



SAINT PETERSBURG CITY COUNCIL

Meeting of September 3, 2009

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

SUBJECT: Ordinance approving a vacation of a 20-foot wide public walkway easement lying between Lots 11 and 12, Block 25, Coquina Key Subdivision Section Two, and between Lots 27 and 28, Block 25, Coquina Key Subdivision Section One; amending Ordinance 997-V, by which the vacation was approved in 2008, having the effect of correcting the legal description of the public walkway easement being vacated (City File No.: 08-33000009).

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

The Request:

The request is to amend the legal description contained in City Ordinance 997-V, approved by the City Council on September 4, 2008. The proposed new ordinance, if adopted, will amend Ordinance 997-V by correcting the legal description of the public walkway easement being vacated.

Discussion:

The legal description of the public walkway easement vacated by City Ordinance 997-V contains an error. The application submitted to the City did not contain a proper legal description. Rather than requiring the applicant to retain the services of a professional surveyor or engineer, Staff drafted the legal description in an effort to assist the affected home-owners who were acting as their own agents.

This is typically a fairly straightforward task. The drawing on City atlas sheet I-9 appears to depict all of the lots are part of Block 25 of Coquina Key Section Two. However, after further review by the Pinellas County Property Appraiser, this has been determined to be incorrect. While all four lots initially appeared to be part of the same plat and the same block (Block 25), Lots 27 and 28 are actually part of a separate plat (Coquina Key Section One). Further confusing the situation, the block number for the plat containing the lot 27 and 28 to the north is also numbered "25" and the subdivision line that normally depicts boundaries between abutting plats

is disguised by the overlying solid line representing the rear lot lines of the lots in the northern and southern side of the block. Moreover, the font size of the block number for the plat of the northern lots is smaller than what is typical for City atlas sheets, is approximately the same size as the lot numbers, and is of a value that blends into the sequence of the lot numbers. The combination of these various and unusual circumstances contributed to Staff's error in the construction of the legal description. Approval of this new ordinance will correct the legal description and properly reflect the necessary references to both of the previously recorded plats.

Agency Review:

The vacation request was reviewed by appropriate City departments and public utility agencies in 2008. There were no objections. The Transportation Planning Department recommended the request be approved. The City's Engineering Department each property owner convey a 7.5 feet wide utility easement through the vacated area to align with the existing rear lot line easements. The owners of the abutting single-family homes have already signed and submitted the necessary utility easement documents to the City, which will be recorded with this revised ordinance, thereby closing this case and finalizing the vacation of the walkway easement.

Public Comments:

The president of the Coquina Key Neighborhood Association indicated support for the requested vacation in 2008. The Development Review Commission (DRC) voted 5-0 July 2, 2008 to recommend approval to the City Council. No person spoke in opposition to the request. Since the hearing, no additional comments or concerns have been expressed to Staff. On September 4, 2008, the City Council approved Ordinance 997-V, vacating the subject walkway easement. Approval of this ordinance will correct the legal description and allow the Pinellas County Property Appraiser to properly allocate the vacated areas to the abutting single-family lots for future assessment purposes.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the public walkway easement vacation, subject to the following conditions:

1. Each abutting property owner shall dedicate a 7.5 foot wide utility easement through the area of the walkway easement to be vacated. The utility easements to be dedicated shall align with the existing east-west utility easement through the center of the block. The area of the vacated walkway easement shall be maintained by the respective property owners.
2. The executed utility easement documents submitted by the owners of the adjacent lots shall be recorded concurrently with the vacation ordinance. City Staff shall ensure the easement documents reflect current ownership at the time of recording.

ORDINANCE NO. _____

ORDINANCE APPROVING A VACATION OF A 20-FOOT WIDE PUBLIC WALKWAY EASEMENT LYING BETWEEN LOTS 11 AND 12, BLOCK 25, COQUINA KEY SUBDIVISION SECTION TWO, AND BETWEEN LOTS 27 AND 28, BLOCK 25, COQUINA KEY SUBDIVISION SECTION ONE; AMENDING ORDINANCE 997-V, BY WHICH THE VACATION WAS APPROVED IN 2008, HAVING THE EFFECT OF CORRECTING THE LEGAL DESCRIPTION OF THE PUBLIC WALKWAY EASEMENT BEING VACATED.

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 20-foot wide, north-south public walkway easement between Lots 11 and 12, Block 25, Coquina Key Subdivision Section Two as recorded in Plat Book 53, Pages 40 & 41 of the Official Records of Pinellas County, Florida, and between Lots 27 and 28, Block 25, Coquina Key Subdivision Section One as recorded in Plat Book 49, Pages 64 & 65 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. Each abutting property owner shall dedicate a 7.5 foot wide utility easement through the area of the walkway easement to be vacated. The utility easements to be dedicated shall align with the existing east-west utility easement through the center of the block. The area of the vacated walkway easement shall be maintained by the respective property owners.
2. The executed utility easement documents submitted by the owners of the adjacent lots shall be recorded concurrently with the vacation ordinance. City Staff shall ensure the easement documents reflect current ownership at the time of recording.

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:

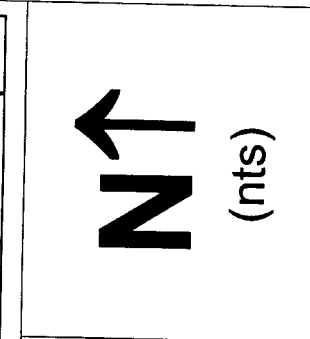
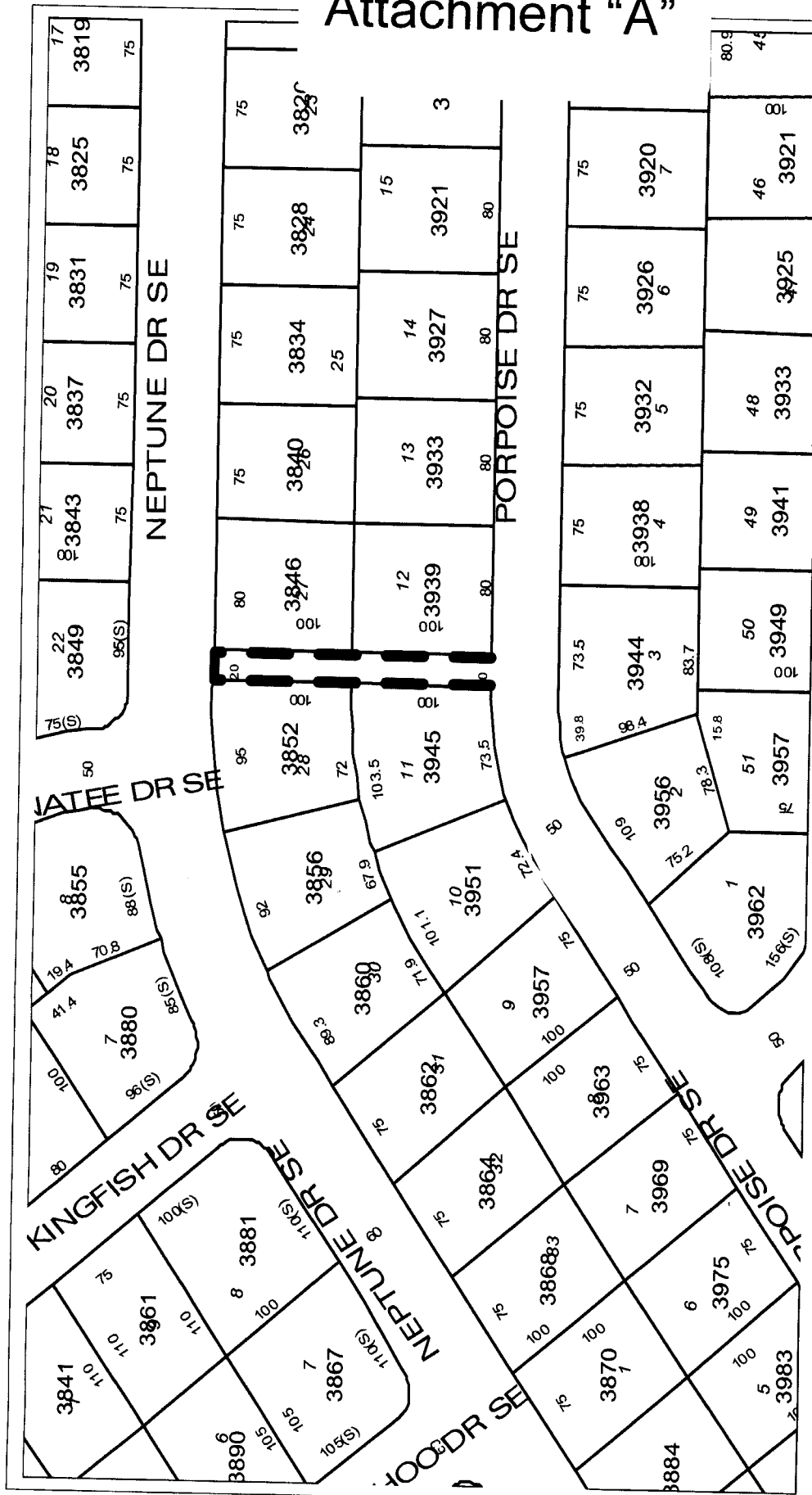


Development Services 7/1/09
Date



City Attorney (Designee) 7-1-09
Date

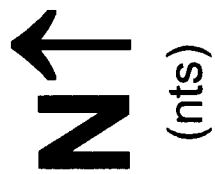
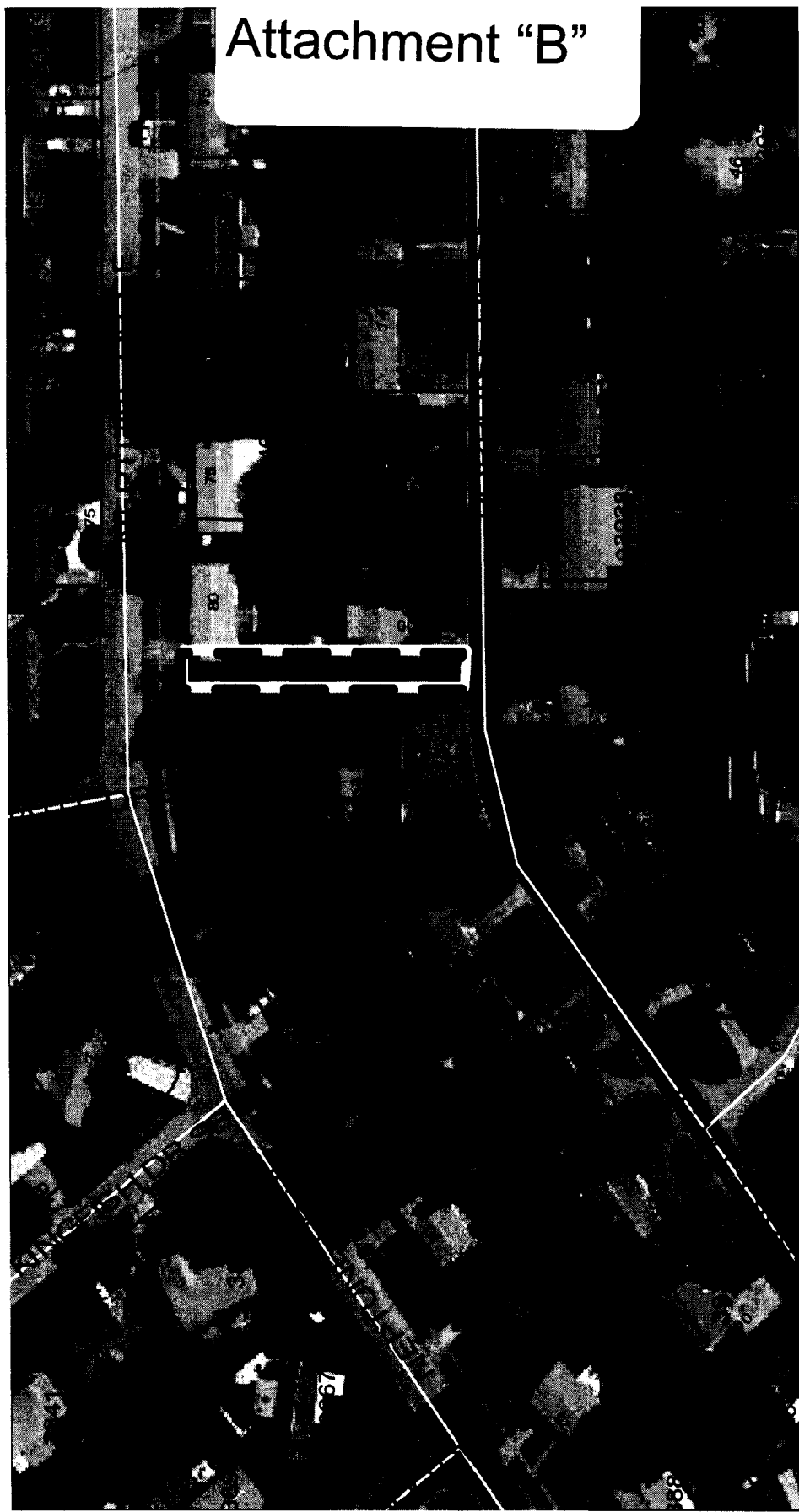
Attachment "A"



City of St. Petersburg, FL
 Development Services Department
 Development Review Commission (DRC)
 Case No.: 08-33000009



Attachment "B"



City of St. Petersburg, FL
Development Services Department
Development Review Commission (DRC)
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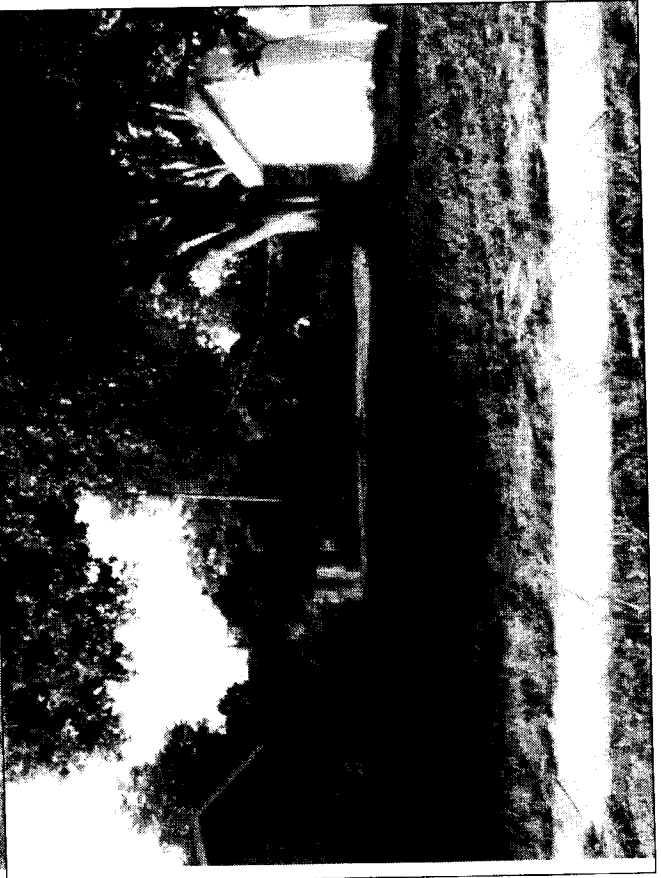
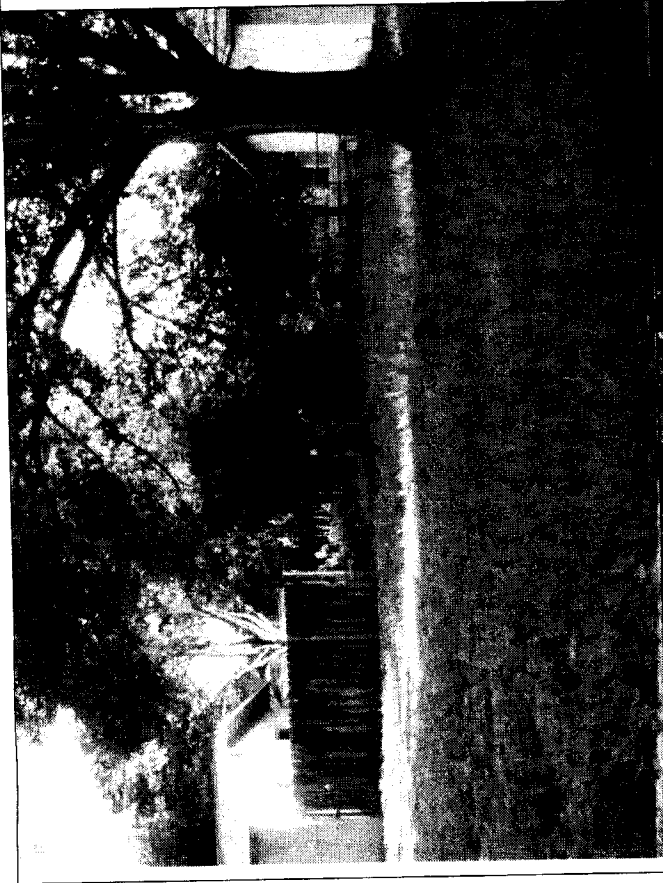
Attachment "C"



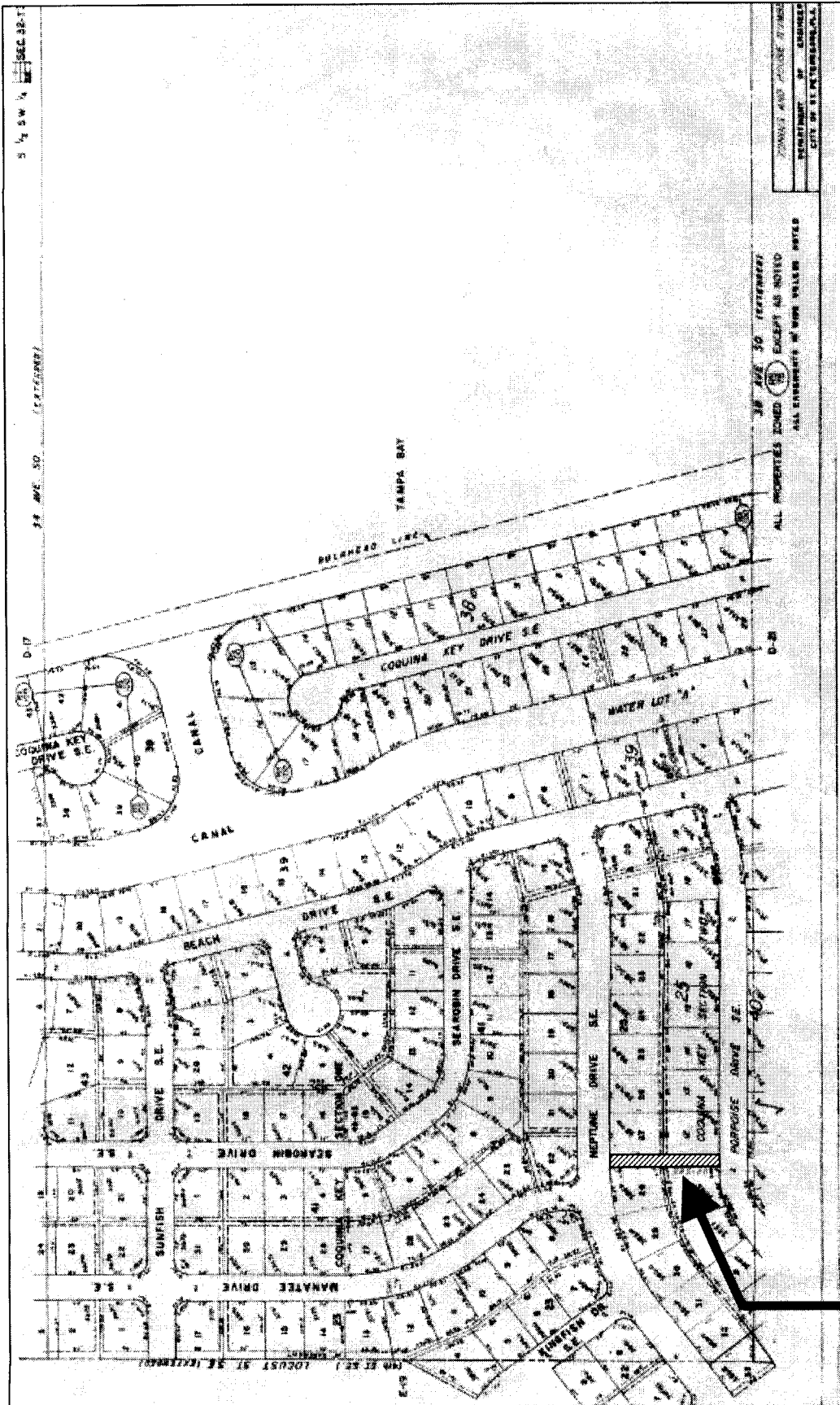
Upper Left: The undeveloped walkway area as viewed from Porpoise Drive Southeast

Upper Right: Close-up view of upper left photo.

Lower Left: The undeveloped walkway area as viewed from Neptune Drive Southeast.



Attachment "D"



Subject Public
Walkway Easement
(cross-hatched)