

RESOLUTION NO. 19-88

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA; VACATING A PORTION OF A PRIVATE PLATTED DRAINAGE EASEMENT LOCATED ACROSS THE SOUTHWESTERLY PORTION OF LOT 3 AND A PORTION OF THE 15 FOOT WIDE PRIVATE PLATTED DRAINAGE AND UTILITY EASEMENT LOCATED ALONG THE WESTERLY BOUNDARY OF LOT 3 (3620 SHADY LANE), SHADY LANE, PLAT BOOK 102, PAGE 6, LYING IN SECTION 26-27-15, PINELLAS COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Frank Liberio (the Petitioner) has petitioned this Board of County Commissioners to vacate the following described property:

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

WHEREAS, the Petitioner has shown that he owns the underlying portion of the plat sought to be vacated and that all state and county taxes on said property have been paid; and

WHEREAS, subject to the conditions further outlined herein, the Petitioner has 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; and

WHEREAS, the Petitioner has agreed to certain conditions as set forth herein and must be met as part of the vacation process; and

WHEREAS, the Petitioner’s affidavit has been received by the Board of County Commissioners.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida that the above described property and plat as further referenced in Exhibit “A” be hereby vacated, insofar as this Board of County Commissioners has the authority to do so, pursuant to §177.101, Florida Statutes and Art. VIII, § 1 of the Florida Constitution, and pursuant to the following terms and conditions:

1. Vacation of the private platted drainage and utility easements does not allow the easement areas to be altered in a manner that negatively impacts the drainage flow, reduces treatment, decreases the volume of stormwater attenuation that the property is required to accommodate, or negatively impacts any other requirement of the stormwater facility located on the underlying property pursuant to the original County-approved site plan, dated February 1, 1988.
2. The Petitioner shall submit and obtain County approval of a revision to an approved site plan, also known as an RAP (the “Application”) within twelve (12) months of passage of this Resolution, which shall ensure that the overall stormwater flow, capacity, and other such requirements imposed on the subject property pursuant to the originally approved subdivision site plan remains unaltered. The stormwater calculations submitted as part of the RAP site plan application must be prepared by a licensed professional civil engineer registered in the State of Florida.
3. The Petitioner shall commence construction of the County-approved stormwater mitigation plan to adequately address the existing stormwater capacity requirements elsewhere on the property pursuant to the County-approved Application within one year of Application approval, and complete construction within eighteen (18) months of Application approval.
4. The Petitioner shall grant the Shady Lane Homeowners Association, Inc. (HOA) an easement over the newly constructed portion of the subdivision drainage system located on the Petitioner’s property and provide evidence of acceptance by the HOA within twelve (12) months of Application approval, in order to maintain consistency with the original drainage easement dedication to and acceptance by the HOA pursuant to the Shady Lane Plat, dated May 2, 1989. The easement shall specify an effective date contingent upon the vacation of the easements referenced herein.
5. The Petitioner acknowledges and agrees that, as a result of the RAP site plan process, additional requirements related to and consistent with the requirements herein may be imposed. The timeframes set forth herein may be extended for good cause by the County Administrator.
6. The County shall provide the Petitioner with written notice when all conditions contained or referenced herein have been completed to the County’s satisfaction.

7. If the conditions herein are not satisfied as set forth herein, the vacation shall not take effect, the private platted drainage and utility easements shall remain in place, the proposed HOA easement will not become effective, and the Petitioner shall be responsible for abiding by any and all requirements and prohibitions related to such easements and the originally approved subdivision site plan.
8. Should any provision of this Resolution be deemed invalid, illegal, or unenforceable, such provision shall in no way affect the validity of any other provision of this Resolution, and the Resolution shall be amended only to the extent necessary to bring it within the requirements of the law while maintaining the overall intent of the Resolution.

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 adoption as provided by law.

In a regular meeting duly assembled on the 12th day of November, 2019, Commissioner Welch offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Peters, and upon roll call the vote was:

AYES: Seel, Gerard, Eggers, Justice, Long, Peters, and Welch.

NAYS: None.

Absent and not voting: None.

APPROVED AS TO FORM

By: Chelsa Mawdy
Office of the County Attorney