

Board of County Commissioners

Agenda Request

Date of Meeting: February 1, 2010

Date Submitted: January 15, 2010

To: Honorable Chairman and Members of the Board

From: Benjamin H. Pingree, County Administrator
Lindsay Stevens, Assistant County Administrator
Melissa Corbett, Planner II

Subject: Application to Close/Abandon a Portion of Hardee Avenue in Panacea
RC09-03
(Russell Taylor, Applicant)

Statement of Issue:

This agenda item provides the Board with an application to close and abandon a portion of Hardee Avenue in Panacea.

Background:

The current Road Closing Policy requires that citizens desiring to close and abandon a roadway must first obtain approval from the Board before an application for road closing can officially be filed. If the Board determines that closing of the subject roadway is appropriate for consideration, the citizen may then file an application with the Planning and Community Development Department and the matter will be advertised for the next practical public hearing. Russell Taylor (the "Applicant") made such a request for the closing of a portion of Hardee Avenue in Panacea Mineral Springs subdivision. The Board considered the request at their December 8, 2009 public hearing and voted to advertise to conduct a Public Hearing to close/abandon the portion of Hardee Avenue. The advertisement for the road closing application was placed in the December 31, 2009 edition of The Wakulla News (Attachment #1).

Hardee Avenue is a platted right of way in the platted development of Panacea Mineral Springs subdivision. Panacea Mineral Springs subdivision was recorded in 1927, as reflected in Plat Book 1 Page 5 of the Official Records of Wakulla County (Attachment #2). When viewing the Panacea Mineral Springs subdivision plat, the portion of Hardee Avenue proposed for abandonment would be located as the section of this street that lies south of Lots 1 through 4 of Block 30. Per the County's 911 street maps and Property Appraiser's website maps, Hardee Avenue is not shown as being located between T Barwick Street and Sixth Street because the road is not currently open (Attachment #3). Thus, on the 911 street and Property Appraiser website maps the portion of the roadway to be closed lies immediately west of the intersection of T Barwick Street and Hardee Avenue. This street section to be closed contains sixty (60) feet of right of way and measures approximately 200' long per the plat of Panacea Mineral Springs subdivision.

Analysis:

It is important to note that the applicant has several accessory structures located within the section of Hardee Avenue (the “Subject Roadway”) proposed for abandonment. Staff was unable to obtain documentation for when the structures were actually built. However, when staff visited the site on November 20, 2009 the accessory structures visible from the road appeared to have been constructed many years ago. Approximately two years ago, a code enforcement violation investigation was started in regards to these structures being constructed in the right-of-way, along with the placement of junk in the right of way. In an attempt to aide in remedying the structures problematic location, this request for a road closure was been submitted. Should the road closure be granted, the structures would then be located on the owner’s property.

The request was reviewed by members of the Technical Review Committee at their October 15, 2009 meeting. Staff present did not raise any negative issues with this proposal. However, later discussions with the Code Enforcement Officer revealed that even if the Application to abandon the Subject Roadway is approved by the Board that it will not resolve all Code Enforcement issues with the Applicant’s adjoining properties.

Even though this Subject Roadway is part of a platted subdivision, it does not appear that this section has ever been opened and used for travel. Closing the Subject Roadway would not hinder access to any parcels in the area as the properties on both sides of the section proposed for abandonment are owned by the Applicant. Additionally, since the roadway section is not currently open, the abandonment of this section will not negatively affect existing vehicular or school bus travel through the subdivision.

On January 14, 2010, staff received a petition from local citizens requesting that the roadway remain open. Forty six citizens, most of which reside in Panacea, signed the request, which states that the Applicant knew the land was in a right-of-way when he placed his structures upon it (Attachment #5).

Options:

1. Vote to approve the closing/abandonment of a portion of Hardee Avenue in Panacea.
2. Vote not to approve the closing/abandonment of a portion of Hardee Avenue in Panacea.
3. Board Direction.

Recommendation:

Option #3. While staff notes that a recommendation to advertise and hold a public hearing was previously given on this item, staff is requesting Board direction for two important reasons. The first reason is the petition received from the local citizens, who will be affected daily by this potential closure, shows that this request has caused great concern among residents. The second reason for this recommendation stems from the fact that the closure of the Subject Roadway will not rectify the Code Enforcement issues with the Applicant’s adjoining parcels.

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Attachment(s):

1. Advertisement
2. Plat of Panacea Mineral Springs subdivision
3. 911 Map and Property Appraiser Map
4. Site Photos
5. Signed Petition
6. Draft Resolution

[LS/mc]