



# Pinellas County

## Legislation Details (With Text)

**File #:** 20-647A **Version:** 1  
**Type:** Petition to Vacate **Status:** Public Hearing  
**File created:** 4/3/2020 **In control:** Board of County Commissioners  
**On agenda:** 6/23/2020 **Final action:** 6/23/2020  
**Title:** (Deferred to a Future BCC Meeting)  
Petition of Pinellas County to vacate a portion of 118th Avenue North right-of-way lying east of Starkey Road and west of the Seaboard Coastline Railroad, lying in Sections 12-30-15 and 13-30-15, 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. LocationMap, 4. Advertising Packet - Pinellas County, 5. Petition to Vacate Presentation (Pinellas County), 6. Petitioner Application, 7. Exhibit A, 8. Resolution

Date	Ver.	Action By	Action	Result
6/23/2020	1	Board of County Commissioners	deferred	Pass

### **Subject:**

(Deferred to a Future BCC Meeting)  
Petition of Pinellas County to vacate a portion of 118th Avenue North right-of-way lying east of Starkey Road and west of the Seaboard Coastline Railroad, lying in Sections 12-30-15 and 13-30-15, Pinellas County, Florida. (Legislative Hearing)

### **Recommended Action:**

Consider granting the petition of Pinellas County to vacate, and if granted, adopt the attached resolution pursuant to §336, Florida State Statutes.

- There is a remnant portion of unopened right-of-way, known as 118th Avenue North, lying east of Starkey Road and west of the Seaboard Coastline Railroad CSX).
- This item was previously deferred from the December 10, 2019 Board agenda due to an objection from CSX received on December 09, 2019.
- CSX has not been responsive to follow-up requests to clarify their objection.
- County staff have no objection to the vacation request and find that CSX has other access available.
- The vacation will remove any associated County maintenance responsibilities for this right-of-way and add this portion of property to the tax rolls.
- If vacated, the Utilities Department will retain a full width utility easement over the vacated right-of-way.
- The easement will also be granted to Duke Energy since they have infrastructure in the right-of-way.

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 portion of an unopened right-of-way, known as 118th Avenue North, lying East of Starkey Road and West of the Seaboard Coastline Railroad. The vacation of the right-of-way will remove any associated County maintenance responsibilities from this remnant right-of-way and add this portion of property to the tax rolls.

**Background Information:**

This item was previously deferred from the December 10, 2019 Board agenda due to an objection from CSX received on December 09, 2019. CSX objected based on loss of access to their rail line via the right-of-way. The County has attempted to obtain clarifying information about access options from CSX; however, CSX's legal counsel has not responded to a request for discussion with the County Attorney's Office. The County believes CSX has alternatives other than the right-of-way to access the rail line in this area, including the crossing to the north.

The right-of-way remnant proposed for vacation was created by the petition from Paradigm Investment Properties, which the Board approved on July 23, 2019.

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

Utilities Department has requested a full width utility easement for access to potable water and sanitary sewer facilities in the right-of-way.

Letters of no objection were received from Frontier, Pinellas County Utilities, TECO Electric, TECO Gas and WOW!.

Duke Energy objects to the vacate request, however, will provide a no objection letter upon the removal/relocation of existing facilities or granting of a Duke Energy easement over the described property. County staff recommends including the retention of a full width utility easement in the resolution to satisfy the objection, notwithstanding the fact that the Duke Energy is seeking an easement in its own name.

The petition was properly advertised 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 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:**

N/A

**Staff Member Responsible:**

Andrew W. Pupke, Division Director, Administrative Services

**Partners:**

N/A

**Attachments:**

Resolution

Exhibit A

Location Map

Advertising Packet

Petitioner Application