



**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 Turner Street North (also known as 5<sup>th</sup> Street North) between 69<sup>th</sup> Avenue North (also known as Atwood Avenue North) and 70<sup>th</sup> Avenue North. (City File No.: 07-33000024).

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

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**The Request:** The applicant seeks vacation of Turner Street North (also known as 5<sup>th</sup> Street North), 50-foot wide right-of-way, between 69<sup>th</sup> Avenue North (also known as Atwood Avenue North) and 70<sup>th</sup> Avenue North (Attachments "A" and "B" – Parcel and Aerial Maps). The purpose of the vacation is to allow the consolidation of land of an existing nursing home and the provision of additional parking.

**Discussion:** The applicant seeks vacation in order to design a new nursing home building and parking lot without the encumbrance of the existing right-of-way. The applicant owns the land on both sides of the abutting right-of-way to be vacated. The subject right-of-way is not needed to provide access to any existing residential uses and is not part of a continuous road network. This segment of Turner Street North dead-ends into an existing drainage ditch. Even though the Turner Street North right-of-way continues across the 70<sup>th</sup> Avenue North drainage ditch and connects to 71<sup>st</sup> Avenue North, there is no bridge connection that allows for any form of vehicular, bicycle or pedestrian traffic to cross over the ditch. Moreover, there are no plans to create such access in the future.

This section of Turner Street was dedicated to the City by plat in the 1920's. The block was drawn for a total of 11 typical single-family, residential lots. The east-west alley through the center of the block (Attachment "C" - Plat) was vacated by the City Council in 1962 (City File VV-221), provided a utility easement was retained. The utility easement was later approved for vacation by the City Council in 1995 (City File V-95-01). The intent of this segment of Turner Street at the time of the plat was to provide secondary street frontage along the east sides of Lots 6 and 11 in this block. The existing Assisted Living Facility (ALF) use was originally constructed in the 1950's and expanded in the 1980's (City File SE-1131). The primary building

is two-stories tall and runs east-west across Lots 1 through 6. The Development Review Commission approved a site plan in 2007 for expansion of the ALF (City File 07-32000029). That plan contemplates assembly of the land on either side of the Turner Street right-of-way to accommodate the proposed expansion and additional parking.

**Agency Review:**

The request has been reviewed by appropriate City departments and public utility agencies. The City's Engineering Department and Verizon Florida, LLC have noted the existence of infrastructure within the right-of-way to be vacated. The applicant has already coordinated with the Real Estate and Property Management Department to dedicate the necessary utility easements which guarantees future access to infrastructure by the City or utility providers.

**Public Comments:**

No comments or concerns were expressed to the author at the time this report was prepared. The City notified the Fossil Park Neighborhood Association and received no comments. Further, the applicant has spoken with the adjacent neighbors several times. The neighbors support the proposed redevelopment since it will alleviate the on-street parking problem that currently exists in the neighborhood.

**DRC Action/Public Comments:**

On October 3, 2007, the Development Review Commission (DRC) held a public hearing on the subject application. No public inquiries or comments were received in advance of or during the DRC public hearing. The DRC voted 7-0 to recommend approval of the proposed vacation. No inquiries or comments have been received as of the date of this report for the City Council.

**RECOMMENDATION:**

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

1. Prior to recording of the vacation ordinance, a public utility easement shall be dedicated over the right-of-way to be vacated.

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

**AN ORDINANCE APPROVING A VACATION OF TURNER STREET NORTH, ALSO KNOWN AS 5<sup>TH</sup> STREET NORTH, BETWEEN 69<sup>TH</sup> AVENUE NORTH, ALSO KNOWN AS ATWOOD AVENUE NORTH, AND 70<sup>TH</sup> AVENUE NORTH; 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 right-of-way is hereby vacated as recommended by the Administration and the Development Review Commission:

That portion of Turner Street North between Lots 1 through 4, Block 101, PLAN OF NORTH ST. PETERSBURG, according to the Plat thereof, as recorded in Plat Book 4, Page 64 of the Public Records of Pinellas County, Florida and Lots 1 through 11, V.B. JORDAN'S REPLAT OF BLOCK 109, NORTH ST. PETERSBURG, according to the Plat thereof, recorded in Plat Book 15, Page 76, Public Records of Pinellas County, Florida.

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

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


1. Prior to recording of the vacation ordinance, a public utility easement shall be dedicated over the right-of-way to be vacated.

**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 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

5/1/09  
\_\_\_\_\_  
Date

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

5-4-09  
\_\_\_\_\_  
Date

# Attachment "A" Parcel Map

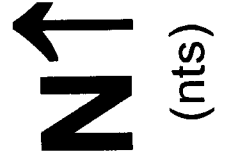
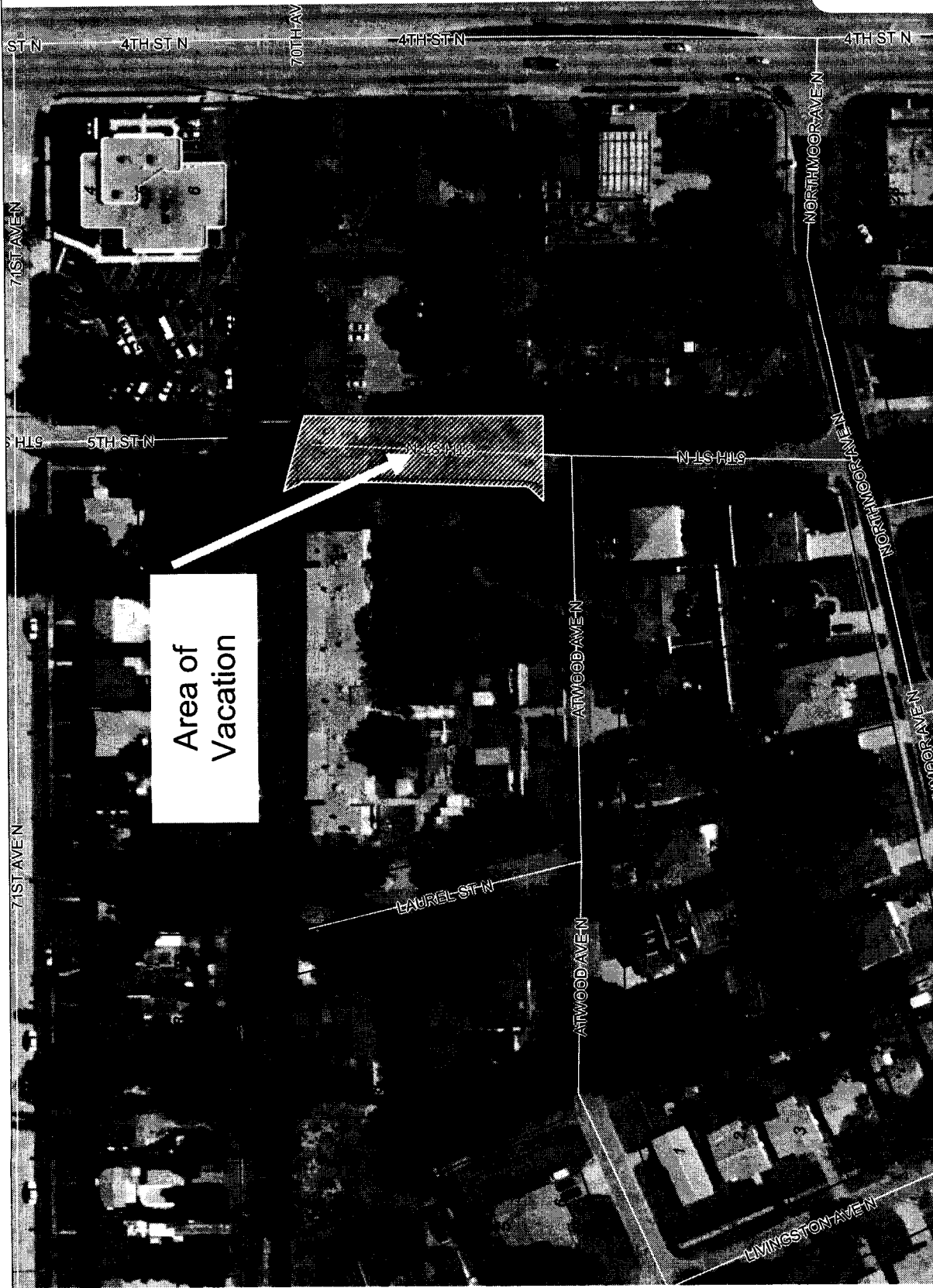


Development Services Department  
 Case No.: 07-3300024  
 Address: 521 – 69<sup>th</sup> Avenue North



**st.petersburg**  
[www.stpete.org](http://www.stpete.org)

# Attachment "B" Aerial Map



Development Services Department  
Case No.: 07-3300024  
Address: 521 – 69<sup>th</sup> Avenue North

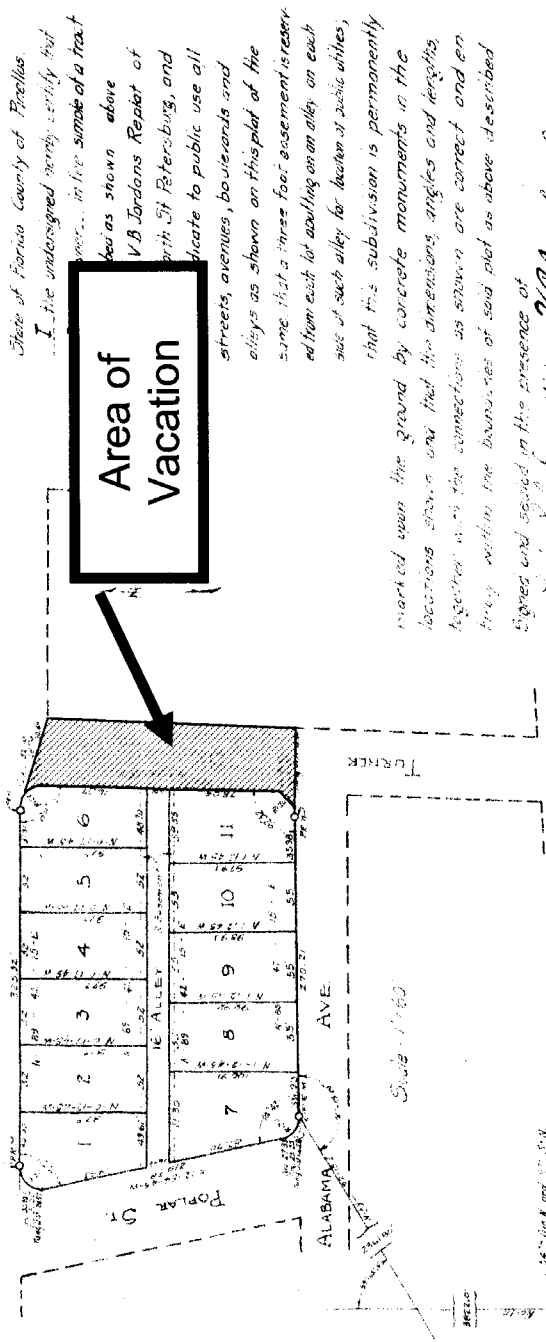


# V.B. JORDAN'S REPLAT OF BLOCK 109

## NORTH ST. PETERSBURG

as recorded in Plat Book No. 4, Page 64, Public Records of Pinellas County Florida and situated in the NW 1/4 of Sec 31, T-30-S, R-17E.

### ST. PETERSBURG - PINELLAS COUNTY - FLORIDA.



State of Florida County of Pinellas  
 I, the undersigned hereby certify that  
 the above shown above  
 V.B. Jordan's Replat of  
 Block 109 North St. Petersburg, and  
 situate in public use all  
 streets, avenues, boulevards and  
 alleys as shown on this plat of the  
 same that a three foot easement neces-  
 sary for such alley for location of public utilities,  
 that this subdivision is permanently  
 marked upon the ground by concrete monuments in the  
 locations shown and that the dimensions, angles and lengths  
 together with the connections as shown are correct and en-  
 tirely within the boundaries of said plat as above described

Witness my hand and official seal this 11th day of March, A.D. 1926.  
 J. B. O'Quinn, Clerk of the Board of Public Works, City of St. Petersburg, Florida.  
 Witness  
 A. S. Day, Jr., Owner  
 \_\_\_\_\_ Owner  
 \_\_\_\_\_ Owner

State of Florida, County of Pinellas  
 I hereby certify that as is by me personally ascertained before an officer duly authorized to administer oaths and take acknowledgements  
 before me that the above described property was voluntarily and lawfully conveyed to the purchaser herein named  
 and that the same was duly recorded in the public records of this county and that the same is now the property of the  
 owner and private owner or heirs and made to and taken respectively and now form  
 made by a party to said instrument for the purpose of relinquishing and conveying all  
 claim, title and interest together with  
 together with all interests, claims, demands, and liabilities in and to the lands described therein and that  
 and voluntarily and without any compulsion, constraint, imposition or fraud of law or fact and husband.  
 Witness my hand and official seal this 11th day of March, A.D. 1926.  
 I hereby certify that the property placed in this plat has been surveyed and shown and monuments set as indicated and not dimensions angles and lengths  
 together with connections of monuments are correct. Date: Jan. 19, 1926.  
 Approved for record this 12th day of March, 1926.  
 J. B. O'Quinn, Clerk of the Board of Public Works, City of St. Petersburg, Florida.  
 Witness  
 \_\_\_\_\_ Owner  
 \_\_\_\_\_ Owner  
 \_\_\_\_\_ Owner

FILED, MAP 1926-100-109  
 AND RECORDED IN THE PUBLIC RECORDS OF  
 PINELLAS COUNTY, FLORIDA, IN BOOK NO. 4,  
 PAGE 64, THIS 19th DAY OF MARCH, 1926.  
 K. B. O'QUINN, CLERK OF THE BOARD OF PUBLIC WORKS