



**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 a 10-foot wide, unimproved alley in the block bound by 40<sup>th</sup> and 41<sup>st</sup> Avenues South, and 4<sup>th</sup> and 6<sup>th</sup> Streets South (City File: 09-33000008).

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

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**The Request:**

The request is to vacate an alley segment in the block bound by 40<sup>th</sup> and 41<sup>st</sup> Avenues South, and 4<sup>th</sup> and 6<sup>th</sup> Streets South. The area of the right-of-way proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and the recorded plat from 1913 (Attachment "C"). The applicant's goal appears to be to eliminate an unimproved, substandard, redundant alley leg which they state is harboring illegal activity.

**Discussion:**

After reviewing the request in the context of the applicable criteria in the City Code, Staff finds that vacating the subject right-of-way would be appropriate. The subject 10-foot wide north-south alley is redundant, substandard, unimproved, and does not appear to be necessary for public use or travel. The original plat in 1913 also dedicated a corresponding redundant north-south alley leg to the south of the east-west alley along the west side of Lot 60. This corresponding north-south alley leg was also 10 feet wide and vacated by the City in 1962 (City File VV-235). The subject alley is not currently used to provide access to any of the surrounding lots. All of the surrounding lots have access to at least one street and/or the adjacent 16-foot wide, east-west alley providing rear access to all of the lots in the block, which will remain and are not affected by this request. Vacation, of the subject alley segment if approved, is not anticipated to substantially alter current patterns, the integrity of the plat, or the purpose and intent of the zoning district.

The City's legal interest in this right-of-way was granted to allow for public access through this 10-foot wide strip. However, the area does not appear to be improved or used for that purpose. None of the reporting City departments or franchised utilities have indicated any concerns with vacation, or even the need to retain some form of easement. There appears to be no present or future need for this substandard, redundant segment of alley. There do not appear to be any policies in the City's Comprehensive Plan, or any neighborhood or special area plans which affect the vacation of the subject alley. The applicant alleges that the subject alley segment harbors illegal activity. The reasons that Staff can recommend approval of this application have less to do with issues related to crime and more to do with the characteristics of the alley and the development pattern of the area as discussed earlier in this report.

**Agency Review:**

No objections or concerns by any City departments or franchised utilities were expressed to Staff as of the date of this report.

**DRC Action/Public Comments:**

On September 2, 2009, the Development Review Commission (DRC) held a public hearing on the subject application. No public comments were received in advance of or during the hearing. The DRC voted 7-0 to recommend approval of the vacation to the City Council. No public comments have been received as of the date of this report.

**RECOMMENDATION:**

The Administration recommends **APPROVAL** of the alley vacation. No special conditions are necessary in this case.

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

**AN ORDINANCE APPROVING A VACATION OF A TEN FOOT WIDE ALLEY IN THE BLOCK BOUND BY 40<sup>TH</sup> AND 41<sup>ST</sup> AVENUES SOUTH, AND 4<sup>TH</sup> AND 6<sup>TH</sup> STREETS SOUTH; 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 ten-foot wide alley lying along the west side of Lot 37 and the east sides of Lots 38 and 39, Bayou View Subdivision, as recorded in Plat Book 3, Page 3 of the Public Records of Pinellas County, Florida.

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

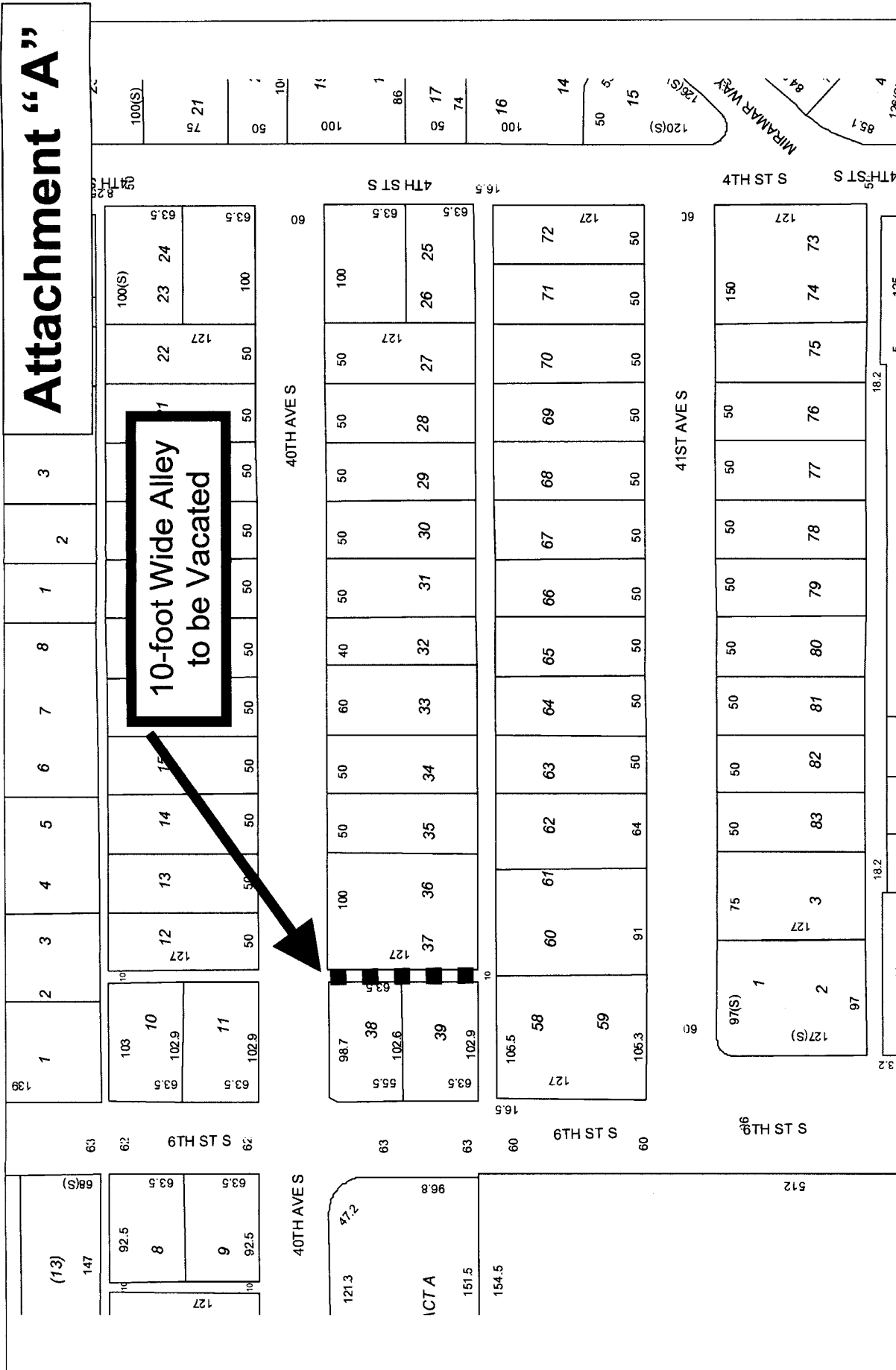
**SECTION 3.** In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, it shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor 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 8/26/09  
Date

  
\_\_\_\_\_  
City Attorney (Designee) 8-21-09  
Date

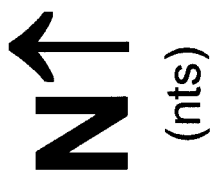
# Attachment "A"



**10-foot Wide Alley  
to be Vacated**

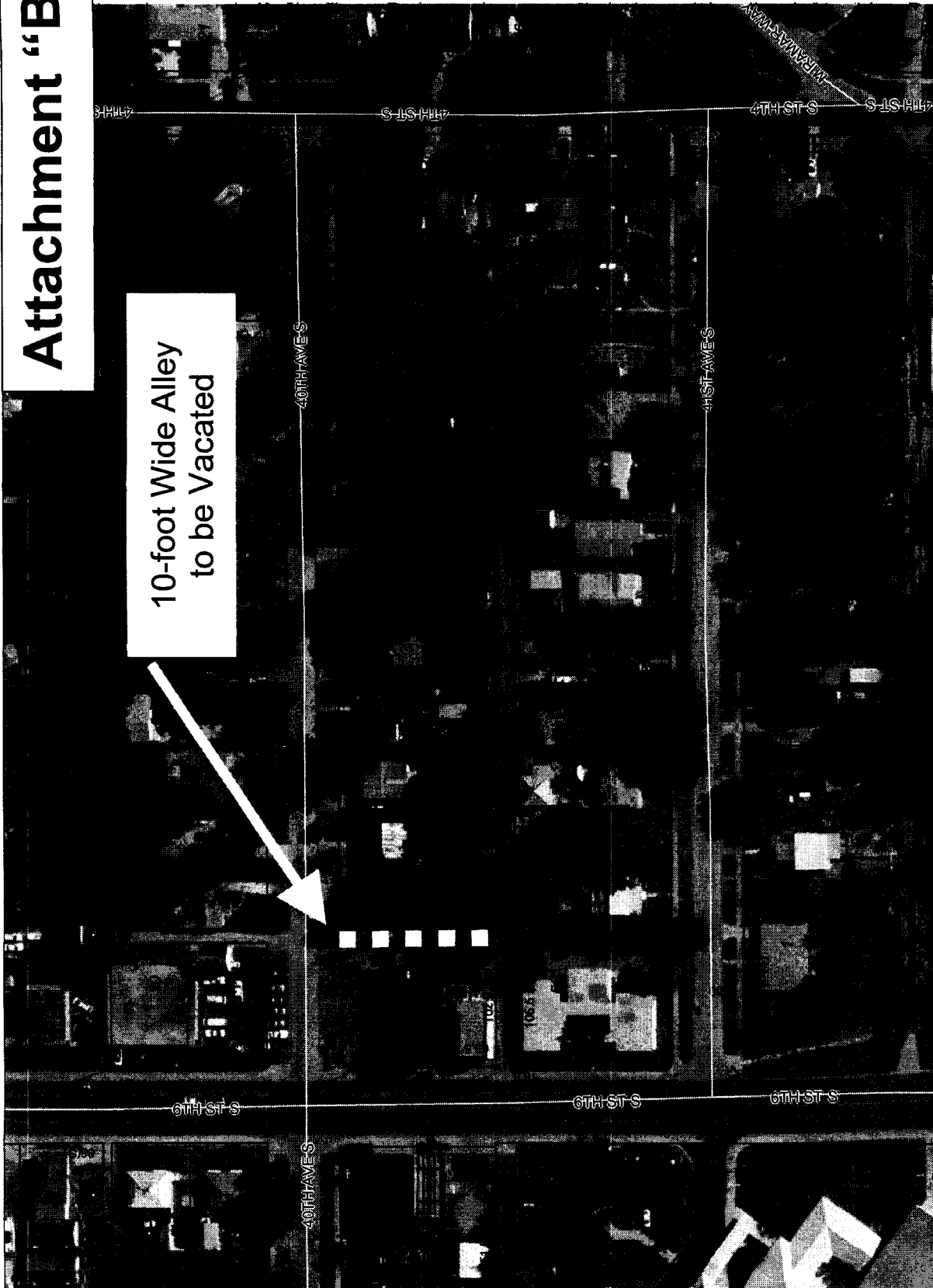


Development Services Department  
 Case No.: 09-3300008  
 Address: 4010 – 6<sup>th</sup> Street South



# Attachment "B"

10-foot Wide Alley  
to be Vacated

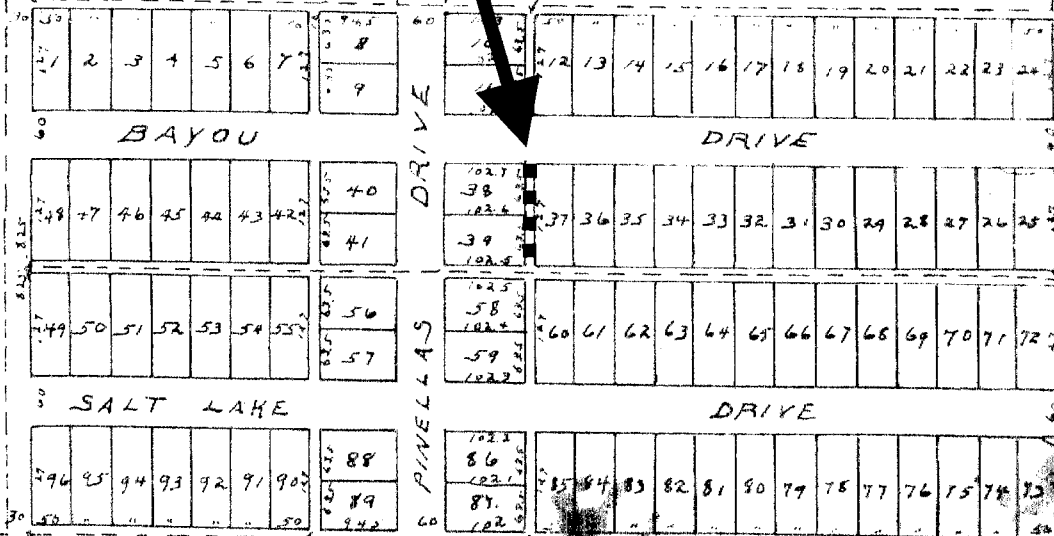


Development Services Department  
Case No.: 09-3300008  
Address: 4010 – 6<sup>th</sup> Street South



# Attachment "C"

10-foot Wide Alley  
to be Vacated



Filed July 15, 1913.

C. W. ...

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## BAYOU VIEW

Being

M. W. ... Subdivision

of the S $\frac{1}{2}$  of the S $\frac{1}{2}$  of the S $\frac{1}{2}$  of the N $\frac{1}{2}$  of the S $\frac{1}{2}$  of the N.E.  $\frac{1}{4}$

of the N.W.  $\frac{1}{4}$  of Sec. 6, T. 38 S., R. 12 E.,

PINELLAS COUNTY, FLORIDA

L. R. 12, 1913

Scale - 1" = 250'

Bayou View Subdivision

1913 - Plat Book 3, Page 3

Public Records of Pinellas County, FL