



# Pinellas County

## Legislation Details (With Text)

**File #:** 21-1424A **Version:** 1  
**Type:** Petition to Vacate **Status:** Held  
**File created:** 7/16/2021 **In control:** Board of County Commissioners  
**On agenda:** 12/7/2021 **Final action:**  
**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. Resolution, 2. Exhibit A, 3. Location Map, 4. Advertising Packet, 5. Petitioner Application, 6. Petition To Vacate Presentation, 7. Resolution, 8. Notification mailing to affected property owners, 9. Electronic Affidavit of Publication, 10. Affidavit of Publication, 11. Petitioner - July Public Records Request Safety Harbor, 12. Petitioner - Letter for Pre-application Meeting, 13. Petitioner Presentation, 14. Emails Opposing Petition to Vacate, 15. Correspondence between Petitioner and County, 16. Comment Cards Received

| Date      | Ver. | Action By                     | Action    | Result |
|-----------|------|-------------------------------|-----------|--------|
| 12/7/2021 | 1    | Board of County Commissioners | continued | 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:

Denial of the petition to vacate a 50-foot wide right-of-way of Palmetto Avenue and also the 10-foot wide alley based on County staff objections. However, if 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 recommend denial of the vacation request because the right-of-way and alley provide the ability to improve stormwater drainage for the surrounding area and the Palmetto Avenue right-of-way provides connectivity to Church Street and potential future transportation 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.
- The City communicated objections of the vacation request because 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.”

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 because the right-of-way and alley provide the ability to improve stormwater drainage for the surrounding area and the Palmetto Avenue right-of-way provides connectivity to Church Street and potential future transportation 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.

The City communicated objections of the vacation request because 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”.

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 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