STREET VACATIONS

A. E. Biggs and E. E. Rowlett Subdivision (Biggs & Rowlett Subdivision) and **Town of Fleming** - Petition of Alfred S. Mariani to vacate parts of the plats (no action pending description of the county road being furnished by the R/W Agent so the appropriate deed can be prepared/executed for acceptance by the Board)

Airport Area - Resolution vacating a street generally located west of the Sarasota-Bradenton Airport, running east from SR 45/Tamiami Trail in Section 36, Township 35 South, Range 17 East, along with application by Lester G. and Flora A. Schott to vacate said street. (Note: Documents recorded as S23-118; however, two proofs of publication, a location map, and the notice of vacation with Schedule A not microfilmed.)

Cortez Gardens, First Section - Petition of Harry C. Holleran, Fred Katz, and Dale G. Ives to vacate undeveloped 60th Street Court West, Cortez Road to 43rd Avenue West (denied 6/22/76)

Crestmoor Subdivision, 14th Avenue Drive West - Petition of Cliff W. and Ruth Lee McDonald to vacate the easement adjacent to Lot 16; Petition of James LeRoy Bode and Peggy Lynn Bode to vacate the easement adjacent to Lot 15 (deferred)

Glen Cove Heights - Petition of Robert D. Godwin, with various documentation, to vacate a portion of 46th Street Court East (withdrawn 3/7/78)

Palma Sola Gardens Subdivision - Petition of H. M. Dodson, Inc., to vacate Salvador Road (withdrawn 9/20/77)

Tamiami Farms - Petition of Jack E. and Mary M. Moorhead to vacate the plat (deferred pending filing of the final plat of La Mancha Subdivision)

carried unanimously.

76-S-5(P) CUTRONA SUBDIVISION
The Planning Commission recommended approval of preliminary plan for single family subdivision of 86 lots on 20.1 acres located on 43rd Ave. W. and Palma Sola Road.

During discussion, Board members expressed concern that the only apparent access to this subdivision was Palma Sola Road and its condition would not permit increase in traffic that would be generated by further development of the area. The Chairman stated that if there were no objections action would be deferred on this matter for one week so the developer could be approached on the possibility of participating with the County in improving Palma Sola Road. There were no objections.

75-S-15(F) WOODS OF WHITFIELD, SECTION I, WHITFIELD ESTATES
(John Benson, agent) -The Planning Commission recommended approval of final plat for single family subdivision (53 lots) on 16.8 acres m/l bordered on the south by Nickolson Avenue and on the west by 9th Street E.

Action was deferred on plat of Woods of Whitfield, Section I, until the developer installs the required permanent reference monuments.

CORTEZ GARDENS, FIRST SECTION: PETITION TO VACATE
Public hearing was opened to consider the petition of Harry C. Holleran and Fred Katz and Dale G. Ives to vacate a portion of CORTEZ GARDENS, FIRST SECTION. In the absence of Earl Cox, attorney for the petitioner, Attorney Lloyd Lyday requested, on behalf of Mr. Cox, that the public hearing be continued until such time as Mr. Cox brings the petition back to the Board. There were no objections, and the Chairman stated the public hearing would be continued as requested.

IDLEWILD COURT: PETITION TO VACATE
The Chairman declared public hearing open to consider the petition of Floyd and Marie Lovejoy and Albert and Nancy M. Baudrit to vacate a 20-foot radius of the cul-de-sac on Idlewild Court in Idlewild Court Subdivision. Lloyd Lyday, attorney, presented the petition, stating he had a letter of no objections from the County Engineer and a verbal approval from Manatee County Utilities System.

Public hearing was closed. Mr. Dierks made a motion that the petition to vacate the cul-de-sac on Idlewild Court be approved and granted subject to a letter from Manatee County Utilities System stating they have no objections.

DESOTO WATERFRONT LANDFILL
Bill Zoller, Zoller-Abbott Development Corporation, made a presentation on his proposal to the City of Bradenton to option, in joint venture with Turner Development Corporation, the DeSoto Waterfront Landfill, including the present site of the municipal auditorium, for a period of one year for $40,000, for the purpose of developing feasibility studies, economic analysis, planning studies, and a regional impact statement and all necessary documents to proceed with the development of the property. Mayor Leach and City Council had requested that this matter be brought before the County Commission before they make decision as to whether or not to enter into an agreement with the developers because of the stated interest on the part of the County to develop a civic center.

Present and making comments on the proposal were City of Bradenton

Robert Moon advised that the cost per front foot of Project No. 676 had been reviewed and the figure should be $12.89 instead of $15.91 as shown on the Assessment Roll and an amended Resolution would be necessary if the cost is to be adjusted.

Mr. Bourne pointed out that engineering and planning costs had never been included in the cost of participation projects and all costs should be considered in the final assessments (or total cost of the projects).

The Chairman advised Earl Cox, attorney for Holleran and Katz in petition to close a certain street in Cortez Gardens, Subdivision, that unless there were objections, action on this petition would be deferred until Commissioner McClure was present since this was in his district. There were no objections.

FLORIDA POWER & LIGHT COMPANY

Al Putnam came before the Board for the purpose of publicly clearing up any misinformation to show that the use of one percen sulfur content fuel at the Manatee plant (Florida Power & Light Company Willow site) will not have a significant impact, is in the best of the County and is in compliance with the Federal, State and local pollution codes. He requested that a letter be written to the Department of Environmental Regulations stating that the County Commissioners have no objections to a rule change, on which a hearing would be held in Sarasota on June 16, 1976, such change relating to existing or new source. If Florida Power & Light considered an existing source, they can comply with the one percent, if considered a new source under local code would have to burn .7 percent.

He introduced W. J. Farrell, who proceeded to made a presentation concerning economics vs. environment. In reviewing the applications by Florida Power & Light, he pointed out the disparity that if the plant had been permitted at the Port there would be no question of Florida Power & Light being an existing source. Application was made in 1970 for a plant at the Port (equipment ordered, delivered in 1971, and State turned down application in September, 1971); re-applied for present site in May 1972 and received permit June 1972. The Port plant site was turned down by the State under a water issue and not on an air issue. It would be up to Florida Power & Light to prove contractural obligation prior to 1974 in order to be considered an existing source, and by these facts they contended that it was an existing source.

Chairman Fortson stated that if there were no objections, the Board would request recommendations from the Air and Water Pollution Control Board before making a decision on submitting a letter of "no objections" to the rule change by the Department of Environmental Regulations. There were no objections.

PLANNING & DEVELOPMENT: AIR CONDITIONER REPAIRS

Motion was made by Mr. Dierks to waive the bid policy and authorize Don Everett to proceed with installation of an air conditioning unit in the Planning and Development to be provided by Lowes, Inc., low bid (quotation) $1,131.00. Motion was seconded by Mr. Hutches and carried unanimously. Motion included acceptance of low bid. (Other quotations submitted by Tom Brown Trane $1,359.00; Pearson Electric $1,487.50.)

GOVERNMENT CENTER STATUS REPORT

Bill Zoller (Zoller-Abbott, Planners/Architects) was present to submit and discuss the status of the Government Center. He said they were getting into the final schematic plans and will be discussing these with department heads; investigation being made as

contractors licenses "Limited".

Art Fischer, Bob Brown and Jake Walden (Planning & Development Department) outlined the proposed amendments

Those present to speak on endorsement of the amendments were:
Joe Fink, Gulf Coast Builders Exchange, Contractors Association of Sarasota and Manatee Counties;
*Bill Wilhoit, W. G. Mills Construction Company;
Mike Carter, Manasota Builders, American Buildings Company.

The Public Hearing was closed. The Chairman stated that if there were no objections by any of the Board members action would be deferred for one week for review, and possible revision, of that section of the Code concerning pre-fab metal buildings (requiring architect's seal on buildings 600 square feet or more in area, except farm buildings), and on Resolution on Class "C" Residential Contractors Licenses "Limited". There were no objections.

PALMETTO GROVE & GARDEN SUBDIVISION
PETITION TO VACATE

The Chairman declared public hearing open to consider the petition of Alton A. and Georgia E. McDonald to vacate a portion of a street in Palmetto Grove and Garden Subdivision.

Mr. Alton McDonald and John Manson, attorney for the petitioners, were present.

There were no objections and the public hearing was closed. Mr. McClure made a motion that the petition be approved. Motion was seconded by Mr. Hutches and carried unanimously.

EARTHMOVING AGREEMENT: SCHROEDER MANATEE, INC.

Motion was made by Mr. Burton that the Chairman be authorized to execute an agreement between Manatee County and Schroeder Manatee, Inc., for the County to excavate, load and remove shell and shell marl from the Schroeder property in consideration of $1.20 per truck load (.30 cu. yd.), and that the bid policy be waived because of the location of the barrow pit; that said agreement be executed by the Chairman after execution by the owner. Motion was seconded by Mr. Dierks and carried unanimously.

PITTSBURGH PARK SUBDIVISION

The Chairman stated that public hearing to consider the petition of Sydney Adler, Trustee, to vacate a portion of a street in Pittsburgh Park Subdivision was held and closed on June 15, 1976 and action was deferred until June 22, 1976.

William Fail was present representing the petitioner.

Mrs. Sams, Box 686, Oneco, protested the vacation of the street unless she was permitted access to her property by way of a private owned by the petitioner. Under discussion, the County Attorney was instructed to contact Mr. Adler to see if he would submit a legal document that would allow access for this property owner, for consideration by the Board.

There were no objections to this matter being deferred until June 29, 1976.

CORTEZ GARDENS SUBDIVISION: PETITION TO VACATE

The Chairman stated that public hearing to consider the petition of Harry C. Holleran, Fred Katz and Dale G. Ives to vacate a portion

*disagreed with requirement of architect's

on May 18, 1976 and of Cortez Gardens Subdivision was closed/on June 15, 1976 any action deferred until June 22, 1976, because of question by County Engineer.

Earl Cox, attorney for the petitioners, was present. Upon question, he said his clients could not dedicate right-of-way in another location in exchange for vacation of this dedicated street.

The County Engineer and the Planning and Development Department recommended denial of the request to vacate the street (undeveloped 60th Street Court West from Cortez Road to 43rd Avenue West).

Mr. McClure made a motion that the petition of Holleran, Katz and Ives be denied, based on the recommendation of the County Engineer. Motion was seconded by Mr. Dierks. Voting "Aye" were Mr. McClure, Mr. Dierks, Mr. Burton and Chairman Fortson. Mr. Hutches voted "No". Motion carried.

PETITION RECORDED Z26-91

VETERANS DAY SERVICES

Harold Rouse, Veterans Service Officer, representing the Veterans Legislative Committee, with Jim Wilder, representing Manatee County Historical Commission (parade plans), requested that a resolution be adopted in favor of all business establishments in Manatee County being closed on November 11, 1976 to honor Veterans Day and the 200th anniversary of our country.

Steve Albee, Chamber of Commerce, advised that the Chamber will encourage its members to honor the day.

There were no objections to instructing the County Attorney to draft a resolution to the effect that the Board encourages all businesses to close on Veterans Day.

MILTON ROY INDUSTRIAL BONDS

Steve Albee, advised that the Economic Development Committee of the Chamber of Commerce recommended that the Board of County Commissioners authorize the issuance of approximately $2.5 million in Industrial Revenue Bonds to sell for the purpose of expansion of the Milton Roy Company's opthalmic operations in Manatee County.

BI-COUNTY COMMISSION ON THE STATUS OF WOMEN: BUDGET REQUEST

Mrs. Marge Peters and Mrs. Marjorie Kinnan presented a tentative budget request for$300 for the Bi-County Commission on The Status of Women and gave a progress report on that Commission. The Chairman advised that the budget request would be accepted for consideration in the budget deliberations and that the County Attorney would research the legality of such request.

HOUSING AUTHORITY: HOUSING ASSISTANCE PAYMENTS PROGRAM

Al Kossa, Chairman of the Manatee County Housing Authority, requested that the Chairman of the Board be authorized to sign a letter to the Department of Housing and Urban Development recommending approval of the 4.6 FM proposal (rent subsidy program for existing housing).

Motion was made by Mr. Burton that the Chairman be authorized to sign the letter as requested by Mr. Kossa. Motion was seconded by Mr. Dierks and carried unanimously.

HOUSING AUTHORITY: HUD PROGRAMS

Mr. Burton made a motion that all housing projects involving federal funds be passed through the Housing Authority for review and recommendation to the Board. Motion was seconded by Mr. McClure and carried unanimously.

Public Hearing 5/13/76

Petition Denied
6/22/76
Zb 116

PETITION TO VACATE

TO THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Comes Now, the undersigned Petitioners, by and through their undersigned attorney, and respectfully submit this Petition and state:

1. That your Petitioners, Harry C. Holleran and Fred Katz, are the owners in fee simple to the following described real property:

> The West 60 feet of Block "A" of CORTEZ GARDENS, as per plat thereof recorded in Plat Book 6, page 76 of the Public Records of Manatee County, Florida.

and your Petitioner, Dale G. Ives, is the owner in fee simple to the following described real property:

> The East 250 feet of Block B, CORTEZ GARDENS, FIRST SECTION, as per plat thereof recorded in Plat Book 6, page 76 of the Public Records of Manatee County, Florida.

2. That there are no other person, persons, firms, associations or corporations who own any portion of said property.

3. That there are no delinquent taxes on said State and County upon the above described land.

4. That there are streets, roads, alleys, or ways, or portions thereof described as follows:

> Begin at SW corner of Block A, First Section, CORTEZ GARDENS as recorded in Plat Book 6, page 76 of Public Records of Manatee County, Florida; thence run, N 89° 51' W 50 feet to SE corner of Block B; thence run, North 197.5 feet to NE corner of Block B; thence run East 50 feet to NW corner of Block A; thence run, South 197.6 feet to Point of Beginning.

and which street, alleys, roads, or ways or portion or portions thereof just described has not been used by the public, and is not now being used by the public in any manner whatsoever, and said streets, roads, alleys or ways or portions thereof is sought to be closed and vacated and the rights of the public, and the County of Manatee, State of Florida, and in and to said streets, roads, alleys or ways or portions thereof discontinued and extinguished. The said streets, roads, alleys or ways or portion thereof herein sought to be closed serve no useful purpose. The closing, vacating and abandoning of said streets, roads, alleys or ways or portion or portions thereof will

94

Z 26-91

not adversely affect the ownership of persons owning other parts of said subdivision and will not adversely affect the public, or said County or State Road System or any road heretofore dedicated by virtue of said plat except the portion of streets, roads, alleys, or ways or portion or portions thereof sought to be vacated herein.

5. That since the above described property has been designated as a street, road, alley or ways or portion or portions thereof, there have been no County or State taxes assessed against such.

6. The vacation of streets, roads, alleys or ways or portion or portions thereof, above described will not adversely affect the ownership of or access to lands of others.

WHEREFORE, your Petitioners pray that the Board of County Commissioners of Manatee County, Florida, adopt a resolution vacating said streets, roads, alleys or ways or portion or portions thereof above described and return the land vacated to the abutting owners for the purposes of taxation.

HARRY C. HOLLERAN

FRED KATZ

DALE G. IVES

EARL COX, ATTORNEY
3102 Manatee Avenue West
Bradenton, Florida 33505
Attorney for Petitioners.

PETITION TO VACATE

~~Tabled~~ continued

TO THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:

Comes Now, the undersigned Petitioners, by and through their undersigned attorney, and respectfully submit this Petition and state:

1. That your Petitioners, Harry C. Holleran and Fred Katz, are the owners in fee simple to the following described real property:

> The West 60 feet of Block "A" of CORTEZ GARDENS, as per plat thereof recorded in Plat Book 8, page 76 of the Public Records of Manatee County, Florida.

and your Petitioner, Dale G. Ives, is the owner in fee simple to the following described real property:

> The East 250 feet of Block B, CORTEZ GARDENS, FIRST SECTION, as per plat thereof recorded in Plat Book 8, page 76 of the Public Records of Manatee County, Florida.

2. That there are no other person, persons, firms, associations or corporations who own any portion of said property.

3. That there are no delinquent taxes on said State and County upon the above described land.

4. That there are streets, roads, alleys, or ways, or portions thereof described as follows:

> Begin at SW corner of Block A, First Section, CORTEZ GARDENS as recorded in Plat Book 8, page 76 of Public Records of Manatee County, Florida; thence run, N 89° 51' W 50 feet to SE corner of Block B; thence run, North 197.5 feet to NE corner of Block B; thence run East 50 feet to NW corner of Block A; thence run, South 197.6 feet to Point of Beginning;

and which street, alleys, roads, or ways or portion or portions thereof just described has not been used by the public, and is not now being used by the public in any manner whatsoever, and said streets, roads, alleys or ways or portions thereof is sought to be closed and vacated and the rights of the public, and the County of Manatee, State of Florida, and in and to said streets, roads, alleys or ways or portions thereof discontinued and extinquished. The said streets, roads, alleys or ways or portion thereof herein sought to be closed serve no useful purpose. The closing, vacating and abandoning of said streets, roads, alleys or ways or portion or portions thereof will

Pending from 5/18/76

Public Hearing continued until Atty Earl Cof brings it back to the Board. He requested this. BW.

until [illegible] present

not adversely affect the ownership of persons owning other parts of said subdivision and will not adversely affect the public, or said County or State Road System or any road heretofore dedicated by virtue of said plat except the portion of streets, roads, alleys, or ways or portion or portions thereof sought to be vacated herein.

5. That since the above described property has been designated as a street, road, alley or ways or portion or portions thereof, there have been no County or State taxes assessed against such.

6. The vacation of streets, roads, alleys or ways or portion or portions thereof, above described will not adversely effect the ownership of or access to lands of others.

WHEREFORE, your Petitioners pray that the Board of County Commissioners of Manatee County, Florida, adopt a resolution vacating said streets, roads, alleys or ways or portion or portions thereof above described and return the land vacated to the abutting owners for the purposes of taxation.

Harry C. Holleran
HARRY C. HOLLERAN

Fred Katz
FRED KATZ

Dale G. Ives
DALE G. IVES

Earl Cox
EARL COX, ATTORNEY
3103 Manatee Avenue West
Bradenton, Florida 33505
Attorney for Petitioners.

VACATION NOTICE

Notice is hereby given that the Board of County Commissioners of Manatee County, with offices in the County Courthouse in Bradenton, Florida, upon notice and intent to apply for vacation by Harry C. Holleran, Fred Katz and Dale G. Ives, will be at 9:00 a.m. on May 18, 1976, hold a public hearing to consider vacating the following described property, to-wit:

> Begin at SW corner of Block A, First Section, CORTEZ GARDENS, as recorded in Plat Book 8, page 76 of the Public Records of Manatee County, Florida; thence run, N 89° 51' W 50 feet to SE corner of Block B; thencr run North 197.5 feet to NE corner of Block B; thence run East 50 feet to NW corner of Block A; thence run, South 197.6 feet to Point of Beginning.

All persons interested may appear and be heard at said hearing.

EARL COX, ATTORNEY
3103 Manatee Avenue West
Bradenton, Florida 33505

April 1, 1976
Bradenton, Florida

Mr. Harry C. Holleran
Bradenton, Florida 33505

Dear Mr. Holleran:

At your request, I have examined the record title to the following described property in Manatee County, Florida:

> The West 60 feet of Block A, of CORTEZ GARDENS as per plat thereof recorded in Plat Book 8, page 76 of the Public Records of Manatee County, Florida.

From the abstract examination, I find the title to the above described property to be vested in the names of Harry C. Holleran and Fred Katz, and that said title is a good and marketable title free and clear of all liens and encumbrances subject to the following:

TAX INFORMATION:

1. County taxes and City taxes through 1975 are paid.

2. There are no intangible taxes listed.

EXCEPTIONS:

1. Rights of persons in actual possession of the above described property, if other than the record title owners above named, will constitute clouds on the title. If any such persons are in possession thereof, information should be obtained as to the true exact nature of their right and claim on the property.

2. County restrictions and/or regulations.

3. Restrictions of record, if any.

4. Claim for work or material for any improvements upon said property, if any work has been done or any material furnished for any improvements within the last three (3) months.

5. Search under the Uniform Commercial Code is limited to presently effective financial statements filed in the office of the Clerk of the Circuit Court in and for Manatee County, Florida, under the names of apparent record title owners of the captioned property during their record ownership only, as of and since October 1, 1966. Financial statements and/or chattel mortgages that will become effective under the Uniform Commercial Code which does not describe the property as described in this caption of this abstracthave been omitted.

6. This opinion is based upon abstract No. 24588-1 of Lawyers' Title Services Inc. of Manatee County which includes all public records up and including January 9, 1973. No opinion is rendered as to records affecting said property filed subsequent to that date.

7. Easements and assessments of record, if any.

8. Questions about described boundaries, corners and location of improvements are engineering questions requiring the services of a surveyor. Having no such survey before me in this examination I render no opinion with reference to these matters.

Respectfully submitted,

EARL COX, ATTORNEY
3103 Manatee Avenue West
Bradenton, Florida 33505

April 1, 1976
Bradenton, Florida

Mr. Dale G. Ives
Bradenton, Florida 33505

Dear Mr. Ives:

At your request, I have examined the record title to the following described property in Manatee County, Florida:

> The East 250 feet of Block B, CORTEZ GARDENS, FIRST SECTION, as per plat thereof recorded in Plat Book 8, page 76 of the Public Records of Manatee County, Florida.

From the abstract examination, I find the title to the above described property to be vested in the name of Dale G. Ives and that said title is a good and marketable title free and clear of all liens and encumbrances subject to the following:

TAX INFORMATION:

1. County taxes and City taxes through 1975 are paid.

2. There are no intangible taxes listed.

EXCEPTIONS:

1. Rights of persons in actual possession of the above described property, if other than the record title owners above named, will constitute clouds on the title. If any such persons are in possession thereof, information should be obtained as to the true exact nature of their right and claim on the property.

2. County restrictions and/or regulations.

3. Restrictions of record, if any.

4. Claim for work or material for any improvements upon said property, if any work has been done or any material furnished for any improvements within the last three (3) months.

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6. This opinion is based upon the abstract solely. No opinion is rendered as to records affecting sai d property filed subsequent to the abstract.

7. Easements and assessments of record, if any.

8. Questions about boundaries, corners and location of improvement s are engineering questions requiring the services of a surveyor. Having no such survey before me in this examination I render no opinion with reference to these matters.

Respectfully submitted,

EARL COX, ATTORNEY
3103 Manatee Avenue West
Bradenton, Florida 33505

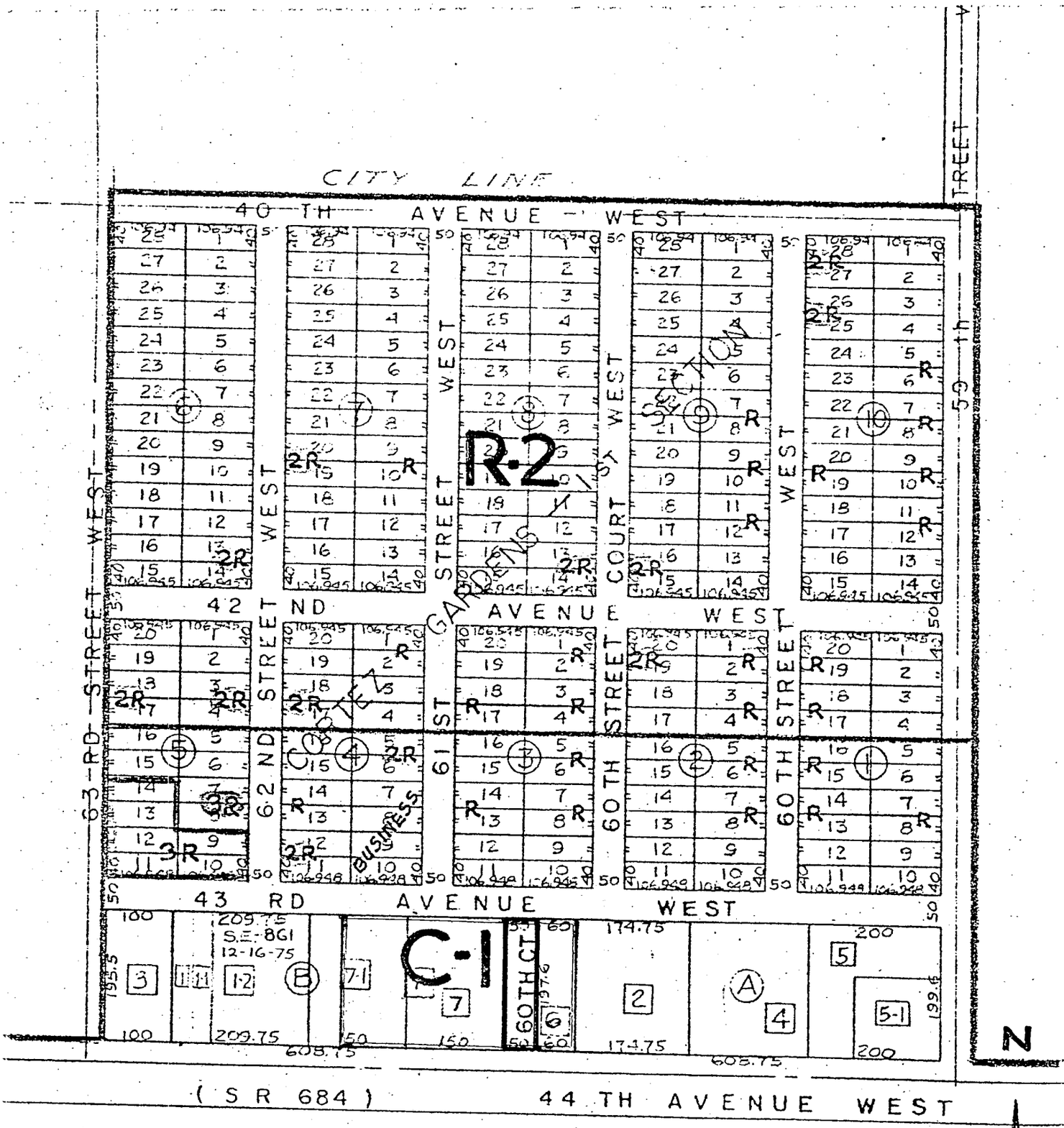
V/80/76

Harry C. Holleran Et Al

5-18-76

Cortez Gardens 1st Sec.

Mr. McClure



5B-N8

5-35-17 1"=200'

Public Hearing:
Petition of
Harry C. Holleran, Et al,
Vacate pt. Cortez Gardens
1st Section
(Earl Cox, attorney)