



SAINT PETERSBURG CITY COUNCIL

Meeting of July 9, 2009

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

SUBJECT: Ordinance approving a vacation of an existing alley and utility easement in the block located at the southwest corner of 4th Street North and 30th Avenue North (City File: 09-33000007).

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

The Request: The request is to vacate and relocate the existing T-shaped alley and utility easement at the east end of the block at the southwest corner of 30th Avenue North and 4th Street North. The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and preliminary replat (Attachment "C"). The applicant's goal is to relocate the existing T-shaped easement further to the west to allow for redevelopment of the site.

Background: The original T-shaped alley was 16-feet in width and was created in 1924 by the original developer who subdivided an undeveloped 4-acre (mol) parcel of land into the Gilmore Heights Subdivision, a block consisting of 20 residential lots facing 29th and 30th Aves N, as well as six (6) commercial lots facing 4th Street North (Attachment "D"). At the time of the original plat, 30th Avenue North was the City Limit. In 1986, the City approved an application V-159 (Ordinance 533-V) to vacate the 16-foot wide east-west and north-south alleys within the eastern 258 feet of Gilmore Heights Subdivision. As a condition of approval for the alley vacation, the applicant replatted the vacated alleys together with the abutting private property in 1987, known as Coconut Grove Replat. The replat dedicated a 22-foot wide alley and utility easement over the original 16-foot wide alley right-of-way (Attachment "E").

Discussion: Staff is recommending approval, as the request is consistent with the criteria in the City Code, the Comprehensive Plan, and the Crescent Heights Neighborhood Plan. The proposed vacation and relocation will not impair or deny access to any other lot and will enhance the road network by providing a slightly wider easement and moving the points of access to 29th and 30th Avenues further west and away from the 4th Street North arterial. Better separation between access connections to streets adjacent to intersections with arterial roadways and minimize the potential for turn movement conflicts. For these reasons, relocation of the existing easement to the new location is supported by both the Engineering and Transportation Planning Departments. The applicant will be responsible for all permits, work, inspections and costs associated with any necessary relocation and/or abandonment of the existing infrastructure and utilities.

Moving the T-shaped alley easement further west will allow for redevelopment of the site in a manner that is consistent with the direction provided by the Crescent Heights Neighborhood Plan. Specifically, buildings are encouraged to be located close to the street with parking to the rear accessed via the alley. The proposed vacation and relocation of the existing easement further to the west will allow for the new building(s) to be constructed closer to 4th Street as encouraged by the Neighborhood Plan.

Agency Review: The Transportation Planning Department supports the relocation of the existing alley easement and relocation of vehicular access to 29th and 30th Avenues North further to the west. The Engineering Department has confirmed the existence of a sanitary sewer line and TECO Peoples Gas and Verizon have indicated utilities exist within the subject alley easement and that the applicant should be required to dedicate replacement easements and/or right-of-way, as needed, or pay for all costs associated with any necessary abandonment or relocation.

Public Comments: No public inquiries or comments have been received as of the date of this report.

DRC Action/Public Comments: On June 3, 2009, the Development Review Commission (DRC) held a public hearing on the subject application. No person spoke in opposition. After the public hearing, the DRC voted 5-0 to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to the author.

RECOMMENDATION:

Staff recommends **APPROVAL** of the proposed alley and utility easement vacation. If the DRC is inclined to support the vacation, Staff recommends the following special conditions of approval:

1. Prior to recording the vacation ordinance, the applicant shall replat the vacated alley and utility easement, together with the abutting private property.
2. The applicant shall be responsible for all permits, work, inspections and costs associated with any necessary relocation or abandonment of existing infrastructure and utilities.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A VACATION OF AN EXISTING ALLEY AND UTILITY EASEMENT IN THE BLOCK LOCATED AT THE SOUTHWEST CORNER OF 4TH STREET NORTH AND 30TH 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:

The entire alley and utility easement through Lot 1, Block 1, Coconut Grove Replat, as recorded in Plat Book 95, Page 100 of the Official 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 the vacation ordinance, the applicant shall replat the vacated alley and utility easement, together with the abutting private property.
2. The applicant shall be responsible for all permits, work, inspections and costs associated with any necessary relocation or abandonment of existing infrastructure and utilities.

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.

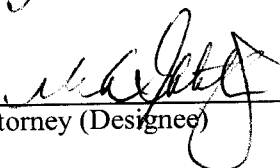
APPROVED AS TO FORM AND SUBSTANCE:



Development Services

6/3/09

Date



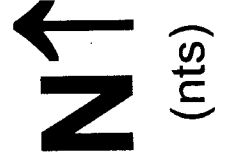
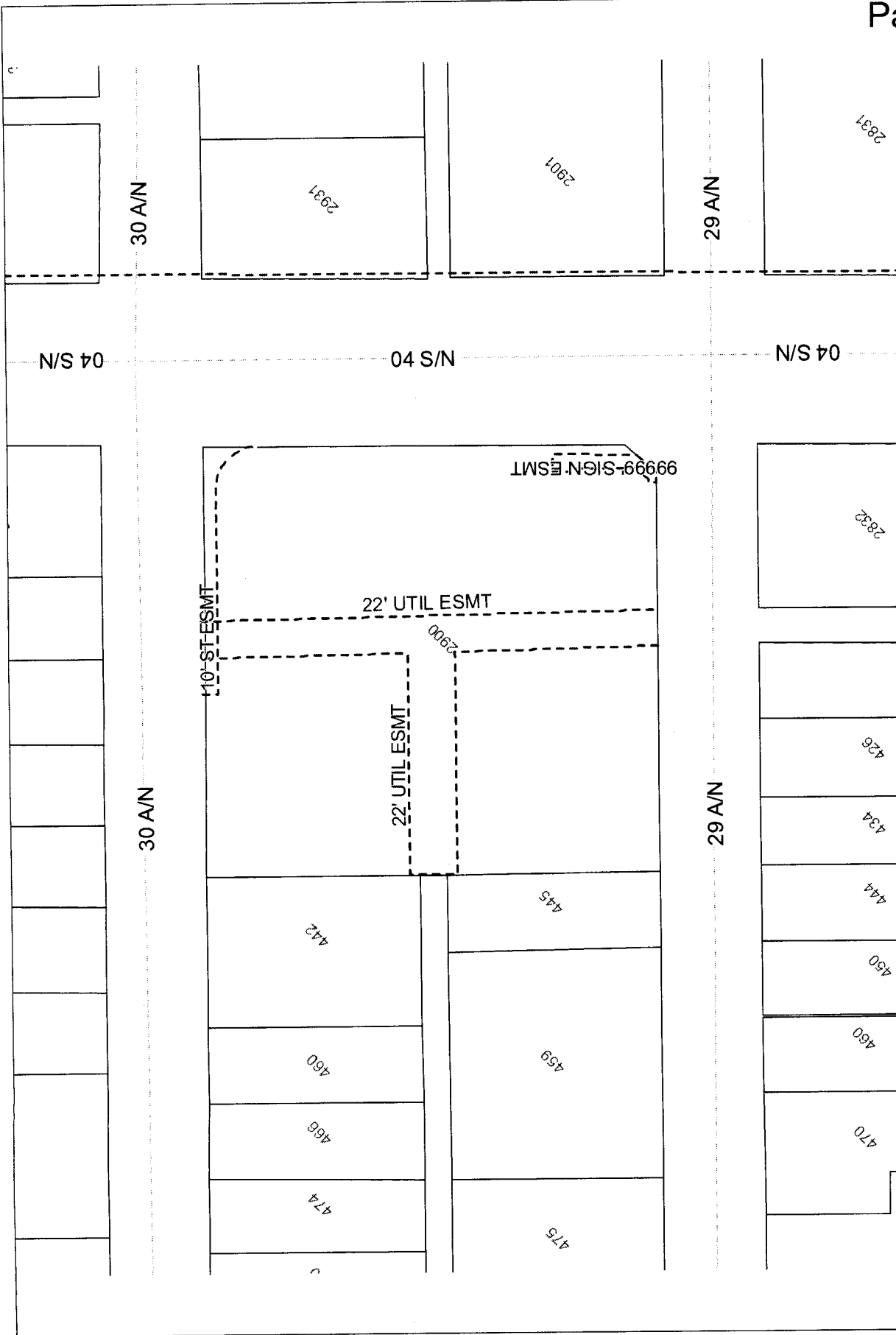
City Attorney (Designee)

6-4-09

Date

Attachment "A"

Parcel Map

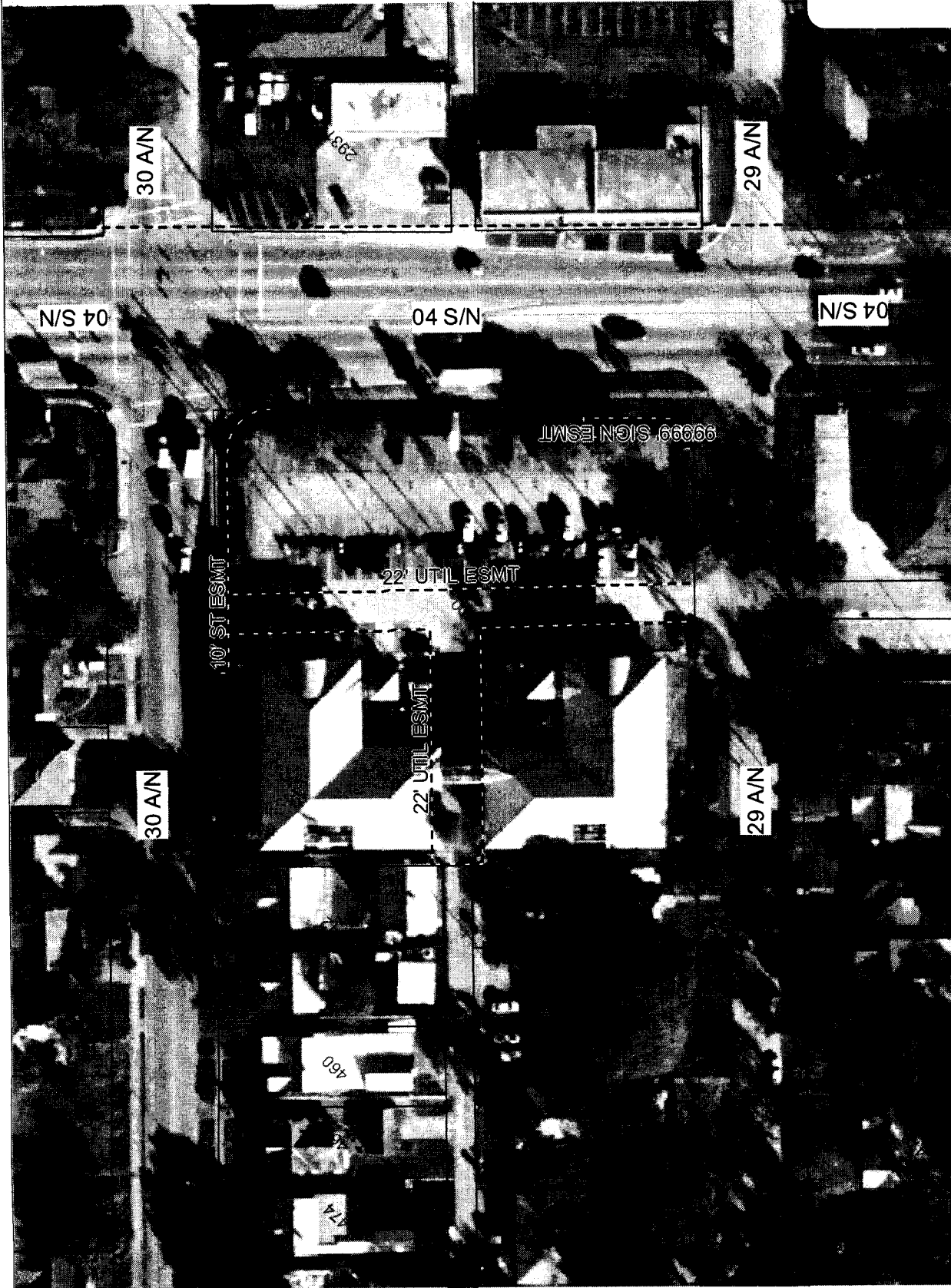


Development Services Department
Case No.: 09-3300007
Address: 2900 – 4th Street North



Attachment "B"

Aerial Map



Development Services Department

Case No.: 09-3300007

Address: 2900 - 4th Street North

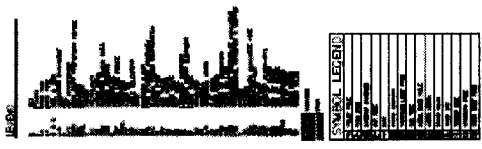
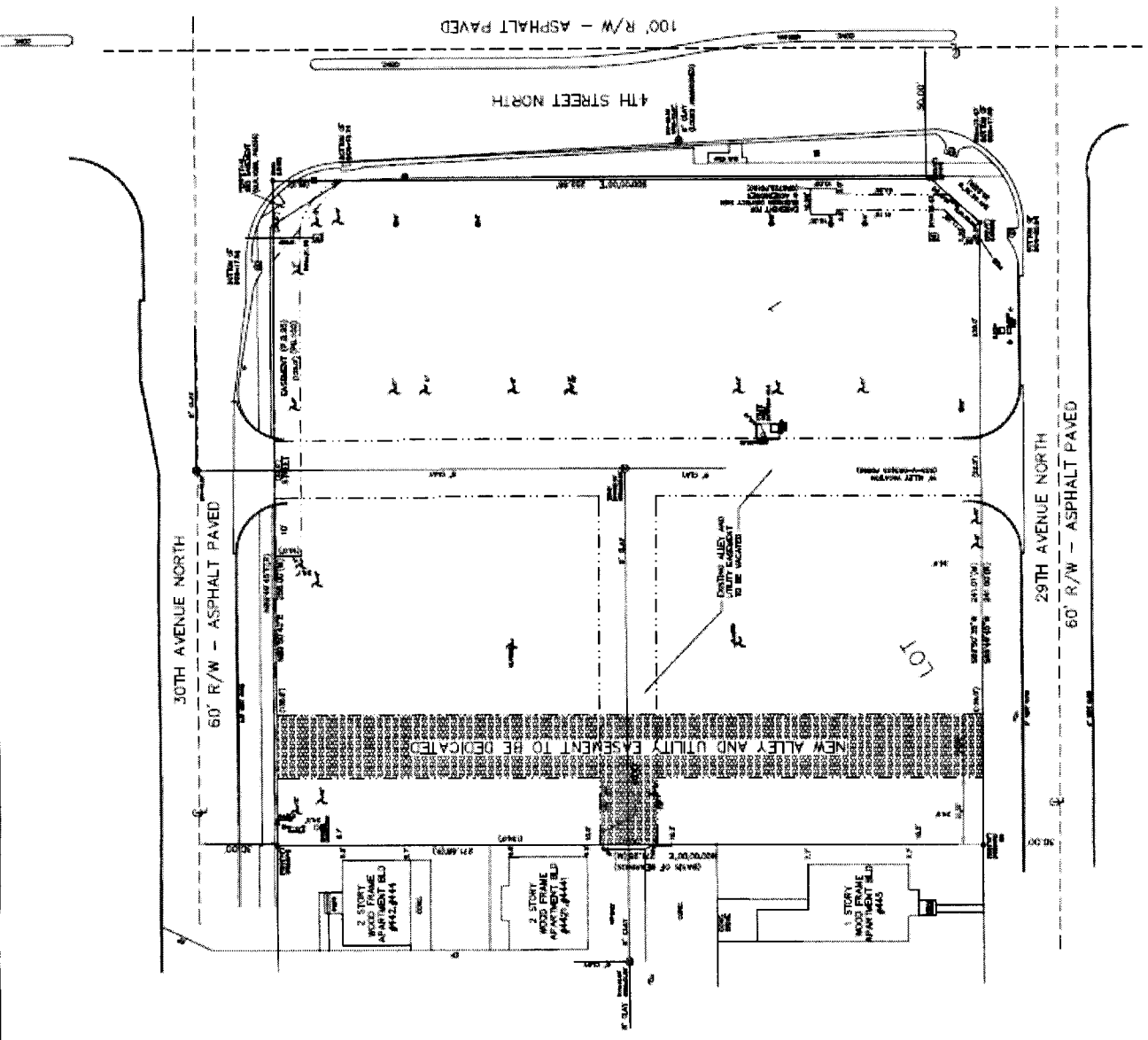


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www.stpete.org

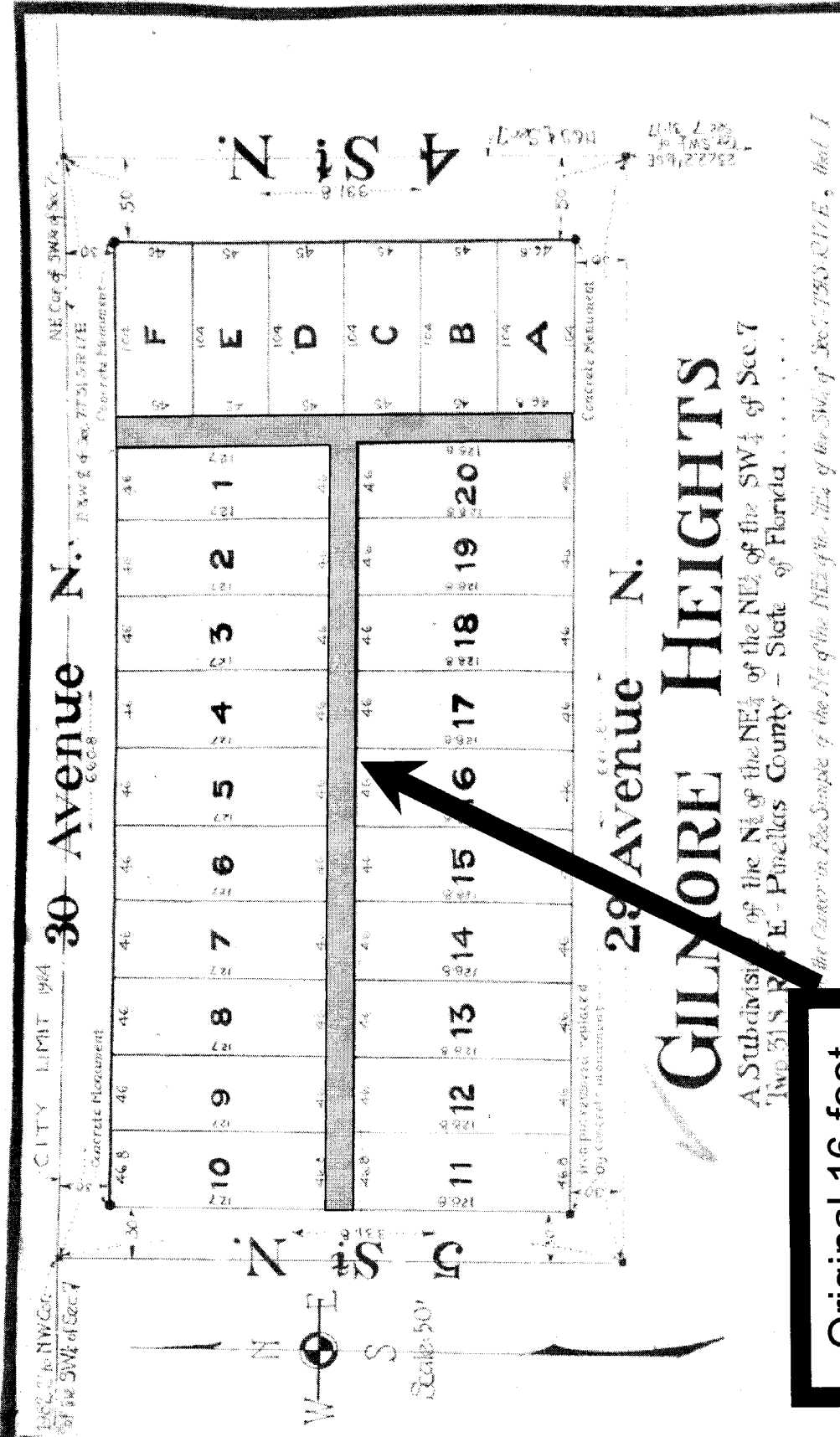
Attachment "C"

Preliminary Replat

SEC. , TWP. S. , RING. E.



ALL DIMENSIONS AND DISTANCES SHOWN ON THIS REPLAT ARE BASED ON THE SURVEY OF THE PROPERTY BY THE SURVEYOR, AND THE REPLAT IS SUBJECT TO THE REVISIONS AND CORRECTIONS AS MAY BE REQUIRED BY THE SURVEYOR. THE SURVEYOR'S OFFICE IS LOCATED AT 1000 1ST AVENUE NORTH, ST. PETERSBURG, FLORIDA 33702.



**Original 16-foot
T-shaped Alley**

A Subdivision of the NE 1/4 of the NE 1/4 of the SW 1/4 of Sec 7
TWO 31 S R 11 E - Pinellas County - State of Florida

The Center in the Strip of the NE 1/4 of the NE 1/4 of the SW 1/4 of Sec 7, T31S R11E, that 1
streets and alleys shown on this plat of Gilmore Heights lying within the boundaries of the
this are correct and are within the said boundaries; but this subdivision is permanent and
it is not to be further stipulated that a right of way three feet wide is being reserved from each lot

City of St. Petersburg
I hereby certify that the plat of the subdivision of the NE 1/4 of the NE 1/4 of the SW 1/4 of Sec 7, T31S R11E, Pinellas County, Florida, is correct and true and that the same is in accordance with the laws of the State of Florida and the laws of the City of St. Petersburg, Florida, and that the same is in accordance with the laws of the State of Florida and the laws of the City of St. Petersburg, Florida, and that the same is in accordance with the laws of the State of Florida and the laws of the City of St. Petersburg, Florida.

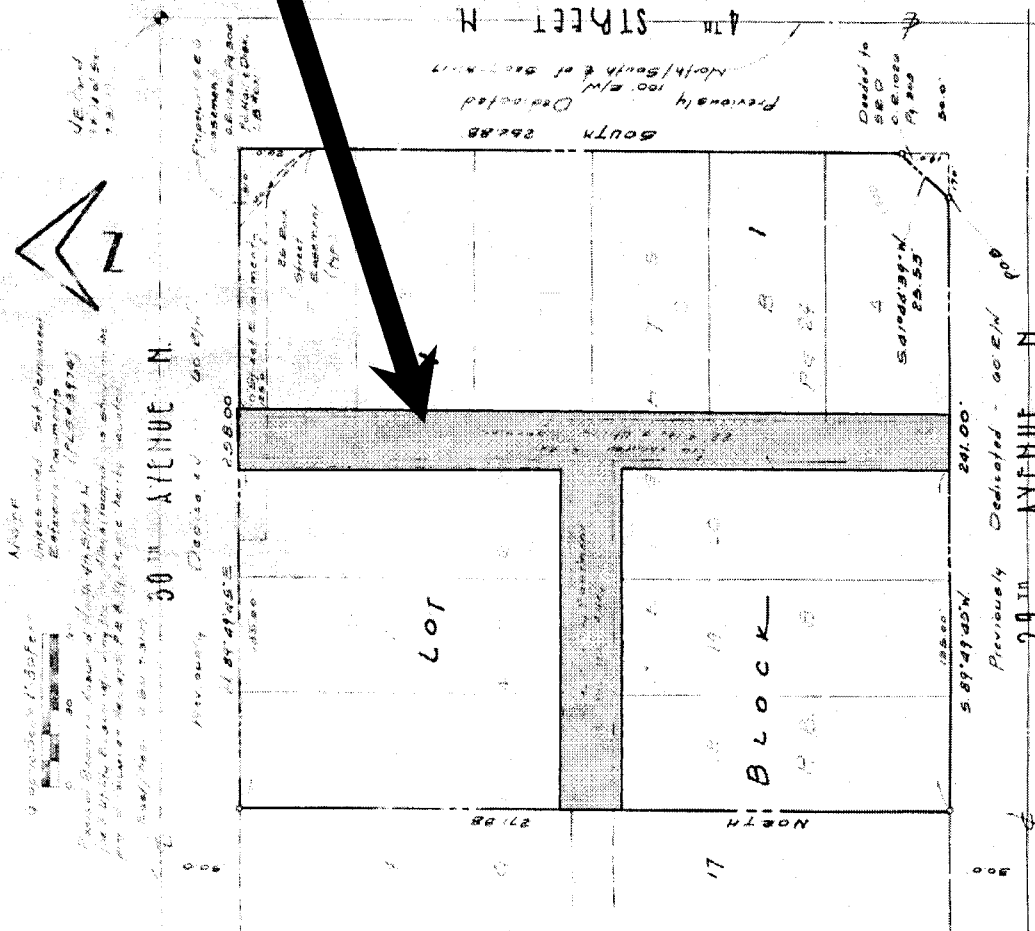
Approved and accepted for the City of St. Petersburg, Florida
This 27 day of Oct. 1924

City of St. Petersburg
I hereby certify that the plat of the subdivision of the NE 1/4 of the NE 1/4 of the SW 1/4 of Sec 7, T31S R11E, Pinellas County, Florida, is correct and true and that the same is in accordance with the laws of the State of Florida and the laws of the City of St. Petersburg, Florida, and that the same is in accordance with the laws of the State of Florida and the laws of the City of St. Petersburg, Florida.

Approved and accepted for the City of St. Petersburg, Florida
This 27 day of Oct. 1924

COCONUT GROVE REPLAT

BEING A REPLAT OF LOTS 1,2,3,10,19,20,A,B,C,D,E,F AND ADJACENT ALLEYS, "GILMORE HEIGHTS", AS RECORDED IN PLAT BOOK 8, PAGE 24, THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, IN THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 31 SOUTH, RANGE 17 EAST, ST. PETERSBURG, PINELLAS COUNTY, FLORIDA.



22-foot wide Alley and Utility Easement Proposed for Vacation

APPROVED BY THE ENVIRONMENTAL DEVELOPMENT COMMISSION OF THE CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA, ON 28th January, A.D., 1987.

APPROVED BY THE CITY COUNCIL OF THE CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA, ON 28th January, A.D., 1987.

APPROVED BY THE CITY OF ST. PETERSBURG, PINELLAS COUNTY, FLORIDA, ON 28th January, A.D., 1987.

STATE OF FLORIDA
COUNTY OF PINELLAS

I, Robert J. Young, Clerk of the Circuit Court of Pinellas County, Florida, do hereby certify that this Plat has been filed for record in Plat Book 8, Page 24, Public Records of Pinellas County, Florida, signed on this 11th day of January, A.D., 1987.

STATE OF FLORIDA
COUNTY OF PINELLAS

I, Robert J. Young, Clerk of the Circuit Court of Pinellas County, Florida, do hereby certify that this Plat has been filed for record in Plat Book 8, Page 24, Public Records of Pinellas County, Florida, signed on this 11th day of January, A.D., 1987.

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LEGAL DESCRIPTION

From the Southeast corner of Lot A, "GILMORE HEIGHTS", as recorded in Plat Book 8, Page 24, public records of Pinellas County, Florida; thence S. 89° 49' 45" W., 17.00 feet to the Point of Beginning; thence S. 09° 49' 45" W., 241.00 feet to the Southeast corner of Lot 16 of said plat; thence S. 89° 49' 45" W., 241.00 feet to the Southeast corner of Lot 17 of said plat.