

**MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT	Elwood Park Plat Vacation	TYPE AGENCY ITEM	Consent
DATE REQUESTED	February 24, 1998	DATE SUBMITTED/REVISED	February 11, 1998
BRIEFINGS/WHO?	N/A	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Transportation/Land Acquisition	AUTHORIZED BY	Larry R. Mau, P.E. <i>Larry R. Mau</i>
CONTACT PERSON	Jim Staples	TITLE	Transportation Director
TELEPHONE/EXTENSION	5007	PRESENTER/TITLE	Jim Staples, Land Acquisition Manager <i>Jim Staples</i>
		TELEPHONE/EXTENSION	5007

ADMINISTRATIVE APPROVAL *[Signature]*

ACTION DESIRED
INDICATE WHETHER "REPORT" or "DISCUSSION," "FORM OF MOTION," or "OTHER ACTION REQUIRED"

Adoption of Resolution R-98-52-V declaring a public hearing to vacate a portion of the plat of Elwood Park to be held on March 24, 1998, at 9:00 a.m., or as soon thereafter as possible.

ENABLING/REGULATING AUTHORITY
Federal/State law(s), administrative ruling(s), Manatee County Comp. Plan/Land Development Code, ordinance, resolutions, policy, etc.

Continued on Page 2

BACKGROUND/DISCUSSION

Continued on Page 2

APPROVED IN OPEN SESSION
FEB 24 1998
BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? (Indicate "NO" or "YES" @ right. If "NO," proceed to 1) below; and if "YES," proceed to 2) below) No

1) IF "NO" TO ABOVE:

A) PLEASE EXPLAIN BELOW: (see also following section 1B) re: contract, agreement, lease, etc.

Procedure previously approved by the County Attorney's Office.

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT N/A

2) IF "YES" TO FIRST QUESTION IN THIS SECTION:

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED. IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY RECOMMENDATION THIS MATTER **MUST BE ATTACHED** (If comments were verbal, so indicate.)

ATTACHMENTS: (List in order as attached)	INSTRUCTIONS TO BOARD RECORDS:
1) Resolution R-98-52-V 2) Vacation Application w/Exhibits "A" & "B"	Return signed resolution to Land Acquisition, Transportation Department. <i>[Signature]</i>
COST: No cost to County	SOURCE (ACCT# & NAME) N/A
COMMENTS: N/A	AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT) N/A

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinance(s), resolutions, policy(s)

Land Development Code -

Chapter 2 - Section	201	Definitions - Subdivision
Chapter 9 - Sections	911.3	Regarding public hearing requirements on vacation of streets and transfer of plats as addressed
	911.3.1	Public hearing and notice

Florida Statute -

Section	177.101	Vacation and annulment of plats subdividing land
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BACKGROUND/DISCUSSION

- Mr. and Mrs. Noble wish to split two one-acre parcels off of their approximately ten acres of platted lots in Elwood Park Subdivision.
- The Land Development Code prohibits the splitting of a lot in a platted subdivision.
- This vacation request is to vacate the platted lots from the plat of Elwood Park to allow the splitting of the applicants' parcel.
- There were no objections from the reviewing agencies or departments.
- All costs will be borne by the applicants.

R-98-52-V
ELWOOD PARK PLAT VACATION

APPLICATION FOR THE VACATION OF CERTAIN
STREETS, ROADS OR OTHER APPROPRIATE PROPERTY

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

Ricky R. and Betty J. Noble, hereinafter referred to as the Applicant, respectfully submits the following:

1. The Applicant is the owner in fee simple of the record title to the real property located in Manatee County, Florida, described as follows:

The north ½ of Lots 53 and 54, Block 7, Elwood Park as per plat thereof recorded in Plat Book 2, Page 76, Public Records of Manatee County, Florida.

The Applicant hereby applies for the vacation of all that part or portion of the street, road or other appropriate property in an unincorporated area of Manatee County, Florida, described as follows:

The north ½ of Lots 53 and 54, Block 7, Elwood Park as per Plat thereof recorded in Plat Book 2, Page 76, Public Records of Manatee County, Florida.

3. No portion of the property described in Paragraph 2 hereof constitutes or was acquired for a state or federal highway, and the vacation thereof will not deprive any person, firm, corporation or other entity of the right to ingress and egress to the real property thereof.

4. The real property described in Paragraph 2 hereof is not subject to any delinquent or unpaid ad valorem taxes, special assessments or other improvement liens. If said property is subject to any mortgage or other encumbrance, the written consent and joinder to this Application by the owner and holder of said mortgage or other encumbrance is set forth at the end of this Application immediately following the execution hereof by the Applicant.

5. An Opinion of Title or Title Opinion by an attorney duly authorized to practice law in the State of Florida, an Ownership or Encumbrance Certificate by an abstract company, or a complete copy or photocopy of a Title Insurance Policy or Title Guarantee issued by a title insurance company or other organization duly authorized in the State of Florida to insure or guarantee title to real property covering all of the property described in Paragraph 1 hereof showing title thereto to be vested in the Applicant is attached hereto and made a part hereof as **Exhibit "A"**.

6. A copy of that portion of a subdivision plat recorded in a Plat Book among the Public Records of Manatee County, Florida, a survey by a land surveyor or professional engineer duly licensed in the State of Florida, or other appropriate map showing all of the real property described in paragraphs 1 and 2 hereof accurately designating the property sought to be vacated and the abutting or adjoining property of the Applicant is attached hereto and made a part hereof as **Exhibit "B"**.

7. The Applicant hereby specifically consents to the County of Manatee, Florida, various departments or agencies hereof, their employees or agents physically examining all of the real property described in Paragraphs 1 and 2 hereof, making inquiries concerning the validity and sufficiency of the exhibits attached hereto and obtaining such other information as may be necessary to assist the Board of County Commissioners in considering and acting upon this Application.

8. The applicant hereby understands that this application will be furnished to each of the following identified Reviewing Departments and Agencies: (submit only the original application)

- | | |
|--|---|
| I. Manatee County Government | II. Other Jurisdictions |
| 1. Transportation Department | 1. Electric Companies |
| a. Assistant Director | a. Florida Power & Light Co. |
| b. Engineering Division Manager | b. Peace River Electric Co-op |
| c. Highway Maintenance Manager | c. GTE Florida Incorporated |
| d. Storm Water Division Manager | 2. Cablevision Companies |
| e. Traffic Management Manager | a. Time Warner Communications |
| 2. Public Works Department | b. Comcast Cablevision |
| a. Utilities Engineer | c. U.S. Cable of Florida, Inc. |
| b. Water Section Manager | 3. Natural Gas Companies |
| c. Wastewater Section Manager | a. Peoples Gas System, Inc. |
| 3. Public Safety Department | b. Florida Gas Transmission |
| 4. Department of Parks, Recreation | 4. Sheriff's Department |
| and Cultural Services | 5. Fire District |
| 5. Planning Department | |
| a. Plans Implementation Administrator | |
| b. Growth Management Administrator | |
| 6. Building Department | |
| 7. Project Management Department | |

WHEREFORE THE PREMISES CONSIDERED, the Applicant respectively applies for

- A. The adoption of a Resolution by said Board of County Commissioners declaring that a public hearing will be held before said Board of County Commissioners in the Commissioners' Chambers on the 1st Floor of the Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida to consider the advisability of granting this Application and specifically setting forth the date and time thereof.

B. The adoption of a Resolution by said Board of County Commissioners subsequent to or at the conclusion of said public hearing granting this Application or some portion thereof, vacating, abandoning, discontinuing, closing, renouncing or disclaiming, as the case may be, the real property described in Paragraph 2 hereof and the interest of the County and the public therein, or for such other general relief as the Board of County Commissioners may deem appropriate.

**STATE OF FLORIDA
COUNTY OF MANATEE**

The undersigned Applicant, or where appropriate the undersigned officer of or attorney at law for the Applicant, having been first duly sworn deposes and says that the Applicant or said officer or attorney at law has read the foregoing Application and the exhibits attached thereof and knows the contents thereof, and that to the best knowledge and belief of said Applicant, officer or attorney at law, the matters and things set forth therein are true.

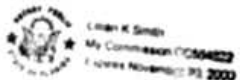
By executing this application, I acknowledge that I am familiar with the Rules of Procedure which apply to the boards or commissions which will act on my application and that I have read and understand such Rules of Procedure.

Sworn to and subscribed before me, this the 17th day of JULY, 1997 by rick Noble & Betty Noble, who is/are personally known to me or who has/have produced _____ as identification.

Lillian K. Smith
Notary Public

LILLIAN K. SMITH
Name Typed or Printed

Nov. 20, 2000
My Commission Expires



rick NOBLE / Betty Noble
Applicant Name (Print or Type)

rick Noble / Betty Noble
Signature of Applicant

3908-57th St E
Street Address

Bradenton FL 34208
City, State, Zip Code

941-746-0955
Telephone Number



D O C U M E N T

BARNES WALKER
CHARTERED
ATTORNEYS AT LAW

GARRET T. BARNES
ADRON H. WALKER

3119 MANATEE AVENUE WEST
BRADENTON, FLORIDA 34205
TELEPHONE (941) 741-8224
FACSIMILE (941) 741-8225

OF COUNSEL:
G.H. ZITZELSBERGER

January 14, 1998

Claude Tyler
Manatee County Public Works
4410 66th Street W.
Bradenton, FL 34209

Re: Status of Title Memorandum
Ricky R. and Betty J. Noble
Vacation of Real Property

Dear Claude:

This letter shall serve as a memorandum of status of title for the property known as follows:

The North 1/2 of Lots 53 and 54, Block 7, Elwood Park as per plat thereof recorded in Plat Book 2, Page 76, formerly known as New Home Development Company Combination Land recorded in Plat Book 2, Page 9, Public Records of Manatee County, Florida.

Title to the above described property is vested in Ricky R. Noble and Betty J. Noble, husband and wife.

The property is encumbered by a mortgage dated June 17, 1997 in favor of American Bank of Bradenton and recorded in O.R. Book 1522, Page 1631, and assigned to Inland Mortgage Corporation in O.R. Book 1522, Page 1637 of the Public Records of Manatee County, Florida. The property is also encumbered by water rights and a well as described in deed recorded in Deed Book 189, Page 431 of Public Records of Manatee County, Florida.

The taxes for the year 1997 have been paid and the D.P.# is 15370-0000-0.

A judgment search has been performed on Mr. and Mrs. Noble and nothing of record was found.

The effective day of this search is January 12, 1998 at 5:00 p.m.

This memorandum of status of title is not a guarantee of title but merely reflects the status of title as it existed on the above described date. This memorandum is to satisfy the requirements of the vacation that the owners have applied for.

Should you need anything, do not hesitate to call.

Sincerely,



Garret T. Barnes

cc: Ricky R. and Betty J. Noble
3908 51st Street E.
Bradenton, FL 34208

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R-98-52-V

ELWOOD PARK PLAT VACATION

COMMISSIONER:
JONATHAN BRUCE

SECTION: 04
TOWNSHIP: 35
RANGE: 18



LEGEND:
AREA TO BE VACATED.

