



SAINT PETERSBURG CITY COUNCIL

Meeting of November 5, 2009

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

SUBJECT: Ordinance approving the vacation of the southern three feet (3') of the six foot (6') wide, 264-foot long public street easement lying along the southern boundary of 3rd Avenue North and west of 8th Street North (City File No.: 09-33000012).

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

The Request: The request is to vacate the southern three feet (3') of the recently-dedicated six foot (6') wide, east-west public street easement which exists along the northern boundary of the property located at 840 – 3rd Avenue North. During the recent replatting process, the developer agreed to dedicate the easement over their private land at the request of the City's Engineering and Stormwater Management Department. The intended purpose of the easement was to accommodate a wider public sidewalk than what originally existed along 3rd Avenue North. The property is currently being redeveloped with a five-story, 82-unit apartment building. The plans for construction were approved prior to the recent replat. The applicant recently discovered that a portion of the recently-dedicated street easement conflicts with the location of the approved building footprint depicted on the plans approved for permitting. The area of the public street easement proposed for vacation is depicted on the attached maps (Attachments "A" and "B") and surveyor's sketch (Attachment "C"). The applicant's goal is to eliminate the conflict between the southern three feet (3') of the street easement and the proposed footprint of the building which is currently under construction.

Discussion: 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. The originally dedicated 6-foot wide easement was slightly wider than necessary for the purposes which the City has a legal interest which, in this case, primarily relates to the provision of an adequate public sidewalk. The Engineering and Stormwater Management Department has reviewed and approved the applicant's plans for sidewalk improvements along the 3rd Avenue North and 8th Street North frontages. City departments and franchised utilities have confirmed there is no present or future need for the southern three feet (3') of the easement.

The vacation is supported by the City's Engineering and Stormwater Management Department, which requested dedication of the street easement originally. Vacation of the southern three feet (3') of the street easement will not preclude construction of a public sidewalk and will not impact existing vehicular travel lanes for 3rd Avenue North.

Agency Review: The request was routed to City departments and franchised utilities. No objections or required conditions were noted. No replacement easements will be necessary. 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.

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 6-0 to recommend approval of the proposed vacation. In advance of this report, no additional comments or concerns have been received.

RECOMMENDATION: The Administration recommends **APPROVAL** of the proposed partial public street easement vacation. No special conditions are necessary in this case.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A PARTIAL VACATION OF THE SOUTHERN THREE FEET OF THE SIX-FOOT WIDE, 264-FOOT LONG PUBLIC STREET EASEMENT LYING ALONG THE SOUTHERN SIDE OF 3RD AVENUE NORTH AND WEST OF 8TH 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:

The southern three feet (3') of the six foot (6') wide public street easement lying along the northern boundary of Lot 1, Block 1, SP Burlington Senior LP Subdivision, as recorded in Plat Book 136, Pages 36 and 37 of the Official Records of Pinellas County, Florida.

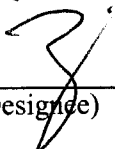
SECTION 2. The above-mentioned right-of-way is not needed for public use or travel.

SECTION 3. 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 10/12/09
Date



City Attorney (Designee) Date

Attachment "B"
Aerial Map



Development Services Department
Case No.: 09-33000012
Address: 840 – 3rd Avenue North



st.petersburg
www.stpete.org

Attachment "C"
Surveyor's Sketch



3RD AVENUE NORTH
(90' RIGHT OF WAY - PLAT)

WEST 264.00'

6' PUBLIC STREET EASEMENT

SOUTH 3' OF 6' PUBLIC STREET EASEMENT

S00°03'50"W 137.75'

EIGHTH STREET NORTH
(70' RIGHT OF WAY - PLAT)

N00°03'50"E 137.75'

Lot 1, Block 1
SP BURLINGTON SENIOR LP
(Plat Book 136, Pages 36 and 37)

5' PUBLIC UTILITY EASEMENT

EAST 264.00'

ALLEY

