

RESOLUTION 2020-35

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, APPROVING QUIT-CLAIM DEED AND DEED RESTRICTIONS FROM PHILIP SMITHIES, OWNER OF LOT 1, BLOCK 1, FOURTH BAYSIDE ADDITION BLOCK 2 PARTIAL REPLAT, AS RECORDED IN PLAT BOOK 92, PAGE 14, PUBLIC RECORDS OF PINELLAS COUNTY FLORIDA, AND JANE W HELINGER, TRUSTEE OF THE HELINGER REVOCABLE TRUST, U/T/D OCTOBER 14, 1996, OWNER OF LOT 1, BLOCK 3, BAYSIDE FOURTH ADDITION TO ST. PETERSBURG BEACH, AS RECORDED IN PLAT BOOK 31, PAGE 7, PUBLIC RECORDS OF PINELLAS COUNTY FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of St. Pete Beach has numerous street-ends that access the Gulf Beach or Boca Ciega Bay; and

WHEREAS, the Comprehensive Plan states that the City shall continue to maintain the community's open space; and

WHEREAS, the owners of the properties abutting the 80th Avenue street-end, which runs east from Boca Ciega Drive to the Intracoastal Waterway, have made request to waive any right to vehicular access over the street-end and convey the fee title to the underlying street-end to the city and offered the appropriate documentation to effect such conveyance; and

WHEREAS, the City has agreed on the deed restrictions in the deed of conveyance; and

WHEREAS, the Land Development Code provides for the designation of street-ends as ROS/SE-3, for the purpose of recreation/open space, based on the criteria above;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, THAT:

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are true and correct and adopted hereby as findings, purpose and intent of the City Commission.

SECTION 2. The City Commission hereby approves the following described quit-claim deeds and deed restrictions:

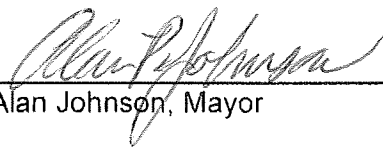
1. Quit-claim deed, from Philip Smithies, owner of Lot 1, Block 1 FOURTH BAYSIDE ADDITION BLOCK 2 PARTIAL REPLAT, recorded in Plat Book 92, Page 14, of the Public Records of Pinellas County, Florida, conveying its right title and interest in 80th Ave – copy of said deed and restrictions attached.

2. Quit-claim deed, from Jane W. Helinger, as Trustee of the HELINGER REVOCABLE TRUST, u/t/d October 14, 1996, owner of Lot 1, Block 3 BAYSIDE FOURTH ADDITION TO ST. PETERSBURG BEACH, recorded in Plat Book 31, Page 7 of the Public Records of Pinellas County, Florida, conveying its right title and interest in 80th Ave – copy of said deed and restrictions attached.

SECTION 3. Effective Date. This resolution shall take effect immediately upon adoption.


PASSED AND APPROVED BY THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, THIS 11th DAY OF AUGUST, 2020.

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.



Alan Johnson, Mayor

ATTEST:

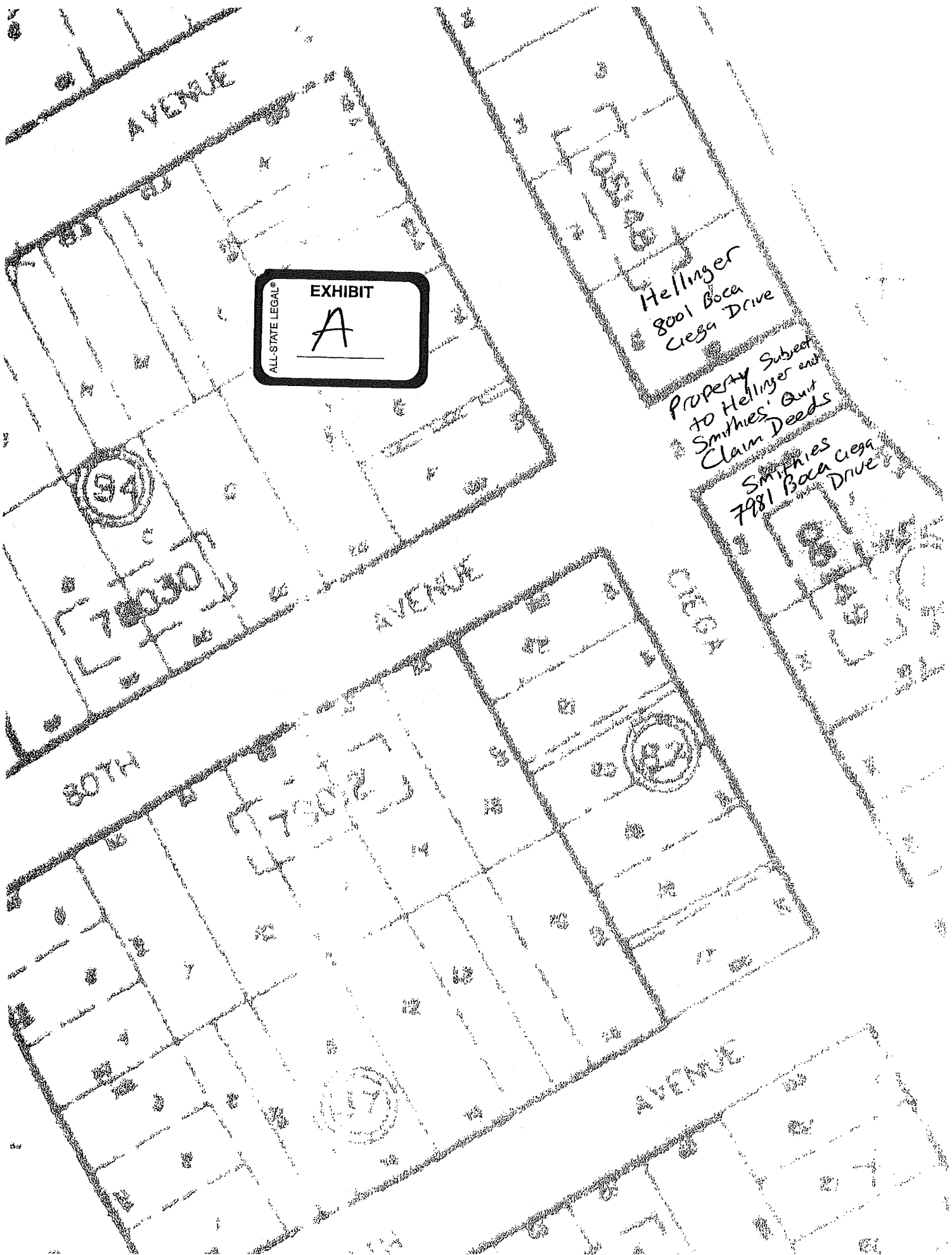


Ginny Keetel-Bodkin, Interim City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Andrew Dickman, City Attorney



AVENUE

Hellinger
8001 Boca
Ciega Drive

Property Subject
to Hellinger and
Smithies' and
Claim Deeds

Smithies
7981 Boca Ciega
Drive

ALL-STATE LEGAL
EXHIBIT
A

54

79030

AVENUE

31ST

30TH

79022

79021

AVENUE

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2020260419 09/01/2020 09:19 AM
OFF REC BK: 21146 PG: 1861-1864
DocType:DEED RECORDING: \$35.50

Prepared by and return to:
Paul C. Grivas, Esq.
350 Corey Ave.
St. Pete Beach, FL 33706
727-363-6100

Quit Claim Deed

This Quit Claim Deed made this 11th day of August, 2020 between JANE W. HELINGER, as Trustee of the HELINGER REVOCABLE TRUST, u/t/d October 14, 1996, whose address is 8001 Boca Ciega Drive, St. Pete Beach, Florida 33706, Grantor, and CITY OF ST. PETE BEACH, Pinellas County, in the State of Florida, whose address is 155 Corey Avenue, St. Pete Beach, Florida 33706, Grantee:

Witnesseth, that Grantor is the owner and has fee simple title to the property described as:

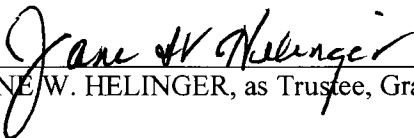
Lot 1, Block 3 BAYSIDE FOURTH ADDITION TO ST. PETERSBURG BEACH, according to the map or plat thereof recorded in Plat Book 31, Page 7.

And that Grantor does hereby give, subject to the Deed Restrictions Attached as Exhibit "B" and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, remise, release, and quitclaim to the said Grantee, and Grantee's heirs and assigns forever, all the right, title, interest, claim, including the right of ingress and egress over and demand which Grantor has in and to the following described non-homesteaded land, situate, lying and being in Pinellas County, Florida to-wit:

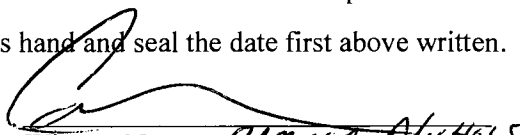
Beginning at the northwest corner of Lot 1, Block 1 FOURTH BAYSIDE ADDITION BLOCK 2 PARTIAL REPLAT, according plat thereof recorded in Plat Book 92, Page 14, then approximately 99.5 feet along the border of Lot 1, Block 1 to the shores of Boca Ciega Bay, then north northwest along Boca Ciega Bay to the southeast corner of Lot 1, Block 3 BAYSIDE FOURTH ADDITION TO ST. PETERSBURG BEACH, according to the map or plat thereof recorded in Plat Book 31, Page 7, then approximately 99 feet along the border of Lot 1, Block 3, and then south southeast 60 feet along Boca Ciega Drive to the northwest corner of Lot 1, Block 1.

Such property being graphically depicted on Exhibit "A" attached hereto and made a part hereof.

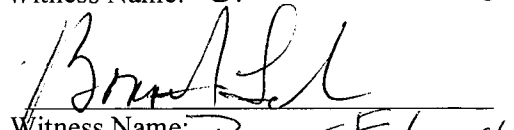
In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the date first above written.



JANE W. HELINGER, as Trustee, Grantor



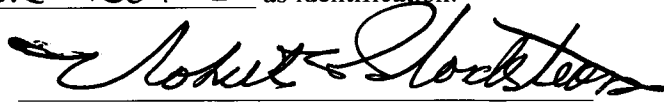
Witness Name: CAMILLE NICHOLS



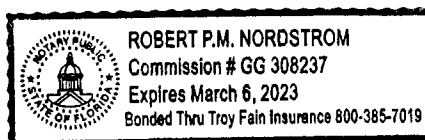
Witness Name: BONNIE F. LYNCH

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of physical presence or _____ online notarization, this 26th day of August 2020, by JANE W. HELINGER, who is personally known to me or has produced FL DRIVER LICENSE as identification.



Notary Public-State of Florida



ALL-STATE LEGAL®
EXHIBIT
A

Hellinger
8001 Boca
Ciega Drive

Property Subject
to Hellinger and
Smithies' Joint
Claim Deeds

Smithies
7981 Boca Ciega
Drive

AVENUE

AVENUE

CIEGA

AVENUE

79030

80TH

79022

94

92


97

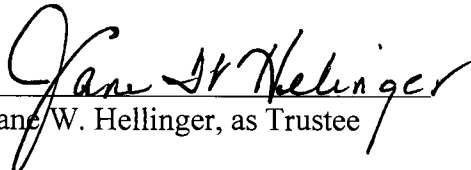
Exhibit "B"
DEED RESTRICTIONS
(Restrictive Covenant and Use Limitations)

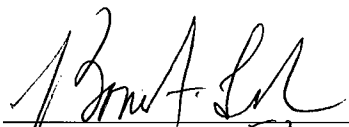
The possession, occupancy and use of the Property shall be subject to and governed by the restrictions and limitations stated below (collectively the "Restrictions"), which Restrictions shall be deemed to run with the land and shall be binding upon and inure to the benefit of Grantor and Grantee, and their respective assignees and successors in interest and all persons and parties who shall enter upon or come onto the Property:

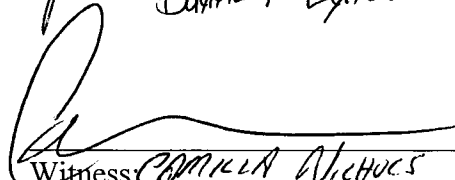
1. **Permitted Use:** The Property may be occupied and used only for the purposes stated below (herein collectively referred to as the "Permitted Uses"):
 - 1.1 Unimproved open space
 - 1.2 Pedestrian access (ingress and egress) to the intracoastal waterway and the placement, construction and maintenance of improved walkways for such access purposes, including the existing improved and paved pedestrian walkway which does not appear to be within ten (10) feet of the boundary line of either adjacent property (Lot 1, Block 3 BAYSIDE FOURTH ADDITION TO ST. PETERSBURG BEACH, according to the map or plat thereof recorded in Plat Book 31, Page 7 of the Public Records of Pinellas County, Florida and Lot 1, Block 1 FOURTH BAYSIDE ADDITION BLOCK 2 PARTIAL REPLAT, according plat thereof recorded in Plat Book 92, Page 14, of the Public Records of Pinellas County, Florida) (herein referred to as the "Residential Buffer Areas"). The Residential Buffer Areas shall not be used for pedestrian access by the placement, construction and maintenance of improved walkways; and
 - 1.3 The placement and maintenance by Grantee of indigenous (native) plants, trees and landscaping elements.
 - 1.4 Subject to the approval of the Grantee, the Grantor may install and maintain a landscape buffer within the Residential Buffer Areas, which area shall not be used by the Grantee for any of the permitted uses authorized by the Deed Restrictions. In the event that the Grantor installs an approved landscape buffer, it shall be maintained by the Grantor at the same standard established by the City for the maintenance of other landscaped areas within public street-ends. Whether Grantor meets the standard of maintenance for the landscaped buffer shall be at the discretion of the City manager. If Grantor fails to meet the standard of maintenance, upon thirty (30) day written notice of deficiency and Grantor's failure to remedy the deficiency, the City may remove the landscape buffer and replace it with landscaping that is deemed appropriate to meet the use established for this street-end.
 - 1.5 The placement and maintenance by Grantor of a stone walkway from Grantor's lot to the existing intracoastal access.

- 2 **Prohibited Use:** All uses and activities not specifically permitted pursuant to Section 1 shall be prohibited upon the Property, including but not limited to:
- 2.1 Any operation or parking of motor vehicles, except temporary operation of motor vehicles by employees or designees of the City of St. Pete Beach for maintenance purposes;
- 2.2 No portion of the Property shall be paved, except that Grantee shall be permitted to construct and maintain an improved walkway for pedestrian use for access to the intracoastal, provided that such walkway shall not be placed within the Residential Buffer Areas. Grantee may continue to maintain those portions of the existing pedestrian walkway, if any, that encroach into the Residential Buffer Areas;
- 2.3 No buildings, structures or other improvements shall be constructed or otherwise placed upon the Property, unless first approved, in writing by the owners of record of both of the adjacent properties;
3. **Maintenance:** The Property shall be maintained in a reasonably good and clean condition, free from accumulation of litter and debris.
4. **Temporary Use Reservation:** Grantor reserves and shall have the right to temporary use of such portion of the Property as may be reasonably required for the delivery and application of materials, labor and services during construction of a single family home, with related amenities and improvements, upon either of the adjacent properties, subject to and conditioned on the following requirements being fully satisfied: 1) Grantor shall not cause or permit any damage to the Property which shall not be corrected, in a timely manner, at Grantor's expenses; and 2) Grantor shall not cause or permit any disturbance of sand dunes or existing indigenous (native) vegetation in violation of any environmental protection law, ordinance or regulation; and 3) Grantor shall not cause or permit any use of the Property which would violate any ordinance of the City of St. Pete Beach. The term of the temporary use reservation shall be eighteen (18) months commencing on the date Grantee receives written notice from Grantor.
5. **Enforcement:** All Restrictions stated herein shall bind the successors in interest to the parties.


Philip Smithies


Jane W. Hellinger, as Trustee


Witness: Bonnie F. Lyne


Witness: Camilla Nichols

KEN BURKE, CLERK OF COURT
AND COMPTROLLER PINELLAS COUNTY, FL
INST# 2020260418 09/01/2020 09:19 AM
OFF REC BK: 21146 PG: 1857-1860
DocType:DEED RECORDING: \$35.50

Prepared by and return to:
Paul C. Grivas, Esq.
350 Corey Ave.
St. Pete Beach, FL 33706
727-363-6100

Quit Claim Deed

This Quit Claim Deed made this 11th day of August, 2020 between PHILIP SMITHIES, a single man, whose address is 7981 Boca Ciega Drive, St. Pete Beach, Florida 33706, Grantor, and CITY OF ST. PETE BEACH, Pinellas County, in the State of Florida, whose address is 155 Corey Avenue, St. Pete Beach, Florida 33706, Grantee:

Witnesseth, that Grantor is the owner and has fee simple title to the property described as:

Lot 1, Block 1 FOURTH BAYSIDE ADDITION BLOCK 2 PARTIAL REPLAT, according plat thereof recorded in Plat Book 92, Page 14, of the Public Records of Pinellas County, Florida.

And that Grantor does hereby give, subject to the Deed Restrictions Attached as Exhibit "B" and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, remise, release, and quitclaim to the said Grantee, and Grantee's heirs and assigns forever, all the right, title, interest, claim, including the right of ingress and egress over and demand which Grantor has in and to the following described non-homesteaded land, situate, lying and being in Pinellas County, Florida to-wit:

Beginning at the northwest corner of Lot 1, Block 1 FOURTH BAYSIDE ADDITION BLOCK 2 PARTIAL REPLAT, according plat thereof recorded in Plat Book 92, Page 14, then approximately 99.5 feet along the border of Lot 1, Block 1 to the shores of Boca Ciega Bay, then north northwest along Boca Ciega Bay to the southeast corner of Lot 1, Block 3 BAYSIDE FOURTH ADDITION TO ST. PETERSBURG BEACH, according to the map or plat thereof recorded in Plat Book 31, Page 7, then approximately 99 feet along the border of Lot 1, Block 3, and then south southeast 60 feet along Boca Ciega Drive to the northwest corner of Lot 1, Block 1.

Such property being graphically depicted on Exhibit "A" attached hereto and made a part hereof.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the date first above written.

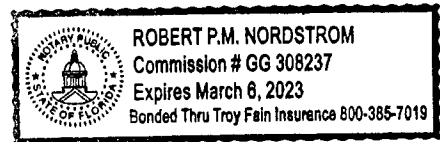
Philip Smithies
PHILIP SMITHIES, Grantor
Philip Smithies

Bonnie Lynca
Witness Name: BONNIE LYNCA
Camilla Nichols
Witness Name: CAMILLA NICHOLS

STATE OF FLORIDA
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me by means of physical presence or _____ online notarization, this 18th day of August 2020, by PHILIP SMITHIES, who is personally known to me or has produced FL DRIVER LICENSE as identification.

Robert P.M. Nordstrom
Notary Public-State of Florida



ALL-STATE LEGAL®
EXHIBIT
A

AVENUE

CEGA DRIVE

Hellinger
8001 Boca
Cega Drive

Property Subject
to Hellinger and
Smithies' Joint
Claim Deeds

Smithies Cega
7981 Boca Drive

34

79030

AVENUE

CEGA DRIVE

BOTH

79022

32

37

AVENUE

Exhibit "B"
DEED RESTRICTIONS
(Restrictive Covenant and Use Limitations)

The possession, occupancy and use of the Property shall be subject to and governed by the restrictions and limitations stated below (collectively the "Restrictions"), which Restrictions shall be deemed to run with the land and shall be binding upon and inure to the benefit of Grantor and Grantee, and their respective assignees and successors in interest and all persons and parties who shall enter upon or come onto the Property:

1. **Permitted Use:** The Property may be occupied and used only for the purposes stated below (herein collectively referred to as the "Permitted Uses"):
 - 1.1 Unimproved open space
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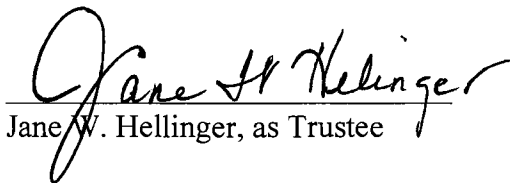
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5. **Enforcement:** All Restrictions stated herein shall bind the successors in interest to the parties.



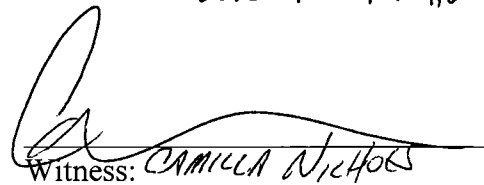
Philip Smithies



Witness: ROBERT P.M. NORDSTROM



Jane W. Hellinger, as Trustee



Witness: CAMILLA NICHOLS

Keri Nelson

From: Wesley Wright
Sent: Monday, August 10, 2020 9:48 AM
To: Keri Nelson
Subject: RE: Res 2020-35 Quit Claim deeds

Will do, once received.

Thank you.

Wesley Wright
Community Development Director
St. Pete Beach FL 33706
(727) 363-9265

Online Application Submittal:
[Building Permit Online Application](#)
[Building Permit Inspection Request](#)
[Business Tax Receipt Online Application](#)
[Parking Online Application](#)

From: Keri Nelson <knelson@stpetebeach.org>
Sent: Monday, August 10, 2020 9:08 AM
To: Wesley Wright <wwright@stpetebeach.org>
Cc: Ginny Bodkin <gbodkin@stpetebeach.org>
Subject: Res 2020-35 Quit Claim deeds

Hi Wesley,
Please provide executed copies of the attached to file with the Resolution.

Thank you,
Keri

Keri A. Ferenc Nelson
Office of the City Clerk | City of St. Pete Beach
155 Corey Ave. | St. Pete Beach, FL 33706

O: 727.363.9201 | www.stpetebeach.org

Download SPBConnect at www.stpetebeach.org/spb-connect.html

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



CERTIFICATE OF COMPLIANCE WITH ROS/SE-3 REQUIREMENTS

This is to certify that the property located at 7981 Boca Ciega Dr and described as: Lot 1, Block 1 FOURTH BAYSIDE ADDITION BLOCK 2 PARTIAL REPLAT, according plat thereof recorded in Plat Book 92, page 14, of the Public Records of Pinellas County, has complied with all requirements of the City of St. Pete Beach for the designation of the 80th Avenue east from Boca Ciega Drive to the Intracoastal Waterway street end to ROS/SE-3 Recreation Open Space/Street End-3 District.

In consideration of the above, the owner of the property, and all his successors and assigns, will be granted the following additional Development Rights under Section 18.19 of the Land Development Code which replace any requirements in conflict herewith.

Sec. 18.19. - Regulations pertaining to properties abutting street-ends designated ROS/SE-3.

At the time the street-end abutting owner conveys the fee title to the underlying street-end, the city manager shall issue a certificate of compliance which shall be recorded in the property file on the property. The development rights granted hereunder shall run with the land.

Except as otherwise provided in this section, residential development or use of properties abutting street-ends designated ROS/SE-3 shall comply with the district requirements applicable to the property. Special regulations specific to such properties are as follows:

- (a) The maximum land coverage by structure, as stated in the district regulations, shall not be applicable; however, the development shall provide a minimum of 30 percent of the lot area as green space. Such green space shall be in addition to any part of the lot or property west of the St. Pete Beach Coastal Construction Line.
- (b) The minimum side yard setback from the property line abutting an ROS/SE-3 street-end that terminates at the Gulf of Mexico beach shall be two feet.
- (c) The minimum side yard setback from the property line abutting an ROS/SE-3 street-end that terminates at Boca Ciega Bay or Blind Pass Channel shall be two feet.
- (d) One bay window not to exceed 20 feet in width shall be allowed to project up to two feet into the side yard setback adjacent to the ROS/SE-3 street-end, but in no case shall such window project over the property line. Such bay window shall not be permitted to extend below the required finished floor elevation of the structure.
- (e) Fences up to six feet in height shall be permitted along the entire property line adjacent to the ROS/SE-3 district except within the front yard.

8/12/20

Date

City Manager



**CERTIFICATE OF COMPLIANCE
WITH ROS/SE-3 REQUIREMENTS**

This is to certify that the property located at 8001 Boca Ciega Dr and described as: Lot 1, Block 3 BAYSIDE FOURTH ADDITION TO ST. PETERSBURG BEACH according to the map or plat thereof recorded in Plat Book 31, Page 7, has complied with all requirements of the City of St. Pete Beach for the designation of the 80th Avenue east from Boca Ciega Drive to the Intercoastal Waterway street end to ROS/SE-3 Recreation Open Space/Street End-3 District.

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- (b) The minimum side yard setback from the property line abutting an ROS/SE-3 street-end that terminates at the Gulf of Mexico beach shall be two feet.
- (c) The minimum side yard setback from the property line abutting an ROS/SE-3 street-end that terminates at Boca Ciega Bay or Blind Pass Channel shall be two feet.
- (d) One bay window not to exceed 20 feet in width shall be allowed to project up to two feet into the side yard setback adjacent to the ROS/SE-3 street-end, but in no case shall such window project over the property line. Such bay window shall not be permitted to extend below the required finished floor elevation of the structure.
- (e) Fences up to six feet in height shall be permitted along the entire property line adjacent to the ROS/SE-3 district except within the front yard.

e/12/20

Date

City Manager