

CITY OF PINELLAS PARK

Staff Report

Community Development Department Planning & Development Services Division

I. APPLICATION DATA

- A. <u>Case Number</u>: V 2020-1
- **B.** <u>Location</u>: Portion of 59th Street North right-of-way, generally located west of 5890 64th Terrace N.
- C. <u>Request</u>: Request to vacate a 30 foot wide by 126 foot long section of 59th Street N right-of-way generally located west of 5890 64th Terrace N.
- D. Applicant: Thomas Ross
- E. Agent: N/A
- F. <u>Legal Ad Text</u>: Request to vacate a 30 foot wide by 126 foot long section of 59th Street N right-of-way generally located west of 5890 64th Terrace N.

G. Public Hearings:

Planning and Zoning Commission Hearing Date: February 6, 2020 Advertising deadline: January 17, 2020

City Council Hearing Date: March 12, 2020 Advertising deadline: February 28, 2020

II. BACKGROUND INFORMATION

The block of 64th Terrace between 58th and 59th Streets was platted in 1958 and included the subject portion of right-of-way. The plat followed the general pattern where the east and west sides of the original Pinellas Park 10 acre farm lots were dedicated for half of a 60 foot wide right-of-way. However, when the two farm lots to the south and southwest were platted in 1962, the right-of-way for 59th Street was shifted west of the dividing line between the farm lots. As a result, when the area to the west of the subject portion of right-of-way was platted in 1978, 59th Street was continued from the south and not connected to subject portion (see attached).

Similar inconsistencies between the subject 1958 plat and the surrounding plats have resulted in the vacation of other rights-of-way. With the 1978 plat to the west and subsequent 1985 plat to the north rendering the 59th Street right-of-way useless, the City vacated the northern portion in 1999. The City also vacated what would have been half of a 60 foot wide right-of-way for 64th Avenue in 2003 after the previously mentioned 1962 plat did not provide the other half.

III. APPLICABLE CRITERIA / CONSIDERATIONS

A. Comprehensive Plan Policies:

1. Relevant Policies:

POLICY T.1.4.1

Avoid the vacation of rights-of-way, alleys, or easements if they serve a purpose, provide principal or secondary access to a parcel.

POLICY T.1.4.2

When vacating a right-of-way, alley, or access easement that affects an existing or future utility, require the retention or dedication of an easement for an existing or proposed utility.

2. Staff Analysis:

The parcel adjacent to the right-of-way proposed to be vacated is accessed via 64th Terrace and access will not be negatively impacted by the proposed vacation. Easements have been agreed to by the applicant with the City and Duke Energy for utilities within the proposed vacated right-of-way.

Staff finds that the proposed right-of-way vacation is consistent with the City's adopted Comprehensive Plan.

B. Land Development Code Standards:

1. Key Standards:

Article 18. Vacations of Rights-of-Way and Easements

Sec. 18-1801. - VACATIONS OF RIGHTS-OF-WAY AND EASEMENTS.

Except as provided for by <u>Article 1</u>, Subdivision Code of <u>Chapter 18</u>, Land Development Code, the process for vacating rights-of-way and easements shall follow rules established by this Article.

Sec. 18-1801.1. - GENERAL PROCEDURES FOR VACATIONS OF RIGHTS-OF-WAY OR EASEMENTS.

- (A) Request for vacation of rights-of-way or easements shall be submitted to the Zoning Division on an application form provided by the City, along with the required filing fee. The applicant shall provide notice, by certified mail/return receipt requested, to all owners of property abutting the right-of-way or easement to be vacated, notifying said abutting property owners that the applicant has applied for the vacation of a right-of-way or easement and enclosing a copy of the application. The applicant shall provide documentation to the City that he has complied with the notice requirements herein. If the applicant is the sole owner of all abutting property, such proof shall not be required. In the event the certified notice has been refused or not retrieved by an abutting property owner, the applicant shall provide documentation thereof and shall send the notice to the said property owner by U.S. Mail.
- (B) The applicant shall include with the application utility releases from the affected telephone, electrical, gas and cable utilities, as well as the Pinellas Park Water Management District. In addition the City may require utility releases from other agencies which have jurisdiction on the property to be vacated.
- (C) The City may notify affected City divisions and departments of the application for vacation and request recommendations. The various reviewing divisions and departments shall review the request for vacation and provide recommendations to the City. The various reviewing divisions and departments shall consider whether the right-of-way or easement is needed for existing or future public use. In the review of the application for a right-of-way, the City shall assess whether or not all or part of the right-of-way should be retained or converted to an easement. In reviewing the request for the vacation of an easement, the City shall assess whether or not all or part of the easement should be retained.

Sec. 18-1801.3. - RIGHTS-OF-WAY.

- (A) The City Staff shall prepare a Staff report either recommending approval, approval with modification or denial of the vacation request. The request for the vacation shall be considered by the Planning and Zoning Commission at a public hearing. The date, time and place of the public hearing and identification of the case shall be advertised in a newspaper of general circulation in the City. The City Staff shall present a proposed resolution to the City Council. Public hearings shall be held on the application and proposed resolution, together with a first and final reading of the proposed resolution.
- (B) At least fifteen (15) days prior to the public hearing before the Planning and Zoning Commission, City Staff shall provide notice by U.S. Mail to all abutting property owners of the application for vacation and the date, time and place of the hearing. For purposes of this Section, notification shall be deemed complete upon mailing. The City shall also place an advertisement in a newspaper of general circulation in the City and post a sign on the right-of-way to be vacated, which provides notice of the time and date of the public hearing and identifies the case. Failure to post a sign or notify all of the abutting property owners, as shown on the records of the Pinellas Property Appraiser's Office, shall not constitute grounds for re-advertising the public hearing or

conducting additional public hearings and shall not affect any action or proceeding on the application for vacation.

- (C) At least seven (7) days prior to public hearing before City Council, City Staff shall provide notice by U.S. Mail to all abutting property owners of the application for vacation and the date, time and place of the hearing thereon. For purposes of this Section notification shall be deemed complete upon mailing. The City shall also place an advertisement in a newspaper of general circulation in the City and post a sign on the right-of-way to be vacated, which provides notice of the time and date of the public hearing and which identifies the case. Failure to post a sign or notify all of the abutting property owners, as shown on the records of the Pinellas Property Appraiser's Office shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings and shall not affect any action or proceeding on the application for vacation.
- (D) A vacation resolution, requiring a public hearing first and final reading, shall be presented to City Council for their action. City Council may take action on the Resolution upon conclusion of the first reading and public hearing.

2. Staff Analysis:

The Land Development Code (LDC) does not include any criteria pertaining to the approval or denial for applications to vacate rights-of-way. The LDC does, however, include the above referenced Sections that detail the process by which such vacations may be applied for and processed, including notification and public hearings.

Staff finds that this application is in compliance with regard to these provisions.

C. <u>Essential Services Review</u>:

The requested right-of-way vacation has been reviewed by all relevant departments/divisions. No negative concerns were raised with regard to the proposed vacation. The Public Works Department has asked for a 30 foot drainage easement at the south end of the vacated right-of-way consistent with the drainage easement located to the east of this area. Duke Energy is also requiring an easement in this same area.

IV. SUMMARY

A. <u>Findings</u>:

Based on the information and analysis contained in this report, staff finds as follows:

- 1. The subject right-of-way is 0.09 acres in size and located west of 5890 64th Terrace N;
- 2. The applicant will provide the requested 30 foot drainage easement required by the Public Works Department and Duke Energy; and,
- 3. The requested vacation of right-of-way is consistent with the Goals, Objectives, and Policies of the adopted Comprehensive Plan, as well as the regulations of the Land Development Code.

B. <u>Staff Recommendation</u>:

Consistent with the above findings, staff recommends APPROVAL of case numbers V 2020-1.

Planning & Development Services Director:

Sp 1/27/20

Community Development Administrator:

V. ACTION

PLANNING AND ZONING COMMISSION - MOVE TO:

- A. RECOMMEND APPROVAL
- B. RECOMMEND APPROVAL WITH THE FOLLOWING CONDITION(S):
- C. RECOMMEND DENIAL

of a vacation of a 30 foot wide by 126 foot long section of 59th Street North right-of-way generally located west of 5890 64th Terrace North.

VI. ATTACHMENTS

Exhibit A: Application Exhibit B: Survey Exhibit C: Aerial Map Exhibit D: Future Land Use Map Exhibit E: Zoning Map Exhibit F: FIRM Map Exhibit G: Site Photos Exhibit H: 59th Street Area Map

Exhibit A (13 Pages)

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City of Pinellas Park, Florida		
APPLICATION FOR VACATION OI	F EASEMENTS OR RIGHTS-OF-WAY	
	CE USE ONLY	
CASE # V 2020 - UTILITY/MAIL RECEIPTS:	$pz \text{ meeting:} \frac{12}{5} \frac{19}{19} \text{ cc meeting:} 3000000000000000000000000000000000000$	
PLAT SHEET: RELATED CASES:	RECEIPT NUMBER:	
ZONING DISTRICT:LAND USE DESIGNATION:	DATE RECEIVED: $10/8/19$	
REQUEST AND PROPERTY INFORMATION		
GENERAL LOCATION OF PROPERTY TO BE VACATED:	TOF WAY FOR 58TH STR	
ON THE WEST SIND	of Address	
REASON FOR VACATION REQUEST: <u>Recause B</u> Of LAND For Over	THENRY CARE THIRTY CARE	
REGISTERED SURVEYOR TO DETERMINE THE EXACT LEGAL DESCRIPROPERTY.		
LEGAL DESCRIPTION: LOT, BLOCK, SUB	DIVISION	
PARCEL NUMBER(S):		
application in two and approximation the heat of my low browledge	easements or rights-of-way and do certify that the information contained in this	
Signature of Applicant		
Signature of Applicant	Date	
OWNER / APPLICANT INFORMATION	And N Stranger and	
PROPERTY OWNER: Thomas Ross	PHONE: (488 2.638	
	PINELLAS PARK FL 33781	
	PHONE: ()	
ADDRESS/CITY/ZIP:		
OTHER REPRESENTATIVE:	PHONE: ()	
ADDRESS/CITY/ZIP:		

VACATE.APL - Revised 9/13/18

SAMPLE NOTICE TO UTILITY COMPANIES

Utility Company Street Address City, State, Zip

To whom it may concern:

This is to advise you that a petition is being submitted to the City of Pinellas Park for the vacation of a (an) (Right-of-Way or Easement), the legal description for which is as follows:

.!

(Legal Description)

Please review and comment whether your company has any objections to this proposed vacation.

Please reply to:

Applicant's Name Street Address City, State, Zip

Sincerely,

(Signature of Applicant)

AFFIDAVIT OF OWNERSHIP

STATE OF FLORIDA - COUNTY OF PINELLAS:

NAME OF ALL PROPERTY OWNERS, being first duly swom, depose(s) and say(s): <u>Thomas Ross</u> 1. That (I am/we are) the owner(s) and record title holder(s) of the following described property, to wit: ADDRESS OR GENERAL LOCATION: <u>5890 GUTH TEVEN PUNCKAS PARK FL 33781</u>

LEGAL DESCRIPTION OF PROPERTY. Type legal directly on this sheet. If too lengthy, type on separate sheet titled "Exhibit A" and attach:

See AttAcheo

2.

4.

That this property constitutes the property for which an application is being made to the City of Pinellas Park, Florida (NATURE OF REQUEST):

VACATION OF RIGHT AWAY

 That the undersigned (has/have) appointed and (does/do) appoint _____ documents necessary to affect such application.

as (his/their) agent(s) to execute any petitions or other

,

That this affidavit has been executed to induce the City of Pinellas Park, Florida, to consider and act on the above described property; to include City representatives to enter upon property to make inspections as are necessary to visualize site conditions and/or determine compatibility.

homae Ross SIGNED (PROPERTY OWNER)

7-3.2019

SIGNED (PROPERTY OWNER)

STATE OF FLORIDA COUNTY OF PINELLAS	The foregoing instrument was acknowledged before me this
BONNIE M. MYERS MY COMMISSION # GG106393 EXPIRES: May 24, 2021	as identification and who day role non take an oain
(SEAL ABOVE)	Bonne Myers (Name of Notary typed, printed or stamped)

Name of Abutting Property Owner Street Address City, State, Zip

Dear Property Owner:

This letter is to advise you that a petition is being submitted to the City of Pinellas Park for the vacation of a Right-of-Way or Easement, the legal description for which is as follows:

(Legal Description)

The City of Pinellas Park will notify you of the dates and times of the Public Hearings that will be held by the Planning and Zoning Commission and/or the City Council on this petition for vacation.

23

You may wish to register your objection or support of the vacation by letter to the City, (Attention: Planning and Development Services Division) or by attending the public hearings.

Sincerely,

(Signature of Applicant)

EXHIBIT 'A'

SECTION 32, TOWNSHIP 30 SOUTH. RANGE 16 EAST DESCRIPTION AND SKETCH **RIGHT-OF-WAY VACATION**

LEGAL DESCRIPTION:

A PORTION OF 59TH STREET RIGHT-OF-WAY (30 FEET WIDE) LYING WEST OF AND BEING COINCIDENT WITH LOT 10, GORSUCH AND HUTCHINSON SUBDIVISION NUMBER THREE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 48, PAGE 42 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, AND A PORTION OF 59TH STREET RIGHT-OF-WAY (30 FEET WIDE) LYING WEST OF AND BEING COINCIDENT WITH THAT PORTION OF 64TH AVENUE (30 FEET WIDE) VACATED PER OFFICIAL RECORDS BOOK 12812, PAGES 2212-2217 OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOW:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 10 AND RUN THENCE S.00°12'59"W. ALONG THE WEST LINE OF SAID LOT 10 A DISTANCE OF 20.00 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S.00°12'59"W. A DISTANCE OF 126.00 FEET TO A POINT ON THE SOUTH BOUNDARY OF SAID PLAT BOOK 48. PAGE 42: THENCE RUN N.89°42'06"W. ALONG SAID SOUTH BOUNDARY A DISTANCE OF 30.00 FEET TO A POINT ON THE WEST BOUNDARY OF SAID PLAT BOOK 48. PAGE 42: THENCE RUN N.00°12'59"E. ALONG SAID WEST BOUNDARY A DISTANCE OF 126.00 FEET TO A POINT: THENCE RUN S.89°42'06"E. A DISTANCE OF 30.00 FEET TO A POINT ON THE AFORESAID WEST LINE OF LOT 10 AND THE POINT OF BEGINNING.

CONTAINING 3780 SQUARE FEET OR 0.086 ACRES MORE OR LESS.

THIS DESCRIPTION AND SKETCH IS BASED ON RECORDED PLATS

Basis of Bearings: WEST LINE OF LOT 10, GORSUCH AND HUTCHINSON SUBDIVISION NUMBER THREE AS BEING S.00°12'59"W. PER PLAT.

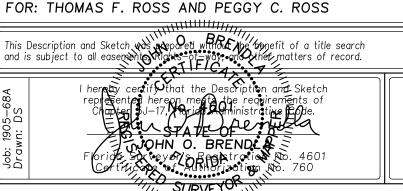
REVISED: 11/22/19 PREPARED: 5/31/19

THIS IS NOT A SURVEY

FOR: THOMAS F. ROSS AND PEGGY C. ROSS

Job: 1905–68A Drawn: DS

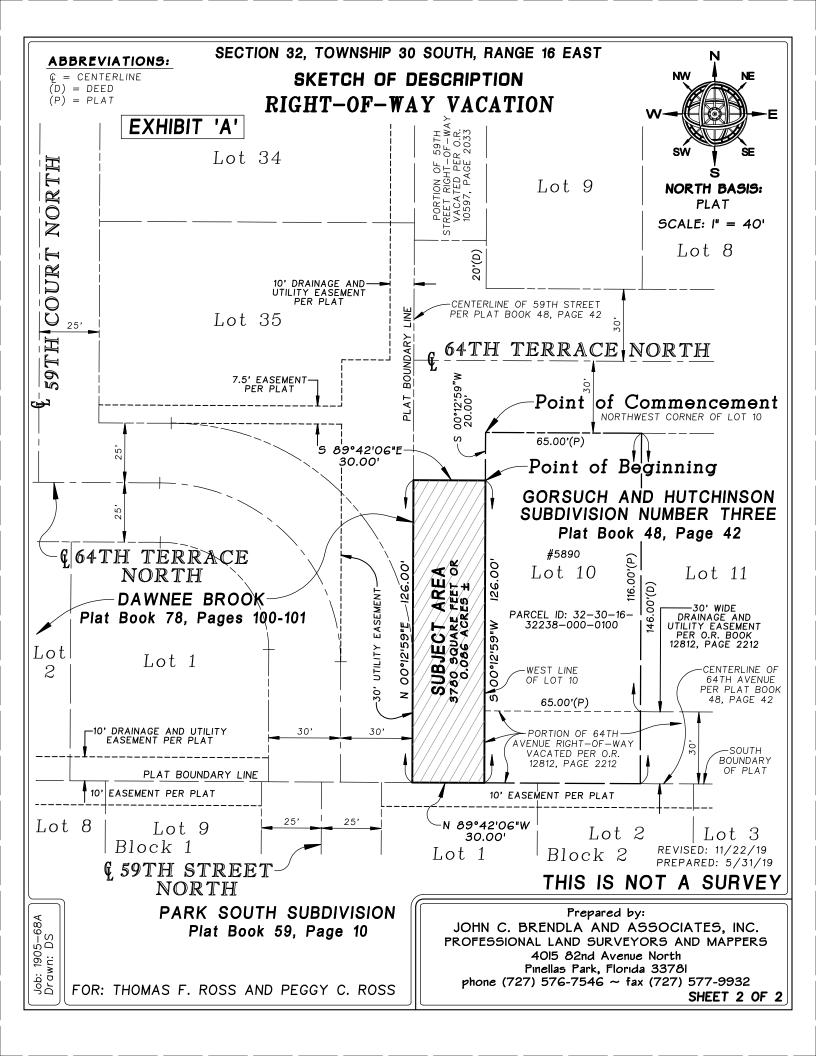
NOTE: Description and Sketch not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.



SURVEY

Prepared by: JOHN C. BRENDLA AND ASSOCIATES, INC. PROFESSIONAL LAND SURVEYORS AND MAPPERS 4015 82nd Avenue North Pinellas Park, Florida 33781 phone (727) 576-7546 ~ fax (727) 577-9932

SHEET 1 OF 2



7/1/2019

Attn: Thomas Ross 5890 64th Terrace N Pinellas Park, FL 33781 727-488-2638 Iross2016@yahoo.com

RE: Vacation of Right-of-Way adjacent to 5890 64th Terrace N

Dear Mr. Ross,

□ Our records do not indicate that there are Frontier Communications facilities in the area of the Plat request as per the attachment provided.

Frontier Communications has no objection to the above referenced request as per the attachment.

□ Frontier Communications has facilities within the proposed vacate area. A recordable non-exclusive Easement in favor of Frontier will be required for Frontier Communications facilities to remain in the proposed vacated R.O.W.

□ Frontier Communications has facilities in the area, which may be in conflict with your proposed construction plans. Please contact Sunshine 811 by dialing 811, 2 full business days prior to the start of your work to have these facilities located for you. Please take all necessary precautions to protect and avoid damage of these facilities during your construction.

□ Frontier Communications has facilities in the area, which may be in conflict with your proposed construction plans. Please send a set of construction plans and references to the Frontier Communications Engineering Department in regards to the above project.

□ Frontier Communications has facilities in the area of your proposed construction. Prepayment is required to markup a set of construction plans in order to confirm and accurately depict Frontier Communications facilities. There will also be a reimbursement of all costs required for relocation/adjustments of Frontier Communications facilities needed to accommodate the proposed construction project.

Please call me if you have any questions or need any additional information at (941) 266-9218.

Sincerely,

Stephen Waidley

Stephen Waidley Frontier Communications Regional Rights of Way & Municipal Affairs Manager

s - 11

59 st and 64 terr P park vacate.doc



July, 1, 2019

RE: vacate of a portion 59th Street ROW laying west of lot 10 of Gorsuch and Hutchinson subdivision (30 feet wide) AT 59 street and 64th terrace north Pinellas park Florida

XXX Bright House Networks has no objections.

Bright House Networks has no objections provided easements for our facilities are	e
Retained / granted	

Bright House has no objections provided applicant bears the expense for relocation any Bright House facilities to maintain service to customers affected by the proposed Vacate.

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

Bright House has facilities within this area, which may conflict with subject project Please call 811 for locating. SEE NOTES

Bright House requires 30 days written notice prior to construction start date to relocate their facilities.

NOTES:

Sincerely, Ted Bingham Bright House Networks Field Engineer Pinellas County 727-329-2847 Subject Letter Of Vacate

From Dave Hamlin

To: <lross2016@yahoo.com>

Date Mon, Jul 1 2019 at 10:02 AM

We (WoW !) has no objection on this vacate. WoW! currently does not have any plant in this area, Letter Attached...

Dave Hamlin

Construction Project Coordinator

WOW! internet, cable & phone

(Desk) 727-239-0156 (Cell) 678-409-8721





5890 64th Terrace North , For T...

SubjectRE: Utility ReleaseFromDavis, OterioTo:lindsdey Rpss <lross2016@yahoo.com>DateMon, Jul 1 2019 at 5:41 AM

Waste Management has no objection to the applicant's request for a Minor Encroachment in the yard at 5890 64th Terrace North. Our services are provided in the front right-of-way (64th Terrace N).

From: lindsdey Rpss [mailto:lross2016@yahoo.com] Sent: Saturday, June 29, 2019 10:02 PM To: Davis, Oterio <<u>odavis2@wm.com</u>> Subject: [EXTERNAL] Utility Release

Waste Management

Attn: Oterio Davis

11051 43rd Street North

Clearwater FL 33762

To whom it may concern:

This is to advise you that a petition is being submitted to the City of Pinellas Park for the vacation of a (an) (Right-of-Way or Easement), the legal description for which and sketch is attached.

Please review and comment whether your company has any objections to this proposed vacation. Please reply to:



2401 25th Street North (SP-15) St. Petersburg, FL 33713 Chris.Pickens@duke-energy.com o: 727.893-9342

January 8, 2020

Derek W. Reeves, AICP Principal Planner Planning & Development Services Division City of Pinellas Park 6051 78th Avenue N Pinellas Park, FL 33781

RE: Approval of a Right-Of-Way Vacation Section 32, Township 30 South, Range 16 East, Pinellas County, Florida Address: 5890 64th Ter N, Pinellas Park, FL, 33781 Parcel ID No.: 32-30-16-32238-000-0100

Mr. Reeves,

Please be advised that **DUKE ENERGY FLORIDA, LLC., d/b/a DUKE ENERGY** *Distribution Department* and *Transmission Department* have "**NO OBJECTIONS**" to the Approval of a Right-Of-Way Vacation, located at 5890 64th Ter N, Pinellas Park, FL, 33781, as shown on Legal Description and Sketch prepared 5/31/2019, revised 11/22/2019, signed by John O. Brendla, and included hereto as Exhibit "A".

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Chris Pickens

Chris Pickens Research Specialist-Land Services Duke Energy Florida



Utility Release

Randy Roberts <randy@ppwmd.com> To: lindsdey Rpss <lross2016@yahoo.com> Mon, Dec 9, 2019 at 11:14 AM

Cc: "apetersen@pinellas-park.com" <apetersen@pinellas-park.com>, "dreeves@pinellas-park.com" <dreeves@pinellaspark.com>

To All,

The District has no objection to the vacation of the Right-of-Way or Easement adjacent to 5890 64th Terrace North.

Regards,

Randal A. Roberts

Exec. Director

Pinellas Park Water Mgmt. District

6460 35th St. N

Pinellas Park, FL 33781-6221

Tel: (727) 528-8022

Fax: (727) 528-9444

[Quoted text hidden] [Quoted text hidden]



December 9, 2019

Thomas Ross 5890 64th Terr N Pinellas Park, FL 33781

RE: Vacation of Right-of-Way adjacent to 5890 64th Terrace N

Thomas Ross

TECO/Peoples Gas has no facilities in the area listed above and have no objection to the Vacation of the right of way.

If you need any additional information, please contact me at (727) 826-3230.

Sincerely,

Ray Linden

Ray Zwissler Construction Coordinator TECO/Peoples Gas <u>sprsz@tecoenergy.com</u> Office 727-826-3258

SECTION 32, TOWNSHIP 30 SOUTH, RANGE 16 EAST

DESCRIPTION AND SKETCH **RIGHT-OF-WAY VACATION**

LEGAL DESCRIPTION:

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REVISED: 11/22/19 PREPARED: 5/31/19

THIS IS NOT A SURVEY

FOR: THOMAS F. ROSS AND PEGGY C. ROSS

Job: 1905–68A Drawn: DS

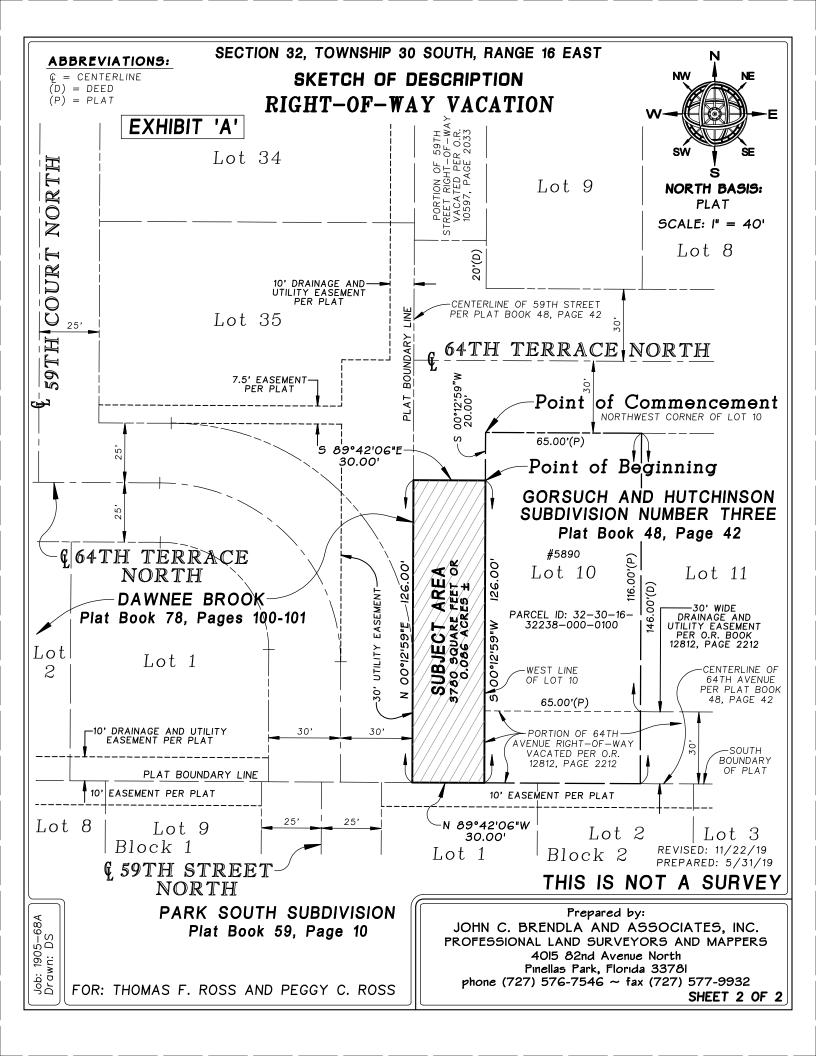
NOTE: Description and Sketch not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

This Description and Sketch was prepared without the benefit of a title search and is subject to all easements without the benefit of a title search certif that the Description and Sketch I her hereon meets the requirements of J-17, Rericht whinistrative pode. ent*e* d rep Very O' BRENDLA Very O' BABATTOLIA So of Althorization A JOHN O. BRENDL tructor of NO. 4601 rizuti**g**n No. 760

SURVEY

Prepared by: JOHN C. BRENDLA AND ASSOCIATES, INC. PROFESSIONAL LAND SURVEYORS AND MAPPERS 4015 82nd Avenue North Pinellas Park, Florida 33781 phone (727) 576-7546 ~ fax (727) 577-9932

SHEET 1 OF 2



Legend Master Address Points Centerlines Private Roads Pinellas Park Rights of Way Unincorporated

Parcel Lines



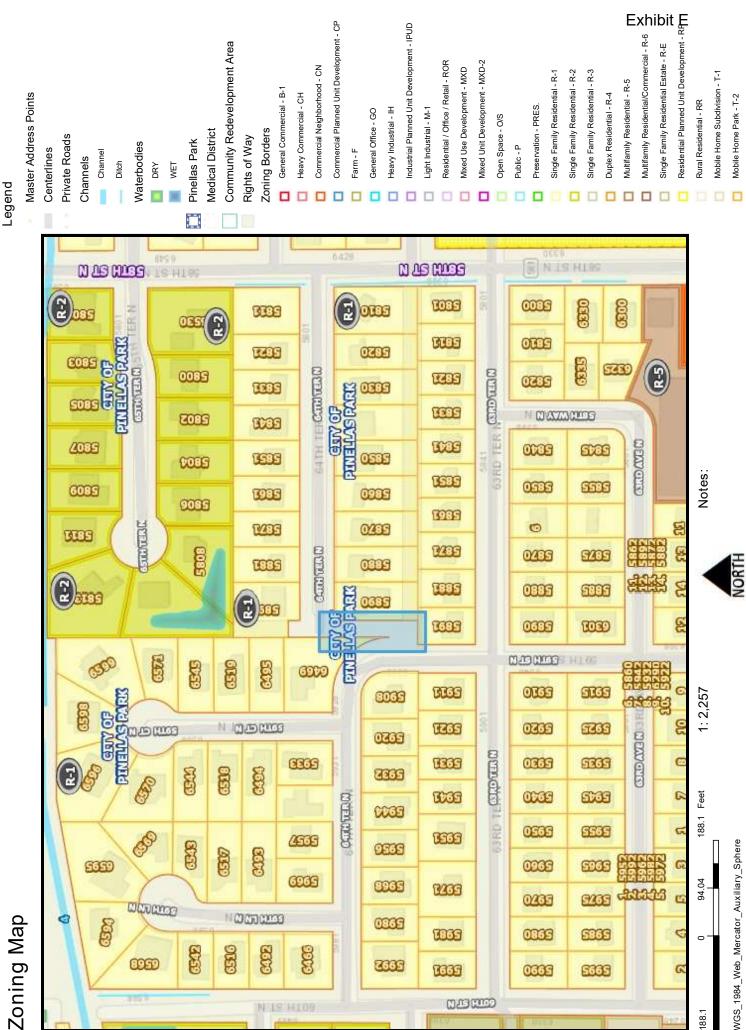
Aerial Map

WGS_1984_Web_Mercator_Auxiliary_Sphere

NORTH



Future Land Use Map



Zoning Map



FIRM



Notes:

1: 2,257

NORTH

WGS_1984_Web_Mercator_Auxiliary_Sphere

0

188.1

Exhibit F



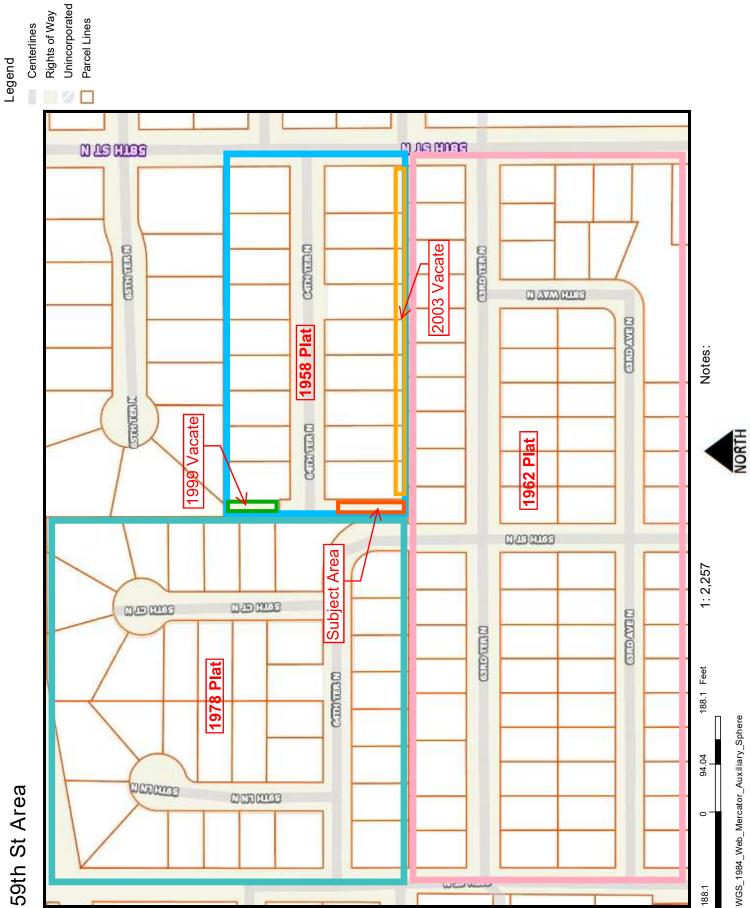


Exhibit H