

RESOLUTION R-20-135

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, VACATING CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY, SPECIFICALLY A PORTION OF 77th AVENUE EAST, 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 Roger and Kimberly Anne Dunn, husband and wife, Scott and Carolyn McAdoo, husband and wife, and Stephen and Christine Aron, husband and wife (Applicant) to vacate, abandon, discontinue and close specifically a portion of 77th Avenue East on the plat of the Pomello Park as recorded in Plat Book 6, Page 61, of the Official Records of Manatee County, Florida, located in Section 35, Township 35 South, Range 20 East, and more particularly described in Exhibit A attached hereto and by this reference provided herein. This site is located in Commission District Five; 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, October, 13, 2020, 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 13th day of October, 2020.

**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"

LEGAL DESCRIPTION:

SITUATED IN SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA AND BEING A PORTION OF PUBLIC RIGHT-OF-WAY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT 49, IN SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST, POMELLO PARK, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 61, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. SAID POINT OF BEGINNING BEING THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF 261ST STREET EAST AND THE SOUTHERLY RIGHT-OF-WAY LINE OF 77TH AVENUE EAST.

THENCE FROM SAID POINT OF BEGINNING N00°38'53"E 50.00 FEET ALONG THE EASTERLY RIGHT-OF-WAY LINE OF AFORESAID 261ST STREET EAST TO THE INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF AFORESAID 77TH AVENUE EAST; THENCE S88°58'24"E 1276.66 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF Verna Bethany Road; THENCE S00°39'04"W 50.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF AFORESAID 77TH AVENUE EAST; THENCE N88°58'24"W 1276.66 FEET ALONG SAID NORTHERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING.

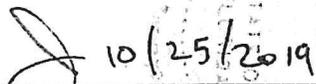
CONTAINING 1.465 ACRES (63,833 SQUARE FEET) MORE OR LESS.

LEGEND AND ABBREVIATIONS:

- (P) PLAT DIMENSION
- (M) MEASURED DIMENSION
- (D) DEED DIMENSION
- (C) CALCULATED DIMENSION
- O.R./PG. OFFICIAL RECORDS BOOK/PAGE
- D.B./PG. DEED BOOK/PAGE
- P.B./PG. PLAT BOOK/PAGE
- W.F. WIRE FENCE
- OUL OVERHEAD UTILITY LINE
- PT. PORTION OF (LOT/BLOCK/TRACT)
- R/W RIGHT-OF-WAY
- SEC. SECTION
- TWP. TOWNSHIP
- RGE. RANGE
- IRON ROD (I.R.) OR IRON PIPE (I.P.) FOUND
- 5/8" I. ROD SET W/CAP PSM#6333

NOTE:

BEARINGS BASED ON THE EASTERLY RIGHT OF WAY OF 261ST STREET EAST HAVING A BEARING OF S00°38'53"W.


JAMES B. AMBERGER, DATE 10/25/2019
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 6333

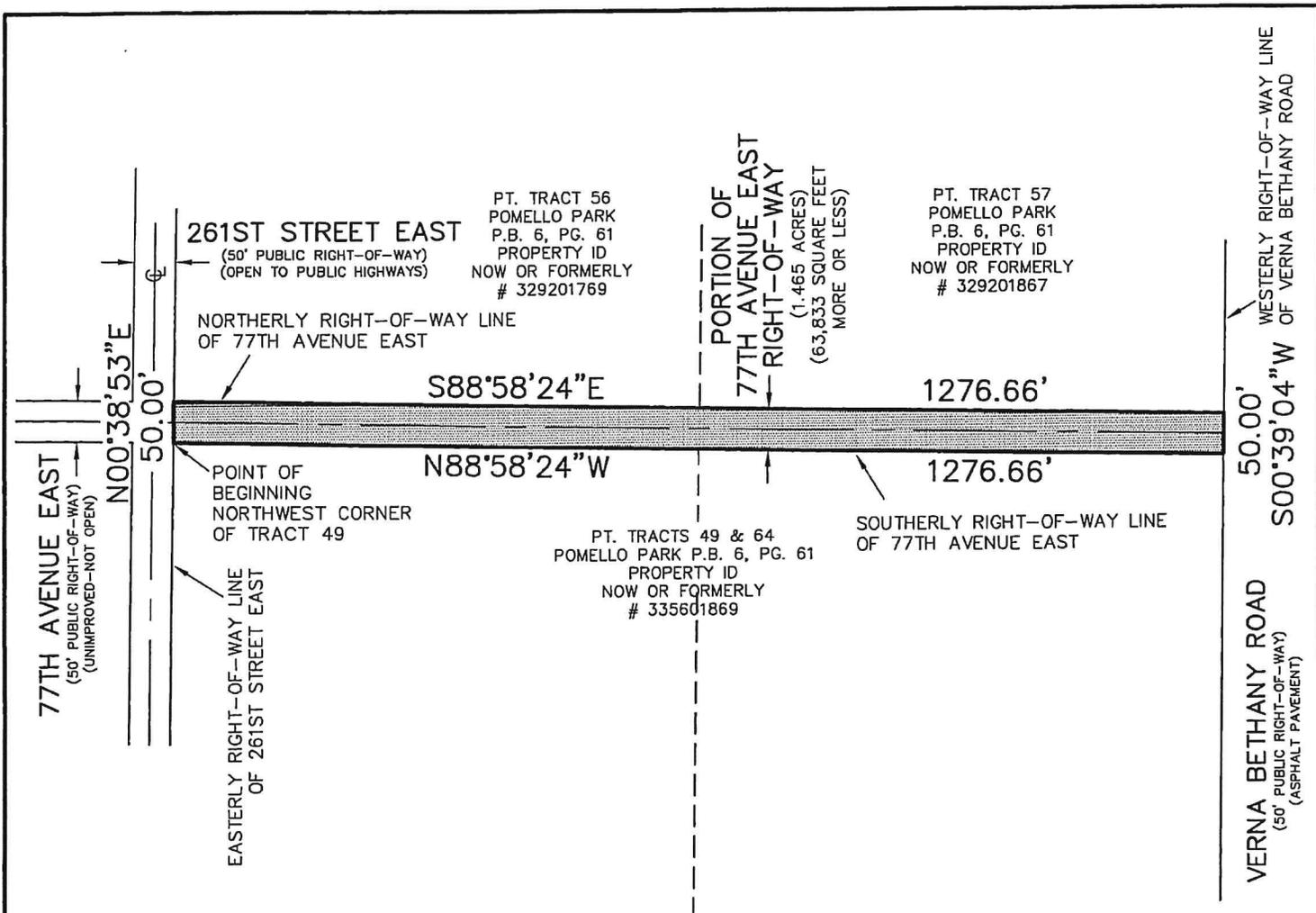
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SKETCH OF DESCRIPTION
A PORTION OF 77TH AVENUE EAST
ROAD RIGHT-OF-WAY
SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST,
MANATEE COUNTY, FLORIDA

JIM AMBERGER
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Surveying & Mapping Business Authorization #LB7649

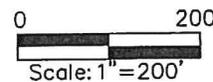
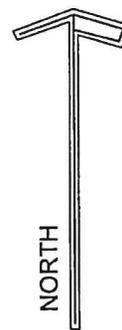
SHEET 1 OF 2
REV.

DATE: 10-8-2019
JOB # 2009071
DWG# B-09071.77
DRAWN BY: JBA



NOTE:
 SKETCH OF DESCRIPTION ONLY
 NOT A BOUNDARY SURVEY
 SEE ATTACHED PAGE 1
 FOR LEGAL DESCRIPTION

EXHIBIT "A"



J 10/25/2019
 JAMES B. AMBERGER DATE
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE No. 6333

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 ROAD RIGHT-OF-WAY
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SHEET 2 OF 2
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