

**Application for Vacation of the Right of Way**  
**North 18<sup>th</sup> Avenue**  
**Between Moreno and Mallory Streets**

**Submitted by:**

Jonathon Wiggins

Ryan Nobles Wiggins

Michael Callaghan

Galen Nase

**May 11, 2018**

Mrs. Ryan Wiggins  
1771 E. Mallory Street  
Pensacola, FL 32503

City of Pensacola Planning Board  
222 W. Main Street  
Fifth Floor  
Pensacola, FL 32501

May 9, 2018

Dear Board Members,

My husband Jonathon and I bought our home on East Mallory Street in East Hill in 2002. Growing up in Pensacola, we have both always loved East Hill and the charm of the neighborhood. This was the first home we lived in as a couple. In a 1940's house, under the canopy of two enormous live oaks on this corner lot is where "we" started.

In the 16 years since we bought our home, we have moved all over the Southeast and our family has grown with the addition of two adorable, happy little boys. After years of renting out the house, we happily settled back into our home three years ago. While we are still completely in love with our home and our lot, there are now four of us living in a 1,500 square foot home and it is getting a little cramped. We are currently in the planning stages of a remodel and an addition to our home.

As I mentioned earlier, one of the features of our lot are two magnificent live oak trees in our front yard. We love these trees, but they mean that a large portion of our lot is not accessible for renovations. Because of these trees, our only option for any home expansion would have to either take place on the south portion of our lot (our backyard) or to the east (in the right of way). We plan on adding an addition to our home in the back and a swimming pool, but that would not leave us any room for the garage and small attached guest house we would like to also build so that out of town friends and family could come stay with us. We are applying for the right of way to be vacated for this purpose.

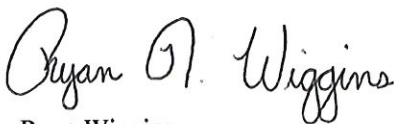
We have happily maintained the right of way for years. We have improved it by adding a neighborhood butterfly garden on that right of way that is recognized as a butterfly habitat and sanctuary by two national organizations. Neighbors are constantly stopping by to admire it. The right of way does contain a public sidewalk, but the sidewalk is not ADA compliant and does not connect to another sidewalk on the other side of the road. It doesn't lead anywhere. I have included pictures of the right of way in the appendices section of this application

We are applying for the vacation of the right of way with our backdoor neighbors, Michael Callaghan and Galen Nase, and have spoken to our other neighbors who are in full support. We have also spoken to Gulf Power, who also does not have any issue with us acquiring the right of way. I have included an email from Jim Jernigan with Gulf Power in the appendices section of our application.

We encourage any board members who wish to come by and see the property in question to stop by at any time. If I can answer any additional questions about this property ahead of the meeting, please contact me at [ryan.n.wiggins@gmail.com](mailto:ryan.n.wiggins@gmail.com) or (850) 728-1521.

Thank you for your consideration of this matter.

With Warmest Regards,



Ryan Wiggins

Mr. Michael Callaghan  
1774 E. Moreno Street  
Pensacola, FL 32503

City of Pensacola Planning Board  
222 W. Main Street  
Fifth Floor  
Pensacola, FL 32501

May 9, 2018

Dear Board Members,

My partner Galen and I moved to Pensacola following our home in New Orleans being destroyed in Hurricane Katrina. Originally, it was our intention to rent in Pensacola until we could rebuild in New Orleans, but we absolutely fell in love with the area, especially East Hill, and decided to move here permanently.

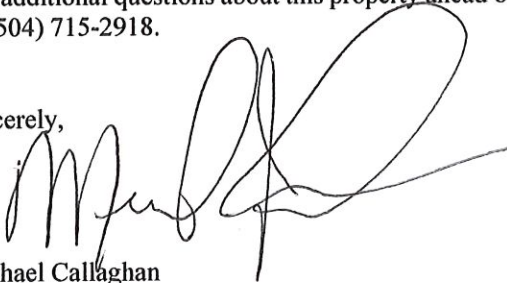
Soon after, my partner and I bought Rapunzel's Salon on 12<sup>th</sup> Avenue and also purchased our home on East Moreno Street. We love living and working in East Hill and have great neighbors. We wouldn't want to live anywhere else in Pensacola.

When we bought our house, there was a wonderful semi-circular driveway on the east side of our lot. We naturally assumed the driveway was part of the property we were purchasing. We have only recently discovered that it is not. Apparently, at some point a previous owner built the driveway without acquiring the land required to do so. We are applying for the vacation of the right of way so that we may own the driveway to our house.

We are applying for the vacation of the right of way with our backdoor neighbors, Jonathon and Ryan Wiggins, who have included photographs of our driveway and right of way to this application. There is a public sidewalk on the right of way, but as you will see from the photographs, it does not even extend all the way to the road, nor does it connect to a sidewalk on the opposite side of the street.

Any board members who wish to come by and see the property in question may stop by at any time. If I can answer any additional questions about this property ahead of the meeting, you may contact me at [miccallaghan@hotmail.com](mailto:miccallaghan@hotmail.com) or (504) 715-2918.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Callaghan', written over a large, stylized, circular scribble.

Michael Callaghan

**VACATION OF ALLEY OR STREET RIGHT OF WAY**



Fee: \$2,000.00  
Rehearing/Rescheduling Planning Board: \$250.00  
Rehearing/Rescheduling City Council: \$500.00

**Applicant Information:**

Name: Ryan Wiggins, Jonathon Wiggins, Michael Callaghan, and Galen Nase

Address: 1771 East Mallory Street, Pensacola, FL 32503

Phone: (850) 728-1521 Fax: \_\_\_\_\_ Email: ryan.n.wiggins@gmail.com

**Property Information:**

Owner Name: Jonathon and Ryan Wiggins

Location/Address: 1771 East Mallory Street, Pensacola, FL 32503

Legal Description: Please attach a full legal description (from deed or survey)

**Purpose of vacation of city right of way/comments:**

We are requesting to have the right of way vacated so that we may improve our property by adding a garage to our lot. Currently, we park on the street on East Mallory Street. We will be renovating our house and building an addition and a pool in our backyard and will be unable to build the garage without the vacation of the right of way.

I, the undersigned applicant, understand that submittal of this application does not entitle me to approval of this vacation request and that no refund of these fees will be made. I have reviewed a copy of the applicable regulations and understand that I must be present on the date of the Planning Board and City Council meeting.

Ryan N. Wiggins  
Signature of Applicant

5/7/18  
Date

(Owner of Property or Official Representative of Owner)

[Signature]  
Signature of Applicant

5.7.18  
Date

(Owner of Property or Official Representative of Owner)

[Signature]  
Signature of Applicant

5 7 18  
Date

(Owner of Property or Official Representative of Owner)

[Signature]  
Signature of Applicant

5/7/18  
Date

(Owner of Property or Official Representative of Owner)

**FOR OFFICE USE ONLY**

District : \_\_\_\_\_

Date Received: \_\_\_\_\_

Case Number: \_\_\_\_\_

Date Postcards mailed: \_\_\_\_\_

Planning Board Date: \_\_\_\_\_

Recommendation: \_\_\_\_\_

Council Date: \_\_\_\_\_

Council Action: \_\_\_\_\_

**VACATION OF ALLEY OR STREET RIGHT OF WAY**



Fee: \$2,000.00

Rehearing/Rescheduling Planning Board: \$250.00

Rehearing/Rescheduling City Council: \$500.00

**Applicant Information:**

Name: Michael Callaghan, Galen Nase, Ryan Wiggins, and Jonathon Wiggins

Address: 1774 East Moreno Street, Pensacola, FL 32503

Phone: (504) 715-2918 Fax: \_\_\_\_\_ Email: Miccallaghan@hotmail.com

**Property Information:**

Owner Name: Michael Callaghan and Galen Nase

Location/Address: 1774 East Moreno Street, Pensacola, FL 32503

Legal Description: Please attach a full legal description (from deed or survey)

**Purpose of vacation of city right of way/comments:**

We are requesting to have the right of way vacated so that we may own our driveway. Before we purchased our home, a previous owner built a semi-circular driveway on the right of way. We assumed when we purchased the home that the driveway was part of the property and have only recently discovered it is not. Since the structure is pre-existing, we would ask that it become legally part of our property.

I, the undersigned applicant, understand that submittal of this application does not entitle me to approval of this vacation request and that no refund of these fees will be made. I have reviewed a copy of the applicable regulations and understand that I must be present on the date of the Planning Board and City Council meeting.

Signature of Applicant

Date

5/7/18

Signature of Applicant

Date

5/7/18

Signature of Applicant

Date

5/7/18

Signature of Applicant

Date

5.7.18

**FOR OFFICE USE ONLY**

District : \_\_\_\_\_

Date Received: \_\_\_\_\_

Case Number: \_\_\_\_\_

Date Postcards mailed: \_\_\_\_\_

Planning Board Date: \_\_\_\_\_

Recommendation: \_\_\_\_\_

Council Date: \_\_\_\_\_

Council Action: \_\_\_\_\_

Legal description of the right of way on the west side of the street at North 18<sup>th</sup> Avenue between Moreno and Mallory Streets.

**DESCRIPTION:** (As prepared by Jehle-Halstead, Inc.)

BEGIN AT THE NORTHEAST CORNER OF BLOCK 209, NEW CITY TRACT, AS SHOWN ON THE MAP OF PENSACOLA, FLA., PUBLISHED BY THOS. C. WATSON & CO., COPYRIGHTED IN 1906 AS RECORDED IN DEED BOOK 126, AT PAGE 400 OF THE PUBLIC RECORDS OF ESCAMBIA, COUNTY, FLORIDA, THENCE PROCEED NORTH 79 DEGREES 59 MINUTES 09 SECONDS EAST ALONG THE EXTENSION OF THE NORTHERLY BLOCK LINE OF SAID BLOCK, SAID LINE ALSO BEING THE SOUTH RIGHT-OF-WAY (R/W) LINE OF MALLORTY STREET (80' R/W), FOR A DISTANCE ON 34.80 FEET TO THE BACK OF A 30 INCH WIDE CONCRETE LAYBACK CURB; THENCE DEPARTING SAID BLOCK LINE PROCEED SOUTH 09 DEGREES 56 MINUTES 43 SECONDS EAST ALONG SAID BACK OF CURB FOR A DISTANCE OF 275.38 FEET TO THE EXTENSION OF THE SOUTHERLY BLOCK LINE OF SAID BLOCK, SAID LINE ALSO BEING THE NORTH RIGHT-OF-WAY (R/W) LINE OF MORENO STREET (70' R/W); THENCE DEPARTING SAID BACK OF CURB PROCEED SOUTH 79 DEGREES 09 MINUTES WEST ALONG SAID EXTENSION LINE FOR A DISTANCE OF 34.54 FEET TO A NAIL AND DISK, NUMBERED 6993, AT THE SOUTHEAST CORNER OF SAID BLOCK; THENCE DEPARTING SAID BLOCK LINE PROCEED NORTH 10 DEGREES 00 MINUTES 00 SECONDS WEST ALONG THE EASTERLY BLOCK LINE OF SAID BLOCK, ALSO BEING THE WESTERLY R/W LINE OF SAID 18<sup>TH</sup> AVENUE (100' R/W), FOR A DISTANCE OF 275.38 FEET TO THE POINT OF THE BEGINNING.







**Wiggins Property**  
**1771 East Mallory Street**

Recording prepared by:  
JONATHON WIGGINS  
1771 E. Mallory St,  
Pensacola, FL 32503

When recorded return to:  
JONATHON M. WIGGINS  
RYAN N. WIGGINS  
1771 E. Mallory St.,  
Pensacola, FL 32503

Mail tax statements to:  
1771 E. Mallory St.,  
Pensacola, FL 32503

Tax parcel no.: 00-0S-00-9025-008-209  
State of Florida

Rev. 133C709

## WARRANTY DEED

This General Warranty Deed is made effective this 5/30/17 (the "Effective Date") between JOHN W. NOBLES, MOLLY S. NOBLES, RYAN S. NOBLES, (collectively, "Grantor"), multiple individuals whose mailing address is 2835 Bayou Boulevard, Pensacola, FL 32503 and JONATHON M. WIGGINS and RYAN N. WIGGINS (collectively, "Grantee"), a married couple whose mailing address is 1771 E. Mallory St., Pensacola, FL 32503.

WITNESSETH, that Grantor, for and in consideration of the sum of \$1 and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee the real property (the "Property") located at 1771 E. Mallory St, Pensacola in Escambia County, FL 32503, and more particularly described as follows: The East 1/2 of Lot 8, all of Lots 9 and 10, and the North five feet of Lots 11 and 12, Block 209, New City Tract, City of Pensacola, according to map of said City, copyrighted by Thomas C. Watson in 1906, lying and being in Escambia County, Florida.

TO HAVE AND TO HOLD unto said Grantee and its successors and assigns, forever.

Grantor hereby warrants that the Property is lawfully seized in fee simple; that Grantor has the legal right to convey the Property; and that the Property is free from all encumbrances except as otherwise stated above. Grantor and its heirs, executors, and administrators hereby warrant and bind themselves to forever defend the Property unto the said Grantee and its heirs and assigns, against all claims against title to the Property or any part thereof.

This conveyance is made expressly subject to the deeds of trust, mortgages, conditions, restrictions, rights of way, easements, and other instruments of record, insofar as they may lawfully affect the Property.

Grantor declares that the transfer is exempt from any documentary transfer taxes.

EXECUTED this 30<sup>th</sup> day of May, 2017

John W. Nobles  
Grantor Signature

JOHN W. NOBLES  
Grantor Name

Molly S. Nobles  
Grantor Signature

MOLLY S. NOBLES  
Grantor Name

Ryan S. Nobles  
Grantor Signature

RYAN S. NOBLES  
Grantor Name

[Signature]  
Grantee Signature

JONATHON M. WIGGINS  
Grantee Name

Ryan N. Wiggins  
Grantee Signature

RYAN N. WIGGINS  
Grantee Name

Witness #1 Krystal Heitland  
4400 Bayou Blvd  
Pensacola, FL 32503

Witness #2 Rafael R  
4400 Bayou Blvd.  
Pensacola, FL 32503

NOTARY ACKNOWLEDGMENT

State of Florida )  
 )  
County of Escambia )

(Seal)



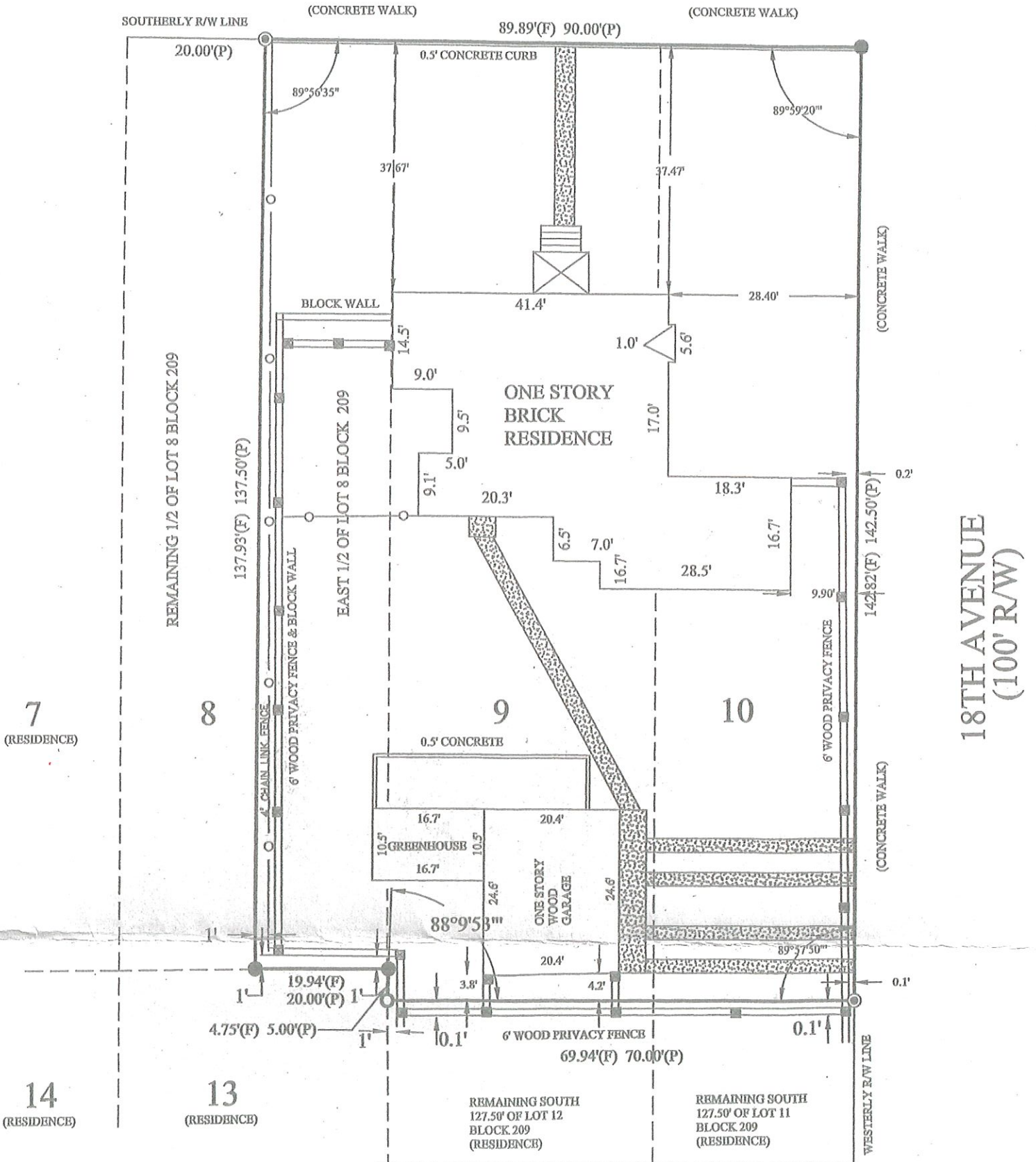
The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of May, 2017, by the undersigned, JOHN W. NOBLES, who is personally known to me or satisfactorily proven to me to be the person whose name is subscribed to the within instrument.

Krystal Heitland  
Signature

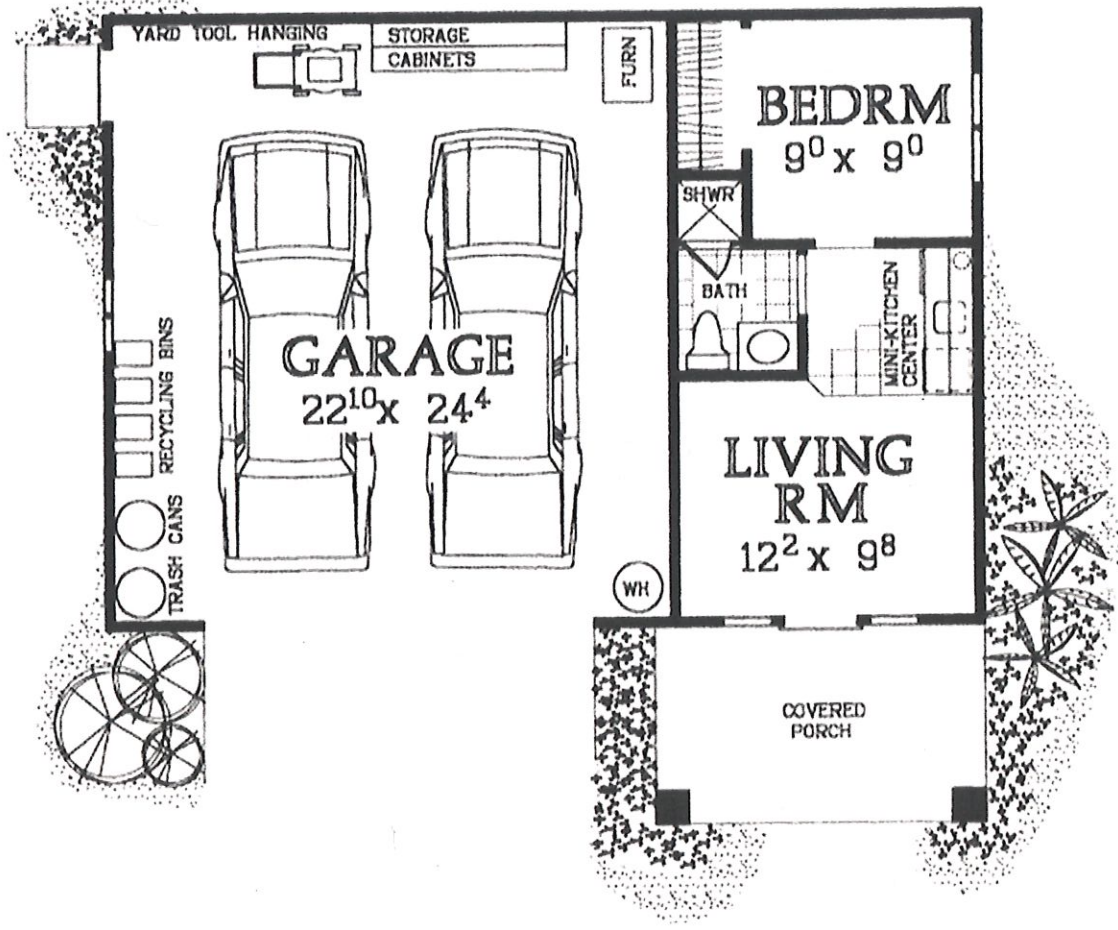
Krystal Heitland  
Notary Public

My Commission Expires: 10/25/20

# 1771 EAST MALLORY STREET (80' R/W)



This is the site plan for what we would like to build on the right of way abutting 1771 E. Mallory Street if we are granted our vacation request.



Callaghan/Nase Property  
1774 East Moreno Street



This instrument prepared by:

Name: Michael J. Callaghan

Address: 1774 E Moreno Street  
Pensacola, Florida 32503

Return to: Michael J. Callaghan

Address: 1774 E. Moreno Street  
Pensacola, Florida 32503

Property Appraisers Parcel Identification Number(s): 00-05-00-  
9025-011-209

Grantee(s) S.S #'s:



**This Quit-Claim Deed**, Executed this 27th day of August, 2009, by Michael J. Callaghan, a single man, whose post office address is 1774 E. Moreno Street, Pensacola, FL 32503, first part, to Michael J. Callaghan and Galen L Nase as joint tenants with rights of survivorship, whose post office address is 1774 E. Moreno Street, Pensacola, FL 32503 second party:

(Wherever used herein the terms "first part" and "second part" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

**WITNESSETH**, That the said first part, for and in consideration of the sum \$10.00, in hand paid by the said second part, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Escambia, State of Florida, to-wit:

The South 132.5 feet of Lots 11 and 12, Block 209, New City Tract, in the City of Pensacola, Escambia County, Florida, according to the map of said City copyrighted by Thomas C. Watson in 1906: Together with all in singular the tenements, hereditaments, and appurtenances thereunto belonging or in any ways appertaining free from all exemptions and rights of homestead.

**To Have and to Hold**, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

**In Witness Whereof**, The said first party has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Marcia L. Schulte  
Signature  
Marcia L. Schulte  
Printed Signature

Michael J. Callaghan  
Signature  
Michael J. Callaghan  
Printed Signature

Heather Sullivan  
Signature  
Heather Sullivan  
Printed Signature

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 27th day of August, 2009 by Michael J. Callaghan, who is personally known to me or who produced FLDL as identification and who did not take an oath.

Ernie Lee Magaha, Clerk of the Circuit Court

By: Marcia L. Schulte  
Notary Public Deputy Clerk  
My Commission Expires:



**BLOCK  
209**

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

**18th AVENUE (100' R/W)**

142.50'(P)  
N11°12'15"W 142.81'(F)  
WESTERLY R/W

0.7' WIDE  
CONCRETE  
BLOCK  
WALL

NORTH  
5.0'  
LOT 12  
NOT  
INCLUDED

NORTH 5.0'  
LOT 11  
NOT  
INCLUDED

LOT 13

LOT 15

LOT 14

132.50'(D)  
N11°11'37"W 132.29'(F)

SOUTH  
132.50'  
LOT 12

SOUTH  
132.50'  
LOT 11

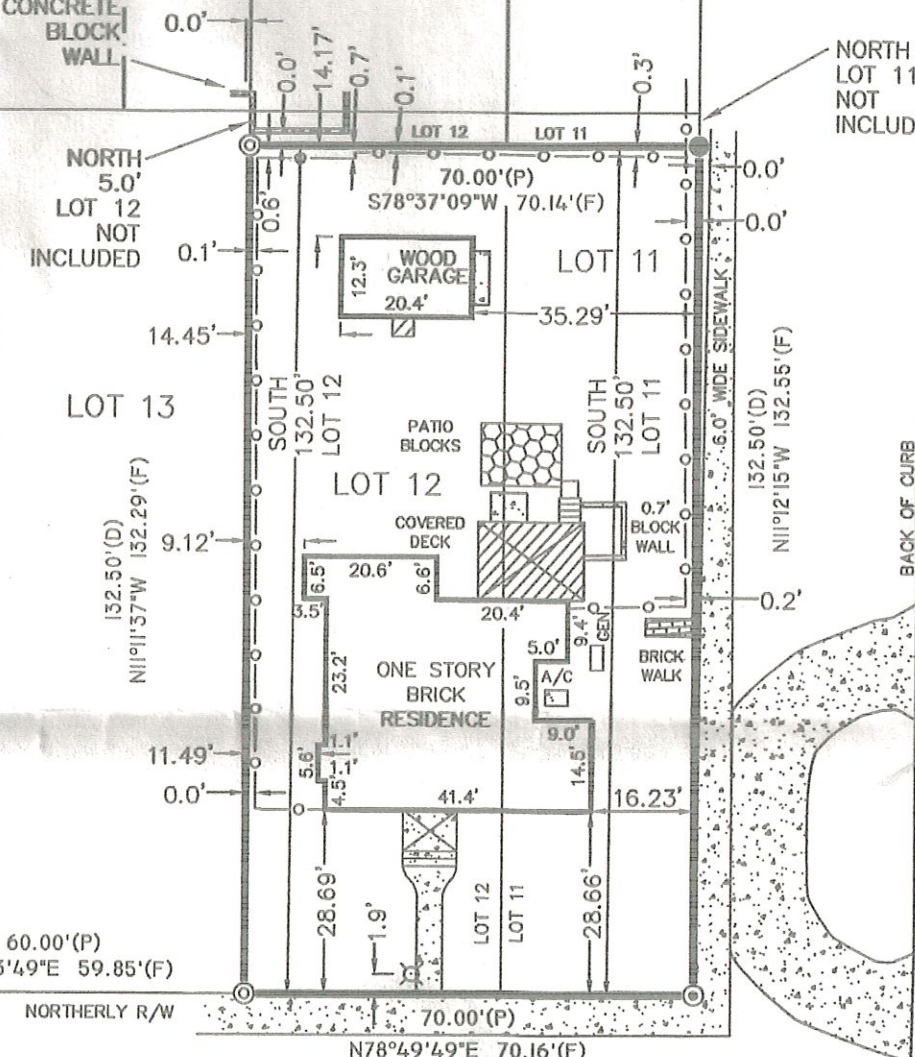
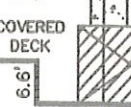
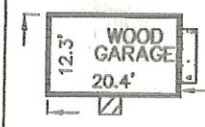
132.50'(D)  
N11°12'15"W 132.55'(F)

BACK OF CURB

60.00'(P)  
N78°53'49"E 59.85'(F)  
NORTHERLY R/W

70.00'(P)  
N78°49'49"E 70.16'(F)

**1774 EAST MORENO STREET (70' R/W)**



THE UNDERSIGNED CLIENT(

MICHAEL J. CALLAG

SEE RIDGE OF ETC...

# Appendices

## Photographs of the Right of Way on 18<sup>th</sup> between Moreno and Mallory Streets



(Above) The northern part of the right of way is being maintained by the Wiggins family. On the right of way, the Wiggins family has planted a butterfly garden that helps a threatened species of butterfly (the Monarch) and helps protect pollinators of all kinds. The garden is recognized as an official butterfly habitat and sanctuary by two national organizations: Monarch Watch and The North American Butterfly Association.



(Above) This is a photograph of the right of way in question that abuts the Wiggins property on 18<sup>th</sup> Avenue facing north.



(Above) This is a photograph of the right of way in question that abuts the Wiggins property on 18<sup>th</sup> Avenue facing south.



(Above) This is a photograph of the right of way in question that abuts the Wiggins property on 18<sup>th</sup> Avenue facing west.



(Above) The southern part of the right of way is being maintained by Michael Callaghan and Galen Nase. The majority of this portion of the right of way is dominated by a semi-circular driveway built by a previous owner.

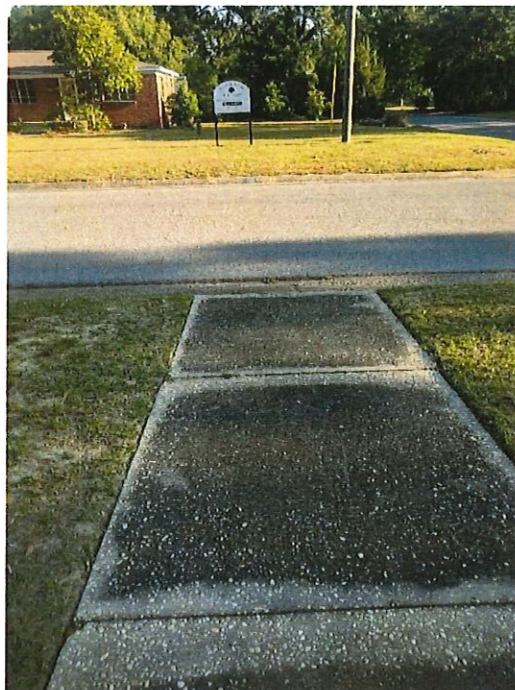


(Above) This is a photograph of the majority of the right of way in question on 18<sup>th</sup> Avenue.

While the right of way does contain a public sidewalk, this sidewalk only circles this one block and does not connect to any other sidewalks on the other sides of the street and in some cases, does not connect to the street at all.



(Above) The sidewalk on the right of way at 18<sup>th</sup> and Moreno does not connect to the street or the other side of the street.



(Above) The sidewalk on the right of way at 18<sup>th</sup> and Mallory does not lead anywhere.



Ryan Wiggins &lt;ryan.n.wiggins@gmail.com&gt;

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**Street Vacate**

1 message

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**Jernigan, Jim Marion** <X2JMJERN@southernco.com>  
To: "ryan.n.wiggins@gmail.com" <ryan.n.wiggins@gmail.com>  
Cc: "MTillman@cityofpensacola.com" <MTillman@cityofpensacola.com>

Thu, Aug 31, 2017 at 3:26 PM

Mrs. Wiggins,

Mark Davidson forwarded me your street vacate request.

Gulf Power has existing electric distribution line facilities within the road right of way adjoining your property. Therefore, Gulf Power would need to reserve a utility easement.

Otherwise, Gulf Power has no objections or concerns. Please let me know if I may be of further assistance.

**Jim Jernigan**

Gulf Power Company

Corporate Real Estate BIN 0093

One Energy Place

Pensacola, FL 32520

850-444-6321