

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of June 4, 2009

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

SUBJECT: Authorizing the Mayor, or his Designee, to execute a ninety-nine (99) year Airspace Agreement with the State of Florida Department of Transportation (FDOT) for the Pinellas Trail 34th Street South Pedestrian Bridge Project No. 06103-912 and an assignment of the Airspace Agreement to Pinellas County; and to execute all documents necessary to effectuate same; and providing an effective date.

EXPLANATION: Real Estate and Property Management received a request from the Engineering Department to initiate an agreement with the State of Florida Department of Transportation ("FDOT") to utilize airspace for the purpose of constructing a pedestrian bridge across U.S. Highway 19, south of 5th Avenue South and north of Gibbs High School, to connect the City's extension of the Pinellas Trail ("Project"). The United States Department of Transportation, Federal Highway Administration requires any use of airspace above, and/or below the highway's established gradeline, lying within the approved right-of-way limits on a Federal Aid System, to be accomplished pursuant to an airspace agreement in accordance with 23 CFR, Part 710.

On February 28, 2008, City Council authorized the Mayor or his designee to enter into an interlocal agreement with Pinellas County to receive funding for the design and construction of the Project up to \$3,500,000. The design and bidding of the project is complete. As part of the Project, the existing pedestrian bridge just south of the Project will be removed. The cost of this removal is included in the \$3,500,000 Project budget.

The proposed Airspace Agreement ("Agreement") with FDOT is for an initial term of ninety-nine (99) years. FDOT has agreed to waive the rent for the term and any renewals thereafter. This Agreement may be renewed for an additional period of ninety-nine (99) years, upon approval by FDOT and the City, unless either party terminates this Agreement without cause by providing the other party 180 days written notice of intent to terminate. The Agreement will be assigned to Pinellas County upon acceptance of the completed pedestrian bridge by Pinellas County. FDOT will be responsible for the costs of removal of the pedestrian bridge if removal is required in the future.

RECOMMENDATION: Administration recommends that City Council authorize the Mayor, or his Designee, to execute a ninety-nine (99) year Airspace Agreement with the State of Florida Department of Transportation (FDOT) for the Pinellas Trail 34th Street South Pedestrian Bridge Project No. 06103-912 and an assignment of the Airspace Agreement to Pinellas County; and to execute all documents necessary to effectuate same.

COST/FUNDING/ASSESSMENT INFORMATION: N/A

ATTACHMENTS: Legal description, Illustration and Resolution

APPROVALS: Administrative: R. Mussett 5-26-09 BF

Budget: N/A

Legal: PSS

(As to consistency w/attached legal documents)

LEGAL DESCRIPTION FOR AN AIRSPACE AGREEMENT

AN EASEMENT 18.84 FEET IN WIDTH OVER AND ACROSS AN EXISTING RIGHT-OF-WAY KNOWN AS 34th STREET SOUTH, ALSO KNOWN AS STATE ROAD 55, ALSO KNOWN AS UNITED STATES HIGHWAY 19, LYING IN THE NORTH ½, NORTHEAST ¼, SECTION 27, TOWNSHIP 31 SOUTH, RANGE 16 EAST, AND THE NORTH ½, NORTHWEST ¼, SECTION 26, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 25A, BLOCK 1, KEW GARDENS, RECORDED IN PLAT BOOK 7, PAGE 5, OF THE OFFICIAL RECORDS OF PINELLAS COUNTY, FLORIDA, ON THE WEST RIGHT-OF-WAY LINE OF SAID 34th STREET SOUTH;

THENCE N 00°26'28" E, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF 34th STREET SOUTH, A DISTANCE OF 13.95 FEET TO THE SOUTHWEST CORNER OF THIS EASEMENT AND THE POINT OF BEGINNING, HAVING A MINIMUM ELEVATION OF 154.84 AND A MAXIMUM ELEVATION OF 175.09;

THENCE N 00°26'28" E, COINCIDENT WITH THE WEST RIGHT-OF-WAY LINE OF 34th STREET SOUTH, A DISTANCE OF 19.00 FEET TO THE NORTHWEST CORNER OF THIS EASEMENT, HAVING A MINIMUM ELEVATION OF 154.86 AND A MAXIMUM ELEVATION OF 175.11 FEET;

THENCE N 83°06'12" E, A DISTANCE OF 100.83 FEET OVER AND ACROSS SAID 34th STREET SOUTH TO THE NORTHEAST CORNER OF THIS EASEMENT ON THE EAST RIGHT-OF-WAY LINE OF 34th STREET SOUTH, HAVING A MINIMUM ELEVATION OF 157.12 FEET AND A MAXIMUM ELEVATION OF 177.37 FEET;

THENCE S 00°26'28" W, COINCIDENT WITH THE EAST RIGHT-OF-WAY LINE OF 34th STREET SOUTH, A DISTANCE OF 19.00 FEET TO THE SOUTHEAST CORNER OF THIS EASEMENT, HAVING A MINIMUM ELEVATION OF 157.10 FEET AND A MAXIMUM ELEVATION OF 177.35 FEET;

THENCE S 83°06'12" W, A DISTANCE OF 100.83 FEET OVER AND ACROSS SAID 34th STREET SOUTH TO THE POINT OF BEGINNING.

CONTAINING 1900 SQUARE FEET AND 38,475 CUBIC FEET , MORE OR LESS.

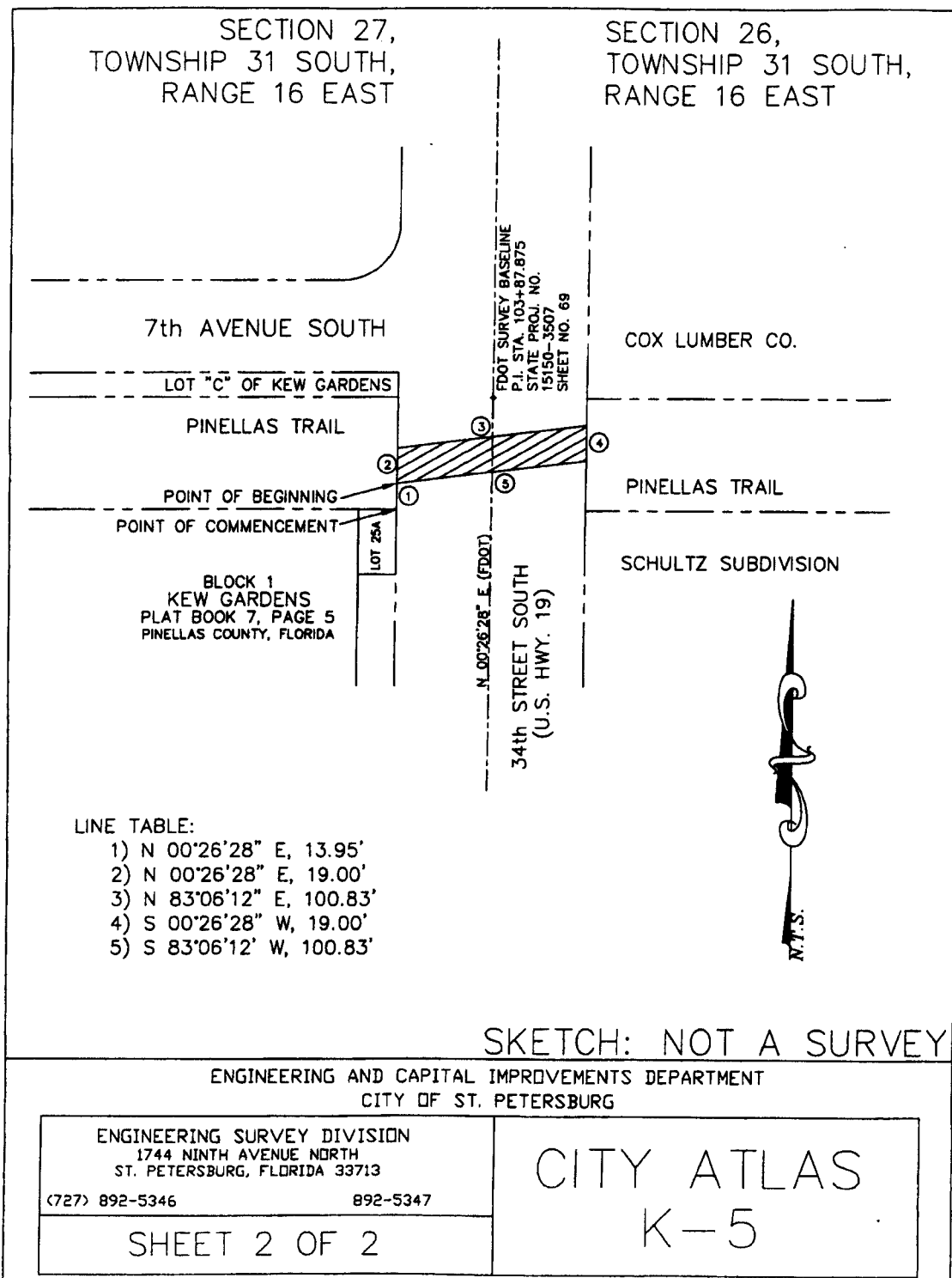
SURVEYOR'S NOTES:

- 1) THE PURPOSE OF THIS AIRSPACE AGREEMENT IS TO CONSTRUCT AN OVERHEAD PEDESTRIAN BRIDGE.
- 2) ELEVATIONS SHOWN HEREON ARE BASED ON CITY OF ST. PETERSBURG DATUM (97.0 CITY DATUM = 0.0 1929 NGVD).
- 3) BEARINGS SHOWN HEREON ARE BASED ON FDOT STATE PROJECT NO. 15150-3507, SHEET 69, FINANCIAL PROJECT ID 257095-1-52-01.

THIS LEGAL DESCRIPTION WAS WRITTEN TO ACCOMPANY THE SKETCH, NEITHER OF WHICH IS FULL AND COMPLETE WITHOUT THE OTHER

SHEET 1 OF 2

ILLUSTRATION



NO. _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE A NINETY-NINE (99) YEAR AIRSPACE AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE PINELLAS TRAIL 34TH STREET SOUTH PEDESTRIAN BRIDGE PROJECT NO. 06103-912 AND AN ASSIGNMENT OF THE AIRSPACE AGREEMENT TO PINELLAS COUNTY; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE SAME; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Real Estate and Property Management received a request from the Engineering Department to initiate an agreement with the State of Florida Department of Transportation ("FDOT") to utilize airspace for the purpose of constructing a pedestrian bridge across U.S. Highway 19, south of 5th Avenue South and north of Gibbs High School, to connect the City's extension of the Pinellas Trail ("Project"); and

WHEREAS, the United States Department of Transportation, Federal Highway Administration requires any use of airspace above, and/or below the highway's established gradeline, lying within the approved right-of-way limits on a Federal Aid System, to be accomplished pursuant to an airspace agreement in accordance with 23 CFR, Part 710; and

WHEREAS, on February 28, 2008, City Council authorized the Mayor or his designee to enter into an interlocal agreement with Pinellas County to receive funding for the design and construction of the Project up to \$3,500,000; and

WHEREAS, as part of the Project, the existing pedestrian bridge just south of the Project will be removed, which costs are included in the \$3,500,000 Project budget; and

WHEREAS, the design and bidding of the project is complete; and

WHEREAS, the Airspace Agreement ("Agreement") with FDOT is for an initial term of ninety-nine (99) years; and

WHEREAS, FDOT has agreed to waive the rent for the term and any renewals thereafter; and

WHEREAS, this Agreement may be renewed for an additional period of ninety-nine (99) years, upon approval by FDOT and the City, unless either party terminates this Agreement without cause by providing the other party 180 days written notice of intent to terminate; and

WHEREAS, upon completion of the pedestrian bridge, it will be transferred to Pinellas County ("County"); and

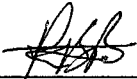
WHEREAS, the City will assign the Airspace Agreement to the County on transfer of the pedestrian bridge to the County; and

WHEREAS, FDOT will be responsible for the costs of removal of the pedestrian bridge if removal is required in the future.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that the Mayor, or his Designee, is authorized to execute a ninety-nine (99) year Airspace Agreement with the State of Florida Department of Transportation (FDOT) for the Pinellas Trail 34th Street South Pedestrian Bridge Project No. 06103-912 and an assignment of the Airspace Agreement to Pinellas County and to execute all documents necessary to effectuate same.

This Resolution shall become effective immediately upon its adoption.

LEGAL:



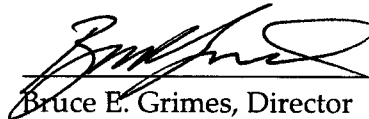
City Attorney (Designee)

APPROVED BY:



Thomas B. Gibson, Director
Engineering Department

APPROVED BY:



Bruce E. Grimes, Director
Real Estate and Property Management