

**City Council Meeting  
Agenda Packet  
Tuesday, June 1, 2010  
7:00 pm**



**City of Gulfport Florida**  
**Regular City Council Meeting**  
**Tuesday, June 1, 2010**

City Hall – 2401 53<sup>rd</sup> Street South, Gulfport, FL 33707

7:00 p.m.

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**Agenda**

Call to Order

Invocation given by Vice Mayor Michele King

Pledge of Allegiance

Roll Call:

Presentation: Habana Café – Best Casual Dining Restaurant in Florida.

1. Public Session.

2. City Manager Report.

3. City Attorney Report.

4. Consider approval of the Council Meeting Minutes of March 16, 2010.

5. Consent: Resolution

2010-36, A resolution of the City of Gulfport, Florida, requesting the Florida Legislature to place on the November 2010 ballot an amendment to the Florida Constitution prohibiting oil and natural gas exploration and drilling within the territorial waters of the State of Florida; and providing for an effective date.

6. Ordinance:

2010-07, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, providing for the vacation of a paved right-of-way (7<sup>th</sup> avenue south) from 58<sup>th</sup> Street South to 55<sup>th</sup> Street South/Pinellas Trail; providing for findings of compliance; providing for the vacation of drainage/utility/maintenance/easements as legally described in Exhibit "A", attached hereto and made a part hereof, providing for severability; providing for the repeal of ordinances, or parts of ordinances in conflict herewith, to the extent of such conflict; and providing for an effective date.

7. Old Business.

8. New Business.

9. Council Reports.

10. Adjournment.

Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call (727) 893-1000 or fax a written request to (727) 893-1008. Posted: May 28, 2010

# **Presentation**

**Agenda Item No. 1  
Public Session**

**Agenda Item No. 2  
City Manager Report**

**Agenda Item No. 3  
City Attorney Report**

**Agenda Item No. 4  
Minutes**

**City of Gulfport Florida**  
**Regular City Council Meeting Minutes**  
**Tuesday, March 16, 2010**

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The Regular Meeting of the Gulfport City Council was held on Tuesday, March 16, 2010, in the City Hall, City Council Chambers, 2401 53<sup>rd</sup> Street South, Gulfport, Florida.

Michael J. Yakes, Mayor, called the meeting to order at 7:00 p.m. The invocation was given by Councilmember Sam Henderson followed by the Pledge of Allegiance.

**Oath of Office for newly Elected Officials:**

City Clerk DeMuth administered the Oath of Office to Councilmember David C. Hastings, Councilmember Jennifer Salmon, and Mayor Michael J. Yakes.

**Roll Call:**

Present were Councilmembers David Hastings, Michele King, Jennifer Salmon and Samuel Henderson; Mayor Michael J. Yakes; City Manager James O'Reilly; Interim City Attorney Andrew Salzman, and City Clerk Lesley DeMuth.

**Presentation:**

Mayor Yakes presented a plaque recognizing outgoing Councilmember/Vice Mayor Robert E. Worthington for his years of service to the City.

Mayor Yakes requested Agenda Items 6 (a) and (b) be tabled at the applicants' request. Motion by Councilmember King, second by Councilmember Henderson to table Ordinances 2010-05 and 2010-06 until the City Council meeting of April 6, 2010.

ROLL CALL: COUNCILMEMBER HENDERSON	YES
COUNCILMEMBER SALMON	YES
COUNCILMEMBER KING	YES
COUNCILMEMBER HASTINGS	YES
MAYOR YAKES	YES

MOTION CARRIED

**1. Public Session.**

Roz Barbieri, Town Shores, provided copies of an article to Council by New Earth Industries.

Jeri Reed, 5213 11<sup>th</sup> Avenue S., spoke on the upcoming Citywide Crime Watch Meeting.

Margarete Tober, 1513 59<sup>th</sup> Street S., congratulated the new Councilmembers and Mayor, and presented each Councilmember a framed copy of the City's Mission Statement.

Lee Stapella, 3025 York Street S., congratulated the new Councilmembers and those who ran for office, and recognized outgoing Councilmember Bob Worthington.

Jean Proach, Boca Ciega Yacht Club, invited Council to Fun Day and the Blessing of the Fleet, and welcomed the new Councilmembers.

Al Davis, 2790 45<sup>th</sup> Street S., asked Council to recognize his past requests to recognize Mr. Worthington, he expressed his appreciation to those candidates who sought out citizens with concerns about the habitat, and spoke of his concerns of two unelected members being on Council.

2. **City Manager Report.** No Report

3. **City Attorney Report.** No Report

4. **Consider the appointment of a Vice Mayor.**

Motion by Councilmember Salmon, second by Councilmember Hastings to appoint Councilmember Michele King as Vice Mayor.

ROLL CALL: COUNCILMEMBER HENDERSON	YES
COUNCILMEMBER SALMON	YES
COUNCILMEMBER KING	YES
COUNCILMEMBER HASTINGS	YES
MAYOR YAKES	YES

MOTION CARRIED.

5. **Consider approval of the Council Meeting Minutes of September 3, 2009, September 17, 2009, November 17, 2009, January 5, 2010 and January 19, 2010.**

Motion by Councilmember Salmon, second by Vice Mayor King to approve the minutes.

UNANIMOUS APPROVAL BY ACCLAMATION

6. **Consent Items: Resolution**

2010-12, A Resolution of the City of Gulfport, Florida, establishing public hours for Clam Bayou Park; and providing for an effective date.

The City Clerk read Resolution No. 2010-12 by title only.

Councilmember Henderson advised Council he had questions regarding the proposed park hours and requested the item be removed from the consent agenda; there was no objection from Council. The Resolution was scheduled to be heard under Agenda Item No. 8.

7. **Ordinances:**

a. 2010-03, Second Reading and Public Hearing: An ordinance of the City of Gulfport, Florida, amending Article III of Chapter 5 of the Code of Ordinances of the City

pertaining to animals and fowl; creating Section 5-34 entitled “supervision, confinement, and tethering of canines”; providing for the repeal of ordinances or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.

The City Clerk read Ordinance No. 2010-03 by title only.

City Manager O’Reilly explained the amendments which have been made to the Ordinance.

Mayor Yakes opened the Public Hearing.

Public comment received in support of Ordinance No. 2010-03: Lisa Lombardo, 5829 19<sup>th</sup> Avenue South and Connie Brooks, SPCA Tampa Bay.

Neither hearing nor seeing anyone further who wished to speak, Mayor Yakes closed the Public Hearing.

Motion by Councilmember Henderson, second by Vice Mayor King to adopt Ordinance No. 2010-03.

In response to a question by Councilmember Salmon if it is appropriate to have the two public speakers respond to her concerns, Interim City Attorney Salzman stated it is up to the Council as a whole to take on additional information. Mayor Yakes pointed out there was a First Reading on the Ordinance and a workshop which brought forth the product that is before Council on Second Reading.

Councilmember Salmon suggested a clause be included in the ordinance for a review after two-years to see whether or not the ordinance worked the way it was intended or if there were unintended consequences. Interim City Attorney Salzman pointed out that Council does not need to wait two years for this information. They can have the information brought forward by the City Manager at any time on the effectiveness of the ordinance.

Vice Mayor King mentioned the enforcement of the Ordinance will be complaint driven and that it is a mechanism to protect a dog, or protect people from a dog who has turned vicious. In reference to comments made by Councilmember Salmon, Vice Mayor King stated she has not heard of any dangers from dog crating.

Councilmember Hastings and Mayor Yakes spoke in favor of the Ordinance.

Councilmember Salmon asked that after 18 months a review of the Ordinance be given to Council.

ROLL CALL:	COUNCILMEMBER HENDERSON	YES
	COUNCILMEMBER SALMON	YES
	VICE MAYOR KING	YES
	COUNCILMEMBER HASTINGS	YES
	MAYOR YAKES	YES

MOTION CARRIED.

- b. 2010-05, First Reading and Public Hearing: An ordinance amending the Comprehensive Plan of the City of Gulfport, Florida; providing for amendment of the Future Land Use Plan; providing for amendment of the Future Land Use Map; providing for a change in the designation of specific parcels of real property within the city legally described in Exhibit "A", Exhibit "B", and Exhibit "C", attached hereto and made a part hereof, and generally located at 2217 - 2219 51st Street South, 2221 - 2223 51st Street South, from Residential Low Medium (RLM) to Commercial Limited (CL), and 2225 51<sup>st</sup> Street South, and 5119 23<sup>rd</sup> Avenue South, from Residential Urban (RU) to Commercial Limited (CL); providing for the repeal of ordinances, or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.

TABLED.

- c. 2010-06, First Reading: An ordinance amending Chapter 22 of the Code of Ordinances of the City of Gulfport, Florida, by amending the City Zoning Map incorporated therein, by rezoning specific parcels of real property within the city as described in Exhibit "A", Exhibit "B", and Exhibit "C", attached hereto and incorporated herein, generally located at 2217 -2219 51st Street South, and 2221 - 2223 51st Street South, from Multiple Family Residential (R-3) to Commercial Retail (CL-2), and 2225 51<sup>st</sup> Street South, and 5119 23<sup>rd</sup> Avenue South, from One and Two Family Residential (R-2) to Commercial Retail (CL-2); providing for the repeal of ordinances, or parts of ordinances, in conflict herewith, to the extent of such conflict; providing for severability; and providing for an effective date.

TABLED.

## **8. Resolution:**

- 2010-12, A Resolution of the City of Gulfport, Florida, establishing public hours for Clam Bayou Park; and providing for an effective date.

The City Clerk read Resolution No. 2010-12 by title only.

In response to questions by Councilmember Henderson, Police Chief Robert Vincent explained why this issue came forward and why he is recommending that the park be closed from sunset to sunrise. One of the things that he did build in as a compromise was to only close the secluded areas of the park, but he felt closing the park from 10:00 p.m. to 6:00 a.m. was better than Midnight to 4:00 a.m.

City Manager O'Reilly clarified what is being referenced as the secluded area and recommended Council adopt the 10:00 p.m. to 6:00 a.m. closure. If there is a problem, staff will come back before Council.

Motion by Councilmember Henderson, second by Councilmember Hastings to approve the Resolution with an amended closing time of 10:00 p.m. to 6:00 a.m.

Vice Mayor King asked if the dock at the end by the Coast Guard Station was part of the area being closed off and City Manager O'Reilly replied that the one entering the marina is not.

Councilmember Salmon spoke in support of the 10:00 p.m. to 6:00 a.m. closure and the waiver of those hours during City fireworks nights.

Mayor Yakes opened for public discussion.

Al Davis, 2790 45<sup>th</sup> Street S., spoke on his concerns of public safety in the park and that he felt the extension of hours is favoring a commercial enterprise.

Margarete Tober, 1513 59<sup>th</sup> Street S., felt the hours should be dawn to dusk, and that the Police Chief is being second guessed.

Lee Stapella, 3025 York Street S., felt Council should abide by the Police Chief's recommendation.

Bobby Reynolds, 1852 53rd Street S., spoke in support of the extended hours.

Jeri Reed, 5213 11<sup>th</sup> Avenue S., advised Council this issue has been discussed at Crime Awareness Meetings and was happy it is being addressed.

Neither hearing nor seeing anyone further who wished to speak, Mayor Yakes closed the public discussion.

Vice Mayor King suggested actual hours not be used due to day light savings time, and suggested seeing hours of one hour before dawn and one hour after dusk

Councilmember Salmon, Councilmember Hastings and Mayor Yakes spoke in support of the park hours being suggested by Vice Mayor King.

Councilmember Henderson and Councilmember Hastings withdrew their original motion.

Councilmember Henderson moved, and Councilmember Hastings seconded the motion to amend the Resolution to reflect the hours the park will be closed to one hour after sunset to one hour before sunrise.

ROLL CALL: COUNCILMEMBER HENDERSON	YES
COUNCILMEMBER SALMON	YES
VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
MAYOR YAKES	YES

#### MOTION CARRIED

2010-13, Public Hearing: A resolution of the City of Gulfport, Florida, approving the recommendation of the Planning and Zoning Board/Local Planning Agency to approve Application #S10-01; a site plan for the addition of an accessory outdoor cooking unit, outdoor storage and outdoor seating to a permitted take-out restaurant located at 5145 Gulfport Boulevard South; providing for conditions; and providing for an effective date.

The City Clerk read Resolution No. 2010-13 by title only.

City Manager O'Reilly briefly explained the request and deferred to Community Development Department Staff for a presentation. Myra Schwartz, Planner, advised Council this is a site plan for the addition of an accessory outdoor cooking unit, outdoor storage and outdoor seating to a permitted take-out restaurant. The Planning and Zoning Board has recommended approval of the applications with the following conditions: 1) the proposed project shall begin within one year of approval otherwise site plan will expire; 2) patron seating will be located in the approved outside seating area only; 3) stored wood will be raised 18 inches from the ground and maintained so as not to attract vermin; and 5) outdoor seating will be permitted for a period of 15 years and will expire on March 16, 2025. Planner Schwartz advised Council the restaurant is a permitted use in the CL-2 Commercial Retail Zoning District and has met the criteria listed in the exemptions for site plan review in City Code Section 22-7.08. The site plan before City Council is for the accessory uses only, and Planner Schwartz briefly highlighted individually each of the proposed accessory uses.

Councilmember Salmon advised Council she had provided copies to them of the Rules from the Division of Hotels and Restaurants, and asked questions of Planner Schwartz on the cooking and shelter aspects of the smoker. Planner Schwartz explained through discussions she and the Community Development Director have had with DEP, what is permitted is the applicant may have the mobile smoking unit as an accessory to the restaurant.

John Riesebeck, 6741 10<sup>th</sup> Avenue Terrace S., explained to Council what he is proposing to do at 5145 Gulfport Boulevard. He stated the smoker is not a certified smoker, he explained how the smoker is proposed to be used and how it meets the requirements of the Department of Business and Professional Regulations. In response to a question by Vice Mayor King on if there is an EPA certified smoker; Mr. Riesebeck stated not that he is aware of. The only thing the EPA regulates is the opacity of the smoke and the odor. Mr. Riesebeck told Council that by having issues in the past and learning how to correct the problems is what he continues to do. If there is an issue he will try to fix it; that is part of being a good business person.

Mayor Yakes opened the Public Hearing:

Al Davis, 2790 45<sup>th</sup> Street S., expressed his concerns of the request being legally compliant, and being subject to personal bias and not the law.

Lee Stapella, 3025 York Street S., expressed her concerns on the handling of quasi-judicial judicial proceedings, and Interim City Attorney Salzman addressed her concerns.

Margarete Tober, 1513 59<sup>th</sup> Street S., asked for Council's due diligence in taking a second look at the Ordinances relating to this request.

Public comment received against Resolution No. 2010-13: Valarie Crados, 6785 West Flamingo Way S.; Martha Josey, 6780 W. Flamingo Way S.; Kathryn Parker, 6773 W. Flamingo Way S.; Carol Parker, 6785 W. Flamingo Way S.; Mark Gildauskas, 4917 Newton Avenue S.,

Public comment received in support of Resolution No. 2010-13: Susan Reckmeyer, 6115 10<sup>th</sup> Avenue Terrace S.; Phillip Lorussa, 6731 10<sup>th</sup> Avenue Terrace S.; Mark Galvin, 2226 Heron Way S.; Joseph Riesebeck, 6741 10<sup>th</sup> Avenue Terrace S.; Ernie Figueredo, 911 Pelican Drive S.; Robert Green, 6740 10<sup>th</sup> Avenue Terrace S.; Matt Dexter, 10425 51<sup>st</sup> Terrace; Frank Driscoll, 1317 49<sup>th</sup> Street S.; Pat Horan, 6609 Blue Heron Dr.

Neither hearing nor seeing anyone further who wished to speak, Mayor Yakes closed the Public Hearing.

Motion by Councilmember Hastings, second by Vice Mayor King to approve the site plan application for the addition of an outdoor cooking unit, outdoor storage and outdoor seating to a permitted take out restaurant at 5145 Gulfport Boulevard.

In response to questions from Councilmember Henderson, Mr. Riesebeck explained the size and dimensions of his smoker and modifications to it that he has made. Councilmember Henderson stated at this point the City has no ordinances on smokers and he was hesitant to tell someone they cannot do business because of what may or may not happen. Interim City Attorney Salzman stated if Council chooses he would recommend a workshop to see what ordinances are out there to give them a direction and then they can determine what provisions they would like to put in place, but if something was to put in place it would not affect current businesses.

Councilmember Salmon disclosed that Mark Gildauskas provided her with information and she sought out information on her own. She asked Mr. Riesebeck if any visual emission forms were provided with the inspection reports, and he replied that he submitted to the City what he was given and the inspectors used no devices. Mr. Riesebeck showed pictures of his smoker in operation and explained his cooking process.

Mr. Riesebeck reminded City Council of his request to modify the height of the wood storage to 4 inches off the ground.

In response to a question by Vice Mayor King as to whether or not there is a smoker that is EPA Certified, Mayor Yakes stated that no information is provided that there is, the applicant suggests there is not, and staff has not been able to determine this. Community Development Director Fred Metcalf stated they have contacted the State and the County and no one is aware of any EPA Certified smoker.

In response to a question by Councilmember Salmon regarding the abandonment of use for the outdoor smoker, Interim City Attorney Salzman clarified with Community Development Director Metcalf that if the use was stopped for one year, in the capacity of an outdoor smoker, they would have to come back before Council.

Vice Mayor King disclosed that she had several conversations with Mr. Risenbeck prior to this getting this far and suggested to him that he call the City Manager.

Interim City Attorney Salzman stated Council would be asked before the vote if they have had any ex-parte communications, and explained what needed to be disclosed.

Councilmember Henderson disclosed his contact with the application was just an introduction.

Councilmember Salmon also disclosed Carol Parker called her and she encouraged her to come and speak in front of Council.

Councilmember Hastings disclosed that with his due diligence on the Planning and Zoning Board he always talked to the applicant and he did speak with him at his facility. He also has talked to Wayne Martin, Environmental Program Manager for Pinellas County Air Quality Division, the inspector who will actually be the restaurant inspector for the Division of Hotels

and Restaurants, and a Ms. Bell who is the site plan supervisor from the Division of Hotels and Restaurants in Tallahassee who stated she has approved his site plan pending City Council approval.

Mayor Yakes disclosed he spoke to no one on this particular issue.

Councilmember Hastings stated what we have in his opinion is an applicant that has presented a site plan to the City. He has met all the city requirements with respect to this business he has meet all of the requirements of the division of Hotels and Restaurants. The applicant has not proved that he is a nuisance Gulfport and that is the only statute in the City that controls a smoker. If he opens up his business and he creates a nuisance then we have a statute that covers that, but until he creates a nuisance he did not see how we can deny the applicant the right to prove to us that he is not going to be a nuisance.

In response to Councilmember Henderson request to require a three stage filter, a fan, and the extension of the exhaust stacks raised to roof level, Councilmember Hastings felt the applicant has offered to make and meet additional requirements if the unit is deemed to be a nuisance, but he did not think the City should require more than it does on anyone else until it become a nuisance.

Councilmember Salmon and City Manager O'Reilly discussed the Police Department's involvement in Code Enforcement issues.

Motion by Councilmember Hastings, second by Vice Mayor King to amend the motion to approve by reducing the height of the wood storage to 4 inches off the ground.

Councilmember Henderson moved to amend the motion for approval to include a three stage filter, a fan, and the exhaust stacks raised to roof level Motion died for the lack of a second.

ROLL CALL: COUNCILMEMBER HENDERSON	NO
COUNCILMEMBER SALMON	NO
VICE MAYOR KING	YES
COUNCILMEMBER HASTINGS	YES
MAYOR YAKES	YES

MOTION CARRIED: 3 to 2

### **9. Old Business.**

Councilmember Henderson spoke on the Gulfport Elementary Yard Sale.

Councilmember Salmon advised Council she asked the City Manager to contact PSTA to get the results of a Ridership Survey so the City would have more information to access the need for bus benches.

### **10. New Business.**

Councilmember Henderson spoke on the upcoming clean-up of Tangerine Pond.

Councilmember Salmon asked Council if there was any objection to a flutist playing a brief Native American prayer as her invocations during the month of April; there were no objections from Council. Councilmember Salmon advised that the South Pasadena Community Band has asked if the City would sponsor the band and allow them to use the Casino the second Thursday night of the month during December, January, February and March. It was the consensus of Council that further information and discussion was needed. Councilmember Salmon asked if there were any objections to the City Clerk putting back on the website the 2008 data that was taken off line; there were no objections from Council.

Vice Mayor King mentioned Spring Fest and the Rely for Life.

Councilmember Hastings advised that April is Oral Cancer Awareness Month and he had discussed with the City Manager the possibility of the City sponsoring an event for free oral cancer screenings; there were no objects from Council on moving forward with this.

Mayor Yakes advised Council he met with Mayor Foster of St. Petersburg, and asked if there was any objection to flying a Tampa Bay Rays banner at 22<sup>nd</sup> Avenue and Beach Boulevard; there were no objections from Council.

**11. Council Reports.**

Councilmember Henderson thanked the City Manager and his staff for their quick response in cleaning up graffiti over the weekend, and asked dog owners to please pick up after their pets.

Councilmember Salmon announced she will be meeting with the Developer of the Dollar General tomorrow at 9:00 a.m. at 51<sup>st</sup> Street and Gulfport Boulevard, and mentioned Clam Bayou and the health of the water is important to her and that she will follow-up on all the information that has been coming in and she would be glad to meet with Mr. Davis.

**12. Adjournment.**

Motion by Councilmember Salmon, seconded by Councilmember Hastings to adjourn.

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Michael J. Yakes, Mayor

\_\_\_\_\_  
Lesley DeMuth, City Clerk

**Agenda Item No. 5**  
**Consent**  
**Resolution No. 2010-36**



## GULFPORT CITY COUNCIL AGENDA MEMORANDUM

**FROM:** Lesley DeMuth, City Clerk

**DATE:** June 1, 2010

**AGENDA ITEM:** 5

**RESOLUTION NO:** 2010-36

### **BACKGROUND:**

During the May 18, 2010, Council Meeting there was a consensus of City Council to place on the next agenda a resolution requesting the Florida Legislature to place on the November 2010 ballot an amendment to the Florida Constitution prohibiting oil and natural gas exploration and drilling within the territorial waters of the State of Florida. Resolution No. 2010-36 has been prepared for City Council's consideration.

### **ANALYSIS:**

### **FINANCIAL IMPACT:**

### **MOTION:**

Move to approve/deny Resolution 2010-36.

## RESOLUTION 2010-36

A RESOLUTION OF THE CITY OF GULFPORT, FLORIDA, REQUESTING THE FLORIDA LEGISLATURE TO PLACE ON THE NOVEMBER 2010 BALLOT AN AMENDMENT TO THE FLORIDA CONSTITUTION PROHIBITING OIL AND NATURAL GAS EXPLORATION AND DRILLING WITHIN THE TERRITORIAL WATERS OF THE STATE OF FLORIDA; PROVIDING FOR TRANSMITTING RESOLUTION TO APPROPRIATE ELECTED OFFICIALS OF THE STATE OF FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Florida is known worldwide as a place for clean beaches and wonderful natural resources, and this reputation inspires tens of millions of visitors to come to Florida every year, and

**WHEREAS**, the Gulf of Mexico and the Atlantic Ocean are major natural resources to which locals and visitors alike are attracted for swimming, fishing, surfing, sailing, diving, snorkeling, boating, photographing, contemplating and enjoyment, and

**WHEREAS**, tourism has historically been and continues to be the foundation of much of Florida's economy and job retention, and

**WHEREAS**, the commercial finfish and shellfish fishery and the recreational fishery are vital elements of Florida's economy, and Florida is known as the Fishing Capital of the World, and

**WHEREAS**, the degradation and pollution of our coastal waters and beaches will cause tremendous damage to our economy and ecology as is evidenced by the ongoing Deepwater Horizon oil disaster in the Gulf of Mexico, and

**WHEREAS**, the territorial waters of the State of Florida extend approximately nine miles into the Gulf of Mexico and three miles into the Atlantic Ocean, and should be protected and excluded from oil and natural gas exploration and drilling, and

**WHEREAS**, the Florida Legislature has the authority to place for consideration on the November 2010 ballot for the State's electorate, a proposed amendment to the Florida Constitution which, if passed, would prohibit oil and natural gas exploration and drilling within the territorial waters of the State of Florida, and

**WHEREAS**, the protection of our coastal resources is of vital interest to all Floridians, regardless of political affiliation

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA:**

**Section 1.** The City Council of the City of Gulfport, Florida, strongly opposes oil and natural gas exploration and drilling in the territorial waters of the State of Florida, which would threaten the economy and environment of Florida, and requests that the Florida Legislature place this issue on the ballot for the November 2010 election so that citizens may exercise their right to vote to amend the State Constitution and thereby protect our territorial waters.

**Section 2.** This Resolution upon adoption shall be transmitted to the Governor and appropriate elected officials.

**Section 3.** This resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 1st day of June, 2010, by the Council of the City of Gulfport, Florida.

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Michael J. Yakes, Mayor

ATTEST:

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Lesley DeMuth, City Clerk

**Agenda Item No. 6**  
**Ordinance No. 2010-07**



# GULFPORT CITY COUNCIL

## AGENDA MEMORANDUM

**FROM:** Fred Metcalf, Director of Community Development  
Submitted by Myra Schwarz, Planner

**AGENDA ITEM:** 6

**DATE:** June 1, 2010

**ORDINANCE NO:** 2010-07

**SUBJECT:** Application # AV10-01 (Second Reading)  
Applicant: School Board of Pinellas County, Florida

Request to vacate 7<sup>th</sup> Avenue South between 58<sup>th</sup> Street South and 55<sup>th</sup> Street South, and for a drainage easement along and south of the 7<sup>th</sup> Avenue South right of way and the existing Gulfport Spur of the Pinellas Trail easement.

### **RECOMMENDATION:**

On May 18, 2010, City Council approved first reading of the Ordinance 2010-07. This is an application by Pinellas County School Board to vacate 7<sup>th</sup> Avenue South between 58<sup>th</sup> Street South and 55<sup>th</sup> Street South, and for a drainage easement along and south of the 7<sup>th</sup> Avenue South right of way and the existing Gulfport Spur of the Pinellas Trail easement. The recommendation of Planning and Zoning Board is to approve the School Board's request.

### **BACKGROUND:**

A Site Plan amendment for renovation and reconstruction at the Boca Ciega High School site was approved by City Council on January 5, 2010. The original site plan for construction of new classroom facilities and reconstruction/renovation of existing buildings and facilities was approved on December 18, 2007. The purpose of the requested vacation is to consolidate the land acquisition with the original site to facilitate construction and remodeling of Boca Ciega High School.

### **ANALYSIS:**

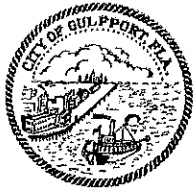
Staff has considered consistency with the City's comprehensive plan, accessibility to adjoining properties, easements and rights-of-way, the necessity of the area to be vacated for public safety purposes, and the boundaries of the area to be vacated.

### **FINANCIAL IMPACT:**

Allowing the proposed vacation would result in the transference of public right-of-way to ownership by the Pinellas County School Board. The transference of property would not add to the City's tax base, as the school board is tax exempt.

### **MOTION:**

An appropriate motion would be for the City Council to move to approve/deny the request to vacate 7<sup>th</sup> Avenue South between 58<sup>th</sup> Street South and 55<sup>th</sup> Street South, and for a drainage easement along and south of the 7<sup>th</sup> Avenue South right of way and the existing Gulfport Spur of the Pinellas Trail easement.



## COMMUNITY DEVELOPMENT DEPARTMENT

### STAFF REPORT

**FROM:** Fred Metcalf, Director of Community Development  
Submitted by Myra Schwarz, Planner

**DATE:** June 1, 2010

**SUBJECT:** Application # AV10-01, Request to vacate 7<sup>th</sup> Avenue South between 58<sup>th</sup> Street South and 55<sup>th</sup> Street South, and for a drainage easement along and south of the 7<sup>th</sup> Avenue South right of way and the existing Gulfport Spur of the Pinellas Trail easement.

**Applicant:** School Board of Pinellas County, Florida

**Applicant Address:** 301 4th Street SW, Largo, FL 33770

#### **Right-of-Way Boundary Description of Requested Areas to be Vacated:**

**7<sup>th</sup> Avenue South Right-of-Way:** The south 30.00 feet of the southwest  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of Section 21, Township 31 south, Range 16 East, Pinellas County, Florida, less the west 30.00 feet thereof for right of way, Together with the north 30.00 feet of the northwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of Section 28, Township 31 south, Range 16 east, Pinellas County, Florida, less the west 50.00 feet thereof for Right of way. Contains 77, 702 square feet (1.784 acres) more or less.

#### **Easement Description:**

**Easement "1":** *Drainage Easement* (Official Record book 4646 page 267):

A part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 28, Township 31 South, Range 16 East, Pinellas County, Florida, being more particularly described as: Beginning at the NW corner of said Section 28, run North 89° 31'31" West, 30 feet; thence South 0°16' West, 30 feet to a point of beginning; thence North 89°31'31" West, 882 feet; thence South 79°31'31" East, 436 feet more or less to the east line of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 28; thence South 0°16'30" West along said quarter section line, 370 feet; thence North 89°43'40" West, 20 feet thence North 0°16'30" East, 354 feet; thence North 79°31'31" West, 446 feet more or less to a point that is 15 feet south of the north boundary line of the property line of Boca Ciega High School; thence North 89°31'31" West, 850 feet; thence North 0°16' East, 15 feet to the point of beginning.

**Easement "2":** *Existing 30' Pedestrian Trail/Walkway Easement* (Official Records book 9046 Page 402) The East 30 feet of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 28, Township 31 South, Range 16 East, Pinellas County, Florida, Less the North and South 30.00 feet thereof.

**RECOMMENDATION:**

Planning and Zoning Board recommends approval of the application for vacation of 7<sup>th</sup> Avenue South between 58<sup>th</sup> Street South and 55<sup>th</sup> Street South, and for a drainage easement along and south of the 7<sup>th</sup> Avenue South right of way and the existing Gulfport Spur of the Pinellas Trail easement, subject to the following conditions:

1. Means of immediate access to the Pinellas Trail, easements, and adjacent properties through any gates or other secure system must be provided at any time for any official or emergent required entry, including and not limited to City Police, Fire, and Public Works.
2. The Pinellas County School Board shall provide a sufficient quantity of keys or other entry accessories to any locks or secure system that block entry to the Pinellas Trail, easements, and adjacent properties, to the City Fire, Police and Public Works Departments, prior to the installation of said locks or secure systems.
3. The “right-hand turn only” vehicular exit signage and requirement from the vacated portion of 7<sup>th</sup> Avenue South that connects to 58<sup>th</sup> Street South shall be continued for as long as the vacated right of way is used for any vehicular traffic access to the property.
4. New drainage and pedestrian easements shall be transferred to the ownership of the City of Gulfport, as in Exhibits “B”, “C” and “D”, attached hereto.

**BACKGROUND:**

The Pinellas County School Board acquired property north and east of the original Boca Ciega High School site. Renovation and reconstruction at the Boca Ciega High School site that included the land acquisition was approved by City Council as site plan amendment S09-03 on January 5, 2010. The original site plan for construction of new classroom facilities and reconstruction/renovation of existing buildings and facilities at the Boca Ciega High School site was approved on December 18, 2007. The purpose of the requested vacation is to consolidate the land acquisition with the original site to facilitate construction and remodeling of Boca Ciega High School.

**PROPOSAL:**

The Pinellas County School Board is requesting that the City vacate a portion of the 7<sup>th</sup> Avenue South right-of-way that lies between contiguous segments of the Boca Ciega High School site. They are also requesting that the City vacate an existing drainage easement and the existing 30’ public pedestrian trail/walkway easement. The requested vacation of the drainage easements and existing Gulfport Spur of the Pinellas Trail are to accommodate the construction of new practice fields. The existing dry retention pond and the Pinellas Trail Spur are to be relocated as part of the approved site plan.

Additionally, the Pinellas County School Board proposes to grant the City three new easement areas:

**Proposed City Easement Exhibit B:** A drainage/utility/maintenance/access easement south of the portion of 7<sup>th</sup> Avenue South that is requested to be vacated, between 58<sup>th</sup> Street South and the existing location of the Pinellas Trail in order to maintain public utilities.

**Proposed City Easement Exhibit C:** A 30-foot wide public pedestrian trail walkway easement from 7<sup>th</sup> Avenue South to 11<sup>th</sup> Avenue South, to accommodate the relocation of the Gulfport Spur of the Pinellas Trail.

**Proposed City Easement Exhibit D:** A drainage/utility/maintenance/access easement that includes areas east of the proposed relocated Pinellas Trail easement and south along the terminus of the Gulfport Spur and 55<sup>th</sup> Street south the 11<sup>th</sup> Avenue South.

The above three easements were recorded with Pinellas County on May 12, 2009 by the Pinellas County School Board and meet or exceed the dimensional requirements of the City's Public Works Department.

#### **ANALYSIS:**

##### **Consistency with the City's Comprehensive Plan:**

The land use designation in the City's Comprehensive Plan for the subject property is Institutional (I), and the zoning designation is Institutional (I), for the south 30-foot width of the portion of 7<sup>th</sup> Avenue South between 58<sup>th</sup> Street South and the Pinellas Trail. The land use designation of the north 30-foot segment of 7<sup>th</sup> Avenue South between 58<sup>th</sup> Street South as well as the Pinellas Trail Spur and east drainage area is currently Recreation/Open space (R/OS), and the zoning designation is Open Space (OS), for the north 30-foot width. The right-of-way vacation request herein is consistent with the goals, objectives, and policies of the City's Comprehensive Land Use Plan.

##### **Necessity of the area to be vacated for public safety purposes:**

The segment of 7<sup>th</sup> Avenue South right of way that is requested to be vacated extends between 58<sup>th</sup> Street South and the centerline of 55<sup>th</sup> Street South/ Gulfport Spur of the Pinellas Trail. This portion lies between the original school site and land that was purchased and added to the site (the north portion of the old Little League property). The land north of the school site is to be used for a new student parking lot, practice fields and retention ponds, approved in the January 5, 2010 site plan by City Council. There will be increased pedestrian activity across this portion of 7<sup>th</sup> Avenue once the proposed construction is completed, particularly at the beginning and end of the school day. Vacation of the requested right-of-way will allow for better control of traffic and student safety. The existing signage and right-turn-only exit requirement from the requested portion of 7<sup>th</sup> Avenue South onto 58<sup>th</sup> Street south shall be continued for as long as the vacated right of way is used for any vehicular traffic access to the property.

##### **Accessibility to adjoining properties:**

The three easements as recorded with Pinellas County will adequately accommodate City accessibility to surrounding properties and the Pinellas Trail. Means of immediate access shall be provided at any time for any official or emergent required entry, including and not limited to

City Police, Fire, and Public Works. City access will include the Pinellas Trail, easements, and adjacent properties accessible through any gates or other secure system.

**Boundaries:**

The boundaries of the area to be vacated are consistent with the property boundaries and right-of-way boundaries and dimensions as documented on the Property Ownership Map of Pinellas County, Section North ½ 28, Town 31 South, Range 16 East, dated August 6, 1990, printed January 26, 2009.

The Pinellas County School Board shall maintain the drainage structures that exist in the proposed right-of-way and easements to be vacated. The City will be responsible for the inlets and pipe located in the 58<sup>th</sup> Street right-of-way and westward. The school must maintain the direction of flow and volume of flow for Basins K1 and Basin K4 as per the 1991 Gulfport Stormwater Management Master Plan.

The requested portion of 7<sup>th</sup> Avenue South right-of-way is currently bounded by Pinellas County School Board property. The east end will be transected by the future relocation of the Pinellas Trail.

**Utilities:**

There are several utility providers that have structures within the requested right of way. The utility providers include:

- Teco People's Gas, 1920 9<sup>th</sup> Avenue North, St. Petersburg, Florida
- City of St. Petersburg Water Resources Department (Reclaimed Water), 1635 Third Avenue North, St. Petersburg, Florida
- Bright House Networks, 700 Carillon Parkway south, Suite 6, St. Petersburg, Florida
- City of Gulfport Public Works Department, 2401 53<sup>rd</sup> Street south, Gulfport, Florida
- Verizon Florida, LLC, 1280 Cleveland Street, Clearwater, Florida

Letters of no objection have been submitted to the City by the Pinellas County School for each of the above utility providers, and are on record in the Community Development Office.

**FINANCIAL IMPACT:**

Allowing the proposed vacation would result in the transference of public right-of-way to ownership by the Pinellas County School Board. The transference of property would not add to the City's tax base, as the school board is tax exempt.

**MOTION:**

An appropriate motion would be for the City Council to move to approve/deny the request to vacate 7<sup>th</sup> Avenue South between 58<sup>th</sup> Street South and 55<sup>th</sup> Street South, and for a drainage easement along and south of the 7<sup>th</sup> Avenue South right of way and the existing Gulfport Spur of the Pinellas Trail easement.

ORDINANCE NO. 2010-07

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA, PROVIDING FOR THE VACATION OF A PAVED RIGHT-OF-WAY (7<sup>TH</sup> AVENUE SOUTH) FROM 58<sup>TH</sup> STREET SOUTH TO 55<sup>TH</sup> STREET SOUTH/PINELLAS TRAIL PROVIDING FOR FINDINGS OF COMPLIANCE; AND PROVIDING FOR THE VACATION OF DRAINAGE/ UTILITY/ MAINTENANCE/ EASEMENTS AS LEGALLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF, PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the record owner and operator of real property located at 924 58<sup>th</sup> Street South has requested the City to vacate the right-of-way located adjacent to said property; and

WHEREAS, the City Council has found that the subject application meets all of the criteria for approval of the vacation request, and that it would be in the best interest of the citizens of the City for the application to be granted.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF GULFPORT, FLORIDA, HEREBY ORDAINS:**

Section 1. The application for vacation is in compliance with all City Ordinances, Code Section 17-7(c), and all applicable state and federal laws.

Section 2. The City of Gulfport, Florida, hereby vacates the right-of-way legally described as follows:

**7<sup>th</sup> Avenue South Right-of-Way:** The south 30.00 feet of the southwest ¼ of the southwest ¼ of Section 21, Township 31 south, Range 16 East, Pinellas county, Florida, less the west 30.00 feet thereof for right of way, Together with the north 30.00 feet of the northwest ¼ of the northwest ¼ of Section 28, Township 31 south, Range 16 east, Pinellas County, Florida, less the west 50.00 feet thereof for Right of way. Contains 77, 702 square feet (1.784 acres) more or less.

**Easement "1":** *Drainage Easement* (Official Records Book 4646 Page 267) A part of the NW ¼ of the NW ¼ of Section 28, Township 31 South, Range 16 East, Pinellas County, Florida, being more particularly described as: Beginning at the NW corner of said Section 28, run North 89° 31'31" West, 30 feet; thence South 0°16' West. 30 feet to a point of beginning; 89°31'31" West, 882 feet; thence South 79°31'31" East, 436 feet more or less to the east line of the NW ¼ of the NW ¼ of Section 28; thence south 0°16'30" West along said quarter section line, 370 feet; thence North 89°43'40" West, 20 feet thence North 0°16'30" East, 354 feet; thence North 79°31'31" West, 446 feet more or less to a point that is 15 feet south of the north boundary line of the property line of Boca Ciega High School; thence North 89°31'31" West, 850 feet; thence North 0°16' East, 15 feet to the point of beginning.

**Easement "2":** *Existing 30' Pedestrian Trail/Walkway* Easement (Official Records book 9046 Page 402) The east 30 feet of the Northwest ¼ of the Northwest ¼ of Section 28, Township 31 South, Range 16 East, Pinellas County, Florida, Less the north and South 30.00 feet thereof.

Section 3. The right-of-way vacation request provided for herein is adopted pursuant to the applicant request, and it is the City's intention that the City's interest in said right-of-way be terminated and pass to the owners of the properties abutting said right-of-way.

The City of Gulfport makes no warranties of any kind as to the vacation of this right-of-way. This ordinance shall only be construed to release any legal or equitable interest the City may have in the subject property. Nothing contained herein shall be construed to affect the rights of parties having an interest in the right-of-way prior to the City acquiring said right-of-way interest.

Section 4. Nothing contained herein shall be construed to alter the application of the City laws, regulations and ordinances to the subject property. The City of Gulfport makes no warranties of any kind as to the title or ownership of the easement being vacated, or as to the existence of any liens, or encumbrances against the same.

Section 5. This Ordinance is conditioned upon the execution of utility easement agreements with the City. The applicant shall execute such documents as the City of Gulfport deems advisable to provide for such easement. Said easement agreements shall be delivered to the City by all recipients of the property vacated hereby, in the form provided by the City, within fifteen (15) days of adoption of this Ordinance. This Ordinance shall be conditioned upon the receipt of all said fully executed easement agreements by the City, and payment of the applicable fees for this application. The vacation shall not be valid without the applicant meeting all criteria contained in this Ordinance.

Section 6. This ordinance shall become effective immediately upon final passage as required by law.

Section 7. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this ordinance.

Section 8. If any portion or part of this ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

---

Michael J. Yakes, Mayor

FIRST READING: May 18, 2010

PUBLISHED: May 22, 2010

SECOND READING:  
AND PUBLIC HEARING: June 1, 2010

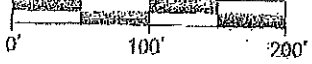
I, Lesley DeMuth, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing ordinance was duly adopted in accordance with the provisions of applicable law this \_\_\_\_ day of \_\_\_\_\_, 2010.

**BOUNDARY SURVEY**

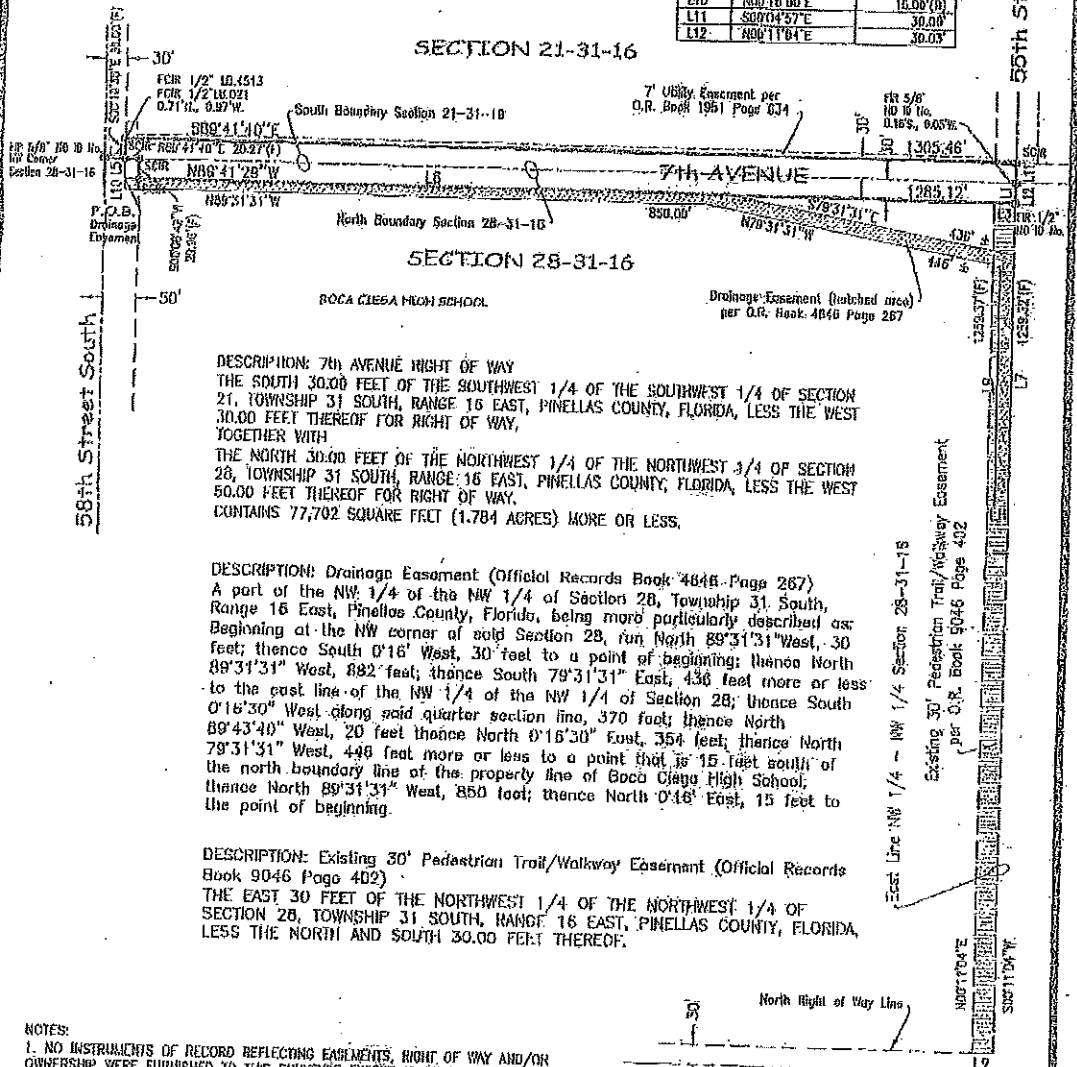
OCCUPATION NOT SHOWN



SCALE: 1" = 200'



LINE	DEARING	DISTANCE
L1	S00°11'04"W	36.00'
L2	N00°47'12"W	30.00'
L3	S00°41'20"E	30.00'
L4	N00°31'31"W	30.00'(0)
L4	N00°41'40"W	30.00'(0)
L5	S00°16'00"W	30.00'(0)
L6	N00°31'31"W	082.00'(0)
L7	S00°16'30"W	370.00'(0)
L8	N00°43'40"W	20.00'(0)
L9	N00°16'30"E	354.00'
L10	S00°16'00"E	16.00'(0)
L11	S00°04'57"E	30.00'
L12	N00°11'04"E	30.00'



**DESCRIPTION: 7th AVENUE RIGHT OF WAY**  
 THE SOUTH 30.00 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, LESS THE WEST 30.00 FEET THEREOF FOR RIGHT OF WAY, TOGETHER WITH  
 THE NORTH 30.00 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 3/4 OF SECTION 28, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, LESS THE WEST 50.00 FEET THEREOF FOR RIGHT OF WAY.  
 CONTAINS 77,702 SQUARE FEET (1.784 ACRES) MORE OR LESS.

**DESCRIPTION: Drainage Easement (Official Records Book 4046 Page 267)**  
 A part of the NW 1/4 of the NW 1/4 of Section 28, Township 31 South, Range 16 East, Pinellas County, Florida, being more particularly described as: Beginning at the NW corner of said Section 28, run North 89°31'31" West, 30 feet; thence South 0°16' West, 30 feet to a point of beginning; thence North 89°31'31" West, 882 feet; thence South 79°31'31" East, 436 feet more or less to the east line of the NW 1/4 of the NW 1/4 of Section 28; thence South 0°16'30" West along said quarter section line, 370 feet; thence North 89°43'40" West, 20 feet thence North 0°16'30" East, 354 feet; thence North 79°31'31" West, 440 feet more or less to a point that is 15 feet south of the north boundary line of the property line of Boca Ciega High School; thence North 89°31'31" West, 850 feet; thence North 0°16' East, 15 feet to the point of beginning.

**DESCRIPTION: Existing 30' Pedestrian Trail/Walkway Easement (Official Records Book 9046 Page 402)**  
 THE EAST 30 FEET OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 31 SOUTH, RANGE 16 EAST, PINELLAS COUNTY, FLORIDA, LESS THE NORTH AND SOUTH 30.00 FEET THEREOF.

**NOTES:**

1. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
2. THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.
3. USE OF THIS SURVEY BY ANYONE OTHER THAN THOSE PREPARED FOR WILL BE THE RE-USERS SOLE RISK WITHOUT LIABILITY TO THE SURVEYOR.
4. THE SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND IS SUBJECT TO EASEMENTS, RIGHTS-OF-WAY AND SIMILAR MATTERS OF TITLE.
5. MERIDIAN BASED ON THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF SECTION 28-31-16 AS DEARING N00°41'40"W (ASSUMED).
6. SEE SUNCOAST LAND SURVEYING, INC. PRIOR BOUNDARY SURVEY JOB No.8019 DATED 4/16/08 FOR IMPROVEMENTS WITHIN THE SUBJECT PROPERTY.

**LEGEND**

PLS	PROFESSIONAL LAND SURVEYOR
LB	LICENSED BUSINESS
(P)	PLAN INFORMATION
(D)	DEED OR DESCRIPTION INFORMATION
(M)	FIELD MEASUREMENT
PUB	SOURCE OF BEARING
O.R.	OFFICIAL RECORDS
SCR	SET 1/2" CORNER FROM ROD LB4513

<p>PREPARED FOR</p> <p>The School Board of Pinellas County, Florida</p>	<p>DATE: February 3, 2010</p>	<p>DRAWING# B019_W01-A-01mg</p>	<p>Project No. 8019</p>
<p><b>SUNCOAST LAND SURVEYING, Inc.</b>                  111 FOREST LAKES BOULEVARD                  OLDSMAR, FLA. 34677</p>	<p>Checked By: KOM</p>	<p>Drawn By: JAC</p>	<p>Field Book</p>
<p>BOUNDARY - TOPOGRAPHIC - CONSTRUCTION STAKEOUT                  PHONE: (813) 854-1342 FAX: (813) 855-0990</p>	<p><b>SURVEYOR'S CERTIFICATE</b></p> <p>I hereby certify that the survey depicted herein was performed under my responsible charge on the date(s) shown, and made the USMNSM technical standards set forth by the Florida Board of Professional Land Surveyors in Chapter 61G17-0, Florida Administrative Code pursuant to Section 479.027, Florida Statutes.</p> <p>NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RASID SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.</p> <p><i>Jeffery A. Copeland</i>                  JEFFERY A. COPELAND, PLS No.5270</p>		

Return to: Ginny Pannill  
Real Estate & Concurrency Services  
Pinellas County Schools  
11111 S. Belcher Road  
St. Petersburg, FL 33733

Exhibit  
B

DRAINAGE/UTILITY/MAINTENANCE/ACCESS EASEMENT

THIS INDENTURE, made this 12<sup>th</sup> day of MAY, 2009, between the SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA, whose mailing address is P.O. Box 2942, Largo, FL 33779, hereinafter referred to as Grantor, and CITY OF GULFPORT, whose mailing address is P.O. Box 5187, Gulfport, FL 33707, hereinafter referred to as Grantee.

WITNESSETH

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and accepted, by these presents does remise, release and quitclaim unto the said Grantee, its successors and assigns forever, a perpetual public drainage/utility/maintenance/access easement ("Easement") over and across the following described property, situated, lying and being in the City of Gulfport, Pinellas County, State of Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof.

The purpose of this Easement is to acquire access in order to maintain public utilities.

IN WITNESS WHEREOF, the Grantor has caused this Easement to be duly executed effective on the date indicated above.

SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

By: Peggy L. O'Shea  
Peggy L. O'Shea, Chairperson MAY 12 2009

Attest: Julie M. Janssen  
Julie M. Janssen, Ed.D., Superintendent

Approved as to form and legality:

James A. Robinson  
James A. Robinson, School Board Attorney

STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of May, 2009, by Peggy L. O'Shea of the School Board of Pinellas County, Florida. The individual is personally known to me and/or has produced a Florida Driver's License as identification.

NOTARY SEAL

NOTARY: Deborah E. Beaty  
Print Name: Deborah E. Beaty

My Commission Expires: 2-23-12 Commission Number: DD 744668

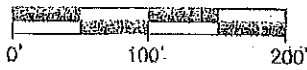


**SKETCH of DESCRIPTION**

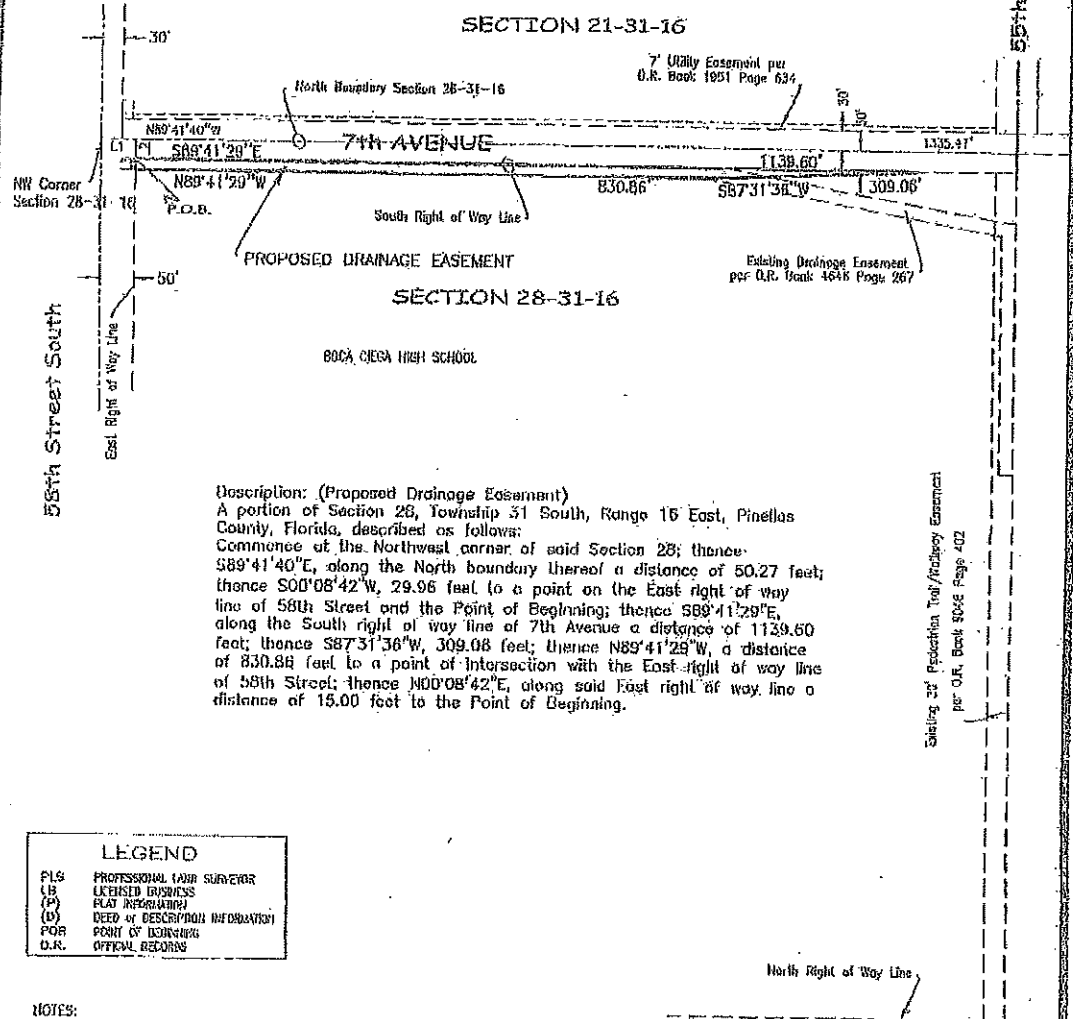
THIS IS NOT A BOUNDARY SURVEY



SCALE : 1" = 200'



LINE	BEARING	DISTANCE
L1	S89°41'40"E	50.27'
L2	S00°08'42"W	29.86'
L3	N00°08'42"E	15.00'



**Description: (Proposed Drainage Easement)**

A portion of Section 28, Township 31 South, Range 16 East, Pinellas County, Florida, described as follows:  
 Commence at the Northwest corner of said Section 28; thence S89°41'40"E, along the North boundary thereof a distance of 50.27 feet; thence S00°08'42"W, 29.86 feet to a point on the East right of way line of 58th Street and the Point of Beginning; thence S89°41'29"E, along the South right of way line of 7th Avenue a distance of 1139.60 feet; thence S87°31'38"W, 309.08 feet; thence N89°41'29"W, a distance of 830.86 feet to a point of intersection with the East-right of way line of 58th Street; thence N00°08'42"E, along said East right of way line a distance of 15.00 feet to the Point of Beginning.

Sketching by Production Tool/Utility Easement  
 per O.R. Book 4648 Page 402

LEGEND	
PLS	PROFESSIONAL LAND SURVEYOR
LB	LICENSED BUSINESS
(P)	PLAT INFORMATION
(D)	DEED or DESCRIPTION INFORMATION
POB	POINT OF BEGINNING
O.R.	OFFICIAL RECORDS

**NOTES:**

1. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT-OF-WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
2. THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
3. USE OF THIS SKETCH BY ANYONE OTHER THAN THOSE PREPARED FOR WILL BE THE USER'S SOLE RISK WITHOUT LIABILITY TO THE SURVEYOR.
4. THE SKETCH WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND IS SUBJECT TO EASEMENTS, RIGHTS-OF-WAY AND SIMILAR MATTERS OF TITLE.
5. MERIDIAN BASED ON THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF SECTION 28-31-16 AS BEARING S89°41'40"E (ASSUMED).

<p><b>PREPARED FOR:</b> The School Board of Pinellas County, Florida</p>	<p><b>DATE:</b> March 27, 2009</p>	<p><b>DRAWING#</b> 8019-C.dwg</p>	<p><b>Project No.</b> 8019</p>
		<p><b>Checked By</b> KCM</p>	<p><b>Field Book</b></p>
		<p><b>Drawn By</b> JAC</p>	<p><b>Pages</b></p>

**SUNCOAST LAND SURVEYING, Inc.**  
 111 FOREST LAKES BOULEVARD  
 OLDSMAR, FLA. 34677

BOUNDARY - TOPOGRAPHIC - CONSTRUCTION STAKEOUT  
 PHONE: (813) 854-1342 FAX: (813) 855-8890

LB 4513

**SURVEYOR'S CERTIFICATE**

I hereby certify that the Sketch of Description depicted herein was performed under my RESPONSIBLE CHARGE on the date(s) shown, and meets the MINIMUM TECHNICAL STANDARDS set forth by the FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS in Chapter 61B17-6, FLORIDA ADMINISTRATIVE CODE pursuant to Section 472.007, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

*[Signature]*  
**JEFFERY A. COPELAND, PLS No. 5279**

Exhibit

C

Return to: Ginny Pannill  
Real Estate & Concurrency Services  
Pinellas County Schools  
11111 S. Belcher Road  
St. Petersburg, FL 33733

DRAINAGE/UTILITY/MAINTENANCE/ACCESS EASEMENT

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WITNESSETH

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and accepted, by these presents does remise, release and quitclaim unto the said Grantee, its successors and assigns forever, a perpetual public drainage/utility/maintenance/access easement ("Easement") over and across the following described property, situate, lying and being in the City of Gulfport, Pinellas County, State of Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof.

The purpose of this Easement is to acquire access in order to maintain public utilities.

IN WITNESS WHEREOF, the Grantor has caused this Easement to be duly executed effective on the date indicated above.

SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

By: Peggy L. O'Shea  
Peggy L. O'Shea, Chairperson MAY 12 2009

Attest: Julie M. Janssen  
Julie M. Janssen, Ed/D., Superintendent

Approved as to form and legality:

James A. Robinson  
James A. Robinson, School Board Attorney

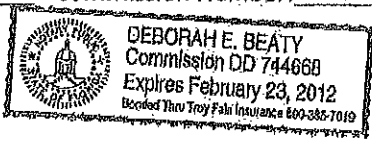
STATE OF FLORIDA  
COUNTY OF PINELLAS

The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of May, 2009, by Peggy L. O'Shea of the School Board of Pinellas County, Florida. The individual is personally known to me and/or has produced a Florida Driver's License as identification.

NOTARY SEAL

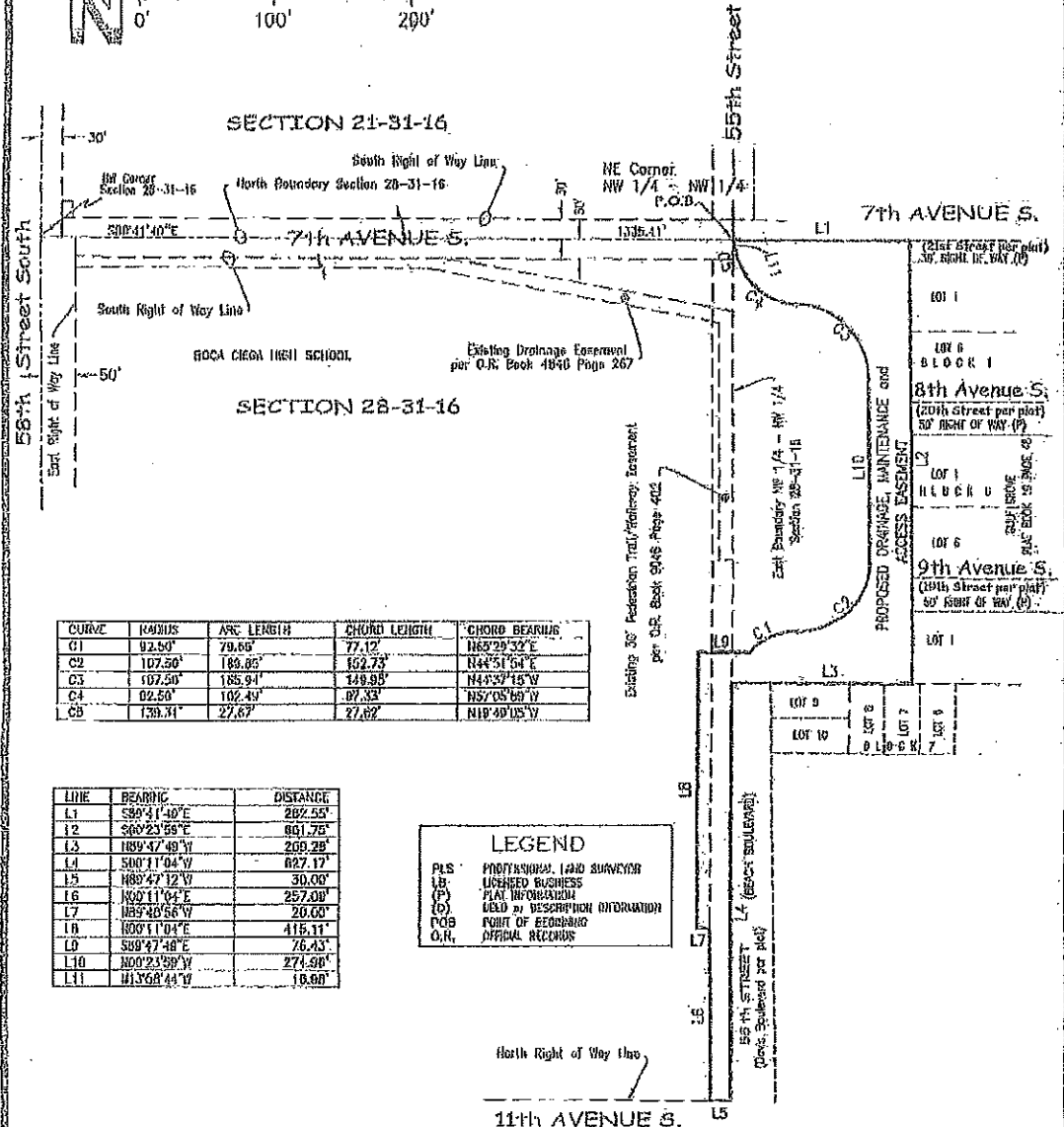
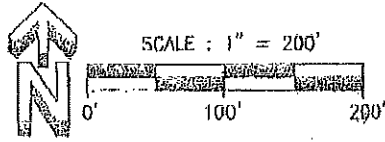
NOTARY: Deborah E. Beatty  
Print Name: Deborah E. Beatty

My Commission Expires: 2-23-12 Commission Number: DD 744668



SKETCH of DESCRIPTI  
THIS IS NOT A BOUNDARY SURVEY

SHEET 1 OF 2 SHEETS  
Exhibit C<sub>2</sub>



CURVE	COORDS	ARC LENGTH	CHORD LENGTH	CHORD BEARINGS
C1	92.50'	79.86'	77.12'	N65°29'32"E
C2	107.50'	189.85'	162.73'	N44°51'54"E
C3	107.50'	185.91'	149.88'	N44°57'15"W
C4	92.50'	102.49'	87.33'	N57°05'55"W
C5	139.31'	27.67'	27.62'	N19°30'05"W

LINE	BEARING	DISTANCE
L1	S89°41'40"E	282.55'
L2	S60°23'55"E	801.75'
L3	N89°47'49"W	209.28'
L4	S80°11'04"W	827.12'
L5	N89°47'12"W	30.08'
L6	N00°11'04"E	257.08'
L7	N85°43'55"W	20.68'
L8	N00°11'04"E	415.11'
L9	S89°47'48"E	76.43'
L10	N00°23'58"W	274.58'
L11	N1°56'44"W	18.60'

**LEGEND**

PLS PROFESSIONAL LAND SURVEYOR  
 L.B. LICENSED BUSINESS  
 (P) PLAT INFORMATION  
 (D) DATA OR DESCRIPTION INFORMATION  
 P.O.B. POINT OF BEGINNING  
 O.R. OFFICIAL RECORDS

- NOTES:**
- NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
  - THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
  - USE OF THIS SKETCH BY ANYONE OTHER THAN THOSE PREPARED FOR WILL BE THE RE-USERS SOLE RISK WITHOUT LIABILITY TO THE SURVEYOR.
  - THE SKETCH WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND IS SUBJECT TO EASEMENTS, RIGHTS-OF-WAY AND SIMILAR MATTERS OF TITLE.
  - MERIDIAN BASED ON THE NORTH BOUNDARY OF THE NORTHWEST 1/4 OF SECTION 28-31-16 AS BEARING S88°41'40"E (ASSUMED).

REVISIONS:  
1. Revised street names 1/8/10

PREPARED FOR The School Board of Pinellas County, Florida	DATE: March 27, 2009	DRAWING# 8019-E.dwg	Project No. 8019
		Checked By KOM	Field Book
		Drawn By JAC	Pages

**SUNCOAST LAND SURVEYING, Inc.**  
 111 FOREST LAKES BOULEVARD  
 OLDSMAR, FLA. 34677

BOUNDARY - TOPOGRAPHIC - CONSTRUCTION STAKEOUT  
 PHONE: (813) 854-1342 FAX: (813) 853-6880

LB 4513

**SURVEYOR'S CERTIFICATE**

I hereby certify that the Sketch as hereinabove depicted herein was prepared under my RESPONSIBLE CHARGE on the date(s) shown, and meets the MINIMUM TECHNICAL STANDARDS set forth by the FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS in Chapter 61B17-0, FLORIDA ADMINISTRATIVE CODE pursuant to Section 472.022, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

*Jeffery A. Copeland*  
 JEFFERY A. COPELAND, PLS No. 5279

DESCRIPTION: (Proposed Drainage, Maintenance and Access Easement)

A portion of Section 28; Township 31 South, Range 16 East, Pinellas County, Florida, described as follows:

Commence at the Northwest corner of said Section 28; thence S89°41'40"E along the North boundary thereof a distance of 1335.41 feet to the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 28 and the Point of Beginning; thence continue S89°41'40"E, a distance of 262.55 feet; thence S00°23'59"E along the West boundary of Gulf Grove as recorded in Plat Book 19, Page 48 of the Public Records of Pinellas County, Florida a distance of 661.75 feet; thence N89°47'49"W a distance of 269.29 feet to a point of intersection with the East boundary of the Northwest 1/4 of the Northwest 1/4 of said Section 28; thence S00°11'04"W along said East boundary a distance of 627.17 feet to a point of intersection with the North right of way line of 11th Avenue; thence N89°47'12"W along said North right of way line a distance of 30.00 feet; thence N00°11'04"E a distance of 257.06 feet; thence N89°48'56"W a distance of 20.00 feet; thence N00°11'04"E a distance of 415.11 feet; thence S89°47'49"E a distance of 76.43 feet to a point on a curve; thence 79.55 feet along the arc of a curve to the right with a radius of 92.50 feet, subtended by a chord distance of 77.12 feet, bearing N65°29'32"E to a point of reverse curve; thence 169.85 feet along the arc of a curve to the left with a radius of 107.50 feet, subtended by a chord distance of 152.73 feet, bearing N44°51'54"E; thence N00°23'59"W a distance of 274.96 feet to a point of curve; thence 165.94 feet along the arc of a curve to the left with a radius of 107.50 feet, subtended by a chord distance of 149.95 feet, bearing N44°37'15"W to a point of reverse curve; thence 102.49 feet along the arc of a curve to the right with a radius of 92.50 feet, subtended by a chord distance of 97.33 feet, bearing N57°05'59"W to a point of compound curve; thence 27.67 feet along the arc of a curve to the right with a radius of 139.31 feet, subtended by a chord distance of 27.62 feet, bearing N19°40'05"W; thence N13°58'44"W a distance of 16.98 feet to the Point of Beginning.



SUNCOAST LAND SURVEYING, Inc.  
 111 FOREST LAKES BOULEVARD  
 OLDSMAR, FLA. 34677

BOUNDARY - TOPOGRAPHIC - CONSTRUCTION STAKEOUT  
 PHONE: (913) 854-1342 FAX: (913) 855-8890

LB 4513

DRAWING#	8018-Edwg	Project No.	8018
Checked By	KOM	Field Book	
Drawn By	JAC	Pages	

Exhibit  
D

Return to: Ginny Pannill  
Real Estate & Concurrence Services  
Pinellas County Schools  
11111 S. Belcher Road  
St. Petersburg, FL 33733

PUBLIC PEDESTRIAN TRAIL/WALKWAY EASEMENT

THIS INDENTURE, made this 12<sup>th</sup> day of May, 2009, between the SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA, whose mailing address is P.O. Box 2942, Largo, FL 33779, hereinafter referred to as Grantor, and the CITY OF GULFPORT, whose mailing address is P.O. Box 5187, Gulfport, FL 33707, hereinafter referred to as Grantee.

WITNESSETH

That said Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged and accepted, by these presents does remise, release and quitclaim unto the said Grantee, its successors and assigns forever, a perpetual public pedestrian trail/walkway easement ("Easement") over and across the following described property, situate, lying and being in the City of Gulfport, Pinellas County, State of Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof.

The purpose of this Easement is to allow Pinellas County to create and maintain a pedestrian trail/walkway.

IN WITNESS WHEREOF, the Grantor has caused this Easement to be duly executed effective on the date indicated above.

SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

By: Peggy L. O'Shea  
Peggy L. O'Shea, Chairperson MAY 12 2009

Attest: Julie M. Janssen  
Julie M. Janssen, Ed.D., Superintendent

Approved as to form and legality:

James A. Robinson  
James A. Robinson, School Board Attorney

STATE OF FLORIDA  
COUNTY OF PINELLAS

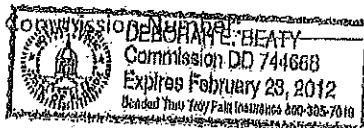
The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of May, 2009, by Peggy L. O'Shea of the School Board of Pinellas County, Florida. The individual is personally known to me and/or has produced a Florida Driver's License as identification.

NOTARY SEAL

NOTARY: Deborah E. Beatty

Print Name: Deborah E. Beatty

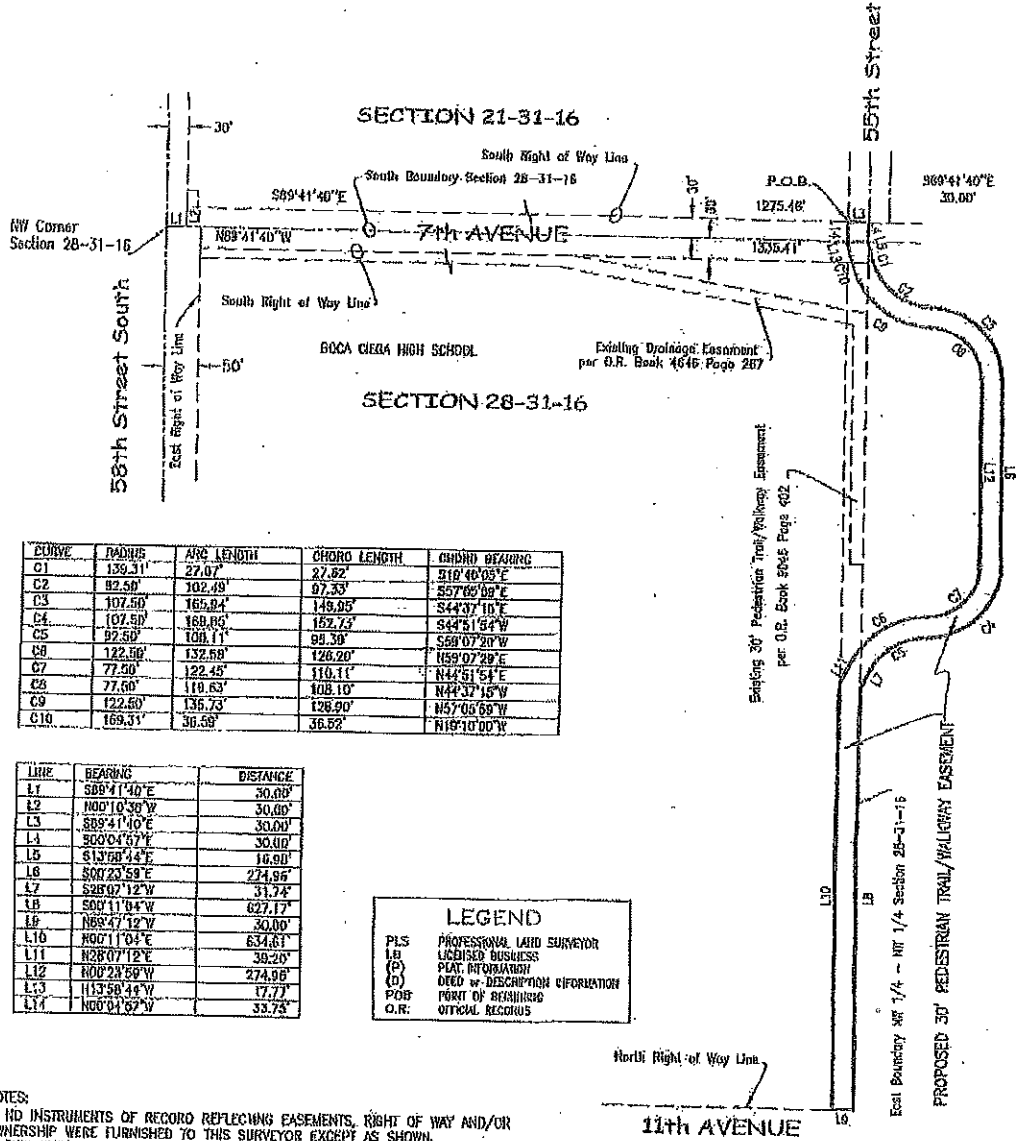
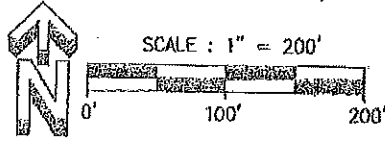
My Commission Expires: 2-23-12



DD 744668

SKETCH of DESCRIPTIO...  
THIS IS NOT A BOUNDARY SURVEY

SWEET 1 OF 2 SHEETS  
Exhibit D<sub>2</sub>



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	139.31'	27.07'	27.82'	S10°40'03"E
C2	82.50'	102.48'	97.33'	S57°09'09"E
C3	107.50'	165.84'	148.95'	S44°37'10"E
C4	107.50'	169.86'	152.73'	S44°51'54"W
C5	92.50'	100.11'	98.39'	S58°07'20"W
C6	122.50'	132.68'	126.20'	N59°07'20"E
C7	77.50'	122.45'	110.11'	N44°51'54"E
C8	77.50'	119.63'	108.10'	N44°37'15"W
C9	122.50'	136.73'	128.90'	N57°06'58"W
C10	169.31'	36.58'	36.52'	N10°10'00"W

LINE	BEARING	DISTANCE
L1	S89°41'40"E	30.00'
L2	N00°10'30"W	30.00'
L3	S89°41'40"E	30.00'
L4	S00°04'37"E	30.00'
L5	S13°08'44"E	18.90'
L6	S08°23'58"E	274.96'
L7	S28°07'12"W	31.74'
L8	S09°11'04"W	627.17'
L9	N69°47'12"W	30.00'
L10	N00°11'03"E	634.61'
L11	N28°07'12"E	38.20'
L12	N00°23'59"W	274.96'
L13	N13°58'44"W	17.77'
L14	N00°01'57"W	33.75'

**LEGEND**

PLS PROFESSIONAL LAND SURVEYOR  
 LB LICENSED BUSINESS  
 (P) PLAT INFORMATION  
 (D) DEED or DESCRIPTION INFORMATION  
 POB POINT OF BEGINNING  
 O.R. OFFICIAL RECORDS

- NOTES:
- NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHT OF WAY AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS SHOWN.
  - THIS SKETCH DOES NOT REFLECT OR DETERMINE OWNERSHIP.
  - USE OF THIS SKETCH BY ANYONE OTHER THAN THOSE PREPARED FOR WILL BE THE RE-USERS SOLE RISK WITHOUT LIABILITY TO THE SURVEYOR.
  - THE SKETCH WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND IS SUBJECT TO EASEMENTS, RIGHTS-OF-WAY AND SIMILAR MATTERS OF TITLE.
  - MERIDIAN BASED ON THE SOUTH BOUNDARY OF THE SOUTHWEST 1/4 OF SECTION 21-31-16 AS BEARING N89°41'40"W (ASSUMED).

PREPARED FOR: The School Board of Pinellas County, Florida	DATE: March 27, 2009	DRAWING# 8019-D.dwg Checked By KOM Drawn By JAC	Project No. 6019 Field Book Pages
<b>SUNCOAST LAND SURVEYING, Inc.</b> 111 FOREST LAKES BOULEVARD OLDSMAR, FLA. 34677 BOUNDARY - TOPOGRAPHIC - CONSTRUCTION STAKEOUT PHONE: (813) 854-1342 FAX: (813) 855-6800 LB 4513		<b>SURVEYOR'S CERTIFICATE</b> I hereby certify that the Sketch of Description depicted hereon was performed under my RESPONSIBLE CHARGE on the date(s) shown, and meets the MINIMUM TECHNICAL STANDARDS set forth by the FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS in Chapter 61G17-9, FLORIDA ADMINISTRATIVE CODE pursuant to Section 472.027, FLORIDA STATUTES. *NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.  JEFFERY A. COPELAND, PLS No. 8279	


**SKETCH of DESCRIPTION**

THIS IS NOT A BOUNDARY SURVEY

**SHEET 2 OF 2 SHEETS**

Exhibit **D<sub>3</sub>**

**DESCRIPTION:** (Proposed 30 foot wide Pedestrian Trail/Walkway Easement)  
 A portion of Section 21, Township 31 South, Range 16 East and a portion of Section 28, Township 31 South, Range 16 East, Pinellas County, Florida described as follows:  
 Commence at the Northwest corner of said Section 28; thence S89°41'40"E, along the North boundary thereof a distance of 30.00 feet to a point of intersection with the East right of way line of 58th Street; thence N00°10'38"W along said East right of way line a distance of 30.00 feet; thence S89°41'40"E, along the North right of way line of 7th Avenue a distance of 1275.46 feet for a Point of Beginning; thence continue S89°41'40"E a distance of 30.00 feet; thence S00°04'57"E a distance of 30.00 feet; thence S13°58'44"E a distance of 16.98 feet to a point on a curve; thence 27.67 feet along the arc of a curve to the left with a radius of 130.31 feet, subtended by a chord distance of 27.62 feet, bearing S18°40'05"E to a point of compound curve; thence 102.49 feet along the arc of a curve to the left with a radius of 92.58 feet, subtended by a chord distance of 97.33 feet, bearing S57°05'59"E to a point of reverse curve; thence 185.94 feet along the arc of a curve to the right with a radius of 107.50 feet, subtended by a chord distance of 149.85 feet, bearing S44°37'15"E; thence S00°23'59"E a distance of 274.95 feet to a point of curve; thence 169.85 feet along the arc of a curve to the right with a radius of 107.50 feet, subtended by a chord distance of 152.73 feet, bearing S44°51'54"W to a point of reverse curve; thence 100.11 feet along the arc of a curve to the left with a radius of 92.50 feet, subtended by a chord distance of 95.30 feet, bearing S59°07'29"W; thence S28°07'12"W a distance of 31.74 feet to a point of intersection with the East boundary of the Northwest 1/4 of the Northwest 1/4 of said Section 28; thence S00°11'04"W along said East boundary a distance of 627.17 feet to a point of intersection with the North right of way line of 11th Avenue; thence N89°47'12"W along said North right of way line a distance of 30.00 feet; thence N00°11'04"E a distance of 634.61 feet; thence N28°07'12"E a distance of 39.20 feet to a point on a curve; thence 132.58 feet along the arc of a curve to the right with a radius of 122.50 feet, subtended by a chord distance of 126.20 feet, bearing N59°07'29"E to a point of reverse curve; thence 122.45 feet along the arc of a curve to the left with a radius of 77.50 feet, subtended by a chord distance of 110.11 feet, bearing N44°51'54"E; thence N00°23'59"W a distance of 274.95 feet to a point of curve; thence 119.83 feet along the arc of a curve to the left with a radius of 77.50 feet, subtended by a chord distance of 108.10 feet, bearing N44°37'15"W to a point of reverse curve; thence 135.73 feet along the arc of a curve to the right with a radius of 122.50 feet, subtended by a chord distance of 128.90 feet, bearing N57°05'59"W to a point of compound curve; thence 36.58 feet along the arc of a curve to the right with a radius of 169.31 feet, subtended by a chord distance of 36.52 feet, bearing N19°10'00"W; thence N13°58'44"W a distance of 17.77 feet; thence N00°04'57"W a distance of 33.75 feet to the Point of Beginning.



**SUNCOAST LAND SURVEYING, Inc.**  
 111 FOREST LAKES BOULEVARD  
 OLDSMAR, FLA. 34677

BOUNDARY - TOPOGRAPHIC - CONSTRUCTION STAKEOUT  
 PHONE: (813) 656-1342 FAX: (813) 858-6880

LB 4513

DRAWING#	8019-D.dwg	Project No.	8019
Checked By	KOM	Field Book	
Drawn By	JAC	Pages	

**Agenda Item No. 7  
Old Business**

**Agenda Item No. 8  
New Business**

**Agenda Item No. 9  
Council Reports**

**Agenda Item No. 10  
Adjournment**