



## 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: ANTHONY L. TERHAAR ENTERPRISES, INC.

Address: 1401 E. BELMONT STREET, PENSACOLA, FL 32501

Phone: 850-393-7007 OFFICE Fax: 850-433-7007 Email: terhaar@terhaarcronley.com

### Property Information:

Owner Name: SAME AS ABOVE

Location/Address: WEST SIDE OF 11TH AVENUE BETWEEN LARUA AND BELMONT STREETS

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

PLEASE SEE ATTACHED.

Purpose of vacation of city right of way/comments:

SEE ATTACHED.

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

(Owner of Property or Official Representative of Owner)

*Anthony Terhaar*

4.23.19

### FOR OFFICE USE ONLY

District: #6

Date Received: 4/24/2019

Case Number: N/A

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

Planning Board Date: 5/14/19

Recommendation: N/A

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

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

**Purpose of vacation of city right of way.**

Anthony L. Terhaar Enterprises is requesting the approval of the vacation of a 10-foot portion of the 1000 Block of 11<sup>th</sup> Avenue between LaRua and Belmont Streets correctly zoned R-1AA.

The request is to attain the highest and best use of the property and to preserve and increase the property values in this area of East Hill. If granted, the additional 10 feet would allow the applicant to construct 2 single family attached structures instead of 1 single family detached structure. Approval of this request would be consistent with the 10-foot vacation of 11<sup>th</sup> Avenue recently approved between Jackson and LaRua Streets making the easterly property lines consistent along 11<sup>th</sup> Avenue to its termination at Belmont Street. Approval would not affect traffic flow on 11<sup>th</sup> Avenue as it already terminates at Belmont Street and Belmont Street terminates at 12<sup>th</sup> Avenue resulting in virtually no thru traffic. Applicant could find no future plans to widen 11<sup>th</sup> Avenue or Belmont at this location. The right-of-way on this segment of 11<sup>th</sup> Avenue is 70' wide with the 24 foot road width centered in the right-of-way. Approval would provide space for 2 car on-site parking in the rear of each attached home. Homes would face Belmont Street with the prospect of a bay view over the Bergan Building due South of the property.

Please find attached:

Escambia County Property Appraiser Parcel Sheet

Warranty Deed

Current Legal Descriptions & New Legal Descriptions

Annotated Survey

Regulations for Medium Density Residential Zoning Districts

Proposed Ordinance

Approval of ABUTTING Property Owners

An Architectural Package consisting of an Aerial Vicinity View, a Proposed Layout Plan, a Proposed Floor Plan and Proposed Building Elevations.



## Chris Jones - Escambia County Property Appraiser

**Reference:** 000S009025110063



**Account:** 140379000

**Section Map:** CA047

**Situs:** 1090 E BELMONT ST

**Complex:** NEW CITY TRACT

**Owner:** TERHAAR ANTHONY L ENTERPRISES INC

**Mailing Address:**

1401 E BELMONT ST  
PENSACOLA, FL 32501

**Last Sale:** 7/2005, \$55,000

**Property Use:** VACANT RESIDENTIAL

**Approx. Acreage:** 0.1894 ac

**Bldg. Count:** 0

**Total Heated Area:** 0 sf

**Zoned:** R-1AA

**Taxing Auth:** PENSACOLA CITY LIMITS

**Schools:**

*Elem:* SUTER

*Int:* WORKMAN

*High:* PENSACOLA



**General Information****Reference:** 000S009025110063**Account:** 140379000**Owners:** TERHAAR ANTHONY L ENTERPRISES  
INC**Mail:** 1401 E BELMONT ST  
PENSACOLA, FL 32501**Situs:** 1090 E BELMONT ST 32501**Use Code:** VACANT RESIDENTIAL**Taxing  
Authority:** PENSACOLA CITY LIMITS**Tax  
Inquiry:** [Open Tax Inquiry Window](#)Tax Inquiry link courtesy of Scott Lunsford  
Escambia County Tax Collector**Assessments**

Year	Land	Imprv	Total	<u>Cap Val</u>
2018	\$93,388	\$0	\$93,388	\$54,978
2017	\$73,508	\$0	\$73,508	\$49,980
2016	\$57,750	\$0	\$57,750	\$45,437

[Disclaimer](#)**Tax Estimator**

➤ **File for New Homestead Exemption  
Online**

**Sales  
Data**

Sale Date	Book	Page	Value	Type	Official Records (New Window)
07/2005	5688	376	\$55,000	WD	<a href="#">View Instr</a>
06/2005	5656	699	\$30,000	WD	<a href="#">View Instr</a>
10/1983	1830	223	\$4,200	WD	<a href="#">View Instr</a>
03/1981	1543	928	\$4,000	QC	<a href="#">View Instr</a>

Official Records Inquiry courtesy of Pam Childers  
Escambia County Clerk of the Circuit Court and  
Comptroller**2018 Certified Roll Exemptions**

None

**Legal Description**LT 11 AND E 1/2 OF LT 12 BLK 63 NEW CITY TRACT OR 5688 P  
376 CA 47**Extra Features**

None

**Parcel  
Information****Section Map****Id:**  
[CA047](#)**Approx.**[Launch Interactive Map](#)

**Acreage:**

0.1894

**Zoned:**

R-1AA

**Evacuation  
& Flood  
Information**

[Open Report](#)



[View Florida Department of Environmental Protection\(DEP\) Data](#)

137.5

137.5

137.5

60

11TH AVE

137.5

50

This Instrument Prepared By:  
WILLIAM H. MITCHEM  
Beggs and Lane  
Post Office Box 12950  
501 Commendancia St.  
Pensacola, Florida 32502  
(850) 432-2451  
Florida Bar No.: 187836

Ernie Lee Magaha  
CLERK OF THE CIRCUIT COURT  
ESCAMBIA COUNTY FLORIDA  
INST# 2005398417 07/26/2005 at 09:23 AM  
OFF REC BK: 5688 PG: 376 - 379 Doc Type: WD  
RECORDING: \$35.50  
Deed Stamps \$385.00

STATE OF FLORIDA  
COUNTY OF ESCAMBIA

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **GERALD S. CHERNEKOFF**, a Married Man (herein "Grantor"), whose address is 4761-6 Bayou Boulevard, Pensacola, Florida 32503, for and in consideration of the sum of Ten Dollars and other good and valuable considerations, the receipt, adequacy and sufficiency of which is hereby acknowledged, does hereby bargain, sell, remise, confirm, convey and grant unto **ANTHONY L. TERHAAR ENTERPRISES, INC.**, a Florida corporation, (herein "Grantee"), whose address is 957 1401 E. Belmont Street, Pensacola, Florida 32501, its successors and assigns, forever, the following described real property located in Escambia County, Florida:

SEE EXHIBIT "A" ATTACHED HERETO AND  
INCORPORATED HEREIN BY THIS REFERENCE

Subject to those items more particularly set forth on Exhibit "B" attached hereto and incorporated herein by this reference (the "Permitted Exceptions").

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, free from all exemptions and right of homestead, in fee simple forever. And Grantor covenants that Grantor is well seized of an indefeasible estate in fee simple in said property and has a good right to convey the same; that it is free of lien or encumbrances, and that Grantor, Grantor's heirs, executors, administrators, successors and assigns, will forever warrant and defend title to the above-described property against the lawful claims of all persons whomsoever, subject to the exceptions set forth herein.

Subject property is not the homestead of Grantor, nor does it adjoin Grantor's homestead. No member of Grantor's family resides thereon.

IN WITNESS WHEREOF, we have hereunto set our hands this 22nd day of July, 2005.

Signed, sealed and delivered  
in the presence of:

Name: Harold M. Bird

Harold M. Bird  
Name: Harold M. Bird

Gerald S. Chermekoff  
Gerald S. Chermekoff

Seller's Address: 4761-6 Bayou Boulevard, Pensacola, Florida 32503

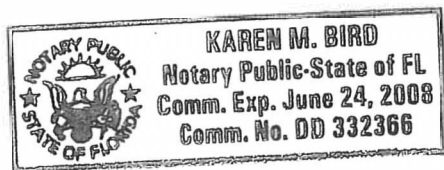
STATE OF FLORIDA  
COUNTY OF ESCAMBIA

The foregoing instrument was acknowledged before me this 22nd day of July, 2005, by  
Gerald S. Chernekoff, who did not take an oath and who:

       is/are personally known to me.  
  ✓   produced current Florida driver's license as identification.  
       produced \_\_\_\_\_ as identification.

Karen M. Bird  
Notary Public

(Notary Seal Must Be Affixed)



\_\_\_\_\_  
Name of Notary Printed  
My Commission Expires: \_\_\_\_\_  
Commission Number: \_\_\_\_\_

EXHIBIT "A"  
LEGAL DESCRIPTION

Lot 11 and the East ½ of Lot 12, Block 63, New City Tract, City of Pensacola, Escambia County, Florida, according to map of said City copyrighted by Thomas C. Watson in the year 1906.



EXHIBIT "B"  
PERMITTED EXCEPTIONS

1. Ad valorem taxes for the Year ~~2005~~ and subsequent years, which are not yet due and payable.



# Chris Jones - Escambia County Property Appraiser

Reference: 000S009025090063

Account: [140378000](#)

Section Map: [CA047](#)

Situs: 1027 E LA RUA ST

Complex: NEW CITY TRACT

Owner: PHELPS J FRASIER

Mailing Address:

PO BOX 687

PENSACOLA, FL 32591

Last Sale: 9/2005, \$81,000

Property Use: VACANT RESIDENTIAL

Approx. Acreage: 0.2525 ac

Bldg. Count: 0

Total Heated Area: 0 sf

Zoned: R-1AA

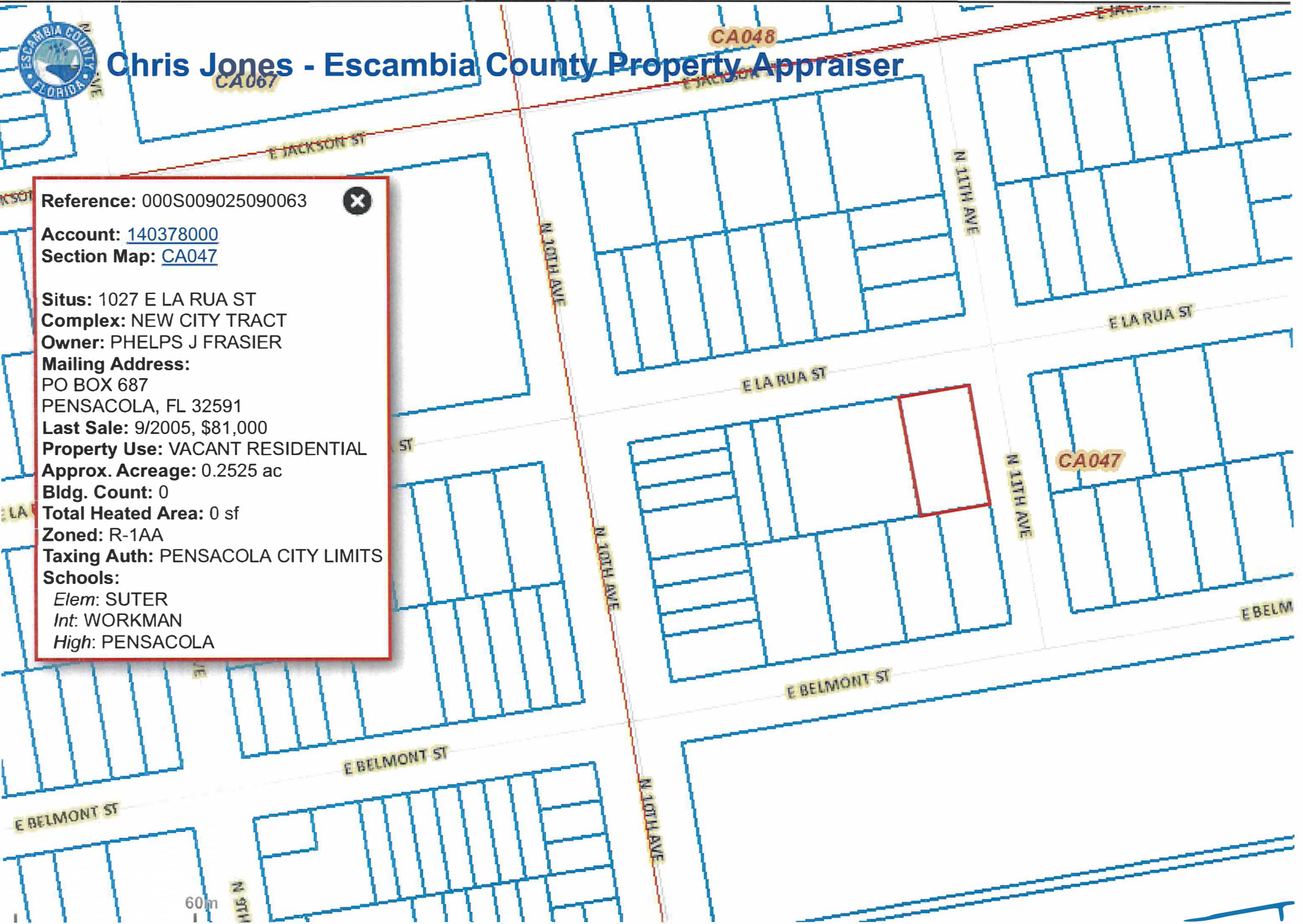
Taxing Auth: PENSACOLA CITY LIMITS

Schools:

Elem: SUTER

Int: WORKMAN

High: PENSACOLA



✓ THIS INSTRUMENT PREPARED BY:  
Denis A. Braslow  
Attorney at Law  
917 N. 12th Avenue  
Pensacola, FL 32501

Parcel ID Number: 00-0S-00-9025-090-063

## Warranty Deed

This Indenture, Made this 12th day of September, 2005 A.D. Between  
Wardell Golay, a single man

of the County of Escambia, State of Florida, grantor, and  
J. Frasier Phelps, a single man

whose address is: 9 Port Royal Way, Pensacola, FL 32502

of the County of Escambia, State of Florida, grantee.

Witnesseth that the GRANTOR, for and in consideration of the sum of  
-----TEN DOLLARS (\$10)----- DOLLARS,  
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has  
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,  
lying and being in the County of Escambia, State of Florida, to wit:

Lots 9 and 10, in Block 63, New City Tract, according to the Map of  
the City of Pensacola, Escambia County, Florida, by Thomas C. Watson,  
copyrighted in 1906.

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

In Witness Whereof, the grantor has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Sara Braslow  
SARA BRASLOW  
Witness

Colleen Vert  
Colleen Vert  
Witness

Wardell Golay by Donald T. Golay  
his Attorney-in-Fact (Seal)  
Wardell Golay, by Donald T. Golay,  
his Attorney-in-Fact  
P.O. Address:

STATE OF Florida  
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 12th day of September, 2005 by  
Wardell Golay, a single man, by Donald T. Golay, his Attorney-in-Fact

he is personally known to me or he has produced his Florida driver's license as identification.

Sara K. Braslow  
Notary Public - State of Florida  
My Commission Expires March 28, 2008  
Comm. No. DD 304288

Sara K. Braslow  
Printed Name:  
Notary Public  
My Commission Expires:

**RESIDENTIAL SALES  
ABUTTING ROADWAY MAINTENANCE DISCLOSURE**

ATTENTION: Pursuant to Escambia County Code of Ordinances Chapter 1-29.2, Article V, sellers of residential lots are required to disclose to buyers whether abutting roadways will be maintained by Escambia County. The disclosure must additionally provide that Escambia County does not accept roads for maintenance that have not been built or improved to meet county standards. Escambia County Code of Ordinances Chapter 1-29.2, Article V requires this disclosure be attached along with other attachments to the deed or other method of conveyance required to be made part of the public records of Escambia County, Florida. Note: Acceptance for filing by County Employees of this disclosure shall in no way be construed as an acknowledgment by the County of the veracity of any disclosure statement.

Name of Roadway: E. La Rua Street

Legal Address of Property: 1027 E. La Rua Street, Pensacola, FL 32501

The County (X) has accepted ( ) has not accepted the abutting roadway for maintenance.

This form completed by: Denis A. Braslow, Attorney at Law  
917 N. 12<sup>th</sup> Avenue  
Pensacola, FL 32501

WITNESSES AS TO SELLER(S):

Wendell Haley by Sarah Haley  
Sarah Braslow

WITNESSES AS TO BUYER(S):

[Signature] [Signature]  
Colin V...

THIS FORM IS APPROVED BY THE  
ESCAMBIA COUNTY BOARD OF COUNTY  
COMMISSIONERS

**The current legal descriptions is as follows:**

LOT 9 AND LOT 10, BLOCK 63, NEW CITY TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

LOT 11 AND THE EAST 20.00 FEET OF LOT 12, BLOCK 63, NEW CITY TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.


**The new legal descriptions would be as follows:**

LOT 9 AND LOT 10, AND THE WEST 10 FEET OF 11<sup>TH</sup> AVENUE ADJACENT TO AND CONTINGUOUS WITH LOT 10, BLOCK 63, NEW CITY TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

LOT 11, THE EAST 20.00 FEET OF LOT 12 AND THE WEST 10 FEET OF 11<sup>TH</sup> AVE ADJACENT TO AND CONTIGUOUS WITH LOT 11, BLOCK 63, NEW CITY TRACT, CITY OF PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA, ACCORDING TO THE MAP OF SAID CITY COPYRIGHTED BY THOMAS C. WATSON IN 1906.

- (a) Residential design manufactured homes when proposed in the R-1AA zoning district subject to regulations in section 12-2-62.
- (b) Bed and breakfast subject to regulations in section 12-2-55.
- (c) Childcare facilities subject to regulations in section 12-2-58.
- (d) Accessory office units subject to regulations in section 12-2-51.
- (D) *Development permitted.*
  - (a) Conventional subdivision subject to regulations in section 12-2-76.
  - (b) Special planned development subject to regulations in section 12-2-77.
- (E) *Regulations for development within the medium density residential land use district.* Table 12-2.2 and 12-2.3 describes requirements for the one-and two-family residential zoning districts.

**TABLE 12-2.2**  
**REGULATIONS FOR THE MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS**

Standards	R-1AA 			R-1A		
	Single Family Detached	Two-Family Attached (Duplex)	**Single Family Attached (Townhouses)	Single Family Detached	Two-Family Attached (Duplex)	**Single Family Attached (Townhouses)
Maximum Residential Gross Density	8.7 units per acre	11.6 units per acre	11.6 units per acre	12.4 units per acre	17.4 units per acre	17.4 units per acre
Minimum Lot Area	5,000 s.f.	7,500 s.f.	3,750 s.f.	3,500 s.f.	5,000 s.f.	2,500 s.f.
Lot Width at Minimum Building Setback Line	40 feet	60 feet	30 feet	30 feet	50 feet	25 feet
Minimum Lot Width at Street R-O-W Line	40 feet	50 feet	25 feet	30 feet	50 feet	25 feet
Minimum Yard Requirements *Front Yard Side Yard Rear Yard	(Minimum Building Setbacks) 30 feet 6 feet 30 feet			(Minimum Building Setbacks) 20 feet 5 feet 25 feet		
Off-Street Parking	1 space/unit		2 sp./unit	1 space/unit		2 sp./unit

Maximum Building Height	35 feet (Except as provided in <u>Sec. 12-2-39</u> )	35 feet (Except as provided in <u>Sec. 12-2-39</u> )
* The front yard depths in the R-1AA and R-1A districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings in the block, the front yard depths shall be no less than the footages noted.		
** Each single-family attached dwelling unit must be located on its own lot. If a development requires subdivision procedures it shall be subject to and must comply with subdivision regulations as set forth in Chapter 12-8.		
*** All future residential development on parcels changed to a Medium Density Residential (MDR) zoning district via the passage of Ord. No. 23-16, effective on August 18, 2016, shall be considered legal non-conforming and may utilize the R-1A zoning district standards applicable to lot width, lot area and setbacks.		

TABLE 12-2.3

Standards	R-1B		
	Single Family Detached	Two-Family Attached (Duplex)	**Single Family Attached (Townhouses)
Maximum Residential Gross Density	8.7 units per acre	11.6 units per acre	17.4 units per acre
Minimum Yard Requirements *Front Yard Side Yard Rear Yard	(Minimum Building Setbacks) 10 feet 5 feet 10 feet		
Off-Street Parking	1 space/unit		
Maximum Building Height	45 feet (Except as provided in <u>Sec. 12-2-39</u> )		

PROPOSED  
ORDINANCE NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE CLOSING, ABANDONING AND VACATING  
A PORTION OF THE NORTH 11<sup>TH</sup> AVENUE RIGHT OF WAY;  
IN PENSACOLA, ESCAMBIA COUNTY, STATE OF  
FLORIDA; REPEALING CLAUSE; AND PROVIDING AN  
EFFECTIVE DATE.

WHEREAS, a public hearing was held on March 8, 2018, as  
to the vacation of a portion of the Avery Street right of way;  
Pensacola, Escambia County, Florida; and

WHEREAS, the vacation of said right-of-way, hereinafter  
described, will contribute to the general welfare of the City of  
Pensacola in that said right-of-way is no longer needed as a public  
thoroughfare; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the following described right of way in  
Pensacola, Escambia County, Florida is hereby closed,  
discontinued, vacated and forever abandoned by the City of  
Pensacola as a public thoroughfare:

The West 10.00 feet of North 11<sup>th</sup> Avenue adjacent to and  
contiguous with Lot 10 and Lot 11, Block 63, New City  
Tract, City of Pensacola, Escambia County, State of  
Florida, According to the map of said City copyrighted  
by Thomas C. Watson in 1906.

SECTION 2. That the owners of the abutting property be,  
and they are hereby authorized to acquire possession of the right-  
of-way more particularly described in Section 1 of this ordinance,  
and the City of Pensacola does hereby abandon all claim of right,  
if any it has, in said property, and it shall remain and be the  
property of the abutting property owners.

SECTION 3. That, notwithstanding the foregoing sections,  
the City of Pensacola reserves for itself, Gulf Power



Company, Bell South, Cox Cable, and the Emerald Coast Utilities Authority, their successors and assigns, a full width easement in the entire portion the right of way vacated hereby for the purpose of locating and maintaining public utilities and improvements.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Passed: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest:

\_\_\_\_\_  
City Clerk

4/15/2019

**Petition form signed by all property owners ABUTTING the portion of right of way to be vacated.**

### Neighbors in Agreement with Requested Vacation of Right-of-way at 1000 Blk E. Belmont Street

Anthony L. Terhaar Enterprises is seeking possession of 10' of the right-of-way on the North West corner of 11<sup>th</sup> Avenue and E. Belmont Street.

[illegible]

**Tony Terhaar**

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**From:** J F Phelps <jfpil@bellsouth.net>  
**Sent:** Monday, April 22, 2019 11:20 AM  
**To:** Tony Terhaar  
**Subject:** 1027 E LaRua St

Hi,  
I am the owner of 1027 E La Rua St in Pensacola.  
Parcel #000S009025090063

I would like to join Mr Terhaar in the vacating 10 feet of 11th St Easement along my property.  
Please include me in this process.  
Please call me if you need any additional information from me.  
Thanks,  
Frasier Phelps  
850-485-2665