

**From:** [Carpenter, Katherine](#)  
**To:** [Comments, BCC Agenda](#)  
**Subject:** FW: fyi Fw: Muller PTV File #20-2097a  
**Date:** Friday, January 22, 2021 12:37:32 PM

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**From:** Rosado, Josh <jrosado@co.pinellas.fl.us>  
**Sent:** Friday, January 22, 2021 12:12 PM  
**To:** Carpenter, Katherine <kcarpenter@co.pinellas.fl.us>  
**Subject:** FW: fyi Fw: Muller PTV File #20-2097a

Good afternoon,

Please see the email below from a citizen in reference to the petition to vacate – Muller which is on the agenda for January 26 communicating their objections.

Thank you,

**Josh Rosado**

Real Property Specialist II  
Facilities and Real Property Division  
Department of Administrative Services  
509 E Ave, Clearwater, FL 33756  
Phone (727) 464-3503  
[jrosado@pinellascounty.org](mailto:jrosado@pinellascounty.org)

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**From:** Michael Purdy <[mike@mpurdy.net](mailto:mike@mpurdy.net)>  
**Sent:** Friday, January 22, 2021 9:48 AM  
**To:** Rosado, Josh <[jrosado@co.pinellas.fl.us](mailto:jrosado@co.pinellas.fl.us)>  
**Cc:** Lyon, Blake G <[blyon@co.pinellas.fl.us](mailto:blyon@co.pinellas.fl.us)>; Swearengen, Scott M <[sswearengen@co.pinellas.fl.us](mailto:sswearengen@co.pinellas.fl.us)>  
**Subject:** fyi Fw: Muller PTV File #20-2097a

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----- Forwarded Message -----

**From:** Michael Purdy <[mike@mpurdy.net](mailto:mike@mpurdy.net)>  
**To:** [deggers@pinellascounty.org](mailto:deggers@pinellascounty.org) <[deggers@pinellascounty.org](mailto:deggers@pinellascounty.org)>  
**Cc:** [pgerard@pinellascounty.org](mailto:pgerard@pinellascounty.org) <[pgerard@pinellascounty.org](mailto:pgerard@pinellascounty.org)>; [kseel@pinellascounty.org](mailto:kseel@pinellascounty.org) <[kseel@pinellascounty.org](mailto:kseel@pinellascounty.org)>; [rflowers@pinellascounty.org](mailto:rflowers@pinellascounty.org) <[rflowers@pinellascounty.org](mailto:rflowers@pinellascounty.org)>; [kpeters@pinellascounty.org](mailto:kpeters@pinellascounty.org) <[kpeters@pinellascounty.org](mailto:kpeters@pinellascounty.org)>; [janetclong@pinellascounty.org](mailto:janetclong@pinellascounty.org) <[janetclong@pinellascounty.org](mailto:janetclong@pinellascounty.org)>; [cjustice@pinellascounty.org](mailto:cjustice@pinellascounty.org) <[cjustice@pinellascounty.org](mailto:cjustice@pinellascounty.org)>

**Sent:** Friday, January 22, 2021, 09:44:32 AM EST

**Subject:** Muller PTV File #20-2097a

Dear Commissioners,

I am opposed to the above referenced petition to vacate. I hope you will consider the following.

### **-Utility Need**

I would ask that you respect the recommendation of the Pinellas County staff. I testified at the July hearing and entered two separate flooding complaints in September and after the tropical storm in November. It is disingenuous for the applicant to suggest that there are no problems or complaints.

Further the applicant proposes a drainage solution only as a concession for granting the vacation. I've been dealing with the drainage for 20 years. I can tell you this plan will not work. The applicant disparages the staff recommendation to conduct a study. A study is a standard and best practice in advance of drainage construction.

Pinellas County should not cede utility construction to an individual that won't acknowledge that a problem exists, dismisses the best practice for the construction, and offers a solution only intended to serve their own self interest.

I'll note here and will cite again later, utility need is a stated criteria in the Pinellas County Municipal Code for denying a petition to vacate.

### **-Conflicts with Pinellas Comprehensive Plan**

#### **Guiding Principle: Multimodal Transportation**

I'm quoting from the Comprehensive Plan under this guiding principle: Provide a safe interconnected, resilient multimodal transportation network that safely, efficiently, and equitably addresses the needs of all citizens.

This neighborhood is a grid. There are two blocks and 20 residences due west on Illinois from the vacation site. It's a straight line and you can see the Pinellas Trail at the westernmost point of those 2 blocks. The applicant is now changing the substance of their testimony and intent from the original hearing in July. They plan to close the trail access at Illinois.

If the vacation is granted, this guiding principle is abandoned. The vacation creates a disconnect from the transportation network. This compromises safety, in particular the safety of children. It creates an inefficiency. No portion of the vacation advances this principle.

Plan Pinellas states this economic fact within this guiding principle: "...housing with above-average levels of walkability command a premium of \$4,000 to \$34,000 more than homes of average walkability." The vacation then devalues the property value of 20 parcels, merely to preserve the improperly installed landscape of one residence.

### **PCCP Policy Consolidation: Recreation, Open Space, and Cultural Element**

ROS Goal 1: Protect the Open Space Value and Public Purpose of Parks, Lands, and Open Spaces

I could quote extensively from this section of the PCCP policy consolidation of all the different goals, objectives, and strategies, that this vacation defies. The vacation converts public land to

private property and it ends the public purpose of that land.

### **PCCP Policy Consolidation: Transportation Element**

**Transportation Policy 1.3.2** Public Right of Way Will Not Be Vacated Unless Determined To Not Be Viable for Present or Future Public Use

**Transportation Strategy 1.3.2.1** The Land Development Code Will Include Criteria Pertaining to Right of Way Vacations

The area of vacation is being used by the public presently even despite the applicant's attempt to disguise that it's available for public purpose. Granting the vacation terminates the present and future use.

#### **-Conflicts with Palm Harbor Master Plan**

##### **Targeted Effort – Connectivity: Address Gaps in Sidewalk Network to Improve Walkability**

Page 45 of this community plan shows a map of the neighborhood grid including the area of the vacation. The stated opportunity is a complete streets approach to enhance connectivity and safety. This is the broad policy objective of the Pinellas Comprehensive Plan brought to a specific community plan that again covers the very area of this vacation. This is in essence the County Commission's first opportunity to protect the vision of this updated community plan.

Quoting from the Palm Harbor Plan, “Does the County have the necessary right of way to address the need?”. Yes they do, and they need to be protected. I would assert that the trail access at Ohio, Illinois, Wisconsin, Michigan, and Georgia are of vital importance to the goals and objectives of the comprehensive plan and this community plan. You can't separate one at the expense of another and suggest that principle has been followed.

The vacation is broadly incompatible to the comprehensive plan. It's specifically harmful to this community plan. It creates a disconnect at the Pinellas Trail. It creates a dead end right of way a block from the Trail. It distorts the historic grid. The obvious damage it does to public purpose is most clearly defined right here.

#### **-Fails Established Criteria for Vacation**

##### **Pinellas Co. Ordinances Section 154-272 Criteria for Consideration**

- Need for utility including stormwater drainage
- Creates a dead end right of way
- Undermines a historic plat
- Right of way has present or future need for public access
- Right of way is a significant component of a community plan.

The vacation broadly fails the listed criteria. It meets none of the criteria. The criteria are specifically defined in ordinances for a reason. A vacation decision can be appealed in court. The criteria exist to give that court guidance. A judge would look at this vacation and say “No”.

#### **-Exceptionally Poor Financial Terms for Pinellas County**

The area of the parcel being vacated is over 13,000 square feet. The applicant proposes infrastructure investment totally \$90,000. That's less than 30 cents on the dollar to present market value.

The loss of public purpose and future use for the community is incalculable. That the proposed infrastructure investment includes improvements to a Trail access south of the sight is tacit admission by the applicant and County that the vacation involves the loss of public purpose.

The applicants on the north side of Illinois are straw applicants in the vacation. They've offered no testimony. They've claimed no defect. They're only present in the application because it's logistically difficult to do a right of way vacation without them. They're contribution to this gift of land from the county is what then? A portion of the vacated parcel is presently on the market. The implied value of the vacant land is far less than what the County would be accepting here. If the County Commission intends to abandon guiding principles of the Comprehensive Plan, planning initiatives of the community plan, and stated criteria in county ordinances, it should at least act as responsible financial stewards on behalf of Pinellas County citizens, and renegotiate these inferior terms.

### **-Sets Bad Precedent for Land Vacation**

We're here because the applicant doesn't want to correct their own violation. This cures no defect but a defect of their own making. They are trespassing on County property. They've known this since at least 2008 when the County cited them. The effect of this trespassing is profound. It's contributing to a drainage problem that damages other properties. It's a traffic safety issue. It's diminished the value of public lands intended for a public purpose. There is no criteria of land vacation intended to absolve applicants of their own bad acts.

### **No Competent Substantial Evidence Entered**

A third of the applicant's presentation is dedicated to arguing that a drainage problem does not exist. This has been refuted by my own testimony and the testimony of Pinellas County staff.

The argument then is for the preservation of landscaping improperly installed on Pinellas County property. Most importantly, landscaping is not a criteria for vacation. Preservation of the landscaping at the expense of loss of public purpose is of no value to the community. It's a benefit only to the applicant.

The applicant's properties west of 9<sup>th</sup> Street have been cited and are an open violation with Pinellas County Code Enforcement. The applicant is responsible for more visual blight to the neighborhood than they provide with any landscaping.

The applicant's proposed infrastructure include a deficient drainage plan and a nominal amount to improve a trail access at the expense of closing another. These are abysmal terms for Pinellas County.

### **Campaign Contributions**

Campaign finance is a public record. The applicant, under guise of their business, and the applicant's representative made campaign contributions to members of the Pinellas County Commission mere days before the date of the original hearing. I offer this without comment other than to state the following. This should be prohibited conduct or it should be fully disclosed in the vacation application.

Michael S. Purdy  
930 Wisconsin Ave  
Palm Harbor FL 34683

**From:** [Michael Purdy](#)  
**To:** [Comments, BCC Agenda](#)  
**Subject:** January 26th BCC Meeting  
**Date:** Tuesday, January 19, 2021 11:49:26 AM  
**Attachments:** [msp bcc jan26.pptx](#)

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Michael Purdy  
930 Wisconsin Ave  
Palm Harbor FL 34683  
(727) 946-9790

5 slide Powerpoint presentation for January 26th BCC Meeting.  
Agenda Item # 39  
File # 20-2097A  
Muller Petition to Vacate

✓ Acknowledged by: Pinellas County [↗](#)

## Flooding/Erosion ▸ Acknowledged

920 Illinois Ave Palm Harbor, FL, 34683, USA • [Show on Map](#)



**Issue ID:** 8565358

**Submitted To:** [Pinellas County](#)

**Category:** Flooding/Erosion

**Viewed:** 25 times

**Neighborhood:** [Palm Harbor](#)

**Reported:** on 09/11/2020

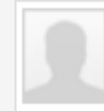
**Service Request ID:** 92965

**Service Request ID:** 92625

**Tagged:** [flood](#), [drain problem](#)

**REPORTER**

[Michael Purdy](#)



### DESCRIPTION

The new construction is exacerbating the stormwater problem on Illinois. This lot is filling faster. Right now this is damaging other people's property. It's on the cusp of creating flooding.





September 11, 2020







November 12, 2020



**DOWNTOWN**  
PALM HARBOR

master plan

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2019 / 2020

DRAFT as of 12/5/19





FIGURE 10: EXISTING SIDEWALK NETWORK



### OPPORTUNITY

The County currently has a sidewalk gap program that can prioritize and address needs to fill in the gaps throughout the County. The gaps within the downtown sidewalk network, as identified in Figure 6, will be shared with the program managers. Priority fixes will be identified and added to the program schedule. The completion of these projects are subject to a number of factors, such as: the complexity of the project - is it a simple fix or is there a more complex design need; the size of the area to be addressed - can the County complete the work or is it necessary to contract out; does the County have the necessary right-of-way to address the need; is the funding immediately available? The County will coordinate this effort and prioritize locations to eliminate sidewalk gaps in the downtown and surrounding neighborhoods. While FDOT ultimately makes decisions regarding improvements along Alt 19, a complete streets approach to that corridor should be considered, including the use of sidewalks to enhance the connectivity and safety of the downtown across Alt 19.