



## SAINT PETERSBURG CITY COUNCIL

Meeting of October 1, 2009

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

**SUBJECT:** Ordinance approving a vacation of 20<sup>th</sup> Avenue North, between 29<sup>th</sup> Street North and 31<sup>st</sup> Street North (City File No.: 09-33000001).

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

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**The Request:** The applicant proposes to vacate 20<sup>th</sup> Avenue North, between 29<sup>th</sup> Street North and 31<sup>st</sup> Street North. The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and survey (Attachment "C"). The applicant's goal is to increase the size of the adjacent property for future development. After reviewing the request in the context of the applicable regulations and comments from other City departments and franchised utilities, Staff has determined this application meets the standards for approval.

**Background:** The original plat for this area was recorded in 1910 (Attachment "D"), creating 32, 5-acre lots for what was likely agricultural or industrial purposes at that time. In 1926, a 40-acre section of the first plat was subdivided as Pelham Manor No. 2 (Attachment "E"), creating eight blocks with a total of 192 single-family lots. The 1926 subdivision dedicated the rights-of-way for all necessary avenues, streets and alleys, including the section of 20<sup>th</sup> Avenue North now proposed for vacation. In 1961, 21<sup>st</sup> Avenue North between 29<sup>th</sup> and 31<sup>st</sup> Streets and the alleys within Blocks 9 and 10 were vacated (City File VV-218). Blocks 9 and 10 were replatted together with the vacated right-of-way into a single parcel called Pelham Manor No. 2 Blocks 9 and 10 (Attachment "F") (City File SS-764). The 1961 replat dedicated additional right-of-way width to 22<sup>nd</sup> and 20<sup>th</sup> Avenues North, as well as 29<sup>th</sup> and 31<sup>st</sup> Streets North. In 1983, the southeastern 4.5-acres of the 1961 replat was separated from the parent parcel and replatted as Pelham Manor No. 2 Partial Replat (Attachment "G"). No right-of-way was vacated or dedicated at that time and this replat remains in place today. If the requested vacation of 20<sup>th</sup> Avenue North along the southern side of this parcel is approved, the applicant will replat the private property together with the vacated right-of-way.

**Discussion:** The right-of-way to be vacated is a dead-end street and only provides access to the immediately adjacent properties to the north and south. The land to the north already has street frontage along 29<sup>th</sup> Street North, which will be used for primary access to the site at the time of development. The land to the south is the City-owned Emerald Lake stormwater retention facility, which has been secured by a chain-link fence and not intended for public access. The segment of 20<sup>th</sup> Avenue North proposed for vacation was deemed necessary for the purposes of the 1926 plat (Attachment "E") which created 192 residential lots within eight blocks. The corresponding segment of 21<sup>st</sup> Avenue North was vacated in 1961 to recombine that land into a single parcel (Attachment "F"), presumably in anticipation of redevelopment with a commercial or industrial use. The subject segment of 20<sup>th</sup> Avenue North is no longer necessary given the development pattern to the north and south, which has changed significantly over time since the area was rezoned for industrial development. Approval of this application will eliminate an existing dead-end street that does not connect to another improved street to the north, south, or west nor has the benefit of the normally required paved cul-de-sac or T-shaped turnaround. Vacation of this segment is not anticipated to substantially alter existing travel patterns, or undermine the street network or the intent of the plat. Vacation of this segment would appear to be in the public interest by eliminating a potential point of confusion for motorists and/or an unmonitored and unprotected point of public access that is no longer necessary for the purposes which it was originally dedicated. There are no neighborhood or special area plans which affect vacation of right-of-way in this area of the City. The Comprehensive Plan generally supports vacation of substandard, unnecessary rights-of-way in industrial areas for the purposes of facilitating assembly of industrial land for redevelopment.

**Agency Review:** The City's Engineering Department has requested a public utility easement and noted that the subject right-of-way has been used as an illegal dumping area. If the application is approved, the applicant will be required to coordinate with the Engineering Department to close the street to public access. The Police Department has also expressed an interest in maintaining some form of controlled access through this area in order to be able to monitor conditions on the vacant land to the west. The detailed plans for closure and access by City departments can be provided with the preliminary replat. The entire area of vacated right-of-way must be dedicated as a public utility easement to protect existing underground infrastructure. Dedication of the necessary easement(s) can be accomplished as part of the required replat.

**DRC Action/Public Comments:** On June 3, 2009, the Development Review Commission (DRC) held a public hearing on the subject application. A homeowner living in the neighborhood to the east of 29<sup>th</sup> Street attended. After listening to the presentation, the homeowner addressed the DRC and confirmed the problems which currently occur on the existing dead-end street. The owner expressed support for the proposed vacation. No person spoke in opposition to the request. After the public hearing, the DRC voted 5-0 to recommend approval of the proposed vacation. In advance of this report, no additional questions or comments have been received.

## **RECOMMENDATION:**

The Administration recommends **APPROVAL** of the street vacation, subject to the following conditions:

1. The entire area of right-of-way to be vacated shall be retained as a public utility easement.
2. Prior to recording of the vacation ordinance, the applicant shall replat the northern half of the right-of-way being vacated together with the adjacent private property.
  - a. In addition to the standard preliminary replat, the applicant shall also provide a copy of the preliminary plat depicting the existing property lines, existing site conditions, boundary of the right-of-way to be vacated, and the proposed site plan.
  - b. The applicant shall close the street to public access. The method and design of closure shall be subject to the review and approval of the Engineering Department. The plans for closure shall be submitted with the preliminary replat.
  - c. All required plans, permits, work, inspections and costs shall be born by the applicant.
3. The applicant shall coordinate and maintain a plan for controlled access by the Police and Engineering Departments. The proposed plan shall be submitted with the materials for the preliminary plat.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE APPROVING A VACATION OF 20<sup>TH</sup> AVENUE NORTH BETWEEN 29<sup>TH</sup> STREET NORTH AND 31<sup>ST</sup> STREET 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:

That portion of 20<sup>th</sup> Avenue North lying between the western boundary of 29<sup>th</sup> Street North and the eastern boundary of 31<sup>st</sup> Street North and which was dedicated by the plat for Pelham Manor No. 2, as recorded in Plat Book 20, Page 9 of the Official Records of Pinellas County, Florida.

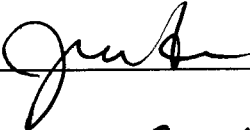
**SECTION 2.** The above-mentioned right-of-way is not needed for public use or travel.

**SECTION 3.** The vacation is subject to and conditional upon the following:

1. The entire area of right-of-way to be vacated shall be retained as a public utility easement.
2. Prior to recording of the vacation ordinance, the applicant shall replat the northern half of the right-of-way being vacated together with the adjacent private property.
  - a. In addition to the standard preliminary replat, the applicant shall also provide a copy of the preliminary plat depicting the existing property lines, existing site conditions, boundary of the right-of-way to be vacated, and the proposed site plan.
  - b. The applicant shall close the street to public access. The method and design of closure shall be subject to the review and approval of the Engineering Department. The plans for closure shall be submitted with the preliminary replat.
  - c. All required plans, permits, work, inspections and costs shall be born by the applicant.
3. The preliminary plat shall depict the plan for controlled access by the Police and Engineering Departments. The access plan shall be subject to City approval.

**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:

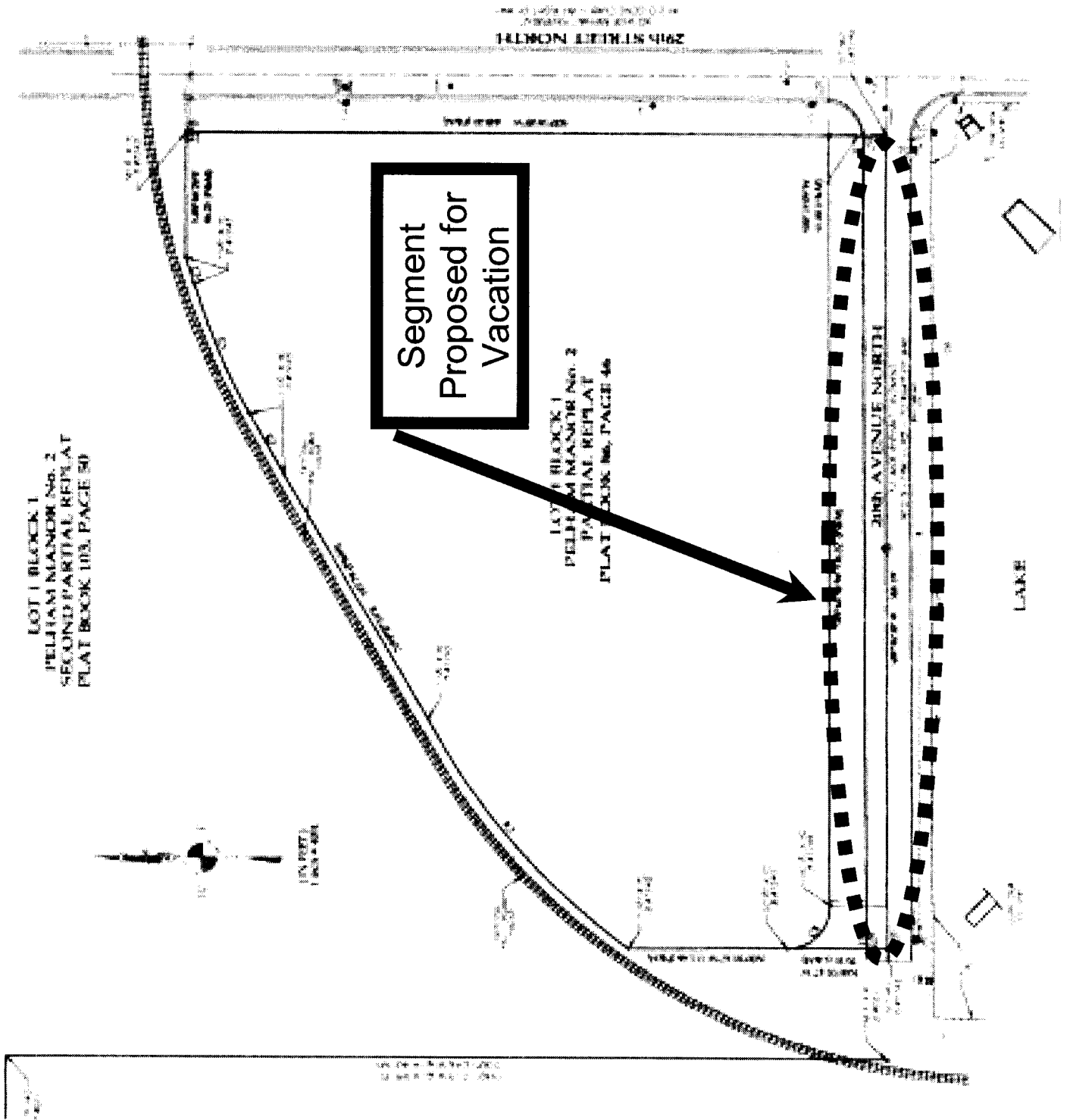
  
\_\_\_\_\_  
Development Services 7/28/09  
Date

  
\_\_\_\_\_  
City Attorney (Designee) 7-21-09  
Date





# Attachment "C" Survey

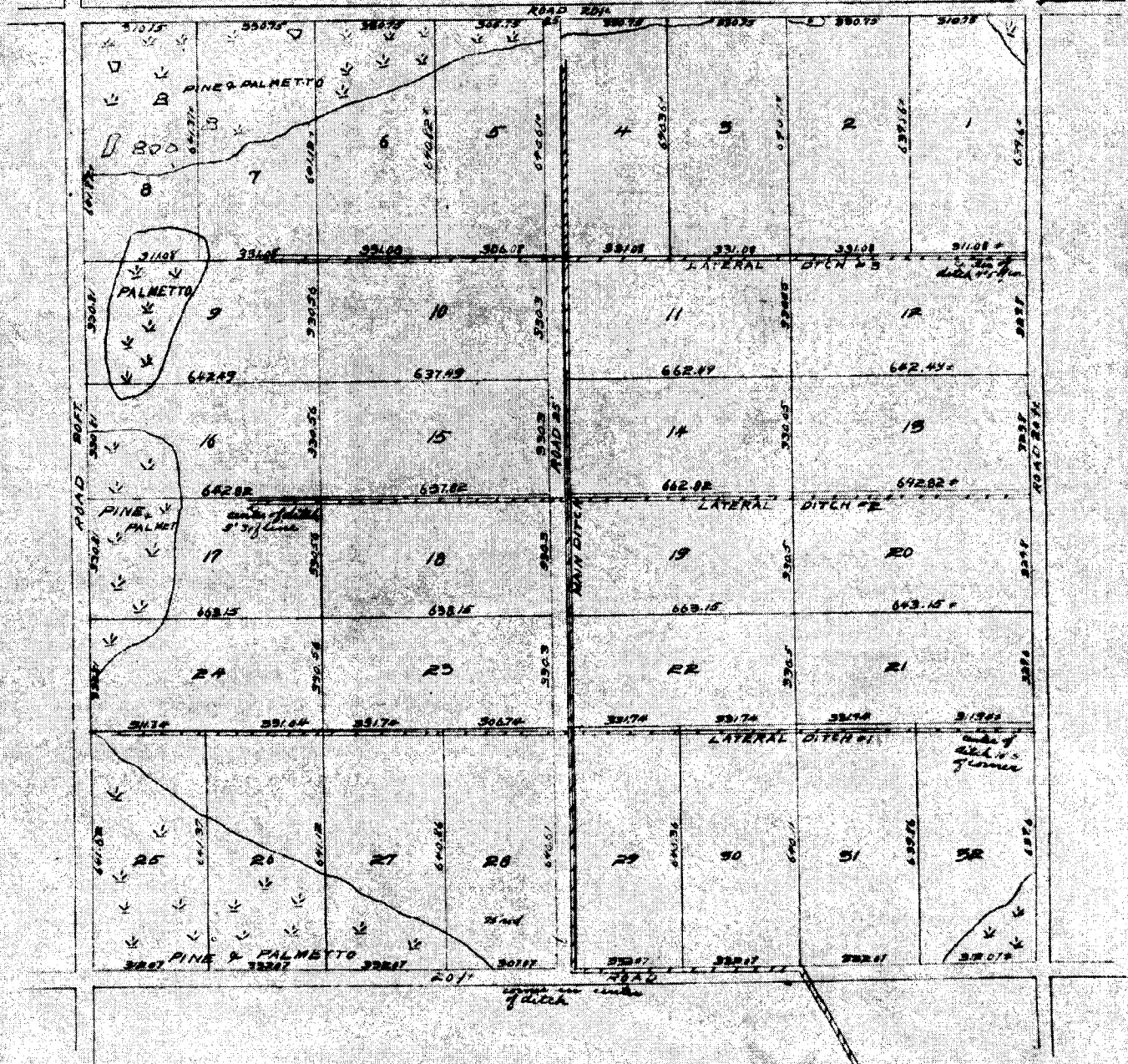


# Attachment "D" 1910 Plat

**CORRECTED MAP**  
**THE PINELLA TRUCK GROWING CO**  
 MAP SHOWING A SUBDIVISION OF THE  
 NW 1/4 OF SEC. 14 IN T. 51 N. R. 16 E.  
 DIVIDED INTO FIVE ACRE PARCELS FROM #1  
 TO #22 INCLUSIVE JUNE 1908  
 SCALE 1 INCH = 200'  
 W. S. HERRILL L.S.

*Filed May 21, 1910*  
 C. H. Knox,  
 Clerk.

*As part of the  
 1910 Plat  
 the  
 1/4  
 section  
 14  
 in  
 T. 51 N.  
 R. 16 E.  
 is  
 divided  
 into  
 22  
 parcels  
 of  
 5  
 acres  
 each*

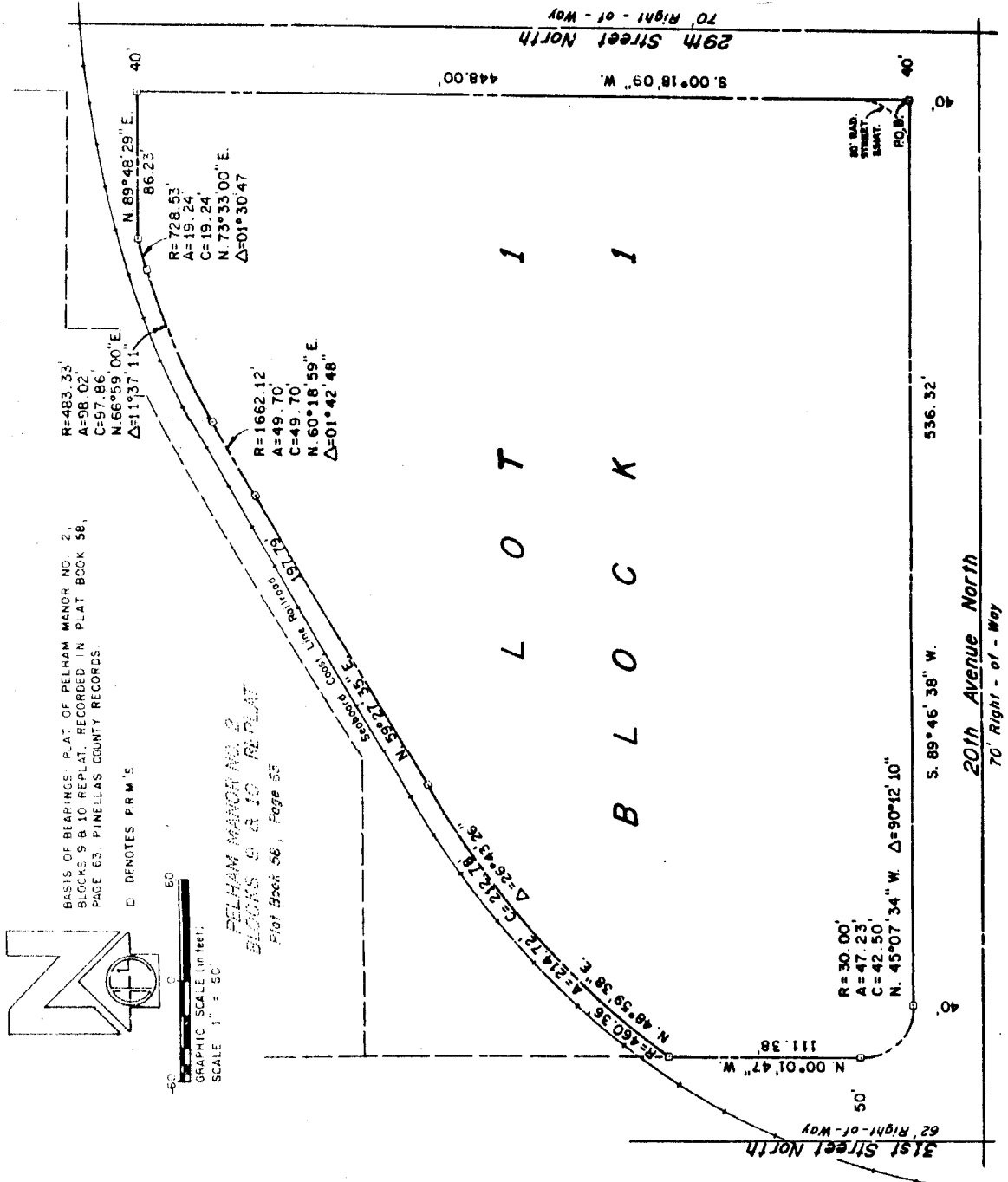






# PELHAM MANOR NO. 2 PART A

BEING A REPLAT OF A PORTION OF PELHAM MANOR NO. 2, BLOCKS 9 AND 10, RECORDED  
COUNTY RECORDS, BEING IN THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 31  
SAINT PETERSBURG, PINELLAS COUNTY, FLORIDA.



**DEDICATION**

The undersigned he  
Pelham Manor No.  
on this Plat of t

*Anthony S. Itallier*  
Anthony S. Itallier

Signed, Sealed and

*Sealed*

STATE OF FLORIDA

COUNTY OF HILLSBOR

I hereby certify t  
Anthony S. Itallier  
who executed the f  
free act and deed  
of Tampa, County o  
My Commission Expi

APPROVED by the  
this

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APPRO

STATE

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maps  
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By

Attachment "G"  
1983 Plat