



**SAINT PETERSBURG CITY COUNCIL**

**Meeting of March 5, 2009**

**TO:** The Honorable Jeff Danner, Chair, and Members of City Council

**SUBJECT:** Ordinance \_\_\_\_\_ approving the vacation of Fairfield Avenue South between 45<sup>th</sup> and 46<sup>th</sup> Streets South, 7<sup>th</sup> Avenue South between 43<sup>rd</sup> and 46<sup>th</sup> Streets South, and certain street, drainage and utility easements within the boundaries of the Child's Park Athletic Field Complex (City File No.: 08-33000004).

**RECOMMENDATION:** The Administration and the Development Review Commission recommend **APPROVAL**.

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**Discussion:** The request is to vacate Fairfield Avenue South between 45th and 46th Streets South, 7<sup>th</sup> Avenue South between 43<sup>rd</sup> and 46<sup>th</sup> Street South, and certain street, drainage and utility easements as depicted on Ordinance Exhibit "A" and specifically described by Ordinance Exhibit "B". The vacations will clarify the public records regarding the consolidation of land for the City-owned Childs Park Athletic Field Complex. The Complex is already developed with athletic fields, concession and maintenance buildings, and the recently completed Childs Park YMCA on the east side of the property. None of the right-of-way being vacated is improved or used as a public street. The City Council previously approved this vacation on February 1, 2001. The previous approval became void because a replat was not approved and recorded within two years as required by Code. A replat of the property is being processed in concert with this vacation application. The replat has already been reviewed and is being scheduled for approval by the City Council on the same date as the public hearing for this vacation ordinance.

**Agency Review:** The request has been reviewed by appropriate City departments and public utility agencies. No objections have been received. Existing utilities will be protected by easements being dedicated by the pending replat (City File No. 08-20000003).

**DRC Action/Public Comments:** The Development Review Commission (DRC) held a public hearing on the subject application. There were no public comments. After the public hearing, the DRC voted 7 - 0 to recommend approval of the proposed vacation. No public inquires or comments have been received between the DRC approval and date of this report.

**RECOMMENDATION:**

The Administration recommends **APPROVAL** of the vacation, subject to the following conditions:

1. The vacated rights-of-way, easements and abutting property shall be replatted.
2. The replat shall dedicate:
  - a. A public utility easement 20 feet in width centered over the 12-inch water main within the Fairfield Avenue South right-of-way proposed for vacation.
  - b. A public drainage easement over the entire section of 7<sup>th</sup> Avenue South right-of-way proposed for vacation.
  - c. A public drainage easement 30 feet in width centered over the existing 30-inch storm sewer pipe to the south of the southern terminus of the 45<sup>th</sup> Street South right-of-way, extending south and connecting to the drainage easement to be dedicated over the vacated portion of 7<sup>th</sup> Avenue South.
  - d. Public utility easements, as necessary, to protect any remaining infrastructure operated by franchised utilities.



# Ordinance

## Exhibit "B"

### DESCRIPTION

The Fairfield Avenue South right of way lying between the East right of way of 46<sup>th</sup> Street South and the west right of way of 45<sup>th</sup> Street South

Together with

The North 70.00 feet of the 7<sup>th</sup> Avenue South right of way lying between the Westerly-most line extended of Lot 1, Block 1, WOODSTOCK SUBDIVISION ANDERSON REPLAT, as recorded in Plat Book 95, Page 74, Public Records of Pinellas County, Florida and the West right of way of 43<sup>rd</sup> Street South

Together with

The two 25-foot radius street easements located at the Southeast and Southwest corners of Lot 2, Block 1, WOODSTOCK SUBDIVISION BLOCK G REPLAT, as recorded in Plat Book 92, Page 61, Public Records of Pinellas County, Florida.

Together with

The following easements within Lot 1, Block 1, WOODSTOCK SUBDIVISION ANDERSON REPLAT, as recorded in Plat Book 95, Page 74, Public Records of Pinellas County, Florida:

The 20 foot radius street easement located at the corner of 46<sup>th</sup> Street South and Avenue South.

The 20 foot radius street easement located at the corner of 45<sup>th</sup> Street South and Fairfield Avenue South.

The 20 foot east-west utility easement located between 46<sup>th</sup> Street South and 45<sup>th</sup> Street South

The cul-de-sac street easement located at the Southwest corner of said Lot 1.

The 60 foot by 40 foot street easement located at the Southerly extension of 45<sup>th</sup> Street South.

The 60 foot by 40 foot street easement located at the Southerly extension of 44<sup>th</sup> Street South.

The 60 foot drainage easement located between the aforesaid street easement (44<sup>th</sup> Street South) and the North right of way of 7<sup>th</sup> Avenue South as shown on said plat.

The 20 foot radius street easement located at he corner of 43<sup>rd</sup> Street South and 7<sup>th</sup> Avenue south.

St. Petersburg, Florida

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING THE VACATION OF FAIRFIELD AVENUE SOUTH BETWEEN 45<sup>TH</sup> AND 46<sup>TH</sup> STREETS SOUTH, 7<sup>TH</sup> AVENUE SOUTH BETWEEN 43<sup>RD</sup> AND 46<sup>TH</sup> STREETS SOUTH, AND CERTAIN STREET, DRAINAGE AND UTILITY EASEMENTS WITHIN THE BOUNDARIES OF THE CHILD'S PARK ATHLETIC FIELD COMPLEX; SETTING FORTH CONDITIONS FOR THE VACATION TO BECOME EFFECTIVE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**THE CITY OF ST. PETERSBURG DOES ORDAIN:**

**SECTION 1.** The following rights-of-way and easements are hereby vacated as recommended by the Administration and the Development Review Commission:

See Ordinance Exhibits "A" and "B".

**SECTION 2.** The above-mentioned right-of-way and easements are not needed for public use or travel.

**SECTION 3.** The vacation is subject to and conditional upon the following:

1. The vacated rights-of-way, easements and abutting property shall be replatted.
2. The replat shall dedicate:
  - a. A public utility easement 20 feet in width centered over the 12-inch water main within the Fairfield Avenue South right-of-way proposed for vacation.
  - b. A public drainage easement over the entire section of 7<sup>th</sup> Avenue South right-of-way proposed for vacation.
  - c. A public drainage easement 30 feet in width centered over the existing 30-inch storm sewer pipe to the south of the southern terminus of the 45<sup>th</sup> Street South right-of-way, extending south and connecting to the drainage easement to be dedicated over the vacated portion of 7<sup>th</sup> Avenue South.
  - d. Public utility easements, as necessary, to protect any remaining infrastructure operated by franchised utilities.


**SECTION 4.** In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case the ordinance shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, it shall not become effective unless and until the City Council overrides the veto in

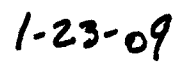
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APPROVED AS TO FORM AND SUBSTANCE:

  
\_\_\_\_\_  
Development Services

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
City Attorney (Designee)

  
\_\_\_\_\_  
Date

# Memo Exhibit "A" Parcel Map

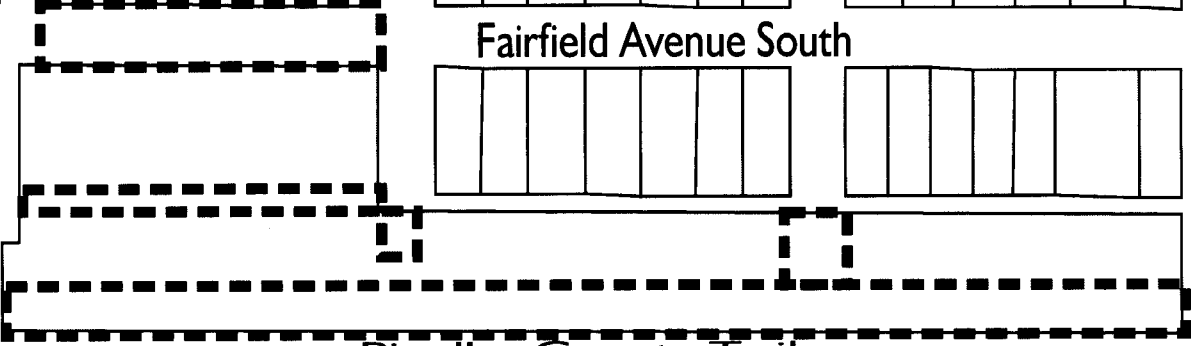
46th Street South

44th Street South

43rd Street South

Fairfield Avenue South

Pinellas County Trail



## Location Map

CASE NUMBER:

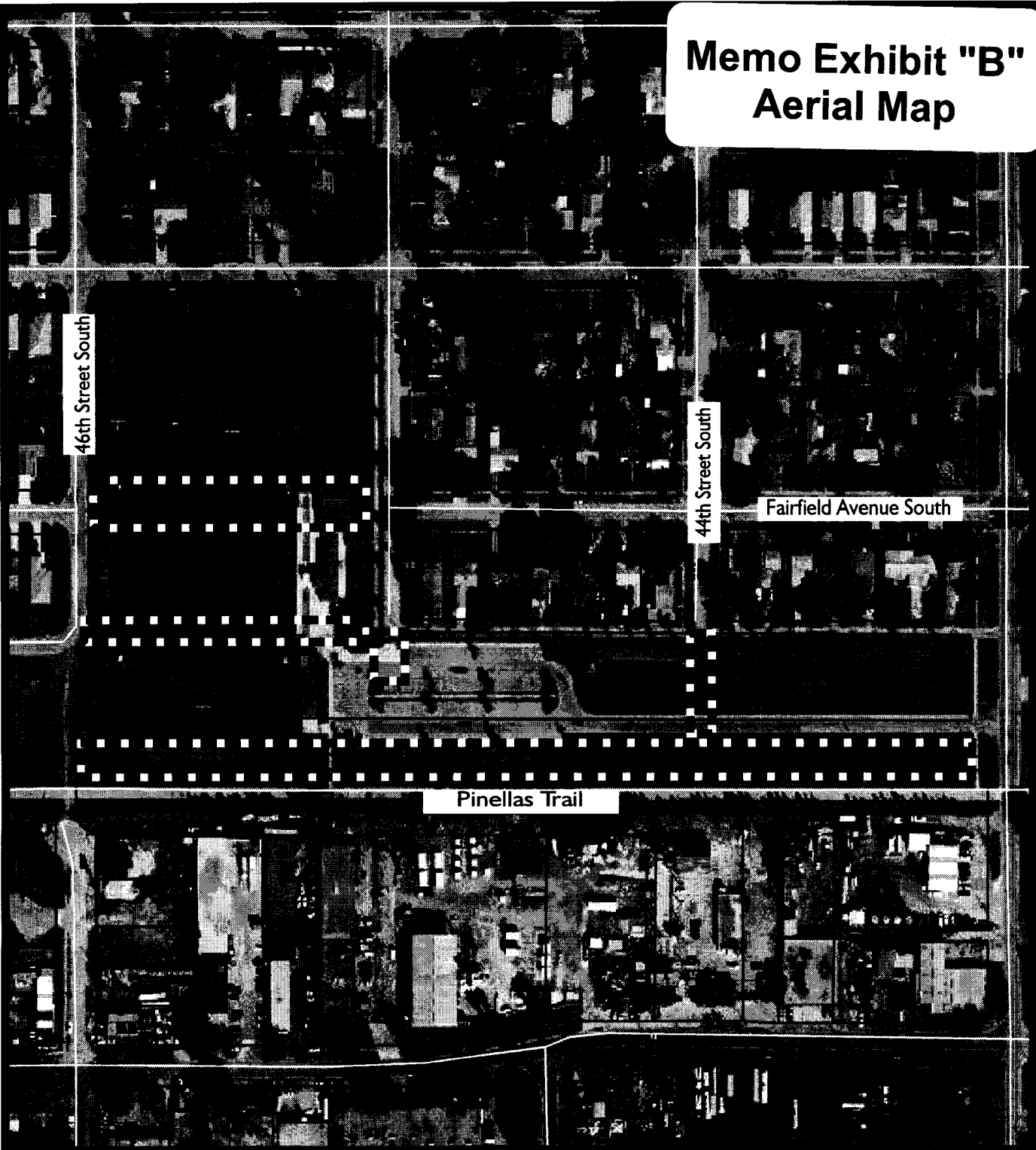
**08-33000004**

SCALE: Not To Scale

AREA TO BE APPROVED  
SHOWN IN 



# Memo Exhibit "B" Aerial Map



46th Street South

44th Street South

Fairfield Avenue South

Pinellas Trail

## SUBJECT AREA FOR CITY FILE

CASE NUMBER:

**08-33000004**

Not to scale

AREA TO BE APPROVED  
SHOWN IN 

