RESOLUTION R-19-092

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, VACATING CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY, SPECIFICALLY A PLATTED RIGHT-OF-WAY PURSUANT TO SECTIONS 336.09, 336.10 AND 336.12, FLORIDA STATUTES, AND THE LAND DEVELOPMENT CODE, MANATEE COUNTY, FLORIDA.

WHEREAS, an application has been made by Kathleen A. Duport, and Joseph A. Pontes Jr. (Applicant), to vacate, abandon, discontinue and close specifically a 50-foot-wide platted right-of-way as shown on the plat of Wellons Ranch Estates No. 1, as recorded in Plat Book 11, Pages 40 and 41 of the Official Records of Manatee County, Florida, located in Section 11, Township 34 South, Range 18 East, and more particularly described in Exhibit A attached hereto and by this reference provided herein. This site is located in Commission District One; and

WHEREAS, Sections 336.09, 336.10 and 336.12, Florida Statutes, authorize the vacating and annulment and abandonment of roads and streets and any right of Manatee County (County) and of the public in and to any land or interest therein, by the Board of County Commissioners (Board); and

WHEREAS, the Applicant has a deeded interest in the right-of-way sought to be vacated; and

WHEREAS, the Applicant has complied with all applicable notice requirements pursuant to Section 336.10, Florida Statutes, and the County’s Land Development Code (the Code); and

WHEREAS, the application has been reviewed by the Property Management Department Director who has found it to be complete and sufficient for presentation to the Board; and

WHEREAS, pursuant to the Code, the Property Management Department Director has prepared a report recommending to the Board approval of the application; and

WHEREAS, a resolution declaring a notice of public hearing on said application was duly adopted by the Board and the notice of said public hearing was duly published in a newspaper of general circulation in Manatee County, Florida, in accordance with Section 336.10, Florida Statutes, and the Code; and

WHEREAS, a public hearing was held on Tuesday, August, 20, 2109, to consider the advisability of exercising the authority granted by Section 336.09, Florida Statutes, and the Code to vacate this right-of-way and the Board was fully advised and informed in the premises; and

WHEREAS, the Board has determined that vacating this right-of-way would not be in derogation of the public rights or needs of the County; and
WHEREAS, the Board has found that the right-of-way which is the subject of this resolution no longer serves a public purpose and is a proper subject for abandonment pursuant to Chapter 336, Florida Statutes.

WHEREAS, following analysis of the application, approval of said vacation is determined to be consistent with the Code and the County’s Comprehensive Plan; and

WHEREAS, vacation or abandonment of this property is in the best interests of the public.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, that:

1. Upon request of the Applicant, the Board vacates, abandons, renounces and disclaims any right of the County and the public in and to the land described in Exhibit A, incorporated herein by reference.

2. No portion of the land, or interest therein, described in Exhibit A constitutes or was acquired for a state or federal highway.

3. This resolution shall take effect upon recordation in the public records of Manatee County, Florida.

DULY ADOPTED with a quorum present and voting this 20th day of August, 2019.

BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA

By: ____________________________
    Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: ____________________________
    Deputy Clerk
EXHIBIT A
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DESCRIPTION:

THAT CERTAIN 50 FOOT WIDE RIGHT-OF-WAY AS SHOWN ON THE PLAT OF WELLONS RANCH ESTATES NO. 1, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 11, PAGES 40 AND 41 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, SAID RIGHT-OF-WAY BEING BOUNDED ON THE EAST BY THE WEST LINE OF LOT 21 OF SAID PLAT; BOUNDED ON THE WEST BY THE EAST LINE OF LOT 20 OF SAID PLAT; BOUNDED ON THE SOUTH BY THE NORTHERLY PLATTED RIGHT-OF-WAY LINE OF 25TH STREET EAST, ALSO KNOWN AS LYNTNOR ROAD (IDENTIFIED AS JOHNSON ROAD ON SAID PLAT) AND BOUNDED ON THE NORTH BY THE SOUTH LINE OF LOT 33 OF WINTERLAND ESTATES AS PER PLAT THEREOF RECORDED IN PLAT BOOK 21, PAGES 55 AND 56 OF SAID PUBLIC RECORDS. LESS THAT PORTION LYING WITHIN THE MAINTAINED RIGHT-OF-WAY OF 25TH STREET EAST (LYNTNOR ROAD) ESTABLISHED BY ROAD PLAT BOOK 1, PAGES 65 THROUGH 80, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

NOTES:

1. THIS PLAT IS A "SKETCH OF DESCRIPTION" ONLY AND IS NOT INTENDED TO BE USED AS A BOUNDARY SURVEY.

2. THIS "SKETCH OF DESCRIPTION" CONSISTS OF 2 SHEETS. EACH SHEET IS INTENDED TO BE USED IN CONJUNCTION WITH THE OTHER SHEET. THIS "SKETCH OF DESCRIPTION" IS NOT COMPLETE WITHOUT BOTH SHEETS.

3. BEARINGS SHOWN HEREON REFER TO THE NORTH RIGHT-OF-WAY LINE OF 25TH STREET EAST (LYNTNOR ROAD) BEING NB0°46'30"W S PER RECORD PLAT.

4. THIS "SKETCH OF DESCRIPTION" HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THEREFORE MAY NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

5. THIS "SKETCH OF DESCRIPTION" IS INTENDED FOR THE EXCLUSIVE USE OF THOSE CERTIFIED PARTIES APPEARING HEREON AND IS WARRANTED FOR A PERIOD OF ONE (1) YEAR BEYOND THE DATE SHOWN.

6. SUBJECT TO EASEMENTS, DEDICATIONS AND RESTRICTIONS OF RECORD.

7. THE DESCRIPTION SHOWN HEREON WAS CREATED BY THIS FIRM BASED ON THE PLAT OF WELLONS RANCH ESTATES UNIT NO. 1 (PLAT BOOK 11, PAGES 40 & 41) AND INFORMATION PROVIDED BY CLIENT.

8. THE SUBJECT LAND AS DESCRIBED CONTAINS 5,600 SQUARE FEET OR 0.13 ACRES, MORE OR LESS.