



**CITY OF ST. PETERSBURG
PLANNING & DEVELOPMENT SERVICES DEPT.
DEVELOPMENT REVIEW SERVICES DIVISION**

**DEVELOPMENT REVIEW COMMISSION
STAFF REPORT**

**VACATION OF RIGHT-OF-WAY
PUBLIC HEARING**

According to Planning & Development Services Department records, no **Commission member** resides or has a place of business within 2,000 feet of the subject property. All other possible conflicts should be declared upon the announcement of the item.

REPORT TO THE DEVELOPMENT REVIEW COMMISSION FROM DEVELOPMENT REVIEW SERVICES DIVISION, PLANNING & DEVELOPMENT SERVICES DEPARTMENT, for Public Hearing and Executive Action on **Wednesday, March 3, 2021 at 1:00 P.M.** at Council Chambers, City Hall, located at 175 5th Street North, St. Petersburg, Florida. Procedures will be implemented to comply with the CDC guidelines during the Public Hearing, including mandatory face coverings and social distancing with limitations on the number of attendees within Council Chambers. The City's Planning and Development Services Department requests that you visit the City website at www.stpete.org/meetings for up-to-date information.

CASE NO: 20-33000018

PLAT SHEET: H-37

REQUEST: Approval to vacate Harvey Way and Serpentine Circle South south of Blossom Way South, both in the Pinellas Point Addition, Section A of Canal Section Subdivision and vacate the pedestrian ingress/egress easement adjacent to Serpentine Circle South recorded in Official Records Book 14913, Page 2569, Public Records of Pinellas County, Florida.

OWNER 1: Douglas C., Sharon K., Meischa
and Marieka Jackson
2166 Blossom Way S
St. Petersburg, FL 33702-2751

AGENT: R. Donald Mastry, Esq.
Trenam Law 200 Central
Ave., Suite 1600
St. Petersburg, FL 33701

OWNER 2: Edward and Lenore Kopko
2199 Serpentine Cir. S.
St. Petersburg, FL 33712

ADDRESS: 2166 Blossom Way S
2199 Serpentine Cir S

PARCEL ID: 13-32-16-71280-037-0060
13-32-16-71316-033-0060

ZONING: Neighborhood Suburban – 2

DISCUSSION AND RECOMMENDATION:

Request. The request is to vacate Harvey Way and Serpentine Circle South south of Blossom Way South, both in the Pinellas Point Addition, Section A of Canal Section Subdivision and vacate the pedestrian ingress/egress easement adjacent to Serpentine Circle South recorded in Official Records Book 14913, Page 2569, Public Records of Pinellas County, Florida (see Attachment A for the Project Location Map and Attachment B for Sketches & Legal Descriptions). An initial application was submitted for the street right-of-way vacation, and during routing of the application to City Departments, the pedestrian access easement was identified and added to the application.

The purpose of the vacation according to the application narrative is to end on-going trespassing by the public onto the property located at 2166 Blossom Way South which has increased in frequency since invasive Brazilian Pepper Trees were removed along the driveway, making the area more accessible. No evidence was submitted to support that contention. The applicant has proffered that the vacation would also be in the City's interest to prevent liability issues from the public entering the area. See Attachment C for the Application and Attachment D for Photos. The pedestrian easement and right-of-way are mostly submerged. The upland portion is sloped, contains a ditch, concrete headwall and a thick stand of mangroves as well as a portion of the eastern property owner's driveway, seawall and concrete patio which encroach into the right-of-way, and according to the applicant were constructed in the 1950s (see Attachment E - Property Surveys).

The street right-of-way was dedicated as part of the Pinellas Point Addition plat in 1926 (see Attachment F – Plat). This section of street and approximately 13 lots were platted into the Tampa Bay, presumably to be filled and developed, which is no longer possible. The two applicant property owners own all the abutting lots and the City continues to own the street right-of-way.

The pedestrian access easement was dedicated to the City by the then owner of 2199 Blossom Way South in 2005 when they applied to vacate 22nd Street South, south of Vivian Way South, along their property. The Staff Report for that application, (Case 05-33000028), indicates the property owner stated that no one used the 22nd Street South right-of-way to access the water in this area, and that people actually used a portion of their private property to the south off of Serpentine Circle South, which has a seawall. The property owner offered to provide legal access over their property to help mitigate any potential perceived loss of access to the waterfront by the neighborhood. The application was approved and the pedestrian easement recorded. Since that time a metal fence has been erected along a portion of the western boundary of the pedestrian access easement, from the corner of the masonry wall to the water.

Although the subject right-of-way abuts the water, it is not part of Pinellas Point Park, of which most of the other street ends in this subdivision are part. The Park begins at the end of 21st Street South, and is signed as part of the park. There are points in the park where parking is provided in the right-of-way, and where there are more-level access points to the water (see Attachment G – Waterfront Neighborhood Location). The subject street right-of-way and pedestrian easement are not specifically identified in the Comprehensive Plan's Future Land Use Map or Countywide Plan Map as Preservation or Recreation/Open Space, or as existing or planned public access points to the waterfront and are not in the City Charter as parkland.

Staff received significant opposition to this application, which will be discussed later in this report.

Analysis. Staff's review of a vacation application is guided by:

- A. The City's Land Development Regulations (LDR's);
- B. The City's Comprehensive Plan; and
- C. Any adopted neighborhood or special area plans.

The applicant bears the burden of demonstrating compliance with the applicable criteria for vacation of public right-of-way. In this case, the material submitted by the applicant does provide background or analysis supporting a conclusion that vacating a portion of the subject right-of-way would be consistent with the criteria in the City Code, the Comprehensive Plan, or any applicable special area plan.

A. Land Development Regulations

Section 16.40.140.2.1.E of the LDR sets forth the criteria for the review of proposed vacations. The criteria are provided below in italics, followed by itemized findings by Staff.

1. The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.

- The application was routed to City Departments and Private Utility Providers. There were no objections to the vacation request by City Departments, however Engineering has asked for a 60-foot-wide Public Utility Easement over the vacated street right-of-way, a cleared maintenance path to existing stormwater structures and a Minor Easement Permit for any planned structures such as fencing in the area to be vacated. No building or other structure shall be erected, and no trees or shrubbery shall be planted on any public easement other than fences, trees, shrubbery and hedges of a type approved by the City. Compliance with the Engineering Memo dated November 30, 2020, (see Attachment H), is a recommended Condition of Approval.
- No private utilities were reported in the right-of-way.

2. Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.

- Access will not be substantially impaired or denied to any lot of record. The platted lots are all owned by the two applicants. A Unity of Title binding the submerged lots to the upland lots would be required if the vacation is approved. The Unity of Title would eliminate access issues to the submerged lots.

3. Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.

- The vacation will not impact the existing roadway network, create dead-end rights-of-way, or substantially alter utilized travel patterns. The applicable plat does not contain designated historic landmarks or districts.

4. Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.

- Engineering has requested a Public Utility Easement over the entire right-of-way, should it be vacated, from Blossom Way South to just south of the seawall on Lot 6 to maintain access to stormwater infrastructure in the area.
- The street right-of-way is not needed for vehicular access, because it is mostly comprised of submerged land and City stormwater infrastructure and does not lead to any improved lots. In terms of pedestrian access to the right-of-way, Staff received numerous letters from neighbors reporting usage of the right-of-way and pedestrian

easement to access the water. Vacation of the pedestrian access easement and a majority of the street right-of-way is therefore not supported.

- Public use of the improvements which were constructed by the owner of Lot 6 and which inadvertently encroach into the right-of-way is not supported. They were not constructed for the purposes of public use. Vacation of the right-of-way containing those improvements therefore is supported and may allow the property owner to construct a fence along the improvements, which is currently not permitted by Code. An approximate 18-foot-wide partial vacation is recommended (see Attachment I). This is a more practical and environmentally friendly approach than requiring the removal of the encroaching improvements which would disturb the seabed and the mangroves. The remaining street right-of-way would be approximately 42 feet wide, which is a sufficient width for pedestrian access and would keep the City's stormwater infrastructure in the right-of-way.

5. *The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.*

- Partial vacation of the street right-of-way as recommended, as noted above, will help clarify property owner maintenance responsibilities in the area.

B. Comprehensive Plan

The City's current Comprehensive Plan contains Goals, Objectives and Policies related to land use and transportation. Those applicable to the subject application have been identified below in italics. Commentary regarding whether the application advances the Goals, Objectives and Policies, or hinders achievement of same is provided after.

1. Goals, Objectives and Policies from the Land Use Element applicable to the subject application include:

Land Use Element Goals:

- *(1) Protect the public health, safety and general welfare;*
- *(2) Protect and enhance the fabric and character of neighborhoods.*

Response to LU Goals 1 and 2: A partial vacation of the right-of-way would advance these goals by clarifying ownership of certain improvements in the right-of-way.

2. Goals, Objectives and Policies from the Transportation Element applicable to the subject application include:

Obj. T2: The City shall protect existing and future transportation corridors from encroachment.

Policy T2.4 The City should preserve the historical grid street pattern, including alleys, and shall not vacate public right-of-way until it is determined that the right-of-way is not required for present or future public use.

Response to TE Policy T2.4: Approval of a partial vacation as recommend above would not impair the intent and purpose of this policy because this portion of the street is not planned for future improvement as a public street.

3. Goals, Objectives and Policies from the Coastal Management Element applicable to the subject application include:

Obj. CM7: For development and redevelopment on the coastal shoreline, the City will give higher priority to siting water-dependent uses over other uses.

Policy CM7.5 The City shall require the retention of public right-of-way adjacent to the waterfront in the platting and replating (sic) of land unless comparable waterfront access is provided.

Response to CM Policy CM7.5: A partial vacation in this particular case should not conflict with this policy because sufficient public right-of-way adjacent to the waterfront would still be provided for pedestrian access and for City stormwater infrastructure. Public motorized access is not planned in this area.

C. Adopted Neighborhood or Special Area Plans

The subject area is located in the area covered under the Greater Pinellas Point Neighborhood Plan of July 14, 2005. This particular street right-of-way is not identified in that plan for future traffic, safety or other improvements.

D. Comments from Organizations and the Public

As of January 25, 2021, City Staff received 31 written and phone comments from the public, all which object to a full vacation of the right-of-way and pedestrian easement. No comments were received from the Greater Pinellas Point Civic Association, the Council of Neighborhood Associations (CONA) and the Federation of Inner-City Community Organizations (FICO) (see Attachment J – Comment Letters).

RECOMMENDATION. Staff recommends **APPROVAL** of a partial vacation of the right-of-way and a **DENIAL** of the vacation of the full right-of-way and pedestrian access easement, with the following conditions of approval:

1. The legal sketch and description of the area to be vacated shall be redrawn to include only the area containing the encroaching private improvements.
2. If a full vacation of the street right-of-way is approved, a Unity of Title Document is required for the lots from both applicants.
3. The Applicant shall comply with the Engineering Review Memo dated November 30, 2020. Any required easements and relocation of existing City utilities shall be at the expense of the Applicant.
4. The applicant shall be responsible for all plans, permits, work inspections and costs associated with the vacation(s).
5. As required by City Code Section 16.70.050.1.1.F, approval of right-of-way vacations shall lapse and become void unless the vacation ordinance is recorded by the City Clerk in the public records within 24 months from the date of such approval or unless an extension of time is granted by the Development Review Commission or, if appealed, City Council prior to the expiration thereof. Each extension shall be for a period of time not to exceed one (1) year.

REPORT PREPARED BY:

/s/Cheryl Bergailo

Cheryl Bergailo, AICP, LEED Green Assoc., Planner II
Development Review Services Division
Planning & Development Services Department

1/26/21

DATE

REPORT APPROVED BY:



Jennifer Bryla, AICP, Zoning Official (POD)
Development Review Services Division
Planning & Development Services Department

1-27-2021

DATE

Attachments: A – Location Map, B - Sketches & Legal Descriptions, C - Application, D – Photos, E –Property Surveys, F – Plat, G – Waterfront Neighborhood Location Map, H - Engineering Memo dated 11/30/20, I – Recommended Partial Vacation, J - Comment Letters

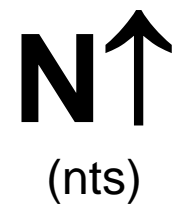


Pedestrian easement to be vacated

Street ROW to be vacated



ATTACHMENT – A
Project Location Map
City of St. Petersburg, Florida
Planning and Development Services Department
Case No.: 20-33000018
Address: 2166 Blossom Way South and
2199 Serpentine Circle South



LEGAL DESCRIPTION AND SKETCHTHIS IS NOT A SURVEY**ATTACHMENT - B**

SKETCH AND DESCRIPTION of proposed vacation of a portion of Serpentine Circle South and Harvey Way: Commence at the Northwest corner of Lot 6, Block 37, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida as a Point of Beginning; thence run West 60.00 feet to the Northwest corner of Lot 1, Block 36, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida; thence run along a curve to the left on the Westerly right-of-way line of Serpentine Circle South with a radius of 560.00 feet, arc distance of 84.35 feet, chord bearing S 07° 23' 11" E, chord distance of 84.27 feet; thence run along a curve to the left on the Westerly right-of-way line of Serpentine Circle South with a radius of 2688.30 feet, arc distance of 370.44 feet, chord bearing S 15° 38' 57" E, chord distance of 370.15 feet to the Southeast corner of Lot 7, Block 36, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida; thence run West 181.48 feet along the North right-of-way line of Harvey Way to the Southwest corner of Lot 6, Block 36, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida; thence run South 60.00 feet to the Northwest corner of Lot 1, Block 63, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida; thence run East 203.65 feet along the South right-of-way line of Harvey Way to the Northeast corner of Lot 2, Block 63, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida; thence run along a curve to the left on the Westerly right-of-way line of Serpentine Circle South with a radius of 2688.30 feet, arc distance of 68.03 feet, chord bearing S 21° 41' 06" E, chord distance of 68.03 feet to the Southeast corner of Lot 2, Block 63, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida; thence run N 67° 35' 24" E 60.00 feet to the Southwest corner of Lot 11, Block 37, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida; thence run along a curve to the right on the Easterly right-of-way line of Serpentine Circle South with a radius of 2628.30 feet, arc distance of 491.23 feet, chord bearing N 17° 03' 21" W, chord distance of 490.51 feet; thence run along a curve to the right on the Easterly right-of-way line of Serpentine Circle South with a radius of 500.00 feet, arc distance of 72.11 feet, chord bearing N 07° 34' 15" W, chord distance of 72.05 feet to the Point of Beginning at the Northwest corner of Lot 6, Block 37, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida.

Containing 46,049.06 square feet or 1.057 acres, more or less.

PREPARED FOR:

William Darrell Jackson, Douglas C. Jackson and Sharon K. Jackson

LEGEND:

CL - CENTERLINE
 RW - RIGHT OF WAY
 BLK - BLOCK
 P.O.B. - POINT OF BEGINNING
 L.B. - LICENCED BUSINESS

SHEET 1 OF 2

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. SKETCH AND DESCRIPTION HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH. SKETCH AND DESCRIPTION NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS AND DISTANCES ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

EDWARD D. MURPHY, PROFESSIONAL LAND SURVEYOR # 5333

JOB NUMBER: 191701A

DATE: 10/25/19

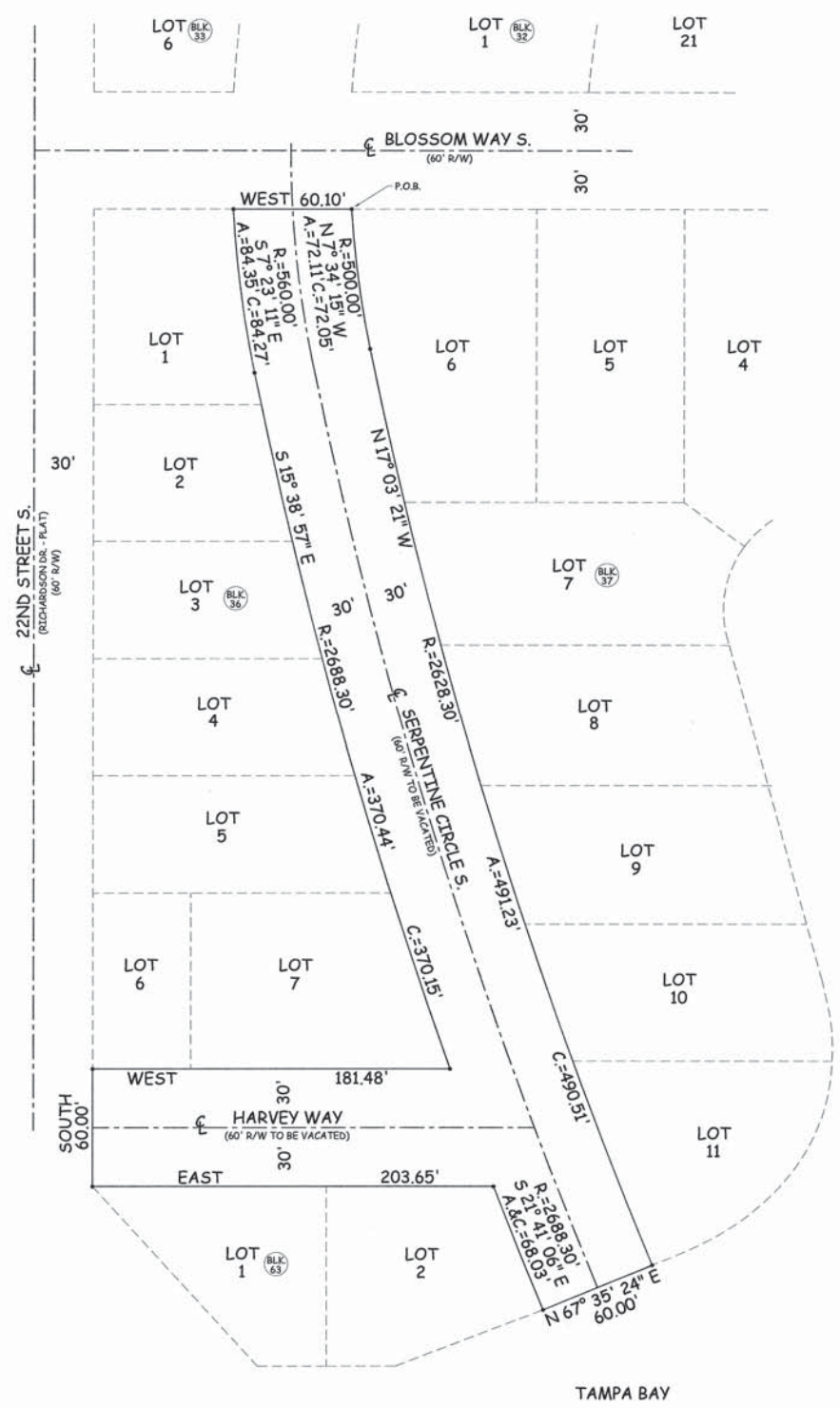
L.B. #7410
MURPHY'S LAND SURVEYING, INC.
 PROFESSIONAL LAND SURVEYORS
 5760 11TH AVENUE NORTH
 ST. PETERSBURG, FLORIDA 33710
 PH. (727) 347-8740 FAX (727) 344-4640
 WWW.MURPHYSLANDSURVEYING.COM

LEGAL DESCRIPTION AND SKETCH

THIS IS NOT A SURVEY



SCALE: 1" = 60'



LEGEND:
 C - CENTERLINE
 R/W - RIGHT OF WAY
 BLK - BLOCK
 P.O.B. - POINT OF BEGINNING
 L.B. - LICENCED BUSINESS

SHEET 2 OF 2

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. SKETCH AND DESCRIPTION HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH. SKETCH AND DESCRIPTION NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

EDWARD D. MURPHY, PROFESSIONAL LAND SURVEYOR # 5333

JOB NUMBER: 191701B	DATE: 10/25/19
L.B. #7410 MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 PH. (727) 347-8740 FAX (727) 344-4640 WWW.MURPHYSLANDSURVEYING.COM	

LEGAL DESCRIPTION AND SKETCHTHIS IS NOT A SURVEY

SKETCH AND DESCRIPTION of proposed vacation of a pedestrian ingress/egress easement: Commence at the Northeast corner of Lot 1, Block 36, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida as a Point of Beginning; thence run along a curve to the left on the Westerly right-of-way line of Serpentine Circle South with a radius of 560.00 feet, arc distance of 84.35 feet, chord bearing S 07° 23' 11" E, chord distance of 84.27 feet; thence run along a curve to the left on the Westerly right-of-way line of Serpentine Circle South with a radius of 2688.30 feet, arc distance of 370.44 feet, chord bearing S 15° 38' 57" E, chord distance of 370.15 feet to the Southeast corner of Lot 7, Block 36, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida; thence run West a distance of 110.68 along the North right-of-way line of Harvey Way; thence run North a distance of 440.00 feet to the Point of Beginning at the Northeast corner of Lot 1, Block 36, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION as recorded in Plat Book 17, Page 24 of the Public Records of Pinellas County, Florida.

ALSO DESCRIBED AS:

A portion of Block 36, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION, as recorded in Plat Book 17, Page 24, Public Records of Pinellas County, Florida, described as: From a Point of Beginning at the Northeast corner of Lot 1, Block 36, run along the West right-of-way line of Serpentine Circle South by the following (2) courses: a curve concave to the East, radius 560.0 feet, arc 84.45 feet, chord S. 07° 23' 28" East, 84.37 feet; thence by a curve concave to the East, radius 2688.30 feet, arc 370.36 feet, chord S. 15° 39' 37" East, 370.07 feet; thence West 110.75 feet, thence North 440.00 feet to the Point of Beginning.

Containing 20,444.63 square feet or 0.469 acres, more or less.

PREPARED FOR:

Douglas C. Jackson and Sharon K. Jackson

LEGEND:

CL - CENTERLINE
 RW - RIGHT OF WAY
 BLK - BLOCK
 P.O.B. - POINT OF BEGINNING
 L.B. - LICENCED BUSINESS



SHEET 1 OF 2

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(ES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. SKETCH AND DESCRIPTION HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH. SKETCH AND DESCRIPTION NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT UNLESS OTHERWISE NOTED.

Edward D. Murphy
 EDWARD D. MURPHY, PROFESSIONAL LAND SURVEYOR # 5333

JOB NUMBER: 201748A

DATE: 10/23/2020

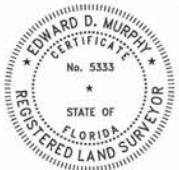
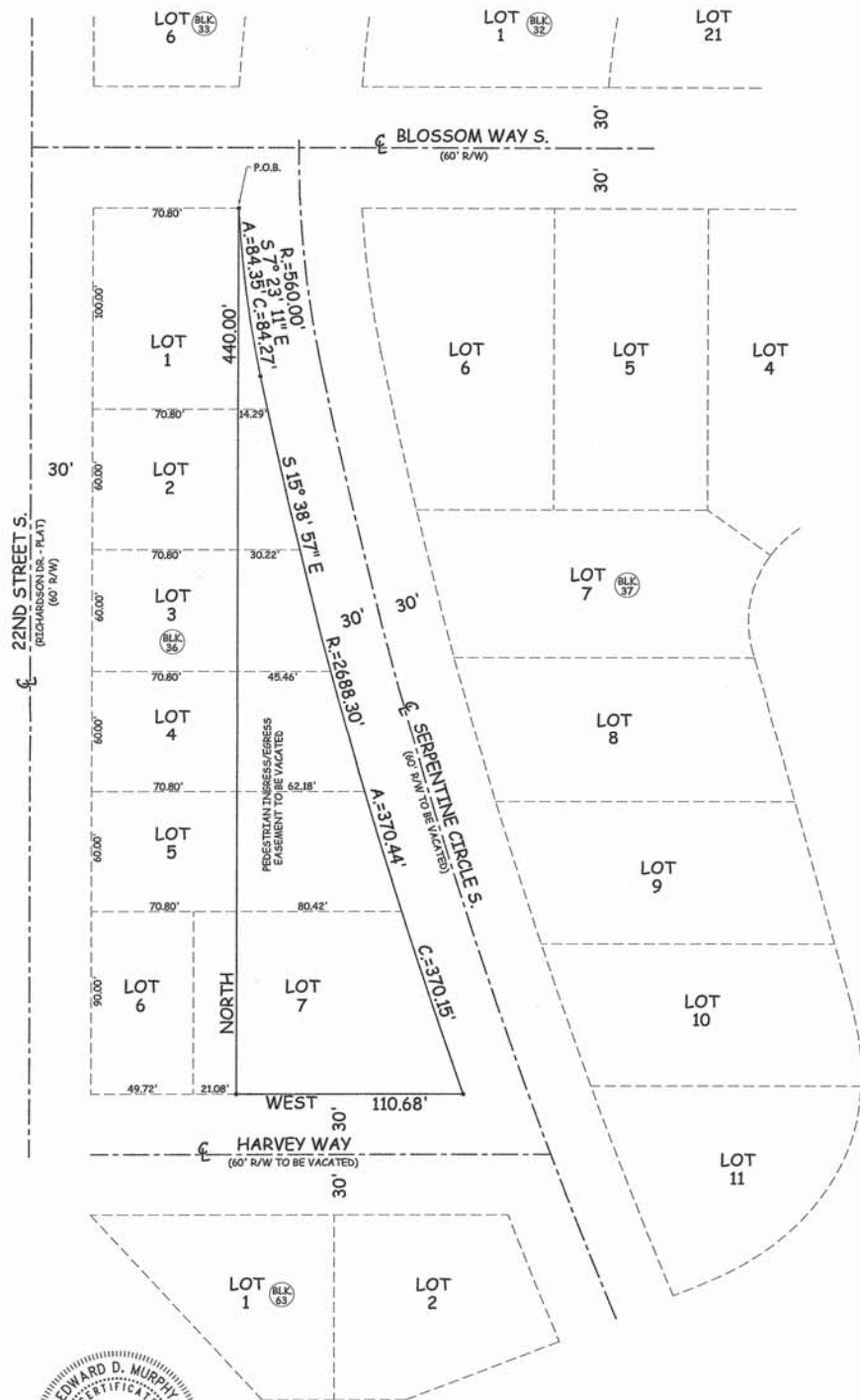
L.B. #7410
MURPHY'S LAND SURVEYING, INC.
 PROFESSIONAL LAND SURVEYORS
 5760 11TH AVENUE NORTH
 ST. PETERSBURG, FLORIDA 33710
 PH. (727) 347-8740 FAX (727) 344-4640
 WWW.MURPHYSLANDSURVEYING.COM

LEGAL DESCRIPTION AND SKETCH

THIS IS NOT A SURVEY



SCALE: 1" = 60'



LEGEND:
 C - CENTERLINE
 R/W - RIGHT OF WAY
 BLK - BLOCK
 P.O.B. - POINT OF BEGINNING
 L.B. - LICENCED BUSINESS

FOR THE EXCLUSIVE USE OF THE HEREON PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SKETCH AND DESCRIPTION REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 51-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. SKETCH AND DESCRIPTION HAS BEEN DONE WITHOUT THE BENEFIT OF REVIEWING A CURRENT TITLE SEARCH. SKETCH AND DESCRIPTION NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS DRAWN ARE BASED ON PLAT UNLESS OTHERWISE NOTED.

Edward D. Murphy
 EDWARD D. MURPHY, PROFESSIONAL LAND SURVEYOR # 5333

JOB NUMBER: 201748B

SHEET 2 OF 2

DATE: 10/23/2020

L.B. #7410
MURPHY'S LAND SURVEYING, INC.
 PROFESSIONAL LAND SURVEYORS
 5760 11TH AVENUE NORTH
 ST. PETERSBURG, FLORIDA 33710
 PH. (727) 347-8740 FAX (727) 344-4840
 WWW.MURPHYSLANDSURVEYING.COM



SUBDIVISION DECISION Application

Application No. _____

All applications are to be filled out completely and correctly. The application shall be submitted to the City of St. Petersburg's Development Review Services Division, located on the 1st floor of the Municipal Services Building, One 4th Street North.

Application Type:

Per: 16.40.140 &
16.70.050

- Lot Line Adjustment
- Lot Split
- Lot Refacing
- Street Name Change
- Street Closing

- Vacating – Street Right-of-Way
- Vacating – Alley Right-of-Way
- Vacating – Walkway Right-of-Way
- Vacating – Easement
- Vacating – Air Rights

GENERAL INFORMATION	
NAME of APPLICANT (Property Owner): Douglas, Sharon, Meischa and Marieka Jackson; Edward and Lenore Kopko	
Street Address: 2116 Blossom Way S. and 2119 Serpentine Circle S.	
City, State, Zip: St. Petersburg, FL 33712	
Telephone No:	Email Address:
NAME of AGENT or REPRESENTATIVE: R. Donald Mastry, Trenam Law	
Street Address: 200 Central Ave., Suite 1600	
City, State, Zip: St. Petersburg, FL 33701	
Telephone No: 727-824-6140	Email Address: dmastry@trenam.com
PROPERTY INFORMATION:	
Street Address or General Location: South and west of 2166 Blossom Way S.	
Parcel ID#(s): n/a	
DESCRIPTION OF REQUEST: Vacation of all of Harvey Way, that portion of Serpentine Circle S. lying south of Blossom Way S. and adjacent pedestrian ingress/egress easement recorded in Official Records Book 14913, Page 2569, Public Records of Pinellas County, Florida	
PRE-APPLICATION DATE: 7/22/20	PLANNER: JCB & SKB

FEE SCHEDULE

Lot Line & Lot Split Adjustment Administrative Review	\$200.00	Vacating Streets & Alleys	\$1,000.00
Lot Line & Lot Split Adjustment Commission Review	\$300.00	Vacating Walkway	\$400.00
Lot Refacing Administrative Review	\$300.00	Vacating Easements	\$500.00
Lot Refacing Commission Review	\$500.00	Vacating Air Rights	\$1,000.00
Variance with any of the above	\$350.00	Street Name Change	\$1,000.00
		Street Closing	\$1,000.00

Cash, credit, and checks made payable to the "City of St. Petersburg"

AUTHORIZATION

City Staff and the designated Commission may visit the subject property during review of the requested variance. Any Code violations on the property that are noted during the inspections will be referred to the City's Codes Compliance Assistance Department.

The applicant, by filing this application, agrees he or she will comply with the decision(s) regarding this application and conform to all conditions of approval. The applicant's signature affirms that all information contained within this application has been completed, and that the applicant understands that processing this application may involve substantial time and expense. Filing an application does not guarantee approval, and denial or withdrawal of an application does not result in remittance of the application fee.

NOTE: IT IS INCUMBENT UPON THE APPLICANT TO SUBMIT CORRECT INFORMATION. ANY MISLEADING, DECEPTIVE, INCOMPLETE, OR INCORRECT INFORMATION MAY INVALIDATE YOUR APPROVAL.

Signature of Owner/Agent: *R. Donald Mastry*

Date: 8/10/20

*Affidavit to Authorize Agent required, if signed by Agent.

Typed name of Signatory: R. Donald Mastry, as agent



NEIGHBORHOOD WORKSHEET

Applicants are strongly encouraged to obtain signatures in support of the proposal(s) from owners of property adjacent to or otherwise affected by a particular request.

NEIGHBORHOOD WORKSHEET	
Street Address: South and west of 2166 Blossom Way S.	Case No.:
Description of Request: Vacation of all of Harvey Way, that portion of Serpentine Circle S. lying south of Blossom Way S. and and that adjacent pedestrian ingress/egress easement recorded in Official Records Book 14913, Page 2569, Public Records of Pinellas County, Florida	
The undersigned adjacent property owners understand the nature of the applicant's request and do not object (attach additional sheets if necessary):	
1. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
2. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
3. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
4. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
5. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
6. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
7. Affected Property Address:	
Owner Name (print):	
Owner Signature:	
8. Affected Property Address:	
Owner Name (print):	
Owner Signature:	



PUBLIC PARTICIPATION REPORT

Application No. _____

In accordance with LDR Section 16.70.040.1.F., "It is the policy of the City to encourage applicants to meet with residents of the surrounding neighborhoods prior to filing an application for a decision requiring a streamline review or public hearing. Participation in the public participation process prior to required public hearings will be considered by the decision-making official when considering the need, or request, for a continuance of an application. It is not the intent of this section to require neighborhood meetings, (except when the application is for a local historic district) but to encourage meetings prior to the submission of applications for approval and documentation of efforts which have been made to address any potential concerns prior to the formal application process."

NOTE: This Report may be updated and resubmitted up to 10 days prior to the scheduled Public Hearing.

APPLICANT REPORT

Street Address: South and west of 2166 Blossom Way S.

1. Details of techniques the applicant used to involve the public

(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal

n/a

(b) Content, dates mailed, and number of mailings; including letters, meeting notices, newsletters, and other publications

Application sent to CONA, FICO and Greater Pinellas Point Civic Assn.

(c) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located

n/a

2. Summary of concerns, issues, and problems expressed during the process

n/a

NOTICE OF INTENT TO FILE

A minimum of ten (10) days prior to filing an application for a decision requiring Streamline or Public Hearing approval, the applicant shall send a copy of the application by email to the Council of Neighborhood Associations (CONA) (c/o Judy Landon at variance@stpetecona.org), by standard mail to Federation of Inner-City Community Organizations (FICO) (c/o Kimberly Frazier-Leggett at 3301 24th Ave. S., St. Pete 33712) and by email to all other Neighborhood Associations and/or Business Associations within 300 feet of the subject property as identified in the Pre-Application Meeting Notes. The applicant shall file evidence of such notice with the application.

Date Notice of Intent to File sent to Associations within 300 feet, CONA and FICO: 11/5/2020

Attach the evidence of the required notices to this sheet such as Sent emails.

NARRATIVE IN SUPPORT OF SUBDIVISION DECISION APPLICATION
(VACATION)

Douglas, Sharon, Meischa and Marieka Jackson; and Edward and Lenore Kopko (the “Applicants”) are the owners of 2116 Blossom Way S. and 2119 Serpentine Circle S. The Applicants are requesting the vacation of all of Harvey Way, that portion of Serpentine Circle S. lying south of Blossom Way S. and that adjacent pedestrian ingress/egress easement recorded in Official Records Book 14913, Page 2569, Public Records of Pinellas County, Florida (collectively, the “Property”).

Existing Conditions

The roads comprising the Property were platted in 1925 as part of Pinellas Point Addition Section A of Canal Section, as recorded in Plat Book 17, Page 24, of the Public Records of Pinellas County, Florida (the “Plat”). The pedestrian ingress/egress easement was created by a declaration of a prior owner in 2006. The Applicants own 100% of the lineal frontage of the right of way to be vacated.

The Property consists of unimproved, platted or dedicated public right of way lying south of Blossom Way S. in Block 36 of the Plat. The vast majority of the Property is submerged land. Most of the remainder of the Property consists of a ditch and mangroves. Until recently, the Property was impassible and not used by the public due to thick vegetation.

After vegetation was recently cleared, the Property has been frequented by people attempting to get to the waters of Tampa Bay. This has resulted in trespassing and littering on the Applicants’ property. The existence of the ditch and a retaining wall (see attached photos) represents a significant safety and liability concern for both the Applicants and the City.

Proposed Conditions

The Applicants propose to vacate the Property. Upon vacation, the Applicants will be able to secure the Property to prevent trespassing, littering and injury.

Discussion of Matters for Consideration for Vacations
(Sec. 16.40.140.2.1.E of the Land Development Code)

1. *The need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or required to be dedicated as requested by the various departments or utility companies.*

The Applicants do not object to the retention of utility or drainage easements as necessary across portions of the Property.

There is no need for pedestrian easements on the Property given its unimproved nature as submerged lands, a ditch and mangroves. Allowing pedestrian use of the Property to

continue is a significant safety and liability risk to both the Applicants and the City. Safe pedestrian access to the water will continue to be available just a few blocks away at Pinellas Point Park, Katherine B. Tippetts Park and 21st Street S.

2. *Whether the vacation would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.*

The vacation would not have this effect. The Applicants own 100% of the lineal frontage of the right of way to be vacated and no lots of record use it for access.

3. *Whether the vacation would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.*

The vacation would not have this effect. The Property is unimproved and not used for or capable of being used for travel. Vacating the Property will close the existing dead end right of way of Serpentine Circle S. lying south of Blossom Way S.

4. *Whether the easement is needed for the purpose for which the City has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors.*

There is no present or future need for the right of way for public vehicular or pedestrian access, or for public utility corridors. The Property is unimproved and mostly consists of submerged lands, a ditch and mangroves. Allowing pedestrian use of the Property to continue is a significant safety and liability risk to both the Applicants and the City. Safe pedestrian access to the water will continue to be available just a few blocks away at Pinellas Point Park, Katherine B. Tippetts Park and 21st Street S.

5. *The POD, Development Review Commission, and City Council may also consider any other factors affecting the public health, safety, or welfare.*

The Applicants believe that the City should consider the significant safety and liability risk associated with leaving the Property open as public right of way. The steep retaining wall and ditch, which are currently accessible to the public, are dangerous conditions.

The ditch is the outfall for a large stormwater pipe (see attached photos). After heavy rain, fast moving water in this ditch poses a high risk of injury. Drowning is the leading cause of death among young children, and Florida continues to have some of the highest overall rates of drowning in the country.

Further, the steep retaining wall between the Applicants' property and the ditch also presents a risk for injury.

Discussion of Standards of Review for Subdivision Decisions, Generally
(Sec. 16.70.050.1(D) of the Land Development Code)

- D. Standards for review. In reviewing the application for a subdivision decision, the POD, commission or the City Council shall consider whether the application is consistent with and furthers the purpose of the Land Development Regulations and other City ordinances and actions designed to implement the Comprehensive Plan.*

The application is consistent with and furthers the purpose of the Land Development Regulations and other City ordinances and actions designed to implement the Comprehensive Plan, including those that promote the public health, safety and welfare.









Panoramic views of right-of-way, from Blossom Way S. Top image from Google Street Scene.



View toward Blossom Way S from encroaching wall along east side of ROW.

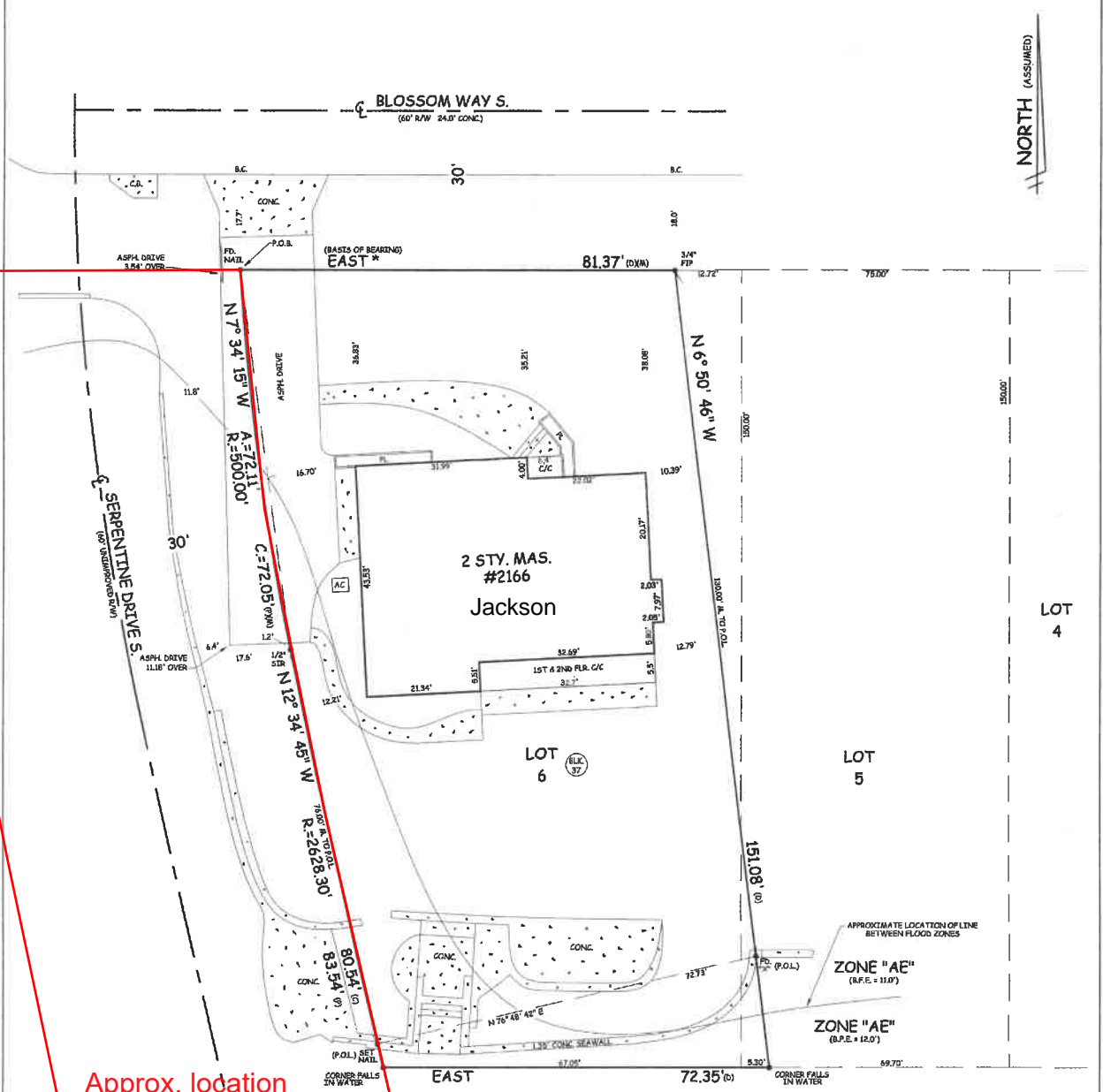


View from encroaching wall and patio toward the Kopko's dock at 2199 Serpentine Circle S, beyond the mangroves.

ATTACHMENT - E

JOB NO:	180432	MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM	L.B. #7410
DRAWN BY:	CHECKED BY:		PH. (727) 347-8740
MRB	EDM		FAX (727) 344-4640
DATE OF FIELD WORK:			
3/19/18			
CERTIFIED TO: William Darrell Jackson and Douglas C. Jackson and Sharon K. Jackson Fisher & Wilsey, P.A. Fidelity National Title Insurance Company			

SCALE: 1" = 20' Survey not valid for more than one (1) year from date of field work. SEC. 13 TWP. 32 S. RGE. 16 E.



Approx. location
ROW
(sketched by City Staff)

The location of the line between flood zones has been approximated based upon flood maps that scale one inch to 500 feet making an exact location of the line impossible to determine. Accordingly, this survey will not be responsible for decisions concerning flood insurance requirements based upon the approximate line of the flood zones shown herein.

A BOUNDARY SURVEY OF: From the Northwest corner of Lot 6, Block 37, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION, according to the map or plat thereof, as recorded in Plat Book 17, Page(s) 24, of the Public Records of Pinellas County, Florida the P.O.B run Easterly along the North line of said Lot 6, 81.37 feet; thence run Southerly 151.08 feet to a point on the South line of Lot 6 and adjacent Lot 5, said point being 72.35 feet Easterly of the Southwest corner of said Lot 6; thence run Westerly along said South line of Lots 5 and 6 to the Southwest corner of Lot 6; thence Northerly along the West line of said Lot 6 to the Point of Beginning.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in
 Flood zone: AE Comm. Panel No. : 125148 0283 G Map Date : 9/03/03 Base Flood Elev : 11.0' - 12.0'

FOR THE EXCLUSIVE USE OF THE HEREIN PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE) AND THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 54-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF REVISORING A CURRENT TITLE BEARING. SURVEY NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

★ BEARINGS SHOWN ARE ASSUMED

LEGEND: F.I.P. - FOUND IRON PIPE F.C.M. - FOUND CONCRETE MONUMENT F.I.R. - FOUND IRON ROD S.I.R. - SET IRON ROD 1/2" LB #7410 P.C.S. - POINT OF CURVATURE P.C.G. - POINT OF COMPOUND CURVATURE F.M. - FINISHED FLOOR ELEVATION P.R.M. - PERMANENT REFERENCE MONUMENT N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988 F.D. - FOUND NAIL AND DISK P.O.L. - POINT ON LINE P.C. - POINT OF CURVATURE P.T. - POINT OF TANGENCY P.I. - POINT OF INTERSECTION X-X-X - FENCE F.E. - FENCE C.L.F. - CHAIN LINK FENCE A.A. - ADJACENT R. - RADIUS A - ARC C - CHORD Δ - DELTA RW - RIGHT OF WAY # - NUMBER M.S. - MASONRY FRM. - FRAME G.I. - GRATE INLET C.B. - CATCH BASIN F.H. - FIRE HYDRANT M.S. - METAL SHED ALUM. - ALUMINUM W.H. - WATER HEATER P.S. - PATIO STONE PL. - PLANTER B.C. - BACK OF CURB E.P. - EDGE OF PAVEMENT E.R. - EDGE OF ROAD E.O.W. - EDGE OF WATER T.O.B. - TOP OF BANK W.W. - WING WALL E. - CENTERLINE R.W. - RIGHT OF WAY (P) - PLAT (C) - CALCULATION (D) - DEED (M) - MEASURED N. - NORTH S. - SOUTH E. - EAST W. - WEST ESMT. - EASEMENT M.H. - MANHOLE CONC. - CONCRETE CLR. - CLEAR COL. - COLLAR WD. - WOOD BLK. - BLOCK S.W. - SEAWALL ASPH. - ASPHALT UTIL. - UTILITY DR - DRAINAGE O.H. - OVERHANG GAR. - GARAGE C.I.W. - COVERED WOOD C.P.S. - COVERED PATIO STONE DIC - COVERED CONCRETE A.C. - AIR CONDITIONER S.P. - SCREENED PORCH P.P. - OVERHEAD POWER LINES T-T - OVERHEAD TELEPHONE LINES P.P. - POWER POLE L.P. - LIGHT POLE

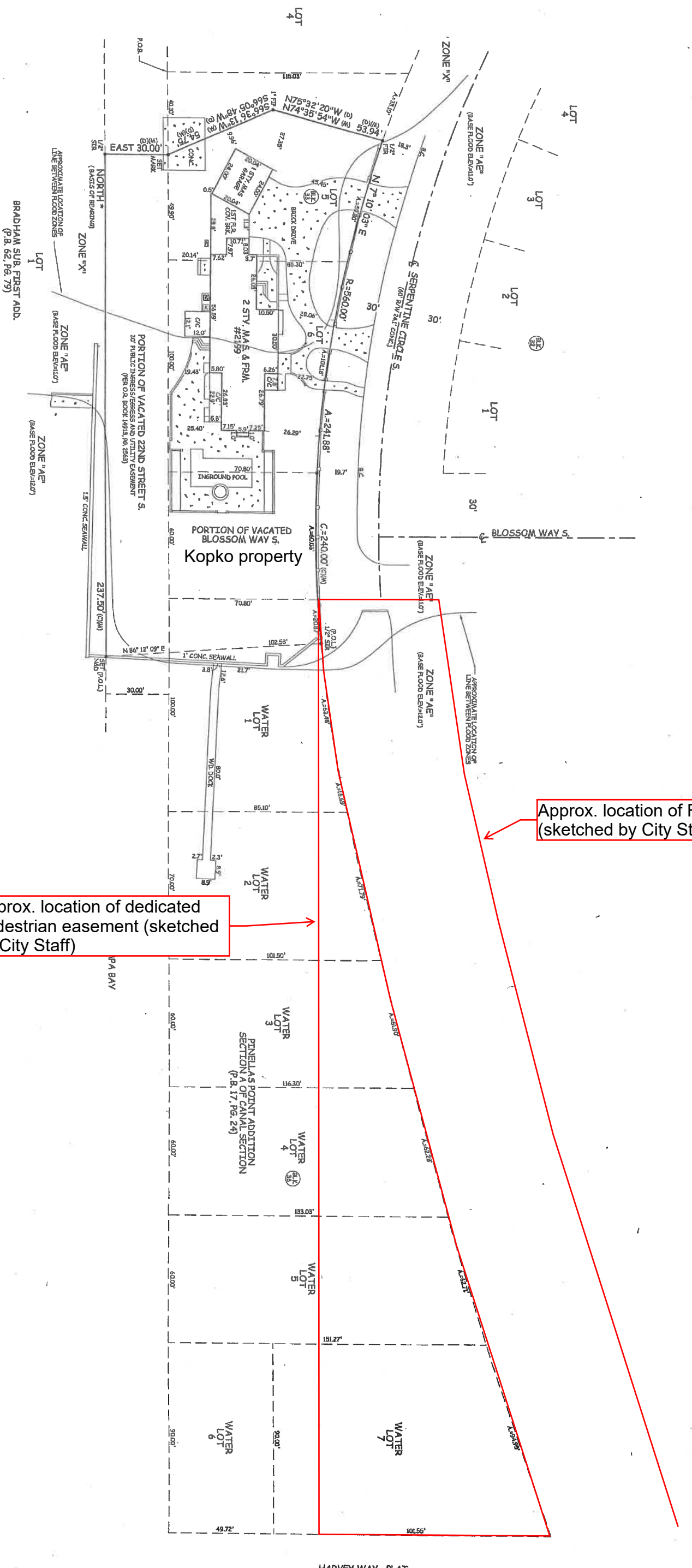
EDWARD D. MURPHY REG. P.L.S. #5333

SCALE: 1" = 50'

Survey not valid for more than one (1) year from date of field work.

SEC. 13 TWP. 32 S. RGE. 17 E.

(ASSUMED) NORTH



CERTIFIED TO: Edward Kopko & Lenore Kopko
 LUXE Title Services
 Stewart Title Guaranty Company

MURPHY'S LAND SURVEYING, INC.
 PROFESSIONAL LAND SURVEYORS
 5760 11TH AVENUE NORTH
 ST. PETERSBURG, FLORIDA 33710
 WWW.MURPHYSLANDSURVEYING.COM

JOB NO.: 160089	DATE OF FIELD WORK: 1/26/16	LEGEND:
DRAWN BY: MRB	CHECKED BY: EDM	R.D. - ROUND N.D. - NAIL AND DISK P.C.M. - FOUND CONCRETE MONUMENT F.L.R. - FOUND IRON ROD S.L.R. - SET IRON ROD 1/2" LB #7410 P.R.C. - POINT OF REVERSE CURVATURE
<p>MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM</p>		R. - RADIUS A. - ARC C. - CHORD D. - DELTA R/W. - RIGHT OF WAY P.L. - POINT OF INTERSECTION M.S. - METAL SHED A.L.M. - ALUMINUM W.H. - WATER HEATER P.S. - PATIO STONE C.P. - CARPORT P.L. - PLANTER W/W. - WING WALL L.C. - CENTRELINE R/W. - RIGHT OF WAY P.L. - POINT OF INTERSECTION D. - DEED E.S.P.T. - EAST/EAST M.H. - MANHOLE CONC. - CONCRETE CLR. - CLEAR COL. - COLLUM W.D. - WOOD O.H. - OVERHANG GAR. - GARAGE C/W.D. - COVERED WOOD C/P.S. - COVERED PATIO STONE C/C. - COVERED CONCRETE A/C. - AIR CONDITIONER P.C.G. - POINT OF COMPOUND CURVATURE F.N. - FINISHED FLOOR ELEVATION P.R.M. - PERMANENT REFERENCE MONUMENT N.A.V.D. - NORTH AMERICAN VERTICAL D.A.T.U.M. - DATUM OF 1988 X-X-X. - FENCE F.E. - FENCE C.L.F. - CHAIN LINK FENCE I/A.I. - ADJACENT FENCE A.D.I. - ADJACENT M.S. - MASONRY F.R.M. - FRAME G.I. - GRATE INLET C.B. - CATCH BASIN W.H. - WATER HEATER B.C. - BACK OF CURB E.P. - EDGE OF PAVEMENT E.R. - EDGE OF ROAD E.D.W. - EDGE OF WATER T.O.B. - TOP OF BANK (M) - MEASURED N. - NORTH S. - SOUTH E. - EAST W. - WEST B.L.K. - BLOCK S.M.W. - SEAWALL A.S.P.H. - ASPHALT U.T.I.L. - UTILITY D.R. - DRAINAGE S.P. - SCREENED BORCH P.P. - OVERHEAD POWER LINES T.T. - OVERHEAD TELEPHONE LINES P.P. - POWER POLE L.P. - LIGHT POLE
L.B. #7410	PH. (727) 347-8740	FAX (727) 344-4640
<p>According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in Flood zone: AE & X Comm. Panel No.: 125148 0283 G Map Date: 9/09/03 Base Flood Elev.: 11.0' & 12.0'</p>		
<p>* BEARINGS SHOWN ARE ASSUMED * *2/4/16 Certifications added EDWARD D. MURPHY REG. P.L.S. # 5333</p>		

"The location of the line between flood zones has been approximated based upon existing topographic data and is subject to change. This survey is not intended to determine the exact location of the line between flood zones. The surveyor will not be responsible for decisions concerning flood insurance requirements based upon the approximate line of the flood zone shown hereon."

A BOUNDARY SURVEY OF: Lots 5 & 6, Block 33, PINELLAS POINT ADDITION SECTION C OF MOUND SECTION, according to the map or plat thereof as recorded in Plat Book 13, Page 10, Public Records of Pinellas County, Florida, less and except the following described portion of Lot 5, from the Northwest corner of said Lot 5, as a Point of Beginning, run thence North 89° 21' 00" East, 115.03 feet along the North line of said Lot 5, thence 35.1 feet along the arc of a curve to the left, radius 560 feet, chord South 21° 17' 33" West, 35.09 feet, thence North 75° 32' 20" East, 53.94 feet, thence South 68° 09' 48" West, 54.75 feet to a point on the West line of said Lot 5, thence North 40.10 feet to the Point of Beginning. Together with that portion of vacated Blossom Way adjacent to and immediately South of the West line of said Lot 5, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION, according to the map or plat thereof as recorded in Plat Book 17, Page 24, Public Records of Pinellas County, Florida. Together with that portion of vacated Blossom Way adjacent to and immediately North of Lot 1 described above, AND Lots 2 through 7, Block 33, and Lots 1 and 2, Block 63, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION, according to the map or plat thereof as recorded in Plat Book 17, Page 24, Public Records of Pinellas County, Florida, together with that portion of vacated 22nd Street South adjacent to and West of said Lots 5 and 6, Block 33 and said Lots 1 through 6, Block 35, described above, as vacated in O.R. Book 14913, Page 2593, Public Records of Pinellas County, Florida.

Approx. location of dedicated pedestrian easement (sketched by City Staff)

Approx. location of ROW (sketched by City Staff)



Subject Property

Pinellas Point Park

Attachment G — Waterfront Neighborhood Location Map

Case No.: 20-3300018

Planning and Development Services Department—City of St. Petersburg, Florida

Source: Google Maps



ATTACHMENT - H

MEMORANDUM
CITY OF ST. PETERSBURG
ENGINEERING & CAPITAL IMPROVEMENTS DEPARTMENT (ECID)

TO: Iris Winn, Administrative Clerk, Development Services
Jennifer Bryla, Zoning Official, Development Review Services
Cheryl Bergailo, Development Services

FROM: Nancy Davis, Engineering Plan Review Supervisor

DATE: November 30, 2020

SUBJECT: Approval to vacate Serpentine Circle South

FILE: 20-33000018 R1
**Revision to add the vacation of a Pedestrian Ingress/Egress Easement*

LOCATION AND PIN: 2166 Blossom Way S; 13/32/16/71280/037/0060
2199 Serpentine Cir S; 13/32/16/71316/033/0060

ATLAS: H-37 **Zoning:** NS-2

REQUEST: Approval to vacate Serpentine Circle South between Blossom Way South and the Tampa Bay and the entire length of Harvey Way in the Pinellas Point Addition, Section A of Canal Section Subdivision and vacate the adjacent pedestrian ingress/egress easement recorded in Official Records Book 14913, Page 2569, Public Records of Pinellas County, Florida.

The Engineering and Capital Improvements Department (ECID) has no objection to the proposed vacations provided the following special conditions are added as conditions of approval:

SPECIAL CONDITIONS OF APPROVAL:

1. The portion of the vacated right-of-way of Serpentine Circle South extending from the southern right of way boundary of Blossom Way South to the southern property line of PINELLAS POINT ADD SEC A CANAL SEC Block 36, Lot 2 shall be retained as a **Public Drainage and Public Utility Easement**. Easement area is roughly depicted on attached Exhibit 1.

- No building or other structure shall be erected, and no trees or shrubbery shall be planted on any public easement other than fences, trees, shrubbery and hedges of a type approved by the City. All costs involving repairing of hard surfaces, removal and replacement of fences, walls, trees, shrubbery, and hedges or other private encroachments shall be the responsibility of the property owner.
- The property owners must provide documentation of any privately owned encroachments which exist within the area to be retained as public easement and must obtain a **Minor Easement Permit** from City ECID for all private features, including but not limited to seawalls, revetments, retaining walls, block walls, fences, driveways, other paved surfaces, or for any privately owned structures/features which do not impact the City's ability to utilize the easement for public purposes. The Minor Easement Permit issued pursuant to city code chapter 25, Article VII, is required to clarify and document private ownership of these features by the property owner. A minor easement permit application is included for use by the property owners. Please mail to the below address each completed application, the

original Hold Harmless & Indemnity Agreement (signed by the property owner), including a check made payable to the “City of St. Petersburg”, for the associated \$185.50 permit fee (one for each property). *Note that *each* property owner must individually apply for and obtain a minor easement permit for any private encroachments which extend into the public easement to be retained for public purposes.

Mailing Address:

City of St. Petersburg Engineering and Capital Improvements Department
ATTN: Martha Hegenbarth or Lori Smith
One Fourth Street North, 7th Floor Engineering Dept.
St. Petersburg, FL 33701-2842

3. The remaining platted lots existing to the south of the upland properties will no longer have frontage on a platted right of way or access to public utilities. A replat to join the submerged lots to the upland lots should be required, or otherwise upland parcels must be legally tied to the submerged parcels so they cannot be separated without requiring an additional zoning decision. The proper process to accomplish this must be determined by the City’s Zoning division.

4. The property owner(s) must provide, allow, and maintain an access path (minimum 12-foot wide, level, flat, and unobstructed), extending to the south from Blossom Way South sufficient to allow City maintenance equipment and personnel to access the outfall ditch and ditch banks when necessary for public maintenance purposes upon request by the City. If it is the property owner(s) intent to fence any portion of the retained public easement, they must also provide access gates leading to the public access path. No fence or wall shall be built upon or attached to public drainage appurtenances such as headwalls or bear upon or impact underground public infrastructure. No fence or wall shall be constructed within the remaining public right of way.

5. The property owners shall also agree to allow public maintenance equipment to access the ditch and public easement area from the adjacent submerged lands if necessary, to perform public maintenance on the ditch or within the ditch easement area upon request by the City.

6. The outfall ditch cross section and public easement area shall not be altered by the property owner(s) without prior written permit approval from City ECID and all other applicable governmental permitting agencies.

7. A work permit issued by City ECID must be obtained prior to the commencement of any future construction within City controlled right-of-way or public easement in compliance with current City ECID Standards and Specifications, and improvements shall be installed at the applicant's expense in accordance with the standards, specifications, and policies adopted by the City. City standard details are available on the City’s website at the following link:

https://www.stpete.org/city_departments/engineering_and_capital_improvements/facility_design_and_development.php

NED/MJR/meh

pc: Kelly Donnelly/Correspondence File

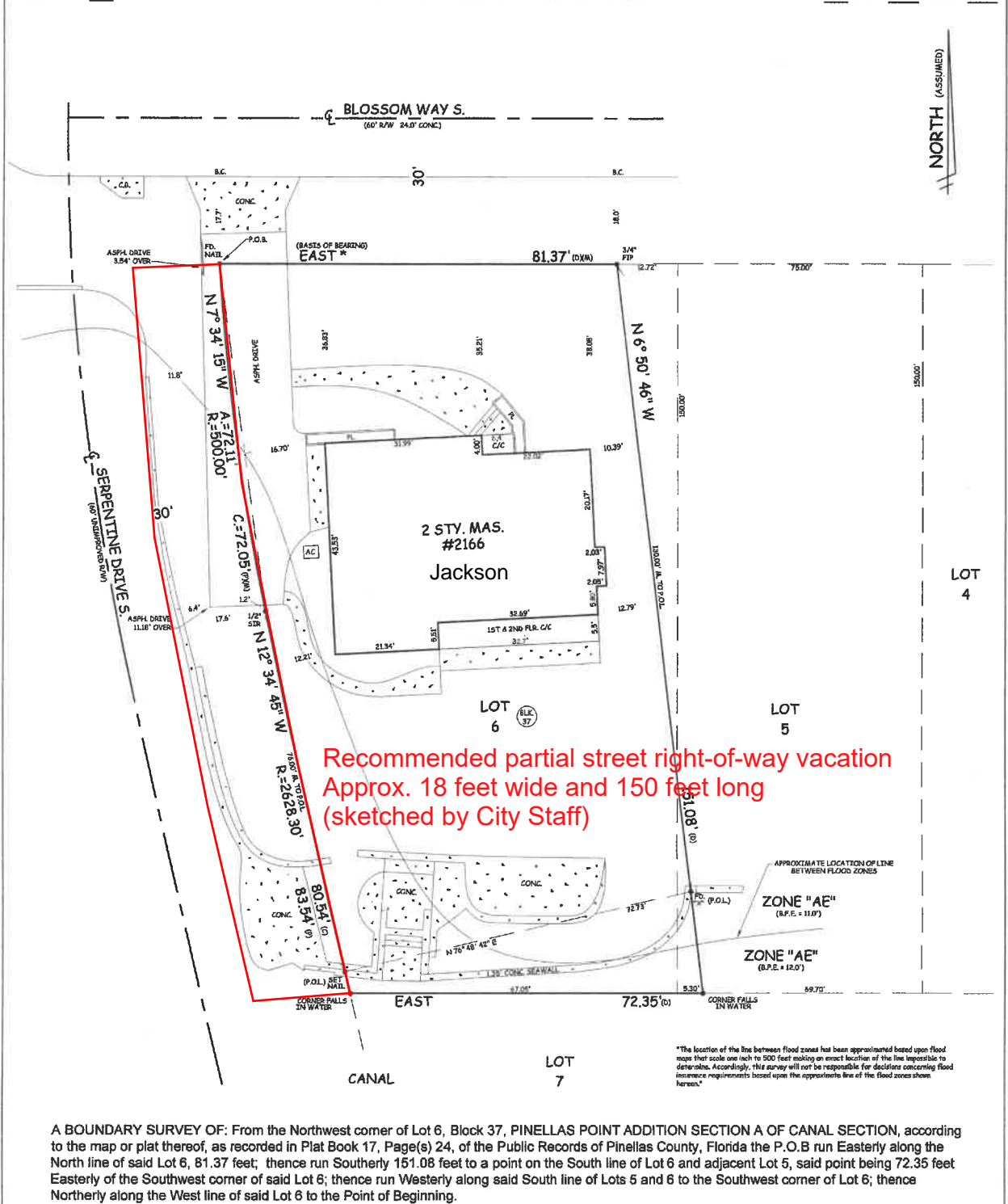
Retain this
Area as
Public
Drainage
and Utility
Easement



Exhibit /

ATTACHMENT - I

JOB NO:	180432	MURPHY'S LAND SURVEYING, INC. PROFESSIONAL LAND SURVEYORS 5760 11TH AVENUE NORTH ST. PETERSBURG, FLORIDA 33710 WWW.MURPHYSLANDSURVEYING.COM	L.B. #7410
DRAWN BY:	CHECKED BY:		PH. (727) 347-8740
MRB	EDM		FAX (727) 344-4640
DATE OF FIELD WORK:			
3/19/18			
CERTIFIED TO: William Darrell Jackson and Douglas C. Jackson and Sharon K. Jackson Fisher & Wilsey, P.A. Fidelity National Title Insurance Company			
SCALE: 1" = 20'		Survey not valid for more than one (1) year from date of field work.	SEC. 13 TWP. 32 S. RGE. 16 E.



A BOUNDARY SURVEY OF: From the Northwest corner of Lot 6, Block 37, PINELLAS POINT ADDITION SECTION A OF CANAL SECTION, according to the map or plat thereof, as recorded in Plat Book 17, Page(s) 24, of the Public Records of Pinellas County, Florida the P.O.B run Easterly along the North line of said Lot 6, 81.37 feet; thence run Southerly 151.08 feet to a point on the South line of Lot 6 and adjacent Lot 5, said point being 72.35 feet Easterly of the Southwest corner of said Lot 6; thence run Westerly along said South line of Lots 5 and 6 to the Southwest corner of Lot 6; thence Northerly along the West line of said Lot 6 to the Point of Beginning.

According to the maps prepared by the U.S. Department of Homeland Security, this property appears to be located in
 Flood zone: AE Comm. Panel No. : 125148 0283 G Map Date : 9/03/03 Base Flood Elev : 11.0' - 12.0'

FOR THE EXCLUSIVE USE OF THE HEREIN PARTY(IES), I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH ENCUMBRANCES, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE), AND THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM REQUIREMENTS OF CHAPTER 54-17, FLORIDA ADMINISTRATIVE CODE TO THE BEST OF MY KNOWLEDGE AND BELIEF. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS, IF ANY, ARE NOT SHOWN AND OTHER RESTRICTIONS AFFECTING THIS PROPERTY MAY EXIST IN THE PUBLIC RECORDS OF THIS COUNTY. THIS SURVEY HAS BEEN DONE WITHOUT THE BENEFIT OF REVISIONING A CURRENT TITLE BEARING. SURVEY NOT VALID FOR MORE THAN ONE YEAR FROM DATE OF FIELD WORK AND NOT VALID UNLESS EMBOSSED WITH SURVEYOR'S SEAL. BEARINGS SHOWN ARE BASED ON PLAT, UNLESS OTHERWISE NOTED.

★ BEARINGS SHOWN ARE ASSUMED

LEGEND: F.I.P. - FOUND IRON PIPE F.C.M. - FOUND CONCRETE MONUMENT F.I.R. - FOUND IRON ROD S.I.R. - SET IRON ROD 1/2" LB #7410 P.C.C. - POINT OF CURVATURE P.O.C. - POINT OF TANGENCY P.O.I. - POINT OF INTERSECTION P.C.G. - POINT OF COMPOUND CURVATURE F.M. - FINISHED FLOOR ELEVATION P.R.M. - PERMANENT REFERENCE MONUMENT N.A.V.D. - NORTH AMERICAN VERTICAL DATUM OF 1988	F.D. - FOUND NAIL F.O.S. - FOUND ON LINE P.O. - POINT OF CURVATURE P.T. - POINT OF TANGENCY P.I. - POINT OF INTERSECTION X-X - FENCE F.E. - FENCE C.L.F. - CHAIN LINK FENCE A.A. - ADJACENT FENCE A.D. - ADJACENT	R. - RADIUS A - ARC C - CHORD Δ - DELTA R/W - RIGHT OF WAY # - NUMBER M.S. - MASONRY F.R.M. - FRAME G.I. - GRATE INLET C.B. - CATCH BASIN F.H. - FIRE HYDRANT	M.S. - METAL SHED ALUM. - ALUMINUM W.H. - WATER HEATER P.S. - PATIO STONE P.L. - PLANTER B.C. - BACK OF CURB E.P. - EDGE OF PAVEMENT E.R. - EDGE OF ROAD E.O.W. - EDGE OF WATER T.O.B. - TOP OF BANK	W.W. - WING WALL E. - CENTERLINE R/W - RIGHT OF WAY (P) - PLAT (C) - CALCULATION (D) - DEED (M) - MEASURED N. - NORTH S. - SOUTH E. - EAST W. - WEST	ESMT. - EASEMENT GAR. - GARAGE C.I.W. - COVERED WOOD C.P.S. - COVERED PATIO STONE C.C. - COVERED CONCRETE W.D. - WOOD B.L.K. - BLOCK S.W. - SEAWALL ASPH. - ASPHALT UTIL. - UTILITY DR. - DRAINAGE	O.H. - OVERHANG M.H. - MANHOLE C.O.N.C. - CONCRETE CLR. - CLEAR C.O.L. - COLLAR W.D. - WOOD B.L.K. - BLOCK S.W. - SEAWALL ASPH. - ASPHALT UTIL. - UTILITY DR. - DRAINAGE
---	--	---	---	--	--	--

EDWARD D. MURPHY REG. P.L.S. # 5333

ATTACHMENT J - Comments

List of Commentors by Street Address

Number	Name	#	Street
1	John Ferguson (via phone)	2144	Blossom Way S.
2	Thomas and Janna Stephan	2155	Blossom Way S.
3	Roger Benson	2158	Blossom Way S.
4	Miriam Howard	2158	Blossom Way S.
5	Bonnie Parker	2165	Blossom Way S.
6	Scott Albee	5544	Central Avenue S.
7	Gail and Carl Rubinsky	1329	Coral Way S
8	Karen and Bert Swain	1580	Coral Way S
9	Patrick Smith	1100	Friendly Way S.
10	Vicki Smith	1100	Friendly Way S.
11	Todd Adlai Goldberg and Ewie Kusnadi Oen	1200	Friendly Way S.
12	Alexandra Compton	2027	Inner Circle S.
13	Margo Hammond (via phone)	2100	Inner Circle S.
14	Kelly Trippett	2115	Inner Circle S.
15	Charlotte Suarez	1927	Mound Place S.
16	Peter Hood	1262	Murok Way S.
17	Jennifer Stratton (via phone)		No address provided
18	Donald Caesar		No address provided
19	Chris Brown	900	Serpentine Drive S.
20	J. Michael and Annie Francis	1771	Serpentine Drive S.
21	Michael and Kathy Gross	1911	Serpentine Circle S.
22	Jeanne Sherer	2119	Serpentine Circle S.
23	Brian Overcast	2145	Serpentine Circle S.
24	Steven and Elizabeth Walker	2162	Serpentine Circle S.
25	Darren Elder	2165	Serpentine Circle S.
26	Courtney Parker	7220	Sunshine Drive S.
27	Olivier and Kelly Debure	2156	Vivian Way S.
28	Holly and Kurt Ott	2167	Vivian Way S.
29	Martha Suzan Harrison	2190	Vivian Way S.
30	Dr. Gabriel Mazur	2195	Vivian Way S.
31	Vida Dharas	7116	Williams Drive S.

Cheryl L. Bergailo

From: Thomas Stephan <tomjstephan@gmail.com>
Sent: Thursday, January 21, 2021 1:56 PM
To: Cheryl L. Bergailo
Subject: Case No. 20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Cheryl Bergailo, AICP, LEED Green Assoc.
Planner II, Planning & Development Services
City of St. Petersburg
One Fourth Street North, St. Petersburg, FL 33701
Phone: 727-892-5958

Please accept the following as a formal objection and comments relating to the specified case.

Over 8 years ago, my wife and I moved to our current home on Blossom Way within 300 ft of the case-related properties. Our street offered beautiful bay and sunset views from the south end of Serpentine Circle. The adjacent storm water drainage location provided views and access to the bay by foot, and while muddy, was no different from access points at 21st St. or the parks further east. Since that time, the related properties have changed ownership. Upon renovations at 2166 Blossom (Jackson's), a survey identified the current western property line running diagonally across the driveway, and rear yard to the seawall. A significant part of the driveway and rear yard is on the designated Serpentine Circle extension right-of-way. The city's action of vacating the closed roadway and transferring ownership of the easement remedies this issue. Was this identified as a reason for vacating the specified properties?

The most recent owners of 2199 Serpentine Circle have made considerable effort to gain privacy by adding "hedging" along the entire length of Serpentine Circle right-of-way (frontage of the property) down to the waters edge. With additional planting within the storm drainage area, public access has been constricted. Clearing some of the spreading mangroves and sea grapes can quickly remedy this issue. These owners also added fencing along their eastern property line to the water's edge to discourage foot traffic around the spreading mangroves.

The estuary, oyster beds and sandbars have long been recognized as one of the best fishing areas in St. Petersburg attracting anglers and crabbers who park legally on Blossom or Serpentine Circle and use this public access to the bay. We have not witnessed any related littering, trespassing or abusive behavior.

Sea grapes and hedges block our bay view and the public access is our only option to see and enter the bay. Kayaks and canoes will otherwise have to be carried to 21st St.

An additional concern is the maintenance of the stormwater runoff area and cleanup after storms when seagrass, palms and debris wash up into the runoff area. Debris blocking storm water runoff poses street and possibly home flooding risk. Who will be responsible for removing debris trapped in the spreading vegetation if city ownership is vacated? The deterioration of the seawall and banking at the runoff area requires attention. Is this the city's way to skirt financial responsibility for this repair by transferring ownership by vacation?

A longer term issue is the impact of sand, soil and plant debris flowing into the bay via this storm drainage. Over the years, organic debris and mud has accumulated at the mouth of this runoff area and now these sediments are channelled into estuary south of the Jackson property. Dredging a path for bay tides to flow through the sandbars may be

required to enrich and save these estuaries from filling and becoming swampy tidal pools. Should we expect these owners to pay to protect these oyster beds and natural resources?

Lastly, is the underlying purpose of this request to vacate the said properties. There is no risk of residential development for bay-submerged property nor has there been any history of injury using the public access. The purpose for this co-application is to correct the current non-conforming driveway and splitting of the side/rear yard for the Jackson's. The second is to afford additional privacy to the Kopco residence by eliminating the public access adjacent to the Kopco property line. Waterfront owners have no right to control who lawfully fishes or kayaks in the bay.

A compromise may be to vacate the applicable properties (excluding the public access), with either granting access to SP Water Resources for maintaining the entire runoff waterway or designate financial responsibility and liability to the adjacent property owners. The public access should be maintained by the city and improved to eliminate the risk of restrictive vegetation and accumulation of debris.

Perhaps the city can shed light on the conditions related to the 2006 designation of the public access in the public hearing. If property or variances were vacated at that time, in exchange for designating the current public access, then the recinding of these conditions should apply to vacating the public access.

Thank you for your consideration. We plan to attend the public hearing.

Thomas and Janna Stephan
2155 Blossom Way S,
St. Petersburg, FL 33712
201-274-5012

Cheryl L. Bergailo

From: Roger Benson <benson@bensonmediation.com>
Sent: Wednesday, January 20, 2021 10:15 PM
To: Cheryl L. Bergailo
Cc: Deborah D. Figgs-Sanders
Subject: Case No. 20-3300018

Importance: High

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This will serve as my objection to any attempt to have the City of St. Petersburg vacate Harvey Way/Serpentine Circle South or the pedestrian ingress/egress easement adjacent to Serpentine Circle South.

2166 Blossom Way South was built in 1954 by Bill and Harriet Jackson. After Bill's death in 2014, the house was conveyed to their 2 adult children, Darry and Doug Jackson. Doug later bought Darry's interest. As part of that transaction, a survey of the property was done that revealed the location of the easements in question and that roughly a third of their driveway sat on the city easement.

The elder Jacksons enjoyed the use of their property for more than 60 years without ever complaining to any authority that the easements were problematic. I found no complaints to the St. Petersburg police concerning allegations of trespassing, vandalism or littering relating to 2166 Blossom Way South. I have lived at 2158 Blossom Way South since 1996. (2158 is immediately adjacent and to the east of the Jackson property.) I am unaware of any incidents of trespassing, vandalism or littering within 300 feet of the easements in controversy in the past 24 years. Doug Jackson does not live at 2166 Blossom Way South and the house has been vacant since 2014.

There is no fence on the west side of the Jackson property that would alert a person to their property line. A fence on their western property line would define the pedestrian access and leave the storm water drainage outlet in the hands of the city, where it belongs.

The Jackson's true motives have more to do with their aversion to seeing people fishing and clamming on the shellfish beds and grass flats behind their house. These folks are local residents, adults and youngsters, and mind their own business.

Kopko, at 2199 Serpentine Circle South, asserts no credible interest in either easement, save to enlarge the size of his property and block the public from using the easements as a path to the bay. He, too, does not want his view of Tampa Bay to include residents from nearby neighborhoods fishing and gathering shellfish.

In this case, the public interest overwhelmingly favors the citizens who have, for generations, **regularly** and **lawfully** used the City easements to access the bay. Jackson's phony concerns about public safety and imaginary claims of criminality are old tropes and should be seen for what they truly are.

Nothing has changed in the neighborhood, as it pertains to the easements, since 1925. The asserted private property interests of Jackson and Kopko are nothing more than an attempt to increase the value of their properties and scrub people from their views of the Skyway Bridge, all for free and all at the expense of the residents of St. Petersburg.



Roger C. Benson

Mediator, Arbitrator, Independent Investigator

Phone: 727-822-0357

Fax: 727-362-4191

Email: benson@bensonmediation.com

Website: www.bensonmediation.com

Tampa Bay area, Florida, U.S.A.



Cheryl L. Bergailo

From: Mimi Howard <mirdelus@gmail.com>
Sent: Friday, January 22, 2021 4:35 PM
To: Cheryl L. Bergailo
Subject: Blossom Way S and Serpentine Circle S issue

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Case
2G-33000018

Please formally register this as my opposition to any approval to negate or discourage pedestrian access to the Bay by the property owners at 2199 Serpentine Circle S and 2166 Blossom Way South.

It has been very clear to those who live in the area that the owner of 2199 Serpentine is just interested in creating a private enclave for his own uses/. He has closed off neighbors' bay view by establishing double and high plant screening (unneighborly, but within his rights) in order to block his property from the street. Now he would like to make sure that anyone in the neighborhood and in the greater St. Petersburg area has great difficulty getting to the Bay for fishing, gathering oysters, birding and just looking at the beautiful estuary, water and skyline. This long established Pink Streets neighborhood is diverse in age, race and idealism. We are a group of people who are as a whole, inclusive, respectful and peaceful. This pedestrian easement is there for those who want to fish for food and those who need to fish for food. At a time when waterfront property is scarce, it is of utmost importance that any property owned by the city that is designated pedestrian access to the Bay, remain as such for all citizens of St. Petersburg.

The other issue here is that the photo included that supposedly represents an official survey of 2166 Blossom Way S is not accurate. If you look at the latest official survey done by the city, a slice of the driveway at this address is covering a section of city easement. Why is this not part of the discussion? As you look at the proposal, one neighbor is trying to create Little Mar-a- Lago and the other one is trying to make sure he doesn't have a survey problem when he decides to put his house on the market. Their plan suits both their needs at the expense of the greater community and the greater good.

Miriam A Howard
2158 Blossom Way S
St. Petersburg FL 33721
941-400-0944
mirdelus@gmail.com
Sent from my iPad

J. Michael and Annie Francis
1771 Serpentine Drive South
St. Petersburg, FL 33712

City of St. Petersburg
Planning & Development Services Dept.

Re: Case No. 20-33000018

Community disapproval for adjacent property owners' request to vacate both Harvey Way and Serpentine Circle South, south of Blossom Way South (Pinellas Point Addition, Section A of Canal Section Subdivision), and request to vacate the pedestrian ingress/egress easement adjacent to Serpentine Circle South (Official Records Book 14913, Page 2569, Public Records of Pinellas County, Florida)

Dear Planning and Development Department,

As neighbors in the 'Pink Streets' in the southern tip of Pinellas Point, we are writing to formally submit our objection to any approval of requests related to the above case number. The 'Pink Streets' is a unique and wonderful community. It's wide open streets and numerous waterfront areas are the result of good planning to begin with as well as community engagement and defense to maintain it. We are fortunate to have a number of park areas. The Pinellas Point Park was the result of neighboring people coming together decades ago to have the city acquire and create the park expressly to prevent the land from being developed for private gain. It was clearly decided then that maintaining access to the Bay was of primary value to the City towards its taxpaying citizens. It is a stark contrast that the focus of this case is the exact opposite: to attempt to take public land and/or access and turn it into property for private gain for a select few while removing the rights of many others who live near and enjoy the access.

Additionally, the great majority of water frontage on parks in this southern tip of Pinellas, is lined with tall, dense mangroves. Though important environmentally, the density severely limits view and access for our community on a disproportionate scale compared to many other neighborhoods in St. Petersburg. Thus this small piece of property platted as a street and ingress/egress access in question cannot be cast off as unimportant. It is one of the few areas nearby whose vegetation actually allows for access to fish, kayak or simply wade.

We strongly object to any action or decision by the Department that would change the status, access or easement of the area under discussion.

Sincerely,

J. Michael Francis
J. Michael Francis

Annie M. Francis
Annie M. Francis

Cheryl L. Bergailo

From: Scott Albee <sAlbee@fulmerleroy.com>
Sent: Wednesday, January 20, 2021 4:49 PM
To: Cheryl L. Bergailo
Subject: Case No. 20-3300018-Hearing Wednesday February 3, 2021

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Bergailo,

Good afternoon. I write this note to inform the city of my opposition to the pending request to abandon the public pedestrian ingress/egress easement filed by the petitioners. My standing is as a tax paying citizen of Saint Petersburg, Florida and owner of residential and commercial property in this city.

From March of 2002 until March of 2014, I had the true privilege of living in the subject neighborhood at 2145 Serpentine Circle South, very close to the subject public ingress/egress easement. During this time I enjoyed placing my paddle board in the water and using this easement. I recall occasionally chatting with the members of the broader community who periodically used this public access to wade fish in the grass flats off Pinellas Point, which are legendary in the fishing community for schooling reds and plentiful trout. In my personal observation, many of these people were of modest means.

Based on the experiences as described above, it is my personal opinion that some of the persons who used this access point during my time in the neighborhood substantially benefited from the opportunity to have water access and were of limited means to gain access in other areas of the city. This of course was equally true for those of who were privileged to live in the neighborhood, but not on the water.

Are there other public water access points in this neighborhood, sure. But, are there new public water accesses being built in this area of the city, not that I am aware of. It is a slippery slope to take away even one small public access point on public property to the detriment of many, for the benefit of two. Few citizens of our great city are of sufficient wealth to have the privilege to live on the water. Maintaining public access to public spaces(which is what navigable water is in Florida) is a cornerstone value of this city and frankly one of the main ingredients accounting for its current success. Prior public servants have proven that the long game in this city values public access.

Does public water access abutting private property come with some inconvenience to the private property owners, I am sure it does. In our new neighborhood, very near where we live, there is a public sidewalk with access for fishing along a sea wall which abuts privately owned docks. Similar to the subject public pedestrian easement, this sea wall provides limited public access to public water in Coffee Pot Bayou. At times the people who use this public access point are not well mannered and frankly could do a much better job of picking up after themselves. If there is risk to persons and property from these activities, I am not aware. From my personal observations the St. Petersburg Police Department and FWC do an admirable job of interacting and helping to maintain a good balance between use of the public space and the private interests. I see no reason this could not be replicated on Pinellas Point.

Prior to taking the extraordinary step of ending public access through public land to solely and exclusively benefit two private properties, I would respectfully suggest investigation to substantiate the claims of the petitioners. The questions I pose are whether there is a history of 911 calls based on Pinellas County Emergency Services public records for the three year period pre-dating the petition for the property addresses of the parcels owned by the petitioners; a history of St. Pete Police Department non-emergency number dispatch calls to the of the address of the parcels of the petitioners or FWC call history for regulated violations for the subject area? If problems are substantiated then there must be lesser

means to mitigate these behaviors than by taking away public access from those who do not act in this way. I would also suggest that a broader neighborhood survey be conducted to gather a wider perspective on the topic. Surely any crime or hassle in the easement impacting the petitioners necessarily impacts their neighbors immediate neighbors as well.

Ultimately is the inconvenience to private property owners of transient use of public access to public property a small price to pay for the privilege of living on the water, or such a substantial risk to life and property that it entitles private property owners to legally compel the closing of the publicly owned gates. Does this in essence permit the erection a legal moat blocking access to the public's castle, the navigable waters of Tampa Bay? Or is public access to public water via public easements a cherished value which this city wishes to afford to all of its citizens, despite the occasional inconvenience to private property owners? These are the questions which will be answered by the actions of the commission when it decides how to rule on this petition.

Thank you for your consideration of my perspective on this topic and for the time necessary to review these comments. These comments are purely my personal opinion and are based on the facts I have set forth in this communication. The opinions set forth in this communication are not intended to represent the views of my law firm.

Scott B. Albee
Fulmer LeRoy & Albee, PLLC
5544 Central Ave.
Saint Peterburg, Florida 33707
P-727-217-2500
F-727-217-2501
www.FulmerLeRoy.com

January 20, 2021

Development Review Services
Attn: Ms. Cheryl Bergailo
Development Review Services
City of St. Petersburg
PO Box 2842
St. Petersburg, FL 33731

RE: Case No. 20-33000018

Ms. Bergailo,

In regards to the case referenced above, I must strongly object to the request of the applicants. Specifically, I object to vacating the pedestrian ingress/egress easement adjacent to the properties in question.

The pedestrian ingress/egress in question provides public access to the waters of Tampa Bay for the Pink Streets neighborhood. To remove that access would have a negative impact on the neighborhood and only benefit the two applicants.

When I purchased my home on Serpentine Circle South, one of the selling points was that I would have access to the water at the end of my street for fishing. Taking away that access would create the physical and financial burden of having to transport my kayak by car (instead of on foot) and would be detrimental to the intrinsic value of my home.

What makes the Pink Streets neighborhood special is that it provides neighbors – and people from the surrounding neighborhoods – direct access to the waterfront. To take away even a small portion of that waterfront sets a precedent that could ripple throughout the neighborhood.

To directly address points made by the applicants in their Narrative: I have been using the ingress/egress in question since I moved to my home over five years ago. The statement that the “Property was impassible and not used by the public,” is thereby untrue. The property is in a semi-natural state and maintained by the City of St. Petersburg.

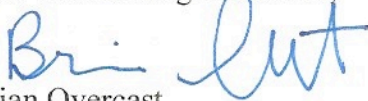
The Applicants also state that “trespassing and littering” has occurred on their property. If this is the case, I would like the associated police reports provided at the hearing. There is some litter in the ingress/egress, but that is due to a recent tropical storm surge pushing debris onto the banks and then receding. There is a trash can available at the site which is utilized primarily by pet owners.

Lastly, the statement that the ingress/egress is a “significant safety and liability risk” is overblown. This is merely a scare tactic on the Applicant’s part to strengthen an otherwise weak attempt to remove public access of the ingress/egress for their own benefit. All of the waterfront park along the Pink Streets is in a semi-natural state, carefully maintained by the City of St. Petersburg. If there are accident reports or claims against the City for this specific ingress/egress, let them also be provided at the hearing.

If I have not made my point abundantly clear, I will do so now: the Applicants have purchased homes next to an ingress/egress that provide their neighbors access to Tampa Bay. Their application to vacate the ingress/egress is merely in their own self-interests, not the interests of their neighbors or greater Pink Streets neighborhood, and should be treated accordingly by the court’s rejection of the application.

Thank you for your thoughtful review of this matter; keeping all residents of the City of St. Petersburg in mind as you do so.

Best wishes for good health,



Brian Overcast
2145 Serpentine Circle South
Saint Petersburg, FL 33712

Cheryl L. Bergailo

From: Holly Ott <hollyeott@gmail.com>
Sent: Thursday, January 21, 2021 3:44 PM
To: Cheryl L. Bergailo
Subject: RE: Case # 20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

We are writing to you as the home owners of 2167 Vivian Way S, located in the Pinellas Point Pink Streets neighborhood.

We received a letter yesterday referencing the above case matter. This case is seeking to vacate the pedestrian ingress/egress easement adjacent to Serpentine Circle South and Harvey Way/Serpentine Circle south of Blossom Way South.

The easement in discussion is a small, yet convenient right of way, for neighbors to access the waterfront. For example, it is an ideal launch for a paddle-board or kayak. It is not an area that invites loitering, vandalism or disregard for the native plants and sea-life. In our experience, we have found that members of the neighborhood greatly appreciate this usage and therefore extend respect when accessing.

The easement sits between two properties at the intersect of two streets. In our opinion, the easement does not interfere with the property owner's daily living. It does not block a driveway or obstruct a view. There is no parking lot. There is a trash receptacle for waste. This water access is used mainly by neighbors within close proximity, generally walking distance.

The Pink Streets neighborhood is bordered by water alongside the entire southern side. It would be a concerning precedence to remove this access. It is imperative to preserve this longstanding water access for the residents. It is in the spirit of the original developers to do so.

Many families and children have enjoyed this accessibility throughout the years. It would be very disappointing to lose this ability to interact with nature and our natural waterfront. We purchased our home knowing that we were steps away from water access. It was absolutely a consideration for us as a family. We would be very appreciative to continue utilizing and appreciating this usage.

Please be advised that we, Holly and Kurt Ott, do oppose this request to vacate the pedestrian ingress/egress easement adjacent to Serpentine Circle South and Harvey Way/Serpentine Circle south of Blossom Way South.

We appreciate the city informing the surrounding residents of this request and look forward to the outcome of the hearing.

Finally, please confirm receipt of this opposition. Thank you!

Regards,

Holly & Kurt Ott
2167 Vivian Way S.

January 24, 2021

To: City of Saint Petersburg Development Review Commission

From: Steven and Elizabeth Walker
2162 Serpentine Circle South
St. Petersburg, FL

Dear Sir/Madam:

We write in strong opposition to the application for vacating Harvey Way and Serpentine Circle South, and the ingress/egress easement identified in Case No. 20-33000018.

Our home is located approximately 290 feet north of the property and has been continuously owned and the primary residence for me since December 1988. My late first wife Jennifer occupied and co-owned the property until 2003, and my second wife Elizabeth has resided and also co-owns the property since about 2010 through the present. We have enjoyed and used our access to bay at the end of our street many times over the years to launch our kayak, or simply to access the bay to view sunsets or to show visitors its beauty.

The application is an attempt to receive at no cost, water front property that will enhance the applicant's property values while depriving the rest of the community access to a valuable city-owned asset. Additionally, the application contains numerous inaccuracies, exaggerations and fabrications, as explained below.

The applicant's state in their application that the property was only recently used by people *attempting* to access Tampa Bay after vegetation was recently cleared, a statement supported by nothing and known by many here in the neighborhood to be untrue. Both of the current owners have an insufficient record of residency in the area to make such a claim.

The Jackson property was empty for an extended period after the elder Jacksons stopped residing there, then was under renovation for a time, and is now only rarely occupied. While Mr. Jackson certainly has some familiarity with the neighborhood given that the property was his parent's home for many years, I have never seen him in the neighborhood, including at his home in recent years. According to county tax records, he acquired the property in August 2018. He may have grown up here many years ago, but he has not been present as a resident for decades and still doesn't live here full time, if at all.

Mr. Kopco acquired 2199 Serpentine Cir S in 2016. He and his wife have been present at the property only periodically and the home has been under almost continual renovation. They have not been full time residents of the property for much, if not most of the time since acquiring it.

Neither applicant can reasonably claim to have extensive, or even reasonably complete, knowledge of the use of the access way except as they have been periodically present in recent years. Had they been required to complete the Neighborhood Worksheet portion of their application, they would be better informed and would have learned that their application was likely to be strongly opposed. My understanding is that the city may not be requiring completion of the form due to the pandemic, but in

cases where individual property owners are attempting to take control of city property and public access that is valuable to its residents, a diligent attempt by the applicants to complete the form should be required, and the position of the community should be considered by the Commission as among the most heavily weighted factors in making its determination.

Their claim that there is no need for pedestrian easements given the unimproved nature of the right of way is demonstrably false. I was able to easily access the bay on foot this morning via the access way, and have done so many times in the past, whether the city had recently cleared the property or not. My neighbors frequently use the access way to go fishing.

The applicant's claim that the access way is a significant safety and liability risk is unsupported by any facts. There are no significant safety risks within the property that don't also exist at any other point along the city-owned natural shoreline of Pinellas Point, or in many of the similar access points to Tampa Bay and the Intracoastal Water Way throughout the city. Safe access to the bay through the property is available given the low slope of the land and stream channel, and can be maintained through occasional minor maintenance. In any case, the city's property includes a strip of land from Blossom Way South to the open mud flats in the bay along its east side (west of the Jackson residence) that is wide enough to construct a new, marked, maintained access path on dry, firm land. The pathway could be clearly marked and made safe at its bayward end by installing rock steps down to the surface of the mud flat. The pathway might require some improvements and maintenance which the community would be happy to provide on a volunteer basis.

Trash that accumulates on the city right of way is routinely picked up by residents of the neighborhood and is not periodically present as a result of littering. The trash comes from the storm water discharge, or most commonly floats in from the bay during high tides and southerly winds. Trash from littering is at most a negligible source, and in any case is cleaned up along with the other trash by nearby residents. Visitors from outside our immediate neighborhood are infrequent and nearly always persons using it to access the bay for fishing. In my thirty plus years of residing near the access point, I have never witnessed a person behaving inappropriately, causing damage, trespassing or doing anything else of a suspicious nature as a result of their using the right of way. It just isn't a problem.

The applicant's claim that access to the property is a significant source of liability to them is unsupported. Mr. Kopco has completely fenced and planted high hedges along his property line with the right of way, preventing anyone not intentionally trespassing from accessing his property from the right of way. Mr. Jackson seems to be claiming that he faces liability for something that might happen on city owned property, or on his property as a result of someone trespassing, either unintentionally or willfully. Mr. Jackson must have or should have known at the time of his acquisition of the property, and certainly knows now, that a portion of the landscaped area surrounding his home, and the right of way between his and Mr. Kopco's homes, was owned by the city and used for storm water discharge and bay access. Mr. Kopco has already taken adequate measures to shield himself from liability by physically restricting access to his property. Mr. Jackson could do the same by marking his property line and posting it. All property owners assume some potential liability, and all of us own property adjacent to city owned rights of ways that are open to the public. They are called streets and avenues. This argument regarding their potential private liability, or the potential for liability to the city, should have no weight in the Commission's considerations. It is no different than the legal risks faced by any property owner, or the city with any of its properties.

Their assertion that safe access to water will continue to be available just a few blocks away is not a credible or meaningful argument. The people living in the Pink Streets wish to maintain the access that we have, and do not want to see a precedent set by this action that would signal there is an acceptable level of reduction in access that would benefit only two private property owners based on an assertion that public access is available elsewhere, and the person(s) seeking it should have no problem accepting the additional effort and inconvenience to access it. For example, I cannot reasonably carry my kayak or paddle boards in a few minutes to the locations they reference, but I can readily do that through the access that begins 290 feet from my driveway, the access they are asking to vacate. They seem to think it is reasonable for us to access the bay at other locations that are similar to the one they wish to vacate, regardless of the similar safety and liability risks those pose, or the inconvenience or effort that entails to anyone else in the neighborhood, so they can enlarge their property holdings and increase the value of their properties.

They are clearly asking the city to give them city-owned waterfront property with no concern for the adverse effect on the residents of their community, or to serve the interests of the city or its residents. Only they will benefit. Everyone else will be harmed.

They claim that vacating the access would affect no lots of record (possibly true depending on the definition of this term), but it would adversely affect the owners and residents of every other lot in the neighborhood who have and/or may in the future choose to use the access. If the property is vacated, the option will be permanently lost.

Their claim that there is no future need for public or pedestrian access is an unsupported opinion crafted (likely by counsel) as a response to a required question in the application. If the City of Saint Petersburg does not consider maintaining public access to Tampa Bay for its residents a *need* for maintaining an important aspect of its resident's quality of life, that should be part of a larger discussion about how our city is being governed. City-owned water front property should never be vacated (effectively given away) or even sold to a private party without careful consideration of public benefit and the input of the city's resident's, including those most directly affected by the decision. Vacating our community's bay access and giving it to two private property owners who already own and control their own waterfront property provides no public benefit. In fact, it does the opposite, taking a clear public benefit away from the city's and my neighborhood's residents for no reason other than a request from two water front property owners to give them more water front property for free. That they might see a small increase in their property taxes as a result of the gift of water front land from the city cannot be deemed an adequate off set to the permanent loss of public benefit.

Other points made in the application fail without explanation, but explanation is nonetheless provided here for clarity. The storm water pipe is not, as they claim, large. Large compared to what? This characterization is meaningless from a safety perspective. The discharge culvert at the head of the storm water ditch is a 24 inch high by 36 inch wide concrete culvert that discharges onto an armored (with large rocks) stream bed to prevent erosion at the outfall and while maybe not designed to do so, provides some energy dissipation. This is a commonly used culvert size and outfall design and would not be considered "large." It would simply be described by its dimensions, which is relatively small for storm water pipe draining surface roads. Further, the size of the pipe does not establish anything with respect to safety. Given the same flow rate through different sized pipes, a larger pipe diameter results in lower

flow velocities at the discharge point. An oblong pipe configured as this one results in even lower flow velocities. Once in the stream channel, the profile of the flow path allows the water to spread out widely across the property into the full width of the channel, further reducing its depth and velocity. They do not describe with any specificity what conditions would cause flow velocities high enough to create a safety concern, and in fact don't establish that it ever happens. This contention by the applicants is utterly unsupported in their application and should be disregarded.

It is important to note that the applicants did not include a photo of the gently sloping, dry, vegetated with grass, ingress/egress pathway present between the culvert discharge and Mr. Kopco's fence that leads down to the stream bed. I can only assume a photograph of this safe pedestrian pathway that makes it easy, among other things, to launch a kayak into the stream and float it out to the bay was intentional on their part. Their implication that people accessing the bay through the property would choose to do so by jumping off the culvert headwall, or by first walking onto what now appears to be private property at 2166 Blossom, then trying to descend into the lower part of the right of way from the top of seawall along the east side of the property, is yet another completely unsupported set of arguments. That something, no matter how unlikely, could happen is not an argument that it does or will happen. It is highly unlikely anyone would attempt to access the right of way by these pathways when an open, gently sloping pathway is clearly visible to anyone wishing to do so.

In summary, none of the arguments and reasons advanced by the applicants for why the city should give them this water front land is supported by any factual information that would serve as a compelling or even reasonable basis for the city to grant their request. Further, there is no claim made in their application that the public would be benefitted in any way. Given the strong opposition to their request from the neighborhood, the commission should reject the application without further opportunity for the applicants to explain or amend it. Their intentions appear obviously clear. They are asking the city to gift them water front land for their own enrichment and sole use, thus permanently removing its benefit to the public. Their reasons for requesting the gift are comically unsupported, and if accepted by the commission, could set a precedent for the city to give its land to private landowners for no other reason than that they asked, to the detriment of the city's residents and future.

Even had they managed to somehow support any of their claims with factual information or analysis, they would still have not made their case for why a valuable public asset should be gifted to them. Mr. Kopco has no credible claims to support his request, and Mr. Jackson's concerns regarding trespassing and liability can be solved by him at small expense by simply marking and posting his property line. He does not need the city to give him water front property to address his concerns.

I think we in the Pink Streets community and in the City of Saint Petersburg should, however, thank the applicants for reminding us of the value of our water front way of life and how precious and meaningful is our access to it.

We urge the commission in the strongest possible terms to reject this application for what it is, a request to the city to gift them water front land now open to the public so that, going forward it will be open only to those two land owners. Very recent claims by one of the applicants on the Pink Street's Facebook page that they didn't mean what their application says is not credible. They should not be allowed to amend their application and it should be summarily rejected without granting of any

Steven and Elizabeth Walker

January 24, 2012

Page 5

ownership or rights to any of the city property between their two properties, other than rights we all now have as members of the public.

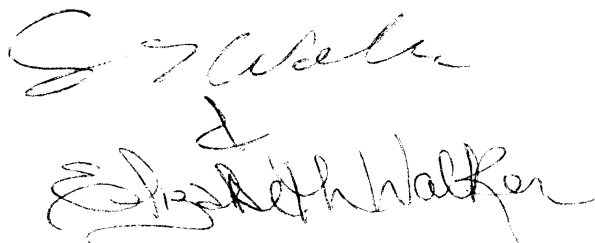
In recent conversations with some of my neighbors spurred by this attempted land grab, there may be some real interest in our community to work with the city to improve this property as an access point to the bay. Our increased knowledge of its extent raises some interesting possibilities for maximizing its benefit. Of course, we will request and respectfully accept the participation of the applicants should they be interested in offering it, to maximize the value of our bay access. Our neighbors and we are willing to help determine how best to maintain and improve our bay access, to offer our assistance as volunteers to make it reality, and to maintain the land for its existing and hopefully improved future uses.

Both Mr. Jackson and Mr. Kopco almost certainly knew they were purchasing property adjacent to public land. Most purchasers see that as a benefit. Their application suggests that they instead saw it as an opportunity to expand their property ownership, increase its value and limit the public's access to the bay in front of and near their properties.

We think a better use of the city property is its existing uses, and that the strip of high and dry land along the east side of the city property adjacent to 2166 Blossom Way should be designated as a pedestrian access path to the bay for the public. My wife and I, along with others in the community who agree, would be willing to work with the owner of 2166 Blossom Way to allay their concerns regarding trespassing and safety, including potentially providing some of the funding from community donations and labor from volunteer work to install appropriate fencing and bay access infrastructure to make the access path safe along its full length, clearly marked to make clear the limits of the property available to the public, and to maintain it into the future.

Sincerely,

Steven and Elizabeth Walker

The image shows two handwritten signatures in black ink. The top signature is for Steven Walker, and the bottom signature is for Elizabeth Walker. The signatures are written in a cursive, flowing style.

Cheryl L. Bergailo

From: xgCharlotte Suarez <charlottenacole@gmail.com>
Sent: Thursday, January 21, 2021 9:46 AM
To: Cheryl L. Bergailo
Subject: case # 20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Bergailo,

This email is to register our formal objection to vacate the public access easement at Harvey Way and Serpentine Circle S.

* We bought our property in the Pink Streets because of all the access points to the bay. All of these public access easements add value to all the properties within the Pink Streets. It would be fundamentally wrong for the city to vacate this public easement for the personal gain of two property owners.

* The application to vacate states repeatedly that safety is a concern and site the potential for liability for themselves and the city. The community has been utilizing this easement for many years. There is no data to support that public safety has ever been an issue because of this public easement. The applicants cite Florida as having one of the highest rates of drowning as a way to defend their public safety concerns. This is ridiculous because if any branch of government used the death by drowning rate in Florida to decide if the public should have access to public waters, we would have to close all of our public beaches and all of our public access to any body of water.

* The applicants also states that trash is left on their property by the public that uses this easement. Trash pollution is a huge problem on all bodies of water in Florida and beyond. I feel strongly that the applicants are again using this claim of trash to try to fortify and justify their self serving desire to vacate this public easement. Trash washes up on their property from the Tampa Bay and as waterfront property owners they would be better served to use their time, money and energies to address the real issue which is water pollution. The children (including my personal children) and families of the Pink Streets have organized many trash cleanups along all of our shared public water parks in the Pink Streets. We would be more than willing to organize a monthly trash pick up at this easement in order to maintain the public access. We understand the real problem of water pollution and are willing to do the work and take action to help.

* The applicants repeatedly state that this easement is just a ditch and mangroves. I couldn't disagree more. This public access easement has been an absolute wonderland of nature for my two sons and our family. This beautiful space, where land meets water, is a front row seat in the classroom of the treasure that is the Tampa Bay. My sons have used this public easement to explore first hand the rich biodiversity that live among the mangrove roots and it is here their appreciation and respect for the environment began. It is here they saw first hand the problem of water pollution and felt empowered to organize a trash clean up. It is here at this very easement that they began to feel some stewardship for the environment that surrounds them. I am a public school teacher here in Saint Pete and I know first hand how important these hands on learning opportunities are for children.

I am forever grateful to live in a city that values and understands the importance of public space for the betterment of all and not the personal gain of a few.

Thank you for your time and consideration.

Charlotte Suarez
1927 Mound Place South

Cheryl L. Bergailo

From: gatorbon1@aol.com
Sent: Thursday, January 21, 2021 1:59 PM
To: Cheryl L. Bergailo
Subject: Case No. 20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to state my opposition to vacate the pedestrian ingress/regress easement at the end of Blossom Way. We have lived directly across the street for 35 years and have enjoyed this access to the bay for many, many years. The new neighbors have tried to block all access by planting large hedges, huge sea grape trees and even putting a metal fence all the way down into the water. This is the access to the bay from our neighborhood. We now have to use this access to catch a glimpse of the sunsets that we used to be able to enjoy from the road before the new owner planted very tall shrubbery. Even though hedges by city code can only be 4 feet high, this neighbor dug up the hedge and planted them 2 by 2 with a small space in between so they are not "hedges" and can now grow to any height, skirting the city codes. This is just one of the reasons city easements should not be given to private owners. In 35 years we have never had a problem with people gaining access to the bay. I have never seen the litter or the vandalism. I have never seen the police called or any altercations.

The only thing I have seen is the occasional kayaker using the spot to launch or a fisherman coming out with a fish or two to show. I am also very concerned about the environmental factors of giving this land, drainage ditch and canal to private owners. One of the houses has been vacant for 7 years since the owner's parents passed away. A recent survey showed their driveway was partly on a city easement. We understand why they would want the easement moved so that their driveway is not on the easement. However, this can be accomplished with only a couple of feet and not an entire corner. The other owner is rarely there. His only need for having that land is to block access to the bay for the other neighborhood families. He KNEW that was a city easement when he bought his house. I would very much like to attend the meeting and state my opposition to vacating this city easement.

Bonnie Parker
2165 Blossom Way South
Gatorbon1@aol.com
727-866-6373
Sent from my iPhone

Cheryl L. Bergailo

From: Peter Hood <peter.hood57@gmail.com>
Sent: Friday, January 22, 2021 2:36 PM
To: Cheryl L. Bergailo
Subject: Case No. 20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

Please formally register this as my opposition to any approval to negate or discourage pedestrian access to Tampa Bay by the property owners at 2199 Serpentine Circle S and 2166 Blossom Way South - Case No. 20-33000018.

Several of my neighbors have raised opposition points to this application that I agree with and will not duplicate here. My addition to the discussion twofold. By preventing egress to the adjacent waters, you cut off a route that students have used in the past to get to adjacent seagrass beds and other marine habitats. My introduction to the Pink Streets was through a USF marine ecology course back in the late 1990s. We entered Tampa Bay at this location to survey the local shallow-water marine habitats. The samples we took were compared to samples we collected elsewhere so we could learn about marine habitat diversity. I do not know if teachers still use that point to access Tampa Bay with their students, but closing that access point off now will prevent instructors in the future from leading a class like the one I took.

My other objection comes as a fishery professional who has worked both at the state and federal level. Anglers are currently under pressure from the gentrification of coastal habitats. Their access, particularly for shore-based anglers, is slowly being constrained as properties are developed and fenced off. Although I do not fish there, I do think it is important to keep these areas open so people can fish, be it for sport or procuring food.

Thank you for considering my comments.

Peter Hood
1262 Murok Way South
St. Petersburg, FL 33705
727-865-1557
peter.hood57@gmail.gov

Cheryl L. Bergailo

From: Chris Brown <chris.brown@highexposures.com>
Sent: Friday, January 22, 2021 11:33 AM
To: Cheryl L. Bergailo
Subject: Re: file # 20-33000018

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is my formal objection to the request to vacate Harvey Way and Serpentine Cir S by the owners of 2166 Blossom Way and 2199 Serpentine Cir S - file # 20-33000018.

This is a blatant property grab by said owners which would set a terrible precedent. The city should not allow this land grab of public lands that have been in use for decades. The claims by the owners of public danger and criminal activity are outlandish and absurd!

I have copied a response from a fellow neighbor that details my opinion as well as I forms of the rich history of this property:

“This will serve as my objection to any attempt to have the City of St. Petersburg vacate Harvey Way/Serpentine Circle South or the pedestrian ingress/egress easement adjacent to Serpentine Circle South.

2166 Blossom Way South, was built in 1954, by Bill and Harriet Jackson. After their deaths, the house was conveyed to their 2 adult children, Darry and Doug Jackson. Doug later bought Darry’s interest. As part of that transaction, a survey of the property was done that revealed the location of the easements in question and that roughly a third of their driveway sat on the city easement.

The elder Jacksons enjoyed the use of their property for more than 60 years without ever complaining to any authority that the easements were problematic. I found no complaints to the St. Petersburg police complaining of trespassing, vandalism or littering relating to 2166 Blossom Way South. I have lived at 2158 Blossom Way South since 1996. (2158 is immediately adjacent and to the east of the Jackson property.) I am unaware of any incidents of trespassing, vandalism or littering within 300 feet of the easements in controversy in the past 24 years. Doug Jackson does not live at 2166 Blossom Way South.

There is no fence on the west side of the Jackson property that would alert a person to their property line. A fence on their western property line would define the pedestrian access and leave the storm water drainage outlet in the hands of the city, where it belongs and where it has been for almost 100 years.

The Jackson’s true motives have more to do with their aversion to seeing people fishing and clamming on the shellfish beds and grass flats behind their house. These folks are local residents, adults and youngsters, and mind their own business.

Kopko, at 2199 Serpentine Circle South, asserts no credible interest in either easement, save to enlarge the size of his property and block the public from using the easements as a path to the bay. He, too, does not want his view of Tampa Bay to include residents from nearby neighborhoods fishing and gathering shellfish.

In this case, the public interest overwhelmingly favors the citizens who have, for generations, regularly and lawfully used the City easements to access the bay. Jackson's phony concerns about public safety and imaginary claims of criminality are old tropes and should be seen for what they truly are.

Nothing has changed in the neighborhood, as it pertains to the easements, since 1925. The asserted private property interests of Jackson and Kopko are nothing more than an attempt to increase the size of their lots and scrub people from their view of the Skyway Bridge, all for free and all at the expense of the residents of St. Petersburg."

Please feel free to contact me if needed.

Sincerely,
Chris Brown
900 Serpentine Dr S
St Pete, FL 33705

727-200-8725

Cheryl L. Bergailo

From: Alexandra Compton <cleopatracompton@gmail.com>
Sent: Wednesday, January 20, 2021 9:36 PM
To: Cheryl L. Bergailo
Subject: Case 20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Cheryl,

I'm writing to communicate my vehement objection to the proposal to vacate Harvey Way and Serpentine Circle S. This public access serves a vital and important service to our community, and should remain an asset to all members of the St. Petersburg community. This small site provides access to nature that should not be privatized in service of the rich. Tolerance of this abhorrent behavior is an act of violence against our community members who don't have the privilege of millions of dollars for waterfront homes, and who are equally deserving of the ability to enjoy nature's gifts. The benefit this public access offers to thousands of lives in the St. Pete area should not be sacrificed for the convenience of two families. We place the responsibility of the community in your hands. Reject this unconscionable proposal.

Sincerely,

Alexandra Compton
2027 Inner Circle Dr. S.

Cheryl L. Bergailo

From: Olivier Debure <olivier.debure@gmail.com>
Sent: Thursday, January 21, 2021 9:37 AM
To: Cheryl L. Bergailo
Subject: Statement against approval of case No. 20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is a statement sent in response to the notice we received for case No. 20-33000018 proposed by the applicants Douglas Jackson and Edward Kopko.

Statement. We do not plan to attend the hearing because of the Covid situation but we are against the approval of vacating Harvey way and Serpentine Circle South.

When we walk and bike ride, we take advantage of the unrestricted access to the water and the beautiful view offered by this area. This is one of the reasons why we bought a house around the corner. It is also an access point for many local residents that go fishing, canoeing, kayaking, and go birding. We are against limiting access to the local residents of the Pink Streets and beyond to enjoy what this neighborhood is known for. We appreciate the time and money the two owners have spent lately in fixing their homes and making them more appealing, and we understand the concerns of the applicants, but we all have to live with some restrictions in order to let others have the freedom to access and enjoy nature, the view of the water, the neighborhood overall, and the beauty of the natural landscape. It is surprising, almost ironic, that one of the owners that promotes the outdoors would think of restricting access to it for many people.

Sincerely,
Olivier and Kelly Debure
2156 Vivian Way South
St. Petersburg, FL 33712

Cheryl L. Bergailo

From: Darren Elder <darrenelder@gmail.com>
Sent: Friday, January 22, 2021 7:03 AM
To: Cheryl L. Bergailo
Subject: Case No20-33000018 Request to vacate

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Cheryl,

I live on 2165 Serpentine Cir S, St. Petersburg, FL 33712 and purchased our home Jan 2017. We've improved the property significantly and have also enjoyed the access to the bay by way of kayak and also walk out to flats at low tide. I guess my question would be what is the gain for the neighbor Kopko vs. all rest of neighborhood whom has lost so much already from this neighbors actions. There are at least 4 properties including myself that have lost a once beautiful view of the bay to now giant hedge completely blocking the once stunning view. When we moved into our house his hedge was about 3-4 feet high and we had a nice view to water. He told us he was letting it grow up to 12-15 for "Visual Security". He lives in this house rarely but yet claims homestead exemption. His wife lives in NY or NJ and probably claims a homestead there as well. He is and has built an island of his own and said too bad to his neighbors. He doesn't give a damn about anyone but himself. The rest of the neighbors are so cordial and sweet, but he's walled everyone off with a moat of hedge. He told me not long ago due to his construction at this property and I quote "It's going to get allot worse for you". I believe meaning his next phase of construction will be built further West behind his existing house blocking me further as we sit directly North of his lot. I've begged him to just give us the corner of our property to open up the hedge which would allow us some water view and he would still have the "visual security" for 95% of his property but he's refused. He's selfish and uncaring to others and he's at it again to try and squelch access for neighbors that have lived here for decades longer than he. I ask for this to be denied for his segment, but do agree with jacksons vacating the public access on edge of their property.

Thanks for your time.

--

Thanks and Regards,
Darren Elder

Cheryl L. Bergailo

From: Vida Dharas <vida.dharas@gmail.com>
Sent: Wednesday, January 20, 2021 8:31 PM
To: Cheryl L. Bergailo
Subject: Objection to case#20-330000018 Harvey Way & Serpentine Circle S

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Ms Cheryl Bergailo

Please formally register my objection to any approval to vacate Harvey Way and Serpentine Circle S as this public access to the Bay as it is beneficial to our neighborhood and community. This access should remain public and be open to our community. The access to the Bay is one of the reasons many of us neighbors moved to this area. I am not aware of any abuse of property or loitering.

I do not know the reasons behind this case by the homeowners wanting to privatize this access, but it is wrong to take public property for the benefit of private owners who bought their property knowing that public access adjoins their property. It is also wrong for private owners to enhance the value of their property by privatizing and excluding the public from fishing, kayaking and walking paths to the bay.

This public access has existed for decades and keeping the public and neighbors out is fundamentally wrong.

I am submitting this objection on behalf of my husband and myself at 7116 Williams Drive S.

Cheryl L. Bergailo

From: Courtney Parker <caparker519@gmail.com>
Sent: Wednesday, January 20, 2021 11:09 PM
To: Cheryl L. Bergailo
Subject: Case 20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Bergailo,

Please note, I am writing to state my opposition to vacate the pedestrian regress/ingress easement at the end of Blossom Way. I have lived in the Pink Streets for 29 years, 23 of which I lived across the street from this easement. This access has been a wonderful place for myself and many of our neighbors for decades. It is unfortunate to see the owner's on either side (who do not reside permanently in those houses) try to take this from the wonderful people of the Pink Streets.

Please let me know if there is anything additional I can do to state my opposition to this matter.

Thank you,

Courtney Parker
727-687-7117
7220 Sunshine Dr. S.

Cheryl L. Bergailo

From: Donald Caesar <reddoor1910@gmail.com>
Sent: Thursday, January 21, 2021 12:24 PM
To: Cheryl L. Bergailo
Subject: CASE NO: 20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Bergailo,

I want to object to the proposed closing of the existing easement at Harvey Way S and Serpentine Circle S., to public access, in our Pink Streets neighborhood.

I have lived in our neighborhood for decades and we have always valued, and continue to do so, our access to Tampa Bay. Adults and kids access the Bay, at this point, for fishing and kayaking adventures. We, as parents, have never deemed our kids to be in a "dangerous" location when accessing the bay at this point. Catching a sunset, during an evening walk, is also rather special.

The unfettered, public access to Tampa Bay is one of the features of our Pink Street neighborhood that we value highly and keeps it unique.

It is a wrongful taking of long-standing, public property to now take this property for private use. Please allow this to serve as my objection to this proposal.

Cheryl L. Bergailo

From: Adlai Goldberg <adlai.goldberg@gmail.com>
Sent: Wednesday, January 20, 2021 1:34 PM
To: Cheryl L. Bergailo
Subject: RE: Case # 20-33000018 - Notice to vacate @ Harvey Way & Serpentine Circle S

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Cheryl,

As a neighbor and homeowner at 1200 Friendly Way S, St. Petersburg, FL 33705 in the Pink Streets - we strongly oppose this notice to vacate. This provides critical access to the waterfront for homeowners in our neighborhood, provides opportunities for those without waterfront to enjoy sunsets, birding, fishing, etc, and it is a unique feature of our neighborhood that should be preserved for all, not a single homeowner.

Once again, strongly voiced, we oppose.

Sincerely yours,

Todd Adlai Goldberg
Ewie Kusnadi Oen
1200 Friendly Way S, St. Petersburg, FL 33705
415-251-8888

Cheryl L. Bergailo

From: Michael Gross <mike@MikeGrossLaw.com>
Sent: Wednesday, January 20, 2021 2:38 PM
To: Cheryl L. Bergailo
Subject: Case 20-33000018

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Bergailo

Please formally register this our opposition to any approval to vacate Harvey Way and Serpentine Circle S as this public access to the Bay serves a vital neighborhood and community interest. It is wrong to take public property for the benefit of private owners who bought their property knowing that public access adjoins their property. It is also wrong for private owners to enhance the value of their property by privatizing and excluding the public from an important fishing, kayaking and walking path to the bay.

This public access has existed for decades and keeping the public and neighbors out is fundamentally wrong.

I am submitting this objection on behalf of 6 other neighbors who could not do so on the short time frame. We will be attending the hearing and request that EVERY neighbor and resident of the Pink Streets be allowed to speak on the issue. If full public comments are not heard at the hearing it will be a failure to provide full due process.

Michael and Kathy Gross
1911 Serpentine Circle S
St. Petersburg, Florida 33712

Cheryl L. Bergailo

From: Kelly Trippett <kelly.trippett@yahoo.com>
Sent: Wednesday, January 20, 2021 8:22 PM
To: Cheryl L. Bergailo
Subject: Case no: 20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To Ms. Bergailo,

I am writing in formal opposition to the proposal to vacate portions of Harvey Way and Serpentine Circle S in our historic "Pink Streets" neighborhood in South St. Petersburg. I live just around the corner at 2115 Inner Circle S and I enjoy biking and walking in my neighborhood, and wading and kayaking in our waters. The pedestrian access at the corner of Blossom and Serpentine is one of only a handful of places where community members can access, or even visually enjoy, the beautiful bay.

One specific argument made by the neighbors who are trying to remove public access is that the area has only recently been open to pedestrians. This is untrue; I have lived here for over 10 years and people have always been able to use that entry point to reach the water during that time.

A further concern is that if the city acquiesces to this petition, similar petitions may come in the future from other property owners in the neighborhood, who will cite this case as precedent for ultimately ending all of the community pedestrian access points in the Pink Streets.

When making your decision, please think not just of the two abutting property owners but of all the neighbors who use and appreciate this public water access.

Please do NOT vacate the easement.

Respectfully,
Kelly A Trippett

2115 Inner Circle S
Kelly.trippett@yahoo.com

Cheryl L. Bergailo

From: Suzan Harrison <harrisms@eckerd.edu>
Sent: Wednesday, January 20, 2021 5:18 PM
To: Cheryl L. Bergailo
Subject: Opposition to proposal to vacate Harvey Way and Serpentine Circle South,

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Bergallo:

Please formally register this as my opposition to any approval to vacate Harvey Way and Serpentine Circle South, as this public access to the bay serves an important and vital neighborhood and community interest. Many residents of this neighborhood make use of this important access for fishing, kayaking, and simply walking down to the bay.

This public access has existed for decades, and it was clear to the home owners that it existed when they purchased the property.

I urge the city to deny this request.

Thank you,

Martha Suzan Harrison
2190 Vivian Way South
St. Petersburg, FL. 33712

Cheryl L. Bergailo

From: Gabriel Mazur <gabe_mazur@hotmail.com>
Sent: Thursday, January 21, 2021 3:37 PM
To: Cheryl L. Bergailo
Subject: Case No. 20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Cheryl,

I'd like to submit an objection to case no. 20-33000018, approval to vacate the pedestrian ingress/egress easement adjacent to Serpentine Cir South.

The easement in question is the closest public access to the bay from my home on 2195 Vivian Way S. I purchased my home in Oct of 2020 with the belief that my family would have a means of accessing the bay close to our home. This significantly impacts the value of the neighboring homes by decreasing their proximity to the bay over dubious claims of concern for safety that clearly amount to a desire to remove the neighbors and monopolize the property for themselves. If there is in fact a safety issue, the numerous folks who object to this attempt at a "land grab" would be more than happy to oversee the installment of features that mitigate the danger of the "ditch" mentioned.

I would like to attend the hearing and speak if possible.

Thank you,

Dr. Gabriel Mazur

2195 Vivian Way S

Cheryl L. Bergailo

From: Gail Rubinsky <gailrnc@gmail.com>
Sent: Wednesday, January 20, 2021 5:13 PM
To: Cheryl L. Bergailo
Subject: case---20-33000018

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms.Bergailo,

As 40+ year residents of the Pink Streets we strongly object to any approval to vacate Harvey Way and Serpentine Circle. For decades it has provided access to the bay. A citizen should not be permitted to take this away from the public!!

Gail and Carl Rubinsky

1329 Coral Way S.

Cheryl L. Bergailo

From: Karen Swain <kswain1117@gmail.com>
Sent: Friday, January 22, 2021 10:41 AM
To: CherylBergailo@stpete.org
Subject: Case 20-33000018

Ms. Bargailo,

This is to formally register my opposition to any approval to vacate Harvey Way and Serpentine Circle S. This public access to the bay serves the entire neighborhood as an important access to the water. Privatizing this for the owners of the adjacent properties serves to enhance the value only for them at the expense of the rest of our community. Closing access denies neighbors ability to fish, kayak, or just walk the bay and view the beautiful waterfront scenery.

I grew up here and have enjoyed our lovely waterfront park for decades since growing up here as a child. I specifically chose to move back to this neighborhood 6 years ago because of the special environment created here by the waterfront and it's people. All who live here collectively have always respected and enjoyed this area. It is very unique because of this sense of pride and responsibility to protect the park and surrounding area.

Some who are new to this area not only disregard what makes this area special but, seek to exploit it. This is wrong!! My husband and I are not able to attend the hearing. The inability to attend does not mean we do not care about this issue. We object to the privatization of the access. Benefiting a few at the expense of the rest of the community is wrong.

Please consider this formal objection submitted in the form of this letter in lieu of attendance at the hearing.

Thank You,

Karen Swain

Bert Swain

1580 Coral Way S

St. Petersburg, FL 33705

727-688-9711

Thank You Sent from my iPhone

Cheryl L. Bergailo

From: Jeanne Sherer <jmsherer@hotmail.com>
Sent: Tuesday, January 19, 2021 4:38 PM
To: Cheryl L. Bergailo
Subject: Case 20-33000018

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Cheryl, I am writing because I very much oppose the closure of this right of way. I have lived in this neighborhood since 1992 and many of us use this area to access the water for kayaking and fishing. It is a shame that wealthy people can cut everyone else off from the water. This is the first public water access east of sunshine skyway lane. I would very much like it to remain open. Thank you, Jeanne Sherer. 2119 Serpentine Cir S. 727-542-3802.

Cheryl L. Bergailo

From: Patrick Smith <patrickjudson@gmail.com>
Sent: Thursday, January 21, 2021 8:54 AM
To: Cheryl L. Bergailo
Subject: Blossom Way Public Access

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Bergailo,

I am writing to state my opposition to vacate the pedestrian easement at the end of Blossom Way. Please let me know if anything additional is required. My family has lived in the pink streets for over 40 years, and this spot has always been a great one for allowing people access to the water.

Thank you,

1100 Friendly Way S.

Cheryl L. Bergailo

From: vicki <vdsvols@aol.com>
Sent: Monday, January 25, 2021 4:33 PM
To: Cheryl L. Bergailo
Subject: pedestrian easement

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Bergailo,

I am writing to state my opposition to vacate the pedestrian easement at the end of Blossom Way. Please let me know if anything additional is required.

Thank you,
Vicki Smith