



OFFICE OF THE COUNTY ATTORNEY

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MEMORANDUM

DATE: July 24, 2019

TO: Joy Leggett-Murphy, Property Acquisition Division Manager, Property Management Department

THROUGH: Mitchell O. Palmer, County Attorney *MOP 7-25-19*

FROM: Pamela J. D'Agostino, Assistant County Attorney *PJD 7-24-2019*

RE: **County-initiated Vacation Application # V-19-501
Request to Vacate Unimproved Platted Right-of-Way in Palmetto Grove and Garden Company Plat for Washington Park in Palmetto CAO Matter No. 2019-0054**

Issue Presented:

In this Request for Legal Services (RLS), you have asked the County Attorney's Office (CAO) to review a County-initiated vacation application, and review and revise the draft vacation resolutions, if necessary.

Brief Answer:

I have reviewed the information provided by staff. Attached are the revised resolutions for staff's use as well as the required Notice of Public Hearing, Affidavit of Notice, and Notice of Closure and Abandonment of Certain Roads and Alleys. Below are my comments and advice to staff. Provided staff proceeds consistent with my advice, I have no objection to the Board of County Commissioners of Manatee County, Florida (Board) closing and abandoning these road and alleys. The decision to close and abandon these roads is a business decision which the Board has the authority to make.

* Board Certified in Construction Law

** Board Certified in City, County, & Local Government Law

Recommendation:

As explained further below, although the Manatee County Land Development Code (LDC) does not specifically address County-initiated vacations, I recommend that staff prepare a report and recommendation to the Board consistent with Section 312.5.A.5.b. of the LDC. Among other things, that report and recommendation should indicate whether closing these roads and alleys is in the best interest of the public and whether or not granting the application will result in a condition that violates any County Ordinance, the LDC, or any Public Works Department standards for roadways.

Facts:

Manatee County owns an 88-acre parcel of land in Palmetto known as the Washington Park Borrow Pit. The property is bordered by the CSX Transportation railroad on the west, 39th Street East on the north, 8th Drive East on the west, and homes on 30th Street East on the south.

The United States Army Corps of Engineers (USACOE) has requested the right to place dredge spoil from Port Manatee in this County-owned land. Parks and Natural Resources Department staff intends to use the dredge spoil as fill material to recontour the property in furtherance of a project to restore Washington Park. In order to proceed, the USACOE requires the County to first execute an instrument certifying certain matters regarding the Washington Park land. Before the County can lawfully execute the instrument required by the USACOE, the County needs to close and abandon all the roads within the Washington Park parcel. Accordingly, the Parks and Natural Resources Department wants the Board to close and abandon the roads within the Washington Park parcel.

These roads appear on the Plat of Palmetto Grove and Garden Company, which was recorded in 1914. None of the roads within the Washington Park parcel were ever constructed. Based on my review of aerial images, it does not appear that these roads were ever used as a way of travel either.

Discussion:

Authority to Vacate Platted Right-of-Way

Public places and right-of-way are held in trust by the authorities for the benefit of the public to be used for public purposes; however, this public trust concept does not prevent the abandonment, vacation, or discontinuance of streets when done in the interest of general welfare. In *Sun Oil Co. v. Gerstein*, 206 So. 2d 439 (Fla. 3d DCA 1968), the Court explained: "The fact that [the] title to the public place . . . vacated or discontinued [in the interest of the general welfare] may revert to the adjacent landowner is of no consequence

if the power to vacate is present and such power is lawfully exercised.”

Section 336.09, Florida Statutes, provides the Board with the specific authority to vacate road right-of-way. According to Section 336.09(1):

[County] commissioners, with respect to property under their control may in their own discretion, and of their own motion, or upon the request of any agency of the state, or of the federal government, or *upon petition of any person or persons*, are hereby authorized and empowered to:

. . . .

(c) Renounce and disclaim *any right of the county* and the public in and to land, other than land constituting, or acquired for, a state or federal highway, *delineated on any recorded map or plat as a street, alleyway, road or highway*.

(Emphasis added.)

Procedure for Vacation of Platted Road Right-of-Way Pursuant to Sections 336.09 and 336.10, Florida Statutes

In addition to providing the authority to vacate maintained road right-of-way, Sections 336.09 and 336.10, Florida Statutes, also provides the procedure for vacating platted road right-of-way. According to Section 336.10, an applicant who requests that the Board vacate any right or interest in land must make such a request in writing. There is no requirement for a written request, however for a County-initiated vacation. Florida law gives County Commissioners the authority to move to close and abandon roads. Accordingly, any Commissioner can at any regular meeting of the Board move that the Board consider closing and abandoning these roads and alleys.

Section 336.09 states that the Board “may adopt a resolution declaring that at a definite time and place a public hearing will be held to consider [a vacation application].” While adopting a resolution to declare a public hearing on the matter is optional, the Board must comply with the following requirements pursuant to Section 336.10, Florida Statutes:

1. “publish notice . . . one time, in a newspaper of general circulation in [the] county at least 2 weeks prior to the date [of the public hearing],”
2. “hold a public hearing,”
3. adopt a resolution evidencing any action of the commissioners after the public hearing and enter such action in the minutes of the commissioners,
4. include the applicant’s written request for vacation within the minutes of the

- commissioners,
5. publish notice of the adoption of said resolution “one time, within 30 days following its adoption, in one issue of a newspaper of general circulation published in the county,” and
 6. record the following items in the deed records of the county:
 - a. “proof of publication of notice of [the] public hearing,”
 - b. “the resolution as adopted,” and
 - c. “proof of publication of the notice of the adoption of [said] resolution.”

The alternative to having the Board adopt a resolution declaring a public hearing is presenting a motion to the Board to schedule the public hearing. Revised Resolution R-19-014 may be presented to the Board for consideration upon proper motion by any Commissioner. If adopted, the County Administrator, or her designee, must publish notice of the public hearing in accordance with Florida law, post all notice(s) and prepare an affidavit of notice in accordance with the requirements of the LDC, prepare a report and recommendation to the Board, and prepare a resolution approving the closing and abandoning of these roads and alleys for consideration by the Board at the public hearing.

Procedure for Vacation of Platted Road Right-of-Way Pursuant to Sections 331 and 312, Manatee County Land Development Code

Section 331 of the LDC codifies the requirements of Sections 336.09 and 336.10, Florida Statutes, within the laws of Manatee County and also provides specific legal guidelines as to the vacation application process in Manatee County. While Section 331.2 of the LDC outlines the review process for vacation applications, it does not specify how the procedures for County-initiated vacations. Staff should consider amending the LDC to outline procedures for County-initiated vacations.

Appropriate published and posted notice of the vacation proposed must be provided in accordance with Section 336.10, Florida Statutes, and Section 312.7 of the LDC. If, upon the close of the public hearing, the Board decides to close and abandon the roads and alleys, the Board shall adopt a resolution to that effect. Notice of adoption of such a resolution must then be published “one (1) time in a newspaper of general circulation in Manatee County, Florida, within thirty (30) days following [its adoption].” Section 331.3, Manatee County Land Dev. Code. In accordance with 336.10, Florida Statutes, and Section 331.4 of the LDC, the following must be recorded in the deed records of the county:

1. A certified copy of the adopted vacation resolution,
2. Original proof of the one publication of the notice of public hearing, and
3. Original proof of publication of the notice of adoption of the vacation resolution.

Legal Review of Background of Right-of-Way

On August 27, 1914, the Palmetto Grove and Garden Company subdivision plat was filed in Plat Book 1, Page 317, of the Public Records of Manatee County, Florida. On its face, the plat does not include a written offer of dedication by the owner to the public. Additionally, the plat does not include a written acceptance of dedication by Manatee County of the roads and alleys shown on the plat.

This office previously opined on the issue of whether there is a valid offer of dedication to the public of the roads depicted in a recorded plat. County Attorney, Mitchell O. Palmer, in his former tenure as an Assistant County Attorney, opined that:

The Florida Supreme Court, in the case of *Indian Rocks Beach South Shore v. Ewell*, 59 So. 2d 647 (Fla. 1952), held, inter alia, "As far as the public is concerned, the filing and recording of a plat amounts to an offer of dedication. . ." In the case of *United States v. 329.22 Acres of Land, More or Less, and Marvin Lewis, Individually and as Trustee*, 307 F. Supp. 34 (M.D. Fla. 1968), a judge of the U.S. District Court for the Middle District of Florida ruled upon a 1922 subdivision plat which contained very obvious street designations, but no formal words of dedication. The Federal Judge, in construing Florida law, held that the mere filing of a plat constitutes an effective offer to dedicate the streets contained therein, even though the plat contained no formal words of dedication. The Middle District Judge's opinion was affirmed by the Fifth Circuit U.S. Court of Appeals, in *United States v. 936.71 Acres of Land, More or Less, and Sarah Walker*, 418 F.2d 551 (5th Cir. 1969).

Memorandum from Mitchell O. Palmer to Timothy Spence (July 19, 1990) (on file with Office of County Attorney). With that said, the Palmetto Grove and Garden Company subdivision plat was validly offered as a dedicated platted road. Manatee County did not object to the dedication.

The Palmetto Grove and Garden Company subdivision plat is available online through the Manatee County Clerk of the Circuit Court and Comptroller's website. That website contains a comment to see several other Official Records of the Public Records of Manatee County, Florida, specifically Deed Book 217, Page 211, Official Records Book 114, Page 93, Official Records Book 181, Page 672, Official Records Book 791, Page 918, and Official Records Book 1066, Page 3300. I examined each of those instruments.

Deed Book 217, Page 211, is a resolution adopted by the Board in 1946 purporting to close, vacate, abolish, and abandon certain streets, right-of-way, and roads within the Palmetto Grove and Garden Company subdivision plat. Official Records Book 114, Page

93, is a resolution adopted by the Board in 1962 closing, vacating, and abandoning a street within the Palmetto Grove and Garden Company subdivision plat. Official Records Book 181, Page 672, is a resolution adopted by the Board in 1963 vacating, closing, and abandoning portions of four streets or alleys within the Palmetto Grove and Garden Company subdivision plat. Official Records Book 791, Page 918, is a resolution adopted by the Board in 1976 vacating, abandoning, discontinuing a portion of the Palmetto Grove and Garden Company subdivision plat and closing the street within same. Official Records Book 1066, Page 3300, is an Acceptance of Dedication made by Eldon R. Lindsey in 1983 purporting to accept the offer of dedication made in the Palmetto Grove and Garden Company subdivision plat with respect to a specific road.

Legal Review of Compliance with Sections 336.09 and 336.10, Florida Statutes

Prior to closing and abandoning any road, the Board must hold a public hearing and publish notice of same “one time, in a newspaper of general circulation in [the] county at least 2 weeks prior to” the date of the public hearing. Section 336.10, Florida Statutes. Staff must ensure compliance with this requirement that legal notice of the proposed vacation is provided to the public.

Legal Review of Compliance with Sections 312 and 331, Manatee County Land Development Code

Based on the documents provided with this RLS, it appears that some, but not all of the relevant and applicable portions of the LDC have been met. This RLS does not contain a “report and recommendation” to the Board as required by Section 312.5.A.5.b. of the LDC. If the Board adopts Resolution R-19-014, staff should prepare a report and recommendation relative to the proposed vacation of these roads and alleys.

Section 312 of the LDC requires that notice of the public hearing be posted and that the staff person designated by the County Administrator also publish notice of the public hearing. In addition, an affidavit affirming that the required notices have been made must be filed with staff at least five days prior to the date of the hearing. This matter should not be presented to the Board unless staff is certain that all of the requirements of the LDC relative to posted and published notices have been met. Attached are forms for staff’s use.

Legal Review of Jurisdictional Reviews

It appears that nine entities, both within and outside of County government, were asked to review this proposed vacation application. Staff should use these to form its report and recommendation to the Board. I recommend staff seek clarification from the Public Safety Department as that department’s response, as worded, is equivocal.

Legal Review of Legal Description and Sketch of Roads and Alleys Proposed to be Vacated

I have met with staff several times to discuss the appropriate way to proceed with this County-initiated vacation as proposed by this RLS. I have advised staff as to how I recommend the legal description of the roads and alleys proposed to be vacated be written in light of this plat, the proposed project with the USACOE, and the planned restoration of Washington Park. Staff should submit this legal description, contained in attached Exhibit A, to the County's Survey Division Manager for review and approval. If further revised by the Survey Division Manager, staff should submit to me for legal review and approval.

Other Considerations

As with all matters regarding closing and abandoning right-of-way, staff should confirm that no property will be landlocked if these rights-of-way are vacated. If the vacation of a street serves to significantly impair access to one or more private properties, the government may be liable in inverse condemnation. *Pinellas County v. Austin*, 323 So. 2d 6 (Fla. 2d DCA 1975).

Conclusion:

At this preliminary stage, portions of Sections 336.09 and 336.10, Florida Statutes, and Section 331 of the LDC have been met. Staff must address all of the matters identified above and ensure that the procedures required by the applicable statutes and the LDC are met if this proceeds to a public hearing. The decision to vacate right-of-way is a business decision which the Board has the authority to make. This completes my response to your RLS. Please contact me if you have any questions or if I can be of further assistance.

Copies to:

Cheri Coryea, County Administrator
John Osborne, AICP, Infrastructure and Strategic Planning Official – Deputy
County Administrator
Karen M. Stewart, CECD, Economic Development Official – Acting Deputy
County Administrator
Charlie Bishop, Director, Property Management Department
Charlie Hunsicker, Director, Parks and Natural Resources Department
Tim Cristello, Real Property Specialist, Property Management Department
Damon Moore, Environmental Program Manager, Parks and Natural Resources
Department
Erin Struzziari, Environmental Specialist, Parks and Natural Resources

Joy Leggett-Murphy, Property Acquisition Division Manager, Property Management Department
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Department
Todd Boyle, Survey Division Manager, Property Management Department

RESOLUTION R-19-014

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DECLARING A PUBLIC HEARING TO CONSIDER CLOSING AND ABANDONING CERTAIN ROADS AND ALLEYS SHOWN ON THE PLAT OF PALMETTO GROVE AND GARDEN COMPANY, PURSUANT TO SECTIONS 336.09, 336.10, AND 336.12, FLORIDA STATUTES, AND THE MANATEE COUNTY LAND DEVELOPMENT CODE.

WHEREAS, a motion has been made by a Commissioner of the Board of County Commissioners of Manatee County, Florida, (Board) to schedule a public hearing to consider closing and abandoning certain roads and alleys shown on the plat of Palmetto Grove and Garden Company, recorded in Plat Book 1, Page 317, of the Public Records of Manatee County, Florida; and

WHEREAS, the United States Army Corps of Engineers (USACOE) has requested the right to place dredge spoil from Port Manatee in the County-owned land known as Washington Park in Palmetto; and

WHEREAS, receipt of this dredge spoil would benefit the County as fill material to recontour the property in furtherance of a project to restore Washington Park; and

WHEREAS, the USACOE requires the County to execute an instrument certifying certain matters regarding the Washington Park land and before the County can lawfully execute said instrument, the County must close and abandon certain roads and alleys within the Washington Park parcel and shown on the plat of Palmetto Grove and Garden Company, as more particularly described in Exhibit A, attached hereto and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED, by the Board that:

A public hearing will be held before the Board in the Honorable Patricia M. Glass Chambers, on the first floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, at 9:00 a.m., or as soon thereafter as same may be heard, on *[insert month, e.g. September]* *[insert date, e.g. 10]*, *[insert year, e.g. 2019]*, to consider the advisability of closing and abandoning these roads and alleys.

All interested persons, firms, corporations or other entities and organizations are hereby advised to govern themselves accordingly.

In accordance with Section 286.0105, Florida Statutes, if any person decides to appeal a decision made with respect to any matter considered at this hearing, he or she will need a record of the proceedings and therefore, he or she may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

The County Administrator, or her designee, is hereby directed to publish notice of the public hearing in accordance with Florida law, post all notice(s) and prepare all affidavits of notice in accordance with the requirements of the Manatee County Land Development Code, prepare a report and recommendation to the Board, and prepare a resolution approving the closing and abandoning of these roads and alleys for consideration by the Board at the public hearing.

Copies of this Resolution shall be made available for review at the Citizens Action Center within the County Administrator's Office on the ninth floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, and shall be made available for purchase, at cost.

DULY ADOPTED with a quorum present and voting this _____ day of **[insert month, e.g. 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

All roads and alleys on the plat of Palmetto Grove and Garden Company, recorded in Plat Book 1, Page 317, of the Public Records of Manatee County, Florida, lying east of the easterly railroad right-of-way within the Southwest 1/4 of the Southwest 1/4 of Section 1, Township 34 South, Range 17 East; and

All roads and alleys on the plat of Palmetto Grove and Garden Company, recorded in Plat Book 1, Page 317, of the Public Records of Manatee County, Florida, lying east of the easterly railroad right-of-way line and also south of the southerly maintained right-of-way line of Mendoza Road (also known as 39th Street East) within the Northeast 1/4 of the Southwest 1/4 in Section 1, Township 34 South, Range 17 East; and

All roads and alleys on the plat of Palmetto Grove and Garden Company, recorded in Plat Book 1, Page 317, of the Public Records of Manatee County, Florida, lying east of the easterly railroad right-of-way line and also north of a line parallel to and 32.5 feet north of the south property line of Tracts 18, 30, and 50, and also west of the eastern property line of Tracts 52, 51 and 50 in the Northwest 1/4 of Section 12, Township 34 South, Range 17 East; and

All roads and alleys on the plat of Palmetto Grove and Garden Company, recorded in Plat Book 1, Page 317, of the Public Records of Manatee County, Florida, lying east of the eastern property line of Tracts 52 and 51 and also north of the southern property line of Tract 51 in the Northwest 1/4 of Section 12, Township 34 South, Range 17 East.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN pursuant to Section 336.10, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida, (Board) will conduct a public hearing on **[insert month, e.g. September] [insert date, e.g. 10], [insert year, e.g. 2019]**, at 9:00 a.m., or as soon thereafter in the Honorable Patricia M. Glass Chambers, on the first floor of the Manatee County Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida, 34205, to consider, act upon, adopt, or reject the following resolution:

RESOLUTION R-19-015

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CLOSING AND ABANDONING CERTAIN ROADS AND ALLEYS SHOWN ON THE PLAT OF PALMETTO GROVE AND GARDEN COMPANY, PURSUANT TO SECTIONS 336.09, 336.10, AND 336.12, FLORIDA STATUTES, AND THE MANATEE COUNTY LAND DEVELOPMENT CODE.

These roads and alleys are located in Palmetto and are south of Mendoza Road (also known as 39th Street East), west of 8th Avenue East, north of 30th Street East and east of the railroad tracks.

Copies of proposed **RESOLUTION R-19-015**, the staff report, and related materials may be inspected by the public during normal business hours at the County Administration Building. Interested parties may appear at the public hearing and be heard with respect to the proposed resolution.

According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony and evidence upon which the appeal is to be based.

AFFIDAVIT OF NOTICE

BEFORE ME, the undersigned notary public, personally appeared **[insert name of Affiant, e.g. Joy Leggett-Murphy]**, who being first duly sworn, deposes and says that, to the best of [his] [her] knowledge and belief:

- 1. I have personal knowledge of all matters set forth in this affidavit.
- 2. I caused the required public notice sign[s] to be posted as follows:

[insert description of where sign(s) were posted in accordance with instructions and Manatee County Land Development Code, e.g. A notice was posted no more than 15 feet south of the southerly maintained right-of-way line of Mendoza Road (also known as 39th Street East)]

- 3. I certify that the required public notice sign[s] was/were posted in compliance with the standards of Chapter 3 of the Manatee County Land Development Code.
- 4. This affidavit is made and given by affiant with full knowledge of applicable Florida laws regarding sworn affidavits and the penalties and liabilities resulting from false statements and misrepresentations therein.

Signature

Printed Name

STATE OF _____
COUNTY OF _____

Sworn to (or affirmed), acknowledged and subscribed this _____ day of **[insert month, e.g. August]** **[insert year e.g. 2019]**, by _____, who,

- is personally known to me, or
- has produced _____ as identification.

[CHECK APPLICABLE BOX TO SATISFY IDENTIFICATION REQUIREMENT OF SECTION 117.05, FLORIDA STATUTES]

Signature of Notary Public
(Printed, typed, or stamped commissioned name of Notary Public)

My Commission Expires: _____

RESOLUTION R-19-015

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CLOSING AND ABANDONING CERTAIN ROADS AND ALLEYS SHOWN ON THE PLAT OF PALMETTO GROVE AND GARDEN COMPANY, PURSUANT TO SECTIONS 336.09, 336.10, AND 336.12, FLORIDA STATUTES, AND THE MANATEE COUNTY LAND DEVELOPMENT CODE.

WHEREAS, the United States Army Corps of Engineers (USACOE) has requested the right to place dredge spoil from Port Manatee in land owned by Manatee County (County) known as Washington Park in Palmetto; and

WHEREAS, receipt of this dredge spoil would benefit the County as fill material to recontour the property in furtherance of a project to restore Washington Park; and

WHEREAS, the USACOE requires the County to execute an instrument certifying certain matters regarding the Washington Park land and before the County can lawfully execute said instrument, the County must close and abandon certain roads and alleys shown on the plat of Palmetto Grove and Garden Company, recorded in Plat Book 1, Page 317, of the Public Records of Manatee County, Florida, and located in Section 1 and Section 12, Township 34 South, Range 17 East, as more particularly described in Exhibit A attached hereto and incorporated herein by this reference. These roads and alleys are located in Commission District Two; and

WHEREAS, Sections 336.09, 336.10 and 336.12, Florida Statutes, authorize the closing and abandonment of roads and alleys by the Board of County Commissioners of Manatee County, Florida, (Board); and

WHEREAS, a resolution declaring a public hearing 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 County's Land Development Code (Code); and

WHEREAS, the Director of the Property Management Department has prepared a report and recommends the Board close and abandon these roads and alleys; and

WHEREAS, a public hearing was held on *[insert month, e.g., September]* *[insert day, e.g. 10]*, *[insert year, e.g. 2019]*, to consider the advisability of exercising the authority granted by Section 336.09, Florida Statutes, and the Code to vacate these roads and alleys and the Board was fully advised and informed in the premises; and

WHEREAS, a motion was made by a Commissioner of the Board to close and abandon the roads and alleys described in Exhibit A.

WHEREAS, the Board has determined that closing and abandoning these roads

and alleys would not be in derogation of the public rights or needs of the County; and

WHEREAS, the Board has found that no portion of these roads and alleys constitute or were acquired for a state or federal highway; and

WHEREAS, the Board has found that these roads and alleys no longer serve a public purpose and are a proper subject for abandonment pursuant to Chapter 336, Florida Statutes; and

WHEREAS, following analysis of the relevant facts and circumstances, the Board finds that closing and abandoning these roads and alleys is consistent with the Code and the County's Comprehensive Plan; and

WHEREAS, the Board finds that closing and abandoning these roads and alleys is in the best interests of the public.

NOW, THEREFORE, BE IT RESOLVED, by the Board that:

Any right of the County and the public in and to the roads and alleys described in Exhibit A is hereby closed and abandoned.

The County Administrator, or her designee, is hereby directed to publish notice of adoption of this resolution within 30 days in one issue of a newspaper of general circulation published in the County and to record with the Clerk of Circuit Court in the Official Records among the Public Records of the County the original proof of publication of the notice of the public hearing, a certified copy of this resolution as adopted, and the original proof of publication of the notice of adoption of this resolution.

This resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting this _____ day of [insert month, e.g. 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

NOTICE OF CLOSURE AND ABANDONMENT OF CERTAIN ROADS AND ALLEYS

NOTICE IS HEREBY GIVEN pursuant to Section 336.10, Florida Statutes, and Section 331 of the Manatee County Land Development Code, that the Board of County Commissioners of Manatee County, Florida, adopted Resolution R-19-015, closing and abandoning certain roads and alleys shown on the plat of Palmetto Grove and Garden Company.