



**AGENDA
LOCAL PLANNING AGENCY
THURSDAY, JULY 22, 2021
5:30 PM
DESTIN CITY HALL ANNEX CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A. June 3, 2021**
- 4. NEW BUSINESS**
 - A. Ordinance No. 21-14-CN relating to the abandonment of the Egret Court Right-of-Way (ROW).**
- 5. DIRECTOR'S REPORT**
- 6. NEXT MEETING DATE: August 5, 2021**
- 7. ADJOURNMENT**

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

DRAFT

**LOCAL PLANNING AGENCY
MEETING MINUTES
JUNE 3, 2021 - 5:30 P.M.
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wood called the Local Planning Agency Meeting to order on Thursday, June 3, 2021 at 5:30 p.m., in the Destin City Hall Boardroom; with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

James T. Wood, Jr.
Marcie Bell
Karen Drexler
Corey Ledbetter
Darryl Shelton
Jason Klosterman

Members Absent

Staff Members Present

Kim Montgomery City Clerk
Lauren Witt Senior Planner
Daniel Butler Planner
Sae More
Tunazzina Alam
Louis Zunguze CD Director
Kyle Bauman City Attorney

3. APPROVAL OF MINUTES:

May 6, 2021

Motion by Agency member Shelton, seconded by Agency member Bell to approve the May 6, 2021, minutes as written. The motion passed 6-0.

4. OLD BUSINESS:

None

5. NEW BUSINESS:

A. Conditional Use 21-02-CU– Bamboo Box (Asian Specialty Store) – 1209 Airport Road, Suite 11

The City Attorney swore in the applicant and staff for any testimony they may need to provide.

Mr. Butler explained to the members that Mr. Jesse Robinson, on behalf of Bamboo Box, LLC is requesting a Conditional Use (21-02-CU) approval for an Asian specialty grocery store. The proposed project located at 1209 Airport Road, Suite 11 consists of renovating the existing ±2,528 SF suite to include a display area, a kitchen, a storage area, restrooms, and a small office and the subject site is 0.22 acres. And that the project meets all the four required criteria for Conditional Use, per Article 7.12.10.C, Land Development Code.

DRAFT

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

Agency member Bell questioned an existing market located in the same plaza. Mr. Butler explained that it is a European Market and was there prior to the code being changed to require the Conditional Use Approval.

Agency member Ledbetter moved that the Local Planning Agency recommend approval to the City Council to approve Conditional Use 21-02-CU, with Agency member Klosterman providing the second. The motion passed with a 6-0 vote.

6. DIRECTOR'S REPORT:

Mr. Zunguze provided the following updates:

- Introduces his two new staff members Saeed More & Tunazzina Alam.
- Announced his staff will be bringing forth materials regarding certain planning areas as soon as he gets direction from Council.

7. ADJOURNMENT:

Having no further discussion at this time, the meeting adjourned at 5:40 p.m.

Adopted and approved this _____ day of _____ 2021.

James Wood, Jr. Chairman

Kim Montgomery, Destin City Clerk

CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: July 22, 2021
BOARD/COMMITTEE: Local Planning Agency
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 4.A.

TO: Local Planning Agency

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Donald Smith, City Engineer
Joe Bodi, Engineering Asst. II

DATE: July 14, 2021

SUBJECT: Ordinance No. 21-14-CN relating to the abandonment of the Egret Court Right-of-Way (ROW).

I. BACKGROUND: The property owners of the physical address 343 Mountain Dr and 401 Mountain Dr, specifically East Pass Properties LLC and Destin Properties LLC are requesting approval of a vacation of public right-of-way. The proposed vacation will consist of the entire Egret Court right-of-way (ROW). That is, all of the existing Egret Court right-of-way would be vacated, abandoned, discontinued and closed if the applicant's request is approved. See the attached survey.

The proposed request is in accordance with the following 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.

- e. *No city owned right-of-way, or any portion thereof, may be vacated if the city's right-of-way shares any boundary with a water body.*

II. DISCUSSION:

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.D.2.**

FINDINGS: According to the LDC, **Article - 8, Section 8.01.00, subsection D. 1, 2, 3, 4, and 5**, 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 five (5) 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 does not reduce public circulation and is not integral with the future corridor alignment. The vacation does not conflict with the Comprehensive Plan and specifically, Policy 2-1.1.3: Maintain New Road Corridor Alignments. Or Policy 2-1.3.23: Use Multimodal Transportation District Performance Measures.

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

Staff Review: No ingress and egress easement is required for sole access of any other property. The proposed access to the two properties shall remain a joint access to Mountain Drive in its current configuration.

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. 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.

Staff Review: Currently the proposed portion of right-of-way to be vacated, abandoned, discontinued and closed and be used for ingress and egress by the applicants and their guests. There is no closure of current or future planned roadway or pedestrian connectivity.

5. No city owned right-of-way, or any portion thereof, may be vacated if the city's right-of-way shares any boundary with a water body.

Staff Review: The proposed vacation does not share any boundaries with water bodies.

The vacation of rights-of-way are consistent with and meet City requirements. It is also

important note the specific circumstances at this location.

- This property is located in the North Harbor Planning Area and is zoned as Commercial Trades and Services.
- The current use is consistent with the zoning district but the lots size is not consistent with the anticipated businesses.
- Because of the use, an automobile repair shop, the right of way is commonly being utilized by the property owners.
- If the City were to enforce the illegal use of right of way, it would be effectively putting these businesses out of business. Auto repair shops need some amount of storage while awaiting parts. This area must leave open access to the building to operate and for safety in case of an emergency.
- Because of the nature of the businesses expected at this location, the right of way commonly has activity the restricts its use. Since some local residents are aware this is public right of way, they constantly complain that the right of way should be clear. Federal and state standards require agencies to dispose of excess right of way for this reason as it often leads to misuse and/or complaints related with the property.
- It is not practical for code compliance to constantly enforce this area as the expected outcome due the zoning will likely result is some use of the right of way that is not for roadway or access purposes.
- It is not the intent of public agencies to hold property that does not have a public purpose. This property does not have a public purpose as stated above.

As a condition to the approval, the City will require the applicant to complete the following items immediately following City Council approval:

1. **Zoning Map Amendment Application**
2. **Future Land Use Map Amendment Application**
3. **Re-Plat Application**
4. **Development Order Application for each property.**

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

A. Link to Strategic Goals / Objectives: Objective 1B, Develop initiatives to enhance organizational development and service excellence. 1B2 Balance resources with mandatory and non-mandatory functions/projects/tasks.

B. Effect on Budget (EOB): The vacation would provide a reduction of Code Compliance and Public Works personnel and tasks from maintaining a segment of right-of-way that serves no valid city purpose.

C. Level of Service (LOS): There will be no degradation of infrastructure level of service with this vacation.

III. CONCLUSION: The applicant has provided the required letters of approval from the following public & private agencies:

- Destin Fire Control District
- Destin Recreation Department
- Destin Community Development Department
- Destin Public Services Department

- Okaloosa Property Appraiser Office
- Destin Water Users Inc.
- AT&T Communications
- NuVox Communications (Windstream)
- Embarq Communications
- Okaloosa Gas Company
- Gulf Power Company

The applicant has met all five (5) criteria for granting the request. Several utility companies have requested utility easements should the request be granted.

IV. RECOMMENDED MOTION: I move that the Local Planning Agency recommend approval of this request to vacate, abandon, discontinue and close a portion of the Egret Court right-of-way, based on findings pursuant to the (5) requirements identified in the Land Development Code, **Section 8.01.00.D.**

Attachments:

1. LPA Final Posting of Property
Affidavit - Egret Court
(A4316669xA3759)
2. Ord 21 13 CN-Egret Ct VROW 20 02
-Exhibit A
3. survey Egret Ct
4. VROW 02 20 app
5. Presentation

**CITY OF DESTIN
POSTING OF PROPERTY
AFFIDAVIT**

BEFORE ME, the undersigned authority, personally appeared Mary Grace Rahm, the owner and/or authorized agent of the following described property: 343 Mountain Drive, Destin, FL who deposes and says as follows:

1. That the subject site described above has a sign posted by the owner and/or authorized agent for the owner, notifying the public of the required public meeting, date and time of meeting, location of meeting, and purpose of meeting in accordance to City Code.
2. That the posted sign meets the dimensional requirements set by the City.
3. That the posted sign was placed and will be maintained upon the property in the correct location and not less than fourteen (14) days prior to the public meeting.
4. That a photo of the sign depicting the location of the sign in relation to the road right-of-way is attached.
5. This affidavit will be forwarded to the City's Public Services Department no later than two (2) working days prior to the public meeting.

I have completed the said requirements as described in the City of Destin Land Development Code.

Mary Grace Rahm
Signed name

Mary Grace Rahm
Printed name

Witnessed by:

Lindsey McEwan
Printed name

[Signature]
Signed name

Barbi Gilman
Printed name

[Signature]
Signed name

STATE OF _____
COUNTY OF _____

STATE OF FLORIDA
COUNTY OF OKALOOSA

Sworn to (or affirmed) and subscribed before me, who did take an oath this 8th day of July, 2021, by Mary Grace Rahm, who did take an oath.
(name of person making statement)

[Signature]
Signature of Notary - State of Florida

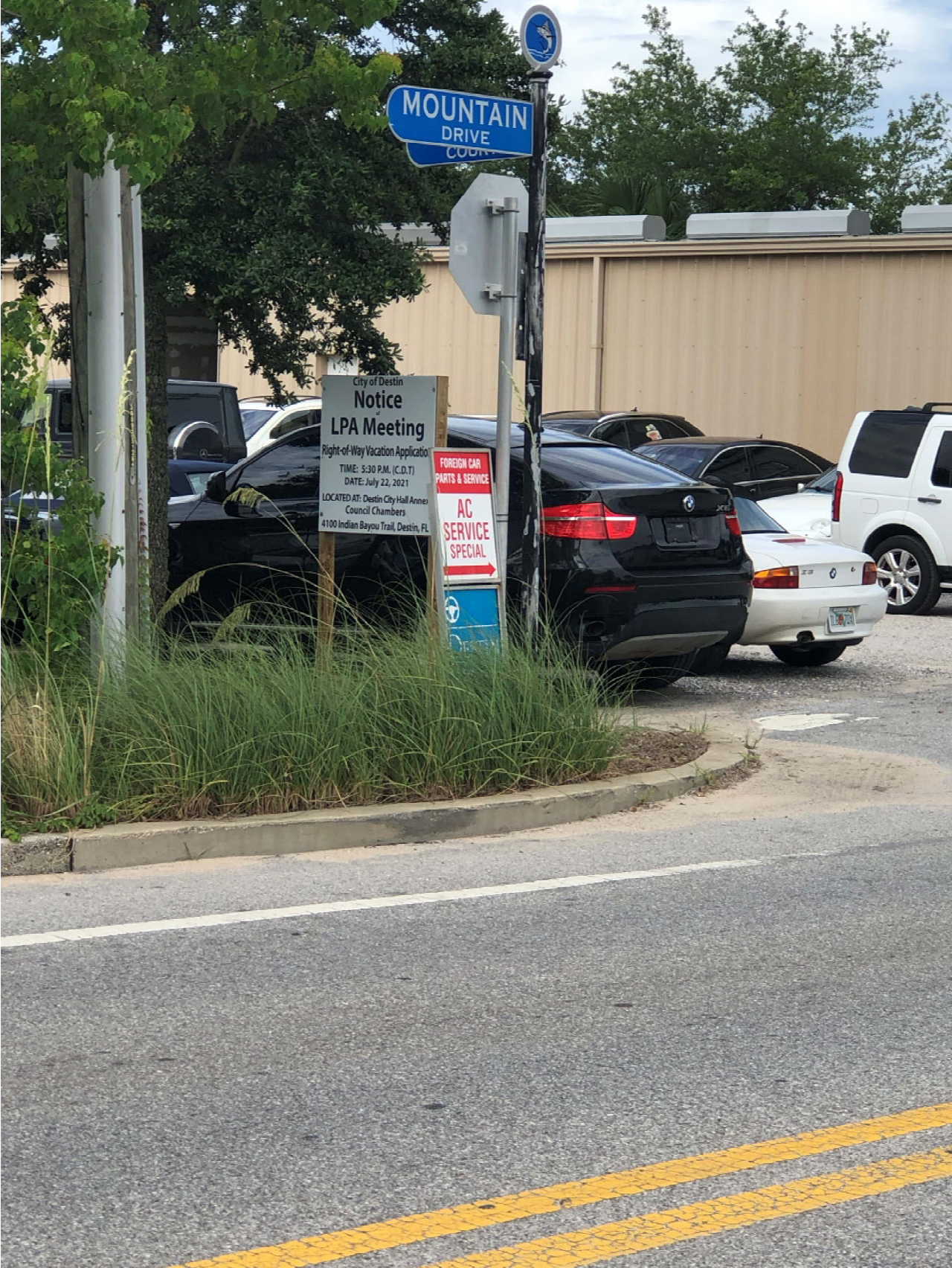
Printed Name of Notary or Notary Seal



Personally known ☒ OR Produced Identification _____
Type of Identification Produced _____







MOUNTAIN
DRIVE
COURT

City of Destin
**Notice
of LPA Meeting**
Right-of-Way Vacation Application
TIME: 5:30 P.M. (C.D.T.)
DATE: July 22, 2021
LOCATED AT: Destin City Hall Annex
Council Chambers
4100 Indian Bayou Trail, Destin, FL

FOREIGN CAR
PARTS & SERVICE
**AC
SERVICE
SPECIAL**

ORDINANCE NO. 21-13-CN

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR ABANDONMENT OF THE ENTIRE SEGMENT OF EGRET COURT 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, the property owners of East Pass Properties LLC and Destin Properties LLC have requested vacation, abandonment, discontinuation and closure of a portion of City Right of Way; and

WHEREAS, the portion of the Right-of-Way requested to be vacated, abandoned, discontinued and closed is not necessary to the traffic circulation within the City of Destin; and

WHEREAS, the request is consistent with the Comprehensive Plan; and

WHEREAS, access to the adjacent property from public right of way will not be diminished by the approval of the request; and

WHEREAS, the approval of the request will not jeopardize the current or future location of any utilities; and

WHEREAS, the approval of the request 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:

That Portion of Flamingo Place lying adjacent to Lots 335 and 337 in Block E, Second Revision of Calhoun Subdivision, according to the plat thereof as recorded in Plat Book 2, Page 43A of the Public Records of Okaloosa County, Florida.

Legal from Boundary Survey:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 337, BLOCK E OF CALHOUNS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 43A OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA; THENCE NORTH 75 DEGREES 16 MINUTES 34 SECONDS WEST ALONG THE NORTHERN RIGHT OF WAY OF MOUNTAIN DRIVE A DISTANCE OF 50.02 FEET TO A POINT; THENCE DEPARTING SAID NORTHERN RIGHT OF WAY NORTH 14 DEGREES 43 MINUTES 26 SECONDS EAST A DISTANCE OF 200.00 FEET TO A POINT; THENCE SOUTH 75 DEGREES 16 MINUTES 34 SECONDS EAST A

EXHIBIT A

DISTANCE OF 50.00 FEET TO A POINT; THENCE SOUTH 14 DEGREES 43 MINUTES 08 SECONDS WEST
A DISTANCE OF 200.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

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 portion of right-of-way subject to easements for the location of all existing
utilities including, but not limited to, water, sewer, gas, communications, and electrical.

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 City
Council, signature of the Mayor.

ADOPTED THIS ____ DAY OF _____

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

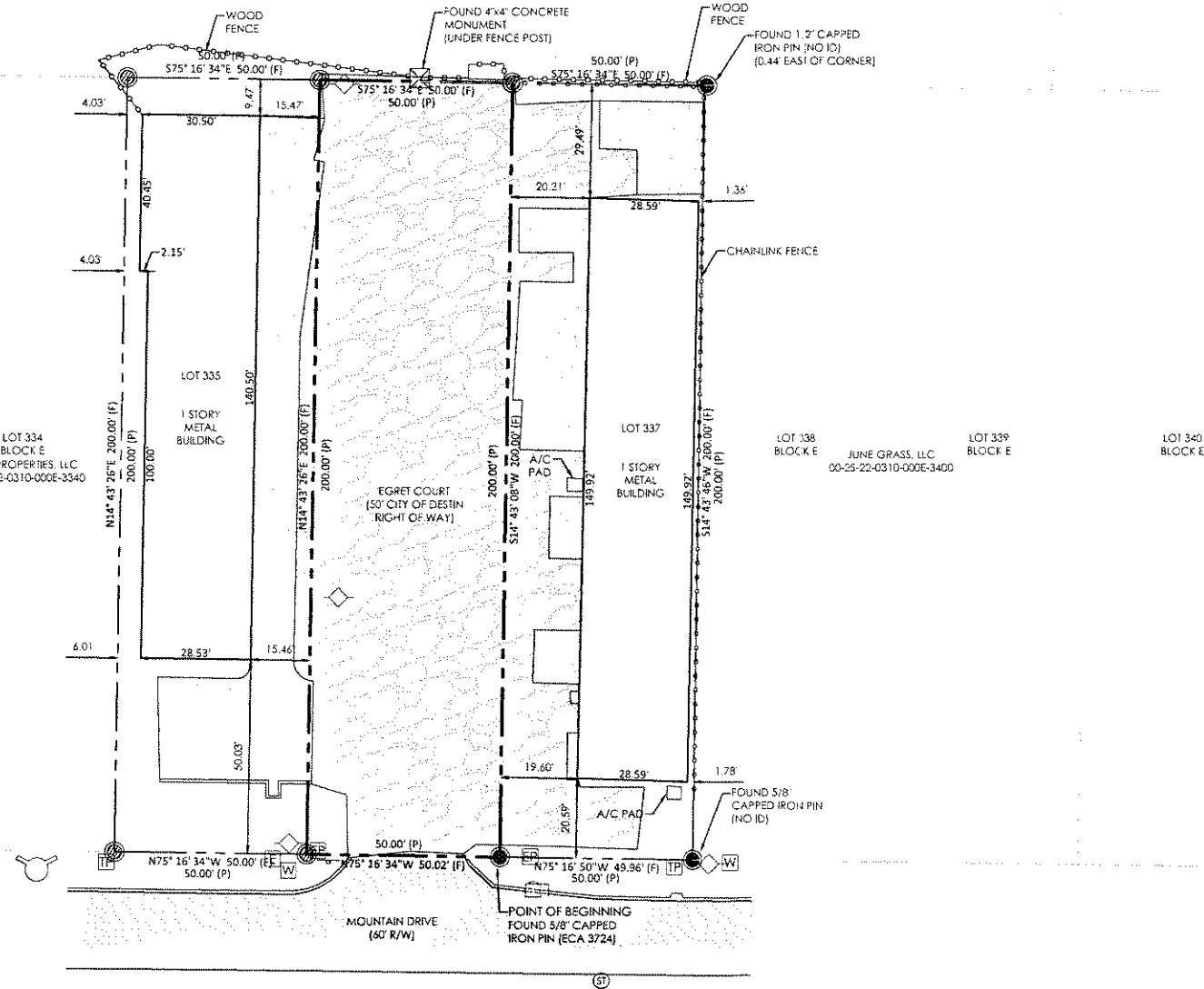
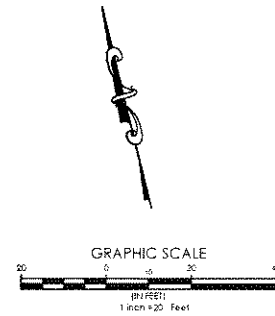
First Reading: _____

Second Reading: _____

BOUNDARY SURVEY
LOCATED IN
UNSECTIONALIZED, TOWNSHIP 2 SOUTH, RANGE 22 WEST
OKALOOSA COUNTY, FLORIDA

PELICAN PLACE TOWNHOMES EAST
PLAT BOOK 14, PAGE 48
OKALOOSA COUNTY, FLORIDA

DESTIN AZALEA GARDENS
PLAT BOOK 14, PAGE 48
OKALOOSA COUNTY, FLORIDA



LEGAL DESCRIPTION (AS WRITTEN)

BEGINNING AT THE SOUTHWEST CORNER OF LOT 337, BLOCK E OF CALHOUNS SUBDIVISION AS RECORDED IN PLAT BOOK 2, PAGE 43A OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA, THENCE NORTH 75 DEGREES 16 MINUTES 34 SECONDS WEST ALONG THE NORTHERN RIGHT OF WAY OF MOUNTAIN DRIVE A DISTANCE OF 50.02 FEET TO A POINT; THENCE DEPARTING SAID NORTHERN RIGHT OF WAY NORTH 14 DEGREES 43 MINUTES 26 SECONDS EAST A DISTANCE OF 200.00 FEET TO A POINT; THENCE SOUTH 75 DEGREES 16 MINUTES 34 SECONDS EAST A DISTANCE OF 50.00 FEET TO A POINT; THENCE SOUTH 14 DEGREES 43 MINUTES 08 SECONDS WEST A DISTANCE OF 200.00 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING.

SURVEY NOTES

- THIS MAP REPRESENTS A BOUNDARY SURVEY FOR THE PURPOSE OF LOCATING/ESTABLISHING EXISTING MONUMENTATION AND VISUAL IMPROVEMENTS. COMPLETION DATE OF FIELD SURVEY: MAY 10, 2019, BY DEVON GILES AND ADAM MCAFEE.
- SOURCES OF INFORMATION USED IN THE PREPARATION OF THIS SURVEY INCLUDE:
 - EXISTING MONUMENTATION
 - PLAT BOOK 2, PAGES 43A IN THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA
- THIS SURVEY DOES NOT REFLECT RESEARCH BY INNERLIGHT ENGINEERING CORPORATION, REGARDING TITLE OR EASEMENT. THERE MAY EXIST DEEDS OF RECORD, UNRECORDED DEEDS, PLATS, UNRECORDED PLATS, EASEMENTS, RIGHTS-OF-WAYS, OR OTHER INSTRUMENTS THAT MAY AFFECT THIS PARCEL.
- NORTH AND THE BEARINGS DEPICTED HEREON ARE BASED UPON THE STATE PLANE COORDINATE SYSTEM - FLORIDA NORTH ZONE, NORTH AMERICAN DATUM OF 1983 (NAD 83).
- IMPROVEMENTS ARE AS SHOWN. NO ATTEMPT WAS MADE TO LOCATE UNDERGROUND FEATURES, UNDERGROUND FOUNDATIONS, OR UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED.
- ADDITION OR DELETIONS TO THIS SURVEY DRAWING BY ANY OTHER PERSON(S) THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), FLOOD INSURANCE RATE MAP (FIRM), 12091C0469H, BEING PANEL 469 OF 494, EFFECTIVE DATE OF SEPTEMBER 29, 2010, INDICATES THAT THE SUBJECT PARCEL IS LOCATED IN ZONE "X". NO CERTIFICATIONS ARE MADE REGARDING THE ACCURACY OF SAID FIRM.
- ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

THE SURVEY DEPICTED HEREON WAS PREPARED IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR PROFESSIONAL SURVEYORS AND MAPPERS AS DEFINED IN CHAPTER 5A-17 OF THE FLORIDA ADMINISTRATIVE CODE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

ABBREVIATIONS

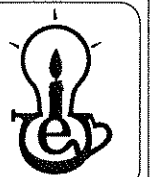
ID	IDENTIFICATION
(N)	NORTH
(E)	EAST
(S)	SOUTH
(W)	WEST
OR	OFFICIAL RECORDS
F	FOUND
P	PLAT
R/W	RIGHT OF WAY
LB	LICENSE BUSINESS
SSMH	SANITARY SEWER MANHOLE
SMH	STORM MANHOLE
BM	BENCHMARK
UN	UNABLE TO DETERMINE

CERTIFICATIONS

CITY OF DESTIN

SURVEY LEGEND

	PAVEMENT
	GRAVEL
	CONCRETE
	BOUNDARY
	ELECTRIC METER
	ELECTRIC PEDESTAL
	WATER METER
	TELEPHONE PEDESTAL
	MAIL BOX
	STORM MANHOLE
	UTILITY POLE
	FIRE HYDRANT



Mary Grace Rahm
Direct (850) 269-8843
mrahm@clarkpartington.com

February 7, 2020

City of Destin Public Services Department
c/o Michael Burgess
4200 Indian Bayou Trail
Destin, FL 32541

RE: Egret Ct. - Right-of-Way Vacation Application

Dear Mr. Burgess:

As you know, this firm represents East Pass Properties, LLC in its efforts to vacate an unused and unimproved right-of-way known as Egret Court that is immediately adjacent to its property, located off Mountain Drive in Destin, Florida. A pre-application meeting was held on May 31, 2019.

Please find enclosed the completed Right-of-Way Vacation Application for your review and consideration.

Should you have any questions or concerns, please do not hesitate to contact me directly at 850-269-8843 or mrahm@clarkpartington.com. Thank you in advance for your time and assistance with this matter and I look forward to hearing from you.

Sincerely,



Mary Grace Rahm

Enclosure

cc: William J. Dunaway, Esq.

THE CITY OF DESTIN
4200 INDIAN BAYOU TRAIL
DESTIN, FLORIDA 32541
PHONE (850) 837-4242 • FAX (850) 269-9890

CASH
RECEIPT

Date March 2 2020 84369

Received From Clark Partridge Hartley Park + Street Works, PA
Address P.O. Box 13010 Pensacola FL 32591

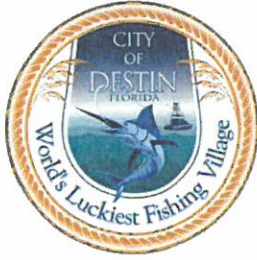
Dollars \$ 515.00

For Vacation of ROW Permit App 2002

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

Check # 2872

By Thomas Crandall



City of Destin, Florida

PUBLIC SERVICES DEPARTMENT

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

RIGHT-OF-WAY VACATION APPLICATION

RVAC 20 - 02

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:** Clark Partington Attorneys on behalf of East Pass Properties, LLC
(as shown on deed or Articles of Incorporation)

Applicant's Address: 4100 Legendary Drive, Suite 200

City: Destin State: Florida Zip Code: 32541

Home Phone number: _____ Business Phone number: 850-269-8843

Fax number: 850-650-3305 Email: mrahm@clarkpartington.com

2. **FIRST OWNER (adjacent to proposed vacation):** East Pass Properties, LLC

Mailing Address: 4221 West Boy Scout Blvd., Suite 100

City: Tampa State: Florida Zip Code: 33607

Work Phone Number: _____ Home Phone Number: _____

Fax Number: _____

3. **SECOND OWNER (adjacent to proposed vacation):** Destin Properties, LLC

Mailing Address: 277 Sunset Bay, #27 B

City: Miramar Beach State: Florida Zip Code: 32550

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: 2 South Range: 22 West Tax Parcel I. D. #: Right of Way

Lot: 337 - 335 Block: E Plat Book: 2 Page Number: 43A

Subdivision Name: Calhouns Subdivision

5. SITE DETAILS:

Total acreage of the right-of-way area to be vacated: ≈ .23

Name of right-of-way (street) to be vacated: Egret Court

6. APPLICANT'S REQUEST (Purpose of Vacation): _____

The right-of-way does not provide a means of ingress or egress to any property. Vacation of the right of way would provide additional parking for the adjoining property owners and ensure compliance with applicable code.

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. *MAYBE EASEMENT*
 - ✓ 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 *zale, REPRAT, DO*
 - ✓ 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.
 - NA* M. Okaloosa Public Works Department – If part of or abutting a County property.
 - NA* 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: *Mary Grace Rahm* DATE: *2/7/2020*

PRINTED NAME: *Mary Grace Rahm*

TITLE: *Attorney/Agent - Clark Partridge Attorneys*

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 (Corporate)

STATE OF GEORGIA
COUNTY OF FULTON

I, Christopher B. Manos, Jr. am presently the Manager and authorized to sign for East Pass Properties Manager, LLC, a Delaware limited liability company, which is the Manager of East Pass Properties, LLC a Delaware limited liability company (company), which is the owner of the property located at 343 Mountain Drive, Destin, Florida 32541, and do attest and affirm, to the best of my ability, that the attached application is accurate.

East Pass Properties, LLC, a
Delaware limited liability company

By: East Pass Properties Manager, LLC, a
Delaware limited liability company,
Its Manager

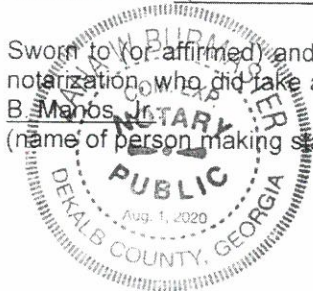
By: [Signature]
Christopher B. Manos, Jr.
Manager

Witnessed by:
[Signature]
Signed name
John Anderson
Printed name

[Signature]
Signed name
James Stewart
Printed name

STATE OF GEORGIA
COUNTY OF FULTON

Sworn to (or affirmed) and subscribed before me by means of x physical presence or online notarization, who did take an oath this 4th day of February, 2020, by Christopher B. Manos, Jr.
(name of person making statement)



[Signature]
Signature of Notary - State of Georgia
Printed Name of Notary of Notary Seal
Zana W. Burmaster

Personally known OR Produced Identification X
Type of Identification Produced: Georgia Driver's License Number 065707617.

**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Christopher B. Manos, Jr.
am the Manager and authorized to sign for **East Pass Properties, LLC**, the owner and/or
leaseholder at **343 Mountain Drive, Destin, Florida 32541** and desiring to execute a Special Power of
Attorney, have made, constituted and appointed, and by these presents do make, constitute and appoint
Mary Grace Rahm, Esq. and William J. Dunaway, Esq. of Clark Partington Attorneys whose address
is **4100 Legendary Drive, Suite 200, Destin, County of Okaloosa, State of Florida**, my Attorneys-in-
Fact to act as follows, GIVING AND GRANTING unto said attorneys full power to act as my agent in any
and all matters pertaining to the vacation of the right-of-way known as **Egret Court**.

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 East Pass Properties' account
shall be transacted in name of East Pass Properties, and that all endorsements and instruments executed by
the said attorney for the purpose of caring out the foregoing powers shall contain East Pass Properties,
followed by that of my said attorney and the designation "Attorney-in-Fact".

East Pass Properties, LLC

By: [Signature]

Its: Manager

Signed name [Signature]

Christopher B. Manos, Jr.
Printed name

Witnessed by:

[Signature]

Signed name

Kerri Dinuzzi
Printed name

STATE OF Georgia
COUNTY OF DeKalb

STATE OF FLORIDA
COUNTY OF OKALOOSA

Sworn to (or affirmed) and subscribed before me this 14th day of November, 2022,
by Christopher B. Manos, Jr. the Manager of East Pass Properties, LLC, who did take an oath
(name of person making statement)

[Signature]
Signature of Notary - State of Florida

Printed Name of Notary or Notary Seal

Personally known _____ OR Produced Identification ☒

Type of Identification Produced GA Drivers License

ANDREW MILES DAVIS

NOTARY PUBLIC

Fulton County

State of Georgia

My Comm. Expires August 1, 2023

**AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, ANTONIO SANDEVSKI am the CEO and authorized to sign for **Destin Properties, LLC**, the owner and/or leaseholder at **401 Mountain Drive, Destin, Florida 32541** and desiring to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do make, constitute and appoint **Mary Grace Rahm, Esq. and William J. Dunaway, Esq. of Clark Partington Attorneys** whose address is **4100 Legendary Drive, Suite 200, Destin, County of Okaloosa, State of Florida**, my Attorneys-in-Fact to act as follows, GIVING AND GRANTING unto said attorneys full power to act as my agent in any and all matters pertaining to the **vacation of the right-of-way known as Egret Court**.

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 Destin Properties shall be transacted in the name Destin Properties, and that all endorsements and instruments executed by the said attorney for the purpose of carrying out the foregoing powers shall contain Destin Properties, followed by that of my said attorney and the designation "Attorney-in-Fact".

Destin Properties, LLC

By: [Signature]

Its: CEO

Witnessed by:

[Signature]
Signed name

Idalia Argomaniz
Printed name

Antonio Sandevski
Signed name

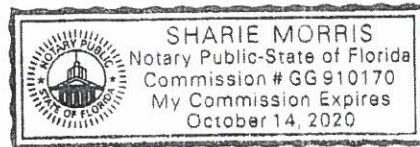
ANTONIO SANDEVSKI
Printed name

STATE OF Florida
COUNTY OF OKALOOSA

STATE OF FLORIDA
COUNTY OF OKALOOSA

Sworn to (or affirmed) and subscribed before me this 2nd day of January, 2020,
by Antonio Sandevski the CEO of Destin Properties, LLC, who did take an oath.
(name of person making statement)

[Signature]
Signature of Notary - State of Florida
Printed Name of Notary or Notary Seal
Personally known ☒ OR Produced Identification _____
Type of Identification Produced Known



Ownership and Encumbrance Report

First American Issuing Office:

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

Customer Reference Number: 190515

First American File Number: 1054-4360734

Prepared For:

Clark, Partington, Hart, Larry, Bond &, Stackhouse, P.A
4100 Legendary Dr Ste 200
Destin , FL 32541

Legal Description:

That Portion of Flamingo Place lying adjacent to Lots 335 and 337 in Block E, Second Revision of Calhoun Subdivision, according to the plat thereof as recorded in Plat Book 2, Page 43A of the Public Records of Okaloosa County, Florida.

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

City of Destin per Dedication in Plat Book 2 at Page 43A

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

O.R.Book

2

Page

43A

Copies of the Encumbrances/Matters Affecting Title (X) are () are not included with this Report.

Customer Reference Number:
First American File Number: 1054-4360734

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 04/13/1953 to 06/11/2019 at 8:00 a.m.. The foregoing Report accurately reflects matters recorded and indexed in the Official Records Books of OKALOOSA County, Florida, affecting title to the property described therein. This report is not an opinion of title, title insurance policy, warranty of title, or any other assurance as to the status of title and shall not be used for the purpose of issuing title insurance. Pursuant to s. 627.7843, Florida Statutes, the maximum liability of the issuer of this property information report for errors or omissions in this property information report is limited to the amount paid for this property information report, and is further limited to the person(s) expressly identified in the property information report as the recipients of the property information report.

First American Title Insurance Company

A handwritten signature in black ink, appearing to read "Michael Abbey", is written over the printed name.

Michael Abbey, as SVP, Division Region Manager

Dated:06/12/2019

OLD EAST P...

The map shows a subdivision of land into lots E-1 through E-20. The lots are arranged in a grid-like pattern, with some areas designated as 'PLANTING' and 'PELICAN PLACE'. The streets shown are AZALEA, CAMELLIA, DRIVE, SAND, DUNES, and ST. LOT. The lots are numbered, and some are marked with 'NOT INCLUDED'. The map is oriented with North at the top.

Key features include:

- Streets: AZALEA, CAMELLIA, DRIVE, SAND, DUNES, ST. LOT.
- Lots: E-1, E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, E-10, E-11, E-12, E-13, E-14, E-15, E-16, E-17, E-18, E-19, E-20.
- Other areas: PLANTING, PELICAN PLACE.
- Notes: 'NOT INCLUDED' is written near lot E-19.

2/43A

OKALOOSA COUNTY



DESCRIPTION

Containing all land of that part of the Western end of Choctawhatchee Peninsular lying West of a true North & South line passing through a concrete marker at the Eastern Extremity of Lot No. Twenty one of the Mooreno Point Military Reservation survey of Lots (said marker, being in the Western shore line of Jones Bayou) excepting the acreage comprised in the Mooreno Point Military Reservation survey of Lots (hereshown dotted).

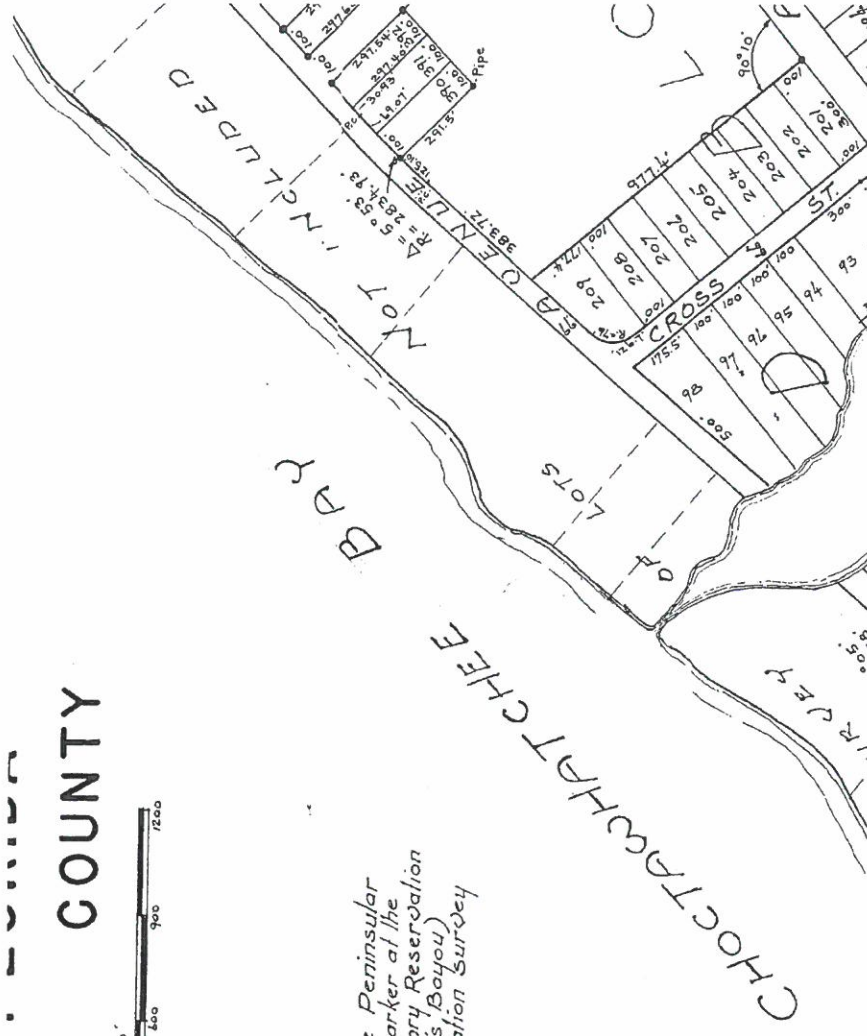
43-17

DEDICATION

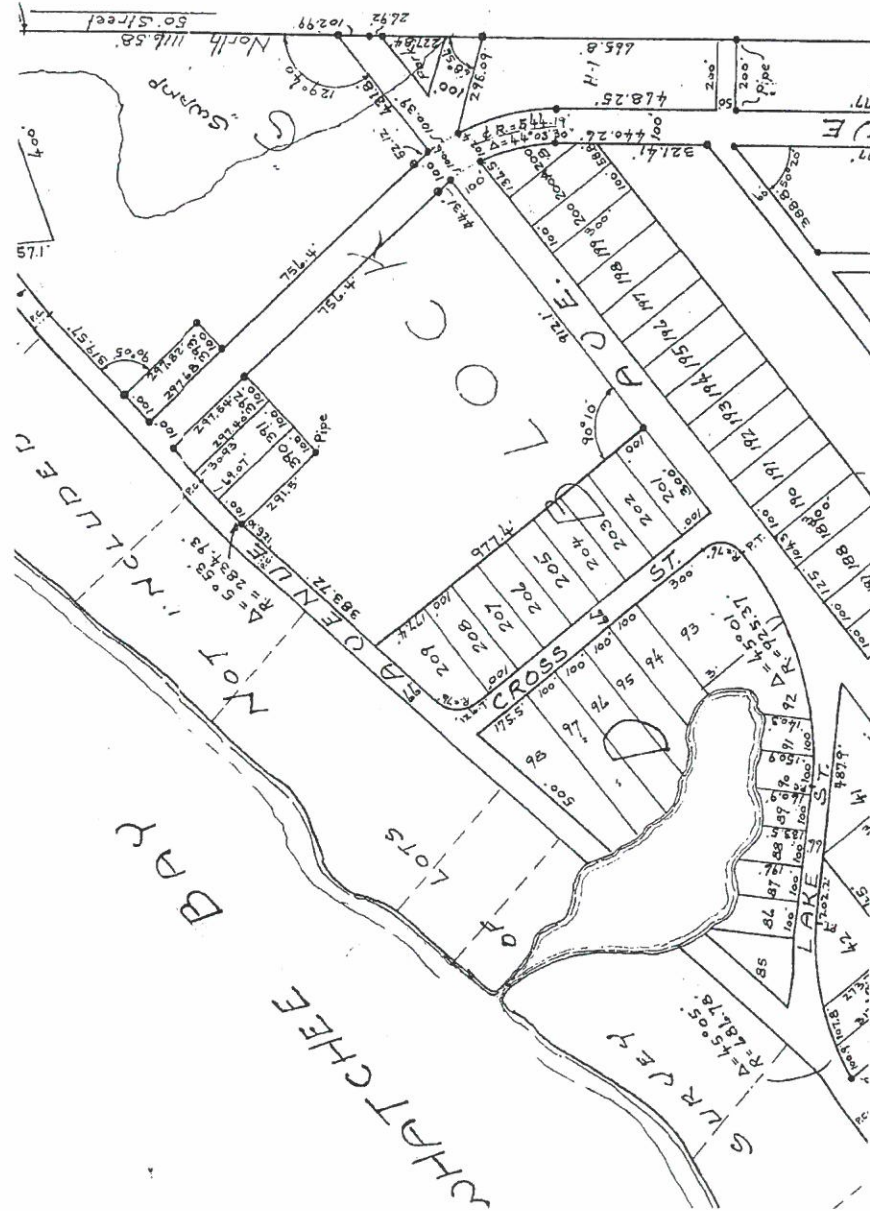
I, Tyler Calhoun, Trustee, the Owner of the land hereon described and subdivided, hereby approve and adopt this plat thereof and dedicate to the use of the public, the streets indicated hereon.

Signed, Sealed, and Delivered
in the Presence of:

Maria Calhoun Winston Tyler Calhoun
John R. Cox Trustee (Seal)



2/43A



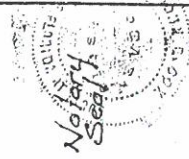
STATE OF FLORIDA
COUNTY OF OKALOOSA

Before the subscriber personally appeared Tyler
Calhoun, known to me to be the individual described
in and who executed the foregoing instrument
and acknowledged that he executed the same
for the uses and purposes therein set forth.

Given under my hand and official seal this
13th day of April, 1953.

John R. Cox

Notary Public, Okaloosa County, Fla.
My Commission expires 3/18/56



CERTIFICATE OF APPROVAL
OF COUNTY COMMISSIONERS

ABUTTING PROPERTY LIST AFFIDAVIT

STATE OF Florida
COUNTY OF Okaloosa

BEFORE ME, the undersigned authority, personally appeared Kevin Hanley 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:

[Signature]
Signed name of Okaloosa County Property Appraiser

Kevin S. Hanley
Printed name of Okaloosa County Property Appraiser

Witnessed by:

Karen Ellington
Signed name

Karen Ellington
Printed name

Ana Carrasquillo
Signed name

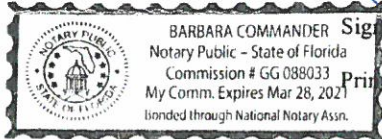
Ana Carrasquillo
Printed name

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 25th day of July,
20 19, by Kevin HANLEY, who did take an oath.
(name of person making statement)

Barbara Commander
Signature of Notary - State of Florida
Printed Name of Notary or Notary Seal



Personally known BC OR Produced Identification _____

Type of Identification Produced _____

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

Thu Jul 18 2019

Property Appraiser Owner Information:

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

Parcel Id Number: Egret Court Right-of-way

Owner: _____

☐ Parcels are adjacent to the parcel shown below:

Parcel Id Number: _____

Owner: _____

☐ Other:

Person(s) requesting information: csilking@clarkpartington.com

Phone Number: _____ Fax Number: _____

Property Appraiser Signature: 

00-2S-22-0057-0000-0240	PARIS KARLA K	3608 GOLDSBYS		DESTIN	FL	32541	
00-2S-22-0057-0000-0250	AMAYA FRANCISCO A	3610 GOLDSBYS		DESTIN	FL	32541	
00-2S-22-0057-0000-0270	ALEXANDER GEORGE & KATHY A	3614 GOLDSBYS		DESTIN	FL	32541	
00-2S-22-0057-0000-0280	PRICE MAURICE LEO III	3616 GOLDSBY		DESTIN	FL	32541	
00-2S-22-0057-0000-0280	TOUCHSTONE CYNTHIA G	3618 GOLDSBY		DESTIN	FL	325410	
00-2S-22-0057-0000-0300	ROWLAND LORI M	3620 GOLDSBY		DESTIN	FL	325410	
00-2S-22-0057-0000-0260	ANNIS MATTHEW J & NATASHA	3612 GOLDSBYS		DESTIN	FL	32541	
00-2S-22-4400-0000-0170	BROWN SHANE J	332 SUMMIT DR		DESTIN	FL	32541	
00-2S-22-0310-000B-2520	FIRST CITY BANK OF FWB	P O BOX 2977		FT WALTON BEACH	FL	325492	
00-2S-22-0310-000E-3370	BESTIN DESTIN LLC	4049 INDIAN		DESTIN	FL	325410	
00-2S-22-0310-000E-3310	KCK VENTURES LLC	327 MOUNTAIN		DESTIN	FL	325410	
00-2S-22-0310-000E-3320	NUNN SHERIDAN L & SUE	821 KELL-AIRE CT		DESTIN	FL	325410	
00-2S-22-0310-000E-3330	STEPHENS JOHN III	4025 INDIAN TRL		DESTIN	FL	325414	
00-2S-22-0310-000E-3340	PMH PROPERTIES LLC	104 LOCHSIDE		CARY	NC	27511	
00-2S-22-0310-000E-3350	EAST PASS PROPERTIES LLC	1920		ATLANTA	GA	303240	
00-2S-22-0310-000B-2540	GERBER REAL ESTATE INC	C/O PETER TONI	3670 PORTAGE	WINNIPEG MB R3K 0Z6			CANADA
00-2S-22-0310-000B-2580	TRAMMELL HOLDINGS LTD	P O BOX 652		DESTIN	FL	325400	
00-2S-22-0310-000B-2600	TRAMMELL HOLDINGS LTD	P O BOX 652		DESTIN	FL	325400	
00-2S-22-2046-0000-0210	RAVID SETH ISAAC	3919 PERRIN		SAN ANTONIO	TX	782172	
00-2S-22-2046-0000-0200	COLEMAN KELLI A	1517 BYRON RD		SCOTTSBORO	AL	35769	
00-2S-22-2046-0000-0180	BURKE PATRICK J & BURKEEN	235 PELICAN PL		DESTIN	FL	32541	
00-2S-22-2046-0000-0180	MOORE MARY F	6616 VENUS DR		SHREVEPORT	LA	71119	
00-2S-22-2046-0000-0170	DEKLERK LOUISE P	235 PELICAN PL		DESTIN	FL	325417	
00-2S-22-2046-0000-0160	RAY DENNIS W	235 PELICAN PL		DESTIN	FL	32541	
00-2S-22-2046-0000-0150	HOWLAND RYAN A	5945 SIERRA		LAS VEGAS	NV	891493	
00-2S-22-2046-0000-0140	GUTIERREZ LUIS A	116		RAEFORD	NC	283765	
00-2S-22-2046-0000-0130	SHELL JAMES L	235 PELICAN PL		DESTIN	FL	32541	
00-2S-22-2046-0000-00CA	PELICAN PLACE OF DESTIN INC	P O BOX 843		DESTIN	FL	32540	
00-2S-22-0310-000E-3400	JUNE GRASS LLC	4221 W BOY		TAMPA	FL	33607	
00-2S-22-0310-000B-2560	HUGHES LARRY P & DEBRA	875 KELL-AIRE		DESTIN	FL	32541	
00-2S-22-0310-000B-2570	LEGENDARY INC	4471 LEGENDARY	ATTN: TRACIE	DESTIN	FL	32541	

Destin Fire Control District

848 Airport Road – Destin, Florida 32541
Telephone (850) 837-8413 Fax (850) 837-6715



Chief Kevin Sasser

September 11, 2019

Dear Mary Grace,

The Destin Fire Control District has reviewed your request to have the right of way at Mountain Dr and Egret Ct vacated to comply with the City of Destin's Notice of Violation for parking vehicles in the right of way. The District has no objections to your request of the City of Destin to vacate the right of way at Egret Ct.

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

Best Regards,

A handwritten signature in blue ink, appearing to read 'Kevin Sasser', is written over a horizontal line.

Kevin Sasser, Fire Chief
Destin Fire Control District



A Heart Ready
Community



An Advanced Life
Support Service

Cindy Wilkinson

From: Monica Autrey <mautrey@dwuinc.com>
Sent: Saturday, August 3, 2019 12:13 PM
To: Cindy Wilkinson
Cc: Mary Grace Rahm; Will Dunaway
Subject: RE: Egret Ct. - Right-of-Way Vacation Application

Cindy/Mary –

At this time, DWU does not have any issues with the vacation of the right-of-way of Egret Court. It appears that there are no utility assets of ours existing in the right-of-way of Egret Court, but if something is discovered during any construction activities, we may need a utility easement. Our records indicate the buildings are serviced from Mountain Drive and not Egret Court.

Please let me know if you have any other questions about this.

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: Cindy Wilkinson <cwilkinson@clarkpartington.com>
Sent: Tuesday, July 23, 2019 4:07 PM
To: Monica Autrey <mautrey@dwuinc.com>
Cc: Mary Grace Rahm <mrahm@clarkpartington.com>; Will Dunaway <wdunaway@clarkpartington.com>
Subject: Egret Ct. - Right-of-Way Vacation Application

Please see attached correspondence from Ms. Rahm.

Cindy Wilkinson | Legal Secretary
cwilkinson@clarkpartington.com | (850) 269-8854

CLARK PARTINGTON
Office: (850) 650-3304 | Fax: (850) 650-3305
4100 Legendary Drive, Suite 200
Destin, Florida 32541
clarkpartington.com



Cindy Wilkinson

From: Chambers, Ronald <Ronald.Chambers@nexteraenergy.com>
Sent: Friday, September 6, 2019 1:58 PM
To: Cindy Wilkinson
Cc: Mary Grace Rahm
Subject: RE: Egret Ct. - Right-of-Way Vacation Application

Good Afternoon,

Our engineer has field check this location, Gulf has no facilities and we have no objections or concerns.

Thank you



Gulf Power
RJ Chambers
Real Estate Representative
850-444-6853
Ronald.chambers@nexteraenergy.com

From: Cindy Wilkinson <cwilkinson@clarkpartington.com>
Sent: Wednesday, September 4, 2019 4:46 PM
To: Chambers, Ronald <Ronald.Chambers@nexteraenergy.com>; Maudlin, William <William.Maudlin@nexteraenergy.com>
Cc: Mary Grace Rahm <mrahm@clarkpartington.com>
Subject: FW: Egret Ct. - Right-of-Way Vacation Application

CAUTION - EXTERNAL EMAIL

Gentlemen,

I am following up on the below email and attachment. Please let me know the status.

Cindy Wilkinson | Legal Secretary
cwilkinson@clarkpartington.com | (850) 269-8854

CLARK PARTINGTON
Office: (850) 650-3304 | Fax: (850) 650-3305
4100 Legendary Drive, Suite 200
Destin, Florida 32541
clarkpartington.com



Cindy Wilkinson

From: Bell, Michael D <Michael.D.Bell@centurylink.com>
Sent: Tuesday, September 3, 2019 8:54 AM
To: Cindy Wilkinson
Cc: Mary Grace Rahm
Subject: RE: Egret Ct. - Right-of-Way Vacation Application

Cindy-

CenturyLink has no concerns regarding the Right-Of-Way Vacation application. CenturyLink has facilities in the Right-Of-Way along Mountain Drive, but CenturyLink does not have any facilities on Egret Court.

Thank you,
Mike

From: Cindy Wilkinson <cwilkinson@clarkpartington.com>
Sent: Thursday, August 29, 2019 3:19 PM
To: Bell, Michael D <Michael.D.Bell@centurylink.com>
Cc: Mary Grace Rahm <mrahm@clarkpartington.com>
Subject: Egret Ct. - Right-of-Way Vacation Application

Mr. Bell,

Please see attached correspondence from Ms. Rahm.

Cindy Wilkinson | Legal Secretary
cwilkinson@clarkpartington.com | (850) 269-8854

CLARK PARTINGTON
Office: (850) 650-3304 | Fax: (850) 650-3305
4100 Legendary Drive, Suite 200
Destin, Florida 32541
clarkpartington.com



This communication is the property of CenturyLink and may contain confidential or privileged information. Unauthorized use of this communication is strictly prohibited and may be unlawful. If you have received this communication in error, please immediately notify the sender by reply e-mail and destroy all copies of the communication and any attachments.

Cindy Wilkinson

From: MANNING, TOM <tm2709@att.com>
Sent: Monday, October 7, 2019 10:31 AM
To: Cindy Wilkinson
Cc: Mary Grace Rahm
Subject: RE: Egret Ct. - Right-of-Way Vacation Application

Good morning Ms. Rahm.

After reviewing our plats, AT&T Florida does not have any facilities located in the vicinity of Egret Ct. and Mountain Dr. in the Destin, Florida area. AT&T has no objection to your plans to vacate the Egret Ct. right-of-way.

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

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From: Cindy Wilkinson [mailto:cwilkinson@clarkpartington.com]
Sent: Monday, October 07, 2019 10:08 AM
To: MANNING, TOM <tm2709@att.com>
Cc: Mary Grace Rahm <mrahm@clarkpartington.com>
Subject: Egret Ct. - Right-of-Way Vacation Application

Mr. Manning,

Please see attached correspondence from Ms. Rahm.

Cindy Wilkinson | Legal Secretary
cwilkinson@clarkpartington.com | (850) 269-8854

CLARK PARTINGTON

Office: (850) 650-3304 | Fax: (850) 650-3305

4100 Legendary Drive, Suite 200

Destin, Florida 32541

clarkpartington.com



CLARK PARTINGTON

ATTORNEYS AT LAW



Cindy Wilkinson

From: Proctor, Chris <Chris.Proctor@windstream.com>
Sent: Friday, September 20, 2019 11:33 AM
To: Cindy Wilkinson
Cc: Mary Grace Rahm; Will Dunaway; Burns, Jeffery
Subject: RE: Egret Ct. - Right-of-Way Vacation Application
Attachments: LTR - MGR to Windstream - 09-20-19 (A3599884xA3759).pdf

I approve and have signed off on this request.

Thanks,
Chris Proctor
Director-OSP Engineering
chris.proctor@windstream.com
Office/Cell: (870) 656-9446

From: Proctor, Chris
Sent: Friday, September 20, 2019 11:30 AM
To: Cindy Wilkinson <cwilkinson@clarkpartington.com>
Cc: Mary Grace Rahm <mrahm@clarkpartington.com>; Will Dunaway <wdunaway@clarkpartington.com>; Burns, Jeffery <Jeffery.Burns@windstream.com>
Subject: RE: Egret Ct. - Right-of-Way Vacation Application

Thanks Cindy I will review and send my response today.

Thanks,
Chris Proctor
Director-OSP Engineering
chris.proctor@windstream.com
Office/Cell: (870) 656-9446

From: Cindy Wilkinson <cwilkinson@clarkpartington.com>
Sent: Friday, September 20, 2019 10:51 AM
To: Proctor, Chris <Chris.Proctor@windstream.com>
Cc: Mary Grace Rahm <mrahm@clarkpartington.com>; Will Dunaway <wdunaway@clarkpartington.com>; Burns, Jeffery <Jeffery.Burns@windstream.com>
Subject: Egret Ct. - Right-of-Way Vacation Application

Mr. Proctor,

Please see attached correspondence from Ms. Rahm.

Cindy Wilkinson | Legal Secretary
cwilkinson@clarkpartington.com | (850) 269-8854

CLARK PARTINGTON

Office: (850) 650-3304 | Fax: (850) 650-3305

4100 Legendary Drive, Suite 200

Destin, Florida 32541

clarkpartington.com



CLARK PARTINGTON

ATTORNEYS AT LAW





CLARK PARTINGTON
ATTORNEYS AT LAW

Mary Grace Rahm
Direct (850) 269-8843
mrahm@clarkpartington.com

September 20, 2019

VIA E-MAIL ONLY

chris.proctor@windstream.com

Windstream Enterprise
c/o Chris Proctor

RE: Egret Ct. – Right-of-Way Vacation Application

Dear Mr. Proctor:

This firm represents East Pass Properties, LLC in its efforts to vacate¹ an unused and unimproved right-of-way known as Egret Court that is immediately adjacent to its property, 343 Mountain Drive in Destin, Florida.

At the request of the City of Destin, this firm intends to file a Right-of-Way Vacation Application so that the undeveloped right-of-way can be abandoned. Before filing this application, we must obtain approval of our plans to vacate Egret Court from various entities, one such entity is Windstream Enterprise. Please accept this letter as our request for Windstream Enterprise's approval of our plans to apply for the vacation of Egret Court.

For your convenience, I have included a few aerial photos of Egret Court. These photos are attached to this letter as **Enclosure 1**. As you can see from these images, Egret Court has not been developed or improved by the City of Destin. It is not used by the public as a road, and it is not otherwise needed as a right-of-way. Egret Court more closely resembles a parking lot for adjacent property owners.

At your earliest convenience, we would appreciate a written response to this letter, indicating that Windstream Enterprise has no objection to our plans to vacate the Egret Court right-of-way. Should you have any questions or concerns about any of the above, please do not hesitate to contact me directly at 850-269-8843 or mrahm@clarkpartington.com. Thank you in advance for your time and assistance with this matter.

Sincerely,

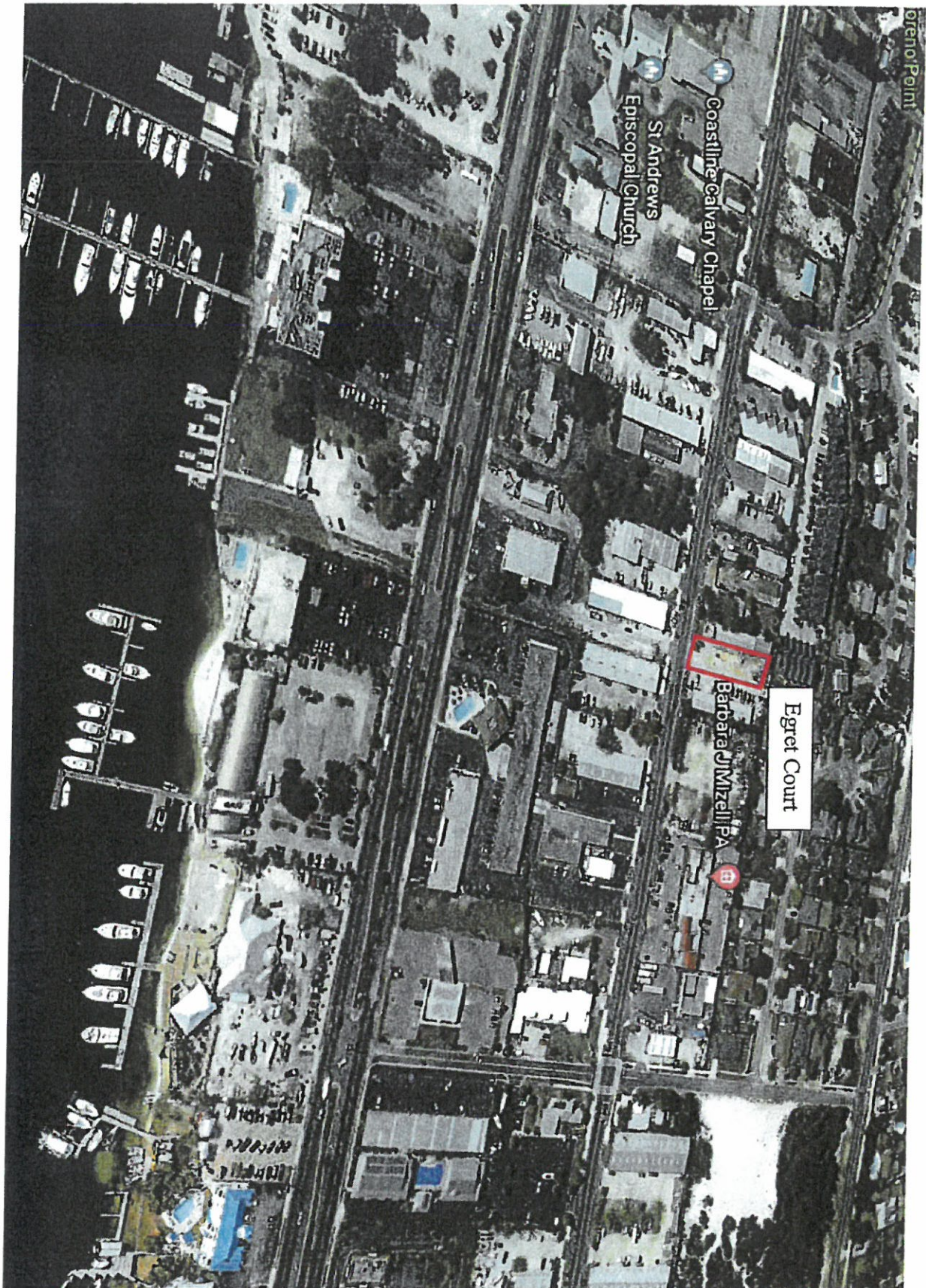
Mary Grace Rahm

Enclosure

cc: William J. Dunaway, Esq.

Jeffery Burns, Local Operations Manager –Field Operations (Jeffery.Burns@windstream.com)

¹The word "vacate" or "vacation" as used in this letter means to abandon or to give up the public's right to use the right-of-way for transportation.





Cindy Wilkinson

From: Dixon, Roger (CCI-Southeast) <Roger.Dixon@cox.com>
Sent: Monday, July 29, 2019 8:56 AM
To: Cindy Wilkinson
Cc: Mary Grace Rahm; Will Dunaway
Subject: RE: Egret Ct. - Right-of-Way Vacation Application
Attachments: LTR - MGR to Cox Communications - 7-26-19 (A3541477xA3759).pdf

Ms. Wilkinson,

After rereviewing the request Cox Communications has no objections to the request to vacate Egret Ct as described. This e-mail response should suffice. If not please let me know.

Thank you,

Roger Dixon
Construction Planner III
Outside Plant Construction
320 Racetrack Rd. NW, Fort Walton Beach, FL 32547
Office 850-314-8163 Cell 850-259-5083



[Access OSP Resources and Support Requests Here](#)

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 Please don't print this e-mail unless it's necessary. Go Green.

From: Cindy Wilkinson <cwilkinson@clarkpartington.com>
Sent: Friday, July 26, 2019 1:24 PM
To: Dixon, Roger (CCI-Southeast) <Roger.Dixon@cox.com>
Cc: Mary Grace Rahm <mrahm@clarkpartington.com>; Will Dunaway <wdunaway@clarkpartington.com>
Subject: [EXTERNAL] Egret Ct. - Right-of-Way Vacation Application

Mr. Dixon,

Please see attached correspondence from Ms. Rahm.

Cindy Wilkinson | Legal Secretary
cwilkinson@clarkpartington.com | (850) 269-8854

CLARK PARTINGTON

Office: (850) 650-3304 | Fax: (850) 650-3305

4100 Legendary Drive, Suite 200

Destin, Florida 32541

clarkpartington.com





Okaloosa Gas District

August 20, 2019

Mary Grace Rahm
Clark Partington
Attorneys At Law
4100 Legendary Drive Suite 200
Destin FL 32541

Re: Egret Ct. – Right –of-Way Vacation Application

Dear Ms. Rahm:

Regarding the request to vacate the above referenced right-of-way please be advised that Okaloosa Gas District has no objections to the vacating of this area.

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

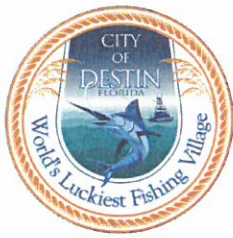
Sincerely yours,

Essa Rhebi

Essa Rhebi, Engineering Supervisor
essarhebi@okaloosagas.com

ER/ta

Cc: file



Community Development Department

Office of the Director

4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Fax: 850-460-2171 | www.cityofdestin.com

August 22, 2019

Mary Grace Rahm
Clark Partington
4100 Legendary Drive, Suite 200
Destin, Florida 32541

RE: Egret Ct. – Right-of-Way Vacation Application

Ms. Rahm,

The Community Development Department received your letter providing the requested additional information regarding the proposed right-of-way vacation of Egret Court.

We have no objections to the right-of-way vacation application for Egret Court, subject to the applicant meeting all applicable Land Development Code requirements for the proposed land use.

The following applications will be REQUIRED immediately following approval of the Right-of-Way Vacation by the City Council:

1. Zoning Map Amendment Application
2. Future Land Use Map Amendment Application
3. Re-plat Application, and
4. Development Order application

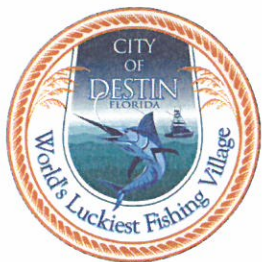
Please call the City of Destin's Planning Division at 850-654-1119 if you would like to discuss any of these additional requirements.

Thank you,

A. Louis Zunguze

A. Louis Zunguze, MURP
Community Development Director

cc: Lance Johnson, City Manager
Kim Kopp, City Land Use Attorney
Lauren Witt, Principal Planner
Samantha Brisolara, Planner
Traci Goodhart, Planner
Michael Burgess, Public Services Director
Joe Bodi, Engineering Assistant II
Tim Whaler, Planning Consultant 3TP Ventures, Inc.



Public Services Department

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-837-6869 | www.cityofdestin.com

September 16, 2019

Mary Grace Rahm
Clark Partington
4100 Legendary Drive, Suite 200
Destin, FL 32541

Re: Egret Court, Right-of-Way Vacation Application

Ms. Rahm,

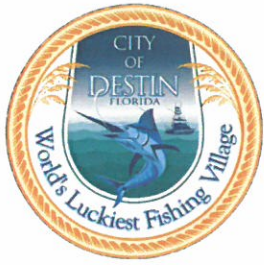
The Department of Public Services has reviewed your request for the City of Destin to vacate that right-of-way known as Egret Court. I have reviewed existing City-owned assets in that area and have no cause to oppose the vacation of this right-of-way. My only concern is the access to Egret the neighbor to the north has established by way of a gate in a privacy fence. However, this access is not a formal driveway.

If this vacation is approved by City Council, Public Services staff will remove the street name sign at the intersection Egret Court shares with Mountain Drive.

Feel free to contact me if you have any other questions or comments.

Thank you,

Michael G. Burgess MS, PH, CSM, CFM
Director of Public Services & Emergency Manager
4200 Indian Bayou Trail
Destin, FL 32541
(850) 837-6869



Parks & Recreation Department

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

September 13, 2019

Mary Grace Rahm, Esq.
Clark Partington
4100 Legendary Drive, Ste 200
Destin, Florida 32541

Re: Egret Court, Right-of Way Vacation Application

Ms. Rahm,

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

Sincerely,

Scott Berish
Deputy Director of Parks & Recreation



MACK BUSBEE, CFA
Okaloosa County Property Appraiser

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



OFFICE OF THE
OKALOOSA COUNTY
PROPERTY APPRAISER

PLEASE REPLY TO:

1250 Eglin Pkwy. N., Suite 201
Shalimar, FL 32579-1296
(850) 651-7240
FAX (850) 651-7242

DATE: August 20, 2019

TO: Mary Grace Rahm
4100 Legendary Dr
Suite 200
Destin, FL 32541

This notice is to confirm that the Okaloosa County Property Appraiser's office has no objection to the vacation of Egret Court as proposed by the previous correspondence from Clark Partington Attorneys at Law, representing East Pass Properties LLC.

If approved by Okaloosa County, the vacated right-of-way will have a land value of \$116,909 which will be split between the two adjacent parcels, 00-2S-22-0310-000E-3370 & 00-2S-22-0310-000E-3350.

Please contact our office if you need anything further. Thank you kindly.

Sincerely,

Kevin Hanley
Okaloosa County Property Appraiser
GIS/IT Coordinator

khanley@okaloosapa.com

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER AND ORIGINAL DOCUMENT SECURITY SCREEN ON BACK WITH PADLOCK SECURITY ICON.

CLARK PARTINGTON HART
LARRY BOND & STACKHOUSE, P.A.
P.O. Box 13010

Pensacola, FL 32591-3010

Operating Account
Centennial Bank Operating

81-275/829

CHECK DATE
01/29/2020

CHECK NO.

2872

PAY Five Hundred Fifteen Dollars and 00/100*****\$515.00

TO THE City of Destin
ORDER OF 4200 Indian Bayou Trail
Destin, FL 32541

TWO SIGNATURES REQUIRED FOR AMOUNT OVER \$1,000.00
VOID AFTER 180 DAYS



MEMO Application Fee for Right-of-Way Vacate App. EASTPP/190515

⑈ 28 7 2 ⑈ ⑈ 08 290 2757⑈ ⑈ 50 2986 297⑈

Michelle Doehner

CLARK, PARTINGTON, HART, LARRY,

Centennial Bank Operating Operating Account

INVOICE	DATE	DESCRIPTION	INV AMOUNT	NET
	1/29/2020	Application Fee for Right-of-Way Vacate App. EASTPP/190515	515.00	515.00



343 Mountain Dr





343 Mountain Dr