



SAINT PETERSBURG CITY COUNCIL

Meeting of November 5, 2009

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

SUBJECT: Ordinance approving a vacation of a 30-foot radius street easement at the northwest corner of 20th Avenue North and 29th Street North (City File 09-33000001).

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

The Request: The applicant proposes to vacate the 30-foot radius street easement at the northwest corner of 20th Avenue North and 29th Street North. The DRC and the City Council previously voted to support vacation of the entire segment of 20th Avenue North, between 29th Street and 31st Street. The area of the street easement proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and surveyor's illustration (Attachment "C"). Similar to the original vacation request for the 20th Avenue North right-of-way, the applicant's goal is to eliminate an isolated, problematic, dead-end street and 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: In 1910, land bound by what are now 22nd and 13th Avenues North, and 28th and 34th Streets North was platted as the Pinellas Truck Growing Co. Subdivision. This plat created 32, 5-acre lots and depicted a grid system of ditches running throughout the property and areas of pines and palmettos. In 1926, a 40-acre section of the first plat was subdivided as Pelham Manor No. 2, 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 20th Avenue North which has also been proposed for vacation under a separate review. In 1961, 21st Avenue North between 29th and 31st 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 (City File SS-764). The 1961 replat dedicated additional right-of-way width to 22nd and 20th Avenues North, as well as 29th and 31st 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. That 1983 plat

dedicated a relatively small 30-foot radius street easement at the northwest corner of 20th Avenue North and 29th Street North. That easement is the subject of this application.

Discussion:

The subject street easement was dedicated to allow the City the ability to construct and control modifications of the curb line and turn radius at the intersection of the two public streets. With the approval of the 20th Avenue North vacation, the subject street easement is now unnecessary. The subject street easement, by itself, does not provide access to any lot of record and no longer serves a public purpose. As such, vacation of this easement is not anticipated to substantially alter existing travel patterns or undermine the street network. No additional easements will be necessary over the area of the subject street easement. Vacation of this remaining easement would appear to be in the public interest by eliminating a potential point of confusion for the pending replat. There are no policies in the City's Comprehensive Plan which apply to this request. There are no neighborhood or special area plans which affect vacation of right-of-way in this area of the City. The application to vacate the subject street easement complies with the applicable criteria for review of such requests. The applicant is already in the process of replatting the property.

Agency Review:

The request was routed to City departments and franchised utilities. No objections were noted.

DRC Action/Public Comments:

On October 7, 2009, the Development Review Commission (DRC) held a public hearing on the subject application. No person spoke in opposition to the request. After the public hearing, the DRC voted 7-0 to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns were expressed to the author.

RECOMMENDATION:

The Administration recommends **APPROVAL** of the 30-foot radius street easement vacation, subject to the following conditions:

1. The applicant shall comply with all conditions of approval associated with City Ordinance 1007-V, approving the vacation of the 20th Avenue North right-of-way between 29th Street North and 31st Street North (City File 09-33000001).

ORDINANCE NO. _____

AN ORDINANCE APPROVING A VACATION OF THE 30-FOOT RADIUS STREET EASEMENT LOCATED AT THE NORTHWEST CORNER OF 20TH AVENUE NORTH AND 29TH 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 certain 30-foot radius street easement located at the southeast corner of Lot 1, Block 1, Pelham Manor No. 2 Partial Replat, as recorded in Plat Book 86, Page 46 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. The vacation is subject to and conditional upon the following:

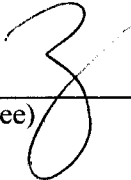
1. The applicant shall comply with all conditions of approval associated with City Ordinance 1007-V, approving the vacation of the 20th Avenue North right-of-way between 29th Street North and 31st Street North (City File 09-33000001).

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:

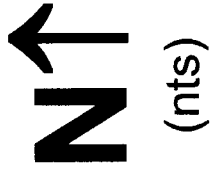
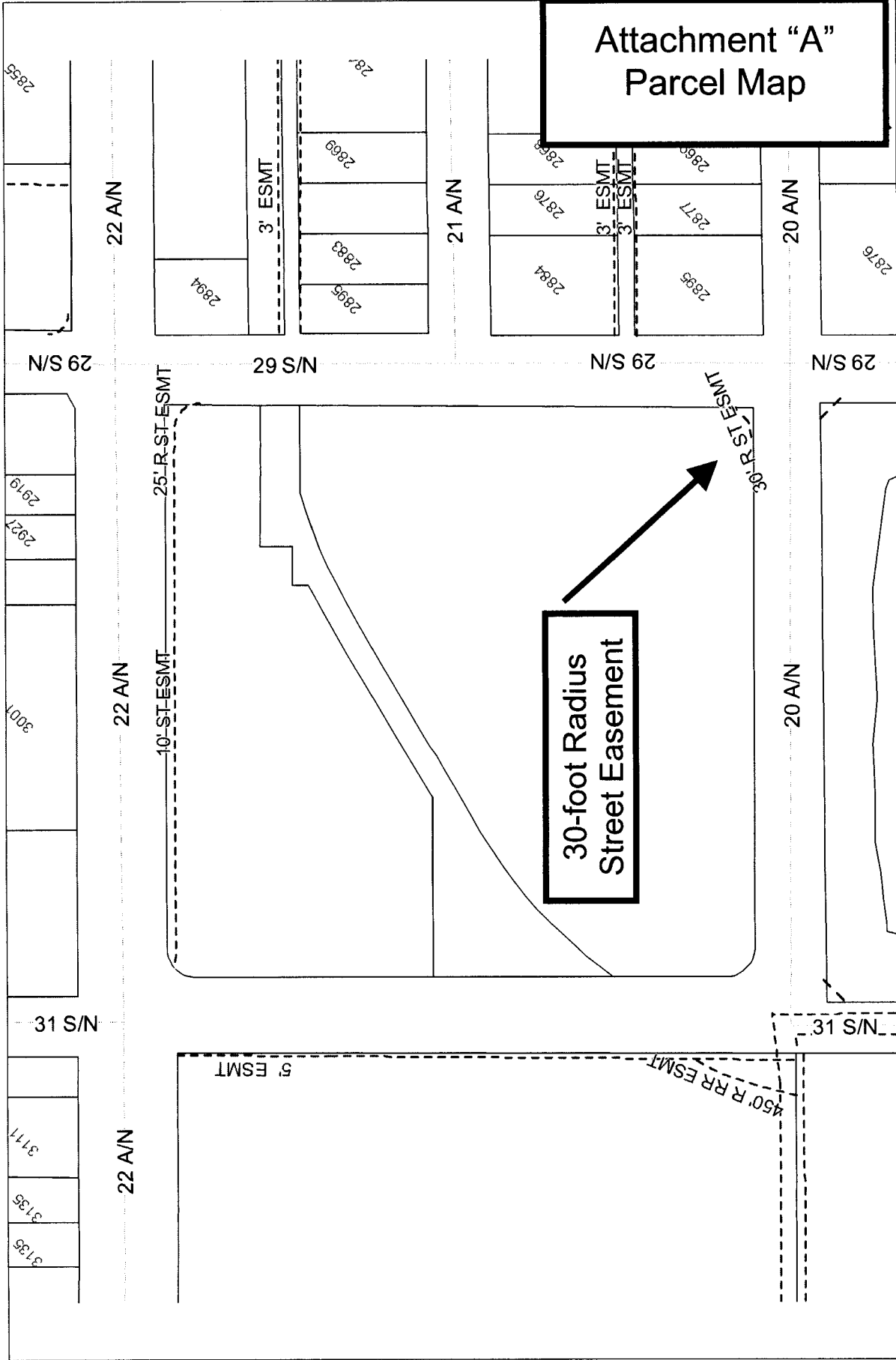

01/15/09

 Development Services Date



 City Attorney (Designee) Date

Attachment "A"
Parcel Map



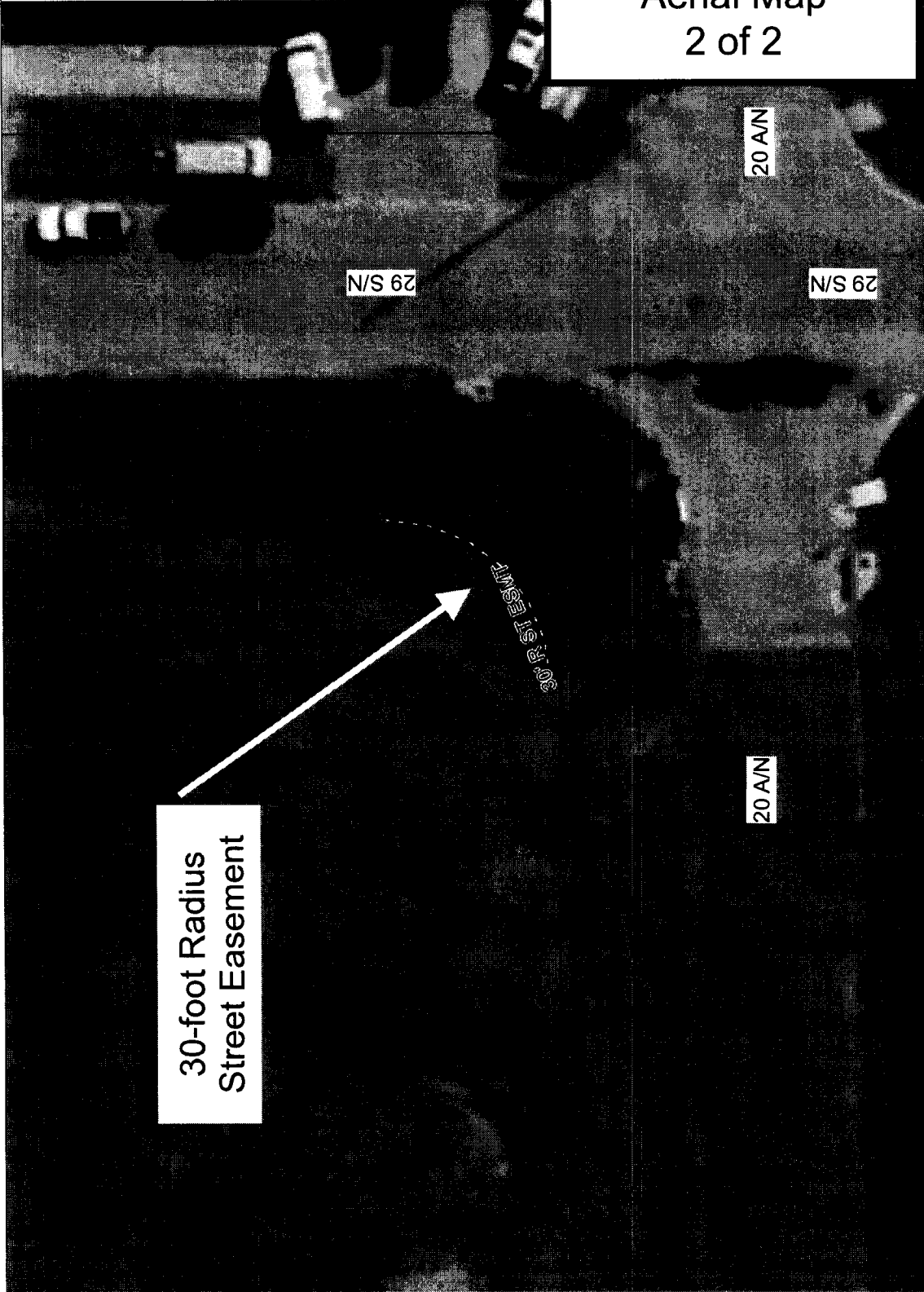
Development Services Department
Case No.: 09-33000001
Address: 2000 – 29th Street North



Attachment "B"
Aerial Map
2 of 2



(nts)



30-foot Radius
Street Easement

Development Services Department
Case No.: 09-33000001
Address: 2000 - 29th Street North



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Attachment "C"
Surveyor's Illustration

