

PASCO COUNTY, FLORIDA  
INTEROFFICE MEMORANDUM

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TO: Honorable Chairman and  
Members of the Board of  
County Commissioners

DATE: 5/4/09

FILE: REA09-049

THRU: Bipin Parikh, P.E.  
Assistant County Administrator  
(Development Services)

SUBJECT: Public Hearing, Vacation of Right-of-  
Way. Petitioners: Robin Powell and  
Kenneth Ruddock, Dupree Gardens,  
Section 07, Township 26 South,  
Range 19 East; REV08-015  
(BCC: June 9, 2009 1:30 p.m., DC)

FROM: James C. Widman, P.E.  
Engineering Services Director/  
County Engineer

REFERENCE: Commission District 2

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This is a Petition to Vacate Right of Way from Robin Powell and Kenneth Ruddock (Petitioners), who have requested a public hearing before the Board of County Commissioners (BCC), at the BCC's regular meeting on June 9 2009.

It is recommended that the data herein presented be given formal consideration by the BCC.

DESCRIPTION AND CONDITIONS:

The Petitioners seek to vacate a portion of the southerly right of way of Dupree Drive along the northerly edge of their property. The specific legal description and sketch of the property to be vacated are included in the Petition and attached as Exhibit "A" to the proposed Resolution.

According to the application, the Petitioners request this vacation for the following reason: *"The right-of-way adjacent to Dupree Drive and the petitioner's land is not being utilized by the County, nor will it be necessary in the future as the County does not have any plans for expanding Dupree Drive or otherwise"*. Granting the petition will also allow the Petitioners to be in compliance with the County's setback requirements for a garage structure that had to be adjusted so as to save an Oak tree and was constructed within the set back requirements.

The subject property is located east of Land O' Lakes Boulevard and southeast of Ehren Cutoff Road.

Petitioners have provided a permanent easement in favor of the County over the area to be vacated as required by staff, all other concerns have been addressed to the satisfaction of County staff. There are no remaining objections. Therefore, the Real Estate Division recommends approval of the request to vacate.

ALTERNATIVES AND ANALYSIS:

1. Approve the petition.
2. Do not approve the petition.

RECOMMENDATION AND FUNDING:

The Engineering Services Department recommends the BCC approve Alternative No. 1, authorize the Chairman to execute the Resolution, direct the Board Records Department to record the Resolution, and then the Easement, and forward copies as follows: the originals to be retained by the Board Records Department; one copy to the Property Appraiser's Office, New Port Richey, for action; one copy to the Tax Collector's Office, Dade City, for action; one copy to David Edwards, Real Estate Division, New Port Richey; and one copy to Steve Booth, Booth & Cook, Attorneys at Law, 7510 Ridge Rd., Port Richey, FL 34668

No funding is required to complete this action.

ATTACHMENTS:

1. Petition for Vacation of Right of Way
2. Resolution
3. Notice of Hearing
4. Easement
5. Exhibit "A" Legal and Sketch
6. Map