

MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT	Resolution R-10-101-V Tropicana Manufacturing Application to Vacate Certain Rights-of-Way of Record	TYPE AGENDA ITEM	Public Hearing (Motion for Continuance)
DATE REQUESTED	August 10, 2010	DATE SUBMITTED/REVISED	July 29, 2010
BRIEFINGS? Who?	N/A	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Property Management Department/Property Acquisition	AUTHORIZED BY TITLE	Charlie Bishop, Director Property Management Department
CONTACT PERSON TELEPHONE/EXTENSION	Lynn Willis 6287	PRESENTER/TITLE TELEPHONE/EXTENSION	Joaquin Servia, Division Manager Property Acquisition X3021
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Motion for Continuance of Public Hearing to November 9, 2010, at 9:00 a.m. for Adoption of Resolution R-10-101-V to vacate certain public rights-of-way.

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

Land Development Code: Chapter 9, Section 911.3, Public Hearing Requirements for Vacation of Streets, Roads and Other Appropriate Property.
Section 911.3.1, Public Hearing and Notice.
Florida Statute: Chapter 336, Sections 336.09, et seq., Closing and Abandonment of Roads

BACKGROUND/DISCUSSION

- On June 22, 2010 the BCC approved a Resolution R-10-100-V declaring a public hearing to consider an application to vacate certain public rights-of-way to be held on August 10, 2010.
- A written request has been made by the counsel for Tropicana Manufacturing Company, Inc. ("TMC") to ask the BCC for a Motion for Continuance of Public Hearing to November 9, 2010 from August 10, 2010. As previously stated in the agenda of June 22, 2010; with the exception of Florida Power & Light ("FPL"), private utility companies serving the County have provided letters of no objection to the proposed vacation. TMC and FPL are cooperatively addressing issues of concern and need further time to mutually reach a satisfactory solution to the issues.

COUNTY ATTORNEY REVIEW		APPROVED IN OPEN SESSION	
Check appropriate box			
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)	AUG 10 2010 BOARD OF COUNTY COMMISSIONERS MANATEE COUNTY, FLORIDA	
<input checked="" type="checkbox"/>	NOT REVIEWED (No apparent legal issues)		
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO)		
<input type="checkbox"/>	OTHER:		

ATTACHMENTS: (Listed in order attached) 1) Letter Requesting Continuance	INSTRUCTIONS TO BOARD RECORDS: Return any documentation to Property Management Department (8 th Floor, Admin. Building), attention Lynn Willis, for recording. ✓ 8/10/10 <i>LL</i>
COST: No cost to Manatee County	SOURCE (ACCT # & NAME): N/A
COMMENTS: N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT) N/A

MARYANN O. BOEHM+++
JASON M. DEPAOLA
CURTIS D. HAMLIN*
MARY R. HAWK+
TIMOTHY A. KNOWLES
GREGORY J. PORGES++
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STEVEN W. PROUTY
JESSE M. TILDEN

OF COUNSEL:
SHELLY A. GALLAGHER
ALAN H. PRATHER**



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* BOARD CERTIFIED REAL ESTATE LAWYER
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July 29, 2010

RECEIVED

JUL 29 2010

PROPERTY ACQUISITION
DIVISION

Manatee County Board of
County Commissioners
1112 Manatee Avenue West
Bradenton, FL 34205

Attn: Ms. Lynn Willis
Real Property Specialist
Property Acquisition Division
Manatee County Property Mgmt. Dept

RE: Tropicana Manufacturing Company, Inc. –
Application to Vacate Rights-of-Way in Public Easements,
Application File No. 08-347;
Request for Continuation of Public Hearing

Dear Chairman & Members of the Board of County Commissioners:

I represent Tropicana Manufacturing Company, Inc. regarding the Application to Vacate Rights-of-Way filed with Manatee County addressing the vacation of certain portions of 12th Street Count East and 13th Avenue East as set forth in the referenced Application. I have been authorized to communicate with the Board regarding Tropicana's desire and request to continue the public hearing on this matter scheduled for August 10th, 2010 until November 9, 2010.

Tropicana is requesting the continuance in order to allow further time for Tropicana and Florida Power & Light (FP&L) to cooperatively address issues of concern on the part of FP&L as it relates to the location of poles and electric lines within the proximity of portions of the right-of-way being addressed in the Application. It is the intent of Tropicana and FP&L to arrive at a mutually satisfactory solution to the issues but further time is necessary in order to allow that process.

On behalf of Tropicana, I appreciate the Board's consideration of this matter and if you have any questions or need additional information on this matter, please do not hesitate to contact me.

Very truly yours



Alan H. Prather, Esq.

Email: ahp@phkplaw.com

AHP:jms

cc: Steven J. Lezman,
Director, Government Affairs
Tropicana Manufacturing Company

Mark L. Byers,
West Area Real Estate Mgr.
FP&L

To: lynn.willis@mymanatee.org

Subject: BCC Mtg. - 8/10/10 - Item 38

Attachments: BC20100810DOCA38.PDF

Hi Lynn,

Attached is a stamped approved agenda memo on Item 38 re approval for continuance of p/hrg on R-10-101-V, approved by BCC on 8/10/10.

Robin Liberty

Clerk of Circuit Court

Board Records Dept.

(941) 749-1800, Ext. 4178

FAX: (941) 741-4089

robin.liberty@manateeclerk.com