



Legislation Details (With Text)

**File #:** 19-356A      **Version:** 1

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

**File created:** 3/5/2019      **In control:** County Commission

**On agenda:** 4/23/2019      **Final action:** 4/23/2019

**Title:** Petition of Pulte Home Company to vacate the north 6.54 feet of an 11.54-foot private drainage, utility and landscape easement lying in Lots 20, 21, and 22 and the south 6.54 feet of an 11.54-foot private drainage, utility and landscape easement lying in Lots 23, 24, and 25, Enclave at Palm Harbor, Plat Book 143, Page 14 and Official Record Book 20204, Page 2339, lying in Section 13-28-15, Pinellas County, Florida. (Quasi-Judicial Hearing)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Final Letter to Petitioner - Approval of PTV, 2. Recorded RES 19-22 - Approval of PTV, 3. Adopted RES 19-22, 4. Affidavit of Publication - Notice of Public Hearing, 5. Notification Mailing to Affected Property Owners, 6. Resolution.pdf, 7. Resolution DRAFT\_Redlined.pdf, 8. Ad Packet.pdf, 9. Location Map.pdf, 10. Exhibit A - Approved Sketch and Legal Description

Date	Ver.	Action By	Action	Result
4/23/2019	1	Board of County Commissioners	approved	Pass

**Subject:**

Petition of Pulte Home Company to vacate the north 6.54 feet of an 11.54-foot private drainage, utility and landscape easement lying in Lots 20, 21, and 22 and the south 6.54 feet of an 11.54-foot private drainage, utility and landscape easement lying in Lots 23, 24, and 25, Enclave at Palm Harbor, Plat Book 143, Page 14 and Official Record Book 20204, Page 2339, lying in Section 13-28-15, Pinellas County, Florida. (Quasi-Judicial Hearing)

**Recommended Action:**

Consider granting the petition to vacate, and if granted, adopt the attached resolution pursuant to Florida State Statute 177. Authorize the Clerk of the Court to attest and record the resolution in the Public Records of Pinellas County

- The site plan process required utility and landscape easements were required during the site plan process.
- The developer sought to make all easements larger than normal to accommodate as many new tree plantings, as possible.
- As the project developed, it was discovered that the large landscape easement was not necessary.
- The developer is requesting a vacation of easement section to provide area for pool installations for the new homes, currently under construction.
- The utility easement will remain in place.

**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 this request is to vacate portions of private drainage easements dedicated by plat. The reduction in the easement size will allow pools to be constructed behind properties.

**Background Information:**

This is a recently developed new subdivision and the lots remain owned by the developer. During the site permitting process there were nearly 2,000 inches of tree replacements required. During the site plan process, the developer sought to make all easements larger than normal to plant as many trees as possible. As the site plan was reviewed, it was discovered that the larger easement was not needed, as the approved plan with Pinellas County did not require additional trees in the area. The larger easement would not allow the inclusion of pools for the intended houses. These strips need to be vacated to provide the space necessary for pools to be constructed.

County departments were queried and have no objection to the vacation request.

Letters of no objection were received from Bright House, Department of Transportation, Duke Energy, Florida Department of Environmental Protection, Frontier, Pinellas County Utilities Engineering, TECO Electric, TECO Gas and WOW! The petition was properly advertised in accordance with Florida State Statute 177. 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. 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:**

Rahim Harji, Assistant County Administrator  
Andrew W. Pupke, Director, Real Estate Management

**Partners:**

N/A

**Attachments:**

Resolution  
Exhibit A - Sketch and Legal  
Location Map  
Advertising Packet