

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA; VACATING THE 80-FOOT-WIDE RIGHT-OF-WAY OF ILLINOIS AVENUE LYING BETWEEN LOTS 6, 7 AND 8, BLOCK 135 AND LOTS 9, 10, 11 AND 12, BLOCK 130, MAP OF SUTHERLAND, PLAT BOOK H1, PAGE 1, LYING IN SECTION 2-28-15, PINELLAS COUNTY, FLORIDA; RETAINING A DRAINAGE AND UTILITY EASEMENT OVER THE VACATED 80-FOOT-WIDE RIGHT-OF-WAY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Christopher D. Muller, Laura T. Muller, Raymond B. Bennett, and Debra J. Schaefer (the Petitioners) have petitioned this Board of County Commissioners to vacate the following described property:

**Lands described in the legal description attached hereto as Exhibits “A” and by this reference made a part hereof; and**

**WHEREAS**, the Petitioners have shown that the vacation of such portions of the plat will not affect the ownership or right of convenient access of persons owning other parts of the subdivision, but such vacation will eliminate Debra J. Schaefer and Raymond B. Bennett’s public road frontage; and

**WHEREAS**, in lieu of the current public road frontage that will be eliminated as a result of the vacation, the Petitioners propose to maintain the current access to the affected parcels through a private ingress and egress easement for the benefit of the adjacent properties currently owned by Debra J. Schaefer and Raymond B. Bennett; and

**WHEREAS**, Debra J. Schaefer and Raymond B. Bennett have requested a waiver of the road frontage requirements pursuant to Pinellas County Code Sections 138-237, Waivers and Administrative Adjustments, and 138-3503, Road Frontage, attached hereto as Exhibit “B”.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Pinellas County, Florida that the above described property and plat be vacated, insofar as this Board of County Commissioners has the authority to do so, pursuant to §336.09, Florida Statutes, subject to the following conditions:

1. Retention of a full-width drainage and utility easement over the entire eighty-foot - wide (80’) Illinois Avenue right-of-way upon vacation.
2. The Petitioners’ execution of an easement memorializing the reserved 80’-wide drainage and utility easement referenced above within 30 days of the date of the passage of this Resolution, which shall include but not be limited to the following:

- a. Petitioners' acknowledgement that the County retained a drainage and utility easement over the entire 80'-wide Illinois Avenue right-of-way.
  - b. Petitioners' agreement that any existing or future improvements within the reserved drainage and utility easement are and will be at the sole risk of the Petitioners, and that the Petitioners shall be solely responsible for any and all costs and expenses associated with the removal of any improvements that impede the County's ability to effectively utilize the reserved easement, as determined by and in the County's sole discretion.
  - c. Petitioners' agreement that no structures or further improvements will be constructed or placed within the reserved easement without the written consent of the County.
3. The recording of a private ingress and egress easement for the benefit of the parcels currently owned by Debra J. Schaefer and Raymond B. Bennett, within 30 days of the date of passage of this Resolution.
  4. The County's review and approval of a Right-of-Way Utilization Permit and associated concept plan within thirty (30) days of the date of passage of this Resolution, which provides for pedestrian access from the southeast corner of the intersection of Ohio Avenue and 9<sup>th</sup> Street to the Fred Marquis Pinellas Trail. The permit and concept plan shall meet standard County development requirements, including but not limited to providing an ADA path of travel as well as associated drainage consistent with the design details established by the County's Parks and Conservation Department.

**NOW BE IT FURTHER RESOLVED** that this Board of County Commissioners hereby agrees to waive the road frontage requirements of Pinellas County Code sections 138-237 and 138-3503 for the parcels currently owned by Debra J. Schaefer and Raymond B. Bennett upon the Effective Date of this Resolution; and

**NOW BE IT FURTHER RESOLVED** that this Board of County Commissioners shall adopt this Resolution with authorization for the Clerk to record in the Public Records of Pinellas County, Florida.

**EFFECTIVE DATE:** This Resolution shall become effective upon completion of all the conditions contained herein. If the conditions are not completed within the time allotted, this Resolution shall be of no further force and effect, unless extended by the County Administrator.

In a regular meeting duly assembled on the \_\_\_\_\_ day of \_\_\_\_\_ 2021, Commissioner \_\_\_\_\_ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner \_\_\_\_\_, and upon roll call the vote was:

AYES:

NAYS:

Absent and not voting: