



# Pinellas County

## Legislation Details (With Text)

**File #:** 19-2317A      **Version:** 1

**Type:** Contract/Agreement      **Status:** Failed

**File created:** 12/19/2019      **In control:** Board of County Commissioners

**On agenda:** 1/14/2020      **Final action:** 1/14/2020

**Title:** Petition of Joseph McDonald and Alexandria McDonald to vacate the north one-half of the 60-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 by Meeting Speaker, 2. McDonald PTV Presentation 01-14-20 (PDF), 3. Affidavit of Publication - Notice of Public Hearing, 4. Notification Mailing to Affected Property Owners, 5. Resolution, 6. Advertising Packet, 7. Petitioners Application, 8. Location Map, 9. Exhibit A

Date	Ver.	Action By	Action	Result
1/14/2020	1	Board of County Commissioners	denied	Pass

**Subject:**

Petition of Joseph McDonald and Alexandria McDonald to vacate the north one-half of the 60-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 (PTV), based on County staff objections. If granted, adopt the attached Resolution pursuant to Chapter 336, Florida Statutes.

- The Board originally heard the PTV on October 8, 2019. The Board denied the request, without prejudice, and requested staff work with the petitioners.
- After additional discussions with the petitioners, County staff recommends denial of the PTV based on current and future uses of the right-of-way including the operation and maintenance of stormwater infrastructure and safe access for pedestrians.
- If vacated, the Utilities Department has requested retainage of a ten-foot-wide utility easement over the northern portion of 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 (30) feet of a sixty (60) foot platted and unopened right-of-way known as Russell Avenue. The Petitioners desire to control unwanted foot traffic and dust from the right-of-way and to install a fence for safety.

**Background Information:**

County staff objects to the request based on current and future uses of the right-of-way including ingress and egress for adjacent properties, pedestrian access to 58th Street North, the extension of the neighborhood roadway network, and maintenance of access to the stormwater system from the right-of-way for operation and maintenance. Lastly, the extension of the McDonald's fence creates a safety concern for law enforcement since it would create a blind spot.

If the vacation is approved, the Utilities Department requests a ten-foot-wide utility easement be retained over the 6" potable water line within the northern portion of the right-of-way and the Public Works Department requests a drainage easement over the vacated area.

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 the Real Property Division's procedures, notices were mailed 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  
Kelli Hammer Levy, Interim Director, Public Works

**Partners:**

N/A

**Attachments:**

Resolution  
Advertising Packet  
Petitioner's Application  
Exhibit "A"  
Location Map