



# Pinellas County

## Legislation Details (With Text)

**File #:** 19-893A      **Version:** 1

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

**File created:** 5/29/2019      **In control:** Board of County Commissioners

**On agenda:** 8/20/2019      **Final action:** 8/20/2019

**Title:** Petition of Aprola, LLC/Richard Orr to vacate that portion of the 60-foot right-of-way known as 37th Street North, lying between Warehouse Site B, Replat of Mohawk Park Subdivision, Plat Book 19, Page 78, and Lots 1 and 2, Block C, Revised Plat of Norton's Subdivision No. 3, Plat Book 19, Page 57, lying in Section 3-31-16, Pinellas County, Florida. (Legislative Hearing)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Affidavit of Publication - Notice of Public Hearing, 2. Notification Mailing to Affected Property Owners, 3. Petitioner Application.pdf, 4. Approved Sketch and Legal.pdf, 5. Request for Advertising.pdf, 6. FINAL Resolution.pdf, 7. Resolution, 8. Lealman Mobility & Complete Street Plan\_FinalDocument\_LowRes30APR2019, 9. Location Map .pdf

Date	Ver.	Action By	Action	Result
8/20/2019	1	Board of County Commissioners	deferred	Pass

**Subject:**

Petition of Aprola, LLC/Richard Orr to vacate that portion of the 60-foot right-of-way known as 37th Street North, lying between Warehouse Site B, Replat of Mohawk Park Subdivision, Plat Book 19, Page 78, and Lots 1 and 2, Block C, Revised Plat of Norton's Subdivision No. 3, Plat Book 19, Page 57, lying in Section 3-31-16, Pinellas County, Florida. (Legislative Hearing)

**Recommended Action:**

Denial of the petition to vacate, based on County staff objections. If granted, adopt the attached resolution pursuant to Florida State Statute 336.

- Public Works, Development Review Services and the Planning Department objects to the vacation request.
- The portion of the right-of-way known as 37<sup>th</sup> Street bisects the property owned by the Petitioner.
- Full width utility easement will be retained over the vacated area should the vacation be approved.
- The property is in the Lealman Community Redevelopment Area and may support a future trail connection/use as identified in the Linking Lealman Mobility Plan
- A right-of-way use permit is not an appropriate mechanism to allow this type of occupancy.

Authorize the Clerk of the Court to attest and 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 right-of-way that currently bisects the Petitioner's properties. The Petitioner owns the properties abutting the east and west sides of the right-of-way. The Petitioner desires to improve the right-of-way for vehicle parking and to retain the gate securing the property.

**Background Information:**

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

The Public Works Department objects because the right of way currently contains utilities infrastructure and is needed as access for stormwater maintenance.

The Development Review Services Department objects because the site currently has a County-owned sanitary sewer main in the area. The site provides access to the CSX rail corridor and provides an excellent opportunity for water quality improvements in a drainage basin with an active TMDL.

The Planning Department objects because the property has been identified as viable for future transportation use in the Linking Lealman Mobility Action Plan, and vacating would not be in compliance with the Transportation Element of the Comprehensive Plan Policy 1.4.3.

Full width utility easement will be retained over the vacated area should the vacation be approved.

Letters of no objection were received from Bright House, Duke Energy, Frontier, TECO Electric, TECO Gas and WOW!

The petition was properly advertised in accordance with Florida State Statute 336. Pursuant to the Real Property Division Procedures, notice was mailed by the Clerk of the Court to property owners within two hundred 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:**

Andrew W. Pupke, Director, Real Estate Management

Renea Vincent, Director, Planning

Blake Lyon, Director, Building & Development Review Services

Addie Javed, Director, Public Works

**Partners:**

N/A

**Attachments:**

Resolution

Exhibit A - Sketch and Legal

Location Map  
Advertising Packet