



SAINT PETERSBURG CITY COUNCIL

Meeting of June 4, 2009

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

SUBJECT: Ordinance approving the vacation of the unimproved north-south alley between 3rd and 4th Streets North, south of 110th Avenue North, and to vacate 206 feet of 110th Avenue North, east of 4th Street North. (City File No.: 07-33000030); amending Ordinance 989-V, by which the vacation was approved in 2008, having the effect of amending one of the conditions by which the vacation was approved.

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

The Request:

The request is to amend one of the conditions of approval contained in City Ordinance 989-V, approved by the City Council on April 3, 2008. The proposed new ordinance, if adopted, will amend Ordinance 989-V by amending the condition relating to the width and purpose of an easement.

Discussion:

Ordinance 989-V required among other things that the entire width (60 feet) of 110th Avenue North right-of-way be retained as a public utility and drainage easement. During the process of replatting the property, the applicant requested an amendment of that requirement. Rather than dedicating the entire 60-foot width as an easement, the applicant requests approval to reduce the easement width to 40 feet, for use as a drainage easement. The request is acceptable to the City's Engineering Department. Approval of this request will modify the condition of Ordinance 989-V regarding the width and purpose of the easement to be retained and will allow the applicant to proceed with the replat, which is already in progress and ready for Council's approval.

Agency Review:

The Engineering Department does not object to the requested amendment.

Public Comments / DRC Action:

No public comments were received in advance of the Development Review Commission (DRC) hearing on December 5, 2007. The DRC voted 6-0 to recommend approval of the requested vacation. No additional comments or concerns were expressed during the City Council hearing on April 3, 2008, when the original ordinance was approved.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the proposed ordinance, which amends the second of the following five conditions:

1. Prior to the City recording the right-of-way vacation ordinance, the applicant shall be required to record a replat of the property to include the vacated alley right-of-way and vacated portion of 110th Avenue North.
2. The north 40 feet of the vacated right-of-way of 110th Avenue North shall be retained as a drainage easement.
3. Consistent with the City's subdivision regulations, all lots must have direct access (ingress/egress) to a public right of way.
4. The applicant shall be responsible for all costs associated with relocation of any existing utility infrastructure and extension of utilities to serve proposed development.
5. The final plat and vacation ordinance shall be recorded prior to issuance of any permits for lot clearing, site work or building construction.

Note: Condition 2 is the condition being amended by the proposed new ordinance. All other conditions are carried forward unchanged.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 989-V, WHICH APPROVED THE VACATION OF AN UNIMPROVED NORTH-SOUTH ALLEY BETWEEN 3RD AND 4TH STREETS NORTH, SOUTH OF 110TH AVENUE NORTH, AND THE VACATION OF 206 FEET OF 110TH AVENUE NORTH, LOCATED EAST OF 4TH STREET NORTH, SUBJECT TO CONDITIONS; AMENDING THE CONDITION RELATING TO THE WIDTH AND PURPOSE OF AN EASEMENT TO BE RETAINED; AND PROVIDING FOR AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. Section 3 of Ordinance 989-V, adopted on April 3, 2008, which vacated the following-described right-of-way,

A portion of the 16 foot Alley, Block 2, Bridgeview, according to the plat thereof recorded in Plat Book 7, Page 25, Public Records of Pinellas County, Florida, being that as lying between Lots 1 through 4 and Lots 21 through 24, and

A portion of 110th Avenue North, lying between the easterly right-of-way line of 4th Street North (S.R 687) and that portion of 110th Avenue North previously vacated per Ordinance 876-V, all lying in Section 18, Township 30, Range 17 East, Pinellas County, Florida.

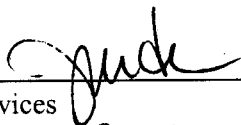
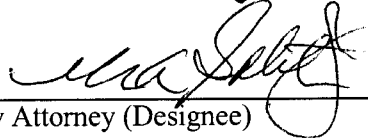
is amended to read as follows:

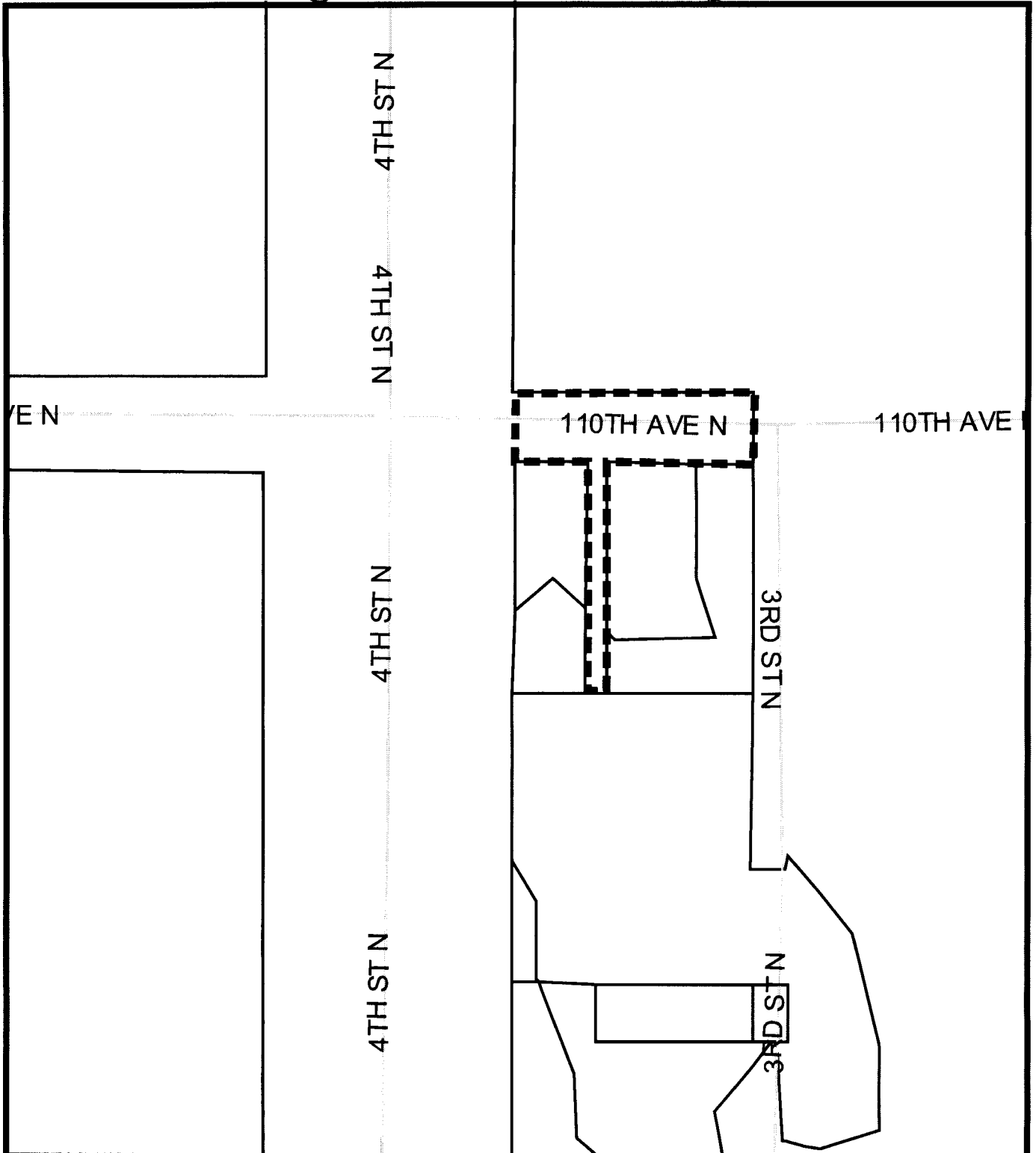
SECTION 3. The vacation is subject to and conditional upon the following:

1. Prior to the City recording the right-of-way vacation ordinance, the applicant shall be required to record a replat of the property to include the vacated alley right-of-way and vacated portion of 110th Avenue North.
2. The north 40 feet of the ~~entire~~ vacated right-of-way of 110th Avenue North shall be retained as a drainage ~~public utility and drainage~~ easement.
3. Consistent with the City's subdivision regulations, all lots must have direct access (ingress/egress) to a public right of way.
4. The applicant shall be responsible for all costs associated with relocation of any existing utility infrastructure and extension of utilities to serve proposed development.
5. The final plat and vacation ordinance shall be recorded prior to issuance of any permits for lot clearing, site work or building construction.

SECTION 2. 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 accordance with the City Charter, in which case it shall become effective immediately upon a successful vote to override the veto.

APPROVED AS TO FORM AND SUBSTANCE:

 Development Services	<u>4/14/09</u> Date
 City Attorney (Designee)	<u>4-8-09</u> Date



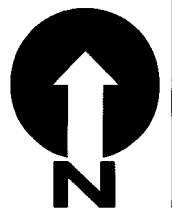
VACATION

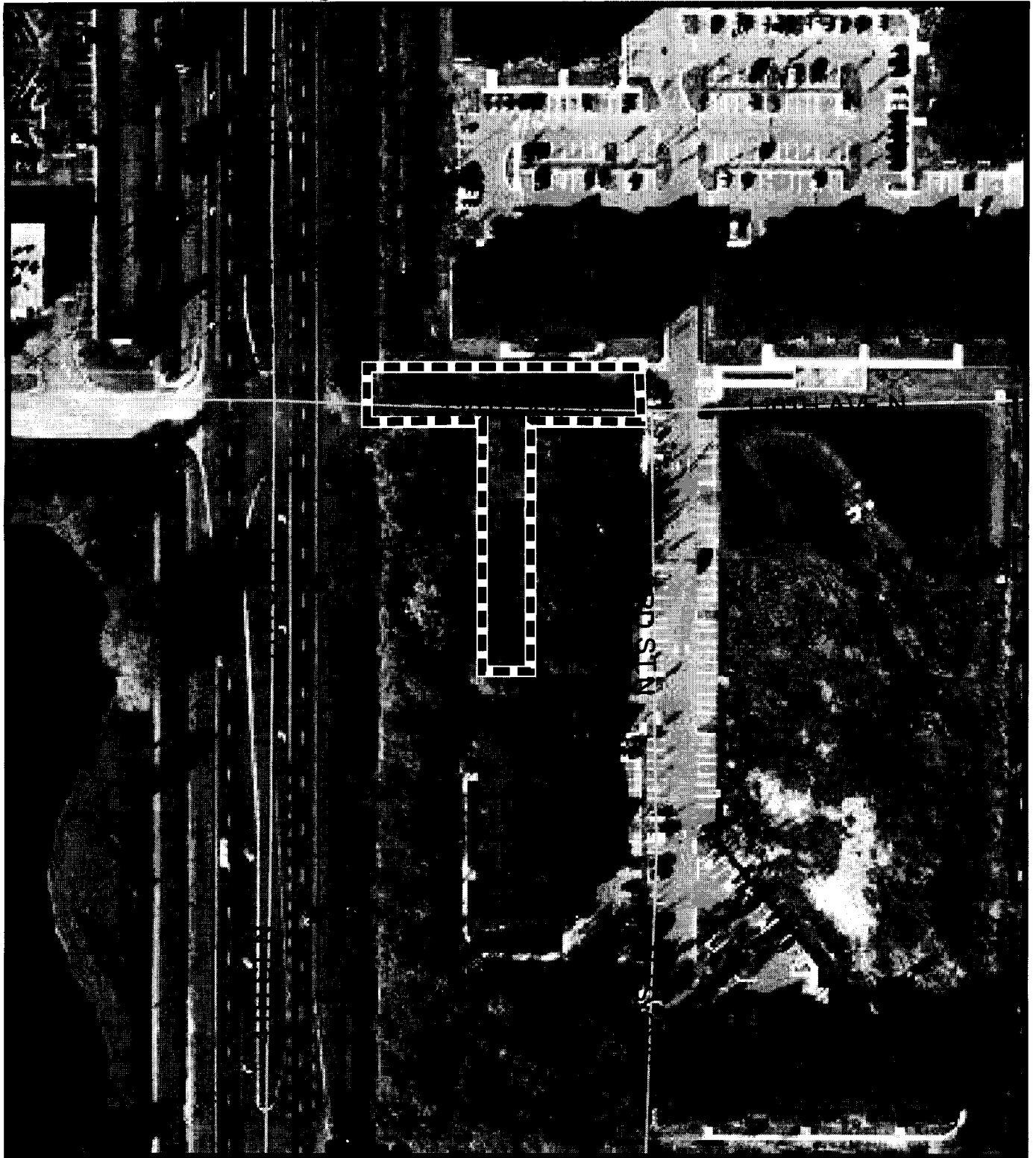
CASE NUMBER:

07-33000030

SCALE: Not to Scale

AREA TO BE APPROVED
SHOWN IN 





VACATION

CASE NUMBER:

07-33000030

SCALE: Not to Scale

AREA TO BE APPROVED
SHOWN IN 



SKETCH-OF-LEGAL

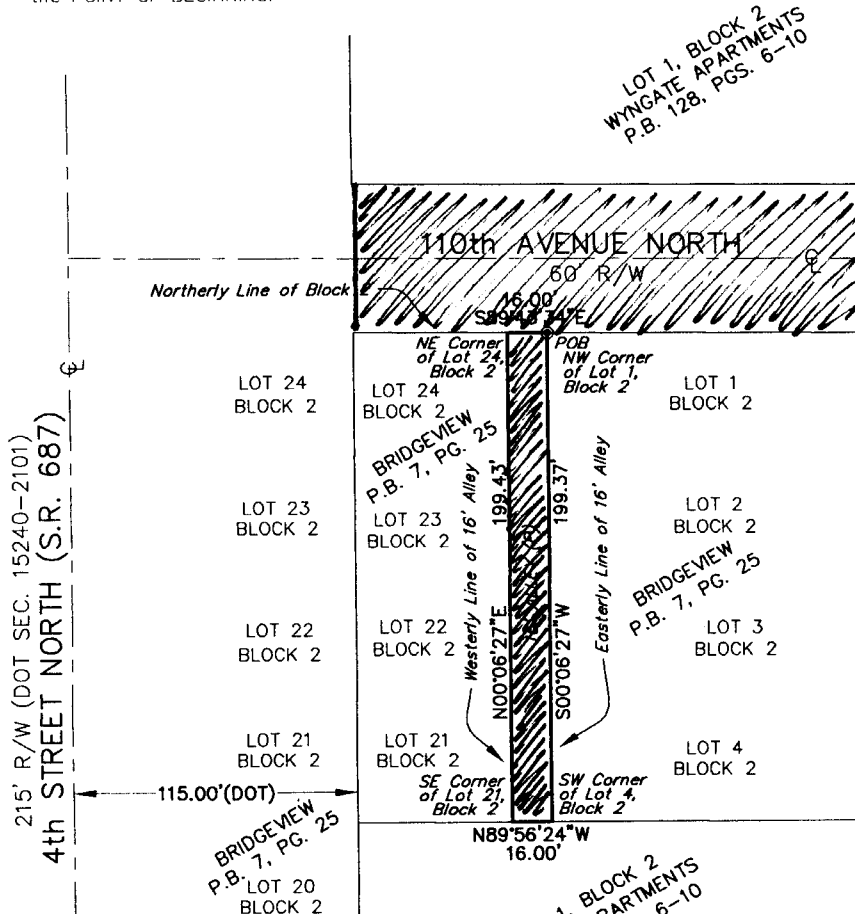
DESCRIPTION:

A portion of the 16 foot Alley, Block 2, BRIDGEVIEW, according to the plat thereof recorded in Plat Book 7, Page 25, Public Records of Pinellas County, Florida, being that as lying between Lots 1 through 4 and Lots 21 through 24, being more particularly described as follows:

Commence at the Northwest corner of Lot 1, Block 2, of said BRIDGEVIEW for a POINT OF BEGINNING; thence S 00°06'27" W, along the easterly line of said 16 foot Alley, a distance of 199.37 feet to the Southwest corner of Lot 4, Block 2 of said BRIDGEVIEW; thence departing said easterly line, N 89°56'24" W, a distance of 16.00 feet to the Southeast corner of Lot 21, Block 2 of said BRIDGEVIEW; thence N 00°06'27" E, along the westerly line of said 16 foot Alley, a distance of 199.43 feet to the Northeast corner of Lot 24, Block 2, of said BRIDGEVIEW; thence departing said westerly line, S 89°43'34" E, along the Northerly line of Block 2 of said BRIDGEVIEW, a distance of 16.00 feet back to the POINT OF BEGINNING.



SCALE: 1" = 50'



60' R/W VACATED
ORDINANCE NO. 876-V

LOT 1, BLOCK 2
WYNGATE APARTMENTS
P.B. 128, PGS. 6-10

30' R/W VACATED
ORDINANCE NO. 890-V
BRIDGEVIEW STREET
30' R/W VACATED
P.B. 107, PG. 75

215' R/W (DOT SEC. 15240-2101)
4th STREET NORTH (S.R. 687)

LEGEND

- | | | |
|-------------------------------|-----------------------------------|--------------------------------------|
| (C) = Calculated Data | DMH = Drainage Manhole | O-W = Overhead Wire |
| (R) = Radial Line | E/P = Edge of Pavement | P B = Plat Book |
| (D) = Data per Description | EL = Elevation | PCP = Permanent Control Point |
| (M) = Measured Data | EOW = Edge of Water | PG(s) = Page(s) |
| (P) = Data per Plat | FCIR = Found Iron Rod & Cap | PLS = Professional Land Surveyor |
| +/- = Plus or Minus | FCM = Found Concrete Monument | POB = Point of Beginning |
| A/C = Air Conditioner | FIR = Found Iron Rod | POC = Point of Commencement |
| BWF = Barbwire Fence | FND N&D = Found Nail & Disc | PRM = Permanent Reference Monument |
| BFE = Base Flood Elevation | FOP = Found Open Pipe | PVC/F = Plastic Fence |
| BFP = Backflow Preventer | FPP = Found Pinched Pipe | R = Radius |
| C/P/B = Condominium Plat Book | C1 = Grate Inlet | RAW = Right-of-way |
| CC = Covered Concrete | GV = Gate Valve | RCR = Reinforced Concrete Pipe |
| C/S = Concrete Slab | HYD = Fire Hydrant | SCM = Set Concrete Monument PLS#2865 |
| C/SW = Concrete Sidewalk | I E = Invert Elevation | SIR = Set Iron Rod & Cap PLS#2865 |
| CL = Centerline | LB = Corporate Certificate Number | S N&D = Set Nail & Disc PLS#2865 |
| CLF = Chainlink Fence | LP = Light Pole | SMH = Sanitary Manhole |
| C/O = Cleanout | LFE = Lowest Floor Elevation | TBM = Temporary Benchmark |
| CLP = Concrete Light Pole | M O L = More or Less | TOB = Top of Bank |
| CMP = Corrugated Metal Pipe | MES = Mitered End Section | TOS = Top of Slope |
| Conc = Concrete | MLP = Metal Light Pole | UP = Utility Pole |
| A = Delta Angle | NFNS = Not Found and Not Set | W/F = Wood Fence |
| D.B = Deed Book | (NR) = Not Radial | WM = Water Meter |
| DW = Driveway | O.R = Official Records Book | WV = Water Valve |

SYMBOL LEGEND

- ⊗ = Water Meter
- ⊕ = Fire Hydrant
- ⊙ = Utility Pole
- ⊚ = Guy Anchor
- ⊛ = Water Valve
- ⊜ = Sign
- ⊝ = Sanitary Manhole
- ⊞ = Drainage Manhole
- ⊟ = Grease Trap
- ⊠ = Spot Elevation
- ⊡ = Lightpole
- ⊢ = Well
- ⊣ = Centerline
- ⊤ = Handicap
- ⊥ = Floodlight
- ⊦ = Cleanout
- ⊧ = Power Box

THIS IS NOT A BOUNDARY SURVEY!

SURVEYOR'S CERTIFICATION:

I, DENNIS J. EYRE, THE SURVEYOR IN RESPONSIBLE CHARGE, HEREBY CERTIFY THAT THE SKETCH REPRESENTED HEREON IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. SURVEY NOT VALID UNLESS SEALED WITH AN EMBOSSED SEAL.

Dennis J. Eyre
DENNIS J. EYRE, P.L.S., P.L.A. REG. No. 2865
DATE: September 18, 2007

DRAWN BY: J.S.B.	
CHECKED BY: <i>J.S.B.</i>	
SHEET 1 of 1	
JOB NO.: 2986	DATE: September 17, 2007

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1822 DREW ST. SUITE 8
CLEARWATER, FL 33765
PHONE: (727) 447-1763

Drawing name: Z:\Job Log 2\2000-3000\2986\2986-091807.dwg Model Sep 18, 2007 9:39am

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