



### City of Largo Agenda Item 24

Meeting Date  
10/16/18

Presenter:

Department:

**TITLE:**

**ORDINANCE NO. 2019-02 - FIRST READING - VACATING A TEN FOOT WIDE PORTION OF A FIFTEEN FOOT WIDE DRAINAGE AND UTILITY EASEMENT LOCATED AT 10915 130TH AVENUE**

The purpose of this memorandum is to request approval for the partial vacation of a public drainage and utility easement that the City of Largo has over, under, through, and across a portion of a residential property located at 10915 130th Avenue. The applicants, Scott and Melissa Howser, have requested that the City approve the vacation of a ten foot wide portion of a fifteen foot wide drainage and utility easement in order to make more exclusive use of the land.

The vacation is 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 applicants are requesting the partial vacation of the fifteen foot wide drainage and utility easement along the northern boundary of their property. One of the outside utility agencies requested that the northern five foot portion of the existing easement remain in place for their utility.

The proposed vacation of easement 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 portion of easement to be vacated is no longer necessary for public purposes. Outside utility agencies have been notified, including but not limited to: Pinellas County Utilities, Duke Energy, TECO Peoples Gas, Wide Open West, Verizon, 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:

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**ORDINANCE NO. 2019 - 02**

AN ORDINANCE OF THE CITY OF LARGO, FLORIDA, VACATING A TEN FOOT WIDE PORTION OF A FIFTEEN FOOT WIDE DRAINAGE AND UTILITY EASEMENT LOCATED AT 10915 130TH AVENUE, LOT 19, BLOCK A, ORANGEWOOD ESTATES SUBDIVISION SECTION TWO, AS RECORDED IN PLAT BOOK 69, PAGES 18-21, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Scott Howser and Melissa Howser, owners of land over and/or through which the City of Largo has a drainage and utility easement located at 10915 130th Avenue, lot 19, BLOCK A, ORANGEWOOD ESTATES SUBDIVISION SECTION TWO, as recorded in Plat Book 69, Pages 18-21, Public Records of Pinellas County, FL, have requested that the City vacate a ten foot wide portion of a fifteen foot wide drainage and utility easement in order to make more exclusive use of the land and

**WHEREAS**, the City Commission has reviewed the request for vacation of the drainage and utility easement 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 the drainage and utility easement 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 easement is 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 public drainage and utility easement, lying and being in the County of Pinellas, State of Florida, to wit:

The South 10 feet of the North 15 feet of Lot 19, BLOCK A, ORANGEWOOD ESTATES SUBDIVISION SECTION TWO, as recorded in Plat Book 69, Pages 18-21, Public Records of Pinellas County, Florida.

be and the same is hereby vacated, closed, and released.

**Section 2.** That a certified copy of this ordinance shall be furnished to Scott Howser and Melissa Howser, property owners, whose mailing address is 10915 130th Avenue, Largo, Florida 33778, and to the City of Largo Public Works Department.

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

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

APPROVED ON FIRST READING \_\_\_\_\_

PASSED AND ADOPTED ON  
SECOND AND FINAL READING \_\_\_\_\_

CITY OF LARGO, FLORIDA

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

REVIEWED AND APPROVED:

\_\_\_\_\_  
City Attorney



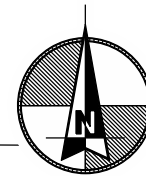
Pinellas County Public Safety Complex Property



10-foot-wide portion to be vacated

130th Ave

109th St



MAP LEGEND:

COMMISSION AGENDA EXHIBIT DESCRIPTION:

Project Location Map:  
10915 130th Ave Partial Vacation of Easement

Engineering Services Director  
Jerald Woloszynski, P.E.

PUBLICATION DATE:  
October 02, 2018

EXHIBIT:

Assistant Director  
Rafal Cieslak, P.E.

MAP SCALE:  
N.T.S.

**A**