

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	November 9, 2010	DATE SUBMITTED/REVISED	October 25, 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 January 25, 2011, 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 January 25, 2011 from November 9, 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.

APPROVED IN OPEN SESSION

COUNTY ATTORNEY REVIEW

Check appropriate box

NOV 09 2010

<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)	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:	
<input type="checkbox"/>		

ATTACHMENTS: (Listed in order attached)

INSTRUCTIONS TO BOARD RECORDS:

1) Letter Requesting Continuance

Return any documentation to Property Management Department (8th Floor, Admin. Building), attention Lynn Willis.

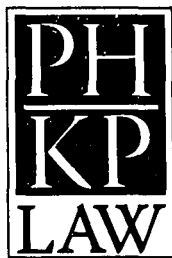
Emailed 11/10/10

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

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

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



PORGES, HAMLIN,
KNOWLES & PROUTY, P.A.

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* BOARD CERTIFIED REAL ESTATE LAWYER
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LOCAL GOVERNMENT LAW
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++ALSO ADMITTED IN NEW YORK
+++ALSO ADMITTED IN TEXAS

October 21, 2010

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

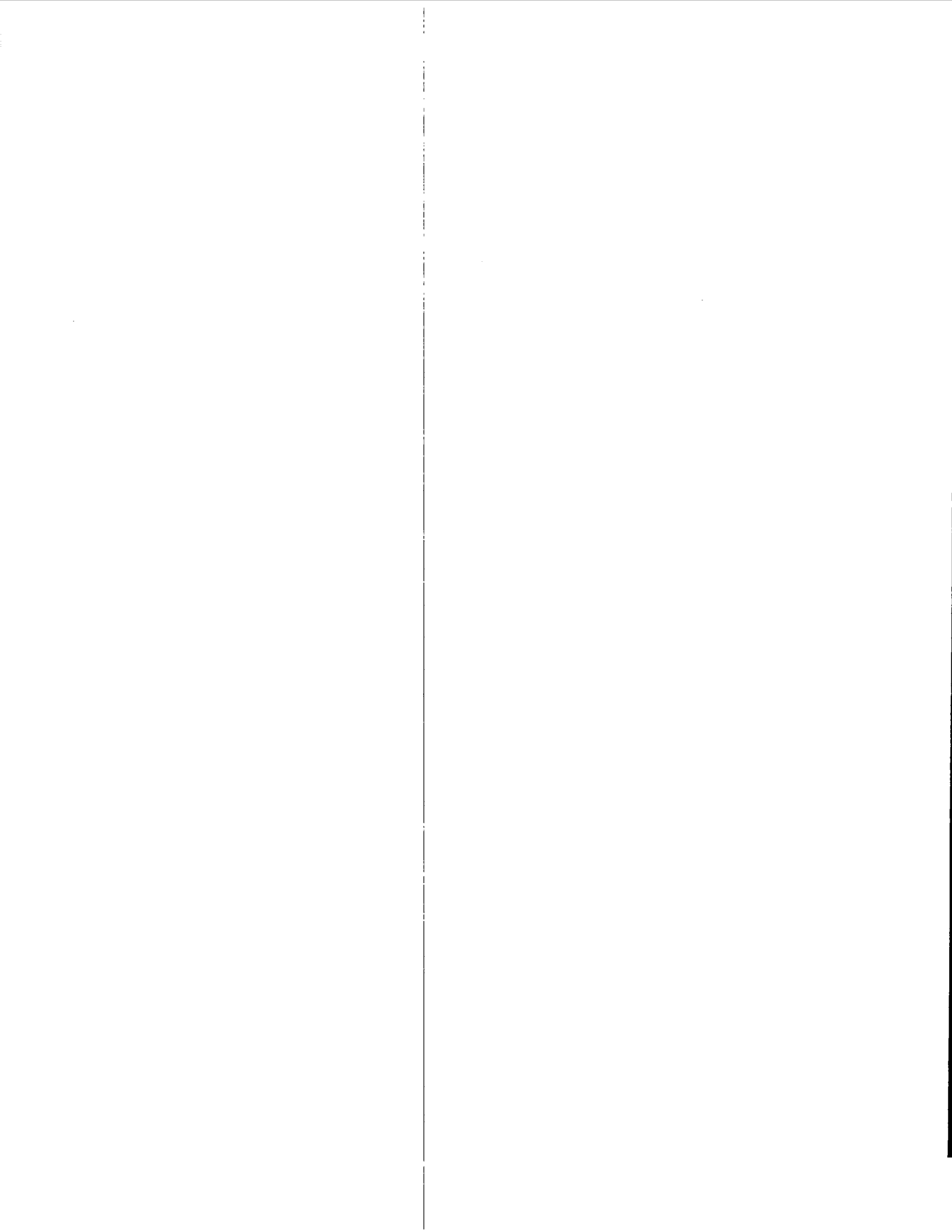
Attn: Ms. Lynn Willis
Real Property Specialist
Property Acquisition Division
Manatee County Property Mgmt. Dept

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

Dear Chairman & Members of the Board of County Commissioners:

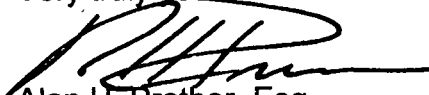
I represent Tropicana Manufacturing Company, Inc. regarding the Application to Vacate Rights-of-Way filed with Manatee County addressing the vacation of certain portions of 12th Street Count East and 13th Avenue East as set forth in the referenced Application. I have been authorized to communicate with the Board regarding Tropicana's desire and request to further continue the public hearing presently scheduled for November 9, 2010 on this matter. The original public hearing date was August 10, 2010. The Board on that date opened the public hearing and subsequently continued the hearing until November 9, 2010. We are now requesting the Board to continue the public hearing to the Board meeting date of January 25, 2011.

Tropicana is requesting the continuance in order to allow further time for Tropicana and Florida Power & Light (FP&L) to cooperatively address concerns 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. Tropicana and FP&L are continuing work on a mutually satisfactory solution to the issues but further time is necessary in order to allow that process to be completed.



On behalf of Tropicana, I appreciate the Board's consideration of this matter and if there are any questions or if additional information on this matter is necessary, 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