

ST. PETERSBURG CITY COUNCIL

Consent Agenda

Meeting of June 18, 2009

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

SUBJECT: Authorizing the Mayor, or his Designee, to purchase three (3) parcels for the Clam Bayou Expansion Project in the aggregate amount of \$78,600; to pay closing related expenses not to exceed \$500; and to execute all documents necessary to effectuate this transaction; and providing an effective date.

EXPLANATION: Clam Bayou is an estuarine area located in Pinellas County on the southeastern reaches of Boca Ciega Bay. Development activity in Pinellas County has left few areas such as Clam Bayou where measures can still be taken to enhance and protect marine biological resources, improve water quality, and provide educational and passive recreational benefits. With over 10,000 acres of intertidal habitats lost from Tampa Bay due to development, land acquisition and restoration projects in the Clam Bayou area represent an important step toward restoring and protecting the regional ecosystem.

The City entered into an agreement with the Southwest Florida Water Management District ("SWFWMD") for Clam Bayou Habitat Restoration and Stormwater Infrastructure Improvements ("Agreement") on October 1, 2005. The City Council approved the First Amendment to the Agreement on June 15, 2006, which First Amendment provided that SWFWMD would provide reimbursement to the City up to \$700,000 spent for the actual land purchase price of property for the Clam Bayou Expansion Project ("Project"). The First Amendment required the City to provide up to \$60,000 for direct acquisition costs for properties in the Project area ("City Share"). The City Council approved the Second Amendment to the Agreement on October 4, 2007, which added an additional ten (10) lots to the Project that became available due to a fire that destroyed a house on property that the Project had originally been designed around. Under the Second Amendment, SWFWMD agreed to provide additional reimbursement to the City up to \$200,000 for actual land purchases for the Project. The City Council approved a Third Amendment to the Agreement on August 21, 2008. Under the Third Amendment SWFWMD agreed to provide additional reimbursement to the City up to \$200,000 for expenditures related to condemnation proceedings for the acquisition of two parcels needed for the Project.

The owners of the subject parcels contacted the City in December of 2008 after not responding to any of the City's previous correspondence offering to sell their property for the Project. The City informed SWFWMD of the offer and SWFWMD agreed that including the subject parcels in the Project footprint will significantly increase the volume of the proposed stormwater pond. However, no funding was available until the condemnation proceedings were finalized. At that time, it was determined that the costs were less than budgeted. Accordingly, the allocated but unused funds became accessible for any additional parcels that were readily available within the Project area.

SWFWMD has authorized the acquisition of the three (3) additional subject parcels in its March 18, 2009 letter. To-date, the City has spent \$36,246 of the \$60,000 City Share for the appraisals, title insurance commitments and policies, survey updates, environmental assessments, vacation application and closing costs related to the acquisitions. The City will also pay the closing costs, not to exceed \$500, from the City Share for the purchase of the subject parcels.

The subject parcels are within the Project area to the south of Twin Brooks Golf Course and contain a total of 16,050 square feet. The subject parcels are zoned Neighborhood Suburban Single Family 1 (NS-1).

The subject parcels information is as follows:

Parcel No. 8

Owners: Paul Smith & Milton Bickley
Legal Description: Lot 10, Block 5, ROY SCOTTS BAYVIEW TERRACE, according to the plat thereof, recorded in Plat Book 8, Page 11, Public Records of Pinellas County, Florida.
Address: Approx. 3818 Abington Avenue South, St. Petersburg
Tax I.D. No.: 34/31/16/05526/005/0100

Parcel No. 9

Owners: Paul Smith & Milton Bickley
Legal Description: Lot 11, Block 5, ROY SCOTTS BAYVIEW TERRACE, according to the plat thereof, recorded in Plat Book 8, Page 11, Public Records of Pinellas County, Florida.
Address: Approx. 3810 Abington Avenue South, St. Petersburg
Tax I.D. No.: 34/31/16/05526/005/0110

Parcel No. 10

Owners: Paul Smith & Milton Bickley
Legal Description: Lot 12, Block 5, ROY SCOTTS BAYVIEW TERRACE, according to the plat thereof, recorded in Plat Book 8, Page 11, Public Records of Pinellas County, Florida.
Address: Approx. 3800 Abington Avenue South, St. Petersburg
Tax I.D. No.: 34/31/16/05526/005/0120

The subject parcels were appraised by Joseph Ayo, MAI, SRA, Ayo Associates, Inc. who stated that in his opinion the market value of the unencumbered fee simple interest in all three (3) parcels being sold to the City is \$78,600 in the aggregate. The owners have agreed to sell their property to the City for the appraised value of \$78,600, subject to approval by City Council. SWFWMD has approved the \$78,600 price for acquisition of the parcels (see attached letter) and will reimburse the City for the acquisition of the parcels in accordance with the Agreement as amended.


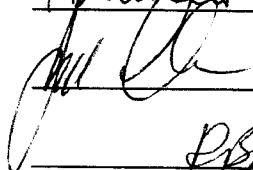
James E. Greenfield, Greenfield Environmental, Inc., conducted a Phase I Site Assessment of the subject parcels and no potential environmental concerns relative to the subject parcels or any adjacent properties were revealed with no further assessment recommended.

RECOMMENDATION: Administration recommends that City Council authorize the Mayor, or his Designee, to purchase three (3) parcels for the Clam Bayou Expansion Project in the aggregate amount of \$78,600; to pay closing related expenses not to exceed \$500; and to execute all documents necessary to effectuate this transaction.

COST/FUNDING/ASSESSMENT INFORMATION: Funds will be available in the Clam Bayou Expansion II Project (11570).

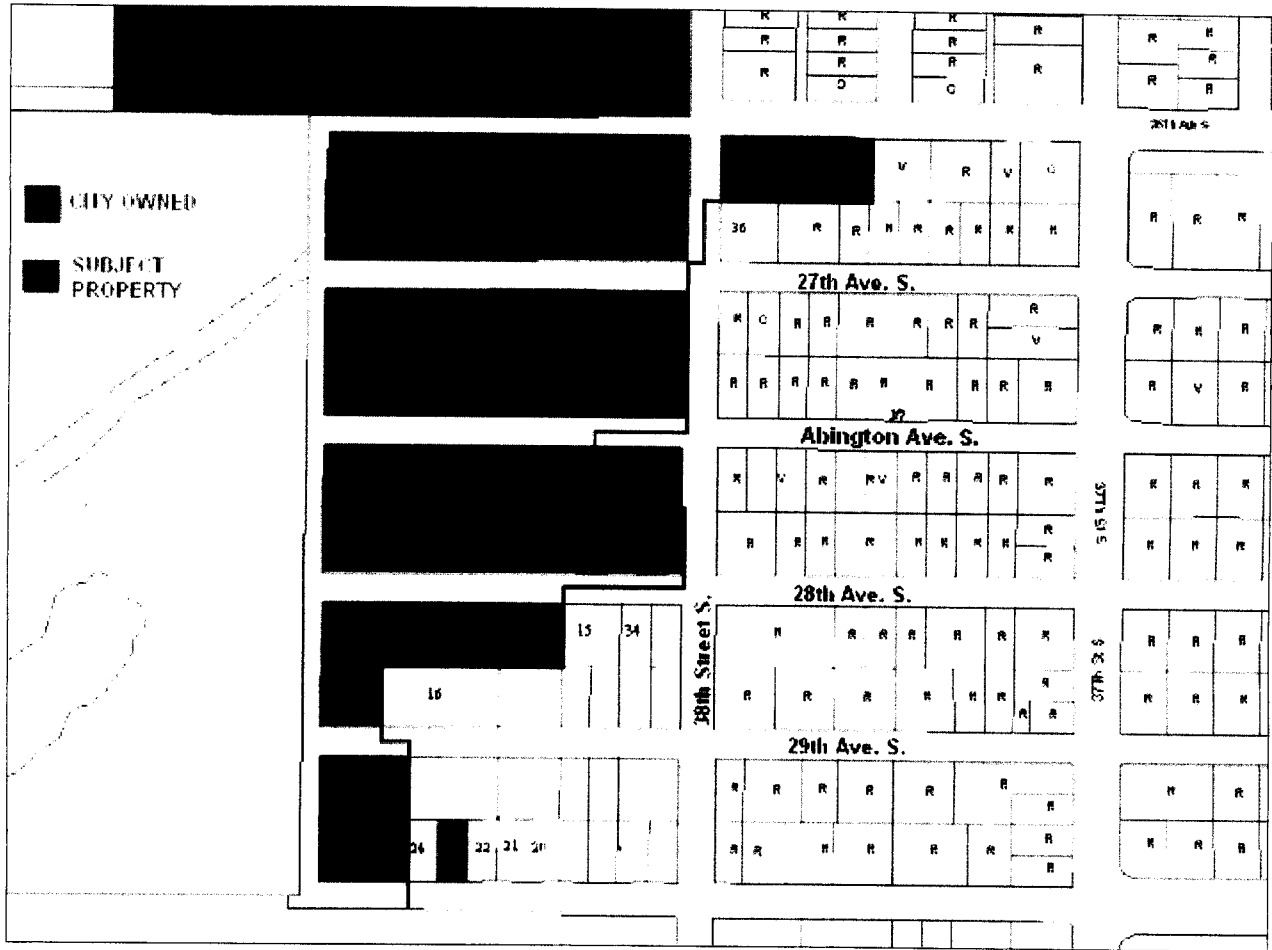
ATTACHMENTS: Illustration, March 18, 2009 SWFWMD letter, and Resolution

APPROVALS:

Administrative:	<u>R. Russell 5-26-09</u> 
Budget:	<u></u>
Legal:	<u>PRB</u>

(As to consistency w/attached legal documents)

ILLUSTRATION
Clam Bayou Expansion Project area



Approx. 3800, 3810 & 3818 Abington Avenue South



An Equal Opportunity Employer

Southwest Florida Water Management District

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Lecanto Service Office
Suite 226
3600 West Sovereign Path
Lecanto, Florida 34461-8070
(352) 527-8131

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

March 18, 2009

Ms. Amy McGarr
Property Management
City of St. Petersburg
P.O. Box 2842
St. Petersburg, FL 33731

MAR 19 2009

Subject: Clam Bayou Land Acquisition, Agreement No. 01CON000191
Authorization to Proceed with Acquisition

Dear Amy,

The agreement referenced above provides District funding for land acquisition for the Clam Bayou Restoration and Stormwater Project and requires District approval of parcels to be acquired by the City of St. Petersburg. We have received and reviewed your attached request dated February 27, 2009 and approve the following parcels for acquisition:

Parcel No.	Block	Lots	Owner	Cost
8, 9 and 10	5 Bayview Terrace	10, 11 and 12	Smith and Bickley	\$78,600
Total				\$78,600

Including these parcels in the project footprint will significantly increase the treatment volume of the proposed stormwater pond.

Sincerely,

Janie L. Hagberg
Janie L. Hagberg, P.E.
Senior Professional Engineer
Surface Water Improvement and Management (SWIM) Section
Resource Management Department

Brandt Henningsen
Brandt Henningsen, Ph.D.
Chief Environmental Scientist
Surface Water Improvement and Management (SWIM) Section
Resource Management Department

cc: Jennette Seachrist, P.E., SWIM Program Manager
Project File W242

- Neil Combee**
Chair, Polk
- Todd Pressman**
Vice Chair, Pinellas
- Jennifer E. Closshey**
Secretary, Hillsborough
- Ronald E. Oakley**
Treasurer, Pasco
- Bryan K. Beswick**
DeSoto
- Patricia M. Glass**
Manatee
- Hugh M. Gramling**
Hillsborough
- Albert G. Joergler**
Sarasota
- Sallie Parks**
Pinellas
- Maritza Rovira-Fornio**
Hillsborough
- H. Paul Senft, Jr.**
Polk
- Douglas B. Sharp**
Sumter
- Judith C. Whitehead**
Hernando

David L. Moore
Executive Director
William S. Blenky
General Counsel



A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO PURCHASE THREE (3) PARCELS FOR THE CLAM BAYOU EXPANSION PROJECT, AS LEGALLY DESCRIBED HEREIN, IN THE AGGREGATE AMOUNT OF \$78,600; TO PAY CLOSING RELATED EXPENSES NOT TO EXCEED \$500; AND TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THIS TRANSACTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City entered into an agreement with the Southwest Florida Water Management District ("SWFWMD") for Clam Bayou Habitat Restoration and Stormwater Infrastructure Improvements ("Agreement") on October 1, 2005; and

WHEREAS, the City Council approved the First Amendment to the Agreement on June 15, 2006, which First Amendment provided that SWFWMD would provide reimbursement to the City up to \$700,000 spent for the actual land purchase price of property for the Clam Bayou Expansion Project ("Project"); and

WHEREAS, the First Amendment required the City to provide up to \$60,000 for direct acquisition costs for properties in the Project area ("City Share"); and

WHEREAS, the City Council approved the Second Amendment to the Agreement on October 4, 2007, which added an additional ten (10) lots to the Project that became available due to a fire that destroyed a house on property that the Project had originally been designed around; and

WHEREAS, under the Second Amendment, SWFWMD agreed to provide additional reimbursement to the City up to \$200,000 for actual land purchases for the Project; and

WHEREAS, the City Council approved a Third Amendment to the Agreement on August 21, 2008; and

WHEREAS, under the Third Amendment SWFWMD agreed to provide additional reimbursement to the City up to \$200,000 for expenditures related to condemnation proceedings for the acquisition of two parcels needed for the Project; and

WHEREAS, the owners of the subject parcels contacted the City in December of 2008 after not responding to any of the City's previous correspondence offering to sell their property for the Project; and

WHEREAS, the City informed SWFWMD of the offer and SWFWMD agreed that including the subject parcels in the Project footprint will significantly increase the volume of the proposed stormwater pond; and

WHEREAS, no funding was available until the condemnation proceedings were finalized at which time SWFWMD determined that the costs were less than budgeted thereby making the allocated but unused funds accessible for any additional parcels that were readily available within the Project area; and

WHEREAS, SWFWMD has authorized the acquisition of the three (3) additional subject parcels in its March 18, 2009 letter; and

WHEREAS, to-date, the City has spent, \$36,246 of the \$60,000 City Share for the appraisals, title insurance commitments and policies, survey updates, environmental assessments, vacation application and closing costs related to the acquisitions; and

WHEREAS, the City will also pay the closing costs not to exceed \$500 from the City Share for the purchase of the subject parcels; and

WHEREAS, the subject parcels are within the Project area to the south of Twin Brooks Golf Course and contain a total of 16,050 square feet; and

WHEREAS, the subject parcels are zoned Neighborhood Suburban Single Family 1 (NS-1); and

WHEREAS, the subject parcels information is as follows:

Parcel No. 8

Owners: Paul Smith & Milton Bickley
Legal Description: Lot 10, Block 5, ROY SCOTTS BAYVIEW TERRACE, according to the plat thereof, recorded in Plat Book 8, Page 11, Public Records of Pinellas County, Florida.
Address: Approx. 3818 Abington Avenue South, St. Petersburg
Tax I.D. No.: 34/31/16/05526/005/0100

Parcel No. 9

Owners: Paul Smith & Milton Bickley
Legal Description: Lot 11, Block 5, ROY SCOTTS BAYVIEW TERRACE, according to the plat thereof, recorded in Plat Book 8, Page 11, Public Records of Pinellas County, Florida.
Address: Approx. 3810 Abington Avenue South, St. Petersburg
Tax I.D. No.: 34/31/16/05526/005/0110

Parcel No. 10

Owners: Paul Smith & Milton Bickley
Legal Description: Lot 12, Block 5, ROY SCOTTS BAYVIEW TERRACE, according to the plat thereof, recorded in Plat Book 8, Page 11, Public Records of Pinellas County, Florida.
Address: Approx. 3800 Abington Avenue South, St. Petersburg
Tax I.D. No.: 34/31/16/05526/005/0120; and

WHEREAS, the subject parcels were appraised by Joseph Ayo, MAI, SRA, Ayo Associates, Inc. who stated that in his opinion the market value of the unencumbered fee simple interest in all three (3) parcels being sold to the City is \$78,600 in the aggregate; and

WHEREAS the owners have agreed to sell their property to the City for \$78,600, subject to approval by City Council; and

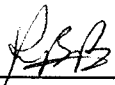
WHEREAS, SWFWMD has approved the \$78,600 price for acquisition of the parcels and will reimburse the City for the acquisition of the parcels in accordance with the Agreement as amended; and

WHEREAS, James E. Greenfield, Greenfield Environmental, Inc., conducted a Phase I Site Assessment of the subject parcels and no potential environmental concerns relative to the subject parcels or any adjacent properties were revealed with no further assessment recommended.

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 purchase three (3) parcels for the Clam Bayou Expansion Project, as legally described above, in the aggregate amount of \$78,600; to pay closing related expenses not to exceed \$500; and to execute all documents necessary to effectuate same.


This Resolution shall become effective immediately upon its adoption.

LEGAL:




City Attorney (Designee)

APPROVED BY:



Julie Weston, Director
Development Services

APPROVED BY:



Bruce Grimes, Director
Real Estate & Property Management