



# Pinellas County

## Legislation Details (With Text)

**File #:** 16-2144A      **Version:** 1

**Type:** Petition to Vacate      **Status:** Passed

**File created:** 12/1/2016      **In control:** Board of County Commissioners

**On agenda:** 5/9/2017      **Final action:** 5/9/2017

**Title:** Petition of A.D. Morris Properties, Inc. to vacate portions of Haines Road North and 34th Street rights-of-way adjacent to 6901 U.S. Highway 19 North, Pinellas Farms, in Section 34/30/16, Pinellas County, Florida (legislative hearing).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Final Letter to Petitioner - Adoption of RES 17-27, 2. Recorded RES 17-27, 3. Affidavit of Publication - Notice of PTV Approval, 4. PowerPoint\_Morris Petition, 5. Adopted RES 17-27, 6. Comment Cards Submitted for Public Comment, 7. Notification Mailing To Affected Property Owners, 8. Affidavit of Publication - Notice of Public Hearing, 9. FDOT\_Letter-5/8/17, 10. 34th Street North Resolution-Final-5/8/17, 11. Haines Road North Resolution, 12. 34th Street North Resolution-Draft, 13. City of Pinellas Park No-Objection Letter, 14. PTV 1517 Morris Advertising Packet.pdf, 15. Location Map - Morris, 16. Approved Sketch and Legal.pdf

Date	Ver.	Action By	Action	Result
5/9/2017	1	Board of County Commissioners	approved	Pass
5/9/2017	1	Board of County Commissioners	approved	Pass

**Subject:**

Petition of A.D. Morris Properties, Inc. to vacate portions of Haines Road North and 34th Street rights-of-way adjacent to 6901 U.S. Highway 19 North, Pinellas Farms, in Section 34/30/16, Pinellas County, Florida (legislative hearing).

**Recommended Action:**

Consider granting the petition to vacate, and if granted, adopt the attached resolution pursuant to Florida State Statute 336.10 and authorize the Clerk 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 subject petition seeks to vacate two areas adjacent to property owned by A.D. Morris Properties, Inc. The first area is a portion of right-of-way known as 34<sup>th</sup> Street North, and the second area is a portion of right-of-way known as Haines Road North. The Board can separately consider each area included in this petition.

**Background Information:**

For the purpose of clarity, this section of the staff report is separated to provide background information for Board consideration with regard to each petitioned area.

**34th Street North:**

The Public Works and Development Review Services (DRS) departments originally objected to this vacation because this area serves or has the potential to serve stormwater drainage. Additionally, DRS objected because vacating this area would create a discontinuous right-of-way along 34th Street North. However, the City of Pinellas Park (City) desires to obtain the County-owned portion of 34th Street North between Haines Road and 70th Avenue North, through a road transfer process. This area of right-of-way is included in the road transfer scope. The road transfer is in progress. The City has issued a 'No Objection' letter provided a utility easement is retained over the vacated area. The easement would be necessary to support any future stormwater drainage. Both the Public Works and DRS departments have removed their objections upon receipt of the City's 'No Objection' letter to this area being vacated.

**Haines Road North:**

The Public Works and DRS departments object to the proposed vacation, because this area serves or has the potential to serve stormwater drainage. Public Works also objects because vacating would eliminate any potential for future transportation improvement at the Haines Road/US Hwy 19 intersection and/or along U.S. Hwy 19. The Florida Department of Transportation (FDOT) has advised the County of a project to expand the number of travel lanes on U.S. Hwy 19 and has issued a letter objecting to the vacation of this parcel. The project is #14 on the Pinellas Metropolitan Planning Organization priority list and is currently in the Project Development and Environment (PD&E) phase. The PD&E design documents, provided by FDOT, indicate that the subject right-of-way along U.S. Hwy 19 will be needed for this project.

The Haines Road North petitioned area is unplatted, but was acquired by the County as a past eminent domain action. Based on Florida case law, after a decision approving the vacation, each adjacent property owner receives one-half of the vacated parcel. In this case, one-half would revert to both A.D. Morris Properties, Inc and the County.

The County issued a right-of-way utilization permit to the City in 1999 for landscaping and a welcome sign. In 2000, the City entered into a right-of-way landscaping and maintenance agreement with H&R Trains Inc., which required H&R Trains Inc. to indemnify the City. Both the permit and the agreement remain in effect.

Letters from Bright House and TECO Gas were received requesting easements to maintain their facilities within approved vacation areas. Pinellas County will require an easement to accommodate existing facilities and infrastructure in the Haines Road North parcel.

The petition was properly advertised in accordance with Florida State Statute 336.10. Pursuant to the Real Property Division Procedures, notices were mailed by the Clerk of the Court to property owners within two hundred feet of the subject property and three neighborhood notification signs were placed. 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  
Rahim Harji, Director, Public Works  
Blake Lyon, Director, Development Review Services

**Partners:**

City of Pinellas Park  
Florida Department of Transportation

**Attachments:**

Resolutions  
Location Map  
Sketch and Legal  
Advertising Packet  
City of Pinellas Park No-Objection Letter  
Florida Department of Transportation Objection Letter