

R-10-177-V

**RESOLUTION DECLARING A PUBLIC HEARING TO CONSIDER
AN APPLICATION TO VACATE A STREET, ALLEYWAY, ROAD OR HIGHWAY
PURSUANT TO SECTIONS 336.09, ET SEQ., FLORIDA STATUTES, AND
SECTION 911, LAND DEVELOPMENT CODE, MANATEE COUNTY, FLORIDA**

WHEREAS, an application has been filed before the Board of County Commissioners of Manatee County (the "Board"), Florida, to renounce and disclaim any right of the County and public in land acquired for a street, alleyway, road or highway. Said application being made by JoAnne G. Tobias (the "Applicant"), and

WHEREAS, said application has been found, upon review by the County Attorney's Office, to be legally sufficient and of sufficient form for presentation to and action by the Board, and

WHEREAS, the Applicant seeks the vacation of property located in an unincorporated area of Manatee County, Florida, and described as follows:

A PORTION OF VIRGINIA AVENUE, WINTER GARDEN, UNIT 4 AS RECORDED IN PLAT BOOK 6, PAGE 29 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND LYING IN SECTION 24, TOWNSHIP 35 SOUTH, RANGE 17 EAST, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

THAT PORTION OF VIRGINIA AVENUE RIGHT-OF-WAY BEING 25 FEET IN WIDTH AND LYING WESTERLY OF THE WESTERLY EXTENSIONS OF THE NORTHERLY AND SOUTHERLY BOUNDARY LINES OF LOT 1, BLOCK 1A OF WINTER GARDENS, 4TH UNIT; AND COINCIDENT WITH THE WESTERLY BOUNDARY LINE OF SAID LOT 1, AND BEING COINCIDENT WITH THE EASTERLY BOUNDARY LINE OF COUNTRY CLUB ADDITION TO WHITFIELD ESTATES AS RECORDED IN PLAT BOOK 7, PAGE 82 OF SAID PUBLIC RECORDS. CONTAINING 3,042 SF, MORE OR LESS.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, that a public hearing will be held before the Board in the **Commissioners' Chambers on the 1st 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 the **14th day of December 2010** to consider the advisability of granting said application, or some portion thereof. All interested persons, firms, corporations or other entities and organizations shall govern themselves accordingly.

In accordance with Section 286.0106, Florida Statutes, any person desiring to appeal a decision made with respect to any matter considered at this hearing, that person will need a record of the proceedings, and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

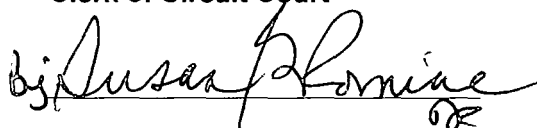
Rules of procedure for this public hearing are in effect pursuant to Resolution 94-90. Copies of this Resolution are available for review at the Citizens Action Center on the ninth floor of the County Administration Building, 1112 Manatee Avenue West, Bradenton, Florida, and are available for purchase, at cost, at the County Administrator's Office.

DULY ADOPTED, with a quorum present and voting, this 9th day of November 2010.

**BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**

BY: 
Chairman

ATTEST: **R.B. SHORE**
Clerk of Circuit Court





**MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT	Resolution R-10-177-V; JoAnne G. Tobias, Virginia Avenue Street/Alleyway Vacation	TYPE AGENDA ITEM	Consent (Declaring a Public Hearing)
DATE REQUESTED	November 9, 2010	DATE SUBMITTED/REVISED	October 21, 2010
BRIEFINGS? Who?	N/A	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Property Management Department	AUTHORIZED BY TITLE	Charlie Bishop, Director <i>CHB</i> Property Management Department
CONTACT PERSON TELEPHONE/EXTENSION	Lynn Willis 6287	PRESENTER/TITLE TELEPHONE/EXTENSION	Joaquin Servia, Division Manager Property Acquisition 3021 <i>J. Servia</i>
ADMINISTRATIVE APPROVAL			

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
Adoption of Resolution R-10-177-V declaring a public hearing for the purpose of considering acting upon an application to vacate certain unimproved rights of way in the Winter Garden subdivision to be held on December 14, 2010, at 9:00 a.m., or as soon thereafter as same may be heard and waive vacation application fee and related expenses.

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
BACKGROUND AND DESCRIPTION: Jo Anne G. Tobias, owner of Lots 1, 2, and 3, Block 1A, Winter Garden, Unit 1, as recorded in Plat Book 6, Page 29, is seeking the vacation of a 3,402 square foot, 25-foot wide platted road right of way. The portion to be vacated runs along the west side of Lot 1; and is located at 506 65 th Avenue East in Section 24, Township 35 South, Range 17, East. The property is identified on the county tax roll as Parcel ID# 65781.0000/7.
PURPOSE OF REQUEST: The applicant is seeking to vacate a 25-foot road right of way in order to provide additional property for storage of personal property.
COUNTY AND UTILITY COMPANY REVIEW: Appropriate County departments, agencies, and utility companies have reviewed the subject application. No relevant objection to the requested vacation action was noted; with the exception CAO who advises against the vacation. The CAO would argue that the right of way does serve a public purpose and would continue to do so in the future. In the event of a severe storm or emergency, the alleyway does not provide enough room for repair trucks to maneuver. The only viable access to this area is through the right of way. Also, Florida Power and Bright House have utilities in the subject area and will require utility easements for maintenance and access.
FISCAL IMPACT: All expenses associated with the subject application, its approval and recording will be borne by the County per letter to owner attached from County Administrator.
RECOMMENDATION: All conditions precedent and necessary to vacate the subject easement have been satisfied. The vacation application complies with the minimum technical requirements of the County's Land Development Code and pertinent Florida statutes. The adoption of R-10-177-V, a resolution declaring a public hearing for the purpose of considering and acting upon an application pursuant to Sections 336.09, et seq., Florida Statutes, is recommended.

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input checked="" type="checkbox"/> Attached Memorandum dated May 1, 2009 <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input 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)	INSTRUCTIONS TO BOARD RECORDS:
1) Resolution R-10-177-V 2) CAO Memorandum dated 5/1/2009 3) Vacation Application 4) Letter to Owner from CAO 5) Location Map	Please return copy of executed documents to Lynn Willis, Property Management, Property Acquisition Division. CCC Charge Account # AR 300005 Property Acquisition Division
COST:	SOURCE (ACCT # & NAME):
\$300	N/A
COMMENTS:	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)
N/A	N/A



Office of the
**MANATEE COUNTY
ATTORNEY**

Tedd N. Williams, Jr., County Attorney

James A. Minix, Chief Deputy County Attorney
Maureen S. Sikora, Deputy County Attorney*
Robert M. Eschenfelder, Deputy County Attorney
Rodney C. Wade, Deputy County Attorney*
William E. Clague, Deputy County Attorney
James R. Cooney, Deputy County Attorney
Sarah A. Schenk, Deputy County Attorney*

MEMORANDUM

DATE: May 1, 2009

TO: Ron Schulhofer, Director, Public Works Department

THRU: Tedd N. Williams, Jr., County Attorney *JWT 5/1/09*

FROM: Rodney C. Wade, Assistant County Attorney *Rodney C. Wade*

RE: **County-Initiated Vacation of Platted ROW –
Winter Gardens, Unit 4 (Tobias)
RLS-07-328; Received July 31, 2007; CAO File – 1148-231**

You requested the County Attorney's Office assistance in evaluating whether or not the County can vacate a right-of-way without authorization by the Board of County Commissioners and whether or not the County would need to obtain certain easements before the vacation could be effectuated.

ISSUE PRESENTED & BRIEF ANSWER:

May the County vacate a right-of-way that is dedicated by plat for public purpose? As stated in our response to RLS 06-371, under Florida Statutes § 177.101(3), a county may not on its own motion vacate easements or right-of-ways that are dedicated by plats for a public purpose but must act upon the application of fee simple title land owners of the whole or that part of the tract covered by the plat sought to be vacated. However, pursuant to Florida Statutes § 336.09(1)(c), a county may renounce and disclaim any right of the county and the public in and to land delineated on any recorded map or plat as a street, alleyway, road, or highway, other than land constituting, or acquired for a state or federal highway. In effect, in many circumstances that which cannot be accomplished under § 177.101(3) can be accomplished under § 336.09(1)(c).

FACTS:

This matter involves property located at 506 65th Avenue East owned by Jo Anne G. Tobias as indicated by the County tax roll. In May 2007, Ed Hunzeker, Dan Schlandt and Sia Mollanazar from the County, held a meeting with Ms. Tobias and Christopher Morrow to discuss drainage issues related to her

* Board Certified City, County & Local Government Law

Ron Schulhofer, Director
Public Works Department
May 1, 2009
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property. It was at this meeting that Mr. Hunzeker promised that the County would initiate a vacation of the adjacent public right-of-way at no cost to the property owner as the County had no plans to use the right-of-way.

The right-of-way, located west of the Tobias property, was dedicated by the plat of Winter Gardens, 4th and 5th Units (Plat Book 6, Page29); and is not maintained by the County. It contains a private utility pole utilized by FPL, Bright House and possibly Verizon. The right-of-way terminates to the south at the northern boundary of the Kimmick Subdivision and a property owned by Rodrigo Cruz (705 Winter Garden Drive). (See attached diagram).

As indicated in the attached diagram, an alleyway is connected to the right-of-way at its southern border and runs along the southern end of the Tobias property creating an L-shaped land mass. The alleyway houses the County water line servicing the two subdivisions as well as housing other private utility lines.

DISCUSSION:

A county on its own motion may not vacate easements or rights-of-way that are dedicated by plat for a public purpose but must act upon the application of fee simple title land owners of the whole or that part of the tract covered by the plat sought to be vacated. Florida Statutes § 177.101(3), and AGO 2005-11 (February 9, 2005).

Under Florida Statutes § 336.01(1)(c), the commissioners with respect to property under their control may, at their discretion and upon their own motion or upon the request of any agency of the state or the federal government or upon the petition of any person or persons, renounce or 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. *Sun Oil Company v. Gerstein*, 206 So.2d 439 (Fla. 3rd DCA 1968). The authority of a county to vacate any platted right-of-way as a county road for public use upon its own motion was upheld in the case of *Ecological Development Inc. v. Walton County*, 558 So.2d 1069 (Fla. 1st DCA 1990), *see also, Pinellas County v. Austin*, 323 So.2d 6 (Fla. 2d DCA 1975).

Public places and rights-of-way are held in trust by the authorities for the benefit of the public to be used for public purpose; however, this public trust concept does not prevent the abandonment, vacation, or discontinuance of streets when done in the interest of general welfare. The fact that the title to the public place vacated in the interest of the general welfare or discontinued may revert to the adjacent land owner is of no consequence if power to vacate is present and such power is lawfully exercised. *Sun Oil Company v. Gerstein*, supra.

No particular application is necessary, and no participation by adjacent property owners is required. It is necessary to comply with the provisions of Florida Statute § 336.09 calling for the commission to adopt a resolution declaring that at a definite time and place, a public hearing will be held to consider the advisability of exercising the authority granted in § 336.09. Section 336.10 requires a public hearing. *Central and Southern Florida Flood Control District v. Scott*, 169 So.2d 368 (Fla. 2d

Ron Schulhofer, Director
Public Works Department
May 1, 2009
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DCA 1964). In the case of *Ecological Development, Inc. v. Walton County*, supra, it was stated the county must follow the abandonment procedures set forth in Section 336.10, Florida Statutes.

Both the alleyway and the right-of-way house several public utilities. As noted on the attached diagram, the Manatee County water line servicing the Kimmick and Winter Gardens subdivisions is located in the alleyway and a utility pole utilized by Bright House, FPL and possibly Verizon is located within the right-of-way.

A site visit revealed that the right-of-way provides sufficient room to allow large utility vehicles to turn around and exit the area upon completion of work. The utility pole does not hinder the vehicles' ability to maneuver. However, the alleyway is only 20 feet wide, congested by overgrowth, and has been turned into a storage area for residents' boats and trailers making it impossible for utility trucks to use it when accessing the area.

While the County does have the authority to vacate this property on its initiative according to Florida Statute § 336.01(1)(c), this office would advise against it. We would argue that the right-of-way does serve a public purpose and would continue to do so in the future. In the event of a severe storm or emergency, the alleyway does not provide enough room for repair trucks to maneuver. The only viable access to this area is through the right-of-way.

However, the ultimate decision on whether to vacate the right-of-way to Ms. Tobias lies with the Board of County Commissioners. In the event vacation procedures continue, this office would request the opportunity to review and comment on any easement or agreement proposed to any utility company or property owner regarding this matter. All easements and/or agreements would need to be drafted by the County. Utilizing forms of other entities is not a recommended business practice. This completes my response to your Request for Legal Services. Please contact me if you have any questions or if I can be of further assistance.

RCW/pan

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cc: Ed Hunzeker, County Administrator
Jim Staples, Director, Property Management Department

PROPOSED ROW VACATION

(Adjacent to 506 65th Avenue East)
Section 24, Township 35 South, Range 17 East
District 4 - COMMISSIONER RON GETMAN

STERLING LAKE

WINTER GARDENS - UNIT 3

5th Street East
15' Public Drainage Esmt.

15' Private Drainage Easement

65th Avenue East

WHITFIELD ESTATES
COUNTRY CLUB ADDITION

#506

WINTER GARDENS - UNIT 4

Area of
Proposed
Vacation
(25' Wide)

Utility Pole

20' Wide Alleyway

Secondary
Access

20' public
Utility Easement

20'

KIMMICK SUBDIVISION
(REPLAT OF WINTER GARDENS - UNIT 4)



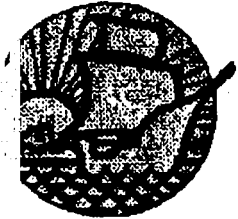
Winter Garden Drive

LEGEND

	Area Proposed
	Area Requested
	County Waterline
	Water Valve
	Sewer Manhole
	Pvt. O/H Utilities (Per Survey)

0 25 50 100 150 200 Feet





**MANATEE COUNTY
GOVERNMENT**
OFFICE OF THE COUNTY ADMINISTRATOR
"To Serve with Excellence"

May 23, 2007

Mr. and Mrs. Chris Morrow
506 65th Avenue E.
Bradenton, FL 34203

RECEIVED

MAY 29 2007
LAND ACQUISITION
DIVISION

Dear Mr. and Mrs. Morrow,

It was a pleasure meeting with you at your home on May 9th 2007. At this meeting, also attended by Sia Mollanazar and Dan Schlandt from the County, we discussed the drainage history around your street, your residence and adjacent areas.

From our discussion, I learned that public road drainage accumulates in front of your residence and during heavy rains will inundate your front yard. While local government cannot remedy every historical drainage problem, in some cases we can minimize adverse impacts to private property and public infrastructures to the extent practical.

Knowing that county staff and you have spent considerable effort and resources to remedy some of the issues we discussed and to resolve this matter to the extent practical, the county proposes the following:

- 1- Manatee County will pipe the existing ditch in the right-of-way in front of your residence.
- 2- Manatee County will reconstruct the wooden drain box you built in the right-of-way next to your driveway using concrete to replace the wood.
- 3- **Manatee County will initiate the vacation of the county right-of-way adjacent to your residence.**

These items will be initiated by Manatee County at no cost to you. Although these actions should significantly improve the drainage around your home, it will not prevent stormwater runoff from entering your yard during extreme rainfall events.

The County has no plans to utilize, nor are there any public infrastructures within the unconstructed road right-of-way adjacent to your property **County staff will initiate the vacation process, however, the decision as to whether to approve or deny the vacation will be determined by the Board of County Commissioners at an advertised Public**

Mr. & Mrs. Chris Morrow
May 23, 2007
Page Two

Hearing. As part of our vacation process, surrounding homeowners and private utility companies are contacted to provide objection or no/objection letters. Signs will be posted on the property announcing the public hearing date and place. There is no guarantee that the vacation will be approved by the Board of County Commissioners.

We also discussed many other issues related to drainage and development in the areas surrounding your neighborhood. Many of these issues are long-standing issues that will not be addressed by the county. We have focused our efforts on doing what we are able to do to assist you in the drainage issues directly affecting your home.

Thank you for your time and the hospitality that you extended to me and my staff.

Sincerely,



Ed Hunzeker
County Administrator

Copies to Mr. Ron Schulhofer, Interim Director, Transportation Department
Mr. Sia Mollanazar, Manatee County Transportation Department
Mr. Jim Staples, Manatee County Land Acquisition



APPLICATION FOR VACATING

CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY

Application is hereby made to the Board of County Commissioners, Manatee County, Florida, to vacate county and public interests in property specifically identified herein.

APPLICANT:

List names of ALL fee owners of record

Jo Anne G. Tobias

PROPERTY OWNER CONTACT INFORMATION (enter information for primary contact only):

STREET ADDRESS:

506 65th Avenue East

CITY, STATE, ZIP CODE:

Bradenton, FL 34203

DAYTIME TELEPHONE:

FAX:

E-MAIL:

SPECIFIC PROPERTY INFORMATION:

PROPERTY TO BE VACATED
Mark all that apply

Improved Street/Roadway

Deeded Property/Easement (provide copy of original document)

Maintained Right-of-Way

Property Dedicated by Plat (e.g.: tract, lot, easement, right-of-way)

Other (explain):

LEGAL DESCRIPTION OF PROPERTY TO BE VACATED (attach detailed sketch or survey):

If additional space is needed, attach separate page and identify as EXHIBIT "A"

See EXHIBIT "A" attached

LEGAL DESCRIPTION OF THE PARENT TRACT (attach sketch or survey that references area to be vacated):

If additional space is needed, attach separate page and identify as EXHIBIT "B"

Lots 1, 2, and 3, Block 1A, Winter Gardens, Unit 4, as per plat thereof recorded in Plat Book 6, Page 29, Public Records of Manatee County, Florida.

LOCATION REFERENCES

Street Address of Property to be Vacated:

Adj. to 506 65th Avenue East

Section(s):

24

Township:

35 So.

Range:

17 E.

Parcel ID #(s):

65781.0000/7

SPECIFIC PURPOSE AND JUSTIFICATION FOR THIS REQUEST (required):

If additional space is needed, attach separate labeled page

Seeking additional property for storage of personal property.

Was vacation action recommended? Yes No

If "Yes", by whom:

Have site plans been reviewed by the Planning and/or Building Departments? Yes No N/A

If you answered "Yes" to the above, please provide the following:

• Name of assisting department representative:

• Has building permit application been filed? Yes No

If "Yes", date filed:

#:

If application qualifies, is an administrative variance preferred in lieu of a vacation action? Yes No

APPLICANT REPRESENTATIVE:

NAME OF REPRESENTATIVE:

N/A

NAME OF REPRESENTING FIRM:

STREET ADDRESS:

CITY, STATE, ZIP CODE:

TELEPHONE:

FAX:

E-MAIL:

**STATE OF FLORIDA
COUNTY OF MANATEE**

The Applicant or Attorney in Fact for the Applicant declares or affirms that:

- The Applicant is the fee owner of the property upon which a vacation action is being requested, and that said property is not subject to any delinquent or unpaid ad valorem taxes, special assessments, or other improvement liens.
- No portion of the property to be vacated constitutes or was acquired for a state or federal highway, nor will the vacation of said property deprive any entity of its legal rights, as a property owner, in adjacent or nearby properties.
- It understands that the County of Manatee, Florida, its Board of County Commissioners, reviewing agencies, and its employees or agents will not assume responsibility or liability for any matter that is the responsibility of the Applicant.
- In making application, the Applicant specifically consents to the physical inspection of the properties described herein, the validating of the information attached hereto, and the providing of such additional information as may be deemed necessary to assist the Board of County Commissioners in its consideration of and acting upon the requested action.
- It releases Manatee County from any and all claims or damages that may result from the existence of an encroachment.
- It understands a vacation of public property may affect substantial interests in real property and other proprietary rights.
- It will assume full and complete responsibility for compliance with the requirements of law and all procedures arising out of any vacation proceedings instituted by or on behalf of the Applicant.
- It understands that the application fee is not refundable in the event the application is withdrawn, canceled or denied.
- The undersigned, having been duly sworn, deposes and says that it has read the foregoing application and attachments thereto, knows the contents thereof, and that the matters and information set forth therein are true and correct.

WITNESSES (an Applicant may not act as a Witness for another):

[Signature]
SIGNATURE OF WITNESS
Cecilia Regina Garcia
PRINTED NAME

[Signature]
SIGNATURE OF WITNESS
Eska L. Bowen
PRINTED NAME

SIGNATURE OF WITNESS

PRINTED NAME

SIGNATURE OF WITNESS

PRINTED NAME

SIGNATURE OF WITNESS

PRINTED NAME

SIGNATURE OF WITNESS

PRINTED NAME

Two witnesses to each Applicant signature are required

APPLICANT: _____
ENTER NAME IF OTHER THAN AN INDIVIDUAL PERSON OR PERSONS

[Signature]
SIGNATURE OF APPLICANT OR AUTHORIZED INDIVIDUAL (see note below)
Jo Anne G. Tobias
PRINTED NAME (include title of authorized individual) STATE OF REGISTRY
506 65th Avenue East
MAILING ADDRESS (of authorized individual)
Bradenton, FL 34206
CITY, STATE, ZIP CODE

TELEPHONE _____ FAX _____

NOTE: Only an authorized individual (e.g., officer, general partner, manager) may sign on behalf of an entity other than an individual person or persons. The title of the signing individual and entity's state of registry must be identified above.

SIGNATURE OF OTHER PARTICIPANT (i.e., other owner of record)

PRINTED NAME

Attach additional signature pages as needed

ATTORNEY'S SIGNATURE

PRINTED NAME

NAME OF FIRM

MAILING ADDRESS

CITY, STATE, ZIP CODE
TELEPHONE _____ FAX _____

The foregoing instrument was acknowledged before me this the 14th day of September 2007
by Joanne G. Tobias who is/are
personally known to me or has/have produced Florida Drivers License as identification.



[Signature]
NOTARY'S SIGNATURE
Sharon L Spaulding
PRINTED NAME

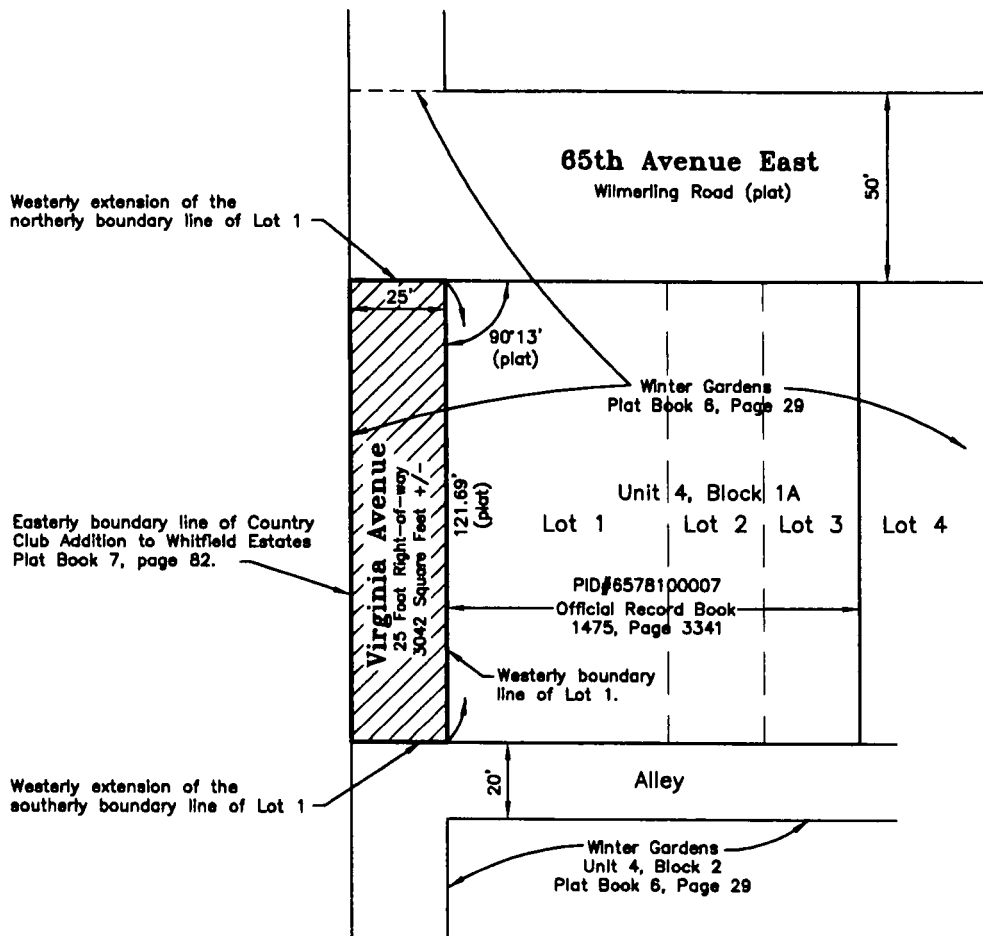
Description and Sketch

(NOT A SURVEY)

DESCRIPTION: A portion of Virginia Avenue, WINTER GARDEN, UNIT 4 as recorded in Plat Book 6, Page 29 of the Public Records of Manatee County, Florida and lying in Section 24, Township 35 South, Range 17 East, being more specifically described as follows:

That portion of Virginia Avenue right-of-way being 25 feet in width and lying westerly of the westerly extensions of the northerly and southerly boundary lines of Lot 1, Block 1A of said WINTER GARDENS, 4TH UNIT. and coincident with the westerly boundary line of said Lot 1, and being coincident with the easterly boundary line of COUNTRY CLUB ADDITION TO WHITFIELD ESTATES as recorded in Plat Book 7, Page 82 of said Public Records.

Containing 3,042 Square Feet, more or less.




NOTES:

1. This description and sketch does not certify or warranty: title, zoning, easements, or freedom of encumbrances.
2. No instruments of record reflecting easements, rights-of-way and/or ownership are known by, or were furnished except as shown hereon.
3. Not valid without the signature and original raised seal of a Florida licensed surveyor & mapper..
4. This Description and Sketch used information from the plat of Winter Gardens 4th and 5th Units, A Subdivision recorded in Plat Book 6, Page 29 of the Public Records of Manatee County, Florida.



MANATEE COUNTY
PROPERTY MANAGEMENT - SURVEY DIVISION



1112 MANATEE AVENUE WEST
BRADENTON, FLORIDA, 34205,
(941)748-4501

Todd E. Boyle
Todd E. Boyle, RSM
 Registered Surveyor & Mapper, 6047

08/12/10
DATE

POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 POT = POINT OF TERMINUS
 PC = POINT OF CURVATURE
 PT = POINT OF TANGENCY
 PCC = POINT OF COMPOUND CURVATURE
 PRC = POINT OF REVERSE CURVATURE
 Sec = SECTION
 Twn = TOWNSHIP
 Rng = RANGE
 ORB = OFFICIAL RECORDS BOOK
 PID = PARCEL IDENTIFICATION NUMBER

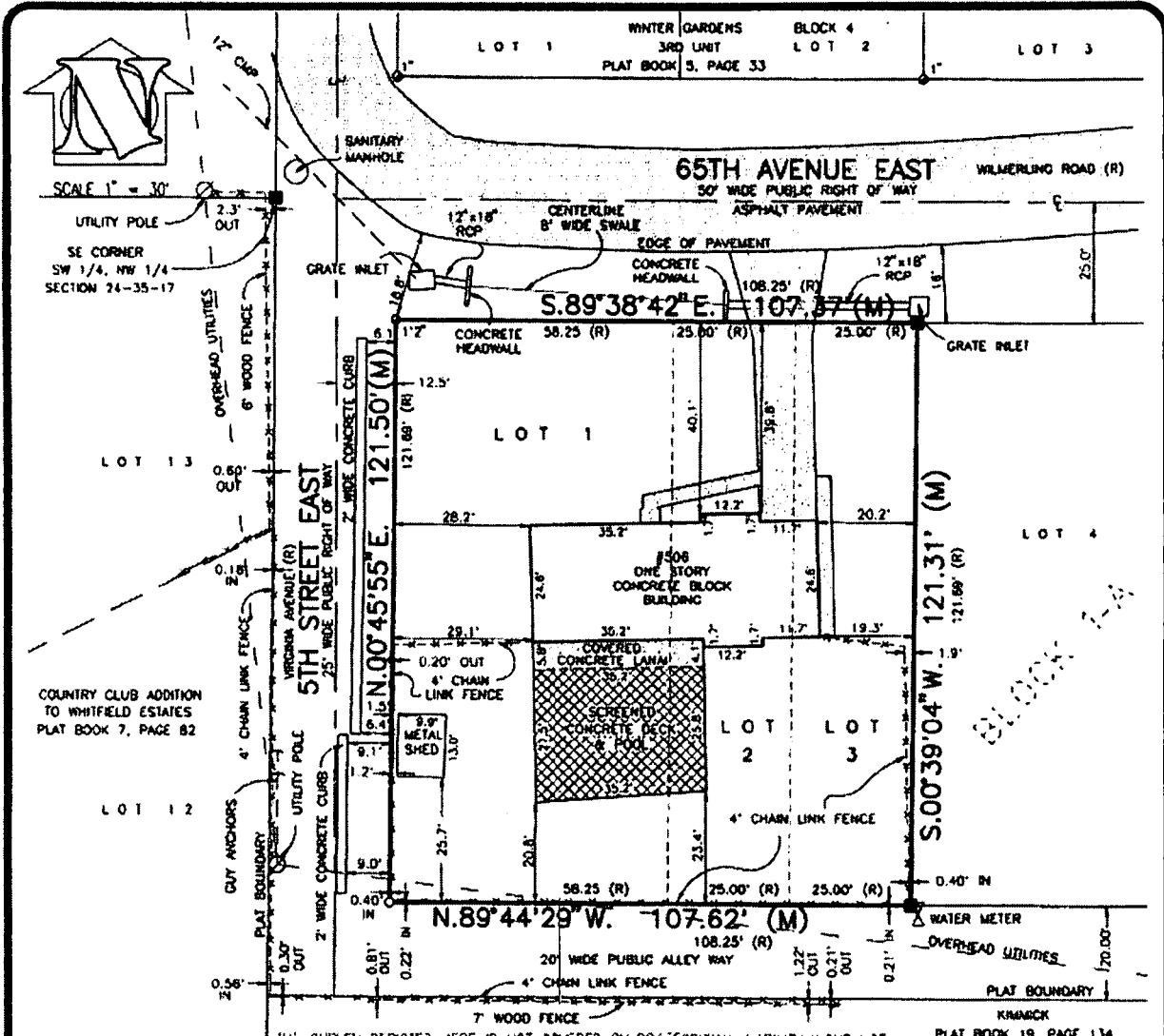
Scale: NOT TO SCALE

Project / Job Number:
20101831

Sheet: 1 of 1

Section 24, Township 35
South, Range 17 East

DWG Date: Aug 9, 2010



THIS SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE

NOTES : BEARINGS AND DISTANCES SHOWN HEREON DO NOT VARY FROM RECORDED DISTANCES UNLESS OTHERWISE INDICATED.
 THE LOCATION AND EXISTENCE OF UNDERGROUND UTILITIES UNDERGROUND FOUNDATIONS OR ANY OTHER PERTINENT ATTRIBUTES TO SUBJECT PROPERTY (IF ANY) NOT ABSTRACTED AS PART OF THIS SURVEY, EXCEPT AS SHOWN.
 BEARINGS SHOWN HEREON ARE BASED ON A LINE IDENTIFIED ON THIS SKETCH.
 THIS SKETCH REPRESENTS A...
 SUBJECT LAND LIES IN ZONE(S) "C" AS PER THE FEDERAL INSURANCE RATE MAP (FIRM) COMMUNITY-PANEL NUMBER 120153 0341 B , LAST REVISED 03 15 1984

BOUNDARY SURVEY OF:
 LOTS 1, 2 AND 3, BLOCK 1-A OF WINTER GARDENS UNIT #4, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6 PAGE 29 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

(SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD)

I, KENNETH R. PALMER, HEREBY CERTIFY THAT THIS SKETCH OR THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING BY THE STATE OF FLORIDA AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES AND CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE. CYRIX ENGINEERING, INC. LB #6684

Kenneth R. Palmer 08-21-06
 KENNETH R. PALMER, PSM
 STATE OF FLORIDA
 LICENSE NUMBER 4661
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL ENSEAL SEAL OF A FLORIDA LICENSED SURVEYOR (J.C. MAFFEA)

- LEGEND**
- SET 5/8" IRON ROD PLS #4661
 - FOUND IRON ROD
 - FOUND 4"X4" CONC. MONUMENT
 - ⊙ FOUND IRON PIPE
 - ⊙ FOUND P.K. NAIL & DISC
 - (M) MEASURED DATA
 - (R) RECORDED DATA
 - LB LICENSED BUSINESS
 - PLS PROFESSIONAL LAND SURVEYOR
 - RCP REINFORCED CONCRETE PIPE

CMP CORRUGATED METAL PIPE

DATE OF SURVEY	08-19-06	CERTIFIED TO: JO ANNE G. TOBIAS	REVISIONS
DATE OF SKETCH	08-14-06		
JOB No. 182-284-06	FB. 102 Pg. 22		

CYRIX ENGINEERING, INC.
 Engineers & Surveyors
 1144 Tallevast Rd., #111
 Sarasota, Fla 34243
 (941) 358-8812 (ph) • (941) 358-8909 (fax)

SIGNATURE TITLE COMPANY

1310 4th AVENUE WEST
BRADENTON, FL 34205

TELEPHONE (941) 747-5775

FAX (941) 747-5673

August 31, 2010

Manatee County
Attn: Lynn Willis

Re: Property of Jo Anne G. Tobias described in OR Book 1475,
page 3341, Public Records of Manatee County, Florida.
Our file 10-24337

Dear Lynn:

We have searched the records of the Clerk of the Circuit Court of Manatee County, Florida, with respect to the above referenced property and find the property vested in:

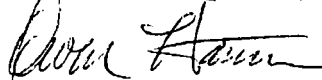
Jo Anne G. Tobias by virtue of Quit Claim Deed recorded in OR Book 1475, page 3341.

We find no mortgages on the property.

We find no easements on the property.

2009 taxes are paid. There are no delinquent taxes.
DP# 65781.0000/7

Very truly yours,



Owen E. Harris

SS# [REDACTED]
DP# 65781.0000/7

BK 1475 PG 3341 DOC STAMPS \$89.60 DKT# 868971
FILED AND RECORDED 12/13/95 11:50AM 1 of 1
R.B. SHORE CLERK OF CIRCUIT COURT MANATEE COUNTY FL

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, Executed this December 8, 1995, by THEODORE J. TOBIAS, JR. and JO ANNE G. TOBIAS, husband and wife, whose post office address is 506 65th Avenue East, Bradenton, FL 34203, first party, to JO ANNE G. TOBIAS, whose post office address is 506 65th Avenue East, Bradenton, FL 34203, second party:

WITNESSETH, That the said first party, for and in consideration of the sum of Ten and no/100 (\$10.00), Dollars, in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Manatee, State of Florida, to-wit:

Lots 1, 2, and 3, Block 1A, WINTER GARDENS, UNIT #4, as per plat thereof recorded in Plat Book 6, pages 29, Public Records of Manatee County, Florida.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year indicated by Notary below.

Signed, sealed and delivered in presence of:

Julie W. Worth

Julie W. Worth

Theodore J. Tobias, Jr.

THEODORE J. TOBIAS, JR. (SEAL)

Jo Anne G. Tobias

Jo Anne G. Tobias

Jo Anne G. Tobias

JO ANNE G. TOBIAS (SEAL)

STATE OF FLORIDA
COUNTY OF MANATEE

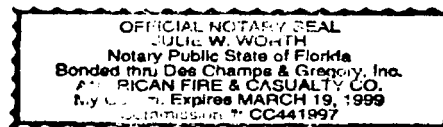
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared THEODORE J. TOBIAS, JR. and JO ANNE G. TOBIAS, who are personally known to me or who have produced FL Driver's Licenses as identification.

WITNESS my hand and official seal in the County and State aforesaid this December 8, 1995

Julie W. Worth

Notary Public

Prepared by:
Signature Title Company of Manatee, Inc.
1001 3rd Ave. W., Ste. 300
Bradenton, FL 34205
95-11078



PROPOSED ROW VACATION

(Adjacent to 506 65th Avenue East)
Section 24, Township 35 South, Range 17 East
District 4 - COMMISSIONER RON GETMAN

STERLING LAKE

WINTER GARDENS - UNIT 3

5th Street East
15' Public Drainage Esmt.

15' Private Drainage Easement

65th Avenue East

WHITFIELD ESTATES
COUNTRY CLUB ADDITION

#506

WINTER GARDENS - UNIT 4

Area of
Proposed
Vacation
(25' Wide)

Utility Pole

20' Wide Alleyway

Secondary
Access

20' Public
Utility Easement



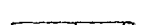



Mag

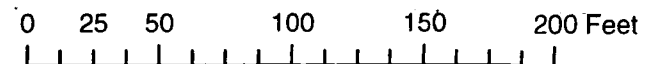
KIMMICK SUBDIVISION

(REPLAT OF WINTER GARDENS - UNIT 4)



Winter Garden Drive

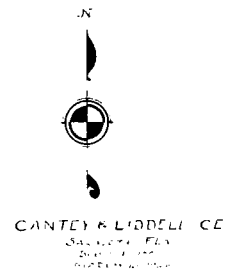
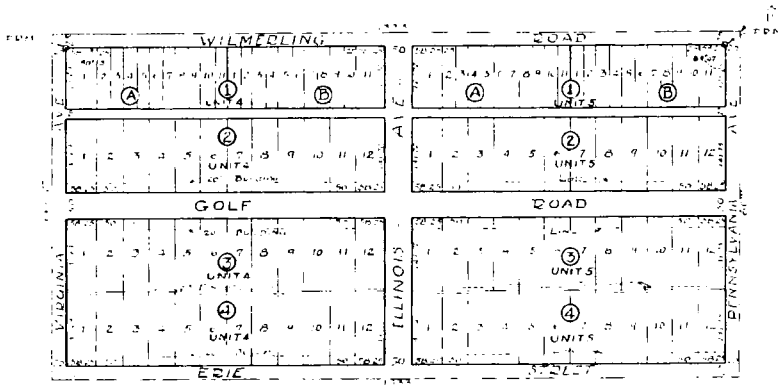
LEGEND	
	Area Proposed
	Area Requested
	County Waterline
	Water Valve
	Sewer Manhole
	Pvt. O/H Utilities (Per Survey)



WINTER GARDENS

4TH AND 5TH UNITS

A SUBDIVISION OF THE N.E. 1/4 OF THE NE 1/4 OF THE SW 1/4 OF SEC 24, TWP 35S, R17E
MANATEE COUNTY
FLORIDA



I, the undersigned, Clerk of the Board of County Commissioners, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Board of County Commissioners, Manatee County, Florida.

Witness my hand and the seal of said County, this 2nd day of APRIL 1956.

 Clerk of the Board of County Commissioners

 Director of Land Management

I, the undersigned, Clerk of the Board of County Commissioners, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Board of County Commissioners, Manatee County, Florida.

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 Clerk of the Board of County Commissioners

 Director of Land Management

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 Clerk of the Board of County Commissioners

 Director of Land Management

CERTIFICATE OF CLERK

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 Clerk of the Board of County Commissioners

Ken Burton, Jr.
Manatee County Tax Collector

Receipt #	Payment Receipt	
N12152009P005394	2009 Real Estate	955.23

Parcel: 6578100007	Processed: Internet Payments	District: Southern Manatee Fire
Assessed Value: 91,754	Exemptions: 50,000	Taxable: 41,754
Payment Date: 12/16/2009		

Legal: LOTS 1,2 & 3, BLK 1A, WINTER GARDENS UNIT NO 4
PI#65781.00007

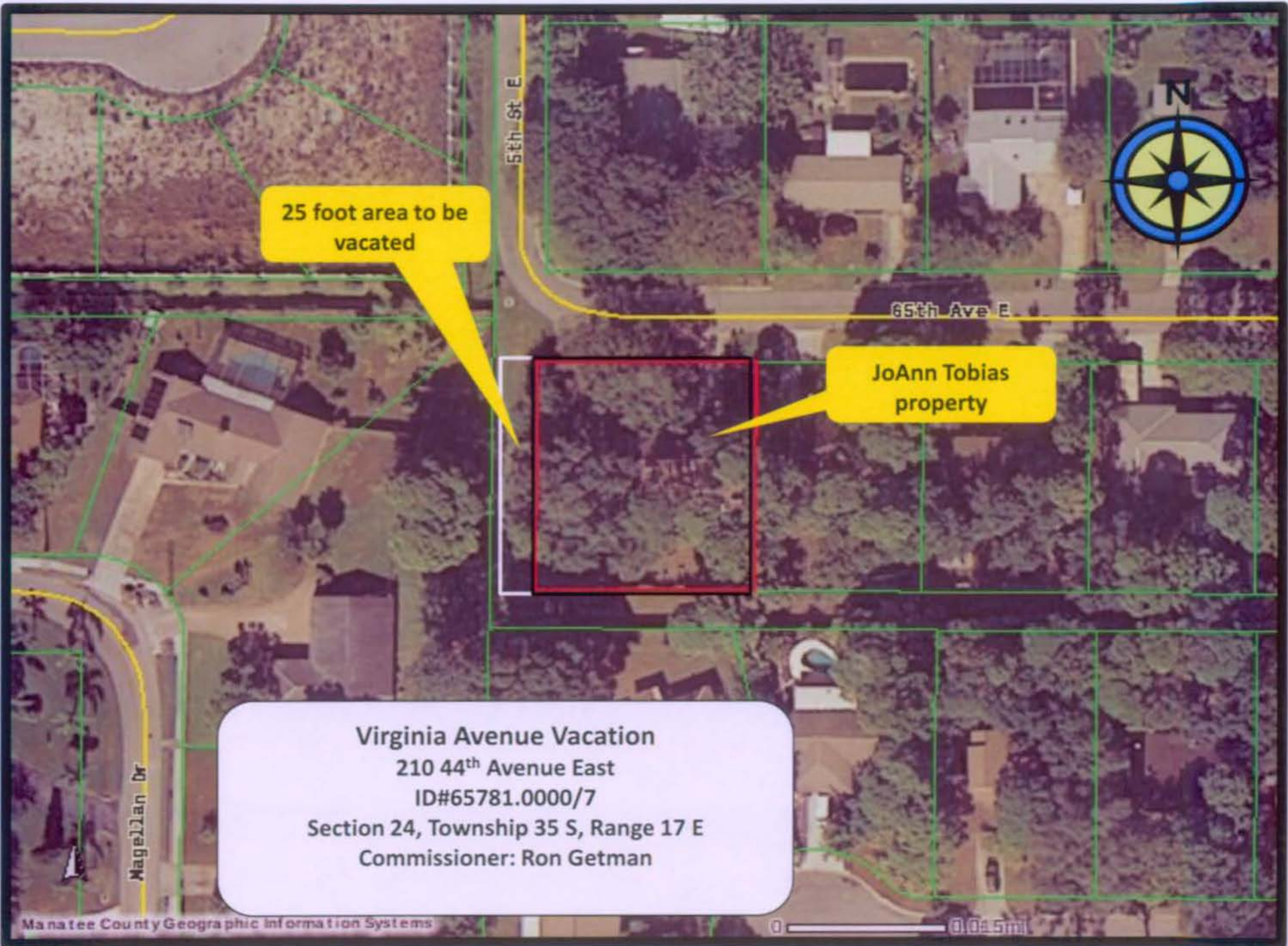
Assessed To:
Tobias, Jo Anne G

506 65th Ave E
Bradenton FL 34203

Location: 506 65th Ave E

Property Fees Paid	Payment
Interest Penalty	0.00
Total Property Fees	0.00

Payments			<i>Real Estate</i>
Method	Check #	Paid By	Payment Amount
Credit Card		Joanne Tobias 506 65th Ave E Bradenton, FL 34203	955.23



25 foot area to be vacated

JoAnn Tobias property

Virginia Avenue Vacation
210 44th Avenue East
ID#65781.0000/7
Section 24, Township 35 S, Range 17 E
Commissioner: Ron Getman