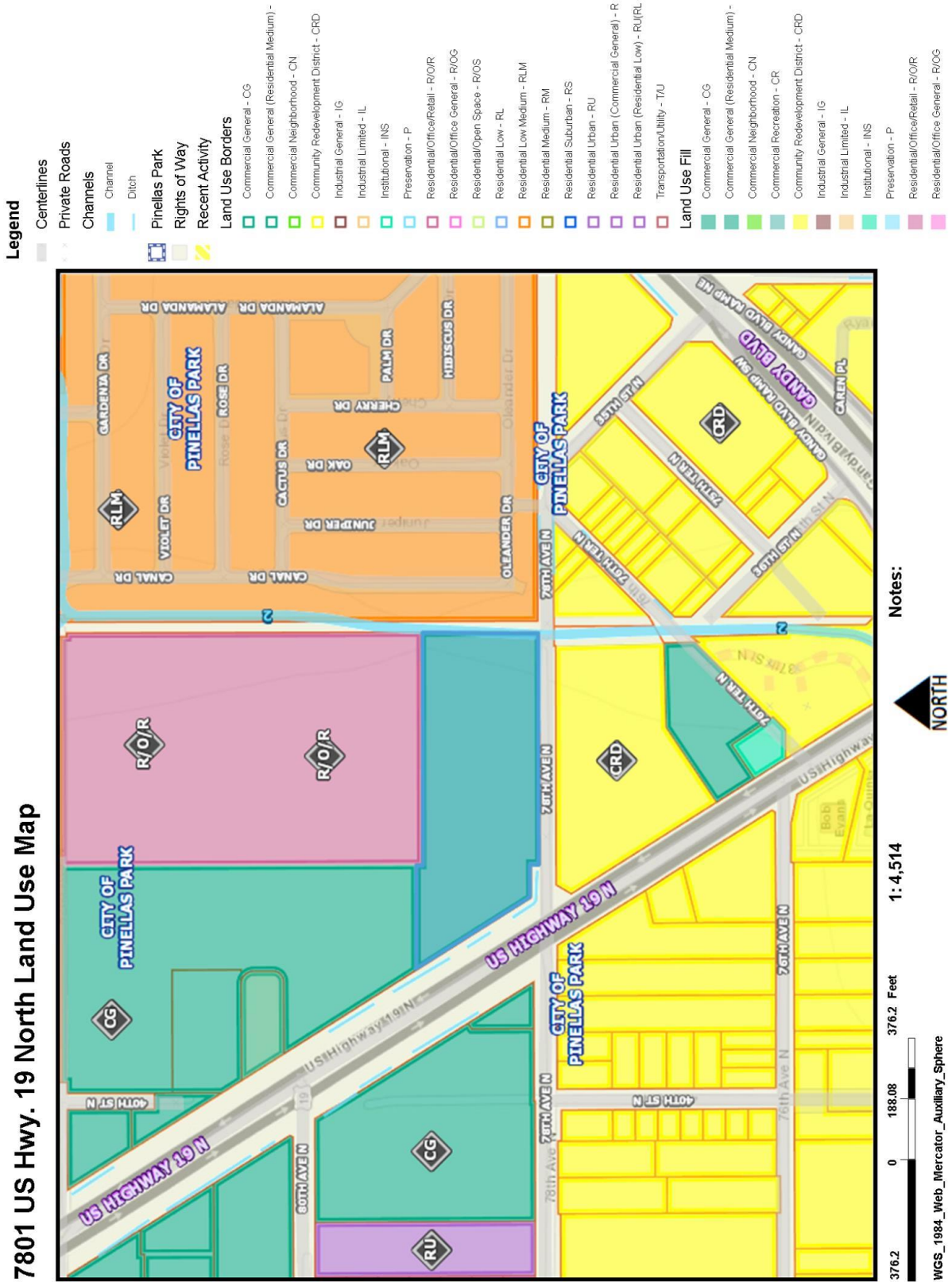
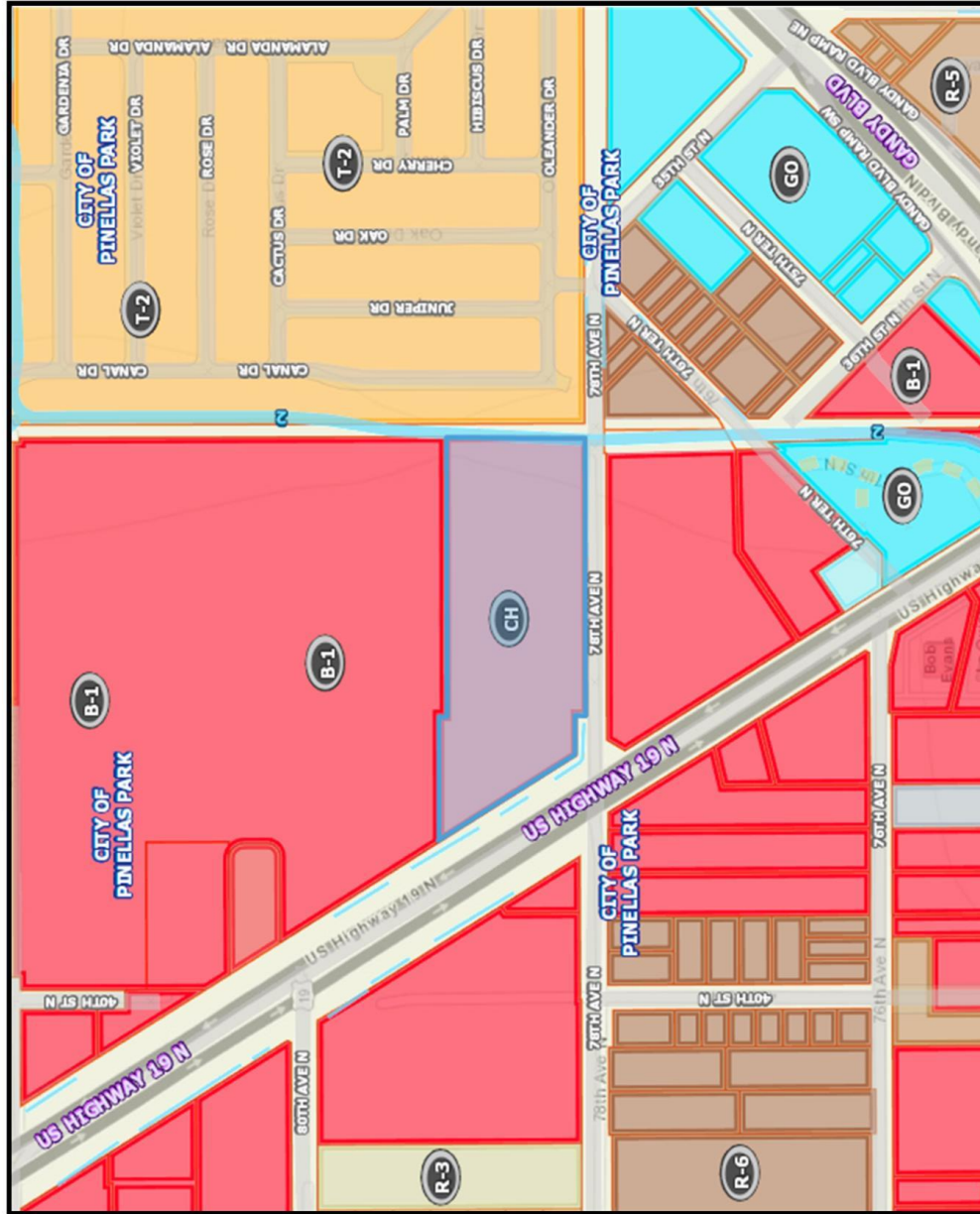


Exhibit "D" Zoning Map

7801 US Hwy. 19 North Zoning Map



Notes:

1:4,514

376.2 Feet

188.08

0

WGS_1984_Web_Mercator_Auxiliary_Sphere

Legend

- Centerlines
- Private Roads
- Channels
 - Channel
 - Ditch
- Pinellas Park
- Rights of Way
- Recent Activity
- Zoning Borders
 - General Commercial - B-1
 - Heavy Commercial - CH
 - Commercial Neighborhood - CN
 - Commercial Planned Unit Development - CP
 - Farm - F
 - General Office - GO
 - Heavy Industrial - IH
 - Industrial Planned Unit Development - IPUD
 - Light Industrial - M-1
 - Residential / Office / Retail - ROR
 - Mixed Use Development - MXD
 - Mixed Unit Development - MXD-2
 - Open Space - O/S
 - Public - P
 - Preservation - PRES
 - Single Family Residential - R-1
 - Single Family Residential - R-2
 - Single Family Residential - R-3
 - Duplex Residential - R-4
 - Multifamily Residential - R-5
 - Multifamily Residential/Commercial - R-6
 - Single Family Residential Estate - R-E
 - Residential Planned Unit Development - RPU
 - Rural Residential - RR
 - Mobile Home Subdivision - T-1
 - Mobile Home Park - T-2
 - Town Center - TC
- Zoning Fill
 - General Commercial - B-1
 - Heavy Commercial - CH
 - Commercial Neighborhood - CN

7801 US Hwy. 19 North FIRM Map



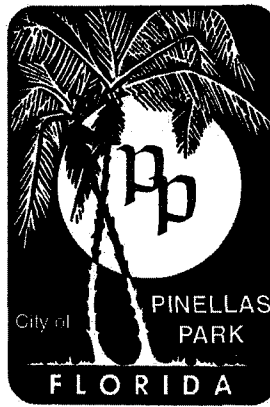
Exhibit "F"
Site Photographs



City of

PINELLAS PARK

5141 78TH AVE. • P.O. BOX 1100
PINELLAS PARK, FL 33780-1100



FLORIDA

PHONE • (727) 369-0700
FAX • (727) 544-7448

Please Respond To:

James W. Denhardt, City Attorney
Lauren Christ Rubenstein, Assistant City Attorney
Denhardt and Rubenstein, Attorneys at Law
2700 First Avenue North
St. Petersburg, Florida 33713
(727) 327-3400 - Telephone
(727) 323-0888 - Facsimile

June 20, 2019

Ms. Shannon Coughlin
Economic Development Manager
City of Pinellas Park
P. O. Box 1100
Pinellas Park, Florida 33780-1100

RE: City Document #19-185
Matter Brothers Real Estate Right-of-Way Deed

Dear Ms. Coughlin:

I have received and reviewed the above-mentioned Matter Brothers Real Estate Right-of-Way Deed to the City of Pinellas Park. According to the Division of Corporations website, the legal name of the entity is "Matter Brothers Real Estate, L.C." All references in the Deed to "Matter Bros Real Estate, L.C." should be updated to read "Matter Brothers Real Estate, L.C."

In addition, I note that the signature block reads "Thomas M. Matter, Registered Agent." A Registered Agent cannot execute a deed to bind a company. However, the Division of Corporations website lists Thomas M. Matter as the Managing Member of Matter Brothers Real Estate, L.C. Therefore, the signature block should be updated to appear as follows:

THOMAS M. MATTER, Managing Member
for Matter Brothers Real Estate, L.C.



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Ms. Shannon Coughlin
Economic Development Manager
City of Pinellas Park
June 20, 2019
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Once the above-mentioned changes have been incorporated into the Deed, I would approve of the Deed as to form and correctness.

Very truly yours,

A handwritten signature in black ink, reading "Lauren Christ Rubenstein". The signature is fluid and cursive, with the first name "Lauren" being larger and more prominent than the last name "Rubenstein".

Lauren Christ Rubenstein
Assistant City Attorney

cc: Doug Lewis, City Manager
Diane M. Corna, MMC, City Clerk
Patrick Murphy, Deputy City Manager
Susan Walker, Community Development Administrator
Benjamin Ziskal, Planning & Development Services Director

LCR/law

19-185.06202019.LSC.Matter Brothers ROW.wpd