



### City of Largo Agenda Item 23

Meeting Date  
10/16/18

Presenter:

Department:

**TITLE:**

**ORDINANCE NO. 2019-01 - FIRST READING - VACATING A SEGMENT OF THE 10TH STREET NW RIGHT-OF-WAY AND PORTIONS OF THE 11TH AVENUE NW RIGHT-OF-WAY, ALL ADJACENT TO 1159 CLEARWATER-LARGO ROAD**

The purpose of this memorandum is to request approval for the vacation of rights-of-way adjacent to 1159 Clearwater-Largo Road. The applicant, Anthony M. Everett of Pollack Shores Real Estate Group, authorized agent for the property owners, Biltmore Trails LLC and Largo Belleair LLC, is requesting the vacations for the development of the Rosery Apartments at 1159 Clearwater-Largo Road.

The vacations are being processed in accordance with Section 4.10 Level V, Vacation or Dedication of Right-of-Way or Easements, of the City Comprehensive Development Code (CDC). The applicant is requesting the vacation of a 281 foot x 60 foot segment of the 10th Street NW right-of-way, a 613 foot x 60 foot portion of the 11th Avenue NW right-of-way and a 653 foot x 10 foot portion of the 11th Avenue NW right-of-way, all adjacent to 1159 Clearwater-Largo Road. An easement for roadway use across the 10th Street NW vacated area will be dedicated to the public as part of the platting process. The remaining right-of-way on the west end of 11th Avenue NW will meet the City's minimum 50 foot width requirement for the existing roadway. The unimproved right-of-way on the east end of 11th Avenue NW currently contains a drainage ditch and will be modified to provide drainage through a piped system.

The proposed vacation of rights-of-way meets the appropriate standards of the CDC and has been reviewed with no objections by City Departments including the Public Works Department and the Engineering Services Department. City staff has determined that the rights-of-way to be vacated are no longer necessary for public purpose. Adjacent property owner and outside utility agencies have been notified, including but not limited to: Pinellas County Utilities, Duke Energy, TECO Peoples Gas, Wide Open West, Frontier, Clearwater Gas System, Bright House Networks and Level 3 Communications, all of which provided no objections.

Budgeted Amount:  Budget Page No(s).:  Available Amount:  Expenditure Amount:

Additional Budgetary Information:

Funding Source(s):  Sufficient Funds Available:  Yes  No Budget Amendment Required:  Yes  No Source:

City Attorney Reviewed:  Yes  No  N/A Advisory Board Recommendation:  For  Against  N/A Consistent With:  Yes  No  N/A

Potential Motion/Direction Requested:

Staff Contact:

Attachments:

ORDINANCE NO. 2019 - 01

AN ORDINANCE OF THE CITY OF LARGO, FLORIDA, VACATING A SEGMENT OF THE 10TH STREET NW RIGHT-OF-WAY AND PORTIONS OF THE 11TH AVENUE NW RIGHT-OF-WAY, ALL ADJACENT TO 1159 CLEARWATER LARGO ROAD, LARGO, FLORIDA, WITHIN SECTION 28, TOWNSHIP 29 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Biltmore Trails LLC and Largo Belleair LLC requested that the City vacate a segment of the 10th Street NW right-of-way and portions of the 11th Avenue NW right-of-way, all adjacent to 1159 Clearwater Largo Road; and

WHEREAS, the City Commission has reviewed the request for vacation of rights-of-way and finds that it meets the criteria established in Section 4.10 of the Comprehensive Development Code; and

WHEREAS, the City Commission finds that the vacation of rights-of-way is consistent with the City of Largo Comprehensive Plan, that it will not compromise the public interest nor will it prevent any property from having access to a public right-of-way, and that it will not substantially reduce the market value of abutting property (without the consent of the affected property owner or unless provisions have been made to pay damages); and

WHEREAS, the City Commission has determined said rights-of-way are no longer necessary for public purposes and that vacation thereof is deemed to be in the best interest of the public.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF LARGO HEREBY ORDAINS:

Section 1. That the following described rights-of-way, lying and being in the County of Pinellas, State of Florida, to wit:

AREA 1:

A PORTION OF A 60.00 FEET WIDE RIGHT-OF-WAY OF 11TH AVENUE NW (LEXINGTON AVENUE, RE-PLAT OF ALTA VISTA, ACCORDING TO PLAT BOOK 12, PAGE 76, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA) LYING IN SECTION 28, TOWNSHIP 29 SOUTH, RANGE 15 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 5, BLOCK B, RE-PLAT OF ALTA VISTA, ACCORDING TO PLAT BOOK 12, PAGE 76, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE SOUTH 04°30'55" WEST ALONG THE SOUTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF 10TH STREET NW (PALMER STREET PER PLAT), A DISTANCE OF 10.02 FEET; THENCE NORTH 89°07'31" WEST, A DISTANCE OF 653.00 FEET TO THE SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF THE PINELLAS TRAIL (RAILROAD RIGHT-OF-WAY PER PLAT); THENCE NORTH 04°02'24" EAST ALONG SAID SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE, A DISTANCE OF 10.02 FEET TO THE SOUTHWEST CORNER OF LOT 15, BLOCK B, SAID RE-PLAT OF ALTA VISTA; THENCE SOUTH 89°07'31" EAST ALONG THE NORTH RIGHT-OF-WAY LINE OF 11TH AVENUE NW (LEXINGTON AVENUE PER PLAT), A DISTANCE OF 653.08 FEET TO THE POINT OF BEGINNING.

CONTAINING 6530 SQUARE FEET OR 0.150 ACRES.

AREA 2:

A PORTION OF A 60.00 FEET WIDE RIGHT-OF-WAY OF 10TH STREET NW (PALMER STREET, RE-

56 PLAT OF ALTA VISTA, ACCORDING TO PLAT BOOK 12, PAGE 76, OF THE PUBLIC RECORDS OF  
57 PINELLAS COUNTY, FLORIDA) LYING IN SECTION 28, TOWNSHIP 29 SOUTH, RANGE 15 EAST,  
58 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
59

60 BEGIN AT THE NORTHEAST CORNER OF LOT 1, BLOCK B, RE-PLAT OF ALTA VISTA, ACCORDING  
61 TO PLAT BOOK 12, PAGE 76, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA;  
62 THENCE SOUTH 89°03'54" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF ROSERY ROAD, A  
63 DISTANCE OF 60.12 FEET TO THE NORTHWEST CORNER OF LOT 18, BLOCK A, OF SAID RE-  
64 PLAT OF ALTA VISTA; THENCE SOUTH 04°30'55" WEST ALONG THE EAST RIGHT-OF-WAY LINE  
65 OF 10TH STREET NW (PALMER STREET PER PLAT) AND A SOUTHERLY EXTENSION THEREOF, A  
66 DISTANCE OF 280.87 FEET; THENCE NORTH 89°07'31" WEST, A DISTANCE OF 60.12 FEET TO  
67 THE SOUTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF SAID 10TH STREET NW;  
68 THENCE NORTH 04°30'55" EAST ALONG SAID SOUTHERLY EXTENSION AND THE WEST RIGHT-  
69 OF-WAY LINE OF SAID 10TH STREET NW, A DISTANCE OF 280.93 FEET TO THE POINT OF  
70 BEGINNING.

71  
72 CONTAINING 16854 SQUARE FEET, OR 0.387 ACRES.  
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74 AREA 3:  
75

76 A PORTION OF A 60.00 FEET WIDE RIGHT-OF-WAY OF 11TH AVENUE NW (LEXINGTON AVENUE,  
77 RE-PLAT OF ALTA VISTA, ACCORDING TO PLAT BOOK 12, PAGE 76, OF THE PUBLIC RECORDS  
78 OF PINELLAS COUNTY, FLORIDA) LYING IN SECTION 28, TOWNSHIP 29 SOUTH, RANGE 15 EAST,  
79 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
80

81 BEGIN AT THE SOUTHEAST CORNER OF LOT 5, BLOCK A, RE-PLAT OF ALTA VISTA, ACCORDING  
82 TO PLAT BOOK 12, PAGE 76, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA;  
83 THENCE SOUTH 05°08'05" WEST ALONG THE SOUTHERLY EXTENSION OF THE WEST RIGHT-  
84 OF-WAY LINE OF CLEARWATER-LARGO ROAD (SUNSET BOULEVARD PER PLAT), A DISTANCE  
85 OF 30.08 FEET; THENCE NORTH 89°07'31" WEST, A DISTANCE OF 612.54 FEET TO THE  
86 SOUTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF 10TH STREET NW (PALMER  
87 STREET PER PLAT); THENCE NORTH 04°30'35" EAST ALONG SAID SOUTHERLY EXTENSION OF  
88 THE EAST RIGHT-OF-WAY LINE, A DISTANCE OF 30.06 FEET TO THE SOUTHWEST CORNER OF  
89 LOT 14, BLOCK A, SAID RE-PLAT OF ALTA VISTA; THENCE SOUTH 89°07'31" EAST ALONG THE  
90 NORTH RIGHT-OF-WAY LINE OF 11TH AVENUE NW (LEXINGTON AVENUE PER PLAT), A  
91 DISTANCE OF 612.86 FEET TO THE POINT OF BEGINNING.

92  
93 CONTAINING 18381 SQUARE FEET OR 0.422 ACRES.  
94

95 AREA 4:  
96

97 A PORTION OF A 60.00 FEET WIDE RIGHT-OF-WAY OF 11TH AVENUE NW (LEXINGTON AVENUE,  
98 GRENELLYN, BLOCK A, REPLAT, ACCORDING TO PLAT BOOK 109, PAGE 42, OF THE PUBLIC  
99 RECORDS OF PINELLAS COUNTY, FLORIDA) LYING IN SECTION 28, TOWNSHIP 29 SOUTH,  
100 RANGE 15 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
101

102 BEGIN AT THE NORTHEAST CORNER OF LOT 1, GRENELLYN, BLOCK A, REPLAT, ACCORDING  
103 TO PLAT BOOK 109, PAGE 42, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA;  
104 THENCE NORTH 89°07'31" WEST ALONG THE SOUTH RIGHT-OF-WAY LINE OF 11TH AVENUE NW  
105 (LEXINGTON AVENUE PER PLAT), A DISTANCE OF 612.21 FEET TO THE NORTHWEST CORNER  
106 OF LOT 2, OF SAID GRENELLYN, BLOCK A, REPLAT; THENCE NORTH 04°30'55" EAST ALONG  
107 THE NORTHERLY EXTENSION OF THE EAST RIGHT-OF-WAY LINE OF 10TH STREET NW  
108 (PALMER STREET PER PLAT), A DISTANCE OF 30.06 FEET; THENCE SOUTH 89°07'31" EAST, A  
109 DISTANCE OF 612.54 FEET TO THE NORTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE  
110 OF CLEARWATER-LARGO ROAD (SUNSET BOULEVARD PER PLAT); THENCE SOUTH 05°08'05"

111 WEST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 30.08 FEET TO THE POINT OF  
112 BEGINNING.

113  
114 CONTAINING 18371 SQUARE FEET OR 0.422 ACRES.

115  
116 be and the same are vacated.

117  
118 **Section 2.** That a certified copy of this ordinance shall be furnished to Biltmore Trails LLC and  
119 Largo Belleair LLC, property owners, whose mailing address is 1821 Bayshore Blvd, Tampa, Florida  
120 33606-3210, and to the City of Largo Public Works Department.

121  
122 **Section 3.** That it is the intention of the City Commission that each provision hereof be  
123 considered severable, and, if any section, subsection, sentence, clause, or provision of this ordinance is  
124 held invalid, the remainder of the ordinance shall not be affected.

125  
126 **Section 4.** That this ordinance shall take effect immediately upon its final passage and adoption.

127  
128 APPROVED ON FIRST READING \_\_\_\_\_

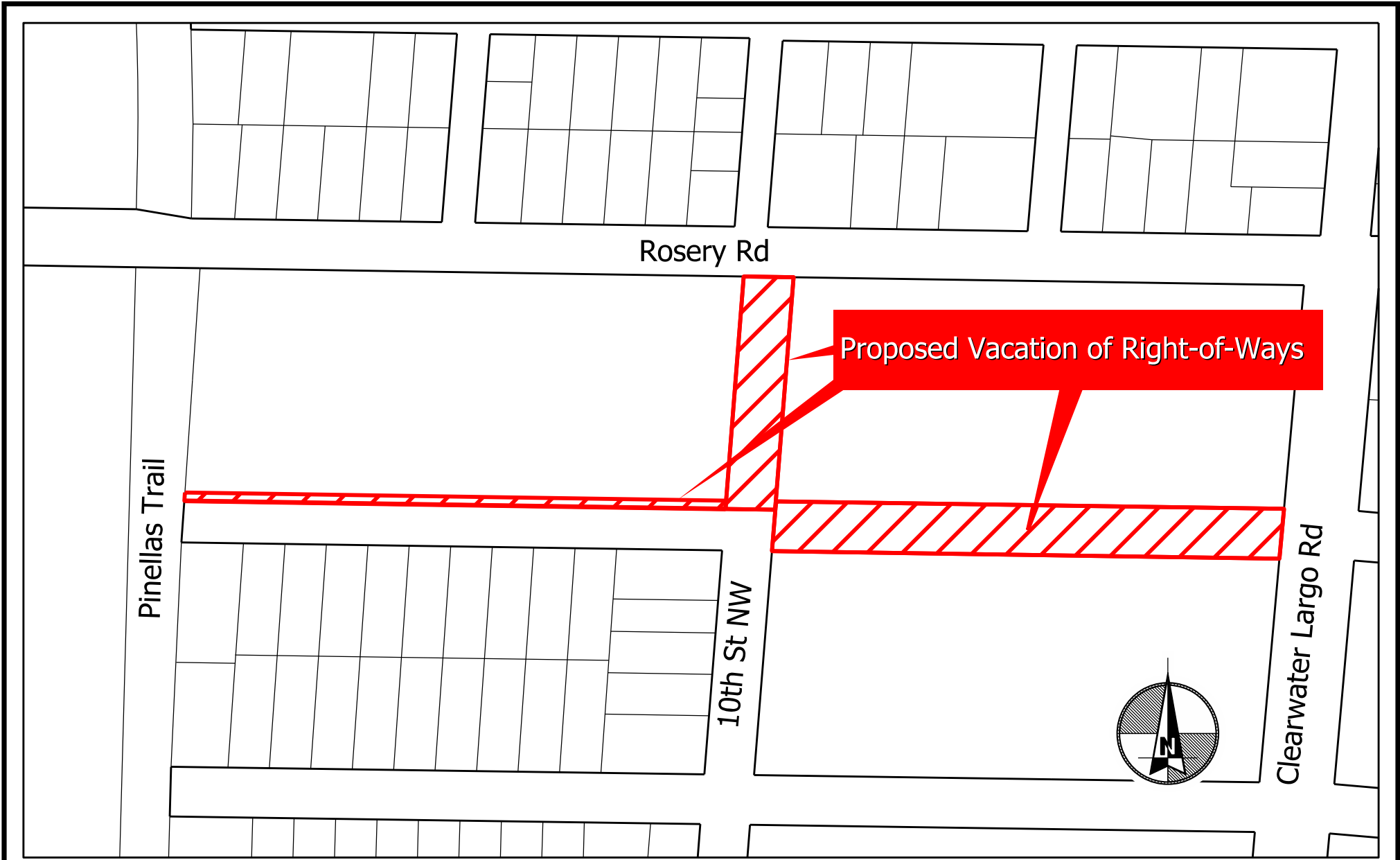
129  
130 PASSED AND ADOPTED ON  
131 SECOND AND FINAL READING \_\_\_\_\_

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133  
134 CITY OF LARGO, FLORIDA

135  
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137  
138 \_\_\_\_\_  
139 Mayor

140  
141 REVIEWED AND APPROVED: ATTEST:

142  
143  
144 \_\_\_\_\_  
145 City Attorney City Clerk



MAP LEGEND:

COMMISSION AGENDA EXHIBIT DESCRIPTION:

**Project Location Map:  
Vacation of Right-of-Way, 1959 Clearwater-Largo Rd**

Engineering Services Director  
**Jerald Woloszynski, P.E.**  
 Assistant Director  
**Rafal Cieslak, P.E.**

PUBLICATION DATE:  
**October 02, 2018**  
 MAP SCALE:  
**N.T.S.**

EXHIBIT:  
**A**