



Pinellas County

Legislation Details (With Text)

File #: 21-2481A **Version:** 1

Type: Petition to Vacate **Status:** Passed

File created: 12/9/2021 **In control:** Board of County Commissioners

On agenda: 1/11/2022 **Final action:** 1/11/2022

Title: Petition of Mikhail A. Fokin, Zilya Ruga, Hugo E. Gonzalez, Rosemary Craig Gonzalez, Kimble McNeal, and Mary McNeal to vacate the 50-foot-wide right-of-way of Palmetto Avenue lying east of Elm Street and west of Church Street and also the 10-foot-wide alley lying east of and adjacent to Lots 6 through 10, Block 2 and west of and adjacent to Lots 1 through 5, Block 2, all being a part of Jackson Park Subdivision, Plat Book 4, Page 1, lying in Section 33-28-16, Pinellas County, Florida. (Legislative Hearing)

Sponsors:

Indexes:

Code sections:

Attachments: 1. RE-RECORDED RES 22-1, 2. Recorded RES 22-1, 3. Adopted RES 22-1, 4. Affidavit of Publication_2nd, 5. AATF - Resolution Vacating 10-foot alleyway, 6. Resolution 10 ft Alleyway, 7. Exhibit A, 8. Location Map, 9. Advertising Packet, 10. Petitioner Application, 11. Notification mailing to affected property owners, 12. Electronic Affidavit of Publication, 13. Affidavit of Publication, 14. Petitioner - July Public Records Request Safety Harbor, 15. Petitioner - Letter for Pre-application Meeting, 16. Petitioner Presentation, 17. Emails Opposing Petition to Vacate, 18. AATF - Resolution Vacating 10-foot Alleyway and 50-foot ROW, 19. PTV Presentation Ruga, 20. Resolution for 50 ft ROW and 10 ft Alleyway, 21. Comment Card Received

Date	Ver.	Action By	Action	Result
1/11/2022	1	Board of County Commissioners		
1/11/2022	1	Board of County Commissioners	approved	Pass

Subject:

Petition of Mikhail A. Fokin, Zilya Ruga, Hugo E. Gonzalez, Rosemary Craig Gonzalez, Kimble McNeal, and Mary McNeal to vacate the 50-foot-wide right-of-way of Palmetto Avenue lying east of Elm Street and west of Church Street and also the 10-foot-wide alley lying east of and adjacent to Lots 6 through 10, Block 2 and west of and adjacent to Lots 1 through 5, Block 2, all being a part of Jackson Park Subdivision, Plat Book 4, Page 1, lying in Section 33-28-16, Pinellas County, Florida. (Legislative Hearing)

Recommended Action:

Granting the petition to vacate of the 10-foot-wide alley and further continuation of the denial of the petition to vacate a 50-foot-wide right-of-way of Palmetto Avenue. However, if the Palmetto Avenue vacation is granted, adopt the attached resolution pursuant to §336, Florida State Statutes.

- The petitioners are requesting to vacate a 50-foot-wide right-of-way and also a 10-foot-wide alley adjacent to the property located at 728 Elm Street, Safety Harbor.
- The petitioners are requesting the vacation to a.) allow for an increase in property size, b.) avoid the need to improve Palmetto Avenue, and c.) remain within unincorporated Pinellas

County (i.e., not annex into Safety Harbor).

- County staff initially recommend denial of the vacation request for Palmetto Avenue because the right-of-way provides the ability to improve stormwater drainage for the surrounding area, provides connectivity to Church Street, and maintains the opportunity for future infrastructure improvements. The current recommendation is to continue this matter to a future date to allow County staff, City staff and the applicants the ability to meet and confer in an effort to address several outstanding project related design issues (i.e., access, fire prevention, and utilities).
- The County and City's position is the petitioner's property can be developed without the need to vacate Palmetto Avenue.
- The 50-foot-wide right-of-way of Palmetto Avenue and also the 10-foot-wide alley are being evaluated for transfer from Pinellas County to the City of Safety Harbor (City) for municipal purposes.
- The County does not object to the vacation of the 10-foot-wide alley. The City communicated objections to the Palmetto vacation based on the following County code provisions: it would create a "need for easements for public utilities...to be retained or relocated," it "would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record," it "would adversely impact the existing roadway network," and "there is a present or future need for the right-of-way" as there is a project planned to expand water and sewer services in the area.

Authorize the Clerk of the Circuit Court to record the resolution in the public records of Pinellas County.

Strategic Plan:

Deliver First Class Services to the Public and Our Customers

5.2 Be responsible stewards of the public's resources

5.3 Ensure effective and efficient delivery of county services and support

Summary:

The purpose of the request is to vacate a 50-foot-wide right-of-way and, also a 10-foot-wide alley adjacent to the property located at 728 Elm Street, Safety Harbor. The petitioners are requesting the vacation to allow for an increase in property size.

Background Information:

County departments were queried and have objections to the vacation request of Palmetto Ave because the right-of-way provides the ability to improve stormwater drainage for the surrounding area, provides connectivity to Church Street (and the existing lots that front Church Street), and maintains the opportunity for future infrastructure improvements.

The 50-foot wide right-of-way of Palmetto Avenue and also the 10-foot wide alley are being evaluated for transfer from Pinellas County to the City of Safety Harbor (City) for municipal purposes. However, the County does not object to the vacation of the 10-foot wide alley.

The City communicated objections to the Palmetto vacation based on four County code

requirements: it would create a “need for easements for public utilities...to be retained or relocated”, it “would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record”, it “would adversely impact the existing roadway network”, and “there is a present or future need for the right-of-way” including a planned project to expand water and sewer services.

Letters of no objection were received from Duke Energy, Frontier, TECO Electric, TECO Gas and WOW! Spectrum has no objection to the request but did advise that the Petitioner will bear the expense for the relocation of Spectrum facilities, if any, necessitated by the proposed petition to vacate.

The petition was properly advertised for the public hearing on December 7, 2021, which was continued to January 11, 2022, in accordance with §336, Florida State Statutes. Pursuant to the Real Property Division Procedures, notice was mailed by the Clerk of the Court to property owners within two hundred fifty feet of the subject property and two-yard signs were placed on the property. The Deputy Clerk will report to the Board any citizen support or opposition.

Fiscal Impact:

\$750.00 has been received for this request.

Staff Member Responsible:

Blake Lyon, Director, Building Development and Review Services
Kelli Hammer Levy, Director, Public Works
Carol Stricklin, Director, Housing and Community Development

Partners:

N/A

Attachments:

Resolution
Exhibit A
Location Map
Advertising Packet
Petitioner Application