



Pinellas County

Legislation Details (With Text)

File #: 19-1375A **Version:** 1

Type: Petition to Vacate **Status:** Public Hearing

File created: 8/7/2019 **In control:** Board of County Commissioners

On agenda: 10/8/2019 **Final action:**

Title: Petition of Joseph McDonald and Alexandria McDonald to vacate the north one half of the sixty-foot right-of-way known as Russell Avenue lying adjacent to Lot 11, Block 5, Munday's Addition to Chesterville, Plat Book 21, Page 22, lying in Section 33-29-16. Legislative Hearing.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Comment Card Submitted for Public Comment, 2. Advertising Packet, 3. Petitioners Application, 4. Affidavit of Publication - Notice of Public Hearing, 5. Notification Mailing to Affected Property Owners, 6. Resolution.pdf, 7. Resolution.pdf, 8. LOCATION MAP, 9. Exhibit "A"

Date	Ver.	Action By	Action	Result
10/8/2019	1	Board of County Commissioners	deferred	Pass

Subject:

Petition of Joseph McDonald and Alexandria McDonald to vacate the north one half of the sixty-foot right-of-way known as Russell Avenue lying adjacent to Lot 11, Block 5, Munday's Addition to Chesterville, Plat Book 21, Page 22, lying in Section 33-29-16. Legislative Hearing.

Recommended Action:

Denial of the Petition to Vacate, based on County staff objections. If granted, adopt the attached Resolution pursuant to Chapter 336, Florida Statutes.

- County staff recommend denial of this request due to this right-of-way being used as ingress and egress for adjacent properties and the fact that there is a large drainage system on the south side of the property that must be maintained, requiring a utility easement to be retained
- If vacated, the Utilities Department has requested retainage of a ten-foot-wide utility easement over the vacated right-of-way and Public Works requests a drainage easement over the vacated area.

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 Petitioners seek to vacate the northern thirty feet of a sixty-foot platted and unopened right-of-way known as Russell Avenue. The Petitioners desire to control unwanted foot traffic and excessive dust on the right-of-way, and to install a fence for safety.

Background Information:

County departments were queried and have objections to the vacation request.

Development Review Services (DRS) objects to the request because the right-of-way serves as an avenue for residents to use to access 58th Street North as well as it provides ingress/egress for the neighboring property. It also provides the County with an opportunity to establish a more complete street grid system in the future. Lastly, there is a safety concern that the extension of the McDonald's fence would create a blind spot for law enforcement.

Public Works objects to the request because of the significant stormwater assets in the area and the need to retain the right-of-way for operation and maintenance purposes.

Utilities Department has requested a ten-foot wide utility easement be retained over the 6" potable water line within the right-of-way.

Letters of No Objection were received from Duke Energy, Frontier, Pinellas County Utilities Engineering, TECO Electric, TECO Peoples Gas and WOW! Bright House requested that the applicant be aware that if the possibility of relocation occurs, the relocation will be at the expense of the Petitioner. The PTV was properly advertised in accordance with Florida State Statute Chapter 336.

Pursuant to Real Property Division Procedures, notices were mailed out by the Clerk of the Court to all property owners within two-hundred-feet of the subject property and two-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 for this request.

Staff Member Responsible:

Rahim Harji, Assistant County Administrator
Andrew W. Pupke, Division Director, Department of Administrative Services
Blake Lyon, Director, Development Review Services

Partners:

N/A

Attachments:

Resolution
Advertising Packet
Petitioner's Application
Exhibit "A" - Sketch and Legal
Location Map
BCC Meeting Location Map