



**AGENDA
LOCA PLANNING AGENCY
THURSDAY, JANUARY 23, 2020
5:30 PM
DESTIN CITY HALL BOARDROOM**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. January 9, 2020 Minutes**
- 4. NEW BUSINESS**
 - A. Ordinance 20-07-CN**
- 5. DIRECTOR'S REPORT**
- 6. NEXT MEETING DATE: TBD**
 - A. February 27, 2020**
- 7. ADJOURNMENT**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

DRAFT

**LOCAL PLANNING AGENCY SPECIAL MEETING MINUTES
JANUARY 9, 2020 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Special meeting to order on Thursday, January 9, 2020 at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Darryl Shelton
Don David
Jason Klosterman
Corey Ledbetter

Member Absent

Kevin Schmidt

Staff Members Present

Kim Montgomery, Deputy City Clerk
Lauren Witt, Planning Manager
Traci Goodhart, Planner
Louis Zunguze, Community Dev. Director
Michael Burgess, Public Services Director
Kyle Bauman, City Attorney
Kate Henderson, City Attorney Associate

3. NEW BUSINESS:

➤ **Evaluation and Appraisal Report (EAR)**

ORDINANCE NO. 20-01-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING CHAPTER 6 OF THE CITY OF DESTIN'S COMPREHENSIVE PLAN, "COASTAL MANAGEMENT ELEMENT"; PROVIDING UPDATES TO THE COASTAL MANAGEMENT ELEMENT PURSUANT TO STATE LAW; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

According to Mr. Zunguze, the action that they are tasked tonight it to move the Evaluation and Appraisal Report (EAR) forward, as required by the State to be assessed every 7-years. He explained further that staff will be presenting to them a chapter at a time and their current review is for Chapter 6, Coastal Management Element.

Mrs. Goodhart asked the members if they had any additional questions from the presentation that she presented to them at their last meeting or if the felt they needed to see it again. According to the Chairman, he feels that there is no need to repeat showing it since there are no changes.

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The City Attorney Associate read the ordinance by title into the record.

The Chairman opened the Hearing to the public for comment. With no one coming forward to speak, he closed the public and asked the Agency members for any comments or a motion.

Agency member Shelton made the recommended motion that the City Council approve Ordinance 20-01-LC on first reading with Agency member Ledbetter providing the second. A roll call vote of 5-0 was taken and the motion passed.

Chairman Wood inquired as to what the next steps were. According to Mr. Zunguze, staff will present the ordinance to Council for the first reading then it will be transmitted to the State for their formal review and then it will be sent back for Council's second reading and adoption.

4. DIRECTOR'S REPORT:

Mr. Zunguze reminded the Agency members that they have another meeting next week to review and recommend the adoption of three more ordinances. And another meeting on the 23rd where they will be considering a request to vacate a portion of the right-of-way on Harbor Lane. Additionally, he informed the members that starting in February, staff will start scheduling two meeting a month for the rest of the year, because of their additional tasks of reviewing and making recommendations for any Conditional Use requests that may come in. He also informed the members that staff will be taking the new updated Future Land Use Map to Council for their consideration and formal adoption in February.

Chairman Wood inquired about the new hurricane evacuation routes in the EAR plan. According to Mr. Burgess, the most important aspect of the report is ensuring the bridges are officially closed when the wind speeds reach sustained level of 45mph and getting the approval to open both lanes up on the Mid-Bay Bridge for northbound traffic to allow for northbound evacuations. He reported that in 2019 staff reached out to all of the Condominium Association Managers and short term rental agencies and gathered their emergency contact information so in the event of storm, they can be properly notified of any new and updated information as it's received. He also spoke of the different social media platforms that the Public Information Manager uses to get the information out to the citizens at that level as well.

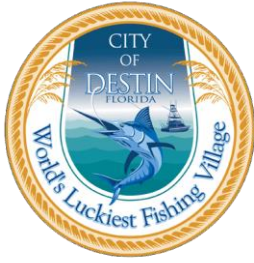
5. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 6:10 p.m.

Adopted and approved this _____ day of _____ 2020.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk



COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

LPA MEETING DATE: January 23, 2020

TYPE OF AGENDA ITEM: Staff Report and Recommendation

TO: Local Planning Agency

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, City Land Use Attorney
John B. Geurin, P. E., City Engineer

FROM: Joe Bodi, Engineering Assistant II

DATE: January 14, 2020

SUBJECT: Proposed Ordinance No. 20-07-CN, Right-of-Way Vacation at 604 Harbor Lane

REQUEST: The applicant is requesting the vacation of a meandering portion (0.05 acres) from Harbor Lane public right-of-way for property access purposes.

BACKGROUND:

Applicant: R. Timothy Krueger Revocable Trust

Name of Agent: Timothy Kreuger

Location: Contiguous with 604 Harbor Lane.

Size of Property: 0.05 acres

Parent Parcel ID Number: 00-2S-22-2160-0008-0010

Legal Notice: Abutter notices were sent to all property owners within a 300' radius on January 9, 2020. The request was submitted for publication in the Destin Log and Northwest Florida Daily News on January 6, 2020 with a publication date of January 11, 2020 and January 18, 2020.

DISCUSSION: According to the Land Development Code (LDC), Section 8.01.00. D.2 the Local Planning Agency (LPA) shall provide a recommendation on the application to City Council. The LPA, in order to make a positive recommendation to City Council, must find the following four (4) requirements be met.

1. The requested vacation is consistent with the comprehensive plan.

Staff Review: The proposed vacation is a small parcel of land and will not block public access to Joe's Bayou and does not conflict with the Comprehensive Plan. The requested area for vacation does not reduce water frontage to Joe's Bayou currently owned by the City per Policy 7-1.1.10: Improve Existing Access Points to Joe's Bayou. There are no current policies in Chapter 2 Transportation governing or prohibiting vacating a partial segment of right-of-way near the end of a roadway. The ROW cannot be extended from its current end. If approved, the Future Land Use and Zoning of the surrounding area will apply to the new parcel.

2. The ROW does not provide the sole access to any property. Remaining access shall not be by easement.

Staff Review: Access is only to the adjoining property. No ingress and egress easement is required for any other property. The remaining ROW in the vacated area would be designated as two-way alley in this area to meet minimum code widths outlined in Article 8, Table 8-1.

3. The vacation would not jeopardize the current or future location of any utility.

Staff Review: All of the utility agencies have submitted letters of approval identifying no significant impact as a result of this vacation however, several have requested easements.

4. The proposed vacation is not detrimental to the public interest.

Staff Review: Currently the proposed portion of right-of-way to be vacated, does not close public water access to Joe's Bayou and can be used for ingress and egress by the applicant and their guests.

In accordance with LDC, Section 8.01.00.D. 1.f. & g. the city has received letters of approval from the following agencies:

Destin Fire Control District	AT & T Communications
Gulf Power Company	NuVox Communications (Windstream)
Destin Water Users Inc.	Embarq Communications
Okaloosa Gas Company	Cox Communications
Property Appraiser Office	Destin Recreation Department
Destin Public Services Department	Destin Community Development Department

Several utility companies have requested utility easements should the request be granted.

PUBLIC COMMENTS: All public comment received by Staff prior to the agenda publication date has been included in the LPA's meeting materials. Staff will bring forward any additional comments received prior to the LPA meeting as a separate additional submittal.

CONCLUSION: The applicant meets all four (4) criteria for granting the request per LDC, Section 8.01.00.D. 1 & 2. The remaining ROW in the vacated area would meet the minimum code widths and would be designated as two-way alley.

STAFF RECOMMENDATION: Staff recommends that the LPA recommend approval of the request to vacate, abandon, discontinue and close a portion of the Harbor Lane right-of-way, with the condition that the applicant record a Unity of Title for the primary parcel and the newly vacated right-of-way.

RECOMMENDED MOTION: I move that the LPA recommend City Council approval of the vacation of a portion of the right-of-way on Harbor Lane, with the condition that the applicant record a Unity of Title for the primary parcel and the newly vacated right-of-way.

Exhibits:

- A. Ordinance 20-07-CN
- B. ROW Vacation Application 20-01
- C. Subject ROW vacation survey
- D. Agency Letters
- E. Citizen Correspondence

ORDINANCE NO. 20-07-CN

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR ABANDONMENT OF A MEANDERING PORTION OF HARBOR LANE RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 1. AUTHORITY: The authority for enactment of this Ordinance is Section 3.10 of the City Charter and Section 166,021, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, In July, 1957, C.L. & Mattie M Kelly dedicated Harbor Lane for a public street by the plat dedication recorded in Plat Book 2, Page 165, in the Official Records of Okaloosa County;

WHEREAS, R. Timothy Krueger Revocable Trust has requested a portion of City right of way and

WHEREAS, The Right-of-Way requested to be vacated is not necessary to the traffic circulation within the City of Destin, nor does the City have, or reasonably expect to have in the future, any public use for the Right-of-Way portion requested for vacation;

WHEREAS, The vacation of this portion of the Right-of-Way is consistent with the Comprehensive Plan;

WHEREAS, The portion of the Right-of-Way requested to be vacated is within the area of the sole access to the property, access to the property from public right of way will not be diminished by the vacation of the requested portion;

WHEREAS, The vacation of the portion of Right-of-Way requested to be vacated would not jeopardize the current or future location of any utility.

WHEREAS, The requested vacation is not detrimental to the public interest;

SECTION 3. VACATION ABANDONMENT, DISCONTINUANCE AND CLOSURE OF RIGHT-OF-WAY.

Based upon the above findings of fact, the City's right-of-way interest and use in the following described property:

COMMENCING AT P.R.M. MARKING THE NORTHEAST CORNER OF LOT 8, SAFE HARBOR, AS RECORDED IN PLAT BOOK 4, PAGE 31, OKALOOSA COUNTY, FLORIDA, SAID POINT ALSO LYING ON THE SOUTH RIGHT OF WAY LINE OF HARBOR LANE WEST (60' PUBLIC R/W); PROCEED ALONG SAID SOUTH RIGHT OF WAY LINE S 80°58'00" W, A DISTANCE OF 64.57 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE S 80°58'00" W, A DISTANCE OF 63.52 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 23.53 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE ON THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 58 DEGREES 20 MINUTES 49 SECONDS, AN ARC DISTANCE OF 23.96 FEET, (CHORD BEARING AND DISTANCE = NORTH 34 DEGREES 13 MINUTES 16 SECONDS EAST, A DISTANCE OF 22.94 FEET), TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 63 DEGREES 23 MINUTES 40 SECONDS EAST, A DISTANCE OF 20.92 FEET; TO THE

POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 114.24 FEET; THENCE ON THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16 DEGREES 54 MINUTES 14 SECONDS, AN ARC DISTANCE OF 33.70 FEET, (CHORD BEARING AND DISTANCE = NORTH 71 DEGREES 50 MINUTES 47 SECONDS EAST, A DISTANCE OF 33.58 FEET), TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 80 DEGREES 17 MINUTES 54 SECONDS EAST, A DISTANCE OF 35.84 FEET; THENCE SOUTH 07 DEGREES 38 MINUTES 06 SECONDS EAST, A DISTANCE OF 14.77 FEET; THENCE S 80°58'00" W, A DISTANCE OF 26.08; THENCE S 37°22'14" W, A DISTANCE OF 20.30 FEET TO THE POINT OF BEGINNING. ALL LYING AND BEING IN UN-SECTIONALIZED TOWNSHIP 2 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA CONTAINING 0.05 ACRES, 2,001.4 SQUARE FEET.

is hereby vacated, abandoned, discontinued and closed and the City of Destin hereby waives, releases, and abandons all its right, title, and interest and renounces and disclaims all rights and obligations of the City and the Public in and to said right-of-way.

SECTION 4. SEVERABILITY. Should any section or provision of this Ordinance, or any portion thereof, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part hereof, other than the part declared to be invalid.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approval by council and signature of the Mayor.

SO DONE THIS ____ DAY OF _____ 2020.

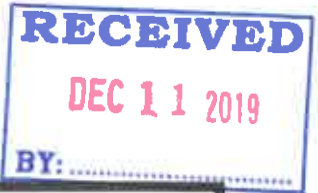
By: _____
Gary Jarvis, Mayor

ATTEST

Rey Bailey, City Clerk

The form and content of the above Ordinance is hereby approved for legal sufficiency.

Kimberly Romano Kopp, City Land Use Attorney



City of Destin, Florida

PUBLIC SERVICES DEPARTMENT

4200 Indian Bayou Trail
Destin, Florida 32541
Phone (850)-837-4242
www.cityofdestin.com

RIGHT-OF-WAY VACATION APPLICATION

RVAC 20 - 01

A pre-application meeting is required prior to the submittal of a Right-of-Way Vacation Application. If the applicant has not had a pre-application meeting prior to submittal, the application will be found incomplete! Contact the Public Services Department to schedule a pre-application meeting at (850) 837-4242.

General Guidance for Applicant

This application must be completed (please type or legibly print) and resubmitted, with all requirements herein, to the Public Services Department, City Hall, City of Destin no later than the first Monday of the month preceding the month of the Hearing request. This application will be forwarded to the Local Planning Agency (LPA) for their recommendation, then to the City Council for action. The applicant will be advised of the date and time of the public hearing before the LPA and City Council. The applicant must appear at the public hearing or be represented by an authorized agent or attorney for the LPA and City Council to take action on the application. The application will be terminated or tabled for failure to appear at a scheduled public hearing, without first providing written notice to the Public Services Department. If you designate an agent or attorney to represent you in this application, you must submit a completed Agent Affidavit in a form approved by the City.

The applicant is fully responsible for researching and knowing any and all laws, which may be applicable and affect the outcome of the any decision on the application request. The City assumes no responsibility or liability relating to the failure to research and know all applicable laws including, but not limited to, state, federal and city laws, codes, land development regulations and comprehensive plan. The City strongly recommends that all applicants consider consulting an attorney regarding their application.

The applicant is encouraged to review, the rules and procedures used by the LPA and City Council at the public hearings.

Applications are processed once a month. Applications shall be submitted by the 1st Monday of the month to be processed for that month.

The Public Services Department shall determine if application is complete. **Incomplete applications shall not move forward in the process until a complete application is submitted.**

The Public Services Director shall write a completion letter to the applicant representative within 21 calendar days of submittal. The letter will report on the determination of the application completeness and advertising dates of the next available Local Planning Agency (LPA) meeting.

LPA hearings are scheduled for the first Thursday of each month at 5:30 p.m. in the Destin City Council Chambers unless otherwise notified. This step takes 30 to 45 days.

It is the responsibility of the applicant representative to attend the LPA meeting.

Public Services staff shall write a letter to the applicant representative to report on the LPA's determination of the application and the advertising dates of the next City Council meeting. This step also takes 45 to 60 days.

All City Council hearings are scheduled for the first or third Monday of each month at 6:00 p.m. in the Destin City Council Chambers unless otherwise notified.

NOTE: The entire process can take approximately 4 months (126 days) from start to finish, provided there are no delays.

The Applicant will be responsible for all expenses for advertising, mailing and cost recovery for outside consultants.

General Information Regarding Public Hearings

The applicant, the applicant's representative as stated on the application, or the applicant's attorney should appear at the public hearing. If photographs, documents, maps or other materials are provided to the Local Planning Agency (LPA) or City Council as evidence at the public hearing, you will need to leave those instruments with the Secretary. By law those instruments automatically become part of the public records and cannot be returned to you.

1. **APPLICANT:** R. Timothy Krueger, Trustee of the R. Timothy Krueger Revocable Trust dated January 17, 2000
(as shown on deed or Articles of Incorporation)

Applicant's Address: 604 Harbor Lane

City: Destin

State: FL

Zip Code: 32541

Home Phone number: 850-803-1500

Business Phone number: 850-269-7003

Fax number: 850-391-1735

Email: Tim_Krueger@ml.com

2. **FIRST OWNER (adjacent to proposed vacation):** R. Timothy Krueger, Trustee of the R. Timothy Krueger Revocable Trust dated Jan

Mailing Address: 604 Harbor Lane

City: Destin

State: FL

Zip Code: 32541

Work Phone Number: 850-269-7003

Home Phone Number: 850-803-1500

Fax Number: 850-391-1735

3. **SECOND OWNER (adjacent to proposed vacation):**

Mailing Address:

City:

State:

Zip Code:

Work Phone Number:

Home Phone Number:

Fax Number:

NOTE: The application must include all pertinent information (Name, address, phone numbers, etc...) for all owners of land affected by this application. If the space provided above is not sufficient to list all of the owners then, the additional information must be provided on a separate sheet(s).

4. **SPECIFIC LOCATION OF SUBJECT PROPERTY AFFECTED BY THIS APPLICATION:**

Township: 2S

Range: 22

Tax Parcel I. D. #: 00-2S-22-2160-0008-0010

Lot: 8

Block:

Plat Book: 4

Page Number: 31

Subdivision Name: Safe Harbor

5. **SITE DETAILS:**

Total acreage of the right-of-way area to be vacated: .05

Name of right-of-way (street) to be vacated: Harbor Lane

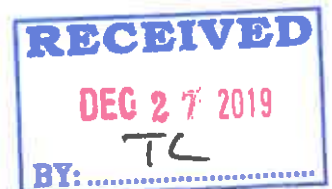


6. **APPLICANT'S REQUEST (Purpose of Vacation):** Partial vacation of right-of-way for
construction of a driveway for ingress and egress to the applicant's home.

7. **THE FOLLOWING ITEMS ARE REQUIRED TO COMPLETE THE APPLICATION AND MUST BE ATTACHED:**

1. **Completed Application** - The applicant must fill out all applicable areas of the application. The application must be submitted to the Public Services Department. The department is located in City Hall, which is located at 4200 Indian Bayou Trail, Destin.
2. **Proof of Ownership** - The affidavit of ownership must be executed, notarized, and submitted. A letter of authorization is required if the applicant is other than the owner.
3. **Agent Affidavit / Special Power of Attorney** (if applicable) - If the applicant is other than the owner of the property under consideration for review.
4. **Boundary Survey** (if applicable) - A Boundary Survey is required where a metes and bounds legal description is necessary to vacate a right-of-way. The Public Services Director requires the Boundary Survey; the Survey shall be certified to the City and shall indicate that the City of Destin owns the right-of-way. The survey must also indicate the location of the street in question, the surrounding parcels that will be affected by said street vacation (e. g. parcels abutting the portion of the street requested to be vacated; parcels using the portion of the street that is vacated for ingress and egress), any and all easements of record located on the portion of the right-of-way requested to be vacated (utility, drainage, electric, etc...) and a **complete legal description** of the portion or entire section of the street to be vacated.
5. **Ownership and Encumbrance Report with all Attachments** - The Ownership and Encumbrance Report must indicate the portion of the right-of-way that is to be vacated and must be certified by an established Title Company. The Ownership and Encumbrance Report must indicate that the City of Destin owns or holds dedication to the right-of-way.
6. **List of Abutting Property Owners** - The abutting property list affidavit must be executed by a representative of the Okaloosa County Property Appraiser's Office, notarized, and submitted. A list of abutting property owners of record within three hundred (300) feet of the subject property may be obtained at:

OKALOOSA COUNTY PROPERTY APPRAISER'S OFFICE
MAPPING DEPARTMENT
151 NE EGLIN PKWY SUITE D
FORT WALTON BEACH, FLORIDA 32548
(850)-651-7240



FROM PREVIOUS
REQUEST WITH
UPDATES

7. **Approval Letters** - Letters from the following officials approving, stating no objection, or recommending denial for a reason:

- ☒ A. Destin Fire Control District
- ☒ B. Destin Water Users, Inc.
- ☒ C. Gulf Power
- ☒ D. Century Link (Embarq) (Sprint)
- ☒ E. AT&T
- ☒ F. Wind Stream (New South Communications)
- ☒ G. Cox Communications
- ☒ H. Okaloosa Gas
- ☒ I. City of Destin Community Development Department
- ☒ J. City of Destin Public Works Department
- ☒ K. City of Destin Recreation Department
- ☐ L. Okaloosa County Property Appraiser – Certificate of Projected Property Value if the property will be placed back onto the tax rolls.
- ☐ M. Okaloosa Public Works Department – If part of or abutting a County property.
- ☐ N. South Walton Utility

8. **Fee*** - \$515.00, Application Fee. Check should be payable to: "City of Destin" and submitted to the Public Services Department.

NOTE: This application must be filled out completely and must be signed by the owner or his designated agent. If the applicant is different than the owner of the subject property, then an agent affidavit is required from the owner of the property that is requesting the vacation. The agent affidavit must be completely filled out and submitted with this application. If the property is in multiple-ownership, then all of the owners or their designated agent(s) must sign this application. All owners of property that will be affected by this application must either sign this application or fill out an agent affidavit.

I HAVE READ THE INFORMATION IN THIS APPLICATION AND HAVE FILLED IN ALL ANSWERS CORRECTLY TO THE BEST OF MY ABILITY.

SIGNATURE: _____

DATE: 27 Dec 19

PRINTED NAME: William L. Kelders

TITLE: POA

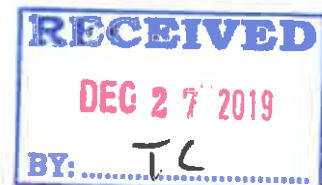
EXTRA OWNER SIGNATURE BLOCKS (to be completed if necessary):

OWNER'S SIGNATURE: _____ DATE: _____

OWNER'S PRINTED NAME: _____

OWNER'S SIGNATURE: _____ DATE: _____

OWNER'S PRINTED NAME: _____



OWNER AFFIDAVIT

STATE OF FLORIDA
COUNTY OF OKALOOSA

I, R. TIMOTHY KRUEGER am presently the owner of the property located at 604 HARBOR LANE, DESTIN, FL, do attest and affirm, to the best of my ability, that the attached application is accurate.

Signed *Name* **of owner**

R. TIMOTHY KRUEGER, Trustee of the R.
Printed name of owner Timothy Krueger Revocable
Trust dated January 17, 2011

Witnessed by:

Signed name

Simona Ondrejková
Printed name

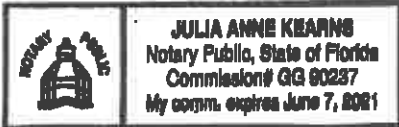
Signed name

Lindsey J Peters
Printed name

STATE OF FLORIDA
COUNTY OF OKALOOSA

**STATE OF FLORIDA
COUNTY OF OKALOOSA**

Sworn to (or affirmed) and subscribed before me, who did take an oath this 11th day of APRIL 2018, by R. TIMOTHY KRUEGER
(name of person making statement)



Signature of Notary - State of Florida

Printed Name of Notary or Notary Seal

JULIA ANNE KEARNS

Personally known ✓ OR Produced Identification

Type of Identification Produced

Prepared By and Return To:
Burke Law and Title, LLC
6346 W. County Highway 30-A
Santa Rosa Beach, FL 32459

Order No.: 16-055

Property Appraiser's Parcel I.D. (folio) Number:
00-2S-22-2160-0008-0010

WARRANTY DEED

THIS WARRANTY DEED dated May 12, 2016, by Deanna N. Allan, a single person, whose post office address is 2132 Mountain View Drive, Birmingham, Alabama 35218 (the "Grantor"), to R. Timothy Krueger, Trustee of the R. Timothy Krueger Revocable Trust dated January 17, 2000, whose post office address is 34990 Emerald Coast Pkwy #400, Destin, Florida, 32541 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Four Hundred Seventy-Five Thousand And No/100 Dollars (\$475,000.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in County of Okaloosa, State of Florida, viz:

Commencing at PRM marking the Northeast corner of Lot 8, SAFE HARBOR, as recorded in Plat Book 4, Page 31, Okaloosa County, Florida; proceed S 80°58'W, 65.27 feet along Safe Harbor Lane to the POINT OF BEGINNING; thence S 30°58'W, 190.0 feet; thence N 61°57'W, 138.0 feet to a point marking Joe's Bayou; thence meander said Bayou N 48°17.9'E, 115.49 feet; thence N 60°58'E, 135.0 feet to the POINT OF BEGINNING.

SAID PROPERTY IS NOT THE HOMESTEAD PROPERTY OF THE GRANTOR(S) UNDER THE LAWS AND CONSTITUTION OF THE STATE OF FLORIDA IN THAT NEITHER GRANTOR(S) NOR ANY MEMBER OF THE HOUSEHOLD OF GRANTOR(S) RESIDE THEREON.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in FEE SIMPLE forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: DECEMBER 31, 2015.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Deanna N. Allan
Deanna N. Allan

Grantor Address:
2132 Mountain View Drive
Birmingham, AL 35216

Signed, sealed and delivered in presence of:

A. William Miller Jr.
Witness Signature

S. Watson Holder, JR.
Printed Name of First Witness

Shawnt Reed
Witness Signature

Shawnt Reed
Printed Name of Second Witness

STATE OF ALABAMA

County OF Jefferson

The foregoing instrument was acknowledged before me this 12th day of May, 2016, by Deanna N. Allan, who (ADL) is personally known to me or (X) has produced the following as identification

Michael H. Bunker
Notary Public

My Commission Expires: 9/25/18



R. TIMOTHY KRUEGER REVOCABLE TRUST AGREEMENT

I, R. TIMOTHY KRUEGER (266-37-7174), of 4077 Indian Bayou N., Destin, Florida, hereby declare myself to be the sole owner and possessor of the above described real and personal property. I have also caused or will cause the death benefits under the insurance policies on my life and the retirement accounts identified in the attached Schedule of Insurance and Retirement Accounts to be made payable to the trustee. The trust property so identified; all rights as beneficiary of those policies and accounts, the proceeds of those policies and accounts when received, any property added to the trust in accordance with the provisions of this instrument, and all investments and reinvestments thereof ("trust principal") shall be held upon the following terms:

ARTICLE ONE

NAME

This instrument, as from time to time amended, may be designated the "R. TIMOTHY KRUEGER REVOCABLE TRUST AGREEMENT" and the initial trust hereby evidenced, as from time to time amended, may be designated the "R. TIMOTHY KRUEGER REVOCABLE TRUST".

ARTICLE TWO

LIFE-TIME DISTRIBUTIONS

Commencing as of the date of this instrument and during my life, the trustee shall administer the trust principal and any net income thereof as follows:

2.1. The trustee shall distribute to me or my spouse, or apply for my or my spouse's benefit, such amounts of net income and principal, even to the extent of exhausting principal, as the trustee believes desirable from time to time for the health, maintenance and support of MARLENE M. KRUEGER ("my spouse") and me, considering all circumstances and factors deemed pertinent by the trustee. Any undistributed net income shall be accumulated and added to principal, as from time to time determined by the trustee.

2.2. In addition, the trustee shall distribute to me or others such amounts of net income and principal as I, being not disabled as determined under Paragraph 2.3 below, may from time to time direct in writing.



5.5. If at any time after my death the trustee shall determine that the trust is of a size that is no longer economical to administer, the trustee, without further responsibility, may (but need not) distribute the trust to my spouse, if then living, or if my spouse is not then living, to those persons named in paragraph 4.6. above.

5.6. The Trustee shall be entitled to reasonable compensation according to the laws of Florida. The compensation of a corporate or professional trustee shall be in accordance with its schedule of fees as in effect at the time the services are rendered. Such compensation may be charged to principal or to income or partly to each in the discretion of the trustee. In the event my estate is not subject to probate and no personal representative is appointed, the trustee shall prepare and file, or cause to be prepared and filed, the federal estate tax return and such other returns as may be necessary. For any such extraordinary services, the trustee shall receive additional compensation.

5.7. The powers and duties of the Trustee hereunder and all questions of interpretation of this agreement shall be governed by the laws of the State of Florida. It is the Grantor's intent that, to the full extent permitted by law, the trusts created herein shall be administered free from supervision and jurisdiction of any court.

ARTICLE SIX

TRUSTEE POWERS

Trustee and successor Trustees shall be governed by the provisions of §737.402 and Chapter 738, Florida Statutes, not in conflict with this instrument, and shall have all additional powers and responsibilities granted and imposed by statute to Trustee at the time of application that are not in conflict with this instrument. In addition, without limiting any common law or statutory authority and without the need to apply to any court, Trustees shall have the following powers and responsibilities:

6.1. To acquire, retain, improve, manage, protect, invest, reinvest, exchange, lease, sell or option to sell, borrow, mortgage, pledge, transfer, and convey trust property, real or personal (including without limitation stocks, bonds, obligations, mortgages, and other securities, and interest in them), on any terms that Trustee deems advisable, even for terms beyond the expected duration of this trust; to open, maintain, and operate a brokerage account (including a margin



Witnesses:

Kandy T. Hunt

Elizabeth Ward

R. Timothy Krueger
R. TIMOTHY KRUEGER

ATTESTATION CLAUSE

On the above date, R. TIMOTHY KRUEGER, known to us to be the person whose signature appears at the end of this Trust Agreement, declared to us, the undersigned, that the foregoing instrument, consisting of twenty-three (23) pages, including the pages on which we have signed as witnesses, was his Trust Agreement. He then signed the Trust Agreement in our presence, and at his request, in his presence and the presence of each other, we now sign our names as witnesses.

Kandy T. Hunt

residing at

1119 Rhonda Drive
Niceville, FL 32578

Elizabeth Ward

residing at

5698 Old Bethel Road
Crestview, FL 32536

STATE OF FLORIDA

COUNTY OF OKALOOSA

We, R. TIMOTHY KRUEGER, Kandy T. Hunt, and Elizabeth Ward,
the Grantor and witnesses, respectively, whose names are signed to the attached instrument,

R. Timothy Krueger

having been sworn, declare to the undersigned officer that R. TIMOTHY KRUEGER, in the presence of these witnesses, signed the instrument as his R. TIMOTHY KRUEGER REVOCABLE TRUST AGREEMENT, and that each of the witnesses, in the presence of R. TIMOTHY KRUEGER and in the presence of each other, signed this Trust Agreement as a witness.

Kandy T. Hunt

Elizabeth Ward

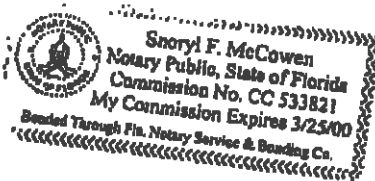
R. TIMOTHY KRUEGER

The foregoing instrument, known as the R. TIMOTHY KRUEGER REVOCABLE TRUST AGREEMENT, was sworn to and subscribed before me this 17th day of January, 2000, by R. TIMOTHY KRUEGER, the Grantor, who produced FL DL #K626-738-58-054-0 as identification, and by Kandy T. Hunt and Elizabeth Ward, the witnesses, who are personally known to me.

Snoryl F. McCowen

Notary Public

My commission expires:



MC

SCHEDULE OF PROPERTY

This schedule is attached to and forms a part of that certain trust agreement executed by R. TIMOTHY KRUEGER and known as the R. TIMOTHY KRUEGER REVOCABLE TRUST AGREEMENT, and identifies the initial trust property held subject to the trust thereunder.

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. Grantor's interest in all other property, real and personal, tangible and intangible.

[REDACTED]

This schedule is attached to and forms a part of that certain trust agreement executed by R. TIMOTHY KRUEGER and known as the R. TIMOTHY KRUEGER REVOCABLE TRUST AGREEMENT, and identifies the initial accounts made payable to the trustee of the trust thereunder.

1. [REDACTED]

[REDACTED]

This schedule is attached to and forms a part of that certain trust agreement executed by R. TIMOTHY KRUEGER and known as the R. TIMOTHY KRUEGER REVOCABLE TRUST AGREEMENT, and identifies the initial insurance policies and retirement accounts made payable to the trustee of the trust thereunder.

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]

**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, RTIMOTHY KRUEGER am presently the owner and/or leaseholder at 604 HARBOR LN DESTIN FL and desiring to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do make, constitute and appoint William L. Hetchard whose address is 1241 Airport St SE Destin, County of Okaloosa State of Florida, my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as my agent in any and all matters pertaining to right of way location permits

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing lawfully done hereunder by the said attorney shall be binding on me and my heirs, legal and personal representative, and assigns.

PROVIDED, however, that any and all transactions conducted hereunder for me or for my account shall be transacted in my name, and that all endorsements and instruments executed by the said attorney for the purpose of caring out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "Attorney-in-Fact".

Signed name of owner

Printed name of owner

Witnessed by:

Signed name

Printed name

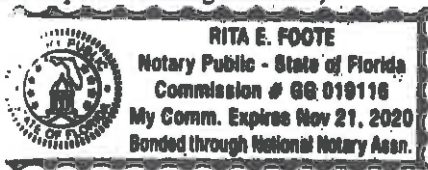
Signed name

Printed name

STATE OF FLORIDA
COUNTY OF OKALOOSA

STATE OF FLORIDA
COUNTY OF OKALOOSA

Sworn to (or affirmed) and subscribed before me, who did take an oath this 10th day of December, 20 19, by Roger T. Krueger, who did take an oath.
(name of person making statement)



Signature of Notary - State of Florida

Printed Name of Notary or Notary Seal

Personally known _____ OR Produced Identification _____

Type of Identification Produced FDL





CITY OF DESTIN CHECKLIST H – RIGHT-OF-WAY VACATION REQUIREMENTS

This checklist should be followed when reviewing Right-of-Way Vacation Applications distributed to the Community Development Department, Planning Division, by the Department of Public Works for formal comment.

RIGHT OF WAY VACATION REVIEW PROCESS (Article 8, Section 8.01.00., Land Development Code).

I. _____ Receive complete Right of Way Vacation application from the Public Works Department for review and comment.

II. _____ All right of way vacation applications submitted for Community Development Department Planning Division review shall include the following information:

A. CONTACT INFORMATION

1. ☒ Name of Property Owner
2. ☒ Property Owner Contact Information (including mailing address, telephone number, and e-mail address)
3. _____ Name of Authorized Agent (if applicable)
4. ☒ Authorized Agent Contact Information

B. PARENT PARCEL INFORMATION

1. ☒ Address of Property
2. ☒ Parcel ID Number(s) of Property
3. _____ Deed or Proof of Ownership/Power of Attorney (if applicable)
4. _____ Acreage of Property
 - a. ☒ Recent Survey of Property
 - b. _____ Aerial Photograph of Property
 - c. _____ Map or Graphic that Indicates the Combined Parent Parcel and ROW Area
5. _____ Current Zoning District (if no zoning designation, rezoning request required)
6. ☒ Current Use of ROW Area
7. ☒ Proposed Use of ROW Area (is this use compatible with the adjacent parent parcel)

C. RIGHT-OF-WAY AREA

1. ☒ Survey of ROW Area
2. _____ Acreage or Square Footage of Area to be Vacated
3. ☒ Recent Plat or Survey of Property of Existing ROW Area
4. _____ Aerial Photograph of Property Indicating ROW Area
5. _____ Locations of all accessways
6. _____ List of Abutting/Adjacent Property Owners
7. _____ Graphic Including all Parcels Abutting the ROW Area



8. _____ Documentation of Any Easements of Record Located on the ROW Area
9. NO Is the ROW Area located on Scenic 98? (Special referendum required, per Ordinance 274 and City Council Resolution No. 95-15 required)

D. COORDINATION WITH PUBLIC WORKS DEPARTMENT - LOCAL PLANNING AGENCY (LPA) MEETING

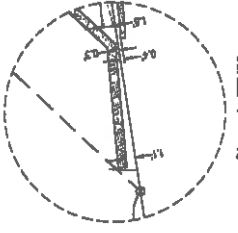
1. _____ Fee Paid to Public Works Department (\$515)
2. _____ Proof of Mailing (abutter letters)
3. _____ Proof of Signage Posting (photographs of site)
4. _____ Staff Report for LPA Committee (prepared by Public Works Department)

E. DOCUMENTATION FOR BUILDING DIVISION FILES

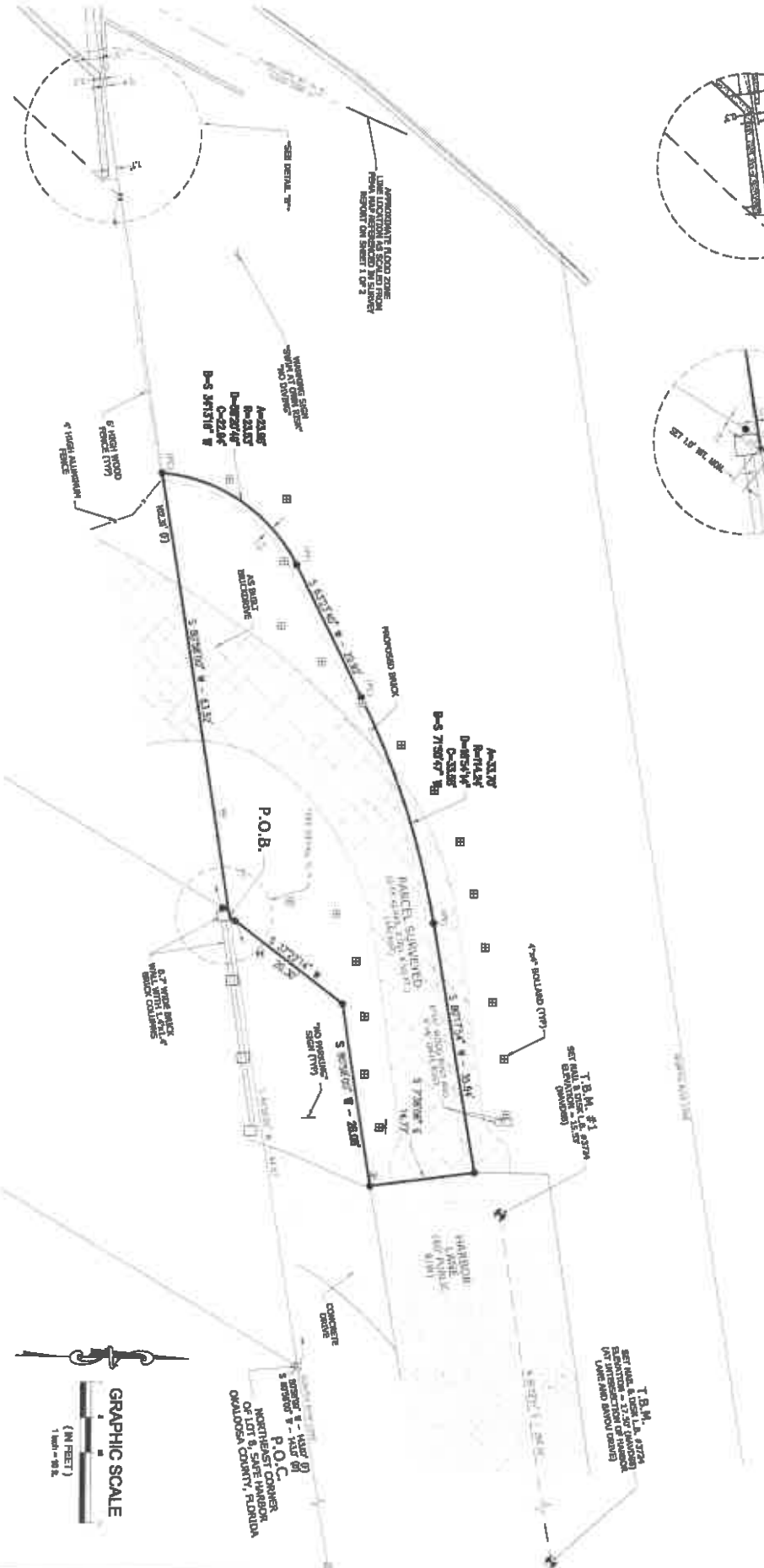
1. _____ Copy of Signed Ordinance from City Clerk's office
2. _____ Recorded Copy of Parcel Unification & Proof from Okaloosa County Property Appraiser's Office that Unification of Parent Parcel and ROW Area occurred after City Council Approval.



DETAIL "B"
SCALE: 1" = 10'



DETAIL "C"
SCALE: 1" = 5'



GRAPHIC SCALE



SHEET 2 OF 2

11-13-78	ADDED BRICK WARE - VA
6-27-18	REMOVED BROWNEY - AL.
DATE	

SEE SHEET 1 OF 2 FOR
SURVEY REPORT, LEGEND
AND CERTIFICATIONS

DARYL E. W. BAIGINS FLORIDA LICENSED SURVEYOR & MAPPER (P) 1000
EMERALD COAST ASSOCIATES, INC., L.B. 3724

16-2905

BOUNDARY SURVEY OF A PORTION OF LAND IN UN-SECTIONALIZED TOWNSHIP 2 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA.

FOR:  KRUGGER

SCALE 1" = 10'	DWG. DATE: 11-13-16
DRAWN BY: J.T.H.	FIELD DATE: 11-8-16
PROJECT: 16-039	FULL DESCRIPTION:
DATE: 7-1-16	7172, PULASKI ST. @ 1600
	4200, N. 42ND ST. @ 1600
	2220E, PULASKI @ 1600 (SEE)

FILE: 16-20000117.doc

Emerald Coast Associates Inc.

WWW.ECR-1.COM
327 COUNTY HIGHWAY 325 SOUTH
SANTA ROSA BEACH, FLORIDA 32459
PH (850) 267-0473, FAX (850) 267-0878

WWW.ECA-1.COM

Land Planning • Engineering • Surveying
Since 1970

Since 1970

LEGEND:

- ## **SURVEY REPORT:**

- DESCRIPTION:**
(AS WRITTEN)

SHEET 1 OF 2

Emerald Coast Associates Inc.

Emerald Coast Associates
Land Planning • Engineering • Surveying
Since 1979

SCALE: 1"=	DATE: 11-13-19
DRAWN BY: JTL	
PROJECT: 16-289	FIELD BOOKS:
ORDER: 18-1504	1177, PAGES 24-28 (45)
	2245, PAGES 58-60 (48)
	2256, PAGES 14-16 (38)
FILE: 16-289-Sub A.dwg	

BOUNDARY SURVEY OF A PORTION OF LAND IN UN-SECTIONALIZED TOWNSHIP 2 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA.

DATE 11/19/2017

TO: DIRECTOR, FBI

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [REDACTED]

RE: [REDACTED]

100-100000

10-20808

EXHIBIT A

COMMENCING AT P.R.M. MARKING THE NORTHEAST CORNER OF LOT 8, SAFE HARBOR, AS RECORDED IN PLAT BOOK 4, PAGE 31, OKALOOSA COUNTY, FLORIDA, SAID POINT ALSO LYING ON THE SOUTH RIGHT OF WAY LINE OF HARBOR LANE WEST (60' PUBLIC R/W); PROCEED ALONG SAID SOUTH RIGHT OF WAY LINE S 80°58'00" W, A DISTANCE OF 64.57 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE S 80°58'00" W, A DISTANCE OF 63.52 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 23.53 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE ON THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 58 DEGREES 20 MINUTES 49 SECONDS, AN ARC DISTANCE OF 23.96 FEET, (CHORD BEARING AND DISTANCE = NORTH 34 DEGREES 13 MINUTES 16 SECONDS EAST, A DISTANCE OF 22.94 FEET), TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 63 DEGREES 23 MINUTES 40 SECONDS EAST, A DISTANCE OF 20.92 FEET; TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 114.24 FEET; THENCE ON THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 16 DEGREES 54 MINUTES 14 SECONDS, AN ARC DISTANCE OF 33.70 FEET, (CHORD BEARING AND DISTANCE = NORTH 71 DEGREES 50 MINUTES 47 SECONDS EAST, A DISTANCE OF 33.58 FEET), TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 80 DEGREES 17 MINUTES 54 SECONDS EAST, A DISTANCE OF 35.84 FEET; THENCE SOUTH 07 DEGREES 38 MINUTES 06 SECONDS EAST, A DISTANCE OF 14.77 FEET; THENCE S 80°58'00" W, A DISTANCE OF 26.08; THENCE S 37°22'14" W, A DISTANCE OF 20.30 FEET TO THE POINT OF BEGINNING. ALL LYING AND BEING IN UN-SECTIONALIZED TOWNSHIP 2 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA CONTAINING 0.05 ACRES, 2,001.4 SQUARE FEET.

Ownership and Encumbrance Report

First American Issuing Office:

First American Title Insurance Company
101 Hart St
Niceville, FL 32578

Customer Reference Number:

First American File Number: 1054-3968457

Prepared For:

Fleet & Smith Law, P.A.
1283 Eglin Parkway, Suite A
Shalimar, FL 32579

Legal Description:

Commencing at P.R.M. marking the Northeast corner of Lot 8, SAFE HARBOR, as recorded in Plat Book 4, Page 31, Okaloosa County, Florida, said point also lying on the South right of way line of Harbor Lane West (60' public r/w); proceed along said South right of way line S 80°58'00" W, a distance of 64.57 feet to the point of beginning; thence continue along said South right of way line S 80°58'00" W, a distance of 111.74 feet; thence departing said South right of way line go N 30°56'15" E, a distance of 26.59 feet; thence S 59°03'45" E, a distance of 13.23 feet to a point of curvature of a curve concave to the North having a radius of 13.00 feet, an arc length of 21.35 feet and a central angle of 94°04'48" (chord bearing = N 73°53'51" E, chord distance = 19.03 feet) to a point of tangency of said curve; thence go N 26°51'27" E, a distance of 14.42 feet to a point of curvature of a curve concave to the Southeast having a radius of 22.00 feet, an arc length of 20.78 feet and a central angle of 54°06'42" (chord bearing = N 53°54'48" E, chord distance = 20.01 feet) to a point of tangency of said curve; thence N 80°58'09" E, a distance of 49.94 feet; thence S 00°06'10" E, a distance of 7.33 feet; thence S 07°38'06" E, a distance of 13.77 feet; thence S 80°58'00" W, a distance of 26.08; thence S 37°22'14" W, a distance of 20.30 feet to the point of beginning. All lying and being in un-sectionalized Township 2 South, Range 22 West, Okaloosa County, Florida.

1. Grantor(s) In Last Deed of Record:

Destin Realty Company, a Florida corporation (Deed Book 31, Page 21)

2. Encumbrances/Matters Affecting Title (Includes only mortgages, liens and claims of lien (if not specifically affecting other property only), judgments (certified only), federal tax liens, bankruptcy petitions, death certificates, court orders and decrees, divorce decrees, property settlement agreements, tax warrants, incompetency proceedings and probate proceedings which may affect the title to the property described above (attach an exhibit, if necessary)):

☐ Exhibit Attached ☒ Exhibit Not Attached.

Type of Instrument
Plat of Joe's Bayou

O.R. Book
PB 1

Page
19 1/2

Copies of the encumbrances/matters affecting title (X) are () are not included with this report.

Customer Reference Number:
First American File Number: 1054-3968457

Certificate

"This Report" is a search limited to the Official Records Books as defined in Sections 28.001(1) and 28.222, Florida Statutes, from March 21, 1937 to March 21, 2017 at 8:00 a.m.. The foregoing Report accurately reflects matters recorded and indexed in the Official Records Books of Okaloosa County, Florida, affecting title to the property described therein. This report is not an opinion of title, title insurance policy, warranty of title, or any other assurance as to the status of title and shall not be used for the purpose of issuing title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified in the property information report as the recipients of the property information report.

First American Title Insurance Company

A handwritten signature in black ink, appearing to read "Michael Abbey", is written over a horizontal line.

Michael Abbey, as SVP, Division Region Manager

Dated: 03/22/2018

DB 31-21

and Lawrence A. Fleming, her husband, to me known to be the persons described in and who executed the foregoing conveyance to United States of America, and severally acknowledged the execution thereof to be their free act and deed for the uses and purposes therein mentioned.

And I further certify that the said Rita Fleming, known to me to be the wife of the said Lawrence A. Fleming, on a separate and private examination taken and made by and before me, separately and apart from her said husband, did acknowledge that she made herself party to the said deed of conveyance, and executed the same for the purpose of renouncing, relinquishing and conveying all her right, title, and interest, whether of dower, homestead, or of separate property, statutory or equitable, in and to the lands therein described, and that she executed said deed freely and voluntarily, and without compulsion, constraint, apprehension, or fear of or from her said husband.

Witness my hand and official seal the day and year last aforesaid.

Woodrow H. Melvin

Notary Public.

My Comm. Exp. Oct. 17, 1929.

(N.P. SEAL)

Filed, recorded and verified this the 17th day of August, A.D. 1927.

Mallory B. Barron, Clerk Circuit Court,

BY Maddie Waid
Deputy Clerk

109 Fla. Doc. Stamp

WARRANTY DEED - STATUTORY.

THIS INSTRUMENT, Made this 21st day of July, A.D. 1927 between Vernon Land and Timber Company, a corporation under the laws of the State of Florida, with its principal office in the town of Vernon, Washington County, State of Florida, party of the first part, and Destin Realty Company a corporation under the laws of the State of Florida, with its principal office in the town of Destin, Okaloosa County, State of Florida, party of the second part

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Five Dollars and other valuable consideration, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its successors and assigns forever, the following described land, situate, lying and being in the County of Okaloosa, State of Florida, to-wit:

That tract or parcel of land beginning at a point in the center of that concrete monument situated at the extreme eastern corner of lot No. 11 of the Morone Point Military Reservation Survey of lots made by the United States Government at Destin, in Okaloosa County, State of Florida, said point being in the western shore line of Joe's Bayou, thence run south along the western boundary of Calhoun's subdivision of Moody lands, plat of which is on file in the public records of said County, to a point one fourth of a mile north of the north boundary line of the right of way of State Road No. 116, a distance of 6357 feet more or less, thence along the north boundary line of the Wilkinson tract of land formerly owned by Vernon Land & Timber Company in an easterly direction parallel with the said north boundary line of said road right of way for a distance of one mile, thence north and parallel with the eastern boundary line of Calhoun's subdivision above mentioned to the shore line of Choctawhatchee Bay, thence in a general westerly direction along the shore line of Choctawhatchee Bay and Joe's Bayou to the said point of beginning.

It is expressly understood and agreed by and between the parties hereto that all merchantable timber of every kind now upon said described land is hereby reserved by the

by the said party of the first part and excepted from the operation of this deed of conveyance together with the right of ingress, egress and regress to, from and over said described land for the purposes of turpentineing said timber and cutting and removing the same for a period of 2 years from this date, and that this reservation and exception shall be a covenant running with the said land and binding on the parties hereto and all subsequent parties.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In witness whereof, the said party of the first part has caused this instrument to be executed on its behalf by its proper corporate officials thereunto duly authorized, and its corporate seal to be hereunto affixed, on this the date first above written.

(Corporate Seal)

VERNON LAND & TIMBER COMPANY

BY- J.M. Moody

President

ATTENT: Corine M. Moody
Secretary.

Signed, sealed and

delivered in the presence of:

J.D. Shanon

Cecil A. Mountree

STATE OF FLORIDA

COUNTY OF HARRISON

I, the undersigned authority, duly authorized to take acknowledgment of instruments for record, do hereby certify that on this day personally appeared before me, J.M. Moody and Mrs. Corine M. Moody, to me well known as the President and Secretary, respectively, of Vernon Land & Timber Company, the grantor in the foregoing deed, and acknowledged to and before me that they executed the said deed as such President and Secretary, respectively, freely and voluntarily for the purposes therein expressed, as and for the set and deed of and with authority from the said Corporation, and that the corporate seal of said Vernon Land & Timber Company, the said corporation, was by them affixed to the said deed with like authority and for like purpose.

In Witness Whereof, I have hereunto set my hand and affixed my official seal of office on this 31st day of July, A.D. 1937

Cecil A. Mountree

Notary Public, State of Florida.

My Commission expires Apr. 18, 1938.

(N.P. SEAL)

Filed, recorded and verified this 10th day of August, A.D. 1937

Mallory B. Barrow, Clerk Circuit Court

BY

Mallory B. Barrow
Deputy Clerk

E'S BAYOU ADDITION

TO

OWN OF DESTIN
SA COUNTY, FLORIDA

SCALE

MAN, GE. SAGDAD, FLORIDA

JUNE 1, 1939

INEER'S CERTIFICATE

certifies that he has caused this plat to be made, representation of the land hereby described, that and stated as indicated, that permanent reference (P.R.M.) have been placed as required by Plat Act 1929, 1931

W. H. Williams
FLORIDA REGISTERED SURVEYOR



DEDICATION

Know-All Men of These Persons, That Destin Realty Company, Florida corporation, owner of the lands herein subdivided, by dedicates to the public the streets, roads and parks as shown on this said plat and also Main Street, Bayou Drive and Street, each 100 feet wide and the 60 ft wide Cobb Point Drive designated hereon, reserving to itself, its successors and assigns all rights of reversion should said streets, roads or parks be vacated by the public in accordance with law.

In Witness Whereof, said corporation has hereto set its hand and seal on this the 26 day of June, 1939.

Signed, sealed and delivered in the presence of:

W. H. Williams
T. C. Williams

State of Florida
County of Duval

Before the subscriber personally appeared Tyler Calhoun and L. Kelly, well known to me to be the respective president and secretary of the Destin Realty Company, a Florida corporation, and the individuals so described in said who so executed the foregoing dedication and they acknowledged that they as such officers and being thereto duly authorized executed the same for the uses and purposes therein set forth.

Given under my hand and seal on this the 26 day of June, 1939.

DESTIN REALTY COMPANY

By *Tyler Calhoun*

Attest: *L. Kelly*

Secretary

Tom's Bayou

ParcelId	OwnerName	OwnerAddress1	OwnerAddress2	OwnerCityStZip
00-2S-22-1320-0014-0000	PEALE JOHN & F J (LIFE ESTATE)	759 BAYOU DR		DESTIN, FL 32541-1846
00-2S-22-2160-0008-0000	TANAKA PAUL K JR ET AL	5101 OLD PIKE TRCE		PIKE ROAD, AL 36064-2606
00-2S-22-2160-0005-0000	ANDERSON HELEN B (LIFE ESTATE)	745 BAYOU DR		DESTIN, FL 32541-1802
00-2S-22-2160-0006-0000	MILONSKI WINSTON M	(LIFE ESTATE)	610 HARBOR LANE	DESTIN, FL 32541-1835
00-2S-22-2160-0007-0000	GIFFORD GREGG & HARRIET	608 HARBOR LN		DESTIN, FL 32541-0000
00-2S-22-1320-0015-0000	HARMUTH HENNING & ANN SPRAGINS	(LIFE ESTATE)	757 BAYOU DR	DESTIN, FL 32541-0000
00-2S-22-1320-0016-0000	ODOM JAY A (LIFE ESTATE)	PO BOX 1735		DESTIN, FL 32540-1735
00-2S-22-2160-0008-0010	KRUEGER R TIMOTHY (LIFE EST)	34990 EMERALD COAST PKWY #400		DESTIN, FL 32541



302 N. Wilson St. Suite 201
Crestview, FL 32636
(850) 689-5900
Fax: (850) 689-5906



Mack Busbee
Okaloosa County Property Appraiser

Please Reply To:
1250 Eglin Pkwy N. Suite 201
Shalimar, FL 32679-1296
(850) 651-7240
Fax: (850) 651-7244
WebSite: www.okaloosapa.com

Fri Mar 23 2018

Property Appraiser Owner Information:

☒ Parcels are within 300 feet of the parcel shown below:

Parcel Id Number: 00-25-22-2160-0008-0010

Owner: R Timothy Krueger

☐ Parcels are adjacent to the parcel shown below:

Parcel Id Number: _____

Owner: _____

☐ Other:

Person(s) requesting information: Patty Register

Phone Number: _____ Fax Number: _____

Property Appraiser Signature: Jodi Wilson

rec	PARCEL NUMBER	OWNER_NAME	TAXDIST	HOUSE_NO	SITUS ST	SITUS MD	ST_DIR	SITUS CITY
1	00-2S-22-2160-0008-0000	TANAKA PAUL K JR ET AL	10	606	HARBOR	LN		DESTIN
2	00-2S-22-2160-0008-0010	KRUEGER R TIMOTHY TRUST	10	604	HARBOR	LN		DESTIN
3	00-2S-22-2160-0005-0000	ANDERSON HELEN B (LIFE ESTATE)	10	745	BAYOU	DR		DESTIN
4	00-2S-22-2160-0006-0000	MILONSKI WINSTON M	10	610	HARBOR	LN		DESTIN
5	00-2S-22-2160-0007-0000	GIFFORD GREGG & HARRIET	10	608	HARBOR	LN		DESTIN
6	00-2S-22-1320-0015-0000	HARMUTH HENNING & ANN SPRAGINS	10	757	BAYOU	DR		DESTIN
7	00-2S-22-1320-0016-0000	ODOM JAY A (LIFE ESTATE)	10	605	HARBOR	LN		DESTIN

ST_ZIP5	MAILING ADDRESS	ADDRESS_2	CITY_NAM ST	ZIPCODE	CNTRY
32541	(ADDRESS UNKNOWN)				
	34990 EMERALD COAST PKWY #400				
32541	745 BAYOU DR		DESTIN FL	32541	
32541	(LIFE ESTATE)		DESTIN FL	325411802	
32541	608 HARBOR LN	610 HARBOR LANE	DESTIN FL	325411835	
32541	(LIFE ESTATE)		DESTIN FL	325410000	
32541	PO BOX 1735	757 BAYOU DR	DESTIN FL	325410000	
			DESTIN FL	325401735	

Joe Bodi

From: Matt Taylor <MTaylor@destinfire.com>
Sent: Thursday, December 19, 2019 8:51 AM
To: Joe Bodi
Subject: RE: 604 Harbor Lane Vacation of Right-of-way Clearance Letters

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Joe,

The Destin Fire Control District has reviewed the request to have the right of way at 604 Harbor Ln vacated. The District has no objections to the request to vacate the right of way at 604 Harbor Ln.

If we can be of further assistance feel free to contact us.

Best Regards,

*Matt Taylor, Fire Marshal
Destin Fire Control District
850-837-8413*

From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Wednesday, December 18, 2019 2:52 PM
To: Christopher Groat <Christopher.M.Groat@centurylink.com>; Essa Rhebi <essarhebi@okaloosagas.com>; Lisa Firth <lfirth@cityofdestin.com>; Matt Taylor <MTaylor@destinfire.com>; Michael Burgess <mburgess@cityofdestin.com>; Steve Schmitt <sschmitt@dwuinc.com>; Thomas Richardson <thomas.richardson@nexteraenergy.com>; Kevin Sasser <chief@destinfire.com>; MANNING, TOM <tm2709@att.com>; douglas.pickle@windstream.com; Roger Dixon (CCI-Fort Walton) (Roger.Dixon@cox.com) <Roger.Dixon@cox.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Lauren Witt <lwitt@cityofdestin.com>; Kim Kopp <kkopp@romanokopplaw.com>
Subject: 604 Harbor Lane Vacation of Right-of-way Clearance Letters

Good Afternoon

On or around March/April 2018 time frame, an application for vacating a portion of public right-of-way at 604 Harbor Lane, Destin, Fl. was requested. This application expired. A new application for this location has been submitted (see attached survey), it is similar to the 2018 request. The City's Right-of-way vacation process requires acknowledgement stating no objection with or without conditions OR objection including a reason for the objection from each utility and City Department. Please provide your response within 14 calendar days of this email or the City will accept the non-response as no objection.

Please contact me with any questions.

Joe D. Bodi
City of Destin
Community Development Dept.

4100 Indian Bayou Trail
Destin, Fl. 32541
850.837.4242

“Please Note: Florida has a very broad public records law. Most written communications to or from the City of Destin officials are public records available to the public and media upon request. Your e-mail address and communications may therefore be subject to public disclosure.” Disclaimer: Florida has a very broad public records law. As a result, any written communication created or received by the Destin Fire Control District will be made available to the public and media, upon request, unless otherwise exempt. 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 office. Instead, contact our office by phone or in writing.

Disclaimer: Florida has a very broad public records law. As a result, any written communication created or received by the Destin Fire Control District will be made available to the public and media, upon request, unless otherwise exempt. 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 office. Instead, contact our office by phone or in writing.

Joe Bodi

From: Monica Autrey <mautrey@dwuinc.com>
Sent: Friday, December 20, 2019 10:03 AM
To: Joe Bodi
Cc: Steven C. Schmitt
Subject: FW: 604 Harbor Lane Vacation of Right-of-way Clearance Letters
Attachments: 2019-12-10 Boundary Survey.pdf

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Joe –

We are in receipt of the revised survey for the proposed vacation of ROW. DWU worked with Mr. Kruger already to relocate his meter so that it should be in the ROW that is remaining. The other lines are his and would remain private on his property or the City ROW. With that being said, DWU has no objection to the vacation request in regards to water and sewer services.

Should you have any questions, please let me know.

THANKS!

Monica M. Autrey, P.E.
Operations Manager
Destin Water Users, Inc.
14 Industrial Park Lane
Destin, FL 32541
850-837-6146
850-337-3945 – Direct
850-699-3665 – Cell
850-837-0465 - Fax

From: Steven C. Schmitt <sschmitt@dwuinc.com>
Sent: Wednesday, December 18, 2019 3:15 PM
To: Monica Autrey <mautrey@dwuinc.com>
Subject: FW: 604 Harbor Lane Vacation of Right-of-way Clearance Letters

Monica,

Received this from Joe this afternoon, haven't we already address this vacation of the City Right-of-Way that Mr. Krueger is requesting? I remember we talked about it, but don't know if we officially replied back to the City.

Steve Schmitt
Field Operation Manager



Destin Water Users Inc.
P.O. Box 308
Destin, Fl 32540
(850) 337-3937
sschmitt@dwuinc.com

From: Joe Bodi <jbodi@cityofdestin.com>

Sent: Wednesday, December 18, 2019 2:52 PM

To: Christopher Groat <Christopher.M.Groat@centurylink.com>; Essa Rhebi <essarhebi@okaloosagas.com>; Lisa Firth <lfirth@cityofdestin.com>; Matt Taylor <mtaylor@destinfire.com>; Michael Burgess <mburgess@cityofdestin.com>; Steven C. Schmitt <sschmitt@dwuinc.com>; Thomas Richardson <thomas.richardson@nexteraenergy.com>; chief@destinfire.com; MANNING, TOM <tm2709@att.com>; douglas.pickle@windstream.com; Roger Dixon (CCI-Fort Walton) (Roger.Dixon@cox.com) <Roger.Dixon@cox.com>

Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Lauren Witt <lwitt@cityofdestin.com>; Kim Kopp <kkopp@romanokopplaw.com>

Subject: 604 Harbor Lane Vacation of Right-of-way Clearance Letters

Good Afternoon

On or around March/April 2018 time frame, an application for vacating a portion of public right-of-way at 604 Harbor Lane, Destin, Fl. was requested. This application expired. A new application for this location has been submitted (see attached survey), it is similar to the 2018 request. The City's Right-of-way vacation process requires acknowledgement stating no objection with or without conditions OR objection including a reason for the objection from each utility and City Department. Please provide your response within 14 calendar days of this email or the City will accept the non-response as no objection.

Please contact me with any questions.

Joe D. Bodi
City of Destin
Community Development Dept.
4100 Indian Bayou Trail
Destin, Fl. 32541
850.837.4242

"Please Note: Florida has a very broad public records law. Most written communications to or from the City of Destin officials are public records available to the public and media upon request. Your e-mail address and communications may therefore be subject to public disclosure."

Joe Bodi

From: Pickle, Mike M <Douglas.Pickle@windstream.com>
Sent: Wednesday, December 18, 2019 2:57 PM
To: Joe Bodi
Subject: RE: 604 Harbor Lane Vacation of Right-of-way Clearance Letters

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Joe,

Windstream has no facility at this location and No Objection.

Thank You,

Mike

Douglas "Mike" Pickle

Windstream / Sr Construction Manager - OSP

c.407.687.4280

f.330.486.3660

Douglas.Pickle@windstream.com

WINDSTREAM ENTERPRISE

Sensitivity: Internal

From: Joe Bodi <jbodi@cityofdestin.com>
Sent: Wednesday, December 18, 2019 3:52 PM
To: Christopher Groat <Christopher.M.Groat@centurylink.com>; Essa Rhebi <essarhebi@okaloosagas.com>; Lisa Firth <lfirth@cityofdestin.com>; Matt Taylor <mtaylor@destinfire.com>; Michael Burgess <mburgess@cityofdestin.com>; Steve Schmitt <sschmitt@dwuinc.com>; Thomas Richardson <thomas.richardson@nexteraenergy.com>; chief@destinfire.com; MANNING, TOM <tm2709@att.com>; Pickle, Mike M <Douglas.Pickle@windstream.com>; Roger Dixon (CCI-Fort Walton) (Roger.Dixon@cox.com) <Roger.Dixon@cox.com>
Cc: Louis Zunguze <lzunguze@cityofdestin.com>; Lauren Witt <lwitt@cityofdestin.com>; Klm Kopp <kkopp@romanokopplaw.com>
Subject: 604 Harbor Lane Vacation of Right-of-way Clearance Letters

Good Afternoon

On or around March/April 2018 time frame, an application for vacating a portion of public right-of-way at 604 Harbor Lane, Destin, Fl. was requested. This application expired. A new application for this location has been submitted (see attached survey), it is similar to the 2018 request. The City's Right-of-way vacation process requires acknowledgement stating no objection with or without conditions OR objection including a reason for the objection from each utility and City Department. Please provide your response within 14 calendar days of this email or the City will accept the non-response as no objection.

Please contact me with any questions.

**Joe D. Bodi
City of Destin
Community Development Dept.
4100 Indian Bayou Trail
Destin, Fl. 32541
850.837.4242**

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FLEET & SMITH
ATTORNEYS AND COUNSELORS AT LAW

March 21, 2018

**Via Regular Mail, Certified Mail
& E-Mail**

Destin Fire Control District
117 Crystal Beach Drive
Destin, FL 32541
chief@destinfire.com

Re: City of Destin Application for Vacation Right of Way – Portion of Harbor Lane

To Whom it May Concern:

Our office represents R. Timothy Krueger in relation to an application with the City of Destin ("Application") to vacate a portion of the right-of-way South of Harbor Lane that is adjacent to Mr. Krueger's property located at 604 Harbor Lane, Destin, FL. Enclosed herewith is the survey illustrating the parcel that is the subject of the Application.

As you are aware, the Application requires a letter from you approving, stating no objection, or recommending denial for any reason. By signing below, you are acknowledging you have no objection to the proposed vacation of the subject parcel.

If you have any questions or if I can be of further assistance, please do not hesitate to contact me directly.

Thank you in advance for your cooperation with this request.

Sincerely,

P. Michelle McGee, Esq.
michelle@fleetandsmithlaw.com

PMM/pr

Encl. As stated.

This Agency has no objection to the proposed vacation of the subject right-of-way.

Destin Fire Control District

By:

Printed Name: Kevin Gasser
Title: Fire Chief

Cc: Steven C. Schmitt <sschmitt@dwuinc.com>

Subject: RE: City of Destin Application for Vacation of Right of Way - Portion of Harbor Lane

Patty –

DWU has concerns about the existing water main, water meter and forcemain that are located within the requested right-of-way to be vacated.

For the water meter, DWU needs access to the meter and it is typically located at the property line. This meter has already been set and is in use. If the property line changes, then the meter would need to be reset by DWU at the owner's expense (~\$200) to the new property line and then the owner would need to reconnect the meter on their side to the properties existing onsite plumbing. The property owner would then own and maintain the water main on their side of the meter/property line.

There is an existing 2" sewer forcemain that runs along Harbor Lane that others are connected to. DWU will accept an easement for the forcemain, minimum of 15-feet wide, with access to the easement at all times to own, operate and maintain it.

All of the DWU owned assets will need to be accessible at all times.

Please let me know if you have any questions regarding our concerns with the proposed vacation. This email serves as our response to your request dated March 21, 2018.

Thanks!

Monica M. Autrey, P.E.
Operations Manager
Destin Water Users, Inc.
14 Industrial Park Lane
Destin, FL 32541
850-837-6146
850-337-3945 – Direct
850-699-3665 – Cell
850-837-0465 - Fax

From: Patty Register <patty@fleetsmithlaw.com>

Sent: Wednesday, March 28, 2018 4:50 PM

To: Monica Autrey <mautrey@dwuinc.com>

Cc: Steven C. Schmitt <sschmitt@dwuinc.com>

Subject: RE: City of Destin Application for Vacation of Right of Way - Portion of Harbor Lane

Thank you Ms. Autrey,

Okaloosa Gas did an approval letter for us and they stated they had no objection if an easement can be granted to cover the gas lines (Utility Easement). Maybe Destin Water Users could use their same language.

Thank you,

Patty Claire Register

Patty Claire Register
Paralegal to P. Michelle McGee, Esq.

Patty Register

From: Barton, Allen G. <agbarton@southernco.com>
Sent: Thursday, March 29, 2018 9:02 AM
To: Patty Register; Simmons, Kellie L.
Cc: Richardson, Tom B.; Wilson, Peggy A.
Subject: RE: Vacation of Right-of-Way

All,

Per our Engineering Field Rep's visit it appears we may have some facilities within the requested vacated area. These electrical facilities actually provide service to the owner requesting the vacation of the road. Gulf Power does not object to the proposed vacation contingent upon an easement be retained to Gulf Power Company and or their assigns, in the road closure document to cover our existing electrical facilities on the property.

Patty,

Please forward this response to any parties you feel should receive. I can be reached at 850-444-6566 should you have any questions.

Allen Barton
Gulf Power Land Department
One Energy Place
Pensacola, Florida 32520-0093

-----Original Message-----

From: Patty Register [mailto:patty@fleetsmithlaw.com]
Sent: Wednesday, March 28, 2018 1:25 PM
To: Simmons, Kellie L. <KLGRESSE@SOUTHERNCO.COM>
Cc: Barton, Allen G. <agbarton@southernco.com>; Richardson, Tom B. <TBRICHAR@southernco.com>; Wilson, Peggy A. <pawilson@southernco.com>
Subject: RE: Vacation of Right-of-Way

Wonderfull! I appreciate everyone's help and how quickly they are getting it done. If anyone has any questions, please feel free to call me.

Thank you,

Patty Claire Register
Paralegal to P. Michelle McGee, Esq.
Fleet & Smith
1283 Eglin Parkway, Suite A
Shalimar, FL 32579
(850) 651-4006/(850) 651-5006 (fax)
patty@fleetsmithlaw.com

*** I AM IN THE OFFICE ON TUESDAYS, WEDNESDAYS AND THURSDAYS ONLY***

BEWARE OF FAKE WIRE INSTRUCTIONS: Email hacking and fraud are on the rise to misdirect funds for closings. It is our office procedure to call you directly immediately after sending the final figures and wiring instructions to confirm receipt. If you have not received a call, please call our office to confirm our instructions prior to sending any wire. Do not rely solely on wire instructions you receive by email, even if it appears to come from our office. Always confirm our

April 13, 2018



LETTER OF NO OBJECTION

P. Michelle McGee, Esquire
Fleet & Smith, Attorneys-At-law
1283 Eglin Parkway, Suite A
Shalimar Florida 32579

Via Email: michelle@fleetsmithlaw.com

Copied To: patty@fleetsmithlaw.com; Christopher.M.Groat@CenturyLink.com

SUBJECT: PROPOSED VACATE OF A PORTION OF PLATTED RIGHT-OF-WAY, HARBOR LANE, ADJACENT TO A PORTION OF LOT 8, ACCORDING TO SAFE HARBOR PLAT AS RECORDED IN PLAT BOOK 4, PAGE 31, OKALOOSA COUNTY PUBLIC RECORDS; OKALOOSA COUNTY PARCEL ID 00-2S-22-2160-0008-0010.

PRN 798886

Dear Ms. McGee,

Please be advised that Embarq Florida, Inc., D/B/A Centurylink has no objection to the proposed vacate and abandonment of a portion of platted right-of-way, Harbor Lane, adjacent to 604 Harbor Lane, Destin, Florida, a portion of Lot 8, according to *Safe Harbor* Plat as recorded in Plat Book 4, Page 31, Okaloosa County Public Records, as requested by R. Timothy Krueger.

The location of said vacate is more particularly shown and described on the attached sketch. The Property Address is 604 Harbor Lane, Destin, Florida, and the Okaloosa County Parcel ID is 00-2S-22-2160-0008-0010.

Should there be any questions or concerns, please contact me at 352-425-8763 or by email at stephanie.canary@centurylink.com.

Sincerely,

EMBARQ FLORIDA, INC., D/B/A CENTURYLINK


Stephanie Canary

CenturyLink
319 SE Broadway Street
Mailstop: D7303L0401-4058
Ocala FL 34471
stephanie.canary@centurylink.com
Phone: Cell: (352) 425-8763 Fax: (352) 368-8889

PRN 798886



at&t

AT&T Southeast
6689 E. Magnolia St
Milton, FL 32570
Tm2709@att.com

Tom Manning
Mgr. OSP Ping. & Engrg. Design
Ofc. 850-623-3521
Mob: 850-393-0087

April 11, 2018

RE: 604 Harbor Ln. Destin, FL. Vacate Parcel

Ms. Patty Register:

AT&T Florida has reviewed the plat for 604 Harbor Lane in Destin, Florida. AT&T has no utilities located in this area and has no objection to the vacation of this parcel.

Thank you for contacting AT&T Florida.

Sincerely,

Tom Manning
Manager – OSP Ping and Eng
Technology Operations

AT&T
6689 E. Magnolia St. Milton, FL 32570
o 850.623.3521 | tm2709@att.com

MOBILIZING YOUR WORLD

Windstream Communications
2301 Lucien Way, Suite 200
Maitland, FL 32751
t: 800.600.5050
business.windstream.com



April 10, 2018

Patty Claire Register
Paralegal to P. Michelle McGee, Esq.
Fleet & Smith
1283 Eglu Parkway, Suite A
Shalimar, FL 32579
(850) 651-4006/(850) 651-5006 (fax)
patty@fleetsmithlaw.com

REF.: Vacation of Right of Way

Dear Ms. Register,

Windstream Communications has No Objection on vacating of Right of Way located within the City of Destin described as "a portion of the right-of-way South of Harbor Lane that is adjacent to Mr. Krueger's property located at 604 Harbor Lane, Destin, FL".

Windstream has no facilities located within your area of concern and no future plans to place facilities.

If you have any questions, please contact me at the address below or call (407) 835-0341.

Thanks,

Douglas M. Pickle

Douglas "Mike" Pickle
Sr. Construction Manager - OSP
2301 Lucien Way
Suite 200
Maitland, FL 32751
o.407.835.0341
f.330.486.3660
Douglas.Pickle@windstream.com





March 26, 2018

To: R. Timothy Kreuger
604 Harbor Lane
Destin, FL 32541

Re: Vacation of Right of Way - Portion of Harbor Lane

Ms. Kreuger

This letter is to inform you that Cox Communications has no objections to the proposed vacation of right of way as described in your correspondence. One pre-condition for this vacation request is that if Cox Communications is found to have facilities in the right of way that Cox Communications is specifically named in the new utility easement that is within the limits of the right of way vacate request.

The agreement to this vacation does not, however, release the owner(s) of this property from any financial liabilities, if any movement of our facilities is required, resulting from this vacation.

If you have any questions you can contact me at 314-8163.

Sincerely,

Roger Dixon (sig)

Roger Dixon
Cox Communications
Construction Planner III
C:850-259-5083
roger.dixon@cox.com



Okaloosa Gas District

March 26, 2018

Patty Claire Register
Paralegal to P. Michelle McGee, Esq.
Fleet & Smith
1283 Eglin Parkway, Suite A
Shalimar, FL 32579

Re: City of Destin Application for Vacation of Right of Way – Portion of Harbor Lane

Dear Ms. Register,

Regarding the request to vacate the above referenced right-of-way please be advised that Okaloosa Gas District owns and operates gas facilities within this right-of-way and therefore has no objection if an easement can be granted to cover the gas line (Utility Easement).

If you should have any question or require additional information please call me at (850) 729-4870.

Sincerely yours,

Essa Rhebi

Essa Rhebi, System Engineer
essarhebi@okaloosagas.com

ER/ta

P.O. Box 548 • 364 Valparaiso Pkwy • Valparaiso, FL 32580-0548 • Fax: 850-678-2165
OkaloosaGas.com \

...The Difference is our Service!



FLEET & SMITH
ATTORNEYS AND COUNSELORS AT LAW

March 21, 2018

**Via Regular Mail, Certified Mail
& E-Mail**

City of Destin Community Development Department
Destin City Hall Annex
4100 Indian Bayou Trail
Destin, FL 32541
jbryla@cityofdestin.com

Re: City of Destin Application for Vacation Right of Way – Portion of Harbor Lane

To Whom it May Concern:

Our office represents R. Timothy Krueger in relation to an application with the City of Destin ("Application") to vacate a portion of the right-of-way South of Harbor Lane that is adjacent to Mr. Krueger's property located at 604 Harbor Lane, Destin, FL. Enclosed herewith is the survey illustrating the parcel that is the subject of the Application.

As you are aware, the Application requires a letter from you approving, stating no objection, or recommending denial for any reason. By signing below, you are acknowledging you have no objection to the proposed vacation of the subject parcel.

If you have any questions or if I can be of further assistance, please do not hesitate to contact me directly.

Thank you in advance for your cooperation with this request.

Sincerely,

P. Michelle McGee, Esq.
michelle@fleetsmithlaw.com

PMM/pr

Encl. As stated.

Department

This Agency has no objection to the proposed vacation of the subject right-of-way.

City of Destin Community Development Department

By:

Printed Name:

Title:

Jennifer Bryla
CD Director

1283 EGLIN PARKWAY, SUITE A • SHALIMAR, FLORIDA 32579
850.651.4006 • FAX 850.651.5006



FLEET & SMITH
ATTORNEYS AND COUNSELORS AT LAW

March 21, 2018

Via Regular Mail, Certified Mail
& E-Mail

City of Destin Public Works
4200 Indian Bayou Trail
Destin, FL 32541
nancyp@cityofdestin.com

Re: City of Destin Application for Vacation Right of Way - Portion of Harbor Lane

To Whom it May Concern:

Our office represents R. Timothy Krueger in relation to an application with the City of Destin ("Application") to vacate a portion of the right-of-way South of Harbor Lane that is adjacent to Mr. Krueger's property located at 604 Harbor Lane, Destin, FL. Enclosed herewith is the survey illustrating the parcel that is the subject of the Application.

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If you have any questions or if I can be of further assistance, please do not hesitate to contact me directly.

Thank you in advance for your cooperation with this request.

Sincerely,

P. Michelle McGee, Esq.
michelle@fleetsmithlaw.com

PMM/pr

Encl. As stated.

This Agency has no objection to the proposed vacation of the subject right-of-way.

City of Destin Public Works

By:
Printed Name: DAVID O. CAMPBELL
Title: PUBLIC SERVICES DIRECTOR



Parks & Recreation Department

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-650-1241 | Fax: 850-650-0724 | www.cityofdestin.com

March 22, 2018

P. Michelle McGee, Esq.
Fleet & Smith Attorneys & Counselors at Law.
1283 Eglin Parkway, Suite A
Shalimar, FL 32579

Re: Mr. R. Timothy Krueger application for vacation of right-of-way, portion of Harbor Lane.

Ms. McGee:

The Parks & Recreation department has no objections to the proposed vacation of the subject right-of-way.

Lance A. Johnson, MS.
Parks & Recreation Director



FLEET & SMITH
ATTORNEYS AND COUNSELORS AT LAW

March 21, 2018

Via Regular Mail, Certified Mail
& E-Mail
Okaloosa County Property Appraiser
1250 Eglin Parkway N., Suite 201
Shalimar, FL 32579
propertyappraiser@okaloosapa.com

Re: City of Destin Application for Vacation Right of Way - Portion of Harbor Lane

To Whom it May Concern:

Our office represents R. Timothy Krueger in relation to an application with the City of Destin ("Application") to vacate a portion of the right-of-way South of Harbor Lane that is adjacent to Mr. Krueger's property located at 604 Harbor Lane, Destin, FL. Enclosed herewith is the survey illustrating the parcel that is the subject of the Application.

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If you have any questions or if I can be of further assistance, please do not hesitate to contact me directly.

Thank you in advance for your cooperation with this request.

Sincerely,

P. Michelle McGee, Esq.
michelle@fleetsmithlaw.com

PMM/pr

Encl. As stated.

This Agency has no objection to the proposed vacation of the subject right-of-way.

Okaloosa County Property Appraiser

By:

Printed Name: Kevin Hanley

Title: GIS IT Coordinator

Khanley@okaloosapa.com

1283 EGLIN PARKWAY, SUITE A • SHALIMAR, FLORIDA 32579
850.651.4006 • FAX 850.651.5006

THE CITY OF DESTIN

4200 INDIAN BAYOU TRAIL

DESTIN, FLORIDA 32541

PHONE (850) 837-4242 • FAX (850) 269-9900

CASH RECEIPT

Date 12/11/2019 2019 84349

Received From R Timothy Krueger

Address 604 Harbor LN

Destin FL

Dollars \$ 515.00

For Right of Way Vacation Application

AMOUNT		PAID BY	
AMT. OF ACCOUNT	<u>515.00</u>	CASH	
AMT. PAID	<u>515.00</u>	CHECK	<u>3232</u>
BALANCE DUE	<u>0.00</u>	MONEY ORDER	

By Thomas Crandall

R TIMOTHY KRUEGER
604 HARBOR LN
DESTIN FL 32541-1535

Cash Management Account®

3232

87-178843
20

12.10.19

Date

Pay to the
Order of

CITY OF DESTIN

FIVE HUNDRED & FIFTEEN 00/100

\$ 515.00

Dollars

 **Merrill Lynch**
Bank of America Corporation

For

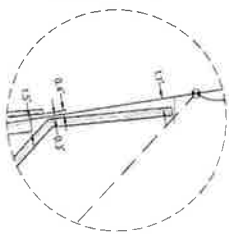
FILING FEE II



⑆084301767⑆ 960170669363⑆3232

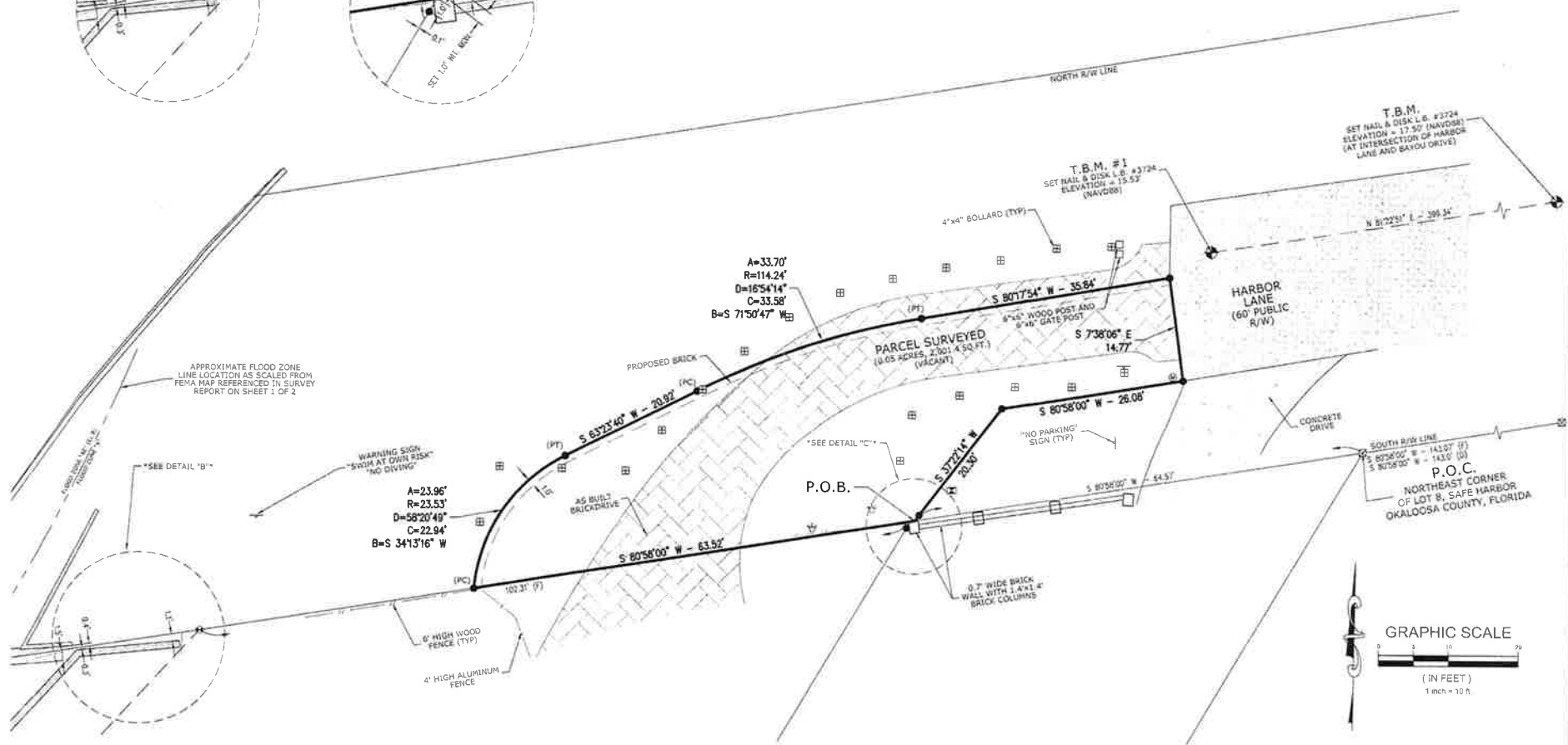
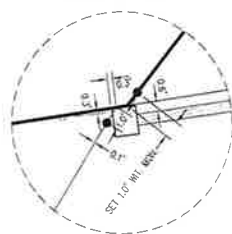
DETAIL "B"
SCALE: 1" = 10'

SCALE: 1" = 10'



DETAIL "C"

SCALE: 1" = 5'



GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft

11-13-19	ADDED BRICK DRIVE - W.A.	
8-22-19	REVISED BOUNDARY - W.A.	
DATE	REVISION	BY

SEE SHEET 1 OF 2 FOR
SURVEY REPORT, LEGEND
AND CERTIFICATIONS

DARYL E.W. BURGIS FLORIDA LICENSED SURVEYOR & MAPPER #4980
EMERALD COAST ASSOCIATES, INC., L.B. # 3724

16-299B)



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PH. (850) 267-0473, FAX: (850) 267-0979

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SCALE: 1" = 10'

DRAWN BY: J.T.H.

PROJECT: 16-29

ORDER: 19-150

Fig. 7. $\log_{10}$ of the number of bacteria per ml.

DWG. DATE: 11-13-19

FIELD DATE: 11-8-19

FIELD BOOK(S):
2177, PAGES 24-26 (MB)
2245, PAGES 59-60 (AB)
22256, PAGES 14-16 (RB)

BOUNDARY SURVEY OF A PORTION OF LAND IN
UN-SECTIONALIZED TOWNSHIP 2 SOUTH, RANGE
22 WEST, OKALOOSA COUNTY, FLORIDA.

FOR: TIM KRUEGER

QJ00111E-20K1H-1504-S016 Ministry of the Environment, 101 APD II, Ecological Management/209458001.dwg, 01 NOTES, Bld. Nov 13, 2019, 1:38:53pm

No. = NUMBER
= NUMBER
L.B. = LICENSED BUSINESS
L.S. = LICENSED SURVEYOR
P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
ELEV. = ELEVATION
O.R. = OFFICIAL RECORDS
± = MORE OR LESS
A = ARC LENGTH
R = RADIUS
D = DELTA ANGLE
B = CHORD BEARING
C = CHORD LENGTH
(F) = FIELD MEASUREMENT
(D) = DESCRIPTION DATA
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT OF WAY
F.E.M.A. = FEDERAL EMERGENCY MANAGEMENT AGENCY
CORP. = CORPORATION
(TYP.) = TYPICAL
ID. = IDENTIFICATION
INC. = INCORPORATED
DNG. = DRAWING
N/A = NOT APPLICABLE
NAVD 88 = NORTH AMERICAN VERTICAL DATUM 1988
-10% = SPOT ELEVATION AT "DOT"
-10- = CONTOUR ELEVATION AT 1' INTERVALS
- - - = DISTANCE NOT TO SCALE
● = FOUND 1/2" CAPPED IRON ROD L.B. #3724 "WITNESS MONUMENT"
⊙ = FOUND 1/2" IRON ROD NO I.D.
⊗ = SET 1/2" CAPPED IRON ROD L.B. #3724 "WITNESS MONUMENT"
⊠ = FOUND 4" BY 4" CONCRETE MONUMENT NO I.D.
⊠ = WATER VALVE
⊠ = WATER METER
⊠ = SEWER CLEAN OUT
⊠ = WATER STUBOUT
⊠ = BENCHMARK
⊠ = MAILBOX
▨ = ASPHALT ROAD (HARBOR LANE)
▨ = WATER (JOE'S BAYOU)
▨ = WOOD WALK
▨ = BRICK PAVERS

1. BEARINGS SHOWN HEREON ARE REFERENCED TO THE SOUTH R/W LINE OF HARBOR LANE, AS BEING S 80°58'00" W (PER DEED).
2. THIS PARCEL IS LOCATED IN FLOOD ZONE X, NO BASE FLOOD ELEVATION REQUIRED AND IN FLOOD ZONE "AE" (EL. 5), 6' BASE FLOOD ELEVATION REQUIRED, AS SCALE FROM FEMA MAP NUMBER 12091C0486 X, PANEL 485 OF 494, DATED DECEMBER 8, 2002, OKALOOSA COUNTY, FLORIDA.
3. NO ENVIRONMENTAL JURISDICTION LINES HAVE BEEN DETERMINED BY EMERALD COAST ASSOCIATES, INC.
4. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE OR TITLE INSURANCE POLICY. NO SEARCH OF THE PUBLIC RECORDS WAS PERFORMED BY EMERALD COAST ASSOCIATES INC. NO CERTIFICATION IS GIVEN THAT EASEMENTS, UNDERGROUND ENCROACHMENTS OR OTHER MATTERS OF RECORD DO NOT EXIST.
5. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.
6. **APPARENT USES ARE AS SHOWN.**
7. NO STRUCTURAL FOUNDATIONS BELOW THE SURFACE OF THE GROUND WERE LOCATED.
8. GRAPHIC SYMBOLOGY OF CORNER MONUMENTATION, UTILITIES, SIGNS, ETCETERA, ARE EXAGGERATED FOR CLARITY AND ARE NOT TO SCALE. THE CENTER POINT OF WHICH IS ACCURATELY PLOTTED TO SCALE AND/OR DIMENSIONED THEREUTO.
9. NO UNDERGROUND UTILITIES OR UTILITY LINES WERE LOCATED.
10. ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1985 (NAVD83).

COMMENCING AT P.R.M. MARKING THE NORTHEAST CORNER OF LOT 6, SAFE HARBOR, AS RECORDED IN PLAT BOOK 4, PAGE 31, OKALOOSA COUNTY, FLORIDA, SAID POINT ALSO LYING ON THE SOUTHWEST CORNER OF LOT 7 TO THE POINT OF BEGINNING; PROCEED ALONG SAID SOUTH RIGHT OF WAY LINE S 89°58'00" W, A DISTANCE OF 56.32 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE S 89°58'00" W, A DISTANCE OF 63.52 FEET TO THE POINT OF BEGINNING; THENCE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 23.53 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE ON THE ARC SAID CURVE, THROUGH A CENTRAL ANGLE OF 58 DEGREES 20 MINUTES 49 SECONDS, AN ARC DISTANCE OF 23.96 FEET; (CHORD BEARING AND DISTANCE = NORTH 34 DEGREES 13 MINUTES 16 SECONDS EAST, A DISTANCE OF 22.94 FEET); TO THE POINT OF TANGENCY OF SAID CURVE AND A STRAIGHT LINE; THENCE NORTH 43 DEGREES 13 MINUTES 16 SECONDS EAST, A DISTANCE OF 20.92 FEET; TO THE POINT OF CURVATURE OF A STRAIGHT LINE; THENCE NORTH 63 DEGREES 23 MINUTES 40 SECONDS EAST, A DISTANCE OF 33.70 FEET; (CHORD BEARING AND DISTANCE = NORTH 71 DEGREES 50 MINUTES 47 SECONDS EAST, A DISTANCE OF 34.70 FEET); TO THE POINT OF TANGENCY OF SAID CURVE; THENCE NORTH 80 DEGREES 17 MINUTES 54 SECONDS EAST, A DISTANCE OF 14.77 FEET; THENCE SOUTH 07 DEGREES 38 MINUTES 06 SECONDS EAST, A DISTANCE OF 14.77 FEET; THENCE S 80°58'00" W, A DISTANCE OF 14.77 FEET; THENCE S 39°22'14" W, A DISTANCE OF 20.30 FEET TO THE POINT OF BEGINNING. ALL LYING AND BEING IN UN-SECTIONALIZED TOWNSHIP 2 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA, CONTAINING 0.05 ACRES, 2,501.4 SQUARE FEET.

11-13-19	ADDED BRICK DRIVE - N.W.		
8-27-19	REVISED BOUNDARY - N.W.		
DATE		REVISION	BY
THE SURVEY SHOWN HEREON, PREPARED IN ACCORDANCE WITH SECTION 472.027 FLORIDA STATUTES AND CHAPTER 53-17.051 AND 53-17.052, FLORIDA ADMINISTRATIVE CODE, STANDARDS OF PRACTICE, IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL BASED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. <i>Daryl E.W. Burgess</i> 11/13/2019			
DARYL E.W. BURGIS		FLORIDA LICENSED SURVEYOR & MAPPER #4980	
EMERALD COAST ASSOCIATES, INC., L.B. # 3724			

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SCALE: 1" = 10'	DWG. DATE: 11-13-19
DRAWN BY: J.T.H.	FIELD DATE: 11-8-19
PROJECT: 16-299	FIELD BOOK(S):
	2177, PAGES 24-26 (MB)
ORDER: 19-1504	2245, PAGES 59-60 (AB)
	2256, PAGES 14-16 (RB)
FILE: 16-299ASBUILT.dwg	

BOUNDARY SURVEY OF A PORTION OF LAND IN
UN-SECTIONALIZED TOWNSHIP 2 SOUTH, RANGE
22 WEST, OKALOOSA COUNTY, FLORIDA.

FOR: TIM KRUEGER

**RICHARD T. REGER
790 BAYOU DRIVE
DESTIN, FLORIDA 32541**

837-2377

rreger@cox.net

January 16, 2020

Lauren Witt, Principal Planner
City of Destin
4200 Indian Bayou Trail
Destin, FL 32541

Re: Ordinance NO. 20-07-CN Harbor Lane Right of Way

Dear Lauren Witt:

Please give a copy of my comments in regard to the referenced matter to all members of the Local Planning Agency.

I have lived in Destin for 63 years; and the Moreno Acres subdivision for over 42 years. I have lived on Jupiter Street, Mars Street, and Bayou Drive. My children and now grandchildren have enjoyed playing at the end of Harbor Lane ROW.

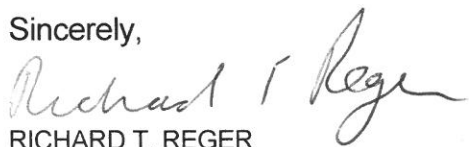
Once in the past the City of Destin was asked to vacate the Harbor Lane ROW. The city, at the time, decided in the best interest of the public, not to vacate the ROW; and with citizen assistance made improvements to it. The identity of the current property owner/applicant should have no bearing in any decision to vacate the ROW as he is just a temporary owner and could sell it at any time. Once a ROW is vacated it is lost forever to current and future generations of citizens. If the city were to vacate the ROW it would add to the property value of the applicant; and would diminish the property values and the quality of life of non-waterfront property owners in Moreno Acres. In Walton county a ROW was abandoned and shortly there after the petitioner sold his enhanced property. The ROWs in Moreno Acres were originally plated to provide an incentive to people to buy lots in the subdivision and build homes. Many did.

Water access is so needed by citizens of Destin that the city periodically tries to buy additional water access. I would think that part of the mission of the LPA would be to acquire additional water access for the city. In the case of the Harbor Lane ROW access, the citizens currently own it and are being asked to just give it away.

Also to be considered is the city's response, to concerns about the growth of the Destin Airport. That response generally amounted to telling people the airport existed before people brought their property, therefore they had to accept the existence of the airport, the associated noise, and increase in the number of flights. It seems to me the same message, "accept the property lines as drawn", is warranted here.

PLEASE VOTE TO DENY THE APPLICATION TO VACATE THE HARBOR LANE ROW.

Sincerely,



RICHARD T. REGER