

**LOCAL PLANNING AGENCY
CITY HALL BOARD ROOM
THURSDAY, JUNE 21, 2018
5:30 PM**

*****Core Value of the Month - Stewardship*****

Please turn off all Cell Phones and like devices prior to the start of the meeting.

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

A. May 17, 2018

NEW BUSINESS

- A. **A public hearing regarding Ordinance No. 18-11-CN which is an Ordinance providing for the abandonment of a segment of Harbor Lane Right-of-Way. The proposed Ordinance title is as follows:**

ORDINANCE NO. 18-11-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.

- B. **A public hearing regarding Ordinance No. 18-09-LC which is an Ordinance providing for an amendment to Article 8 - Transportation of the City's Land Development Code to modify vehicle parking standards and handicapped parking within recreational land uses. The proposed Ordinance title is as follows:**

ORDINANCE NO. 18-09-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA PROVIDING FOR
MODIFICATION TO ARTICLE 8 – TRANSPORTATION; PROVIDING FOR
AMENDMENTS TO VEHICLE PARKING STANDARDS; MODIFICATIONS TO
HANDICAPPED PARKING WITHIN RECREATIONAL LAND USES; PROVIDING FOR
FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND
DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING
FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

NEXT MEETING DATE: TBD

ADJOURNMENT

If a person decides to appeal any decision made by the City Council, committee, board, panel, or agency with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will may need to ensure that a record of the verbatim record of the proceedings is made, which record includes the testimony and evidence upon the appeal is to be based.

"Persons with disabilities who require assistance to participate in this meeting are requested to notify the Public Services Office 850/837-4242 at least 48 hours in advance".

**MINUTES
LOCAL PLANNING AGENCY
WEDNESDAY, MAY 17, 2018 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency meeting to order on Thursday, May 17, 2018 at 5:30 p.m., in the Destin City Hall Boardroom, which the Pledge of Allegiance immediately followed.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Darryl Shelton
Corey Ledbetter
Andrew McDowell

Members Absent

Donald David
Steven Menchel

Staff

Kim Montgomery, Deputy City Clerk
Stuart Campbell, Planner
Jennifer Bryla, Community Dev. Director
Jeff Burns, City Attorney
Kimberly Kopp, Land Use Attorney by phone

3. APPROVAL OF MINUTES: April 5, 2018

Agency member McDowell made the motion to approve the April 5, 2018 meeting minutes as written. Agency member Ledbetter provided the second and the motion passed with a 4-0 vote.

4. NEW BUSINESS:

- A. A public hearing regarding Ordinance No. 18-10-CC, which is an Ordinance to amend Article VI – Registration of Short-term Rentals. The proposed Ordinance title is as follows:

ORDINANCE 18-10-CC

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO
SHORT-TERM RENTAL REGISTRATIONS; PROVIDING FOR AUTHORITY;
PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT
OF CODE OF ORDINANCES ARTICLE VI – REGISTRATION OF SHORT- TERM
RENTALS; AMENDING SECTIONS 13-105 – 13-110, PROVIDING FOR
INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR
CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND
PROVIDING FOR AN EFFECTIVE DATE.**

The City Attorney read the ordinance by title into the record and explained the hearing is a Quasi Legislature. He then turned the hearing over to staff to provide input.

The Community Development Director, Jenni Bryla explained that Mrs. Kopp, the Land Use Attorney is on the phone for this hearing. She also explained to the members that they were sent an updated version that consisted of minor changes and formatting corrections that the Mrs. Kopp made to the document and that document would be the one they would make their recommendation from. In closing, she explained the information in the document came directly from recommendations made through the STR

(Short Term Rental) Task Force that meet weekly for several months, reviewed, and vetted by City Council to include them as part of the ordinance. In addition, she informed the members that there would be a short-term rental task force workshop on June 11th at 6:00 p.m.

Agency member Ledbetter asked staff for an explanation of the required sign with the responsible party's contact information as well as the 30-mile requirement for the responsible party to live in order to provide assistance; should a problem with a rental arise. According to Ms. Bryla, the criteria is that the person is to be available 24-7 and have the authority to evict people from the home. The Land Use Attorney added that if the need should arise, they have to live within 30-miles in order to be able to respond in a timely fashion.

The Chairman opened the hearing for the public to speak.

Mr. Guy Tadlock – 502 Norriego Road explained that he served on the Task Force with Jason Sprinkle who represented 360 Blue, one of the largest vacation rental companies in Destin, and how they all worked together to bring about a fair and cohesive document. He spoke of how Holiday Isle has lost 12-full time families on Holiday Isle because of the problems caused by the short-term rentals and this ordinance needs to be in place. He feels this is a good ordinance and suggests they send it forward to Council with the recommendation for adoption.

Ms. Nancy Tigner – 13 Norriego Road explained that they need help with the short term rentals and encouraged the members to make the recommendation to Council to adopt the ordinance.

Ms. Marcie Bell – 3 Gulf Breeze Court spoke of an incident where a 2-bedroom unit on her street was rented out to 18-people. She contacted the local rental company and the problem was taken care of very soon after she reported the incident. However, she spoke of a very large and loud party that was taking place at two houses on Magnolia. Adding that they were most likely a wedding party and the incident is an example of the problem with short-term rental properties and that she attended all the STR meetings and this is a good ordinance.

Mrs. Karen Shelton spoke to the members that the ordinance is a good start but they still have a long way to go.

Having no one else from the public to speak, Chairman Wood closed the public portion of the hearing and asked the Agency members for input.

Agency member McDowell thanked the public for their input. He then referred staff to page 3, Section 13-108, Subsection 6 in regards to coordination with Law Enforcement and the concern he has regarding rental companies to ensure they have been properly briefed in regards to the regulations of the eviction process which requires Law Enforcement to be onsite during the eviction process.

According to the City Attorney, the statutory authority to initiate the eviction procedures falls to the owner's authorization of the person they designate to start that process.

Agency member Shelton explained that he too served on the STR Task Force all of the information provided has been heavily vetted with over 200-man hours spent on the document he feels that it is a good ordinance.

Agency member Shelton made the motion that City Council find the proposed ordinance is consistent with the Comprehensive Plan: 2020, and recommend the adoption of said Ordinance by City Council. Agency member Ledbetter provided the second.

Chairman Wood asked what the point of having the sign is. According to Ms. Bryla, the intent is to provide the information in order to allow anyone to be able to contact either the City of the person in charge if there is a problem at the location of the rental property.

In regards to the sign requirements, Agency member McDowell asked if there is a size limitation. According to Ms. Bryla, there is language already in the Code that references signs.

With no further questions, the Chairman called for the vote and the motion passed 4-0.

5. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 5:50 p.m.

Adopted and approved this _____ day of _____ 2018.

James T. Wood, Jr., Chairman

Kim Montgomery, Deputy City Clerk

CITY OF DESTIN



AGENDA ITEM

LOCAL PLANNING AGENCY MEETING DATE: June 21, 2018

TYPE OF AGENDA ITEM: Public Hearing

TO: Local Planning Agency

THROUGH: Public Services Director, David O Campbell, PE
City Land Use Attorney, Kimberly Kopp

FROM: Engineering Assistant II, Joe Bodi

DATE: May 30, 2018

SUBJECT: Review and recommendation of Right-of-Way Vacation request 18-01, which is a request to vacate a portion of the Harbor Lane public right-of-way.

- I. BACKGROUND:** The property owners of the physical address 604 Harbor Lane, specifically R. Timothy Krueger Revocable Trust is requesting approval of a vacation of right-of-way. The proposed vacation will consist of a meandering portion of the Harbor Lane are requesting to vacate abandon, discontinue and close a portion of the public Right-of-Way (ROW) on Harbor Lane in Destin. See the attached survey.

The proposed request is in accordance with the requirements found under Article - 8, Section 8.01.00, subsection D. 1 & 2. of the LDC:

Section 8.01.00.D.2.

2. *The city attorney shall review the application for legal sufficiency. The city engineer shall provide a recommendation to the local planning agency. The local planning agency shall provide a recommendation on the application to the city council. The city council may approve the application to vacate a ROW/easement based upon a finding that all of the following requirements are met:*
 - a. *The requested vacation is consistent with the comprehensive plan.*
 - b. *The ROW does not provide the sole access to any property.*
 - c. *The vacation would not jeopardize the current or future location of any utility.*
 - d. *The proposed vacation is not detrimental to the public interest. City ownership of the ROW is no longer necessary to accomplish any valid city purpose. The city has not granted any easements which will be adversely affected by the vacation.*

The City Land Use Attorney has reviewed and approved the request for legal sufficiency for submission to the approval process.

The proposed request has been formalized by a draft ordinance, as shown in the attached legal description and general vicinity map.

The Local Planning Agency must provide findings and recommendation for all requirements, identified in Article 8, Section 8.01.00.4.

- II. DISCUSSION / FINDINGS:** According to the LDC, Article - 8, Section 8.01.00, subsection D. 1, 2, 3, and 4, the Local Planning Agency (LPA) is required to make a specific list of findings in order to approve a vacation request. The LPA, in order to make a positive recommendation to City Council, must find that all four (4) conditions have been met. The findings that the LPA must make are listed below, along with staff's review.

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 appear to conflict with the comprehensive plan.

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.

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

Staff Review: All of the utility agencies have submitted clearance letters 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, abandoned, discontinued and closed will not block public access to Joe's Bayou and be used for ingress and egress by the applicant and their guests.

The City has received citizen correspondence about the request and is presented in Exhibit D.

- III. CONCLUSION:** The applicant has provided the required letters of approval from the following agencies:

Destin Fire Control District
Gulf Power Company
Destin Water Users Inc.
Okaloosa Gas Company
Property Appraiser Office
Destin Public Services Department

AT & T Communications
NuVox Communications (Windstream)
Embarq Communications
Cox Communications
Destin Recreation Department
Destin Community Development Department

The applicant appears to have met all four (4) criteria for granting the request. Several utility companies have requested utility easements should the request be granted.

A. **Link to Strategic Goals /Objectives:** NA

B. **Effect on Budget (EOB):** NA

C. **Level of Service (LOS):** NA

The LPA posting of the property and announcement requirements have been met and are presented in Exhibit E.

- IV. **RECOMMENDED MOTION:** It is moved that the Local Planning Agency recommends approval of the this request to vacate, abandon, discontinue and close a portion of the Harbor Lane right-of-way, based on findings that the request satisfies all four (4) requirements identified in the Land Development Code, Section 8.01.00.D.

Exhibits:

- A. Ordinance 18-11-CN
- B. ROW Vacation Application 18-01
- C. Subject ROW vacation survey
- D. Citizen Correspondence
- E. LPA Posting of the Property and Announcement Requirements



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.

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.

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

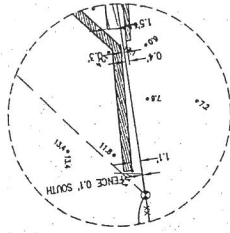
City of Destin Public Works

By:

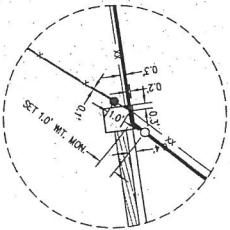
Printed Name: DAVID O. CAMPBELL

Title: PUBLIC SERVICES DIRECTOR

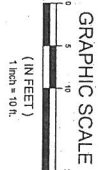
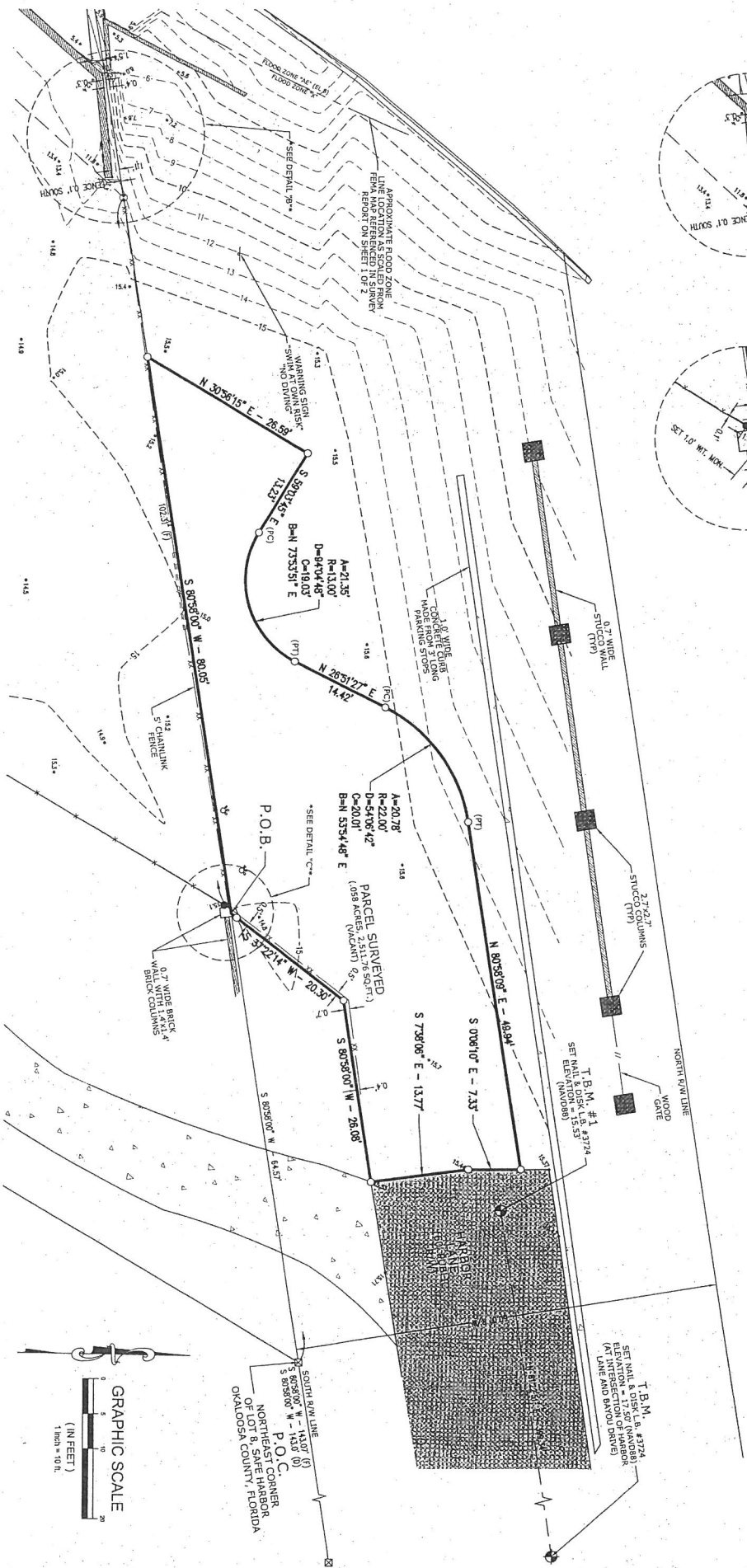
DETAIL "B"
SCALE: 1" = 10'



DETAIL "C"
SCALE: 1" = 5'



BOUNDARY SURVEY



SHEET 2 OF 2

DATE	REVISION	BY

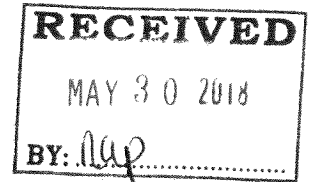
SEE SHEET 1 OF 2 FOR
SURVEY REPORT, LEGEND
AND CERTIFICATIONS

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

SCALE: 1" = 10'	DWG. DATE: 3-02-2018
DRAWN BY: J.L.H.	FIELD DATE: 2-22-2018
PROJECT: 16-299	FIELD BOOK(S): 2177, PAGES 24-26 (M6)
ORDER: 18-0168	
FILE: 16-299EASURV.dwg	

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

Emerald Coast Associates Inc.
Land Planning • Engineering • Surveying
Since 1979
WWW.ECA-FL.COM
179 COUNTY HIGHWAY 393 SOUTH
SANTA ROSA BEACH, FLORIDA 32459
PH: (850) 267-0473, FAX: (850) 267-7979



Anne Spragins-Harmuth
757 Bayou Drive
Destin, FL 32541

May 25, 2018

City of Destin
Attn: June 21, 2018, Local Planning Agency
4200 Indian Bayou Trail Destin, FL 32541

Re: Vacation of right-of-way (VROW) Application 18-01

As an "adjacent property owner" (notified May 18, 2018), I strongly object to property owner Mr. Timothy Krueger of 604 Harbor Lane's attempt to appropriate land that has served our community as access to Joe's Bayou for years.

I live on Joe's Bayou. I have access to the water. Others who live inland do not. Without Joe's Bayou access they are locked away from the water.

In the Vacation of Right-of-way (VROW) application 18-01, Mr. Krueger attempts to appropriate public land for his sole use. Mr. Krueger recently bought his property knowing he had right-of-way for the drive way entrance to his property. Having built his house, he now attempts to add public land (.058 acres more or less) to his own private holdings.

Several years ago the people of Moreno Acres, the in-land neighborhood using Joe's Bayou Public Access, joined together and donated money to the City of Destin to build a stairway to the beach to allow walk-in access to Joe's Bayou.

Destin City Parks has maintained this area providing trash pickup and a picnic bench. Neighborhood families fish and swim in this area, as they have for years.

Public property well used by a strong family community should not be appropriated by one land owner for his private convenience.

Sincerely,

Anne Spragins-Harmuth

Email: linka81536@gmail.com

Krueger, Tim - DESTIN FL

From: Krueger, Tim - DESTIN FL
Sent: Tuesday, January 30, 2018 6:02 PM
To: rbailey@cityofdestin.com
Cc: Callie Barker; Jill Cadenhead (jcaden7@gmail.com); Paul Tanaka Jr (paultanakajr@gmail.com)
Subject: Tanaka: Draft to City Council

Rey,
For your consideration, a letter from my adjoining neighbor Mr Tanaka.
Regards,
Tim

From: Paul Tanaka [<mailto:paultanakajr@gmail.com>]
Sent: Tuesday, December 19, 2017 1:17 PM
To: Krueger, Tim - DESTIN FL <tim_krueger@ml.com>
Cc: Jill Cadenhead (jcaden7@gmail.com) <jcaden7@gmail.com>; Callie Barker <callie@callieandco.com>
Subject: Re: Tanaka: Draft to City Council

I, Paul Tanaka Jr. of 606 Harbor Lane, endorse Mr. Krueger's proposed ROW improvement shown in the attached. As a non-primary resident, I've dealt with trespassers and vandals accessing my property over the years, with little fear of recourse given my frequent absence. In years past I've arrived to find everything from shattered beer bottles in the pool/jacuzzi to fishing tackle litter (hooks etc) scattered along my seawall.

The proposed plan serves as a deterrent to trespassers and also as an aesthetic facelift to an otherwise neglected area.

Regards,

Paul Tanaka
606 Harbor Ln

Joe Bodi

From: Joe Bodi
Sent: Friday, June 1, 2018 7:23 AM
To: Jennifer Bryla; Stuart Campbell
Subject: FW: Krueger: Harbor Ln ROW
Attachments: IMG_3086.jpg; IMG_3089.jpg; Scanned from a Xerox multifunction device.pdf

Good Morning

Below is an email received yesterday that may need to be included in the LPA agenda.

Joe

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

From: Krueger, Tim - DESTIN FL [mailto:tim_krueger@ml.com]

Sent: Thursday, May 31, 2018 3:50 PM

To: sktrammell@cox.net

Cc: Council; Carisse LeJeune; Gary Jarvis; Callie Barker; David Campbell; Joe Bodi; Michelle; Patty Register

Subject: Krueger: Harbor Ln ROW

Dear Sandy,

Thank you for your interest in my project and your gracious offer to be the 'city historian' to ensure that the neighbors and councilmembers alike have an in-depth understanding of the unique situation my family and I find ourselves in.

I understand your position that you wish my driveway was on the southern half of the ROW. But as we discussed I merely renewed a permit from the prior owner that was signed into effect by then City Manager Greg Kisela on 12/16/14. Moreover, doing so would have infringed on Mr Tanaka's ROW and the underground utilities that run there. Finally, it would have meant cutting down one of only two large trees on the property. I know you believe its dying but I am not, nor was I aware, of the trees health.

The bottom line is this permit was in my due diligence package provided to me by Mr Keith Howard and I took it to be what the city deemed to be the best outcome.

I trust you are satisfied from chatting with my neighbor Harriet Gifford and Captain Charlie Nix about the need to block vehicular traffic on the ROW due to the nefarious activities that go on there after dark. EG when the 'park' is closed. I have also attached a letter from my neighbor Mr Tanaka with his thoughts on this matter.

As promised, I have attached two pictures of a fence and gate similar to what I am proposing to secure my property. Your point that the "folks won't be able to look down and see the water from the center of the road is accurate"....if landscaped as proposed.

As such, if it will appease your 'constituents' I will agree to at least negotiate on this point.

In closing, I am truly grateful to have your insight and expertise at my and the city's disposal. I look forward to seeing your petition as soon as it is completed.

Regards,
Tim

R. Timothy Krueger
Senior Vice President - Wealth Management Senior Financial Advisor NMLS ID: 521511

Krueger, Fosdyck & Associates
Merrill Lynch, Pierce, Fenner & Smith Inc.
34990 Emerald Coast Parkway Ste 400
Destin, FL 32541
T 850 269 7003 Toll Free 866 625 2305
F 850 391 1735
Tim_Krueger@ml.com
www.fa.ml.com/krueger_group

For insights on the go follow Merrill Lynch on Twitter LinkedIn and You Tube

Life's better when we're connected(r)

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

From: krug58@hotmail.com [<mailto:krug58@hotmail.com>]
Sent: Thursday, May 31, 2018 2:58 PM
To: Krueger, Tim - DESTIN FL <tim_krueger@ml.com>
Subject:

This message, and any attachments, is for the intended recipient(s) only, may contain information that is privileged, confidential and/or proprietary and subject to important terms and conditions available at <http://www.bankofamerica.com/emaildisclaimer>. If you are not the intended recipient, please delete this message.

Michelle Boswell

420 Oak Harbour Lane #205
Destin, FL 32541

May 31st, 2018

Dear Council Members & Local Planning Agency,

I'm concerned with the potential takeover of one of our parks by a neighbor, Mr Krueger of 608 Harbor Dr. This is in reference to the pedestrian park on Harbor Drive at Joe's Bayou. I've been very patient with the neighbor building his home and having the workers' vehicles lined up all in the park area and along the road. I have avoided the park for the last few months because of the workers there.

Today, I was walking my dog and thought maybe they were done and gone so I could take Harley for a swim, like we do often when we are out for our daily walk. I was dismayed to see they are not only still there but had equipment blocking the park entrance. They were running a saw and blowing clouds of dust that would keep everyone away, not just us. In my naivety, I turned Harley away and said maybe I can take you this weekend.

My hopes are that it wasn't intentional but I'm afraid it may have been as I happened to run into another neighbor out walking that informed me that Mr Krueger had applied for a Vacation Right-of-Way that would leave very little room for the park. In fact, it would make it feel as those using the park were infringing upon his land when the opposite is true.

Please note that it's not just the immediate neighbors that use this park. There are many people that used to use the park and will again when the construction crews are gone. We walk over a mile to swim, cool off and enjoy nature. I've met neighbors that live in Kell-Aire, Moreno Acres, and further down Indian Trail that walk or bike to the park. And it's the only access point nearby that doesn't have boats launching.

Mr Kruger currently has an easement for ingress and egress onto his land and he knew the park was there prior to building. The easement should suffice for his needs. Please deny Mr Krueger's application and leave the park as it is for the public to enjoy.

Sincerely,

A handwritten signature in black ink that reads "Michelle Boswell". The signature is written in a cursive, flowing style.

Michelle Boswell, and Harley

June 21st Meeting of LPA

Please deny Tim Krueger's application for a vacation of ROW.. He is asking the city to solve a problem which he created, and at great expense to the many who use and love this public land. He chose to buy a land-locked lot, knowing that a driveway would have to cross public land. He chose an architectural plan which did not include enough driveway or parking space for his needs. It is not the city's responsibility to provide him a turnaround area, it was his responsibility to plan for this BEFORE he built.

He says he needs a fence around the driveway for protection from the dangerous activities which take place on this public land. All who know and use this 'park' - located in a neighborhood which has the lowest crime rate in Destin- dispute his claims And, more to the point- was it not his responsibility to look into this BEFORE he bought and built? A responsibility we all share -to check into the neighborhood before you buy- even more so if you are choosing, as Mr. Krueger, to build next to public land. It is not the city's responsibility to provide a solution for his lack of planning. Not when the solution would represent such a huge loss to the public.

This has been OUR park, a lovely-and now so rare in Destin!-wide open section of land leading to Joe's bayou. it was not a gated, fenced-in private entrance to a home. beside which we would be made to feel as if we were intruding. Mr. Krueger has a lot line, as we all do, and could easily provide the safety he says he needs by fencing and gating it. His driveway, as all of ours, would cross city owned land. Mr. Krueger defends his application by saying that he is not taking away 'water access'. Yet that is not the sole or even primary use of our land.

Many come just for the quiet serenity, the view, the peace we find as we walk up Harbor Lane, with an open view of the bayou, to sit at the picnic table watching sunrise or sunset, enjoying it on a sunny afternoon, seeing the fury of nature before or after a storm-we come here for the peace and quiet and beauty we have always found here, Attributes which would be completely negated by Mr. Kruegers plan of putting a 'turnaround' just feet from where we would be sitting. The invasiveness of truck/car noise and exhaust fumes would drive people away from ever coming back to this park, A scenario which is NOT in the public interest.

I have talked to many who, having seen the chain he has put out at the entrance, simply turned away, assuming it was not open to the public. This might well be in Mr. Kruegers interest, as he claims we are a danger to him,

but it is NOT in the public interest. How sad that people do and will feel, even more so if there is a gate at the entrance, that they cannot, should not, access this public right of way! Call it a park or water access, it is all the same land, and residents-as well as tourists!- have been as using and enjoying ALL of it for years and years..

We believe this application to be without merit. Were Mr Krueger so concerned about the dangers of this land he would not have wanted the public to be next to him at all.. Yet he appears happy to be to be 'giving' access. He cites a boathouse burglary back in feb 2017, and finding drug paraphernalia on his lot-before the house was built-why then did he not sell it? Why, when you have 6 children, would you buy such a small landlocked lot which doesnt serve your needs? Myself and another user were told by one of his foreman that Mr Krueger had asked the builder to put the turnaround and the gate in his plans, but was told he could not do that as it is public land. This application is another way of getting what he was hoping the builder would do-add public land his property and make it appear to be-as you walk down harbor lane-a private entrance. .

Claiming that he will not be safe without more land to fence in, claiming that he needs more driveway-these are not the city's responsibility to fulfill. He could fence and gate in his lot line for privacy and protection, he could add turnaround space within that lot line. Stating that he is 'leaving' us water steers away from the truth of what he is TAKING from us. Asking us to focus on how he is saving trees and adding some landscaping also shields the truth -that he removed trees to build his house, and what landscaping was present was destroyed by construction workers. What would be lost here is a quality of use which the public has had for years. To allow gating, fencing, and automobile usage on this land would drive away most, if not eventually all of the people who have, and have had public access for so long.. Mr. Krueger's request , if granted would be greatly detrimental to public interest .

For the many many residents who use and love this public land at the end of Harbor Lane, please deny Mr. Krueger's application for a vacation of R.O.W.

Cynthia Floyd

June 5,2018

Cynthia Floyd
124 Bayou Dr.

June 5, 2018

Stuart Campbell

From: Joe Bodi
Sent: Thursday, June 14, 2018 7:32 AM
To: Stuart Campbell; Jennifer Bryla
Subject: FW: Harbor Lane Public Access

Good Morning

I received this email this morning. It will need to be added to Exhibit E for the LPA package for the VROW of Harbor Lane.

Joe

From: destinp@cox.net [mailto:destinp@cox.net]
Sent: Wednesday, June 13, 2018 9:02 PM
To: Joe Bodi
Subject: Harbor Lane Public Access

Hello Mr. Bodi,

I spoke with you on the phone today about the proposed vacation of the right of way at the end of Harbor Lane. We have lived on Harbor Lane for almost twenty years and we, as well as countless others, have enjoyed this water access for many years.

In the past our neighborhood has had to oppose efforts by the landowners on either side of the public access from trying to develop it into their personal property. (Why should a vacation of the right of way be given to this homeowner and not any others?)

It has been a challenge to keep any of it available for our neighborhood's use.

I understand that the present landowner to the left of the right of way does need to access his property. My request is that his access does not infringe on the rights of the neighborhood, and that his driveway/fence/gate take up as minimal as possible (and not block the visibility from the road) of the area that we know of as a park.

Destin has a limited number of public water access availability. Please do not let this public land become a private homeowner's personal property.

Thank you for your consideration.

Kim Destin
582-6037

Jay A. Odom
605 Harbor Lane
Destin, FL 32541
Email: jayodom@thejayodomgroup.com

June 14, 2018

Via e-mail to jbodi@cityofdestin.com and facsimile: 850.837.9693

City of Destin
Attn: June 21, 2018 Local Planning Agency
4200 Indian Bayou Trail
Destin, FL 32541

RE: Vacation of Right of Way Application 18-01

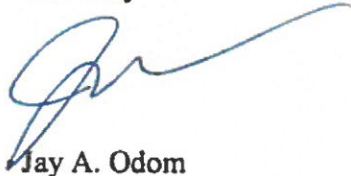
Dear Members,

I live at 605 Harbor Lane, Destin, Florida. I have owned this property since 1993. Mr. Krueger is building a home located at 604 Harbor Lane, which is located adjacent to the City Right of Way ("ROW") known as Harbor Lane and provides access to his property.

The City has issued a permit for the brick paver driveway he currently has installed on his property. I support the plan as currently permitted by the City. This plan provides Mr. Krueger access to his property and continues to provide public access to Joe's Bayou located at the end of the ROW. I support the public's access to the water at the end of this ROW and this plan continues to provide that access.

Further, I recommend the City install a sidewalk from the end of the pavement to the end of the ROW and maintain this area to the water access. This would include City security to enforce the No Parking as required and provide security at night to insure the ROW and park are a safe environment for our Destin families.

Sincerely



Jay A. Odom

Stuart Campbell

From: Joe Bodi
Sent: Thursday, June 14, 2018 11:39 AM
To: Stuart Campbell; Jennifer Bryla
Subject: FW: VROW Application 18-01
Attachments: J.Odom ltr to City of Destin re VROW 18-01.pdf

Good Morning

Another citizen letter has come in, only moments ago for the LPA meeting VROW agenda Exhibit E.
Joe

From: Dawn Stuntz [mailto:dstuntz@thejayodomaingroup.com]
Sent: Thursday, June 14, 2018 11:36 AM
To: Joe Bodi
Subject: VROW Application 18-01

Please find a letter of today's date from Mr. Jay Odom regarding the referenced application.

Thank you.

Dawn

Dawn E. Stuntz
General Counsel
850-654-4126, Ext. 112



Mailing: PO Box 1735, Destin, FL 32540
Physical: 4652 Gulfstarr Drive, Destin, FL 32541

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ORDINANCE NO. 18-11-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 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. CONTAINING 0.058 ACRES, 2,511.76 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 _____ 2018.

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 18 - 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: 34990 Emerald Coast Parkway, #400

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 January 17, 2000

Mailing Address: 34990 Emerald Coast Parkway, #400

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

Lot: 8 Block: _____ Plat Book: _____ Page Number: _____

Subdivision Name: Safe Harbor

5. **SITE DETAILS:**

Total acreage of the right-of-way area to be vacated: 0.058

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

6. **APPLICANT'S REQUEST (Purpose of Vacation):** Parking and Security Purposes and for
the purpose of connecting applicant's prooperty to the paved section of Harbor Lane.

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

✓ 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.
- N/A M. Okaloosa Public Works Department – If part of or abutting a County property.
- N/A 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: [Signature] DATE: 4-11-18

PRINTED NAME: R. Timothy Kruger, Trustee of the R. Timothy Krueger Revocable Trust
dated January 17, 2000

TITLE: Applicant

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, 20

Witnessed by:

Signed name

Simona Ondrejková
Printed name

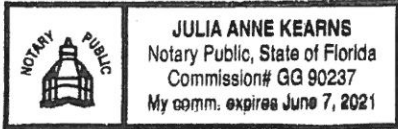
Signed name

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 _____

**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, R. TIMOTHY KRUEGER am presently the owner and/or leaseholder at 604 HARBOR LANE, 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 P. MICHELLE MCGEE whose address is 12183 EGLIN PKWY, SUITE A, 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 APPLICATION FOR VACATION.

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 carrying out the foregoing powers shall contain my name, followed by that of my said attorney and the designation "Attorney-in-Fact".

[Signature]
Signed name of owner

R. TIMOTHY KRUEGER, Trustee of the R. Timothy
Printed name of owner Krueger Revocable Trust
dated January 17, 2000

Witnessed by:

[Signature]
Signed name

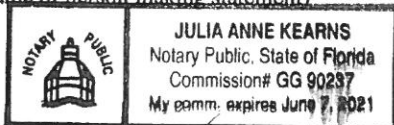
Simona Ondrejкова
Printed name

[Signature]
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, who did take an oath.
(name of person making statement)



[Signature]
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 _____

ABUTTING PROPERTY LIST AFFIDAVIT

STATE OF FLORIDA
COUNTY OF OKALOOSA

BEFORE ME, the undersigned authority, personally appeared R. TIMOTHY KRUEGER who under oath, deposes, and says as follows:

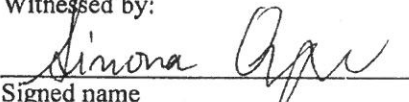
- (1) That the following is a list of all contiguous property owners within three hundred (300) feet of the property in question.

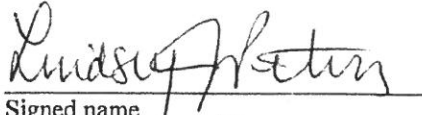
FURTHER AFFIANT SAYETH NOT:


Signed name of owner

R. TIMOTHY KRUEGER
Printed name of owner

Witnessed by:

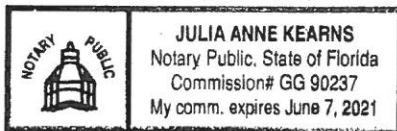

Signed name
Simona Ondrejko
Printed name

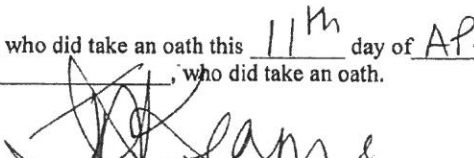

Signed name
Lindsey J. Peters
Printed name

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, who did take an oath.
(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 _____

WARRANTY
DEED
PROVING
OWNERSHIP

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 35216 (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 80°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:

[Signature]
Witness Signature

S. WILSON HOLLEN, JR.
Printed Name of First Witness

[Signature]
Witness Signature

Stewart 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 (X) is personally known to me or (X) has produced the following as identification ADL.

Michael H. Bunker
Notary Public

My Commission Expires: 9/25/18



PORTIONS
OF
TRUST
AGREEMENT

R. TIMOTHY KRUEGER REVOCABLE TRUST AGREEMENT

I, R. TIMOTHY KRUEGER (266-37-7174), of 4077 Indian Bayou N., Destin, Florida, hereby declare myself trustee of the property identified in the attached Schedule of 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:

Kandyt Hunt
Elizabeth Ward

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.

Kandyt 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

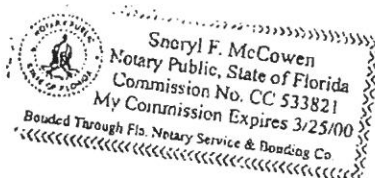
R. TIMOTHY KRUEGER

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]

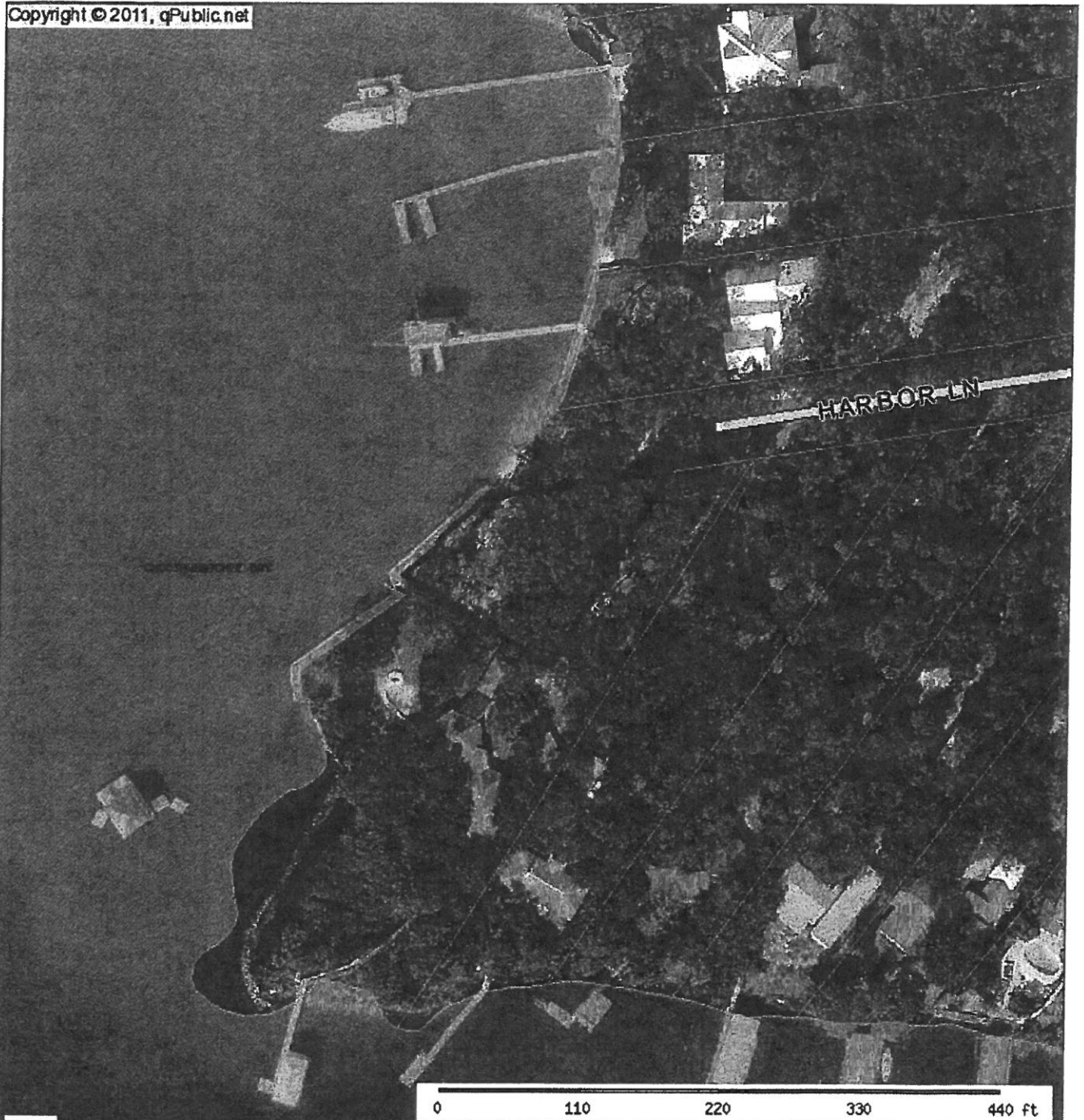
[REDACTED]

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]



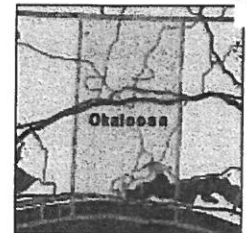
CORRECTED
PARCEL
MAP



Okaloosa County Appraiser

Parcel: 00-2S-22-2160-0008-0010 Acres: 0

Name:	KRUEGER R TIMOTHY TRUST	Land Value:	363,445
Site:	604 HARBOR LN	Building Value:	0
Sale:	\$475,000 on 2016-05 Reason=V Qual=C	Misc Value:	3,125
	34990 EMERALD COAST PKWY #400	Just Value:	366,570
Mail:	DESTIN, FL 32541	Assessed Value	366,570
		Exempt Value	0
		Taxable Value	366,570



Okaloosa County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

Date printed: 04/24/18 14:04:27

BOUNDARY SURVEY

SURVEY REPORT:

1. BARRIERS SHOWING HEIGHTS ARE REFERENCED TO THE SOUTH N/41 LINE OF WARDEN LANE, AS BEING LOCATED AT W 1/4 (SEE MAP).
2. THE PANEL IS LOCATED IN PLANO ZONE 'K', NO BASE FLOOD ELEVATION REQUIRED AND IN PLANO ZONE 'K', NO BASE FLOOD ELEVATION REQUIRED, AS DETERMINED BY SCALE FROM FEMA, AND NUMBERED AS PANEL 408 OF 944, DATED DECEMBER 8, 2002, DALLAS COUNTY, TEXAS.
3. NO ENVIRONMENTAL ASSASSION LINES HAVE BEEN DETERMINED BY DALLAS COUNTY ASSOCIATES, INC.
4. THE SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT ASSESSMENT OF TITLE OR TITLE INSURANCE POLICY. NO EXAMINER OF THE PUBLIC RECORDS WAS PROVIDED BY DALLAS COUNTY ASSOCIATES, INC. NO RECORDS OF RECORDS ARE CHECKED FOR DEEDS, INTERESTS, ENCUMBRANCES OR OTHER MATTERS OF RECORD DO NOT EXIST.
5. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THE SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF DALLAS COUNTY, TEXAS.
6. APPROXIMATE LINES ARE AS SHOWN.
7. NO STRUCTURAL FOUNDATIONS BELOW THE SURFACE OF THE GROUND WERE LOCATED.
8. EXISTING UTILITIES OF CEMEX MATERIALS/INDUSTRIAL UTILITIES, SONS, ETC., ARE DISCLOSED FOR CLARITY AND NOT TO SCALE. THE CENTER POINT OF SUCH IS ACCURATELY PLOTTED TO SCALE AND/OR APPROXIMATELY INDICATED.
9. NO UNDERGROUND UTILITIES OR UTILITY LINES WERE LOCATED.
10. ELEVATIONS SHOWN HEREIN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD83).

- DESCRIPTION:**
(AS WRITTEN)

(AS WRITTEN)

[illegible]

SHEET 1 OF 2

www.ecs-ll.com

17th COUNTY HIGHWAY 393 SOUTH
SANTA ROSA BEACH, FLORIDA 32459

PH: (800) 267-0473, FAX: (800) 267-0978

Ronald Coast Associates Inc.

and Planning • Engineering • Surveying

Since 1979

SCALE: 1"=10'	DWG. DATE: 3-02-2016
DRAWN BY: LTH	FIELD DATE: 2-22-2016
PROJECT#: 16-259	FIELD BOOK(S):
ORDER: 18-0165	2177, PAGES 24-26 (NE)
FILE: 16-2596-052-DWG	

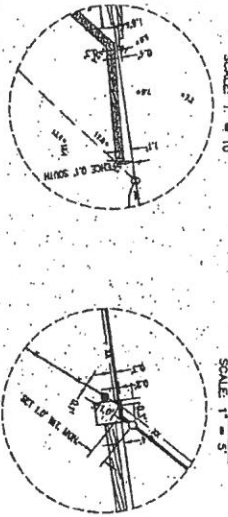
BOUNDARY SURVEY OF A PORTION OF LAND IN
UN-SECTIONALIZED TOWNSHIP 2 SOUTH, RANGE
22 WEST, OKALOOSA COUNTY, FLORIDA.

DATE	RECORD	STUDENTS
THE SEARCH SYSTEM HEREON, PREPARED IN ACCORDANCE WITH SECTION 43-202 FLORIDA STATUTES CONCERNING THE DEPARTMENT OF REVENUE'S RECORDS MANAGEMENT POLICY STANDARDS OF PRACTICE IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I HAVE REVIEWED THE ORIGINAL SOURCE USED FOR A FLORIDA LICENSED SAMPLER AND I APPROVE THE INFORMATION. <i>Debra B. B...</i> 3/6/2018		
ARL. E. W. BURGESS	FLORIDA LICENSED SAMPLER - J. WAYER #490	10 0000

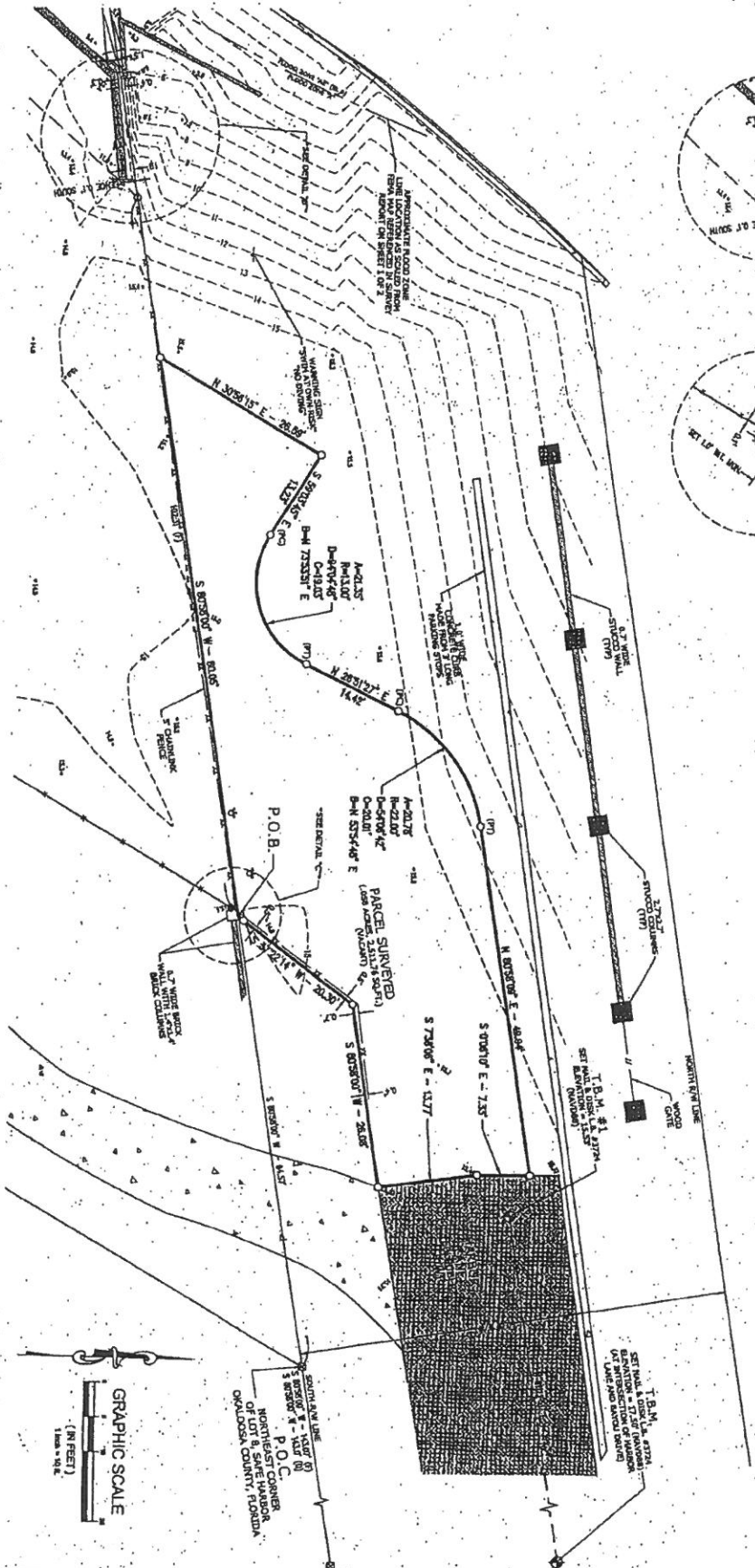
EMERALD COAST ASSOCIATES, INC., L.B. 5724

162-97

DETAIL "C"



BOUNDARY SURVEY



GRAPHIC SCALE
(IN FEET)
1 inch = 10 ft.

SHEET 2 OF 2

SCALE: 1"=10' DRAWN BY: J.H.A. PROJECT#: 16-299 ORDER#: 16-0168 FILE: 16-299\ORD-16-0168.dwg	DATE: 3-02-2018 FIELD DATE: 3-22-2018 FIELD BOOK: 001 2177, PAGES 24-26 (40)	BOUNDARY SURVEY OF A PORTION OF LAND IN UN-SECTIONALIZED TOWNSHIP 2 SOUTH, RANGE 22 WEST, OKALOOSA COUNTY, FLORIDA. FOR: TIM KRIEGER	DATE: _____ BY: _____ SEE SHEET 1 OF 2 FOR SURVEY REPORT, LEGEND AND CERTIFICATIONS	DARTL E.W. BURGOS FLORENCE LINDSEY SANCHEZ & LARRY PABLO EMBRYAL COAST ASSOCIATES, INC. L.P. # 3724 16-299B
--	---	---	---	--

OWNERSHIP & ENCUMBRANCE REPORT

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. Grantee(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 (X) 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 positioned above the printed name.

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 Etta 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 M. Melvin

Notary Public.

My Comm. Exp. Oct. 17, 1939.

(N.P. SEAL)

Filed, recorded and verified this the 17th day of August, A.D. 1937.

Mallory B. Barrow, Clerk Circuit Court.

BY

Mary Waid
Deputy Clerk

10¢ Fla. Doc. Stamp

WARRANTY DEED - STATUTORY.

THIS INDENTURE, Made this 31st day of July, A.D. 1937 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 Moreno 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 eastern 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. 115, 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

AUG 26

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 turpentine said timber and cutting and removing the same for a period of 8 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.R. Moody

President

ATTEST: Corine M. Moody
Secretary.

Signed, sealed and
delivered in the presence of:

J.D. Sharon

Cecil A. Rountree

STATE OF FLORIDA

COUNTY OF WASHINGTON

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.R. 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 act 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. Rountree

Notary Public, State of Florida

My Commission expires Mar. 18, 1938.

(N.P. SEAL)

Filed, recorded and verified this the 18th day of August, A.D. 1937

Mallory B. Barrow, Clerk Circuit Court

BY

Mallory B. Barrow
Deputy Clerk

JOE'S BAYOU ADDITION

TO

OWN OF DESTIN
DA COUNTY, FLORIDA

SCALE
1" = 100'

MAN, C.E. BAGDAD, FLORIDA

JUNE 1, 1939

ENGINEER'S CERTIFICATE

certifies that he has caused this plat to be made, representation of the land hereon described, that ed and staked as indicated, that permanent refer- (P.R.M.) have been placed as required by Plat Act means feet.

W. A. Dwyer C.E.
FLORIDA REGISTERED SURVEYOR

DEDICATION

(1939)

KNOW ALL MEN BY THESE PRESENTS, That Destin Realty Company, Florida corporation, owner of the lands hereon subdivided, hereby dedicates to the public the streets, roads and parks as designated on this said plat and also Main Street, Bayou Drive and Hill 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 hereunto set its hand and seal on this the 26th day of June, 1939,

Signed, sealed and delivered in the presence of:

W. A. Dwyer

T. C. Winton

STATE OF FLORIDA
COUNTY OF OKALOOSA

DESTIN REALTY COMPANY
By Tyler Calhoun

ATTEST: L. Kelly
ITS SECRETARY

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 and who so executed the foregoing dedication and they acknowledged that they as such officers and being thereunto duly authorized executed the same for the uses and purposes therein set forth.

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

JOE'S Bayou

LIST
OF
ABUTTING
PROPERTY
OWNERS

302 N. Wilson St. Suite 201
Crestview, FL 32536
(850) 689-5900
Fax: (850) 689-5906



Mack Busbee
Okaloosa County Property Appraiser

Please Reply To:
1250 Eglin Pkwy N. Suite 201
Shalimar, FL 32579-1296
(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: Juli Wilson

rec	PARCEL NUMBER	OWNER_NAME	TAXDIST	HOUSE_NO	SITUS ST	SITUS MD	ST_DIR	SITUS CITY
1	00-25-22-2160-0008-0000	TANAKA PAUL K JR ET AL	10	606	HARBOR LN			DESTIN
2	00-25-22-2160-0008-0010	KRUEGER R TIMOTHY TRUST	10	604	HARBOR LN			DESTIN
3	00-25-22-2160-0005-0000	ANDERSON HELEN B (LIFE ESTATE)	10	745	BAYOU DR			DESTIN
4	00-25-22-2160-0006-0000	MILONSKI WINSTON M	10	610	HARBOR LN			DESTIN
5	00-25-22-2160-0007-0000	GIFFORD GREGG & HARRIET	10	608	HARBOR LN			DESTIN
6	00-25-22-1320-0015-0000	HARMUTH HENNING & ANN SPRAGINS	10	757	BAYOU DR			DESTIN
7	00-25-22-1320-0016-0000	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	

REQUEST
FOR
WAIVER
OF
CERTIFICATE
OF
PROJECTED
PROPERTY
VALUE



FLEET & SMITH
ATTORNEYS AND COUNSELORS AT LAW

April 17, 2018

VIA E-MAIL

City of Destin, Florida
c/o Public Services Department
4200 Indian Bayou Trail
Destin, Florida 32541
jbodi@cityofdestin.com

RE: Right-Of-Way Vacation Application – R. Timothy Krueger, Trustee of the R. Timothy Krueger Revocable Trust

To Whom It May Concern:

I have the pleasure of representing Timothy Krueger, as Trustee of the R. Timothy Krueger Revocable Trust, in his application to have a portion of the right-of-way on Habor Lane, adjacent to the property owned by the Trust, partially vacated. In our efforts to collect the required information for Mr. Krueger's application, my office communicated with a representative, Will Cooper, of the Okaloosa County Property Appraiser's office in order to request a Certificate of Projected Property Value. Mr. Cooper stated a Certificate of Projected Property Value could not be provided at this time as improvements are currently in process on the property and a new tax value would not be reviewed or projected until 2019. Mr. Krueger is building a home on the property adjacent to the portion of the right-of-way he is requesting be partially vacated.

In consideration of this information, I am requesting this requirement be waived so Mr. Krueger's application can proceed. If an alternative requirement is requested in lieu of the Certificate of Projected Property Value, my client will do what is necessary to comply in order to ensure a complete application is presented to the LPA and City Council.

If you have any questions, please do not hesitate to call or email me.

Sincerely,

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

PMM/pr

APPROVAL LETTERS



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@fleetsmithlaw.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

Wonderful!! 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 Plng. & 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 Plng 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 Eglin 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 lines (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: Jennifer Bryla
Title: 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.

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.

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.

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.

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

LPA MEETING 6/21/18

ORIGINAL PERMIT 12/15/14

POLICE REPORT 2/9/18

DOCK TRESSPASSERS 12/25/17

POLICE REPORT VANDALISM 10/19/17

DRIVEWAY BLOCKED 9/18/17

DRIVEWAY BLOCKED 11/12/17

GATE PRIED OPEN 11/13/17

PARTIERS ON ROW 4/7/18

TRESSPASSERS ON ROW 4/22/18

TRESSPASSER EXPOSING HIMSELF 2/20/18

LETTER CHIEF SASSER

LETTER PAUL TANAKA IMMEDIATE NEIGHBOR

THE PLAN (CALLIE & CO)

CITY OF DESTIN - ENGINEERING DEPARTMENT
RIGHT-OF-WAY CONSTRUCTION PERMIT
RESIDENTIAL SITE (Single Family/Duplex)

RECEIVED

DEC 11 2014

CITY OF DESTIN
PUBLIC SERVICES

Application Date: 12/11/2014 ROW Permit No: EN 14125

Project Address: 604 HARBOR LANE

Applicant/Permittee: DEANNA N. ALAN

Applicant/Permittee Address: 5410 TERRACE LANE S.

Contact Person: JOANNA ALAN LOLEY/KEITH HOWARD

Telephone: 251-554-4989 Fax/Email: joannaloley@comcast.net

Permittee is requesting permission from the City of Destin to conduct construction activity in the City's Right of Way (ROW) at the above Project Address, described as follows:

ACCESS TO DRIVEWAY / LOT ENTRANCE

(GRAVEL DRIVE ACCESS TO DRIVEWAY)

Estimated Construction Timeframe From: FEB/MARCH 2015 To: _____
(90 days maximum)

1. A Site Plan or drawing of the proposed work to be done shall be attached to this permit.
2. If project includes Pavers in the ROW, Permittee must execute a Maintenance and Hold Harmless Agreement (approved by City Attorney) with the City and have it recorded into Public Records at the Okaloosa County Clerk of Courts prior to filing this permit.
3. The following Fees shall be required for Residential Site ROW Construction Permits per Resolution 02-23, Section 2.

• Processing Fee	\$ 30.90
• <u>100</u> Linear Feet of disturbed ROW @ \$10.30 per 100 feet	<u>10.30</u>
• <u>—</u> Road Bores @ \$20.60 each	<u>—</u>
• <u>—</u> Road Cut @ \$257.50 each	<u>—</u>
• Yes ☒ No ☐ Landscaping/Irrigation included in project? @ \$20.60	<u>—</u>
• Total Fees:	<u>41.20</u>

Fee Exemption: Original driveway access cut and/or original sidewalk as a part of an overall development permitted through the Development Order or Residential Building Permit process.

4. Permittee has insurance (Company Name): _____

(Coverage Description): _____

5. Permittee declares that prior to filing this application, the location of all existing utilities, both aerial and underground has been located by notifying: Sunshine 1-800-432-4770, Locate Ticket Number: _____ (REQUIRED)

6. It is expressly stipulated that this permit is a license for permissive use only and that placing of facilities upon property pursuant to this permit shall not operate to create or vest any property right in said holder.

7. Whenever necessary for the construction, repair, improvement, maintenance, safe and efficient operation, alteration or relocation of all, or any portion of said road as determined by the Public Services Director, any or all of said poles, wires, pipes, cables or other facilities and appurtenances authorized hereunder shall be immediately removed from said road, for reset or relocation thereon as required by the Public Services Director, and at the expense of the Permittee unless reimbursement is authorized.

Payment Information:
RECEIVED
DEC 15 2014
CITY OF DESTIN PUBLIC SERVICES
PD CLK#134
41.20
Official Use Only <u>AV</u>

8. All work shall meet City standards and be performed to the satisfaction of the City of Destin's Public Services Director. All materials and equipment shall be subject to inspection by the Public Services Director.

9. All disturbed property shall be restored to its original or better condition in a manner satisfactory to the City of Destin.

10. If permission is given for a road cut, a temporary two-inch (2") asphalt patch shall be installed within five (5) working days, and cut must be completely restored to engineer's specifications within 15 feet either side of the cut, within 30 working days.

11. The Public Services Director shall be notified twenty-four (24) hours in advance of starting work. The Permittee shall commence actual project construction in good faith within sixty (60) days from the date of said permit approval and shall be completed within 365 days from approval date. (If work is not commenced within 60 days of approval date, this permit is void).

12. **At Project Completion, Notification to the Public Services Department of City Hall IS REQUIRED!**

13. The construction and maintenance of such ROW construction shall not interfere with the property and rights of a prior Permittee.

14. Special Conditions/Instructions: (for office use only)

PRIOR TO STARTING CONSTRUCTION PROVIDE SSOC TICKET# ② COMPLETE
ITEM 4 ON THE FRONT PAGE

15. It is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City's right, title and interest in the land to be entered upon and used by the holder, and the holder will, at all times, assume all risks of, and indemnify, defend and save harmless the City of Destin from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise or attempted exercises by said holder of the aforesaid rights and privileges; during construction, all safety regulations of the City shall be observed and the holders must take such measures, including placing and display of safety devices, as may be necessary in order to safely conduct the public through the project area in accordance with adequate safety practices.

16. All Landscaping placed within the ROW by adjacent property owner shall be at risk for maintenance, replacement or removal by said adjacent property owner. The City shall make every effort to support property owners in maintenance and beautification of ROW's and encourage contractors of utility work and City projects to coordinate with adjacent property owners for removal and restoration of facility and landscaping associated with various projects. Where feasible, the utilities and City work shall be encouraged to restore all compliant landscaping and facilities as a part of project costs. However, should the ROW be required for utility or other City work, the adjacent property owner shall be responsible for removal and/or replacement of any landscaping within the ROW at no cost to the City.

17. In the event contaminated soil is encountered by the Permittee or anyone within the permitted construction limits, the Permittee shall immediately cease work and notify the City. The City shall coordinate with the appropriate agencies and notify the Permittee of any suspension or revocation of the permit until contamination assessment and remediation, as appropriate under Rule Chapters 62-770 and 62-730 Florida Administrative Code, has progressed to a state that all environmental regulatory agencies having jurisdiction have approved the site of the contamination for resumption of work.

18. No lane closure shall be allowed on arterial or collector roadways between 6 am to 8 am or between 4 pm and 6 pm. No lanes shall be closed from 12-noon forward on Friday afternoons.

Notify the Public Services Department at Destin City Hall (837-4242) 24 hours in advance of any lane closure.

19. In the case of noncompliance with the City's requirements, this permit is void and the facility will have to be brought into compliance or removed from the right-of-way at no cost to the City.

Submitted by Deanna Allen (signature and title)

Approved this 15th day of Dec 2014

By: Joe For CITY ENGINEER, for the City of Destin.

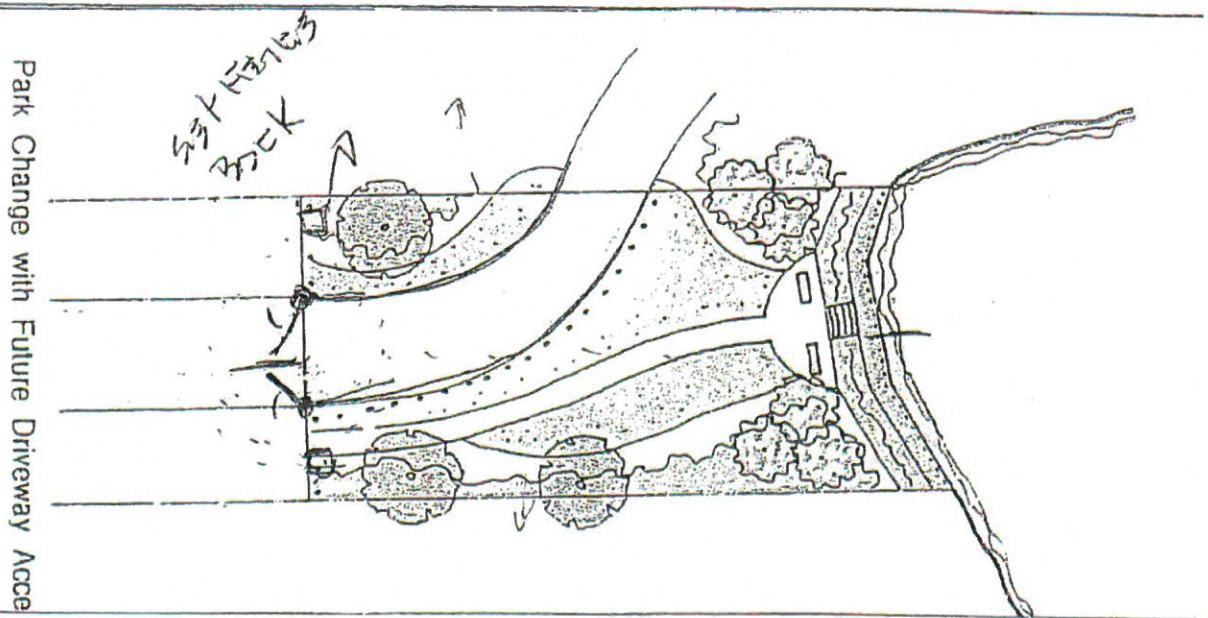
ROW Permit No: _____

Project Address: _____

Approved this _____ day of _____, _____

By: _____ City of Destin, Florida

Project Notes: _____



- new plan of center
- new driveway

City of Destin
Department of Engineering
Maintenance & Hold Harmless Agreement

DEPUTY CLERK MSMITH
JD PEACOCK II CLERK AD INTERIM OKALOOSA COUNTY, FL

Deanna N. Allan, an unremarried widow, hereinafter referred to as **Guarantor**, and the **City of Destin, Florida**, enter into this Agreement this **15th day of December, 2015**, in relation to the development and long-term maintenance of improvements to City right of way adjacent to:

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 80°58'E, 135.0 feet to the POINT OF BEGINNING, as recorded in the public records of Okaloosa County, Florida, Plat Book 3155, Page 4068. Parcel ID Number: 00-2S-22-2160-0008-0010. Commonly referred to as 604 Harbor Lane, Destin, Florida, 32541.

Whereas, the Permit for Right of Way Construction, **Permit EN14125**, authorizes the construction of brick paver driveways within the City right of way on **604 Harbor Lane, Destin, Florida, 32541**, by **Frank Davis Construction, and Guarantor**.

Whereas **Guarantor**, her successors, assigns, beneficiaries, and representatives agree to accept the long-term responsibility for maintaining this driveway.

Now, Therefore, in consideration of the above, and for other good and valuable consideration (the receipt and adequacy of which are hereby acknowledged) the parties hereby agree to the following terms:

1. Maintenance. **Guarantor**, her successors, assigns, beneficiaries, and representatives shall be responsible for the proper maintenance, repair and/or replacement of all driveway paver features installed by them or their agent and located within the right of way of **604 Harbor Lane, Destin, Florida, 32541**, as permitted by the City Right of Way Construction **Permit EN14125**, and in accordance therewith, unless and until the City revokes the permission for the placement and maintenance of the pavers. **Guarantor**, her successors, assigns, beneficiaries, and representatives agree to promptly remove any and all portions of paver features as may be requested by the City.

2. Indemnity. **Guarantor**, her successors, assigns, beneficiaries, and representatives shall protect, defend, indemnify and hold the City and City's officials and employees, harmless from all claims, demands, causes of action or liability, resulting from injury to or death of persons or damage to or loss of property sustained on or about the subject right of way arising from installation and maintenance of the pavers. **Guarantor**, her successors, assigns, beneficiaries, and representatives shall, pay any legal expenses the City may incur in establishing that **Guarantor**, her successors, assigns, beneficiaries, and representatives are responsible under this section. This provision does not apply, however, to any such liability as may be the result of the direct and proximate negligence or willful misconduct of City or City's employees or agents acting within the scope of their employment or agency.

3. Applicability. This agreement is a covenant running with the above described land, recorded in the Public Records of Okaloosa County, Florida and shall constitute notice to subsequent

purchasers and bind all successors, assigns, beneficiaries, or representatives of **Guarantor**. Further, it is understood and agreed that the rights and privileges herein set out are granted only to the extent of the City's right, title and interest in the subject right of way.

4. Sovereign Immunity. Nothing contained herein is intended, nor shall be, construed to waive the City of Destin's rights and immunities under the Florida constitution, common law, or Florida Statutes 768.28, as amended from time to time.

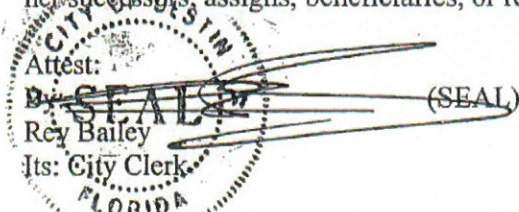
5. Attorney Fees. Except as provided in Paragraph 2, if either Party should find it necessary to bring an action in a court of law to enforce any of its rights or remedies under its Agreement, all parties agree that they shall each be responsible for their respective attorney's fees and cost.

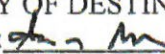
6. Venue. Venue for any action arising out of this Agreement shall be exclusively in Okaloosa County, Florida, and no where else.

7. Construction. The parties have participated jointly in the negotiation and drafting of this Agreement. In the event an ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the parties and no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.

8. Oral Agreements. This Maintenance and Hold Harmless Agreement constitutes the entire agreement with respect to the specific matters contained herein and supersedes all previous discussions, understandings, and agreements. Any amendments to or waivers of the provisions herein shall be made by the parties in writing. No other agreements, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind either party hereto.

9. Termination. The City may terminate the permit and this agreement at any time, upon which event the City agrees to issue such termination in recordable form and deliver it to **Guarantor**, her successors, assigns, beneficiaries, or representatives as applicable for their purposes.

Attest:
 (SEAL)
Rey Bailey
Its: City Clerk

CITY OF DESTIN, FLORIDA
By: 
Greg Kisela
Its: City Manager

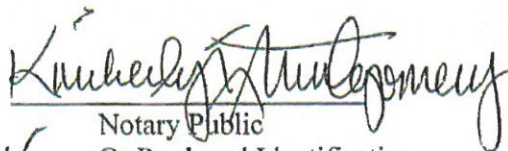
STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing was acknowledged before this 16th day of December, 2014 by Greg Kisela and Rey Bailey, City Manager and City Clerk, respectively of the City of Destin.

(SEAL)



KIMBERLY I. MONTGOMERY
MY COMMISSION # FF 076984
EXPIRES: March 5, 2018
Bonded Thru Budget Notary Services


Notary Public

Personally Known ☒ Or Produced Identification ☐
Type of Identification Produced _____

WITNESS:

Print Name: CORIE ANDERSON

WITNESS:

Print Name: HEDY V. HARBADZ

By:

Deanna N. Allan
Deanna N. Allan, Owner

STATE OF FLORIDA
COUNTY OF OKALOOSA

The foregoing was acknowledged before me this 16th day of December, 2014, by Deanna N. Allan, Owner

(SEAL)



KIMBERLY I. MONTGOMERY
MY COMMISSION # FF 076984
EXPIRES: March 5, 2018
Bonded Thru Budget Notary Services

Notary Public

Printed Name: Kimberly I. Montgomery

My Commission Expires: _____

Personally Known _____ Or Produced Identification ☒

Type of Identification Produced FL Drivers License

John Forrester

From: John Forrester
Sent: Monday, April 11, 2016 10:15 AM
To: Jim Martelli
Subject: FW: Innerlight Engineering

Jim,

We have a contract with Tim Krueger to purchase a lot that Merlin/Deanna Allan own at 604 Harbor Lane in Destin. Mrs. Allan has an easement access across a park which the City of Destin owns. Mr. Kruger will need someone to prepare the engineering for a drive-way across the City easement. Tom has referred you and Innerlight to me and I would like to pass your name along to Mr. Krueger. I have copies of the Easement Contract Permit and the Maintenance and Hold Harmless Agreement from the City.

Can you schedule a time this morning for you and I to discuss this project by phone. You may contact me on my cell at 850.586.7242.

Thank you,

John Forrester

From: Tom Betts
Sent: Monday, April 11, 2016 9:54 AM
To: John Forrester <jmforrester@howardgrp.com>; Jim Martelli <jim@ieceng.com>
Subject: Innerlight Engineering

Jim,

Let this email serve as an introduction to John Forrester, who is a part of the Howard Group team. John has been working with Mr. Howard to sell a lot in Destin, and needs your expertise in civil design of the site. I have provided your contact info to John, so you will probably hear from him soon.

Regards,

Tom Betts | Howard Group
Development Manager
585 Grand Boulevard | Suite 201
Miramar Beach | Florida | 32550
P: 850.837.1886 ext 216 F: 850.837.3890 C: 850.974.5390
Email: tom@howardgrp.com
www.howardgrp.com | www.grandboulevard.com | www.premiumoutlets.com/silversands

John Forrester

From: Tom Betts
Sent: Tuesday, January 26, 2016 12:56 PM
To: John Forrester
Subject: RE: Timeline for Development Order Processing

COPY

The permit application asks for:

1. a scaled site plan or survey with proposed improvements depicted
2. a Stormwater Management Plan (if project is over 750sf)

I'd suggest using Jim Martelli at Innerlight Engineering to prepare both documents. We have been using Jim's services on our properties for over 10 years.

Since it is private property, they probably won't need to see a landscape plan.

From: John Forrester
Sent: Tuesday, January 26, 2016 12:04 PM
To: Tom Betts <Tom@howardgrp.com>
Subject: Re: Timeline for Development Order Processing

So what's the next step? Get someone to conduct a survey or plat plan with engineering specs?

Sent from John's iPad

On Jan 25, 2016, at 11:31 AM, Tom Betts <Tom@howardgrp.com> wrote:

Thanks for the clarification, Ken.

From: Ken Gallander [<mailto:kgallander@cityofdestin.com>]
Sent: Monday, January 25, 2016 11:25 AM
To: Tom Betts <Tom@howardgrp.com>
Cc: David Campbell <dcampbell@cityofdestin.com>; Ashley Grana <agrana@cityofdestin.com>
Subject: RE: Timeline for Development Order Processing

Tom,

The issuance of the R/W permit from the Public Services Department confirms that the work proposed can be conducted only within the public's right-of-way. The review behind that permit doesn't include aspects of constructing the improvement based on Building Code (if applicable) the Building Division would be reviewing for and other Land Development regulations that the Planning Division would be reviewing for also within the property, which is why we also require the following Permit Application for "Driveways." It's a process that was developed over the years to provide checks and balance between two separate departments reviewing for different requirements for one project that impacts both the public's right-of-way and private land development. We'll still require the Permit Application for the driveway to also be submitted with a copy of the R/W permit.

Hope this provides the answer to your question and concern, but I understand it may not be the answer you were wanting.

John Forrester

From: Ken Gallander <kgallander@cityofdestin.com>
Sent: Friday, November 06, 2015 3:38 PM
To: John Forrester
Cc: Joe Bodi; Hank Woollard; Noell Bell
Subject: RE: Merlin and Deanna Allan Lot 604 Harbor Lane

COPY

John,

I apologize for the delay. I spoke with Mr. David Campbell, Public Services Director, and he confirmed having on file the R/W construction permit and hold harmless. Your next step for construction of the driveway is to have the contractor pull a Driveway Permit through the Building Division. The following is the link to the application and other associated documentation that needs to be submitted:

<http://www.cityofdestin.com/DocumentCenter/View/135>

Also, you indicated on your original email "landscaping work." Please coordinate with Mr. Hank Woollard, in our Planning Division, as to the extent of that development work. If any site construction permits are needed related to the landscape work, Mr. Woollard can easily provide you with those requirements.

Best Regards,
Ken

Kenrick S. Gallander, AICP
Community Development Director
City of Destin
4200 Indian Bayou Trl
Destin, FL 32541

Office: 850.654.1119 or 850.837.4242
Fax: 850.837.7949

Please take time to complete a [City of Destin Customer Service Survey](#). We appreciate your honest opinion and will take it into consideration to help us improve our services. Thank you for your feedback.

From: John Forrester [mailto:jmforrester@howardgrp.com]
Sent: Friday, November 06, 2015 12:33 PM
To: Ken Gallander <kgallander@cityofdestin.com>
Subject: FW: Merlin and Deanna Allan Lot 604 Harbor Lane

Ken,

I'm just following up with you to see who I need to call about moving forward with Deanna's lot?

Your assistance would be greatly appreciated.

John Forrester

From: John Forrester
Sent: Monday, November 02, 2015 11:25 AM
To: 'Ken Gallander' <kgallander@cityofdestin.com>
Cc: Keith Howard <khoward@howardgrp.com>; Penny Polk <penny@howardgrp.com>
Subject: RE: Merlin and Deanna Allan Lot 604 Harbor Lane

I have been out of town myself and have just returned to work.

I am inquiring about who I need to contact in your office to move forward with Deanna Allan's lot on Harbor Lane and the drive-way to her lot.

Thanking you in advance for your assistance.

John Forrester

COPY

From: Ken Gallander [<mailto:kgallander@cityofdestin.com>]
Sent: Thursday, October 15, 2015 4:34 PM
To: John Forrester <jmforrester@howardgrp.com>
Cc: Keith Howard <khoward@howardgrp.com>; Penny Polk <penny@howardgrp.com>
Subject: RE: Merlin and Deanna Allan Lot 604 Harbor Lane

John,

Thanks for the email. Let me confirm with David Campbell, Lance, and my staff first thing on Monday as to assisting with your next steps. I'm heading out of town tomorrow for the weekend. I'll give you more details by midweek.

Kind Regards,
Ken

Kenrick S. Gallander, AICP
Community Development Director
City of Destin
4200 Indian Bayou Trl
Destin, FL 32541

Office: 850.654.1119 or 850.837.4242
Fax: 850.837.7949

Please take time to complete a [City of Destin Customer Service Survey](#). We appreciate your honest opinion and will take it into consideration to help us improve our services. Thank you for your feedback.

From: John Forrester [<mailto:jmforrester@howardgrp.com>]
Sent: Wednesday, October 14, 2015 2:52 PM
To: Ken Gallander <kgallander@cityofdestin.com>
Cc: Keith Howard <khoward@howardgrp.com>; Penny Polk <penny@howardgrp.com>
Subject: Merlin and Deanna Allan Lot 604 Harbor Lane

Ken,

I am following up on correspondence that you had with Merlin Allan on the Harbor Lane lot that he and Deanna purchased. As you know, Merlin passed away November 2014 and Deanna is in the process of moving to Birmingham to be closer to her daughters. Keith Howard and I are helping her prepare the property so she can list it for sale.

I have been reviewing Merlin's file and read correspondence between the two of you from May and June 2014. In your "Subject: Drive Way" email to Merlin dated, June 17, 2014, you listed several steps Merlin should follow in order to allow for the driveway to be constructed. You also instructed Merlin to coordinate his construction activities with David Campbell and Lance Johnson. We are ready to move forward with the driveway and to begin landscaping work on the lot. We have the recorded Right-of-Way Construction Permit and the Maintenance & Hold Harmless Agreement. Who do you recommend I contact to finalize the steps to construct the driveway for access to the lot?

Thank you for your assistance.

John

John M. Forrester
Howard Group
FL Lic. Real Estate Sales Associate
585 Grand Boulevard, Suite 201
Miramar Beach, FL 32550
P (850) 837-1886 ext. 242
C (850) 585-7242
jmforrester@howardgrp.com

COPY

"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."

"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."

16. The right to review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.
17. The right to a prompt return of property unless there is compelling law enforcement need to retain it.
18. The right to request that the State Attorney or law enforcement agency help you explain to employees and creditors that you may face additional burdens by taking time off from work to assist law enforcement and you may undergo serious financial strain either because of the crime or by cooperating with authorities.
19. Law Enforcement agencies and the State Attorney shall inform you of your right to request and receive restitution and of your rights of enforcement in the event an offender does not pay. The State Attorney shall seek your assistance in the documentation of your losses for the purpose of requesting and receiving restitution.
- If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerk shall make available at their office, as well as on their website, information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment. The State Attorney shall inform you if and when restitution is ordered.
20. The right to submit an oral or written impact statement to the court, pursuant to s. 921.143 F.S., prior to sentencing of the offender. The State Attorney or any assistant state attorney shall advise all victims or, when appropriate, the victim's parent, guardian, next of kin, or lawful representative that statements, whether oral or written, shall relate to the facts of the case and the extent of any harm, including social, psychological, or physical harm, financial losses, loss of earnings directly or indirectly resulting from the crime for which the defendant is being sentenced, and any matter relevant to an appropriate disposition and sentence 21. The right to receive reasonable consideration and assistance from employees of the State Attorney's Office, Sheriff's Office, or Police Department. When requested, you will be assisted in locating accessible transportation and parking, and shall be directed to separate pretrial waiting.
21. The right to receive reasonable consideration and assistance from employees of the State Attorney's Office, Sheriff's Office, or Police Department. When requested, you will be assisted in locating accessible transportation and parking, and shall be directed to separate pretrial waiting areas when such facilities are available. When requested, you shall receive assistance in attempting to locate translators when practicable.
22. The right to be notified when the offender escapes custody. The State Attorney shall make every effort to advise the victim, material witness, parents of legal guardian of a minor who is a victim or witness, or immediate relative of a homicide victim of the escape of a criminal defendant. The State Attorney shall also notify the Sheriff or the county where the criminal charged or petitioned for delinquency arose. The Sheriff shall offer assistance upon request.
23. The right of the victim to request that a victim advocate be permitted to attend and be present during any deposition. The victim advocate may be designated by the State Attorney's Office, Sheriff's Office, Municipal Police Department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups.
24. The right of the victim of a sexual offense to have the courtroom cleared, with certain exceptions during his or her testimony, regardless of the victim's age or mental capacity.
25. The right to request, in certain circumstances that the offender be required to attend a different school than the victim or siblings of the victim. If the victim of an offense committed by a juvenile is a minor, and the victim or any sibling of the victim attends or is eligible to attend the same school as that of the offender, the Department of Juvenile Justice or the Department of Corrections shall notify the victim's parent or legal guardian of the right to attend the sentencing or disposition of the offender and request that the offender be required to attend a different school.
26. The right of the victim who is not incarcerated to not be required to attend depositions in any correctional facility.
27. The statutory obligation of the victim, or next of kin of a homicide victim, that any information gained pursuant to FS Chapter 960, regarding any case handled in juvenile court, must not be revealed to any outside party, except as reasonably necessary in pursuit of legal remedies.
28. The right to know in certain cases and at the earliest possible opportunity, if the person charged with an offense has tested positive for human immunodeficiency virus (HIV) infection. In such cases, upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the court shall order such person to undergo HIV testing. In some cases, you can be notified of the results within two (2) weeks of the court's receipt of the findings.

29. The right to request, for specific crimes, that your home and work telephone numbers, home and work addresses, and personal assets not be disclosed to anyone.
30. The right of a victim of a sexual assault to request the presence of a victim advocate during the forensic examination. An advocate from a certified rape crisis center shall be permitted to attend any forensic medical examination.
31. No law enforcement officer, prosecuting attorney, or government official shall ask or require a victim to submit to a polygraph examination or other truth-telling device as a condition of the investigation.
32. The right of a victim or the victim's legal guardian, or the parent or legal guardian of a victim, if the victim is a minor, to request that a person who is charged with any offense enumerated in section 775.087(1)(a)-(n), Florida Statutes, that involves the transmission of body fluids from one person to another, undergo hepatitis and HIV testing.

REFERRAL NUMBERS

Elderly and Children Abuse Registry
1-800-962-2873

Attorney General Crimes Compensation
1-800-226-6667

Florida Bar Lawyer Referral Service
1-8700-342-8060

Crisis Line
682-0101 / 244-9191

Shelter House
863-4777

Juvenile Detention Center
689-7800, Ext. 125

State Attorney's Office
651-7260 / 689-5620

Okaloosa County Sheriff's Office
651-7400

Victim Assistance Center
651-7292

EMERGENCY
911



SHERIFF LARRY ASHLEY

VICTIM RIGHTS BROCHURE

Your Rights as a Victim or Witness

Okaloosa County Sheriff's Office

We realize that for many persons, being a victim or witness to a crime is their first experience with the criminal justice and juvenile justice systems. As a victim or witness you have certain rights within the system. This brochure is being provided to you to assist you with questions you may have regarding those rights. For further information regarding these rights please contact the State Attorney's Office (SAO) or the appropriate law enforcement agency (LEA) handling your case.

Deputy: *Larry H. Ashley* 506

Case Number: *17-1756*

Okaloosa County Sheriff's Office

(850) 651-7400



AFFIDAVIT OF COMPLAINT

STATE OF FLORIDA - COUNTY OF OKALOOSA

Offense #: _____

Deputy: _____

Date: _____

Please Print Clearly

Suspect/Accused Name: R^{first} Tim^{middle} KRUWIER^{last} DOB/Age: 2/14/58 58

AKA's: _____ Scars/Tattoos: _____

Race: W Sex: M Height: 61 Weight: 220 Hair: BLK Eyes: BRN

Street Address: 15500 Emerald Coast Pkwy 1205 Home/Cell #: () 903/1500

City: DESTIN State: FL Zip: 32541 SSN: 266-57-7174

Employed by: MARSHALL LYNN DL#: 1626738590 State: FL

Suspect Vehicle: _____ Other: _____

Location of Offense: 604 HANCOCK LN DESTIN

Date(s) of Offense: BETWEEN 2/5 AM/29 Time Occurred: ?

Charges: _____

Narrative of Complaint: Came To Property on Feb 3 and Noticed Tree
TRUCKS ON WOOD BUT DOOR WAS SECURE. ON FEB 9TH
AT 5:30 PM I NOTICED DOOR WAS PRIED OPEN AND
GENERATOR AND BATTERY WERE MISSING.
NOTHING ELSE APPEARED TO HAVE BEEN
TAKEN. THE MISSING ITEMS BELONG TO MY
ELECTRICIAN JACOB PEREZ SUAREZ 850 699 5078

continue on back

Your Information

Please Print Clearly

Your Signature after making oath or affirmation

Full Name: R^{first} Tim^{middle} KRUWIER^{last} Home/Cell: (950) 803 1500

Street: 15500 Emerald Coast Pkwy 1205 City: DESTIN State: FL Zip: 32541

Date of Birth: 2/14/58 Sex: M Race: W Height: 61 Weight: 220 Hair: BLK Eyes: BRN

Driver's License #: K626738590 DL State: _____ SSN: _____

Place of Birth (City & State): _____ Email: _____

Employed by: _____ Work Phone: () _____

SWORN TO AND BEFORE ME

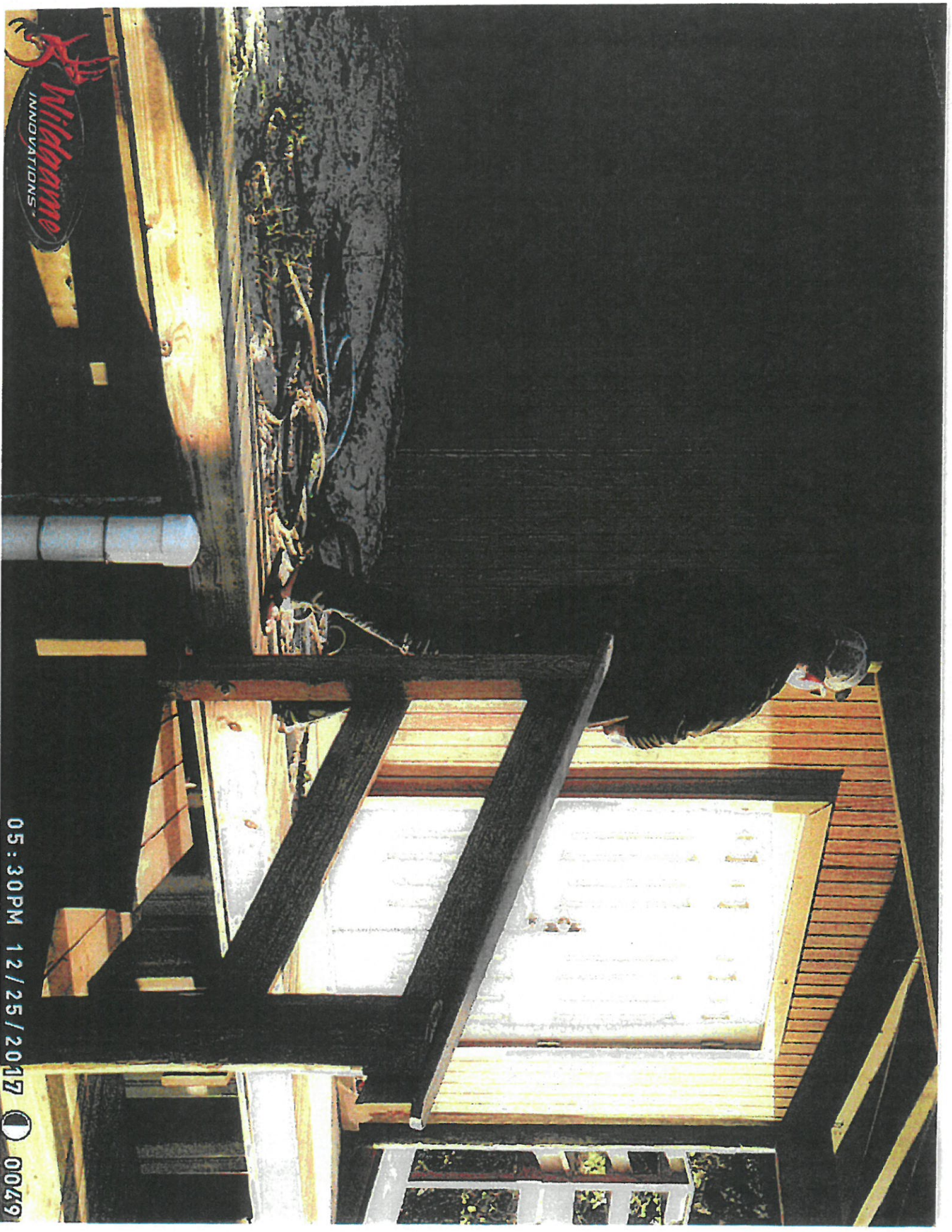
THIS _____ DAY OF _____, 20_____

If applicable:

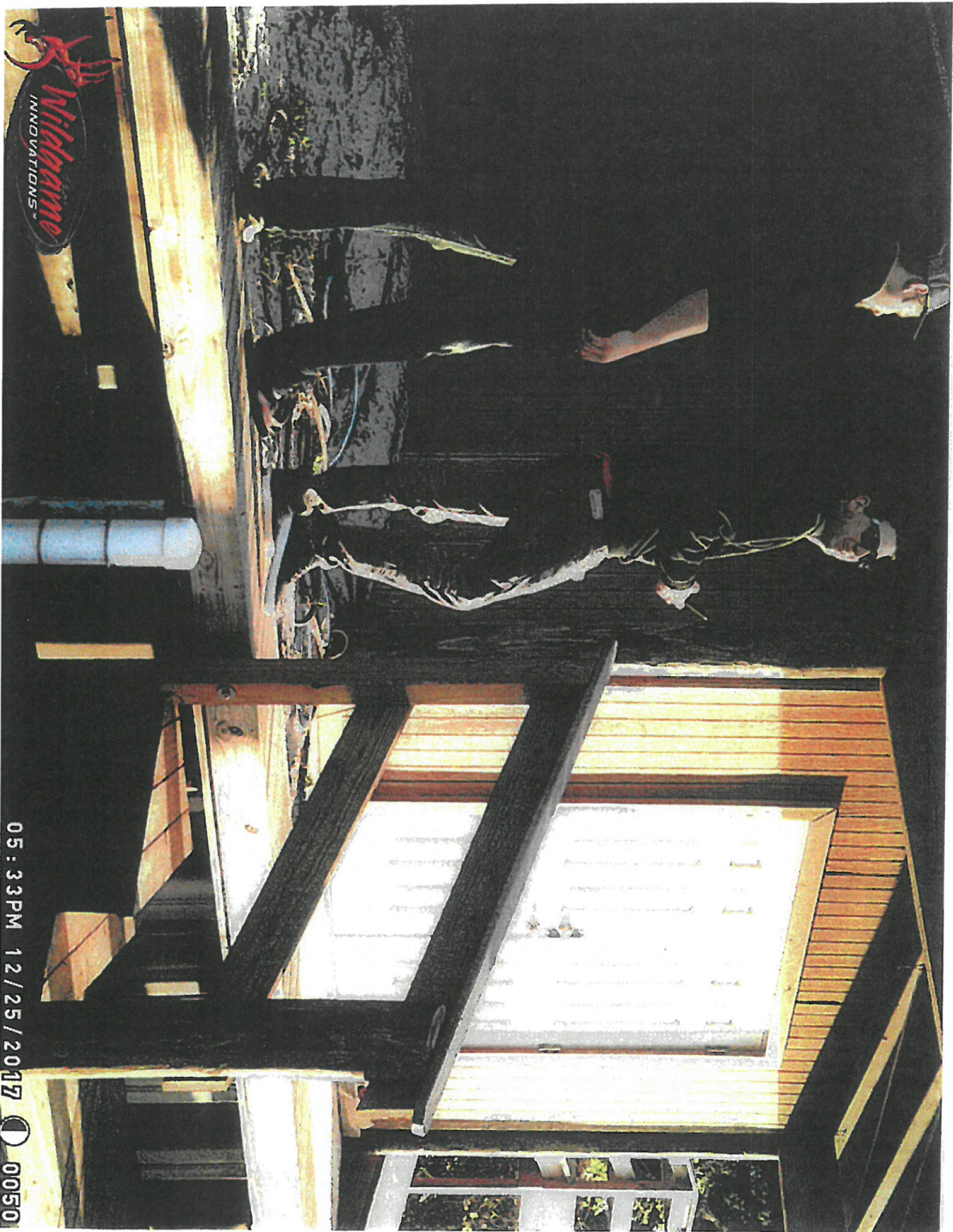
Notary Public Commission Expiration: _____

Full Time Law Enforcement Officer or Notary Public Signature

Printed _____ # _____
Page _____ of _____



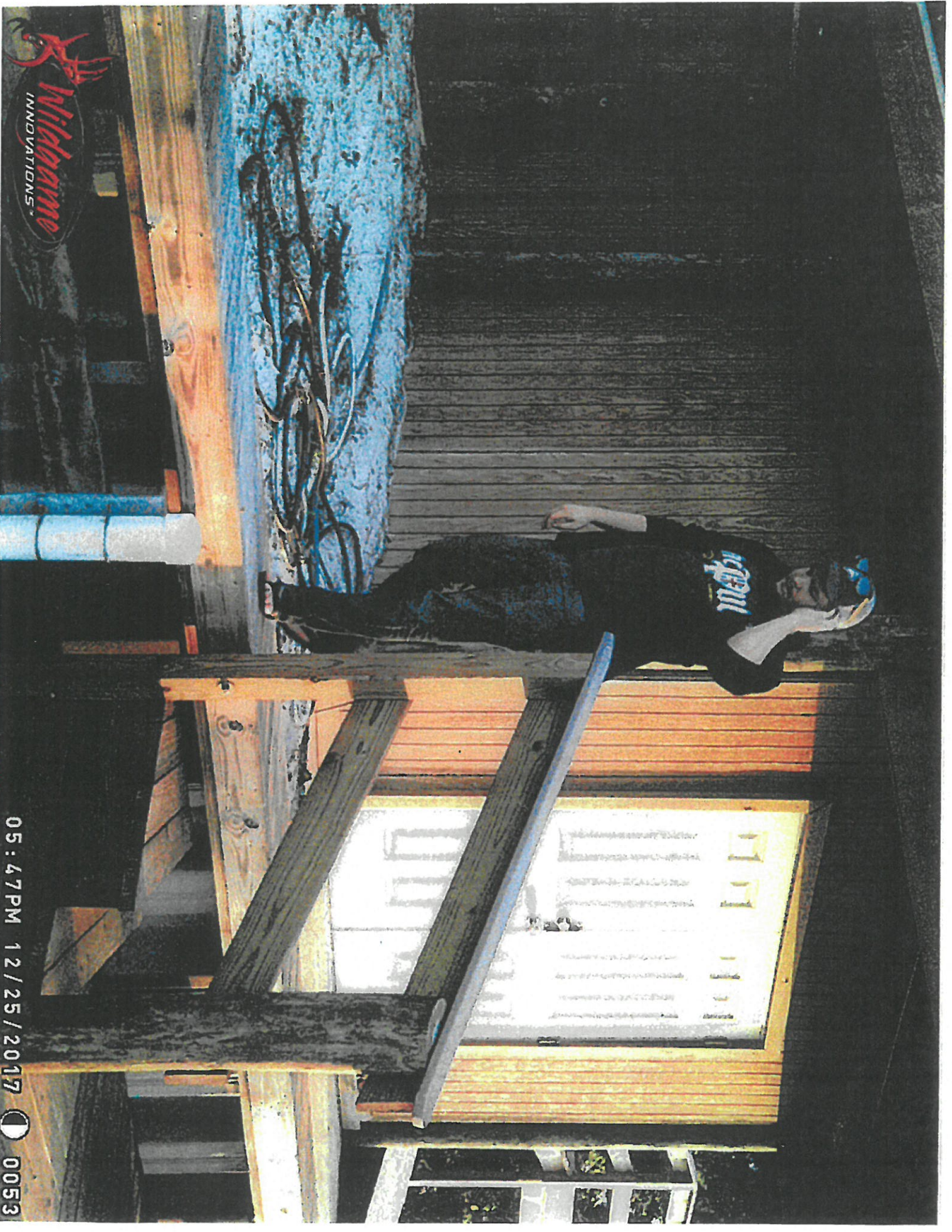
05:30PM 12/25/2017 0049



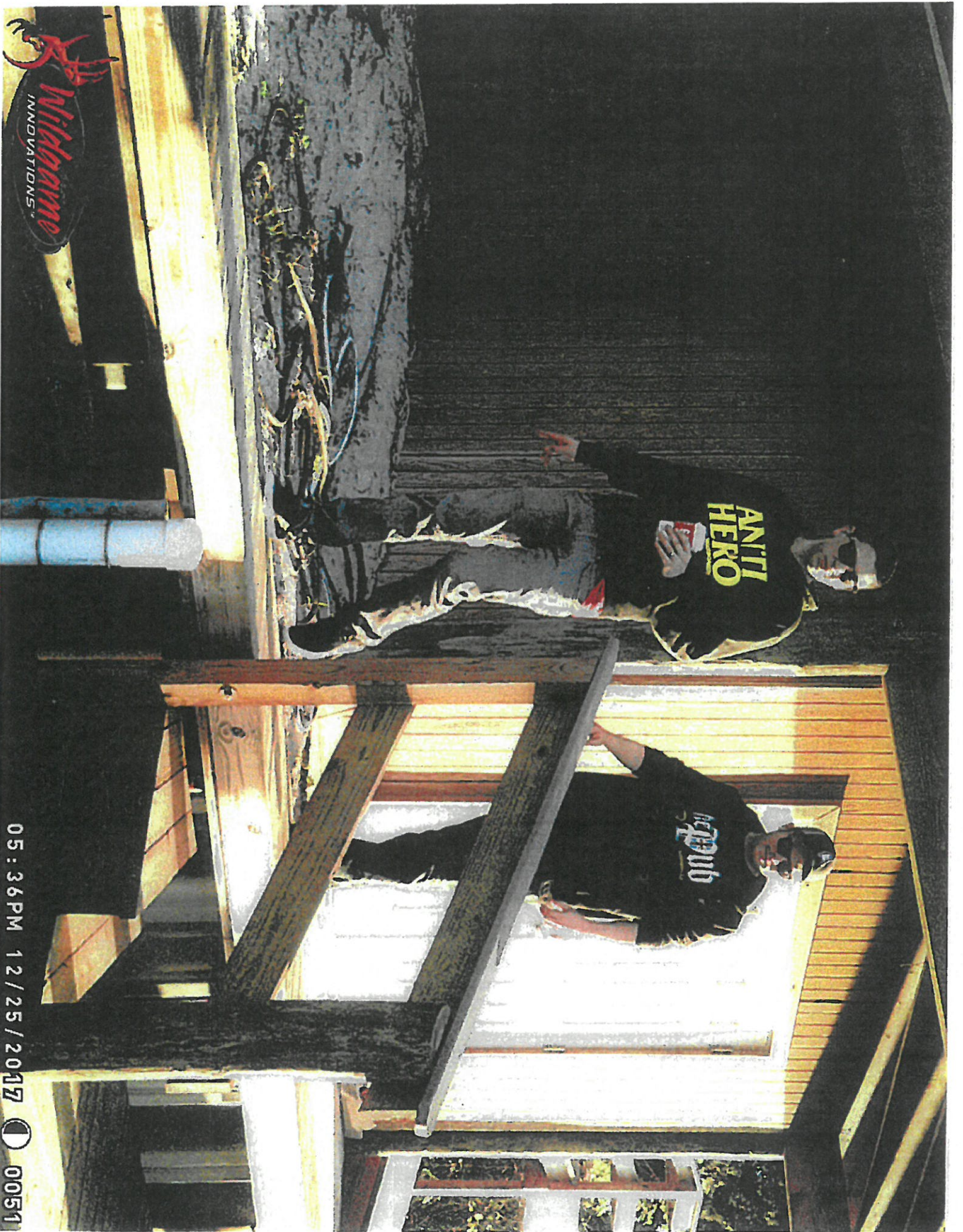
05:33PM 12/25/2017



0050



05:47PM 12/25/2017 0053



05:36PM 12/25/2017 0051

Krueger, Tim - DESTIN FL

From: Krueger, Tim - DESTIN FL
Sent: Tuesday, January 30, 2018 6:02 PM
To: rbailey@cityofdestin.com
Cc: Callie Barker; Jill Cadenhead (jcaden7@gmail.com)
Subject: Krueger: Police Report 604 Harbor Lane.
Attachments: Scanned from a Xerox Multifunction Printer.pdf

From: Krueger, Tim - DESTIN FL
Sent: Sunday, October 29, 2017 11:57 AM
To: David Campbell <dcampbell@cityofdestin.com>; Joe Bodi <jbodi@cityofdestin.com>; Hank Woollard <hwoollard@cityofdestin.com>; Lance Johnson <ljohnson@cityofdestin.com>
Cc: Miller, Charlotte (<cmiller@garymillerhomes.com>); Jill Cadenhead (<jcaden7@gmail.com>); Prebble Ramswell <Prebble.Ramswell@columbiasouthern.edu>; Callie Barker <callie@callieandco.com>
Subject: Krueger: Police Report 604 Harbor Lane.

David,

On Thursday ^{OCTOBER} ~~November~~ 19th trespassers turned over the portable toilet on our property.

It may seem like a small infraction but we continue to have trespassers (caught on camera) and we had a burglary back in February.

How are the 'No Parking' signs coming that we discussed earlier this month?

It might not alleviate the lawlessness but it is a good start.

I look forward to your thoughts.

Regards,
Tim

R. Timothy Krueger

Senior Vice President - Wealth Management
Senior Financial Advisor

NMIS ID: 521511

Krueger, Fosdyck & Associates
Merrill Lynch, Pierce, Fennel & Smith Inc.
34990 Emerald Coast Parkway Ste 400
Destin, FL 32541
T 850 269 7003 Toll Free 866 625 2305
F 850 391 1735

Tim_Krueger@ml.com
www.fa.ml.com/krueger_group

For insights on the go follow Merrill Lynch on [Twitter](#) [LinkedIn](#) and [YouTube](#)

Life's better when we're connected®



From: Krueger, Tim - DESTIN FL
Sent: Wednesday, October 25, 2017 8:50 AM
To: Krueger, Tim - DESTIN FL <tim_krueger@ml.com>
Subject: Krueger: Police Report 604 Harbor Lane.

R. Timothy Krueger

Senior Vice President – Wealth Management
Senior Financial Advisor
NMIS ID: 521511

Krueger, Fosdyck & Associates
Merrill Lynch, Pierce, Fennel & Smith Inc.
34990 Emerald Coast Parkway Ste 400
Destin, FL 32541
T 850 269 7003 Toll Free 866 625 2305
F 850 391 1735

Tim_Krueger@ml.com
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For insights on the go follow Merrill Lynch on [Twitter](#) [LinkedIn](#) and [YouTube](#)

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16. The right to review certain portions of a pre-sentence investigation report for adult and youthful offenders prior to the sentencing of the accused.

17. The right to a prompt return of property unless there is compelling law enforcement need to retain it.

18. The right to request that the State Attorney or law enforcement agency help you explain to employers and creditors that you may face additional burdens by taking time off from work to assist law enforcement and you may undergo serious financial strain either because of the crime or by cooperating with authorities.

19. Law Enforcement agencies and the State Attorney shall inform you of your right to request and receive restitution and of your rights of enforcement in the event an offender does not pay. The State Attorney shall seek your assistance in the documentation of your losses for the purpose of requesting and receiving restitution.

If an order of restitution is converted to a civil lien or civil judgment against the defendant, the clerk shall make available at their office, as well as on their website, information provided by the Secretary of State, the court, or The Florida Bar on enforcing the civil lien or judgment. The State Attorney shall inform you if and when restitution is ordered.

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23. The right of the victim to request that a victim advocate be permitted to attend and be present during any deposition. The victim advocate may be designated by the State Attorney's Office, Sheriff's Office, Municipal Police Department, or one representative from a not-for-profit victim services organization, including, but not limited to, rape crisis centers, domestic violence advocacy groups, and alcohol abuse or substance abuse groups.

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REFERRAL NUMBERS

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1-800-962-2873

Attorney General Crimes Compensation
1-800-226-6667

Florida Bar Lawyer Referral Service
1-8700-342-8060

Crisis Line
682-0101 / 244-9191

Shelter House
863-4777

Juvenile Detention Center
689-7800, Ext. 125

State Attorney's Office
651-7260 / 689-5620

Okaloosa County Sheriff's Office
651-7400

Victim Assistance Center
651-7292

EMERGENCY
911

VICTIM RIGHTS BROCHURE: Your Rights as a Victim or Witness

Okaloosa County Sheriff's Office



SHERIFF LARRY ASHLEY

We realize that for many persons, being a victim or witness to a crime is their first experience with the criminal justice and juvenile justice systems. As a victim or witness you have certain rights within the system. This brochure is being provided to you to assist you with questions you may have regarding those rights. For further information regarding these rights please contact the State Attorney's Office (SAO) or the appropriate law enforcement agency (LEA) handling your case.

Deputy: E. Jerard
Case Number: 17-14847

Okaloosa County Sheriff's Office
(850) 651-7400

CRIMINAL JUSTICE PROCESS

The stages of the criminal justice system are as follows:

CRIME COMMITTED - After a crime is reported to law enforcement an investigation will be conducted. If law enforcement is able to collect enough evidence, they may make an arrest.

ARREST - Suspect(s) taken to jail, fingerprinted and photographed. Some are immediately released or have to post a bond to ensure they will show up for court.

(or)

INTAKE - Victim reports a crime to the local State Attorney's Office. If probable cause is found, the State Attorney's Office may choose to file charges and summons the suspect into court.

FIRST APPEARANCE - Occurs within 24 hours of an arrest. Each suspect kept in jail must appear before a Judge who establishes whether charges are reasonable. The Judge will also consider conditions of release and appoint a defense attorney if the suspect cannot afford one.

FILING OF FORMAL CHARGES - The State Attorney's Office may file formal charges after reviewing law enforcement arrest, and within 21 days in certain circumstances.

ARRAIGNMENT - The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

TRIAL PREPARATIONS - The prosecutor and defense attorney interview witnesses and exchange evidence in preparation for trial.

TRIAL - The prosecutor presents evidence to either the judge or a jury about the case. The defense may be found guilty or not guilty. The process ends if the defendant is found not guilty.

PLEA - Defendant pleads guilty or no contest without a trial.

SENTENCING - If the defendant is found guilty, the Judge reviews sentencing guidelines, plea agreement, etc., and determines what type of sentence the defendant should receive.

JUVENILE JUSTICE PROCESS

INTAKE - The process of determining where a child under the age of 18 will be placed until the case is resolved. There are three forms of detention status: home, non-secure or secure.

DIVERSION PROGRAMS - An alternative to trial where the juvenile is placed in a community based program such as juvenile arbitration, juvenile alternative services program (JASP), or a treatment plan (Walker plan). If a juvenile successfully completes the diversion program, then the charges are generally dismissed.

FORMAL CHARGES - The filing of a petition in court by the State Attorney's Office. The charge may be filed in either juvenile court or adult court, depending upon the crime and the age of the offender.

ARRAIGNMENT - The accused is formally charged and enters a plea of guilty, not guilty, or no contest.

ADJUDICATORY HEARING - The trial of the juvenile, conducted in front of a judge. The judge will decide whether the juvenile committed the charged offense(s).

DISPOSITIONAL HEARING (SENTENCING) - When a juvenile is found to have committed a delinquent act the court will hold a dispositional hearing to determine which sanctions to impose on the juvenile. The sanctions could range from community-based sanctions like probation and community services up to residential commitment.

JUVENILES TRIED AS ADULTS - Juveniles who commit serious crimes may be tried as adults. Juveniles who are prosecuted as adults may be sentenced to adult or juvenile sanctions.

You may contact your State Attorney or law enforcement agency for more information regarding the stages of the criminal and juvenile justice process.

YOUR RIGHTS IN THE CRIMINAL AND JUVENILE JUSTICE SYSTEMS

If you are a victim of a crime or a witness because you have seen, heard, or know something about a crime that has been committed, you are important to the case. Understandably, you might feel anxious about testifying in court. However, without your testimony the defendant might go unpunished.

VICTIM - A person against whom a crime was committed. Some victims suffer physical injury or property damage, and some have psychological injury or both. Victims have certain rights in Florida. Others who can claim these rights are the victim's parent or guardian if the victim is a minor, the lawful representative of the victim or of the victim's parent or guardian if the victim is a minor, and the next of kin of a homicide victim. As a victim of a crime, you have the following rights:

1. Either you or the State Attorney's Office with your consent, have standing to assert any legal rights of a crime victim as provided by law of The Florida Constitution.

2. In some cases, victims (or their relatives where the victim is deceased) may be eligible for financial compensation from the State of Florida. Information regarding eligibility may be obtained from the State Attorney's Office, local Witness Coordination office (where available), law enforcement agency or Bureau of Crimes Compensation, Office of the Attorney General 1-800-226-6667.

3. The right to receive information on available crisis intervention services and local community services to include counseling, shelter, legal assistance, or other types of help, depending on the particular circumstances. Telephone numbers of these services are provided at the end of this brochure.

4. The right to receive information on regarding the role of the victim in the criminal or juvenile process, including what the victim may expect from the system as well as what the system may expect from the victim.

5. The right to receive information regarding the stages of the criminal or juvenile justice process and the manner in which information about such stages may be obtained. Note: You cannot be notified if we cannot locate you. It is your responsibility to keep the State Attorney's Office informed of any changes in your address or telephone number.

6. The right to be informed, present, and heard when relevant, at all crucial stages of a criminal or juvenile proceeding, to the extent the right does not interfere with the constitutional rights of the accused.

7. The right, if you are incarcerated, to be informed and submit written statements at all crucial stages of a criminal or juvenile proceedings.

8. The right to a prompt and timely disposition of the case as long as it does not interfere with the constitutional rights of the accused.

9. The right to be notified of the arrest and release of the offender, including release to community control and/or work release. When an arrest is made in a reported case, the victim, witnesses, relatives of minor victims and witnesses and relatives of homicide victims, where those persons have provided current addresses and telephone numbers to the Sheriff's Office will be notified.

10. The right to receive information on the steps available to law enforcement and the State Attorney's Office to protect you from intimidation and/or harassment. It is a third degree felony to knowingly use intimidation or physical force, or threaten another person, or attempt to do so, or engage in misleading conduct toward another person, or offer pecuniary benefit or gain to another person, if you are being threatened or intimidated, please contact the Sheriff's Office or any law enforcement officer.

11. The right of the victim of domestic violence to be informed of the address confidentiality program administered through the Attorney General's Office. You may contact the Attorney General's Office at 1-800-266-6667. The State Attorney's Office may assist with this paperwork, if necessary.

12. The right of each victim or witness who has been scheduled to attend a criminal or juvenile proceeding to be notified as soon as possible by the agency or person scheduling his/her appearance of any change in scheduling which shall affect the victim's appearance.

13. The right to receive advance notification of judicial and post judicial proceedings relating to the case, including all proceedings or hearings relating to:

- The arrest of the accused.

- The release of the accused pending judicial proceedings, any modification of release condition to include release to community control or work release.

- The release of the accused pending judicial proceedings, any modification of release condition to include release to community control or work release.

- Proceedings in the prosecution or petition for delinquency of the accused, including the filing of the accusatory instrument, trial, or adjudicator

- hearing, sentencing or disposition hearing, appellate review, subsequent modification of sentence, collateral attack of judgment, and when a term of imprisonment, detention, or involuntary commitment is imposed, the release of the defendant or juvenile offender from such imprisonment, detention or commitment by expiration of sentence or parole and any meeting held to consider such release.

14. The right not to be excluded from any portion of any hearing, trial or proceeding pertaining to the offense based solely upon the fact that such person is subpoenaed to testify, unless the court determines otherwise.

15. In addition to the provisions of s. 921.143, F.S., the rights of the victim of a felony involving physical or emotional injury or trauma, or in a case in which the victim is a minor child or in a homicide, the guardian or family of the victim shall be consulted by the State Attorney in order to obtain the views of the victim or family about the disposition of any criminal or juvenile case brought about as a result of such crime, including their views about:

- The release of the accused pending judicial proceedings.

- Plea Agreements

- Participation in pretrial diversion programs

- Sentencing of the accused.

Krueger, Tim - DESTIN FL

From: Krueger, Tim - DESTIN FL
Sent: Tuesday, January 30, 2018 6:03 PM
To: rbailey@cityofdestin.com
Cc: Callie Barker; Jill Cadenhead (jcaden7@gmail.com)
Subject: Krueger/City: ROW
Attachments: IMG_0404.JPG; IMG_0405.JPG

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

From: Krueger, Tim - DESTIN FL
Sent: Monday, September 18, 2017 12:38 PM
To: David Campbell <dcampbell@cityofdestin.com>
Cc: Callie Barker <callie@callieandco.com>; Jill Cadenhead (jcaden7@gmail.com) <jcaden7@gmail.com>
Subject: Krueger/City: ROW

David,

In anticipation of our meeting tomorrow I thought I would let this photo from Saturday evening ruminate with you.

The folks in the truck waded a long way off and were presumably fishing.....they were nowhere to be seen for a couple of hours so we were blocked in.

The other driver was on the picnic bench smoking weed.

Obviously our construction presence hasn't done a thing to dissuade the illegal parking.

I look forward to seeing you tomorrow.

Regards,
Tim

R. Timothy Krueger
Senior Vice President – Wealth Management

Senior Financial Advisor
NMLS ID: 521511

Krueger, Fosdyck & Associates
Merrill Lynch, Pierce, Fenner & Smith Inc.
34990 Emerald Coast Parkway Ste 400
Destin, FL 32541
T 850 269 7003 Toll Free 866 625 2305
F 850 391 1735
Tim_Krueger@ml.com
www.fa.ml.com/krueger_group

For insights on the go follow Merrill Lynch on Twitter LinkedIn and You Tube
Life's better when we're connected®

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

From: krug58@hotmail.com [mailto:krug58@hotmail.com]
Sent: Sunday, September 17, 2017 1:26 PM
To: Krueger, Tim - DESTIN FL <tim_krueger@ml.com>
Subject: Cars

9/18/12



Krueger, Tim - DESTIN FL

From: Krueger, Tim - DESTIN FL
Sent: Tuesday, January 30, 2018 6:03 PM
To: rbailey@cityofdestin.com
Cc: Callie Barker; Jill Cadenhead (jcaden7@gmail.com)
Subject: 604 Harbor Ln 11/12/17
Attachments: IMG_1124.jpg; IMG_1125.jpg; IMG_1126.jpg

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

From: Krueger, Tim - DESTIN FL
Sent: Sunday, November 12, 2017 3:12 PM
To: David Campbell <dcampbell@cityofdestin.com>
Cc: Jill Cadenhead (jcaden7@gmail.com) <jcaden7@gmail.com>
Subject: 604 Harbor Ln 11/12/17

David,

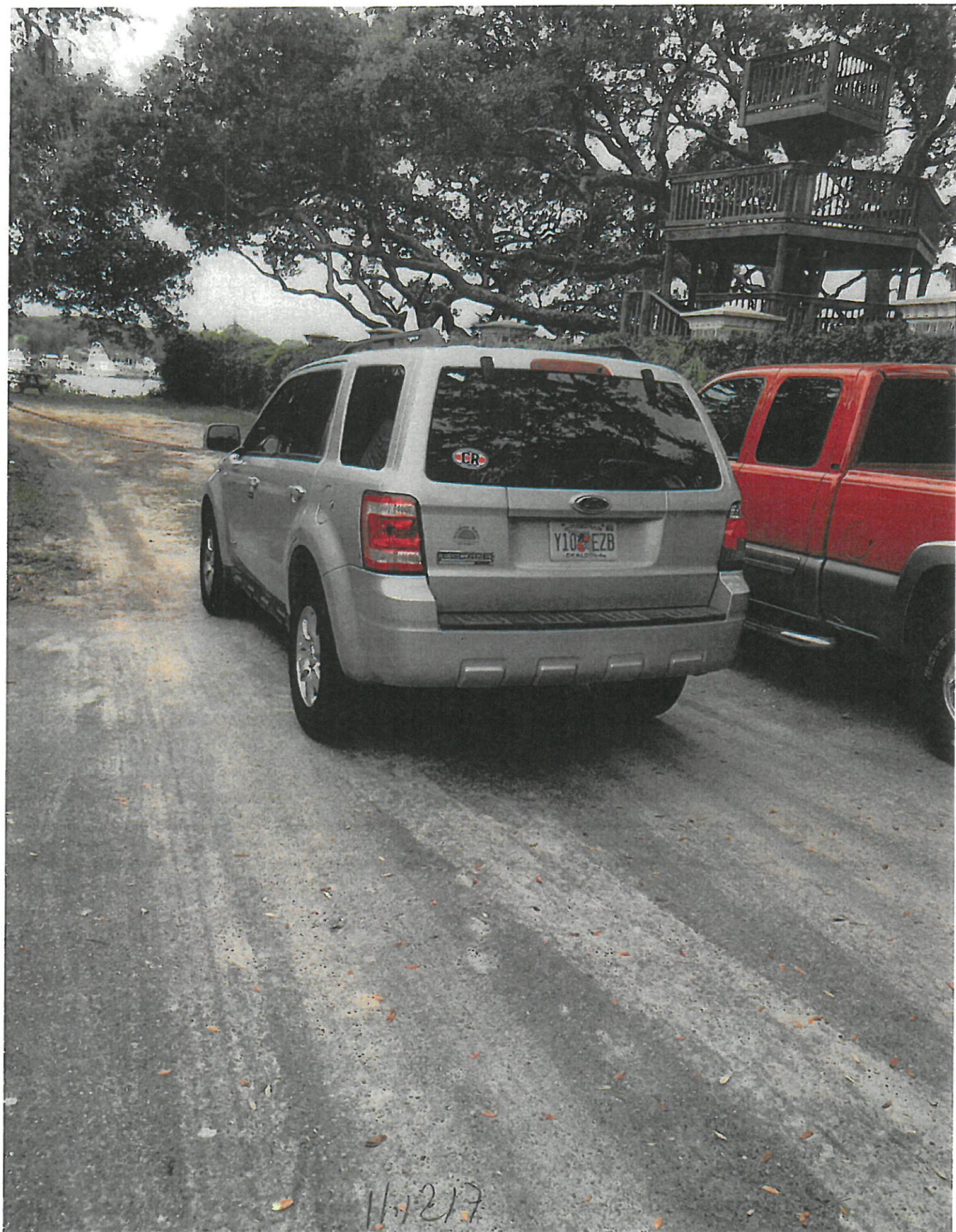
This is what I encountered at 11am this morning.
I asked the driver of the Ford to move and not park there in the future.
He said "when did they stop allowing parking" I said "they never did allow it now move".
Again, I look like the bad guy and while I can handle it I do not want Jill (who is there solo a good bit) to have to deal with this.

Please ask Tim Pietenpol to install the 'No Parking' signs as soon as possible.

Thanks!

Regards,
Tim

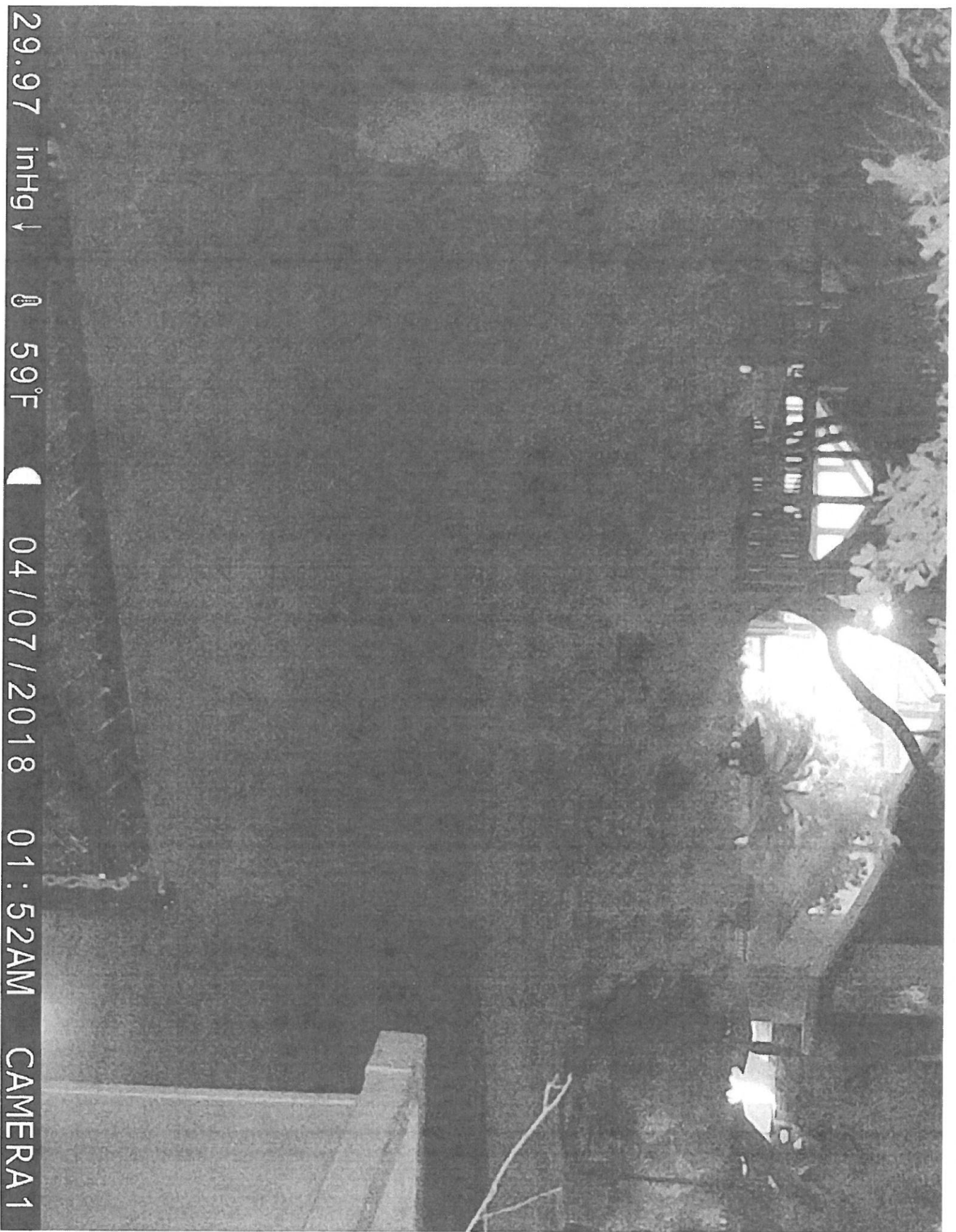
R. Timothy Krueger
Senior Vice President – Wealth Management
Senior Financial Advisor







11.13.17



29.97 inHg ↓ 59°F 04/07/2018 01:52AM CAMERA1





29.94 inHg ↓



57°F



04/07/2018

03:28AM

CAMERA 1



30.41 inHg - 57°F) 02/20/2018 06:54PM CAMERA 1





30.41 inHg - 57°F) 02/20/2018 06:55PM CAMERA1



F) 02/20/2018 06:56PM CAMERA1

Krueger, Tim - DESTIN FL

From: Krueger, Tim - DESTIN FL
Sent: Tuesday, January 30, 2018 6:04 PM
To: rbailey@cityofdestin.com
Cc: Callie Barker; Jill Cadenhead (jcaden7@gmail.com)
Subject: Krueger 604 Harbor Lane: Chief Sasser Approval
Attachments: 20171212094551.pdf; Knox Key Switch.pdf

From: Kevin Sasser [mailto:chief@destinfire.com]
Sent: Tuesday, December 12, 2017 9:11 AM
To: Krueger, Tim - DESTIN FL <tim_krueger@ml.com>
Cc: Matt Taylor <MTaylor@destinfire.com>; Jill Cadenhead (jcaden7@gmail.com) <jcaden7@gmail.com>; Callie Barker <callie@callieandco.com>
Subject: RE: Krueger 604 Harbor Lane FINAL Revised Driveway - row layout

My apologizes Tim. I didn't realize your home was that far along in the construction process. Attached are a couple of examples of devices which would allow us emergency access. One is the SOS system which uses the yelp tone from our siren to open the gate and the other is a Knox switch which utilizes a key only the Destin Fire District can purchase. This is the same key we utilize to access numerous businesses in town. Again there is no requirement to install these type of devices at a single family residence, however voluntarily installing one of these devices would provide us with access during an emergency. If you chose to install one of these devices please give us a call once it is installed and we will be glad to come out and test it for you.

Again, I apologize for the confusion on my part. Please let me know if there is anything we can to assist.

Thank you sir,

Kevin Sasser, Fire Chief

"All that is necessary for the triumph of evil is that good men do nothing" – Edmund Burke
"Everyone is entitled to his opinion, but not to his own facts" – Daniel Patrick Moynihan

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from Destin Fire Control District employees are public records available to the public and media upon request. Your e-mail communications including your e-mail address may be subject to public disclosure.

From: Krueger, Tim - DESTIN FL [mailto:tim_krueger@ml.com]
Sent: Monday, December 11, 2017 10:55 AM
To: Kevin Sasser
Cc: Matt Taylor; Jill Cadenhead (jcaden7@gmail.com); Callie Barker
Subject: RE: Krueger 604 Harbor Lane FINAL Revised Driveway - row layout

Chief,

I may have confused you.....the house is already permitted and in fact almost done.

Krueger, Tim - DESTIN FL

From: Paul Tanaka <paultanakajr@gmail.com>
Sent: Tuesday, December 19, 2017 1:17 PM
To: Krueger, Tim - DESTIN FL
Cc: Jill Cadenhead (jcaden7@gmail.com); Callie Barker
Subject: Re: Tanaka: Draft to City Council

I, Paul Tanaka Jr. of 606 Harbor Lane, endorse Mr. Krueger's proposed ROW improvement shown in the attached. As a non-primary resident, I've dealt with trespassers and vandals accessing my property over the years, with little fear of recourse given my frequent absence. In years past I've arrived to find everything from shattered beer bottles in the pool/jacuzzi to fishing tackle litter (hooks etc) scattered along my seawall.

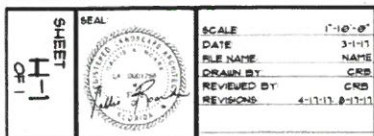
The proposed plan serves as a deterrent to trespassers and also as an aesthetic facelift to an otherwise neglected area.

Regards,

Paul Tanaka
606 Harbor Ln

On Mon, Dec 11, 2017 at 2:10 PM, Krueger, Tim - DESTIN FL <tim.krueger@ml.com> wrote:

Paul,

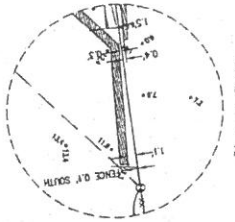


CALLIE

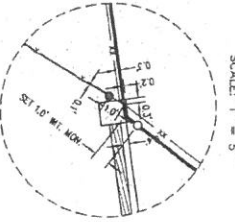
Equal Housing Opportunity
Lenders: See Ad for details to
063 WARDOR BLVD
SUITE 101
DESTIN, FL 32541

PHONE: (850) 735-6663
WWW.CALLIEADCO.COM

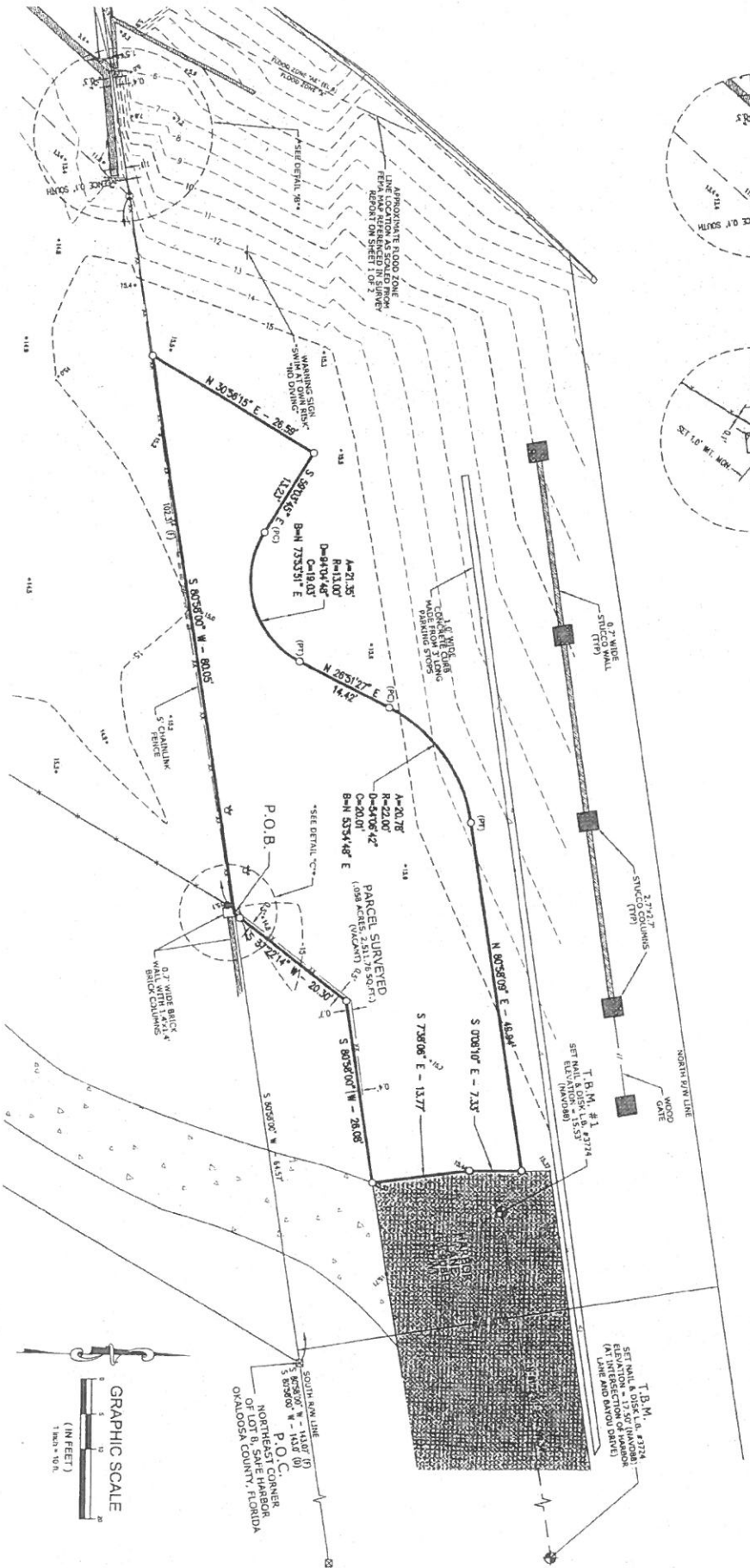
DETAIL "B"
SCALE: 1" = 10'



DETAIL "C"
SCALE: 1" = 5'



BOUNDARY SURVEY



SHEET 2 OF 2

DATE	REVISION	BY

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

DARL E.W. BURNS FLORIDA LICENSED SURVEYOR & MAPPER #4480
EMERALD COAST ASSOCIATES, INC., L.B. # 3774

16-289B

WWW.ECA-FL.COM

178 COUNTY HIGHWAY 283 SOUTH
SANTA ROSA BEACH, FLORIDA 32459
PH: (850) 267-4473 FAX: (850) 267-4973

Emerald Coast Associates Inc.

Land Planning • Engineering • Surveying
Since 1979

SCALE: 1" = 10'

DWG. DATE: 3-02-2018

DRAWN BY: JTH. FIELD DATE: 2-22-2018
PROJECT: 16-298
ORDER: 18-0168

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

FOR: TIM KRUEGER

FILE: 16-289ADRAWING.dwg



CITY OF DESTIN



AGENDA ITEM

LOCAL PLANNING AGENCY MEETING DATE: June 21, 2018

TYPE OF AGENDA ITEM: Public Hearing

TO: City Council Members

THROUGH: Carisse LeJeune, City Manager
Jennifer C. Bryla, AICP, Community Development Director
Kimberly Kopp, City Land Use Attorney

FROM: Stuart Campbell, Planner

DATE: June 12, 2018

SUBJECT: A public hearing regarding Ordinance No. 18-09-LC. The proposed Ordinance would amend Article 8 – TRANSPORTATION. This is City of Destin initiated amendment.

- I. BACKGROUND:** Consistent with the Comprehensive Plan 2020 Goals, Objectives and Policies, it is a strategic objective of the City Council to periodically amend the Land Development Code to improve regulatory efficiency and revise outdated, inconsistent or incorrect language.

On April 5, 2018, the Local Planning Agency considered proposed Ordinance No. 18-09-LC. The LPA recommended the following change to Article 8.06.12 (4) - In-Lieu Parking Fees:

For properties whose primary building entrance is located within 600 feet from an existing ~~or proposed~~ city parking facility, a minimum of 30 percent and maximum of 50 percent of the required nonresidential parking may be provided at the City parking facility by paying the in-lieu parking fees.

With the above noted change, the LPA found Ordinance No. 18-09-LC consistent with Comprehensive Plan: 2020, and recommended the adoption of said Ordinance by City Council with a vote of 5-0 (Motion – Shelton; 2nd Ledbetter).

On May 7, 2018, City Council made a motion to approve proposed Ordinance 18-09-LC on First reading, as amended, striking the language regarding handicapped parking in section 8.06.03(B), and directed the city Manager to schedule a workshop to discuss some of the in-lieu parking fee structure language. Motioned passed 6-0.

- II. DISCUSSION:** The original purpose of this ordinance is to amend Article 8 – Transportation of the City's Land development Code to provide for modifications to on-site vehicle parking standards and modifications to handicapped parking locational criteria for special parking districts.

Based on the direction received from City Council on May 7, 2018, the proposed language regarding modifying handicapped parking standards for special parking district, referenced in section 8.06.03(B), has been removed. The deleted language has been replaced with the proposed language that only modifies handicapped parking standards for lots or parcels within recreational land uses, provided there is a direct and continuous ADA-accessible pedestrian connection between the off-site shared parking area and a primary on-site building entrance.

III. **LDC Article Amendments**

The following discussion will briefly describe highlights to the amendments proposed for the Land development Code, Article 8 – Transportation.

Article 8 – Transportation

- Modify the handicapped parking standard. Handicapped parking shall be located on the same lot or parcel it is intended to serve. This requirement does not apply to those lots or parcels within a recreational land use, provided there is a direct and continuous ADA-accessible pedestrian connection between the off-site shared parking area and a primary on-site building entrance.
- Modify Special parking district standards where off-site vehicle parking facilities may be provided to lessen the demand for on-site vehicle parking.
- Modification of Old Destin MMTD and Crystal Beach MMTD sub-area parking reduction options to include the possibility of reducing up to 80 percent of the maximum required number of vehicle and bicycle parking spaces by utilizing on-site parking reduction strategies.
- Tier 2 and Tier 3 language is deleted.

A. Link to Strategic Goals /Objectives: IC. Analyze, measure, and improve key processes to enhance service excellence.

B. Effect on Budget (EOB): There is not any anticipated effect on the budget.

C. Level of Service (LOS): Increase in our Level of Service for Development Order review anticipated.

III. COMPREHENSIVE PLAN CONSISTENCY: Proposed Ordinance No. 18-09-LC is consistent with:

- Policy 1-1.1: Urban Design Standards and Design Criteria.
- Policy 1-1.1.6: Site Plan Review

IV. CONCLUSION: The proposed modifications to Article 8 – Transportation are intended to provide for more flexibility in the design standards for developments within the Multi-Model Transportation District sub-areas and provide more surety and less ambiguity. The utilization of on-site parking reduction strategies will not compromise the LDC parking standard, but it will provide a more flexible method for calculating the required number of vehicles and bicycle parking spaces required for a specific use or uses.

V. RECOMMENDED MOTION: “I move that the Local Planning Agency find the proposed Ordinance No. 18-09-LC consistent with Comprehensive Plan: 2020, and recommend the adoption of said Ordinance by City Council.”

Exhibits:

A. Proposed Ordinance 18-09-LC

ORDINANCE NO. 18-09-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA PROVIDING FOR MODIFICATION TO ARTICLE 8 – TRANSPORTATION; PROVIDING FOR AMENDMENTS TO VEHICLE PARKING STANDARDS; MODIFICATIONS TO HANDICAPPED PARKING WITHIN RECREATIONAL LAND USES ~~FOR SPECIAL PARKING DISTRICTS~~; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the authority for enactment of these regulations is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes, and Chapter 163, Part II, Florida Statutes; and

WHEREAS, it is a strategic objective of the City Council to periodically amend the Land Development Code to revise outdated, inconsistent or incorrect language and improve regulatory efficiency; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interest of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the city Council after due public notice.

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

SECTION 1. RECITALS. The foregoing recitals are hereby fully incorporated herein by reference as legislative findings of the City Council of the City of Destin.

SECTION 2. CODE AMENDMENT. Language in section 2 of this ordinance that is ~~struck through~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struck through~~ or underlined is not to be changed, and * * * represents sections of the Land Development Code that remains unchanged.

ARTICLE 8 – TRANSPORTATION.

8.06.03 *Location of on-site parking facilities.* The following regulations shall apply to all development in the City which requires vehicle and bicycle parking:

- B. *Handicapped parking.* Handicapped parking shall be located on the same lot or parcel it is intended to serve. This requirement does not apply to those lots or parcels located within recreational land uses, areas designated as Special Parking Districts, as specified in section 8.06.13 of this code, provided there is a direct and continuous ADA-accessible pedestrian connection between the off-site shared parking area and a primary on-site building entrance. Additionally, the on-site location of said handicapped parking space(s) shall be consistent with the requirements of F.S. 553.5041.

8.06.10 Number of vehicle and bicycle parking spaces required.

- B. MMTD parking standards. Within the Old Destin MMTD sub-area, the number of vehicle parking spaces provided on-site shall not exceed the maximums and shall not be less than 80 percent of the minimums indicated in Table 8-6: Number of vehicle and bicycle parking spaces required, for the specific use or uses. Old Destin MMTD parking reduction options are provided in section 8.06.12(D) of this Code. Within the Crystal Beach MMTD sub-area, ~~Outside of the Old Destin MMTD sub-area,~~ the number of vehicle parking spaces required shall be equal to at least the minimum requirements as listed in Table 8-6 for the specific use or uses, which may have multiple applications to a particular parcel. Within both the Old Destin and Crystal Beach MMTD sub-areas, bicycle parking spaces are required. The number of required bicycle parking spaces shall be equal to at least the minimum requirements indicated in Table 8-6 for the specific use or uses.

8.06.12 Reduction of the required number of vehicle parking spaces.

- D. *Multimodal Transportation District (MMTD) parking reduction options.* The following options for the reduction of the required number of vehicle parking spaces are available to those properties located within the MMTD:

1. *Reduction for Old Destin MMTD sub-area.* Within the Old Destin MMTD sub-area, the number of vehicle parking spaces provided on-site may be reduced up to 80 percent of the maximums indicated in Table 8-6: Number of vehicle and bicycle parking spaces required for the specific use or uses by utilizing on-site parking reduction strategies provided in this section. Properties located outside of the Old Destin MMTD sub-area cannot take advantage of this provision.

4. *In-lieu parking fees.* Within designated special parking districts (refer to Section 8.06.13) an applicant shall be required to contribute fees, as established by the City Council, in lieu of providing dedicated on- or off-site parking spaces. For properties whose primary building entrance is located within 600 feet from an existing ~~or proposed~~ City parking facility, a minimum of 30 percent and maximum of 50 percent of the required nonresidential parking may be provided at the City parking facility by paying the in-lieu parking fees. For properties whose primary building entrance is located greater than 600 feet but less than 1,200 feet away from an existing or proposed City parking facility, a minimum of 15 percent and a maximum of 25 percent of required nonresidential parking may be provided at the City parking facility by paying the in-lieu parking fees. For properties whose primary building entrance is located greater than 1,200 feet away from an existing or proposed City parking facility, in-lieu parking fees are not an option. The distance requirements of this subsection shall be measured from the primary building entrance of the subject property to property line of the City parking facility. Sidewalks and crosswalks shall be required to connect between the primary building entrances and the parking facility. Residential uses cannot use in-lieu parking fees for required on-site parking. In order for an applicant to have more than 50 percent of the required parking located on a City facility, the applicant's project must be approved as a ~~Tier 3~~ Major Development project (refer to section 8.06.13(A)(4)).

8.06.13 Special parking districts. The City Council may designate special parking districts where off-site vehicle parking facilities may be provided by the City or private enterprises, thus lessening the demand for on-site vehicle parking.

- A. *Off-site vehicle parking facilities requirements.* The following provisions apply to all developments that desire to take advantage of off-site vehicle parking facilities:
 1. Nonresidential and short-term residential uses are the only uses that are allowed to take advantage of having required vehicle parking spaces located off-site.
 2. Those portions of a mixed-use development that contain long-term residential uses ~~as defined in Comprehensive Plan: 2010~~ are required to have all required parking spaces located on-site.
 3. ~~For projects requesting Tier 1 or 2 approval, A~~ maximum of 50 percent of the total number of required vehicle parking spaces are allowed to be located off-site.
 4. ~~For projects requesting Tier 3 approval, up to 100 percent~~ more than 50 percent of the total number of required vehicle parking spaces ~~for nonresidential and short-term residential uses are allowed~~ to be located off-site ~~provided that will require approval is granted~~ by City Council.

5. ~~All required handicap parking spaces and loading spaces for all development are not allowed to be located off site and must be provided for on site.~~

E. *Off-site parking districts.* The following off-site parking districts are hereby established:

1. *Harbor area parking district.* The Harbor Area Parking District encompasses all land designated as CMU, NHMU, ~~and SHMU, or REC~~ on the zoning map. All off-site parking garages or surface parking lots used to satisfy on-site parking requirements for non-residential uses in the ~~CMU, NHMU, and SHMU zoning districts~~ Harbor Area Parking District shall be located in the NHMU zoning district and must be located within 1,200 feet of the property for which the off-site surface parking lot or garage serves. The measurement of 1,200 feet shall be from primary building entrance of the subject property to property line of the parking facility.

SECTION 3. INCORPORATION INTO LAND DEVELOP CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 4. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 5. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 6. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS ____ DAY OF _____

By: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney.

Rey Bailey, City Clerk

Kimberly Kopp, City Land Use Attorney

First Reading: _____
Second Reading: _____