



Pinellas County

Legislation Details (With Text)

File #: 22-0168A **Version:** 1

Type: Petition to Vacate **Status:** Withdrawn

File created: 1/25/2022 **In control:** Building Services

On agenda: 2/22/2022 **Final action:** 2/22/2022

Title: Petition of Mikhail A. Fokin, Zilya Ruga, Hugo E. Gonzalez, Rosemary Craig Gonzalez, Kimble McNeal, and Mary McNeal to vacate the 50-foot-wide right-of-way of Palmetto Avenue lying east of Elm Street and west of Church Street. (Legislative Hearing)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution AATF for 50-foot ROW Palmetto Ave, 2. Adopted RES 22-1, 3. Resolution 10 ft Alleyway, 4. Exhibit A, 5. Location Map, 6. Advertising Packet, 7. Petitioner Application, 8. Notification mailing to affected property owners, 9. Electronic Affidavit of Publication, 10. Affidavit of Publication, 11. Petitioner - July Public Records Request Safety Harbor, 12. Petitioner - Letter for Pre-application Meeting, 13. Petitioner Presentation, 14. Emails Opposing Petition to Vacate, 15. PTV Presentation Ruga

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Subject:

Petition of Mikhail A. Fokin, Zilya Ruga, Hugo E. Gonzalez, Rosemary Craig Gonzalez, Kimble McNeal, and Mary McNeal to vacate the 50-foot-wide right-of-way of Palmetto Avenue lying east of Elm Street and west of Church Street. (Legislative Hearing)

Recommended Action:

Continuation of the request to grant the petition to vacate of the petition to vacate a 50-foot-wide right-of-way of Palmetto Avenue to a future meeting date. If a specific meeting date is chosen no additional advertising will be required.

However, if the Palmetto Avenue vacation is granted, adopt the attached resolution pursuant to §336, Florida State Statutes.

- The petitioners are requesting to vacate a 50-foot-wide right-of-way of Palmetto Avenue
- The petitioners are requesting the vacation to a.) allow for an increase in property size, b.) avoid the need to improve Palmetto Avenue, and c.) remain within unincorporated Pinellas County (i.e., not annex into Safety Harbor).
- County staff initially recommend denial of the vacation request for Palmetto Avenue because the right-of-way provides the ability to improve stormwater drainage for the surrounding area, provides connectivity to Church Street, and maintains the opportunity for future infrastructure improvements. The current recommendation is to continue this matter to a future date to allow the applicant the opportunity to provide the necessary water quality testing for the proposed

well water, which will support the fire prevention and utilities requirements for the new single-family residence.

- The County and City's position is the petitioner's property can be developed without the need to vacate Palmetto Avenue.
- The 50-foot-wide right-of-way of Palmetto Avenue are being evaluated for transfer from Pinellas County to the City of Safety Harbor for municipal purposes.
- The Board of County Commission, at its January 11, 2022 meeting granted the vacation request for the alley.
- A follow up meeting was held on January 18, 2022 with the City of Safety Harbor, the petitioner, and County staff to discuss the permitting process for the single-family home and associated driveway.
- The permitting review has been completed and permits are ready to be issued pending several outstanding items:
 - Verification of the water quality testing
 - Request for a habitat inspection
 - Authorization to cross the City of St. Petersburg's water main
 - Authorization from the City of Safety Harbor to connect to Elm Street
- A letter has been issued to applicant communicating this information to provide confirmation that BDRS is ready to issue the permit once those items are addressed.

Authorize the Clerk of the Circuit Court to record the resolution in the public records of Pinellas County.

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 purpose of the request is to vacate a 50-foot-wide right-of-way known as Palmetto St. The petitioners are requesting the vacation to allow for an increase in property size.

Background Information:

County departments were queried and have objections to the vacation request of Palmetto Ave because the right-of-way provides the ability to improve stormwater drainage for the surrounding area, provides connectivity to Church Street (and the existing lots that front Church Street), and maintains the opportunity for future infrastructure improvements.

The 50-foot wide right-of-way of Palmetto Avenue is being evaluated for transfer from Pinellas County to the City of Safety Harbor (City) for municipal purposes.

The City communicated objections to the Palmetto vacation based on four County code requirements: it would create a “need for easements for public utilities...to be retained or relocated”, it “would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record”, it “would adversely impact the existing roadway network”, and “there is a present or future need for the right-of-way” including a planned project to expand water and sewer services.

The County has been working with the City and the petitioner to resolve the outstanding issues and objections. With the anticipated approval of the single-family home and the associated right of way utilization permit, it is expected that the petition to vacate Palmetto Avenue will not be necessary. At the time of this report, the single-family residence has been reviewed and approval is pending the outcome of a water quality study for the proposed on-site well.

Letters of no objection were received from Duke Energy, Frontier, TECO Electric, TECO Gas and WOW! Spectrum has no objection to the request but did advise that the Petitioner will bear the expense for the relocation of Spectrum facilities, if any, necessitated by the proposed petition to vacate.

The petition was properly advertised for the public hearing on December 7, 2021, which was continued to January 11, 2022 and then subsequently continued to February 22, 2022, in accordance with §336, Florida State Statutes. Pursuant to the Real Property Division Procedures, notice was mailed by the Clerk of the Court to property owners within two hundred fifty feet of the subject property and two-yard signs were placed on the property. The Deputy Clerk will report to the Board any citizen support or opposition.

Fiscal Impact:

\$750.00 has been received for this request.

Staff Member Responsible:

Kelli Hammer Levy, Director, Public Works

Carol Stricklin, Director, Housing and Community Development

Partners:

N/A

Attachments:

Resolution

Exhibit A

Location Map

Advertising Packet

Petitioner Application