



# Agenda Item Cover Sheet

Agenda Item N<sup>o</sup>. \_\_\_\_\_

Meeting Date September 12, 2023

- Consent Section                     
  Regular Section                     
  Public Hearing

<b>Subject:</b> Public Hearing - Vacating Petition by Transcend Development Corp. and Calusa Creek of Hillsborough Homeowners Association Inc. to vacate portions of two 10-foot-wide platted public utility easements within Folio Nos. 76621-2862 and 76621-2988, in Riverview.			
<b>Department Name:</b> Facilities Management & Real Estate Services Department			
<b>Contact Person:</b> Anne-Marie Lenton, (C. Allen)		<b>Contact Phone:</b> 813-272-5810	
<b>Sign-Off Approvals:</b>			
N/A		John Muller  8/17/2023	
<small>Assistant County Administrator</small>		<small>Department Director</small>	
N/A		Todd Sobel  8/17/23	
<small>Management and Budget – Approved as to Financial Impact Accuracy</small>		<small>County Attorney – Approved as to Legal Sufficiency</small>	

**Staff's Recommended Board Motion:**  
 Adopt a Resolution vacating portions of two 10-foot-wide platted public utility easements, lying within Lots 71 and 134, of the plat of Calusa Creek, as recorded in Plat Book 138, Page 28, of the public records of Hillsborough County, and being more particularly described in the Resolution. The subject area is located at 10825 and 10907 Quickwater Court, within Folio Nos. 76621-2862 and 76621-2988, generally lying south of Balm Riverview Road, north of Boyette Road, and east of US Highway 301, in Riverview. The proposed vacate area consists of approximately 17 square feet (.0004 acres) within Lot 71 and approximately 11 square feet (.0003 acres) within Lot 134. The Petitioners, Transcend Development Corp. and Calusa Creek of Hillsborough Homeowners Association Inc., have submitted this request to resolve the encroachment of townhomes constructed into portions of the utility easements. Reviewing departments, agencies, and utility providers have raised no objections to this request. 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.

**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 Transcend Development Corp. as owner of the property underlying the proposed vacate area and Calusa Creek of Hillsborough Homeowners Association Inc. as the operation and maintenance entity of the community, to vacate the public interest in portions of two 10-foot-wide platted public utility easements. These utility easements were created in 2020 by virtue of the plat of Calusa Creek, as recorded in Plat Book 138, Page 28, of the public records of Hillsborough County. After construction commenced, the owner discovered that the footprint of the townhomes encroached into the subject utility easement and there is insufficient space to move them out of the easement. The Petitioners have submitted this request to resolve the encroachment of the townhomes and allow them to remain in place. Reviewing departments, agencies, and utility providers have raised no objections to this request. Pursuant to F.S. 177.101(4), Public Notice of this public hearing was published in *La Gaceta* on August 18, 2023, and August 25, 2023.





Staff Reference: V22-0009 Petition to Vacate portions of platted utility easements, Calusa Creek (Transcend Dev. Corp.)  
 List Attachments: Location Map, Resolution, Plat Excerpt, Building Encroachment Sketch, Review Summary and Comments, Petition

V22-0009

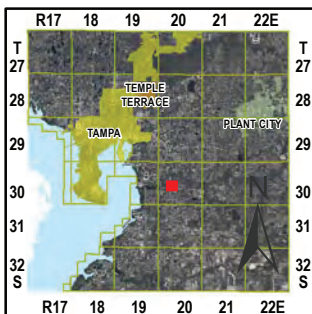
Petition to vacate portions of platted utility easements,  
Calusa Creek (Transcend Dev. Corp.)



LEGEND

-  Subject Properties  
Folios - 76621.2862 & 76621.2988
-  Vacate Utility Easement - Lot 71  
Approx. 17 Sf (0.0004 Ac)
-  Vacate Utility Easement - Lot 134  
Approx. 11 Sf (0.0003 Ac)
-  10-foot-wide Utility Easement

SEC 20 TWP 30S RNG 20E



Hillsborough  
County Florida

601 E Kennedy Blvd, Tampa, FL 33602  
(813) 272-5900  
printroom@hillsboroughcounty.org

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 V22-0009  
Project Lead: Cari Allen  
Transcend Development Corp. and  
Calusa Creek of Hillsborough  
Homeowners Association Inc. - Petitioners  
Portions of 10-foot-wide  
platted public utility easements  
Calusa Creek, PB 138 PG 28  
Folios: 76621-2862; 76621-2988  
Section 20, Township 30 South, Range 20 East

**RESOLUTION NUMBER R23-\_\_\_\_\_**

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

WHEREAS, Transcend Development Corp., a Florida corporation, and  
Calusa Creek of Hillsborough Homeowners Association Inc., a Florida  
not for profit corporation, have petitioned the Board of County  
Commissioners of Hillsborough County, Florida, in which petition  
said Board is asked to close, vacate, and abandon portions of two  
10-foot-wide platted public utility easements 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 petitioners; and,

WHEREAS, the Board of County Commissioners finds that granting the  
petition to vacate the portions of two 10-foot-wide platted public  
utility easements 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 September 12, 2023, and the same having  
been investigated and considered, and it 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  
12<sup>th</sup> Day of September 2023:

1. That the above-described portions of the platted public utility easements are hereby closed, vacated, and abandoned, and the right of the public and the County in and to those portions 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 September 12, 2023, 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 \_\_\_\_\_, 2023.

Cindy Stuart, CLERK

APPROVED BY COUNTY ATTORNEY

BY: Richard Tschantz  
Approved As to Form and Legal  
Sufficiency

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







## Placeholder for Notice of Hearing Affidavit

A notice of the hearing will be published on August 18, 2023, and August 25, 2023.

### **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, 2nd Floor, County Center, 601 East Kennedy Boulevard, Tampa, Florida, at 9:00 A.M., Tuesday, September 12, 2023, to determine whether or not:

**Vacating Petition V22-0009, vacate portions of two 10-foot-wide platted public utility easements, lying within Lots 71 and 134, within the plat of Calusa Creek, as recorded in Plat Book 138, Page 28, of the public records of Hillsborough County, Florida, located in Section 20, Township 30S, Range 20E, within folios 76621-2862 and 76621-2988**

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](https://www.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 Facebook or 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://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.



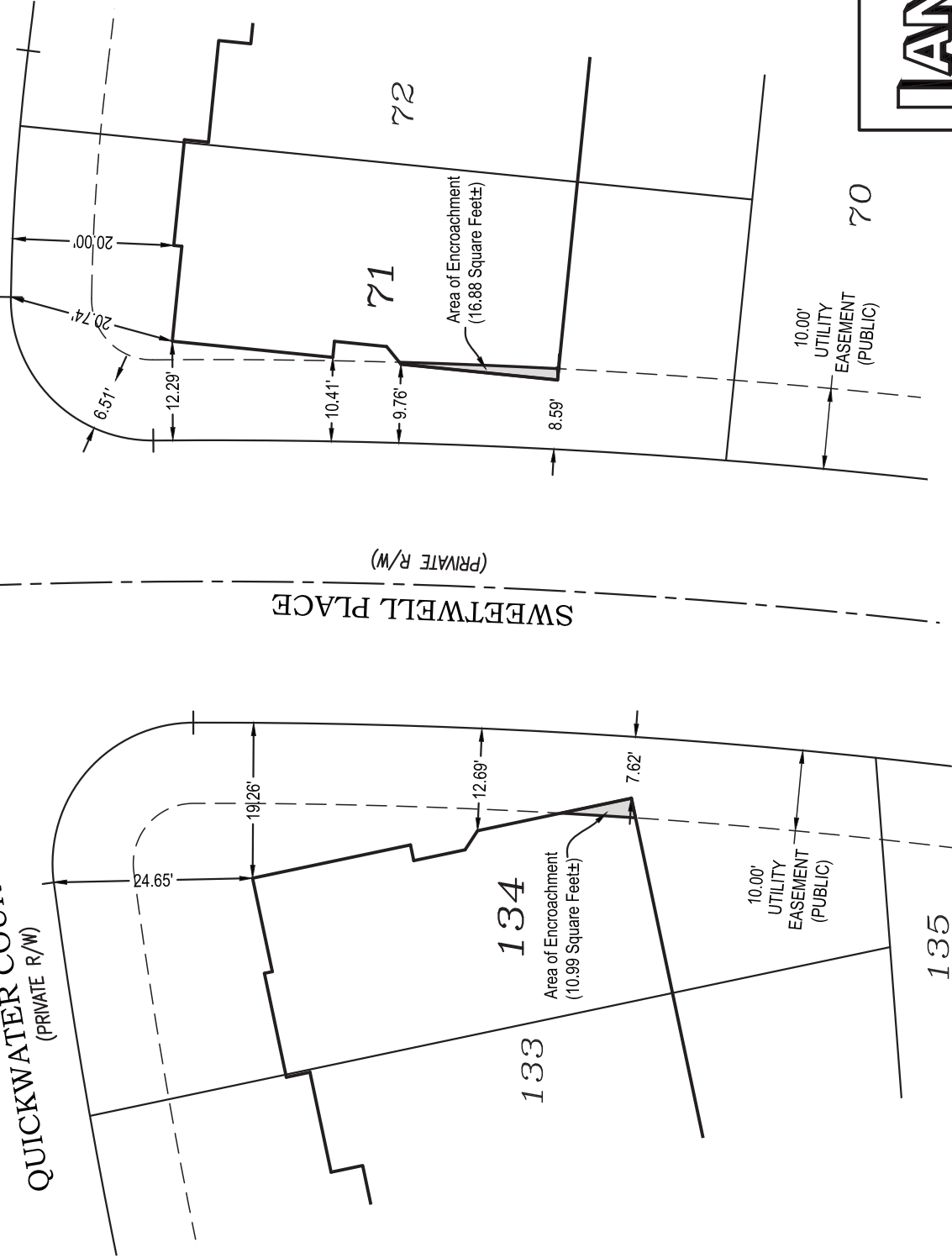




QUICKWATER COURT  
(PRIVATE R/W)

QUICKWATER COURT  
(PRIVATE R/W)

SWEETWELL PLACE  
(PRIVATE R/W)



Scale: 1" = 20'



8515 Palm River Road | Tampa, Florida 33619  
 (813) 621-7841 | (813) 664-1832 (fax)  
 www.lesc.com | L.B. # 3913

# Vacating Petition V22-0009

Petition To Vacate portions of 10-foot-wide  
platted public utility easements

Calusa Creek

(Plat Book 138, Page 28)

Section 20 – Township 30 S – Range 20 E

Folios 76621-2862 and 76621-2988

Petitioners - Transcend Development Corp. and Calusa Creek of Hillsborough Homeowners  
Association Inc.

1<sup>ST</sup> FEE (\$169.00) REC'D

2<sup>ND</sup> FEE (\$250.00) REC'D

NOTICE OF HEARING AD PUBL'D

NOTICE OF HEARING SIGN PST'D

## REVIEWING DEPARTMENTS

- HC DEVELOPMENT SERVICES – NO OBJECTION
- HC WATER RESOURCES – NO OBJECTION
- HC PUBLIC WORKS-STORMWATER – NO OBJECTION
- HC PUBLIC WORKS-TRANSPORTATION – NO OBJECTION
- HC PUBLIC WORKS-SYSTEMS PLANNING – NO OBJECTION
- HC PUBLIC WORKS-STREET LIGHTING – NO OBJECTION
- HC PUBLIC WORKS-SERVICE UNIT – NO OBJECTION

## REVIEWING AGENCIES

- CHARTER/SPECTRUM – CONSENT
- PEOPLES GAS – CONSENT
- TAMPA ELECTRIC COMPANY – CONSENT
- FRONTIER – CONSENT

VACATING REVIEW COMMENT SHEET

DATE: 06/15/22

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

VACATING PETITION:

V22-0009 (Transcend Development Corp), portions of platted 10-foot wide Utility Easement, Lots 71 and 134, Calusa Creek, Plat Book 138 Page 28, lying in Section 20, Township 30S, Range 20E, Folios 76621-2862 & 76621-2988.

Reviewing Agency: Development Services

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"/>	NO OBJECTION by this agency to the vacating as petitioned.
<input type="checkbox"/>	OBJECTION (If you have objections, check here, complete and sign below.)

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

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

2) Do you foresee a need for said area in the future?  YES  NO  
 IF YES, please explain:

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

3) IF THE ANSWER TO EITHER QUESTION 1 OR QUESTION 2 IS "YES";  
 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

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

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

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

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

Reviewed By: J. Brian Grady

Date: 6/15/22

Email: gradyb@hillsboroughcounty.org

Phone: 276-8343

VACATING REVIEW COMMENT SHEET

DATE 05/16/2022

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

Project: V22-0009 - Vacate a portions of platted utility easement, lying within lot 71 and lot 134 of the plat of Calusa Creek, Folio# 76621.2988 and 76621.2862

Reviewing Agency: Public Utilities department - Administrative Division - Randy Sears General Manager II - 925 Twiggs Street Tampa, FL 33602

S., T., R. 20 - 30 - 20

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.

NO OBJECTION by this agency to the vacating as petitioned. (If you have no objections, check here and sign below.)

1) Do you currently use or have facilities in said area to be vacated? YES NO

2) Do you foresee a need for said area in the future? YES NO

3) IF THE ANSWER TO EITHER QUESTION 1 OR QUESTION 2 IS "YES"; A) Could any portion of said area be vacated? YES NO

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

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

Phone No.

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

Reviewed By: Randy Rochelle Date: May 16, 2022

FROM:



VACATING REVIEW COMMENT SHEET

DATE: 05/11/22

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

VACATING PETITION:

V22-0009 (Transcend Development Corp), portions of platted 10-foot wide Utility Easement, Lots 71 and 134, Calusa Creek, Plat Book 138 Page 28, lying in Section 20, Township 30S, Range 20E, Folios 76621-2862 & 76621-2988.

Reviewing Agency: PW Engineering & Operations Dept./ Stormwater Services Section

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.

NO OBJECTION by this agency to the vacating as petitioned.

OBJECTION (If you have objections, check here, complete and sign below.)

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

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

2) Do you foresee a need for said area in the future?  YES  NO  
 IF YES, please explain:

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

3) IF THE ANSWER TO EITHER QUESTION 1 OR QUESTION 2 IS "YES";  
 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

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

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

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

\*\*\*\*\*  
 Additional Comments: \_\_\_\_\_  
 No Objection. As this is a utility easement, not a drainage easement, and as the areas in question pose no obstruction or hardship with regard to drainage, there is no drainage value, at this time or in the foreseeable future.  
 \_\_\_\_\_

Reviewed By: Ronald M. Steijlen

Date: 05/13/2022

Email: SteijlenR@HillsboroughCounty.org

Phone: 813-3607-1801

VACATING REVIEW COMMENT SHEET

DATE: 05/11/22

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

VACATING PETITION:

V22-0009 (Transcend Development Corp), portions of platted 10-foot wide Utility Easement, Lots 71 and 134, Calusa Creek, Plat Book 138 Page 28, lying in Section 20, Township 30S, Range 20E, Folios 76621-2862 & 76621-2988.

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.

Form with checkboxes for 'NO OBJECTION' and 'OBJECTION'.

1) Do you currently use or have facilities in said area to be vacated? YES NO

Blank lines for explanation of answer to question 1.

2) Do you foresee a need for said area in the future? YES NO

Blank lines for explanation of answer to question 2.

3) IF THE ANSWER TO EITHER QUESTION 1 OR QUESTION 2 IS "YES"; A) Could any portion of said area be vacated? YES NO

Blank lines for explanation of answer to question 3A.

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

Blank lines for explanation of answer to question 3B.

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

Blank lines for explanation of answer to question 4.

Additional Comments: Transportation Review Team has no Objection to the Utility Easement vacate request.

Reviewed By: Marcia Bento Date: 05/23/22

Email: PW-CIPTransportationReview@hcflgoy Phone:

VACATING REVIEW COMMENT SHEET

DATE: 05/13/22

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

VACATING PETITION:

V22-0009 (Transcend Development Corp), portions of platted 10-foot wide Utility Easement, Lots 71 and 134, Calusa Creek, Plat Book 138 Page 28, lying in Section 20, Township 30S, Range 20E, Folios 76621-2862 & 76621-2988.

Reviewing Agency: Systems Planning Stormwater Team

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.

NO OBJECTION by this agency to the vacating as petitioned.

OBJECTION (If you have objections, check here, complete and sign below.)

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

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

2) Do you foresee a need for said area in the future?  YES  NO  
 IF YES, please explain:

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

3) IF THE ANSWER TO EITHER QUESTION 1 OR QUESTION 2 IS "YES";  
 A) Could any portion of said area be vacated?  YES  NO  
 If YES, please specify which portion may be vacated:

N/A  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

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

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

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

Reviewed By: William Hand

Date: 05/13/22

Email: handwt@hillsboroughcounty.org

Phone: 813-635-5404

VACATING REVIEW COMMENT SHEET

DATE: 05/11/22

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

VACATING PETITION:

V22-0009 (Transcend Development Corp), portions of platted 10-foot wide Utility Easement, Lots 71 and 134, Calusa Creek, Plat Book 138 Page 28, lying in Section 20, Township 30S, Range 20E, Folios 76621-2862 & 76621-2988.

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.

NO OBJECTION by this agency to the vacating as petitioned.

OBJECTION (If you have objections, check here, complete and sign below.)

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

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

2) Do you foresee a need for said area in the future?  YES  NO  
 IF YES, please explain:

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

3) IF THE ANSWER TO EITHER QUESTION 1 OR QUESTION 2 IS "YES";  
 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

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

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

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

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

Reviewed By: Landon Hamilton

Date: 05/13/2022

Email: HamiltonL@HCFLGov.net

Phone: 813-538-5452

VACATING REVIEW COMMENT SHEET

DATE: 05/11/22

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

VACATING PETITION:

V22-0009 (Transcend Development Corp), portions of platted 10-foot wide Utility Easement, Lots 71 and 134, Calusa Creek, Plat Book 138 Page 28, lying in Section 20, Township 30S, Range 20E, Folios 76621-2862 & 76621-2988.

Reviewing Agency: PW SSU

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.

NO OBJECTION by this agency to the vacating as petitioned.

OBJECTION (If you have objections, check here, complete and sign below.)

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

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

2) Do you foresee a need for said area in the future?  YES  NO  
 IF YES, please explain:

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

3) IF THE ANSWER TO EITHER QUESTION 1 OR QUESTION 2 IS "YES";  
 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

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

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

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

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

Reviewed By: Juan O. Olivero Lopez

Date: 05/11/2022

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:

V22-0009 (Transcend Development Corp), portions of platted 10-foot wide Utility Easement, Lots 71 and 134, Calusa Creek, Plat Book 138 Page 28, lying in Section 20, Township 30S, Range 20E, Folios 76621-2862 & 76621-2988.

Reviewing Agency: Charter/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:  
 \_\_\_\_\_  
 \_\_\_\_\_

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: Eric Oertel

Date: 06/09/2023

Email: eric.oertel@charter.com

Phone: 813-293-9729

VACATING REVIEW UTILITY COMMENT SHEET

DATE: 5-11-2022

\*\*\*\*\*

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

VACATING PETITION:

V22-0009 (Transcend Development Corp), portions of platted 10-foot wide Utility Easement, Lots 71 and 134, Calusa Creek, Plat Book 138 Page 28, lying in Section 20, Township 30S, Range 20E, Folios 76621-2862 & 76621-2988. 10825 & 10907 Quirkwater Ct.

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: N/A

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

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: N/A

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

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

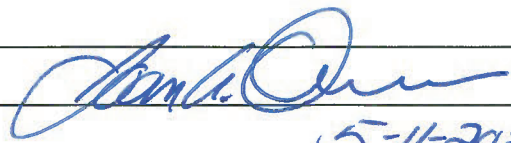
If YES, please explain: N/A

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

\*\*\*\*\*

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

Joan Domning-Senior Admin Specialist  
TECO-PGS-Distribution Engineering  
8416 Palm River Rd, Tampa, FL 33619  
813-275-3783  
jdomning@tecoenergy.com

  
5-11-2022

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

\*\*\*\*\*

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

VACATING PETITION:

V22-0009 (Transcend Development Corp), portions of platted 10-foot wide Utility Easement, Lots 71 and 134, Calusa Creek, Plat Book 138 Page 28, lying in Section 20, Township 30S, Range 20E, Folios 76621-2862 & 76621-2988.

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:  
 \_\_\_\_\_  
 \_\_\_\_\_

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: We do not have facilities within the portions of the 10-foot platted utility easement requesting to be vacated.  
 \_\_\_\_\_  
 \_\_\_\_\_

Reviewed By: Lena Kirby

Date: 07/11/2022

Email: cjkirby@tecoenergy.com

Phone: 813-635-1467

\*\*\*\*\*

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

VACATING PETITION:

V22-0009 (Transcend Development Corp), portions of platted 10-foot wide Utility Easement, Lots 71 and 134, Calusa Creek, Plat Book 138 Page 28, lying in Section 20, Township 30S, Range 20E, Folios 76621-2862 & 76621-2988.

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:  
 \_\_\_\_\_  
 \_\_\_\_\_

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: Stephen Waidley

Date: 05/11/2022

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 – 23<sup>rd</sup> Floor  
Tampa, Florida 33602  
Telephone: (813) 272-5810 | Fax: (813) 272-5597  
Submission email: [RP-Vacating@HillsboroughCounty.org](mailto:RP-Vacating@HillsboroughCounty.org)

Right-of-Way

Easement

Subdivision Plat

#### PETITIONER'S INFORMATION

Name(s): Transcend Development Corp.; Calusa Creek of Hillsborough Homeowners Association, Inc.  
Address: 3658 Erindale Drive  
City: Valrico State: Florida Zip Code: 33596  
Phone Number(s): \_\_\_\_\_  
Email address: \_\_\_\_\_

*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*):

Located in Section 20, Township 30S, Range 20E, Folio # 76621-2862 & 76621-2988

#### 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 R. Fowler, LS  
Company: Landmark Engineering & Surveying Corporation  
Address: 8515 Palm River Road  
City: Tampa State: Florida Zip Code: 33619  
Phone Number(s): 813-621-7841  
Email address: srf@lesc.com



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

The subdivision, as designed, did not allow for the typical 10' Utility Easement that runs along the street side property lines. This typical easement, necessary for utilities buried on the lots was included on the plat and the plat was recorded. When houses were placed on the lots, it was discovered they did not fit in certain areas because of the easement. We are asking for small portions of the easement to be vacated to facilitate the buildings to fit on the lots. There is no room to move the buildings as they are multi-family and the interior party wall must remain on the lot lines.

**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.

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

**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.):**

**Please review and initial:**

1.    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.    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.    The Petitioner(s) attaches 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 prior to the scheduling of a public hearing. Petitioner acknowledges and agrees that the initial filing fee is non-refundable in whole or in part.
4.    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.    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.    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.    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.    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.    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.

PETITIONERS' SIGNATURES	MAILING ADDRESS
	Transcend Development - 3658 Erindale Drive, Valrico FL 33596

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 20th day of September, 2022, by M. de. Haskin who is/are personally known to me or who has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC:  
Signature:  (SEAL)  
Printed Name: Sandra L. Lake  
Title or Rank: \_\_\_\_\_  
Serial / Commission Number: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



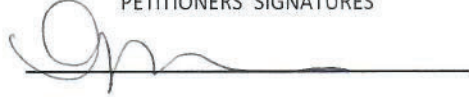


**Please review and initial:**

1.      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.      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.      The Petitioner(s) attaches 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 prior to the scheduling of a public hearing. Petitioner acknowledges and agrees that the initial filing fee is non-refundable in whole or in part.
4.      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.      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.      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.      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.      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.      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.

PETITIONERS' SIGNATURES	MAILING ADDRESS
<u></u>	<u>Calusa Creek of Hillsborough HOA - 3658 Erindale Drive, Valrico FL 33596</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

STATE OF FL  
 COUNTY OF HILLSBOROUGH

The following instrument was sworn to (or affirmed) and subscribed before me by means of  physical presence or  online notarization this 29 day of APR, 2022, by GAIL POPOVICH who is/are personally known to me or who has produced \_\_\_\_\_ as identification.

**NOTARY PUBLIC:**  
 Signature:  (SEAL)  
 Printed Name: Sandra L. Lake  
 Title or Rank: \_\_\_\_\_  
 Serial / Commission Number: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

