RESOLUTION NO. 21-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, VACATING THE EASTERN 5 FEET OF A 10 FEET WIDE BY 50 FEET LONG UTILITY AND DRAINAGE EASEMENT ALONG THE WESTERN PROPERTY LINE OF LOT 83, AUTUMN RUN UNIT 2, AS RECORDED IN PLAT BOOK 80, PAGES 42-44, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; PROVIDING FOR AN EFFECTIVE DATE. (VAC-0820-00011, Nicole Allen)

WHEREAS, the City of Pinellas Park has received a petition to vacate the eastern 5 feet of a 10 feet wide by 50 feet long utility and drainage easement along the western property line of lot 83, Autumn Run Unit 2, as recorded in Plat Book 80, Pages 42-44, public records of Pinellas County, Florida.

WHEREAS, City staff has recommended to City Council that said easement serves no useful purpose and it is in the general interest of the public that the same be vacated, discontinued and closed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AS FOLLOWS:

SECTION ONE: That the following described portion of easements over, under, above, across, and through the following described real property be and the same are hereby vacated:

THE PORTION OF LAND LEGALLY DESCRIBED IN **EXHIBIT "A",** WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

SECTION TWO: That this Resolution shall be in full force and effect immediately upon its adoption and approval in the manner provided by law.

PUBLISHED	THE	_ DAY	OF	,	2021.
FIRST READ	DING	DAY	OF	_	2021.

ATTEST:			
		Sandra L. Bradbury MAYOR	_
APPROVED THIS	DAY OF		2021.
ABSTAIN:			
ABSENT:			
NAYES:			
AYES:			
ADOPTED THIS	DAY OF		2021.
PUBLIC HEARING THE	DAY OF		2021.

CITY CLERK

City of PINELLAS PARK

5141 78TH AVE. • P.O. BOX 1100 PINELLAS PARK, FL 33780-1100

Please Respond To:

Lauren Christ Rubenstein, Assistant City Attorney



PHONE

(727) 369-0700

FAX

• (727) 544-7448

James W. Denhardt, City Attorney Denhardt and Rubenstein, Attorneys at Law 2700 First Avenue North St. Petersburg, Florida 33713 (727) 327-3400 - Telephone (727) 323-0888 - Facsimile

December 14, 2020

Ms. Erica Lindquist Planning & Development Review Manager City of Pinellas Park P. O. Box 1100 Pinellas Park, Florida 33780-1100

City Document #20-361 RE:

VAC0820-00011 Resolution

Dear Ms. Lindquist:

We have received and reviewed the above-mentioned Vacation Resolution. Under Pinellas Park Land Development Code Section 18-1801.1(C), the City is required to consider whether the easement is needed for existing or future public use. Therefore, we would recommend the following WHEREAS paragraph be inserted into the Resolution stating that the easement serves no useful purpose and it is in the general interest of the public that the same be vacated:

> WHEREAS. City staff has recommended to City Council that said easement serves no useful purpose and it is in the general interest of the public that the same be vacated, discontinued and closed.

Once the above-mentioned WHEREAS paragraph is inserted into the Resolution,

Ms. Erica Lindquist December 14, 2020 Page 2

assuming that the legal description contained in Exhibit "A" is correct, we would approve of such Resolution as to form and correctness.

Very truly yours,

James W. Denhardt City Attorney

CC:

Doug Lewis, City Manager

am W. Lehart

Diane M. Corna, MMC, City Clerk Patrick Murphy, Deputy City Manager

Benjamin Ziskal, Community Development Administrator Nick Colonna, Planning & Development Services Director

JWD/cb

20-361.12142020.LEL.VAC0820-00011 Resolution.wpd

CITY OF PINELLAS PARK



Staff Report

Community Development Department Planning & Development Services Division

I. APPLICATION DATA

A. Case Number: VAC-0820-00011

B. Location: 11148 Longhill Drive

C. Parcel ID: 173016017740000830

D. Requests: Vacate the eastern 5 feet of the 10 foot wide by 50 foot long platted drainage/utility easement on the west side of the property.

E. Applicant: Nicole Allen

F. Agent: N/A

- G. <u>Legal Ad Text</u>: Vacate the eastern 5 feet of the 10 foot wide by 50 foot long platted drainage/utility easement on the west side of the property.
- H. Public Hearings:

City Council Meeting Date: January 14, 2021 Advertising Deadline: December 23, 2020

II. BACKGROUND INFORMATION

A. Site Area: 0.14 Acres

B. **Property History**:

- 1. Land Use Plan or Zoning Amendments: N/A
- 2. Previous Permits and Development: Prior to submitting a permit application, the property owner spoke with Planning & Development Services staff regarding a proposed pool. Staff indicated that the pool was proposed to be located in an easement. After discussions with Construction Services, it was decided that the easement was not in use and could be vacated.
- 3. Previous Variances and Waivers: The property to the west at 11149 Maxton Way was approved for a vacation of easement in 2001 (case # VAC 2001-12) to vacate 5 feet of the 10 foot wide easement on the east side of their property to construct a pool.
- C. <u>Current Use</u>: Single-Family Residence (No Change)
- D. Current Land Use: RESIDENTIAL URBAN RU

1. Land Use Purpose / Intent:

It is the purpose of this category to depict those areas of the City that are now developed, or appropriate to be developed, in an urban low density residential manner, and to recognize such areas as primarily well-suited for residential uses that are consistent with the urban qualities and natural resource characteristics of such areas.

2. Key Standards:

Primary Uses - Residential

Secondary Uses - Residential Equivalent; Institutional; Transportation Utility; Public Educational Facility; Ancillary Non-Residential; Recreation/Open Space

3. Staff Analysis:

The existing use is single family residential which is a primary use in the RU Future Land Use category and meets the "urban low density" criteria. Staff finds that the use is consistent with the RU Future Land Use category.

F. Current Zoning District: "R-1" SINGLE FAMILY RESIDENTIAL

1. Zoning District Purpose / Intent:

The "R-1" Single-family Residential District is established to identify and stabilize those geographic areas within the City of Pinellas Park that are presently platted or developed for urban low density and low medium density, single-family residential use. This district is limited primarily to single-family detached dwellings, together with accessory uses and public facilities customary for such an environment, on an individual lot(s) typically platted for such use. This district is appropriate for areas designated on the Official Land Use Plan Map as Residential Urban (RU), Residential Low Medium (RLM) or Community Redevelopment District (CRD).

2. Staff Analysis:

The subject property is zoned "R-1" Single Family Residential. The current use of the property is single-family residential. The applicant wishes to build a pool and pool deck, which is an appropriate accessory structure, in the rear yard. Staff finds that the proposed structure is consistent with the "R-1" Zoning District.

- **G.** Flood Zone: The property is located in Flood Zone X, which is a low risk flood zone.
- **H.** Evacuation Zone: The property is in Evacuation Zone C, which is the third level to evacuate in preparation for a storm. Zone C is evacuated when storm surge height is predicted to be up to 20 feet.

I. <u>Vicinity Characteristics</u>:

	Zoning	Land Use	Existing Use
North	"R-1"	RU	Single-Family Residence
South	"R-1"	RU	Single-Family Residence
East	"R-1"	RU	Single-Family Residence
West	"R-1"	RU	Single-Family Residence

III. APPLICABLE CRITERIA / CONSIDERATIONS

A. Comprehensive Plan Policies:

1. Relevant Policies:

POLICY LU.1.4.3 Avoid the vacation of public easements that affect the existing or future use of the public easement.

POLICY LU.1.4.4 When the vacation of a public easement necessitates the relocation of an existing utility and or granting of a new easement, the owner/applicant shall be responsible for providing a suitable alternate easement and/or relocating such public utility at the owner's/applicant's sole expense.

POLICY T.1.4.1 Avoid the vacation of rights-of-way, alleys, or easements if they serve a purpose, provide principal or secondary access to a parcel.

POLICY T.1.4.2 When vacating a right-of-way, alley, or access easement that affects an existing or future utility, require the retention or dedication of an easement for an existing or proposed utility.

2. Staff Analysis:

The proposed 5 feet of the existing 10 foot easement to be vacated does not affect existing or future utilities. Staff finds that the proposed easement vacation is consistent with the City's adopted Comprehensive Plan.

B. Land Development Code Standards:

1. Key Standards:

Article 18. Vacations of Rights-of-Way and Easements Sec. 18-1801. - Vacations of Rights-Of-Way and Easements.

Except as provided for by Article 1, Subdivision Code of Chapter 18, Land Development Code, the process for vacating rights-of-way and easements shall follow rules established by this Article.

Sec. 18-1801.1. - General Procedures for Vacations of Rights-Of-Way or Easements.

- (A) Request for vacation of rights-of-way or easements shall be submitted to the Zoning Division on an application form provided by the City, along with the required filing fee. The applicant shall provide notice, by certified mail/return receipt requested, to all owners of property abutting the right-of-way or easement to be vacated, notifying said abutting property owners that the applicant has applied for the vacation of a right-of-way or easement and enclosing a copy of the application. The applicant shall provide documentation to the City that he has complied with the notice requirements herein. If the applicant is the sole owner of all abutting property, such proof shall not be required. In the event the certified notice has been refused or not retrieved by an abutting property owner, the applicant shall provide documentation thereof and shall send the notice to the said property owner by U.S. Mail.
- (B) The applicant shall include with the application utility releases from the affected telephone, electrical, gas and cable utilities, as well as the Pinellas Park Water Management District. In addition the City may require utility releases from other agencies which have jurisdiction on the property to be vacated.
- (C) The City may notify affected City divisions and departments of the application for vacation and request recommendations. The various reviewing divisions and departments shall review the request for vacation and provide recommendations to the City. The various reviewing divisions and departments shall consider whether the right-of-way or easement is needed for existing or future public use. In the review of the application for a right-of-way, the City shall assess whether or not all or part of the right-of-way should be retained or converted to an easement. In reviewing the request for the vacation of an easement, the City shall assess whether or not all or part of the easement should be retained.

Sec. 18-1801.2. - Easements.

- (A) The City Staff shall prepare a Staff report either recommending approval, approval with modification or denial of the vacation request.
- (B) At least seven (7) days prior to the public hearing before City Council, the City Staff shall provide notice by U.S. Mail to all abutting property owners of the application for vacation and the date, time and place of the public hearing thereon. For purposes of this Section notification shall be deemed complete upon mailing. The City shall also place an advertisement in a newspaper of general circulation in the City, which provides notice of the time and date of the public hearing and identifying the case. Failure to notify all of the abutting property owners as shown on the records of the Pinellas County Property Appraisers Office shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings, and shall not affect any action or proceeding on the application for vacation.
- (C) A vacation resolution, requiring a public hearing first and final reading, shall be presented to City Council. City Council may take action on the Resolution upon conclusion of the first reading and public hearing.

2. Staff Analysis:

The Land Development Code (LDC) includes no criteria pertaining to the approval or denial of applications to vacate rights-of-way. The LDC does, however, include the above referenced Sections, which detail the process by which such vacations may be applied for and processed, including notification and public hearings. Staff finds that this application is in compliance with regard to these provisions.

C. Essential Services Review:

The proposed requests have been reviewed by all relevant departments/divisions, and staff has no objections or comments.

IV. SUMMARY

A. Findings:

Based on the information and analysis contained in this report, staff finds as follows:

- 1. The request meets vacation of easement requirements per Section 18-1801 of the Land Development Code.
- 2. The request is consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan.

B. Staff Recommendation:

Consistent with the above identified findings, and subject to such additional findings of fact as are established at a public hearing, if applicable, staff recommends **APPROVAL** of case number VAC-0820-00011.

Nick A. Colonna, AICP

Planning & Development Services Director

Date

12/10/2020

Benjamin J. Ziskal, AJCP, CEcD

Community Development Administrator

V. ACTION

COMMUNITY REDEVELOPMENT AGENCY- MOVE TO:

- A. APPROVE
- B. APPROVE WITH THE FOLLOWING CONDITION(S):
- C. DENY

...a vacation of easement for the eastern 5 feet of the 10 foot wide by 50 foot long platted drainage/utility easement on the west side of the property at 11148 Longhill Dr.

VI. ATTACHMENTS

Exhibit A: Affidavit of Ownership

Exhibit B: Legal Description

Exhibit C: Site Plan

Exhibit D: Sketch and Legal

Exhibit E: Letters of No Objection

Exhibit F: Aerial Map
Exhibit G: Land Use Map

Exhibit H: Zoning Map

Exhibit I: Flood Insurance Rate Map

Exhibit J: Site Photographs

Affidavit of Ownership

This letter certifies that, Nicole Allen is the owner of the following property;

11148 Longhill Dr N

Pinellas Park, FL 33782

Parcel ID: 17-30-16-01774-000-0830

Owners Signature

Date

MICHELLE FRY
Commission # GG 234038
Expires July 1, 2022
Bonded Thru Budget Notary Sendore

Michelli Kry

7.27.20

Notary

Date

Legal Description:

Lot 83, of AUTUMN RUN UNIT 2, according to the plat thereof, as recorded in Plat Book 80, Page 42, of the public records of

Pinellas County, FLORIDA



EXHIBIT "A"

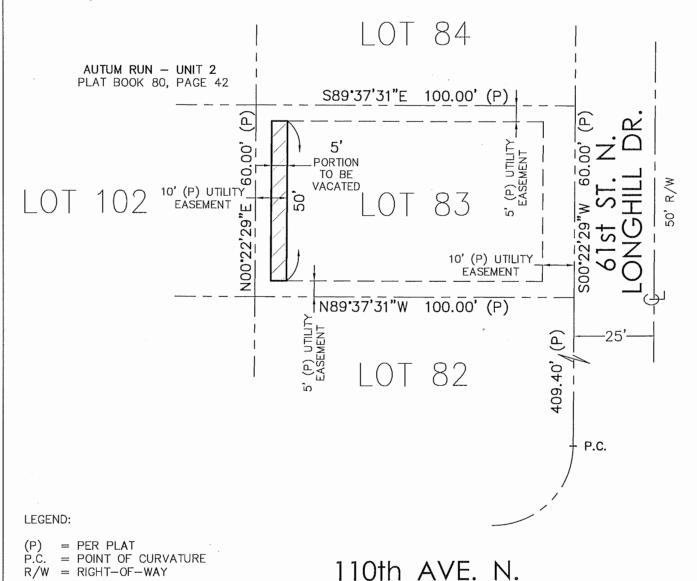
SECTION 17, TOWNSHIP 30S, RANGE 16E

SKETCH AND LEGAL DESCRIPTION VACATING A 5 FOOT WIDE PORTION OF A 10 FOOT UTILITY EASEMENT:

NORTH BASIS:

THAT PORTION OF A 10 FOOT UTILITY EASEMENT LYING IN THE EAST 5 FEET OF THE WEST 10 FEET LESS THE NORTH 5 FEET AND LESS SOUTH 5 FEET OF LOT 83, AUTUMN RUN — UNIT 2, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 80, PAGES 42 THROUGH 44, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA CONTAINING 250 SQUARE FEET.

PLAT SCALE: 1" = 30'



PREPARED: NOVEMBER 30, 2020

THIS IS NOT A SURVEY

This Sketch and Legal Description was prepared without the benefit of a title search and is subject to all easements, Rights—of—way, and other matters of record.

NOTE: Sketch and Legal Description not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

I hereby certify that the sketch and Legal Description represented hereon meets the requirements of Chapter 5J-17, Florida Administrative Code.

JOHN O. BRENDLA
Florida Surveyor's Registration No. 4601
Certificate of Authorization No. LB 760

Prepared by:

JOHN C. BRENDLA & ASSOCIATES, INC.

PROFESSIONAL LAND SURVEYORS AND MAPPERS

4015 82nd Avenue North
Pinellas Park, Florida 33781
phone (727) 576-7546 ~ fax (727) 577-9932

0 7010 1dx (727) 077 0002

SHEET 1 OF 1



Date August 10, 2020

Re: 11148 Long hill Drive N Pinellas Park Florida 33782.

Retained / granted
 XXX Bright House has no objections provided applicant bears the expense for relocation of any Bright House facilities to maintain service to customers affected by the proposed Vacate.
 In order to properly evaluate this request, Bright House will need detailed plans of facilities proposed for subject areas.
 Bright House has facilities within this area, which may conflict with subject project Please call one call locating. SEE NOTES
 Bright House requires 30 days written notice prior to construction start date to relocate their facilities.

Bright House Networks has no objections provided easements for our facilities are

Sincerely, Ozzie Perez

Bright House Networks

Field Engineer Pinellas County 727-329-2817

2401 25th St. N. St. Petersburg, FL 33713 SP-15 Jonathan.Kasper@duke-energy.com o: 727-893-9262



August 3, 2020

ALLEN, NICOLE 11148 LONGHILL DR N PINELLAS PARK FL 33782-2007

RE: Approval of a vacation of a Platted Utility Easement- AUTUMN RUN UNIT 2 LOT 83 - PB 80/42

Parcel ID: 17-30-16-01774-000-0830

Owner: ALLEN, NICOLE

Address: 11148 LONGHILL DR., PINELLAS PARK

Dear Ms. ALLEN,

Please be advised that Duke Energy Florida, LLC., *Distribution Department* and *Transmission Department* has "NO OBJECTIONS" to the approval of a vacation of a portion of the Platted Utility Easement on the above referenced property as shown on Plat Book 80, Page 42. This Platted Utility Easement portion is further described as the East 5' of the Westerly 10' Platted Utility Easement, LESS AND EXCEPT the 5' Platted Utility Easement that runs along the entire North and South of above referenced property.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Jonathan Kasper

Jonathan Kasper Research Specialist-Land Services Duke Energy Florida



Frontier Communications 3712 W Walnut St. Tampa, FL USA 33607 Office: (727) 462-1760

Fax: (727) 562-1175 Mobile: (941) 266-9218 Email: <u>stephen.waidley@ftr.com</u>

7/22/2020

Attn: Nicole Allen 11148 Longhill Dr N Pinellas Park, FL 33782 neapea723@gmail.com

RE: Vacate a Portion of Rear Easement – 11148 Longhill Dr N Dear Ms. Allen, ☐ Our records do not indicate that there are Frontier Communications facilities in the area of the Plat request as per the attachment provided. Frontier Communications has no objection to the above referenced request as per the attachment. ☐ Frontier Communications has facilities within the proposed vacate area. A recordable non-exclusive Easement in favor of Frontier will be required for Frontier Communications facilities to remain in the proposed vacated R.O.W. ☐ Frontier Communications has facilities in the area, which may be in conflict with your proposed construction plans. Please contact Sunshine 811 by dialing 811, 2 full business days prior to the start of your work to have these facilities located for you. Please take all necessary precautions to protect and avoid damage of these facilities during your construction. ☐ Frontier Communications has facilities in the area, which may be in conflict with your proposed construction plans. Please send a set of construction plans and references to the Frontier Communications Engineering Department in regards to the above project. ☐ Frontier Communications has facilities in the area of your proposed construction. Prepayment is required to markup a set of construction plans in order to confirm and accurately depict Frontier Communications facilities. There will also be a reimbursement of all costs required for relocation/adjustments of Frontier Communications facilities needed to accommodate the proposed construction project. Please call me if you have any questions or need any additional information at (941) 266-9218.

Sincerely,

Stephen Waidley

Frontier Communications

Regional Rights of Way & Municipal Affairs Manager



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August 24, 2020

Nicole Allen 11148 Longhill Drive N. Pinellas Park, FL 33782

RE: Petition to Release: Parcel Number: 17-30-16-01774-000-0830 11148 Longhill Drive N, Pinellas Park, FL 33782

To Whom it May Concern:

Pinellas County Utilities has "No Objection" with the petition to release the utility easements on the property. Pinellas County Utilities does not have utilities located within the requested area that would require easement. If you have any questions, please do not hesitate to contact our office at (727) 464-4068.

Sincerely,

Jenelle Ostrowski, P.E.

Engineer 3

Pinellas County Utilities



PINELLAS PARK WATER MANAGEMENT DISTRICT

Phone (727) 528-8022 Fax (727) 528-9444

Email: info@ppwmd.com

TO:

Nicole Allen

11148 Longhill Drive North Pinellas Park, FL 33782

FROM:

Pinellas Park Water Management District (PPWMD)

DATE:

August 20, 2020

SUBJECT:

Vacation of Easement

11148 Longhill Drive North Pinellas Park, FL 33782

Dear Ms. Allen,

I reviewed the information concerning the vacation of a portion of the easement in the rear of your property at 11148 Longhill Drive North Pinellas Park, FL 33782. Your property is outside the Pinellas Park Water Management District's jurisdiction; the District has no objection/comments concerning the vacation of this easement.

Please let me know if you need any additional comments.

Sincerely,

Randal A. Roberts, Executive Director

MICHAEL S. FARRELL Treasurer

CHARLES L. TINGLER

Chairman

ED TAYLOR Vice Chairman

RANDAL A. ROBERTS Executive Director



September 2, 2020

Nicole Allen

RE: 11148 Longhill Dr N

Christopher,

TECO/Peoples Gas has no facilities in the area around. 11148 Longhill Dr N. We have no objection to the vacation of the easement.

Thanks

If you need any additional information or need further assistance, I can be contacted at (727) 423-7124 or (727) 826-3258.

Thank you,

Ray Zwissler

Construction Coordinator



Nicole Allen <neapea723@gmail.com>

11148 Longhill Dr N

5 messages

Nicole Allen <neapea723@gmail.com> To: ODavis2@wm.com

Thu, Aug 20, 2020 at 3:17 PM

Good Afternoon,

I am in the process of Vacating a portion of my rear 10' easement and am requesting a letter of No Objection. I have attached a survey and plans which depict the 5' portion of the 10' easement that I would like to vacate. I have received Letters of No Objections from Duke, Brighthouse and Frontier, which are attached.

Thanks, Nicole

Vacation of a portion of the Platted Utility Easement on the above referenced property as shown on Plat Book 80, Page 42. This Platted Utility Easement portion is further described as the East 5' of the Westerly 10' Platted Utility Easement, LESS AND EXCEPT the 5' Platted Utility Easement that runs along the entire North and South of above referenced property.

6 attachments



IMG-0490.jpg 4724K

11148 Longhill Dr N.pdf 5110K

LetterNoObjBH.pdf

WO 37590699 Letter of No Objection - Duke.pdf

Vacate a Portion of Rear Easement – 11148 Longhill Dr N - Frontier.pdf 5108K

20-3649 Survey.pdf 756K

Davis, Oterio <odavis2@wm.com> To: Nicole Allen <neapea723@gmail.com> Fri, Aug 21, 2020 at 5:57 AM

Waste Management has no objection to the applicant's request for a Minor Encroachment in the utility easement at 11148 Longhill Dr N, Pinellas Park, FL. 33782. Our services are not impacted at

[Quoted text hidden]

Recycling is a good thing. Please recycle any printed emails.

Nicole Allen <neapea723@gmail.com> To: "Davis, Oterio" <odavis2@wm.com>

Fri, Aug 21, 2020 at 9:06 AM

Good morning,

Would it be possible to be this on Waste Management letterhead? I need to turn this in to the City of Pinellas Park.

Thanks, Nicole

[Quoted text hidden]

Davis, Oterio <odavis2@wm.com>

Fri, Aug 21, 2020 at 9:46 AM

To: Nicole Allen <neapea723@gmail.com>

Unfortunately it's not possible but they will accept my email.

[Quoted text hidden]

Nicole Allen <neapea723@gmail.com> To: "Davis, Oterio" <odavis2@wm.com>

Fri, Aug 21, 2020 at 9:47 AM

Ok, thanks 😞



[Quoted text hidden]



August 19, 2020

Nicole Allen 11148 LongHill Dr. Pinellas Park, Fl. 33782

Attn: Nicole Allen

Re: 11148 Longhill Dr.N.

Thank you for advising Wide Open West (WOW!) of the subject project.

XXX_ WOW! Has "No Objection "with proposed Construction.

Please refer any further correspondence to:

WOWI
Dave Hamlin
Construction Coordinator
3001 Gandy Blvd. N.
Pinellas Park, FL 33782

David E. Hamfin J

Construction Project Coordinator

WOW!

Sincerel

(727) - 239-0156 Office (678) - 409-8721 Cell

Master Address Points

Private Roads Centerlines

Medical District Pinellas Park

Community Redevelopment Area Rights of Way

TONGHITT DE

Unincorporated

Parcel Lines

TONGHITT DE

2000

SOUGH

Notes:

1: 564

47.0 Feet

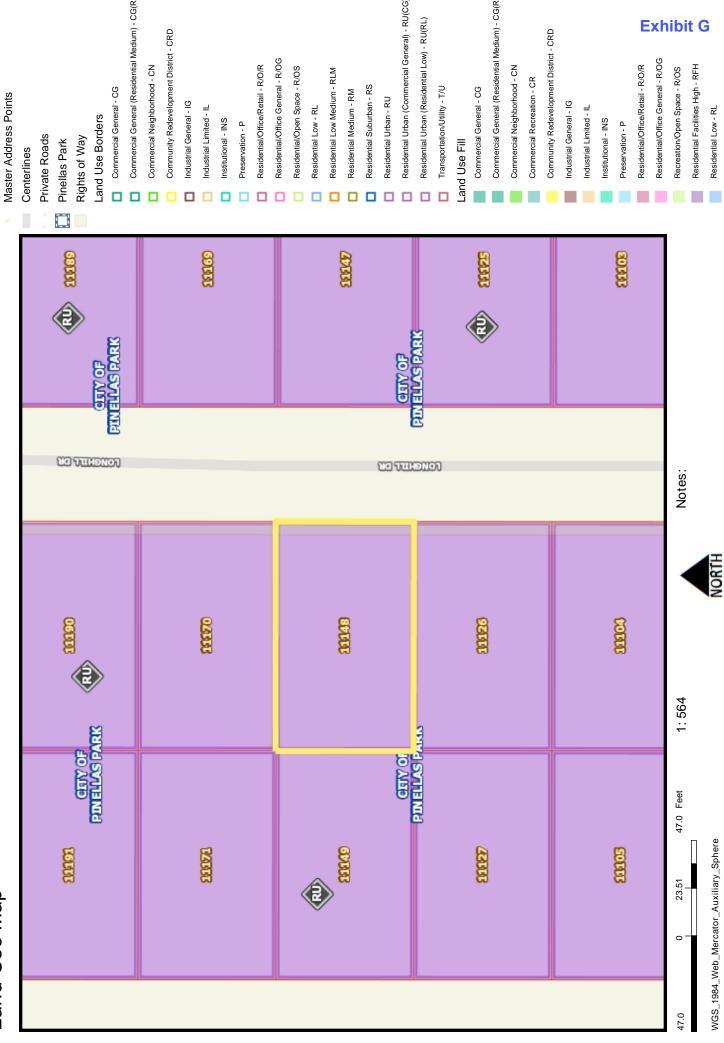
23.51

47.0

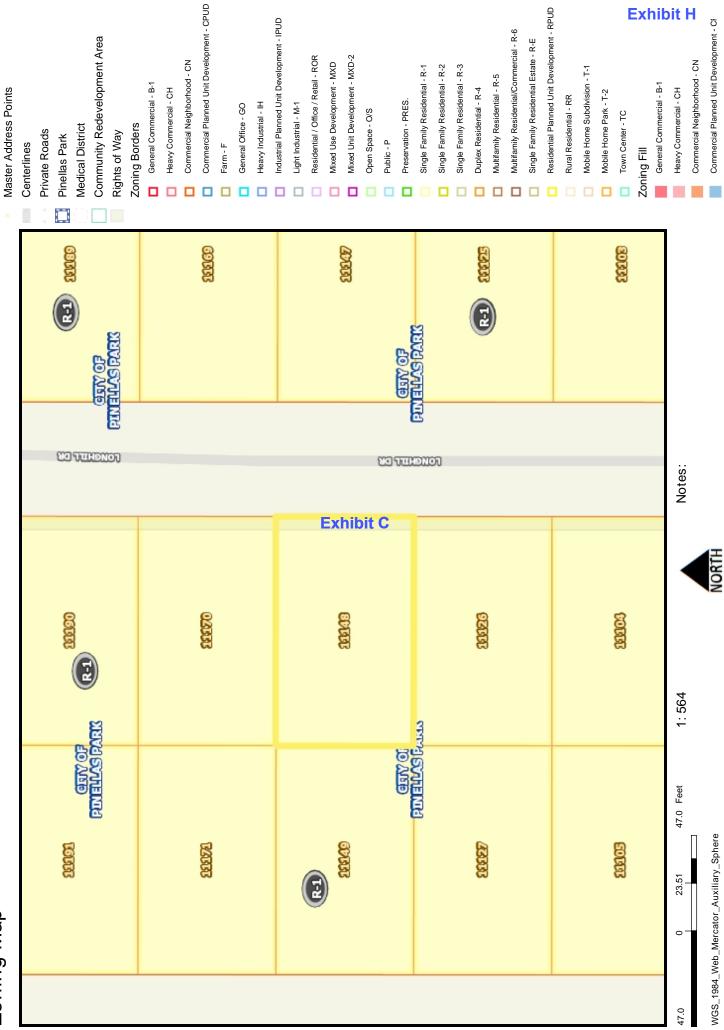
NORTH



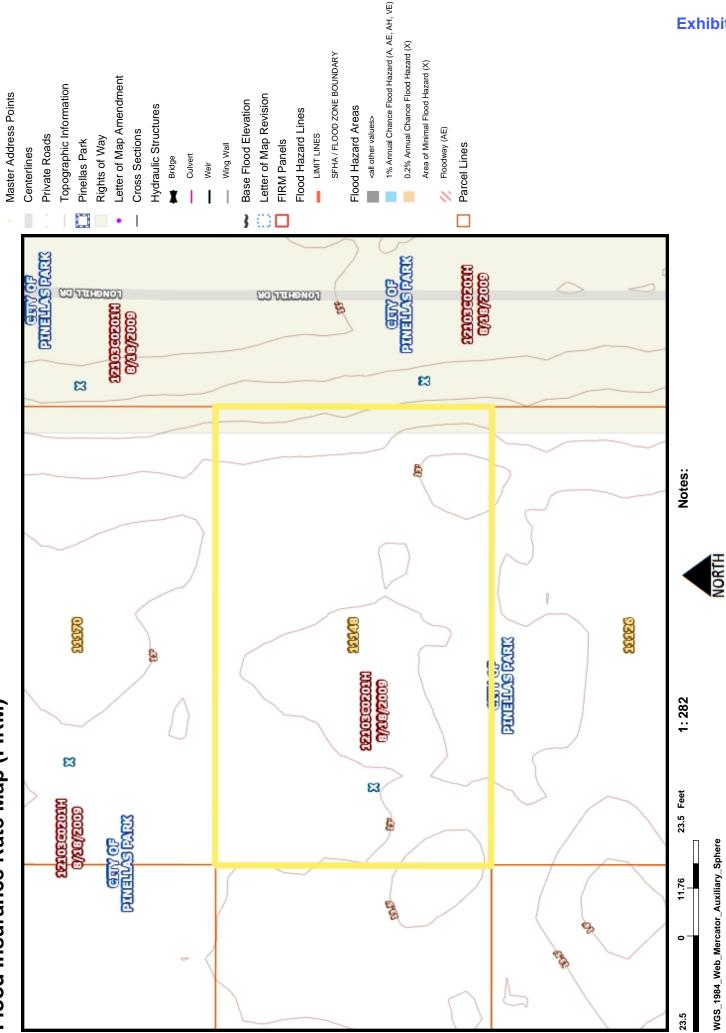




Residential Low Medium - RLM



Farm - F



Flood Insurance Rate Map (FIRM)

Site Photos

