

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 one (1) parcel for the Clam Bayou Expansion Project in the amount of \$38,000; 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.

As SWFWMD was developing its construction plans for the Project it was determined that there was one additional parcel that, if acquired, would provide a better configuration for the maintenance berm and the stormwater pond. Accordingly, SWFWMD requested the City to re-contact the owner although the owner of the subject parcel previously declined a City offer to purchase its four (4) lots because it wanted to retain the site for future building. The owner had earlier sold two other properties within the Project area to the City and, after discussion, agreed to reconsider selling the single parcel for inclusion in the Project. SWFWMD subsequently authorized

the acquisition of the subject parcel in its May 19, 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 parcel.

The subject parcel is within the Project area to the south of Twin Brooks Golf Course and contains ±5,300 square feet. The subject parcel is zoned Neighborhood Suburban Single Family 1 (NS-1).

The subject parcel information is as follows:

A Portion of Parcel No. 16

Owners: Jansen Lawn and Landscape, Inc.
Legal Description: Lot 22, Block 7, ROY SCOTTS BAYVIEW TERRACE, according to the plat thereof, recorded in Plat Book 8, Page 11, Public Records of Pinellas County, Florida.
Address: Approx. 3927 – 29th Avenue South, St. Petersburg
Tax I.D. No.: 34/31/16/05526/007/0190

The subject parcel was appraised by Robert Henderson, SRA, Henderson Appraisal Company, Inc., who stated that in his opinion the market value of the unencumbered fee simple interest in the parcel being sold to the City is \$38,000. The owner has agreed to sell the property to the City for the appraised value of \$38,000, subject to approval by City Council. SWFWMD has approved the \$38,000 price for acquisition of the parcel (see attached letter) and will reimburse the City for the acquisition of the parcel in accordance with the Agreement as amended.

James E. Greenfield, Greenfield Environmental, Inc., conducted a Phase I Site Assessment of the subject parcel and no potential environmental concerns relative to the subject parcel 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 one (1) parcel for the Clam Bayou Expansion Project in the amount of \$38,000; 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, May 19, 2009 SWFWMD letter, and Resolution

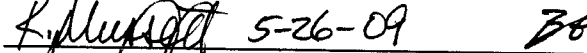

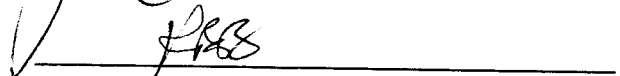
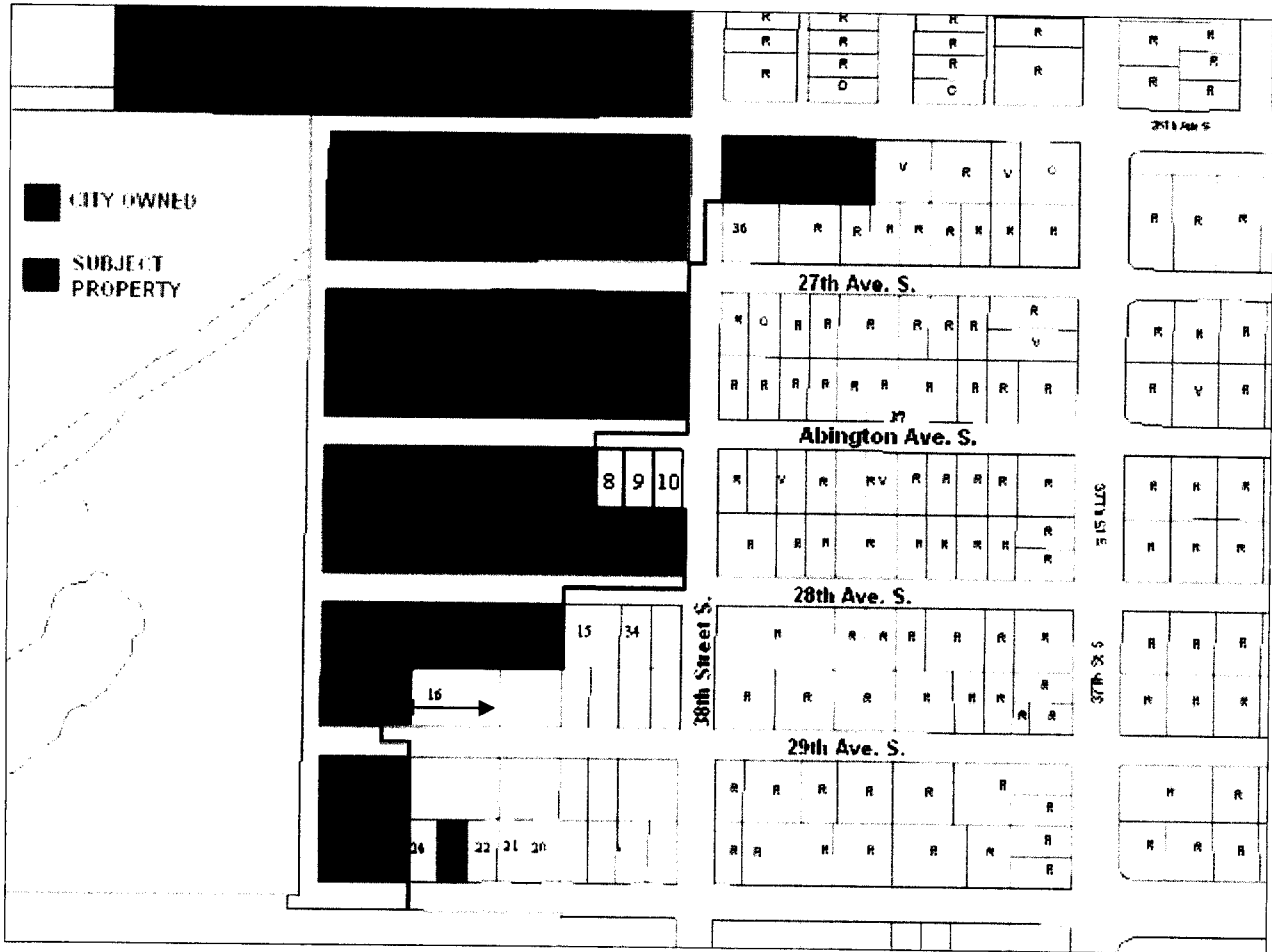
APPROVALS: Administrative: 
Budget: 
Legal: 
(As to consistency w/attached legal documents)

ILLUSTRATION
Clam Bayou Expansion Project area



Approx. 3927 – 29th Avenue South



1000
1000
1000

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

Dartow Service Office
170 Century Boulevard
Barlow, Florida 33830 7700
(863) 534 1448 or
1 800-492-7802 (FL only)

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

Sarasota Service Office
8750 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 5758
(813) 988 7461 or
1 800 834-0700 (FL only)

May 19, 2009

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

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 May 19, 2009 and approve the following parcel for acquisition:

Block	Lot	Owner	Cost
7 Bayview Terrace	22	Jansen Lawn and Landscape, Inc.	\$38,000
Total			\$38,000

This lot provides additional area to widen the southern reach of the proposed stormwater pond.

Sincerely,

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

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. Crosshey
Secretary, Hillsborough
Ronald E. Oakley
Treasurer, Pasco
Bryan K. Beawick
DeSoto
Patricia M. Glass
Manatee
Hugh M. Gramling
Hillsborough
Albert G. Joergler
Sarasota
Saillie Parks
Pinellas
Maritza Rovira-Portno
Hillsborough
H. Paul Senft, Jr.
Polk
Douglas B. Sharp
Sumter
Judith C. Whitehead
Hernando

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

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO PURCHASE ONE (1) PARCEL FOR THE CLAM BAYOU EXPANSION PROJECT, AS LEGALLY DESCRIBED HEREIN, IN THE AMOUNT OF \$38,000; 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, during the development of construction plans for the Project, SWFWMD determined that there was one additional parcel that, if acquired, would provide a better configuration for the maintenance berm and the stormwater pond; and

WHEREAS, SWFWMD requested the City to re-contact the owner although the owner of the subject parcel previously declined a City offer to purchase its four (4) lots because it wanted to retain the site for future building; and

WHEREAS, the owner agreed to reconsider selling the single parcel to the City for inclusion in the Project and SWFWMD subsequently authorized the acquisition of the subject parcel in its May 19, 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 parcel; and

WHEREAS, the subject parcel is within the Project area to the south of Twin Brooks Golf Course and contains 5,300 square feet; and

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

WHEREAS, the subject parcel information is as follows:

A Portion of Parcel No. 16

Owners:	Jansen Lawn and Landscape, Inc.
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WHEREAS, the subject parcel was appraised by Robert Henderson, SRA, Henderson Appraisal Company, Inc., who stated that in his opinion the market value of the unencumbered fee simple interest in the parcel being sold to the City is \$38,000; and

WHEREAS the owners have agreed to sell the property to the City for \$38,000, subject to approval by City Council; and


WHEREAS, SWFWMD has approved the \$38,000 price for acquisition of the parcel and will reimburse the City for the acquisition of the parcel in accordance with the Agreement as amended; and

WHEREAS, James E. Greenfield, Greenfield Environmental, Inc., conducted a Phase I Site Assessment of the subject parcel and no potential environmental concerns relative to the subject parcel 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 one (1) parcel for the Clam Bayou Expansion Project, as legally described above, in the amount of \$38,000; to pay closing related expenses not to exceed \$500; and to execute all documents necessary to effectuate same.

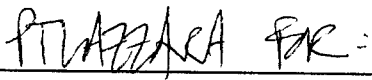
This Resolution shall become effective immediately upon its adoption.

LEGAL:



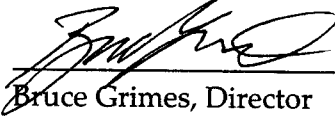
City Attorney (Designee)

APPROVED BY:



Julie Weston, Director
Development Services

APPROVED BY:



Bruce Grimes, Director
Real Estate & Property Management