



# Pinellas County

## Staff Report

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File #: 22-1462A, Version: 1

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### **Subject:**

Petition of Robert D. Saner, Jennifer L. Saner, Ben Warren Gillen, Molly Glaser, 2013-1 IH Borrower LP, and Jeffrey L. Gray to vacate the west ten feet and east five feet, of the south 260 feet of 18th Street lying north of and adjacent to the north right-of-way of Georgia Avenue and east of Block 79 and west of Block 78, Map of Sutherland, Plat Book H1, Page 1, Public Records of Pinellas County, Florida, lying in Section 1-28-15, Pinellas County, Florida. (Legislative Hearing)

### **Recommended Action:**

Approval of the Petition by Robert D. Saner, Jennifer L. Saner, Ben Warren Gillen, Molly Glaser, 2013-1 IH Borrower LP, and Jeffrey L. Gray (Petitioners) to vacate the west ten feet and the east five feet of the south 260 feet of the 18<sup>th</sup> Street right-of-way in Palm Harbor, with retention of a public utility easement over a portion of the east five feet vacated area.

- A 260-foot platted and unimproved right-of-way is located adjacent to the Petitioners' properties.
- Petitioners are requesting a vacation to allow for an increase in property size and to resolve existing encroachments in the right-of-way.
- Staff has no objection to the vacation.
- If vacated, County staff request vacation be contingent upon the retention of a five-foot-wide utility easement over an existing water line on the east side right-of-way within the proposed vacation area.
- If Petition is granted, Board of County Commissioners is asked to adopt the attached Resolution pursuant to Section 336, Florida Statutes.

A Petition Fee in the amount of \$750.00 has been received from the Petitioners for this request; Authorize the Clerk of the Circuit Court to record the resolution in the public records of Pinellas County, and to date and record the easement documents after recording of the resolution.

### **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 Petition request is to vacate the west ten (10') feet and the east five (5') feet of the south 260 feet of the 18th Street platted and unimproved right-of-way adjacent to Petitioners' properties. Affected properties are located at 1780 Florida Avenue, 1804 Florida Avenue, 1809 Georgia Avenue and 1785 Georgia Avenue in Palm Harbor. The Vacation will allow the Petitioners an increase in property size and resolve existing encroachments in the right-of-way. If vacated, County staff request vacation be contingent upon the retention of a five (5') foot wide utility easement over an existing

water line on the east side right-of-way within the proposed vacation area.

Staff has no objection to the vacation. Furthermore, no letters of objection were received from Pinellas County Utilities, Duke Energy, Frontier, TECO Electric, TECO Gas and WOW! Spectrum has no objection to the request but did advise that the Petitioners will bear the expense for the relocation of Spectrum facilities, if any, necessitated by the proposed Petition.

**Background Information:**

County departments were queried and had objections to the original vacation request of the entire right-of-way. The initial vacation of 18th Street would have resulted in a “superblock,” exceeding the maximum of 900 feet allowed per the Pinellas County Land Development Code, Section 154-126. The Board then directed staff to work with the Petitioners on a resolution. The new request, if approved, allows the Utilities Department retention of a five (5') foot wide utility easement over the east vacation for an existing water line.

The Petition was properly advertised in accordance with Section 336, Florida State Statutes. Pursuant to the Real Property Division Procedures, notice was mailed by the Clerk of the Court to property owners within 250 feet of the subject property and two (2) yard signs were placed on the property. The Deputy Clerk will report any citizen support or opposition to the Board.

**Fiscal Impact:**

\$750.00 has been received as a Petition Fee from the Petitioners for this request.

**Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works

**Partners:**

N/A

**Attachments:**

Resolution

Attachment A

Attachment B

Easement Gray with Exhibit

Easement Glaser and Gillen with Exhibit

Project Location Map 1

Project Location Map 2

Petitioner Application