



Agenda Item Cover Sheet

Agenda Item No. \_\_\_\_\_

Meeting Date March 19, 2024

- Consent Section
- Regular Section
- Public Hearing

Subject: Public Hearing – Vacating Petition by James S. Eggert and Sheryl M. Eggert to vacate a portion of a 15-foot-wide platted public utility easement within Folio No 072856-0520, in Brandon.	
Department Name: Facilities Management & Real Estate Services Department	
Contact Person: Anne-Marie Lenton (C. Allen)	Contact Phone: 813-272-5810
Sign-Off Approvals:	
N/A <small>Deputy County Administrator</small>	<small>Date</small>
John Muller <small>Department Director</small>	<i>[Signature]</i> 2/8/2024 <small>Date</small>
N/A	Todd Sobel <small>County Attorney – Approved as to Legal Sufficiency</small>
<small>Management and Budget – Approved as to Financial Impact Accuracy</small>	<small>Date</small>
	<i>[Signature]</i> 2/8/2024 <small>Date</small>

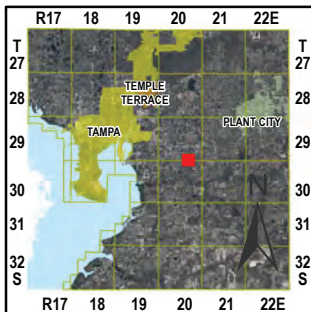
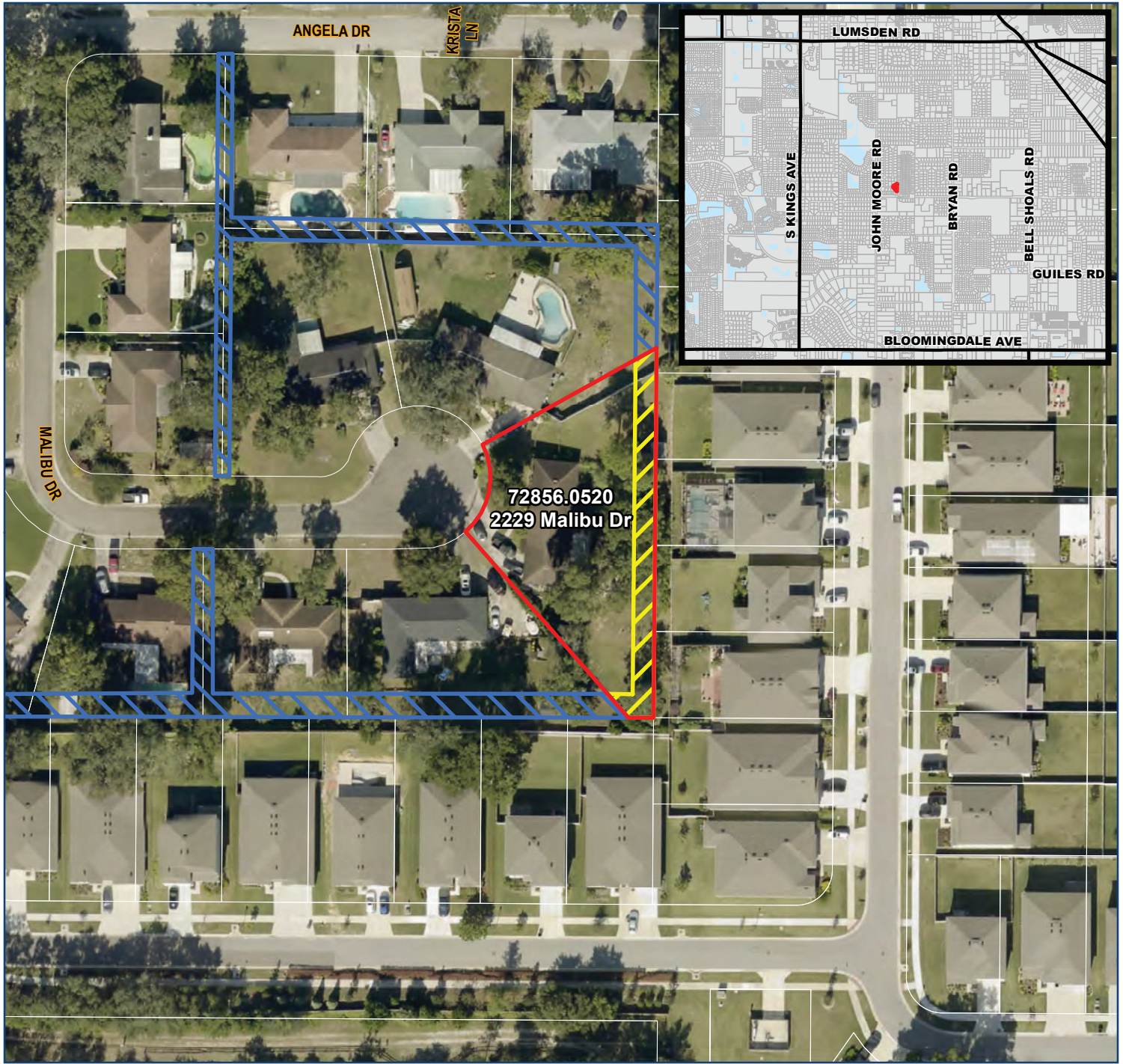
**Staff's Recommended Board Motion:**  
 Adopt a Resolution vacating a portion of a 15-foot-wide platted public utility easement, lying within Lot 8, Block 3, of the plat of Holiday Hills – Unit No 3, as recorded in Plat Book 43, Page 85, of the public records of Hillsborough County, and being more particularly described in the Resolution. The proposed vacate area is located at 2229 Malibu Drive, within Folio No 072856-0520, generally lying north of Bloomingdale Avenue and east of John Moore Road, in Brandon, and consists of approximately 3,944 square feet (0.10 acres). The Petitioners, James S. Eggert and Sheryl M. Eggert, have submitted this request to allow for the installation of a shed into a portion of the utility easement. Reviewing departments, agencies, and utility providers have raised no objections to this request. The financial impact associated with this item consisted of required advertising per statute, recording fees and processing, estimated to be less than \$175.00, which are paid for by the Petitioners.

**Financial Impact Statement:**  
 The financial impact associated with this item consists of required advertising per statute, recording fees and processing, estimated to be less than \$175.00, which are paid by the Petitioners.

**Background:**  
 This petition is submitted by James S. Eggert and Sheryl M. Eggert as owners of the property underlying the proposed vacate area, to vacate a portion of a 15-foot-wide platted public utility easement consisting of approximately 3,944 square feet (0.10 acres). This utility easement was established in 1971 by virtue of the plat of Holiday Hills – Unit No 3, as recorded in Plat Book 43, Page 85, of the public records of Hillsborough County, Florida. Pursuant to F.S. 177.101(4), Public Notice of this public hearing was published in *La Gaceta* on March 1, 2024, and March 8, 2024.

Staff Reference: V23-0009 Petition to Vacate Portion of Platted Utility Easement, Holiday Hills Unit No. 3 (Eggert)  
 List Attachments: Location Map, Resolution, Plat Excerpt, Review Summary and Comments, Petition.

# V23-0009 Petition to Vacate Portion of Platted Utility Easement, Holiday Hills Unit No. 3 (Eggert)



### LEGEND

- Subject Parcel  
Folio - 72856.0520
- ▨ Utility Easement area to be  
Vacate 3,944 SF (0.10 Ac)
- ▨ 15 ft Utility Easement

**SEC 35 TWP 29S RNG 20E**



**Hillsborough  
County Florida**

Geospatial Services Division  
601 E Kennedy Blvd, Tampa, FL 33602

NOTE: Every reasonable effort has been made to assure the accuracy of this map; Hillsborough County does not assume any liability arising from use of this map. THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose.

SOURCE: This map has been prepared for the inventory of real property found within Hillsborough County and is compiled from recorded deeds, plats, and other public records; it has been based on BEST AVAILABLE data.

Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map.

Vacating Petition V23-0009  
Project Lead: Chris Hieber  
James S. Eggert and Sheryl M. Eggert - Petitioners  
Portion of 15-foot-wide platted public  
utility easement  
Holiday Hills - Unit No 3  
PB 43 PG 85  
Folio: 072856-0520  
Section 35, Township 29 South, Range 20 East

**RESOLUTION NUMBER R24-\_\_\_\_\_**

Upon motion by Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the following resolution was adopted by a vote of \_\_\_\_\_ to \_\_\_\_\_, Commissioner(s) \_\_\_\_\_ voting no.

WHEREAS, James S. Eggert and Sheryl M. Eggert have petitioned the Board of County Commissioners of Hillsborough County, Florida, in which petition said Board is asked to close, vacate, and abandon a portion of a 15-foot-wide platted public utility easement described as follows:

**LANDS DESCRIBED IN EXHIBIT "A"  
ATTACHED HERETO AND MADE A PART HEREOF.  
SKETCHES ATTACHED HERETO FOR ILLUSTRATIVE PURPOSES ONLY**

WHEREAS, it appears that said property affected by such closure is owned by the above-named petitioner; and,

WHEREAS, the Board of County Commissioners finds that granting the petition to vacate a portion of the 15-foot-wide platted public utility easement is in the best interest of the general public and does not violate any individual property rights; and,

WHEREAS, there is attached Proof of Publication and Notice of Hearing of said request; and,

WHEREAS, said petition came on for hearing before this Board of County Commissioners on March 19, 2024, and the same having been investigated and considered, and it is appearing that the representations and statements contained therein are true:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA, IN REGULAR MEETING ASSEMBLED THIS 19<sup>th</sup> day of MARCH 2024:



1. That the above-described portion of the platted public utility easement is hereby closed, vacated, and abandoned, and the right of the public and the County in and to that portion of the easement as shown on the plat of said subdivision is hereby renounced, disclaimed, and terminated.
2. That the petitioners and successors in title shall indemnify and hold harmless Hillsborough County from any claims, damages, expenses and costs that result from damage to or destruction of any improvement, structure or property located within the above-described platted interests being vacated herein as a result of the exercise by Hillsborough County of its rights within any remaining platted interests way not vacated herein.
3. That notice of said adoption of this Resolution be published in one issue of a newspaper of general circulation published in Hillsborough County, Florida, such publication to be made within thirty days of the adoption of this Resolution.
4. That this Resolution shall be filed in the offices of the Circuit Court Clerk and duly recorded on the public records of Hillsborough County, Florida.

STATE OF FLORIDA  
COUNTY OF HILLSBOROUGH

I, Cindy Stuart, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by the Board at its regular meeting of March 19, 2024, as the same appears of record in Minute Book \_\_\_\_\_, of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Cindy Stuart, CLERK

APPROVED BY COUNTY ATTORNEY

BY: Todd Sobel  
Approved as to Form and Legal  
Sufficiency

BY: \_\_\_\_\_  
Deputy Clerk

# SKETCH OF PETITION TO VACATE EASEMENT

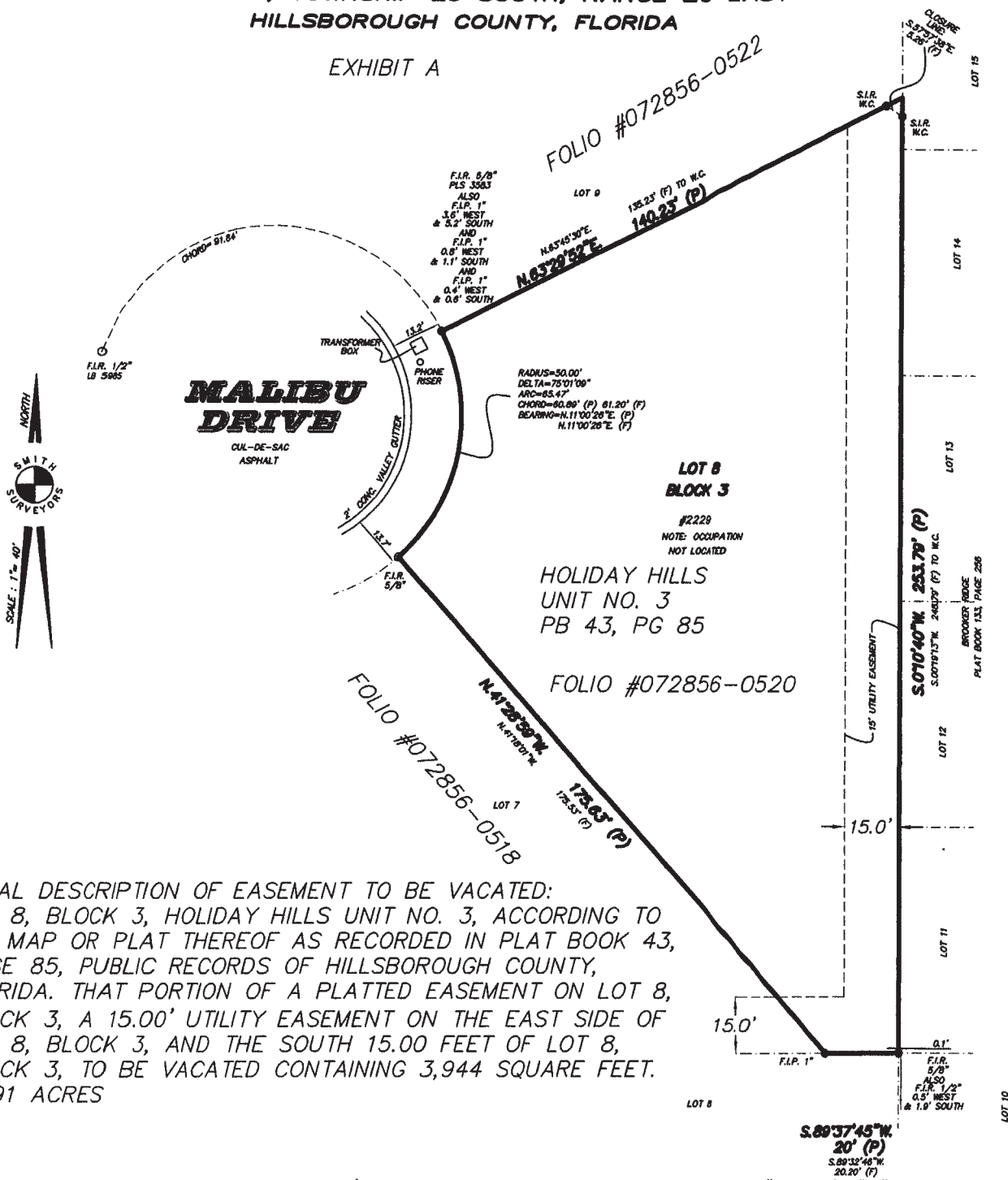
V23-0009

THIS IS NOT A SURVEY

PAGE 1 OF 1

SECTION 35, TOWNSHIP 29 SOUTH, RANGE 20 EAST  
HILLSBOROUGH COUNTY, FLORIDA

EXHIBIT A



LEGAL DESCRIPTION OF EASEMENT TO BE VACATED:  
LOT 8, BLOCK 3, HOLIDAY HILLS UNIT NO. 3, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 43, PAGE 85, PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA. THAT PORTION OF A PLATTED EASEMENT ON LOT 8, BLOCK 3, A 15.00' UTILITY EASEMENT ON THE EAST SIDE OF LOT 8, BLOCK 3, AND THE SOUTH 15.00 FEET OF LOT 8, BLOCK 3, TO BE VACATED CONTAINING 3,944 SQUARE FEET. 0.091 ACRES

BEARINGS ARE BASED ON THE EASTERLY R/W LINE OF MALIBU DRIVE AS, CHORD BEARING "N.11°00'26"E.", PER PLAT.

- (P) :Plat
- (F) :Field Measured
- FIR :Found Iron Rod
- FIP :Found Iron Pipe
- SIR :Set Capped Iron Rod 1/2" #6962
- W.C. :Witness Corner
- C.L.F. :Chain Link Fence



**DAVID L. SMITH**  
SURVEYING AND MAPPING, INC.

1406 W. LINEBAUGH AVE. Tampa, Fl. 33612  
Phone (813) 935-1960 Fax (813) 933-9446



Digitally signed by James Michael Fuqua  
Date: 2023.04.03 09:50:58 -04'00'

Certificate of Authorization "L.B. #6962"  
SURVEYOR'S CERTIFICATE

I hereby certify that the survey represented hereon meets the requirements of Florida Administrative code pursuant to Chapter 5J-17.050.051.052, of the Florida Statutes. Unless it bears the signature and the original raised seal of this Florida licensed surveyor and mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.

J. MICHAEL FUQUA P.S.M. 4192

Signature

Date 4/03/23

Job Number: 2303-027

## Placeholder for Notice of Hearing Affidavit

A notice of the hearing will be published on March 1, 2024, and March 8, 2024.

### **NOTICE OF HEARING FOR CLOSING AND VACATING**

Notice is hereby given that a Public Hearing will be held by the Board of County Commissioners of Hillsborough County, Florida at 9:00 A.M., Tuesday, March 19, 2024, to determine whether or not:

**Vacating Petition V23-0009, a portion of a 15-foot-wide platted public utility easement lying within Lot 8, Block 3, within the plat of Holiday Hills – Unit No 3, as recorded in Plat Book 43, Page 85, of the Public Records of Hillsborough County, located in Section 35, Township 29 S, and Range 20 E, lying within folio number 072856-0520**

shall be closed, vacated, discontinued and abandoned, and any rights of Hillsborough County, Florida, and the public in and to any lands in connection therewith renounced and disclaimed.

**PARTICIPATION OPTIONS.** All interested parties are invited to appear at the meeting and be heard virtually or in person. Virtual participation in this public hearing is available through communications media technology, as described below.

The BOCC fully encourages public participation in its communications media technology hearing in an orderly and efficient manner. For more information on how to view or participate in a virtual meeting, visit: <https://www.hillsboroughcounty.org/en/government/meeting-information/speak-at-a-virtual-meeting>. Anyone who wishes to participate virtually in this public hearing will be able to do so by completing the online Public Comment Signup Form found at: **HillsboroughCounty.org/SpeakUp**. You will be required to provide your name and telephone number on the online form. This information is being requested to facilitate the audio conferencing process. The Chair will call on the applicant representatives and speakers by name, depending on the application(s) to which each speaker signed up to speak. Prioritization is on a first-come, first-served basis. Participation information will be provided to participants who have completed the form after it is received by the County. All callers will be muted upon calling and will be unmuted in the submission order after being recognized by the Chair by name. Call submissions for the public hearing will close 30 minutes prior to the start of the hearing. Public comments offered using communications media technology will be afforded equal consideration as if the public comments were offered in person.

The public can listen and view the public hearing live in the following ways:

- The County's official YouTube channel: [YouTube.com/HillsboroughCounty](https://www.youtube.com/HillsboroughCounty)
- The County's HTV channels on cable television: Spectrum 637 and Frontier 22
- The HCFLGov.net website by going to [HCFLGov.net/newsroom](https://www.hcflgov.net/newsroom) and selecting the "Live Meeting" button
- Listen to the meeting on smart phones by going to the above YouTube link.

Participants are encouraged (whenever possible) to submit questions related to vacating petitions to Facilities Management & Real Estate Services Department in advance of the meeting by email to [RP-Vacating@hcflgov.net](mailto:RP-Vacating@hcflgov.net) or by calling (813) 307-1059. To best facilitate advance public comments, visit <https://www.hillsboroughcounty.org/en/government/board-of-county-commissioners> to leave comments with the Commissioners who represents your district.

All meeting facilities are accessible in accordance with the Americans with Disabilities Act. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to contact the Hillsborough County ADA Officer Carmen LoBue at [lobuec@hcflgov.net](mailto:lobuec@hcflgov.net) or 813-276-8401; TTY: 7-1-1. For individuals who require hearing or speech assistance, please call the Florida Relay Service Numbers, (800) 955-8771 (TDD) or (800) 955-8700 (v) or Dial 711 no later than 48 hours prior to the proceedings. All BOCC meetings

are closed captioned.

The Notice of Hearing Publication Affidavit will be inserted prior to execution of the Resolution.



Book 43-69 85

# HOLIDAY HILLS UNIT NO. 3

## A SUBDIVISION IN THE S.W. 1/4 OF SECTION 35, TOWNSHIP 29 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA

**DESCRIPTION:** From the Southeast corner of Lot 7, Block B, HOLIDAY HILLS UNIT No. 2, according to map or plat thereof recorded in Plat Book 34, Page 47, public records of Hillsborough County, Florida, run thence S 0°10'40"W, 300 feet, along the Easement boundary of Lot 9, HOLIDAY HILLS, according to map or plat thereof recorded in Plat Book 36, Pages 50-51, public records of Hillsborough County, Florida, for a Point of Beginning; thence N 89°37'45"E, 100.00 feet, parallel with and 300 feet South of the South boundary of said Lot 9, Block B, HOLIDAY HILLS, to the Southeast corner of said Lot 7, Block B; thence S 0°10'40"W, 300 feet, along the South boundary of the said Lot 7, Block B, to the Southeast corner of Lot 6, Block B, of the said HOLIDAY HILLS; thence S 0°10'40"W, 300 feet, parallel with and 300 feet East of the East boundary of the said HOLIDAY HILLS UNIT No. 2, thence S 89°37'45"E, 100.00 feet, thence S 0°10'40"W, 300 feet, parallel with and 300 feet North of the South boundary of the said HOLIDAY HILLS, according to map or plat thereof recorded in Plat Book 36, Page 50, public records of Hillsborough County, Florida, to a Point of Beginning; thence N 89°37'45"E, 100.00 feet, parallel with and 300 feet East of the East boundary of the said HOLIDAY HILLS, to the Point of Beginning; and the South boundary of the said HOLIDAY HILLS, containing 6.48 acres more or less, according to map or plat thereof recorded in Plat Book 36, Page 50, public records of Hillsborough County, Florida, containing 6.48 acres more or less.

**SURVEYOR'S CERTIFICATE:** I certify that the within plat was drawn from survey made under my supervision on August 12, 1971 that said plat is a correct representation of the land plotted and that Permanent Reference Monuments (RPM) have been placed as prescribed by law.

**DEDICATION:** The undersigned as owners or mortgagees, of all lands plotted hereby dedicate this plat for road, and all streets, roads, rights-of-way, canals, ditches, ports, and other easements shown hereon to public use this 12th day of August, 1971.

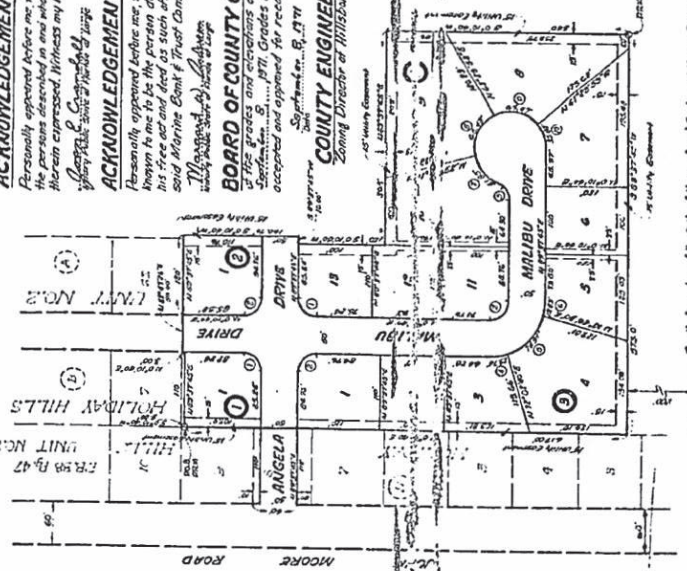
*W. E. Summers*  
 Witness  
*W. E. Summers*  
 N.E. Summers, Vice-President  
**MARINE BANK & TRUST COMPANY**

*W. E. Summers*  
 Witness  
**HEIDT & ASSOCIATES, INC.**  
*W. E. Summers*  
 Witness

**ACKNOWLEDGEMENT:** County of Hillsborough, State of Florida  
 Personally appeared before me, the undersigned authority, Gary L. Roberts and Jean L. Roberts, Mortgagees, to me well known and known to me to be the persons described in and who executed the foregoing instrument and severally acknowledged their free act and deed for the uses and purposes therein expressed. Witness my hand and official seal in this 12th day of August, 1971.  
 My Commission expires June 7, 1971.

**ACKNOWLEDGEMENT:** County of Hillsborough, State of Florida  
 Personally appeared before me, the undersigned authority, W.E. Summers, Vice-President of Marine Bank & Trust Company, to me well known and known to me to be the person described in and who executed the foregoing instrument and severally acknowledged the execution thereof to be his free act and deed for the uses and purposes therein expressed and that he did after through the official seal of said Marine Bank & Trust Company of Tampa, Florida, My Commission expires June 7, 1971.

**BOARD OF COUNTY COMMISSIONERS:** Dedication of roads, streets, ditches, and other rights-of-way accepted and showing of the grades and elevations on plat or by separate instrument required by resolution of the Board of County Commissioners adopted on September 15, 1971. Grades and elevations are shown in separate instruments filed in County Engineer's Office. This plat is hereby accepted and approved for record by the Board of County Commissioners of Hillsborough County, Florida.  
 September 15, 1971  
**COUNTY ENGINEER AND ZONING DIRECTOR:** This plat is hereby approved for record by the County Engineer and Zoning Director of Hillsborough County, Florida.  
 September 15, 1971  
**CHECK OF CIRCUIT COURT:** County of Hillsborough, State of Florida  
 Filed in Plat Book 43, Page 85 of the public records of Hillsborough County, Florida.  
 September 15, 1971



Lot	Radius	Delta Angle	ARC	Chord	Height	Chord Bearing
1	100.00	90.00	157.08	100.00	0.00	S 0°00'00"W
2	100.00	90.00	157.08	100.00	0.00	S 0°00'00"W
3	100.00	90.00	157.08	100.00	0.00	S 0°00'00"W
4	100.00	90.00	157.08	100.00	0.00	S 0°00'00"W
5	100.00	90.00	157.08	100.00	0.00	S 0°00'00"W
6	100.00	90.00	157.08	100.00	0.00	S 0°00'00"W
7	100.00	90.00	157.08	100.00	0.00	S 0°00'00"W
8	100.00	90.00	157.08	100.00	0.00	S 0°00'00"W
9	100.00	90.00	157.08	100.00	0.00	S 0°00'00"W
10	100.00	90.00	157.08	100.00	0.00	S 0°00'00"W
11	100.00	90.00	157.08	100.00	0.00	S 0°00'00"W

Notes: Symbol - Ind. refers RPM  
 (Permanent Reference Monument)

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.





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Return to: Hillsborough County Real Estate Department, P. O. Box 1110, Tampa, Florida 33601

VACATING PETITION:

V23-0009 (Eggert) portion of platted utility easement per the plat of Holiday Hills Unit No. 3, Plat Book 43, Page 85, located in Section 35, Township 29S, Range 20E, within folio 072856-0520.

Reviewing Agency: Development Services Department

Please review attached information on above-stated petition to vacate and check appropriate boxes (making comments when necessary) as the following statements pertain to your company or agency. Upon completion, please return this form to the County Real Estate Department. The back of this form may be used for additional comments.

<input checked="" type="checkbox"/>	CONSENT by this agency to the vacating as petitioned.
<input type="checkbox"/>	OBJECTION by this agency to the vacating as petitioned

1) Do you currently use or have facilities in said area to be vacated?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

2) Is QUESTION #1 is "YES", answer question 2, otherwise skip.  
 A) Could any portion of said area be vacated?  YES  NO  
 If YES, please specify which portion may be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

B) Could said area be vacated subject to reserving an easement over **all or part of area** to be vacated?  YES  NO  
 If YES, please specify if easement should be over all or part of the area to be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

C) If there are existing facilities in said area to be vacated, could they be moved at petitioner's expense if they so desire?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

\*\*\*\*\*

Additional Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Reviewed By: Mike Williams / Brian Grady

Date: 05/15/2023

Email: williamsm@hillsboroughcounty.org / gradyb@hillsboroughcounty.org

Phone: \_\_\_\_\_

\*\*\*\*\*

Return to: Hillsborough County Real Estate Department, P. O. Box 1110, Tampa, Florida 33601

VACATING PETITION:

V23-0009 (Eggert) portion of platted utility easement per the plat of Holiday Hills Unit No. 3, Plat Book 43, Page 85, located in Section 35, Township 29S, Range 20E, within folio 072856-0520.

Reviewing Agency: Hillsborough County Water Resources Department

Please review attached information on above-stated petition to vacate and check appropriate boxes (making comments when necessary) as the following statements pertain to your company or agency. Upon completion, please return this form to the County Real Estate Department. The back of this form may be used for additional comments.

<input checked="" type="checkbox"/>	CONSENT by this agency to the vacating as petitioned.
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 If YES, please specify if easement should be over all or part of the area to be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

C) If there are existing facilities in said area to be vacated, could they be moved at petitioner's expense if they so desire?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

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Additional Comments: Hillsborough County Water Resources Department has no existing water, wastewater, or reclaimed water facilities located within the area to be vacated. Therefore we have no objections to the proposed vacating request.

Reviewed By: Clay Walker, E.I.

Date: 05/08/2023

Email: walkerck@hillsboroughcounty.org

Phone: (813)751-5178



\*\*\*\*\*

Return to: Hillsborough County Real Estate Department, P. O. Box 1110, Tampa, Florida 33601

VACATING PETITION:

V23-0009 (Eggert) portion of platted utility easement per the plat of Holiday Hills Unit No. 3, Plat Book 43, Page 85, located in Section 35, Township 29S, Range 20E, within folio 072856-0520.

Reviewing Agency: Hillsborough County Stormwater Planning, Engineering & Operations

Please review attached information on above-stated petition to vacate and check appropriate boxes (making comments when necessary) as the following statements pertain to your company or agency. Upon completion, please return this form to the County Real Estate Department. The back of this form may be used for additional comments.

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 \_\_\_\_\_  
 \_\_\_\_\_

C) If there are existing facilities in said area to be vacated, could they be moved at petitioner's expense if they so desire?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

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Additional Comments: Hillsborough County Stormwater Planning, Engineering & Operations consents to this  
 vacate request because no drainage facilities are present. We do not anticipate a future  
 need for drainage purposes.

Reviewed By: Ayse Figanmese

Date: 05/15/2023

Email: figanmesea@hillsboroughcounty.org

Phone: 813-480-4960

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Return to: Hillsborough County Real Estate Department, P. O. Box 1110, Tampa, Florida 33601

VACATING PETITION:

V23-0009 (Eggert) portion of platted utility easement per the plat of Holiday Hills Unit No. 3, Plat Book 43, Page 85, located in Section 35, Township 29S, Range 20E, within folio 072856-0520.

Reviewing Agency: Public Works - Technical Services Division - Transportation Design

Please review attached information on above-stated petition to vacate and check appropriate boxes (making comments when necessary) as the following statements pertain to your company or agency. Upon completion, please return this form to the County Real Estate Department. The back of this form may be used for additional comments.

<input checked="" type="checkbox"/>	CONSENT by this agency to the vacating as petitioned.
<input type="checkbox"/>	OBJECTION by this agency to the vacating as petitioned

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C) If there are existing facilities in said area to be vacated, could they be moved at petitioner's expense if they so desire?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

\*\*\*\*\*

Additional Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Reviewed By: Marcia Bento

Date: 05/15/2023

Email: PW\_CIPTransportationReview@hillsboroughcounty.org

Phone: \_\_\_\_\_

\*\*\*\*\*

Return to: Hillsborough County Real Estate Department, P. O. Box 1110, Tampa, Florida 33601

VACATING PETITION:

V23-0009 (Eggert) portion of platted utility easement per the plat of Holiday Hills Unit No. 3, Plat Book 43, Page 85, located in Section 35, Township 29S, Range 20E, within folio 072856-0520.

Reviewing Agency: Systems Planning Stormwater Team

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 \_\_\_\_\_

B) Could said area be vacated subject to reserving an easement over **all or part of area** to be vacated?  YES  NO  
 If YES, please specify if easement should be over all or part of the area to be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

C) If there are existing facilities in said area to be vacated, could they be moved at petitioner's expense if they so desire?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

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Additional Comments: \_\_\_\_\_  
 \_\_\_\_\_  
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Reviewed By: Jeremy Leuschke, PE  
 Email: leuschkej@hillsboroughcounty.org

Date: 05/08/2023  
 Phone: (813)307-1797



\*\*\*\*\*

Return to: Hillsborough County Real Estate Department, P. O. Box 1110, Tampa, Florida 33601

VACATING PETITION:

V23-0009 (Eggert) portion of platted utility easement per the plat of Holiday Hills Unit No. 3, Plat Book 43, Page 85, located in Section 35, Township 29S, Range 20E, within folio 072856-0520.

Reviewing Agency: Hillsborough County Residential Street Lighting Program

Please review attached information on above-stated petition to vacate and check appropriate boxes (making comments when necessary) as the following statements pertain to your company or agency. Upon completion, please return this form to the County Real Estate Department. The back of this form may be used for additional comments.

<input checked="" type="checkbox"/>	CONSENT by this agency to the vacating as petitioned.
<input type="checkbox"/>	OBJECTION by this agency to the vacating as petitioned

1) Do you currently use or have facilities in said area to be vacated?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

2) Is QUESTION #1 is "YES", answer question 2, otherwise skip.

A) Could any portion of said area be vacated?  YES  NO  
 If YES, please specify which portion may be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

B) Could said area be vacated subject to reserving an easement over **all or part of area** to be vacated?  YES  NO  
 If YES, please specify if easement should be over all or part of the area to be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

C) If there are existing facilities in said area to be vacated, could they be moved at petitioner's expense if they so desire?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

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Additional Comments: \_\_\_\_\_  
 \_\_\_\_\_  
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Reviewed By: Landon Hamilton

Date: 05/17/2023

Email: HamiltonL@HCFLGov.net

Phone: (813) 538-5452

VACATING REVIEW UTILITY COMMENT SHEET

DATE: 5/2/2023

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Return to: Hillsborough County Real Estate Department, P. O. Box 1110, Tampa, Florida 33601

VACATING PETITION:

V23-0009 (Eggert) portion of platted utility easement per the plat of Holiday Hills Unit No. 3, Plat Book 43, Page 85, located in Section 35, Township 29S, Range 20E, within folio 072856-0520.

Reviewing Agency: PWD - South Service Unit

Please review attached information on above-stated petition to vacate and check appropriate boxes (making comments when necessary) as the following statements pertain to your company or agency. Upon completion, please return this form to the County Real Estate Department. The back of this form may be used for additional comments.

<input checked="" type="checkbox"/>	CONSENT by this agency to the vacating as petitioned.
<input type="checkbox"/>	OBJECTION by this agency to the vacating as petitioned

1) Do you currently use or have facilities in said area to be vacated?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

2) Is QUESTION #1 is "YES", answer question 2, otherwise skip.  
 A) Could any portion of said area be vacated?  YES  NO  
 If YES, please specify which portion may be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

B) Could said area be vacated subject to reserving an easement over **all or part of area** to be vacated?  YES  NO  
 If YES, please specify if easement should be over all or part of the area to be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

C) If there are existing facilities in said area to be vacated, could they be moved at petitioner's expense if they so desire?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
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\*\*\*\*\*

Additional Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Reviewed By: Juan Olivero Lopez

Date: 05/02/2023

Email: oliveroj@hillsboroughcounty.org

Phone: 813-671-7624 Ext.41539

\*\*\*\*\*

Return to: Hillsborough County Real Estate Department, P. O. Box 1110, Tampa, Florida 33601

VACATING PETITION:

V23-0009 (Eggert) portion of platted utility easement per the plat of Holiday Hills Unit No. 3, Plat Book 43, Page 85, located in Section 35, Township 29S, Range 20E, within folio 072856-0520.

Reviewing Agency: Spectrum

Please review attached information on above-stated petition to vacate and check appropriate boxes (making comments when necessary) as the following statements pertain to your company or agency. Upon completion, please return this form to the County Real Estate Department. The back of this form may be used for additional comments.

<input checked="" type="checkbox"/>	CONSENT by this agency to the vacating as petitioned.
<input type="checkbox"/>	OBJECTION by this agency to the vacating as petitioned

1) Do you currently use or have facilities in said area to be vacated?  YES  NO  
 If YES, please explain:  
 Yes Spectrum services are present in rear utility easement corridor

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2) Is QUESTION #1 is "YES", answer question 2, otherwise skip.

A) Could any portion of said area be vacated?  YES  NO

If YES, please specify which portion may be vacated:  
 All of it.

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B) Could said area be vacated subject to reserving an easement over **all or part of area** to be vacated?  YES  NO

If YES, please specify if easement should be over all or part of the area to be vacated:  
 Spectrum has entered into a separate Easement Agreement with the Petitioners that retains an easement sufficient for Spectrum's use, and therefore Spectrum has no objection to the vacation of the existing public utility easement

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C) If there are existing facilities in said area to be vacated, could they be moved at petitioner's expense if they so desire?  YES  NO

If YES, please explain:  
 Spectrum does not believe this is necessary due to the fact that it has already entered into a separate Easement Agreement with the Petitioners that is sufficient to support Spectrum's use

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Additional Comments: Spectrum agrees that the public utility easement may be vacated in light of the separate Easement Agreement it has entered into with the Petitioners

The separate Easement Agreement is sufficient to support Spectrum's use of the easement area.

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Reviewed By: Eric Oertel

Email: eric.oertel@charter.com

Date: 01/11/2024

Phone: 813-293-9729



VACATING REVIEW UTILITY COMMENT SHEET

DATE: 5/2/2023

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Return to: Hillsborough County Real Estate Department, P. O. Box 1110, Tampa, Florida 33601

VACATING PETITION:

V23-0009 (Eggert) portion of platted utility easement per the plat of Holiday Hills Unit No. 3, Plat Book 43, Page 85, located in Section 35, Township 29S, Range 20E, within folio 072856-0520. 2229 Malibu Dr. Brandon FL 33511

Reviewing Agency: TECO-PGS

Please review attached information on above-stated petition to vacate and check appropriate boxes (making comments when necessary) as the following statements pertain to your company or agency. Upon completion, please return this form to the County Real Estate Department. The back of this form may be used for additional comments.

<input checked="" type="checkbox"/>	CONSENT by this agency to the vacating as petitioned.
<input type="checkbox"/>	OBJECTION by this agency to the vacating as petitioned

1) Do you currently use or have facilities in said area to be vacated?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

2) Is QUESTION #1 is "YES", answer question 2, otherwise skip.  
 A) Could any portion of said area be vacated?  YES  NO  
 If YES, please specify which portion may be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

B) Could said area be vacated subject to reserving an easement over **all or part of area** to be vacated?  YES  NO  
 If YES, please specify if easement should be over all or part of the area to be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

C) If there are existing facilities in said area to be vacated, could they be moved at petitioner's expense if they so desire?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

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Additional Comments: \_\_\_\_\_  
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Reviewed By: Joan A Domning Sr Admin Specialist

Date: 05/02/2023 *Joan A Domning*

Email: jdomning@tecoenergy.com

Phone: 813-275-3783

\*\*\*\*\*

Return to: Hillsborough County Real Estate Department, P. O. Box 1110, Tampa, Florida 33601

VACATING PETITION:

V23-0009 (Eggert) portion of platted utility easement per the plat of Holiday Hills Unit No. 3, Plat Book 43, Page 85, located in Section 35, Township 29S, Range 20E, within folio 072856-0520.

Reviewing Agency: Tampa Electric Company

Please review attached information on above-stated petition to vacate and check appropriate boxes (making comments when necessary) as the following statements pertain to your company or agency. Upon completion, please return this form to the County Real Estate Department. The back of this form may be used for additional comments.

<input checked="" type="checkbox"/>	CONSENT by this agency to the vacating as petitioned.
<input type="checkbox"/>	OBJECTION by this agency to the vacating as petitioned

1) Do you currently use or have facilities in said area to be vacated?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

2) Is QUESTION #1 is "YES", answer question 2, otherwise skip.  
 A) Could any portion of said area be vacated?  YES  NO  
 If YES, please specify which portion may be vacated:  
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 \_\_\_\_\_

B) Could said area be vacated subject to reserving an easement over **all or part of area** to be vacated?  YES  NO  
 If YES, please specify if easement should be over all or part of the area to be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

C) If there are existing facilities in said area to be vacated, could they be moved at petitioner's expense if they so desire?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

\*\*\*\*\*

Additional Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Reviewed By: Lena Kirby

Date: 05/16/2023

Email: cjkirby@tecoenergy.com

Phone: 813-635-1467

\*\*\*\*\*

Return to: Hillsborough County Real Estate Department, P. O. Box 1110, Tampa, Florida 33601

VACATING PETITION:

V23-0009 (Eggert) portion of platted utility easement per the plat of Holiday Hills Unit No. 3, Plat Book 43, Page 85, located in Section 35, Township 29S, Range 20E, within folio 072856-0520.

Reviewing Agency: Frontier Florida LLC

Please review attached information on above-stated petition to vacate and check appropriate boxes (making comments when necessary) as the following statements pertain to your company or agency. Upon completion, please return this form to the County Real Estate Department. The back of this form may be used for additional comments.

<input checked="" type="checkbox"/>	CONSENT by this agency to the vacating as petitioned.
<input type="checkbox"/>	OBJECTION by this agency to the vacating as petitioned

1) Do you currently use or have facilities in said area to be vacated?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

2) Is QUESTION #1 is "YES", answer question 2, otherwise skip.  
 A) Could any portion of said area be vacated?  YES  NO  
 If YES, please specify which portion may be vacated:  
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B) Could said area be vacated subject to reserving an easement over **all or part of area** to be vacated?  YES  NO  
 If YES, please specify if easement should be over all or part of the area to be vacated:  
 \_\_\_\_\_  
 \_\_\_\_\_

C) If there are existing facilities in said area to be vacated, could they be moved at petitioner's expense if they so desire?  YES  NO  
 If YES, please explain:  
 \_\_\_\_\_  
 \_\_\_\_\_

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Additional Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Reviewed By: Stephen Waidley

Date: 05/01/2023

Email: stephen.waidley@ftr.com

Phone: (941) 266-9218



Hillsborough County Florida

PETITION TO VACATE

Hillsborough County Facilities Management & Real Estate Services Department
County Center
601 East Kennedy Boulevard - 23rd Floor
Tampa, Florida 33602
Telephone: (813) 272-5810 | Fax: (813) 272-5597
Submission email: RP-Vacating@HillsboroughCounty.org

Right-of-Way [ ]

Easement [x]

Subdivision Plat [ ]

PETITIONER'S INFORMATION

Name(s): James S. Eggert and Sheryl M. Eggert
Address: 2229 Malibu Drive
City: Brandon State: Florida Zip Code: 33511
Phone Number(s): 813-633-3396 / 813-416-3219
Email address: jim@owenslawgroup.com

For multiple Petitioners, additional signature sheets may be used for each Petitioner.

The above named Petitioner(s) hereby petition(s) the Honorable Board of County Commissioners of Hillsborough County to adopt a resolution vacating, abandoning, renouncing, and disclaiming any right or interest of Hillsborough County and the public in and to the following described right(s)-of-way, easement(s), or subdivision plat or portion thereof (provide or attach legal description of area or property interest to be vacated):

SEE EXHIBIT A

Located in Section 35, Township 29S, Range 20E, Folio # 072856-0520

AGENT AUTHORIZATION - PLEASE COMPLETE IF APPLICABLE

The above-named Petitioner(s) hereby authorizes as the following to act as agent on my/our behalf:

Name(s): Scott W. Fitzpatrick, Esq.
Company: Owens Law Group, P.A.
Address: 811-B Cypress Village Boulevard
City: Ruskin State: Florida Zip Code: 33573
Phone Number(s): 813-633-3396
Email address: scott@owenslawgroup.com

**Provide a detailed reason for, and the purpose of, the Vacating request. Please be specific:**

This 52 year old utility easement has exceeded its useful life. The rear and sides of the lot (and the whole subdivision) show a 15 foot utility easement circumscribing my whole subdivision which was established in 1971. My surrounding neighborhood, together with the whole Brandon community, has changed substantially since 1971, which has resulted in the apparent abandonment of both the use and usefulness of the easement. I have conducted an Exactix.sunshine811.com request for a proposed utility shed (attached) and it appears that no utilities are using this easement any longer. I have lived on the property since 1995, and for a number of years, there were utility poles for electricity (and possibly other utilities) running along the rear fence on our lot, but in 2018 a developer brought in a new large 120 lot development (Brooker Ridge) behind our rear fence line, all the utility poles were removed, and (we believe) buried at new locations in the new development far to the east of our lot. Thus it appears that there is no current utility using the easement, nor is it likely that any utility will need it in the foreseeable future. The area around our lot is already completely developed, and it appears that the utilities servicing both my subdivision and the surrounding neighborhoods have utilized and developed other (and better) corridors for the delivery of their various services. Thus it would appear that the vacation of the easement would be appropriate, freeing up a 15 foot corridor of my property so that I can place a utility shed on the same, subject to any other applicable county requirements. The lot is substantially sloped, and placement of the shed on the easement (which is much flatter) would be a much more practical arrangement, which would also avoid encroachment of the proposed shed on my septic field.

**For Right-of-Way Vacating Petitions Only:**

**If any adjacent property owners have not signed the Petition, please explain why an adjacent property owner has not signed.**

Not Applicable

**If the Petition seeks to clear or resolve an encroachment into an easement or right-of-way, please state the construction date and type of encroachment:**

Not Applicable

**If the Petition seeks to clear or resolve a code enforcement violation, please provide all information regarding such violation (date of violation, nature of violation, assigned officer, etc.):**

Not Applicable

PETITION

Page 2 of 4

Submission email: RP-Vacating@HillsboroughCounty.org

REV. 2022



Please review and initial:

1. JSP  
SE The Petitioner(s) hereby acknowledges that the average minimum processing time for bringing a Petition for public hearing is sixty (60) to ninety (90) days from the date the County receives a completed, sufficient Petition. The Petitioner(s) acknowledge that this timeframe is only an estimate and Hillsborough County is not responsible for any extensions, delays, or otherwise due to unfulfilled or incomplete Petition requirements.
2. JSP  
SE The Petitioner(s) hereby expressly acknowledges and agrees that all Petitions are circulated for review and comment by both Internal and external departments and agencies, and that It is the Petitioner(s) sole responsibility to address and/or resolve any and all objections in writing prior to scheduling the matter for public hearing. Note: failure to cure such objections prior to public hearing may result in a staff recommendation of denial of the Petition.
3. JSP  
SE The Petitioner(s) will forward a check for the initial filing fee in the amount of \$414.10 made payable to the Board of County Commissioners of Hillsborough County, Florida, to cover the administrative costs of processing the Petition after direction from staff that the petition submission is sufficient. Petitioner acknowledges and agrees that the initial filing fee is non-refundable in whole or in part.
4. JSP  
SE The Petitioner(s) hereby waive(s), renounce(s), absolve(s), relinquish(es) and discharge(s) Hillsborough County from any claims or damages of any nature and kind whatsoever that such Petitioner(s) may have or claim or demand, now or in the future, by reason of the vacating, closing, discontinuing and abandoning of said right(s)-of-way, easement(s), or subdivision plat.
5. JSP  
SE The Petitioner(s) acknowledges and agrees that if the Petition proceeds to public hearing the Petitioner(s) will pay the additional filing fee of \$250.00 made payable to the Board of County Commissioners of Hillsborough County, Florida. Petitioner further acknowledges and agrees the additional filing fee is non-refundable in whole or in part.
6. JSP  
SE The Petitioner(s) hereby acknowledges and agrees that all terms and conditions of the Vacating Resolution, if approved and adopted by the Board of County Commissioners, shall be strictly complied with by the Petitioner(s).
7. JSP  
SE The Petitioner(s) hereby acknowledges and agrees they have read and understand all applicable steps listed within the VACATING PETITION INFORMATION PACKET received by Petitioner(s) prior to submittal of this PETITION TO VACATE.
8. JSP  
SE The Petitioner(s) hereby acknowledges and agrees that the Petition may not cure any and/or all code enforcement violations and that additional curative measures may be required to be completed by Petitioner prior to removal of such violation.
9. JSP  
SE The Petitioner(s) hereby acknowledges and agrees that **HILLSBOROUGH COUNTY MAKES NO STATEMENT, OPINION OR WARRANTY AS TO THE TITLE OF VACATED PUBLIC PROPERTY INTERESTS BY VIRTUE OF ANY VACATING ACTION BY ITS BOARD OF COUNTY COMMISSIONERS. PETITIONER(S) SHOULD VERIFY WITH A TITLE COMPANY WHERE TITLE VESTS FOLLOWING THE VACATING ACTION.**

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

The Petitioner(s) herein named hereby waive(s), renounce(s), relinquish(es), absolve(s), and discharge(s) Hillsborough County from any claims for damages of any nature and kind whatsoever that petitioner(s) may have or claim or demand, now or in the future, by reason of the vacating, closing, discontinuing, and abandoning of public right(s)-of-way, easement(s) or subdivision plat(s), or any part or portion thereof; and shall indemnify and hold harmless Hillsborough County from any claims, damages, expenses and costs that result from damage to or destruction of any improvement, structure or property located within the portion of right(s)-of-way, easement(s) or subdivision plat(s) being vacated herein as a result of the exercise by Hillsborough County of its rights within any remaining public right(s)-of-way, easement(s), or subdivision plat(s) not vacated.

For multiple Petitioners, attach additional signature sheets for each additional Petitioner

**PETITIONERS' SIGNATURES**

**MAILING ADDRESS**

*James S. Eggert*  
 James S. Eggert

2229 Malibu Drive  
 Brandon, Florida 33511

Printed name and title if applicable

*Sheryl M. Eggert*  
 Sheryl M. Eggert

2229 Malibu Drive  
 Brandon, Florida 33511

Printed name and title if applicable

\_\_\_\_\_  
 \_\_\_\_\_  
 Printed name and title if applicable

\_\_\_\_\_  
 \_\_\_\_\_

STATE OF Florida  
 COUNTY OF Hillsborough

The following instrument was sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization this 5th day of March, 2023, by James S. Eggert and Sheryl M. Eggert who is/are personally known to me or who has produced \_\_\_\_\_ as identification

NOTARY PUBLIC:

Signature: *Leslie A. MacLauchlan*  
 Printed Name: \_\_\_\_\_  
 Title or Rank: \_\_\_\_\_  
 Serial / Commission Number: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

(SEAL)

