

**MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

Deferred

SUBJECT	Resolution R-10-239-V; JoAnne G. Tobias, Virginia Avenue Street/Alleyway Vacation	TYPE AGENDA ITEM	Public Hearing (Presentation upon request)
DATE REQUESTED	December 14, 2010	DATE SUBMITTED/REVISED	December 2, 2010
BRIEFINGS? Who?	N/A	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Property Management Department	AUTHORIZED BY TITLE	Charlie Bishop, Director <i>CB</i> Property Management Department
CONTACT PERSON TELEPHONE/EXTENSION	Lynn Willis 6287	PRESENTER/TITLE TELEPHONE/EXTENSION	Joaquin Servia, Division Manager Property Acquisition <i>J</i>
ADMINISTRATIVE APPROVAL		<i>[Signature]</i>	

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

Adoption of, and authorization to record, Resolution R-10-239-V vacating certain un-improved rights of way in the Winter Garden subdivision.

Acceptance of, and authorization to record, a Permanent Easement from JoAnne G. Tobias.

Authorization to record Affidavit of Ownership and Encumbrances from JoAnne G. Tobias.

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 65th 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 of the County Attorney's Office who advises against the vacation. The County Attorney's Office argues 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 from 65th Avenue East. Also, Manatee County, Florida Power, and Bright House have utilities in the subject area and will require permanent/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 subject have been met. The application satisfies the minimum technical requirements of the County's Land Development Code and Florida Statutes. Consideration of the subject application by the Board and adoption of R-10-239-V, a resolution vacating the subject property, and authorization to record is recommended.

Acceptance of, and authorization to record, a Permanent Easement as required for maintaining existing water lines from JoAnne G. Tobias to Manatee County.

Authorization to record Affidavit of Ownership and Encumbrances from JoAnne G. Tobias.

Check appropriate box	COUNTY ATTORNEY REVIEW
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input checked="" type="checkbox"/> Attached CAO memorandum 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-10-239-V	6) Letter from County Administrator	Notification of documents acceptance and recording to Lynn Willis, ext. 6287, Property Acquisition, Property Management Department. CCC Charge Account # AR 300026 Project Management	
2) Proof of Publication	7) Vacation application		
3) Permanent Easement	8) Affidavit of public notice		
4) Affidavit of Ownership	9) Utility Easements (2)		
5) CAO memorandum	10) Location Map		
COST:	\$400	SOURCE (ACCT # & NAME):	N/A
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT	N/A

R-10-239-V

**A RESOLUTION VACATING A PLATTED RIGHT OF WAY
PURSUANT TO SECTIONS 336.09 ET SEQ., FLORIDA STATUTES, AND
SECTION 911, LAND DEVELOPMENT CODE, MANATEE COUNTY, FLORIDA**

WHEREAS, an application for the vacation of a platted right of way used for transportation, or portion thereof, a subdivision plat, in whole or in part, has been filed before the Board of County Commissioners of Manatee County (the "Board"), Florida, 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 County and other affected agencies and utility companies have reviewed the application and have expressed no relevant objection to the requested vacation; and

WHEREAS, following analysis of the application, approval of said vacation is determined to be consistent with the County's Land Development Code and Comprehensive Plan; and

WHEREAS, a Resolution Declaring Notice of Public Hearing on said application was duly adopted by the Board, and notice of the public hearing was duly published in a newspaper of general circulation in Manatee County, Florida; and

WHEREAS, all conditions precedent and necessary to vacate said property have been met and the application satisfies the minimum technical requirements of the County's Land Development Code and pertinent Florida Statutes; and

WHEREAS, a public hearing by the Board was duly held considering the advisability of granting said application, or some portion thereof, and the Board was fully advised and informed in the premises; and

WHEREAS, the Board has determined that vacating said property would not be in derogation of the public rights or needs of Manatee County, Florida.

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, that:

1. Upon request of the Applicant, the renounces and disclaims any right of the County and the public in and to the land described in Exhibit "A," incorporated herein by reference, being delineated on the plat of Winter Gardens, 4th Unit as recorded in Plat Book 7, Page 82, and located in an unincorporated area of Manatee County, Florida.

2. No portion of the land, or interest therein, described in Exhibit "A" constitutes or was acquired for a state or federal highway.
3. An announcement of the public hearing to vacate the property described in Exhibit "A" was given by publishing legal notice in a newspaper of general circulation in the County in which the tract or parcel of land is located, in not less than one (1) weekly issue of said paper.
4. This resolution serves only that purpose expressly stated in Paragraph 1, above. Nothing herein shall be construed or interpreted as a representation of the rights or interests accruing to or existing in the Applicant or any third party to the land described in Exhibit "A."

DULY ADOPTED, with a quorum present and voting, this ____ day of _____ 2010.

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

BY: _____
Chairman

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

BY: _____

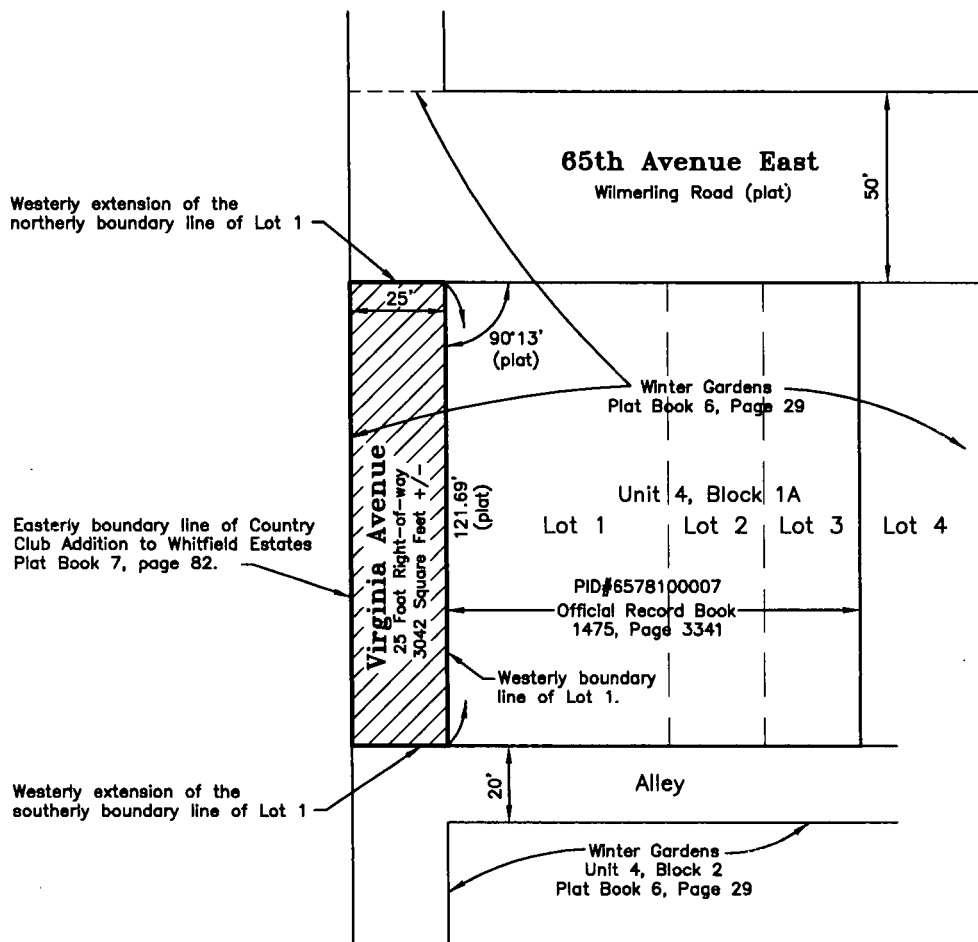
Description and Sketch

(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

No. 8047
08/12/10
DATE
Todd E. Boyle, R.S.M.
Registered Surveyor & Mapper, 6044

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PID = PARCEL IDENTIFICATION NUMBER

Scale: NOT TO SCALE

Project / Job Number:
20101631

Sheet: 1 of 1

Section 24, Township 35
South, Range 17 East

DWG Date: Aug 9, 2010

RECEIVED
DEC 10 2010

Board of County Commissioners
Manatee County



all

**Fw: Parcel ID No. 65781.000/7 JoAnne Tobais's Request to vacate parcell on
December 14th Resolution R-10-239-V Item 11**
Robin DiSabatino to: Shirley Talley

12/10/2010 02:33 PM

Shirley, Please print this for me and I would like to have this in the other Commissioner's books for Tuesday.

Robin S. DiSabatino
County Commissioner, District 4

Manatee County Government
Board of County Commissioners
Post Office Box 1000
Bradenton, FL 34206-1000
Telephone: 941-745-3713
Facsimile: 941-745-3790

Robin.DiSabatino@mymanatee.org

----- Forwarded by Robin DiSabatino/MCG on 12/10/2010 02:31 PM -----

From: Charlie Bishop/MCG
To: Robin DiSabatino/MCG@MCG
Date: 12/09/2010 07:46 AM
Subject: Fw: Parcel ID No. 65781.000/7 JoAnne Tobais's Request to vacate parcell on December 14th Resolution R-10-239-V Item 11

Commissioner, I had hoped to take you here on our road trip this morning, thanks.

Charlie Bishop, PMP
Director, Property Management Department
WP 941-749-3004 Extension 3004
Fax 941-749-3018

----- Forwarded by Charlie Bishop/MCG on 12/09/2010 07:45 AM -----

From: Lynn Willis/MCG
To: Joaquin Servia/MCG@MCG, Charlie Bishop/MCG@MCG, Barbara Carter/MCG@MCG
Date: 12/09/2010 07:23 AM
Subject: Fw: Parcel ID No. 65781.000/7 JoAnne Tobais's Request to vacate parcell on December 14th Resolution R-10-239-V Item 11

Lynn Willis
Real Property Specialist
Property Acquisition Division
Manatee County Government
1112 Manatee Ave. W.
Bradenton, FL 34205
lynn.willis@mymanatee.org
fax 941-749-3007
941-748-4501 x6287

----- Forwarded by Lynn Willis/MCG on 12/09/2010 07:20 AM -----

From: Diane Perry <perryair65@hotmail.com>
To: <donna.hayes@mymanatee.org>
Cc: <lynn.willis@mymanatee.org>, <ed.hunzeker@mymanatee.org>

Date: 12/07/2010 08:35 PM
Subject: Parcel ID No. 65781.000/7 JoAnne Tobais's Request to vacate parcel on December 14th
Resolution R-10-239-V Item 11

Dear Ms Hayes,

I received a notice that JoAnne Tobias is requesting Manatee County vacate a parcel of land adjacent to their lot and mine (referred to as Virginia Avenue). I'm located on the west side of the referenced parcel of property (703 Magellan Drive).

I will be unable to attend the hearing as I'm having major surgery tomorrow and will be incapacitated for about a month. The reason for my email is because I'm requesting that the request to vacate is denied.

JoAnne Tobias has a "significant other" named Chris. As the county is well aware, Chris has caused considerable problems in the past for the county and the Silver Lake development when it was under construction. Chris has shown significant disregard in the past for others personal space, boundaries, or property. He can be aggressive, difficult, harassing and threatening. I, too, have personally experienced these aggressive, difficult and threatening behaviors.

My problems with Chris in the past focused around the property space between our two homes. As he disregards other peoples boundaries (personal and property), he could not accept that I did not want him lingering at the property line. If you grant his request, I have no recourse when he approaches the fence line aggressively.

Below is a list of problems I've had with Chris -

He took it upon himself to spray a defoliant on the privacy hedge on the back side of my property. He did this to allow him a view of my property and backyard. He caused significant permanent damage to the hedge which is still there today.

Chris cut holes in my hedges to allow him a view of my backyard. You can still detect them.

When I was out of town one weekend without my permission, Chris put in a **GATE** between the Virginia section of property, and he then put a do not disturb sign facing my part of the property. The gate is still there today.

I paid FPL for a light up on the pole at the back of the property. Chris didn't like the light and requested I shut it off. When I didn't shut it off, someone kept shooting out the bulb. As Chris openly wears a side arm - can you guess who did it?

The piece of property belonging to Manatee County is the only buffer I have between Chris and my property. If you vacate it to him (JoAnne), I will have no boundary at all and **I'm concerned for my safety**. Also I have to seriously question what motives he has for wanting that particular piece of property.

Please consider my plea to deny their request. Also if it is possible, can you refer to me as an anonymous neighbor? I'm quite concerned and frightened of retribution from Chris.

Sincerely,

Diane Perry
p.o. box 1506
Tallevast, FL 34270

703 Magellan Drive
Sarasota, FL 34243
941 685-7241



Fw: Joanne Tobias request to vacate Virginia avenue easement

Robin DiSabatino to: Ed Hunzeker

12/13/2010 04:10 PM

Cc: Charlie Bishop

Bcc: Shirley Talley

Forwarding this new email.

Shirley, would you please print this email for tomorrow's meeting.

Thank you,

Robin S. DiSabatino
County Commissioner, District 4

Manatee County Government
Board of County Commissioners
Post Office Box 1000
Bradenton, FL 34206-1000
Telephone: 941-745-3713
Facsimile: 941-745-3790
Robin.DiSabatino@mymanatee.org

----- Forwarded by Robin DiSabatino/MCG on 12/13/2010 04:08 PM -----

From: Diane Perry <perryair65@hotmail.com>
To: <robin.disabatino@mymanatee.org>, <robin.disabatino@mymanatee.com>
Date: 12/13/2010 03:26 PM
Subject: Joanne Tobias request to vacate Virginia avenue easement

Hello Ms. Disabatino,

Thank you for taking your time to review my request.

Based on our our conversation I have some suggestions.

1) Manatee County did not offer me the opportunity to take possession of the easement. I would like to be considered for that opportunity. I have no intentions of using the easement for storage of any kind - no boats, motorhomes or anything else. It would remain greenspace behind my house and provide a buffer between my property and the neighbors. I would allow the county and any utility companies open unhindered access to the area and I would cut and maintain the grass. In the easement, the power company has a transformer on a power pole which they will continue to need access to. This opening at 65th is the only access that currently exists. I would not be putting a chain across the entrance or any type of fencing that would stop access by the utility company.

2) I suggest that Manatee County keep the easement in their possession thus eliminating access issues and the problems that could existing between the neighbors and JoAnne Tobias's property if she be granted the easement.

I'm willing to explore these options with Manatee County. My main concern is for my safety and privacy.

Respectfully,

Diane Perry
941-685-7241
703 Magellan Drive

Joaquin Servia, Manager, Property Acquisition
Property Management Department
1112 Manatee Avenue West, Suite 800
Bradenton, Florida 34205

Project Tobias Vacating
Parcel # Virginia Ave.
ID #65781.0000/7

SPACE ABOVE THIS LINE FOR RECORDING DATA

PERMANENT EASEMENT

THIS INDENTURE, made this 2nd day of December, 2010, between JoAnn G. Tobias whose mailing address is 506 65th Ave. E. Sarasota, FL 34203, as Grantor, and **COUNTY OF MANATEE**, a Political subdivision of the State of Florida, with its mailing address being P.O. Box 1000, Bradenton, Florida 34206, as Grantee,

WITNESSETH

That said Grantor, for and in consideration of the sum of \$1.00 and other valuable consideration in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and transferred, and by these presents does grant, bargain, sell and transfer unto Grantee, a **nonexclusive easement for ingress, egress, construction and maintenance of surface and/or underground drainage and utility facilities** across the following described property situated in the County of Manatee, State of Florida, more particularly described as follows:

See legal description identified as Exhibits "A" and attached hereto.

This is a nonexclusive easement with the Grantor reserving unto itself, its heirs, successors or assigns, the right to the continued free use and enjoyment of the property herein described, for any purposes which are not inconsistent with the rights granted herein unto the Grantee.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal, the day and year above written.

Signed, sealed, and delivered in the presence of:

Barbara Carter

Witness
BARBARA CARTER

Printed Name
Lynn K. Willis

Witness
Lynn K. Willis

Printed Name

Witness

Printed Name

Witness

Printed Name

(Signature of two witnesses required by law)

JoAnne G. Tobias

Grantor
JoAnne G. Tobias

Printed Name

Grantor

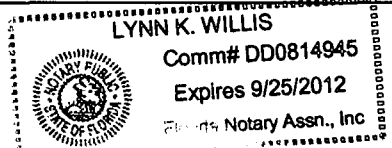
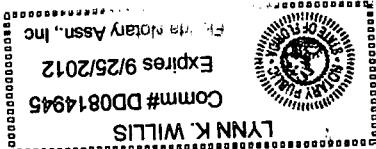
Printed Name

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 2nd day of December, 2010, by JoAnn G. Tobias, who are personally known to me or who have produced drivers license as identification.

Lynn K. Willis
NOTARY PUBLIC Signature

Printed Name



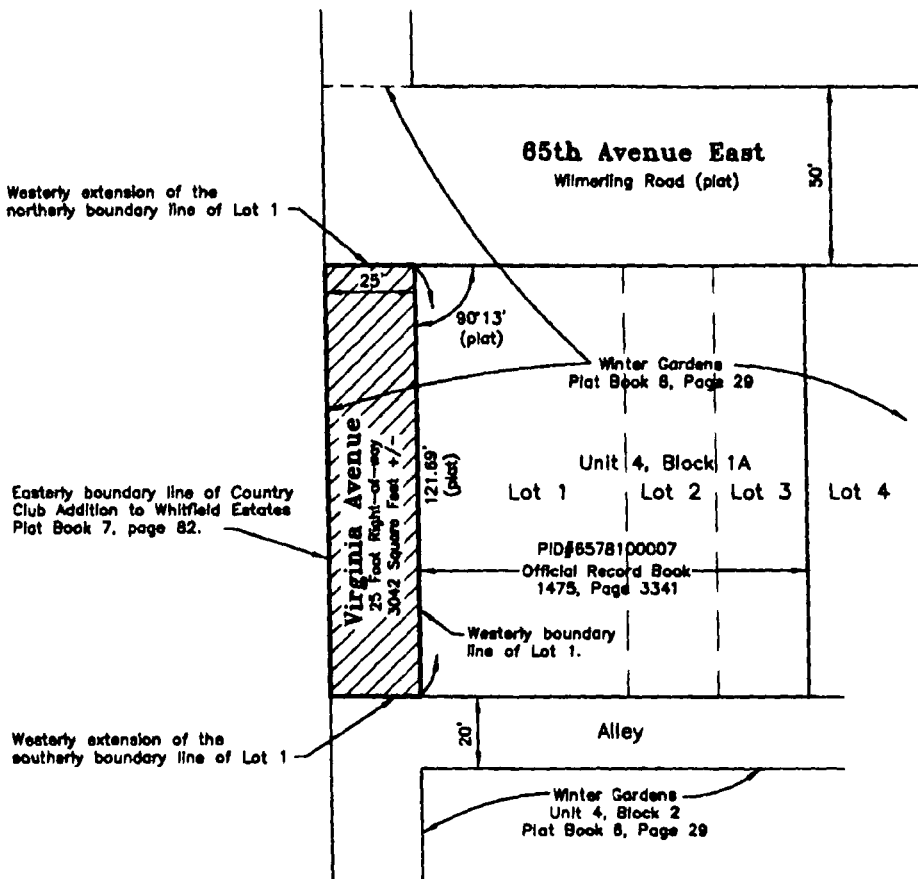
Description and Sketch

(NOT A SURVEY)

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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, 34203,
(941)748-4501

Todd E. Boyle

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

08/12/10
DATE

- POB = POINT OF BEGINNING
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Project / Job Number:
20101831

Sheet: 1 of 1

Section 24, Township 35
South, Range 17 East

DWG Date: Aug 9, 2010

This instrument prepared by:
Joaquin Servia, Manager, Land Acquisition
Transportation Department
P.O. Box 1000
Bradenton, Florida 34206

Project Tobias Vacating
Parcel # Virginia Ave.
ID #65781.0000/7

=====SPACE ABOVE THIS LINE FOR RECORDING DATA=====

AFFIDAVIT OF OWNERSHIP AND ENCUMBRANCES

STATE OF Florida
COUNTY OF Manatee

BEFORE ME, the undersigned authority, this day personally appeared JoAnne G. Tobias, whose mailing address is 506 65th Ave. E. Sarasota, FL 34203, who being first duly sworn, depose/s and say/s:

1. That the undersigned, hereinafter called the Grantor, is the owner of and has full authority to sell or encumber the following described property, (hereinafter "Property").

See legal description identified as Exhibit "A" attached hereto

2. That the Owner plans to convey the Property to the **COUNTY OF MANATEE** whose principal office is at 1112 Manatee Avenue West, Post Office Box 1000, Bradenton, Florida 34206 (hereinafter "Grantee").

3. To the best of my knowledge the only mortgages, liens, encumbrances, including but not limited to any leasehold interest or potential claims against the Property are:

None

4. That there has been no labor, material, or service furnished for improvement of the Property, which remains unpaid, except as set forth in Paragraph 3 of this affidavit.

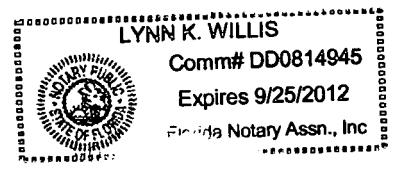
5. That there are no claims, demands, liens or judgments outstanding against the above described property and the Grantor is not indebted to anyone for any such Property, except as set forth in paragraph 3 of this affidavit.

6. That the Grantor makes this affidavit for the purpose of assisting the Grantee in the acquisition of the above described property.

X NA
Grantor
Printed Name

JoAnne G Tobias
Grantor
JoAnne G. Tobias
Printed Name

SWORN to and subscribed before me this 22nd, day of November 2010, by JoAnne G. Tobias, who is/are personally known to me or who has/have produced a Drivers License as identification.



Lynn K. Willis
NOTARY PUBLIC Signature
Printed Name

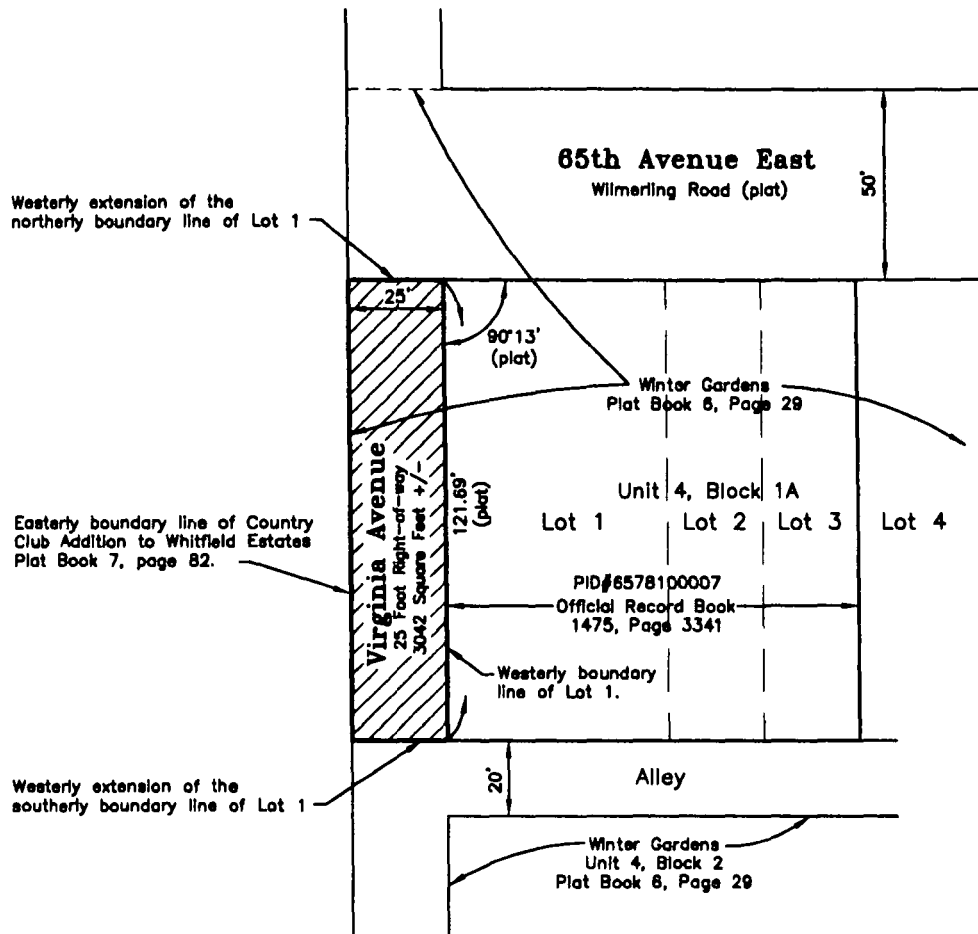
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MANATEE COUNTY
PROPERTY MANAGEMENT - SURVEY DIVISION



Todd E. Boyle
Todd E. Boyle, RSM
 Registered Surveyor & Mapper, 6047
 08/12/10
 DATE

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

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Scale: NOT TO SCALE

Project / Job Number:
 20101831

Sheet: 1 of 1

Section 24, Township 35
 South, Range 17 East

JWC Date: 8/12/2010



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 *John 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
Page 2 of 3

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, Page 29); 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
Page 3 of 3

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

S:\vwade\URLS\2007\Schulhofer_R_CityInitiatedVacationofROWTobias_4-29-09.doc

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

WINTER GARDENS - UNIT 4

#506

Area of
Proposed
Vacation
(25' Wide)

Utility Pole

20' Wide Alleyway

Secondary
Access

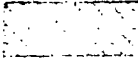




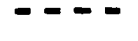
20' Public
Utility Easement

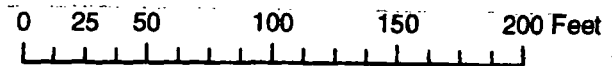
KIMMICK SUBDIVISION
(REPLAT OF WINTER GARDENS - UNIT 4)



Winter Garden Drive

LEGEND

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





**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 65 th 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 Reyna Garcia
 PRINTED NAME

[Signature]
 SIGNATURE OF WITNESS
 Erika 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

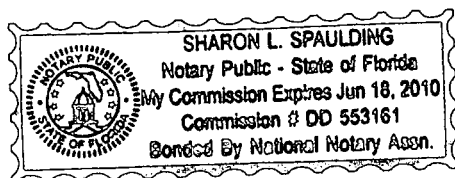
 NAME OF FIRM

 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

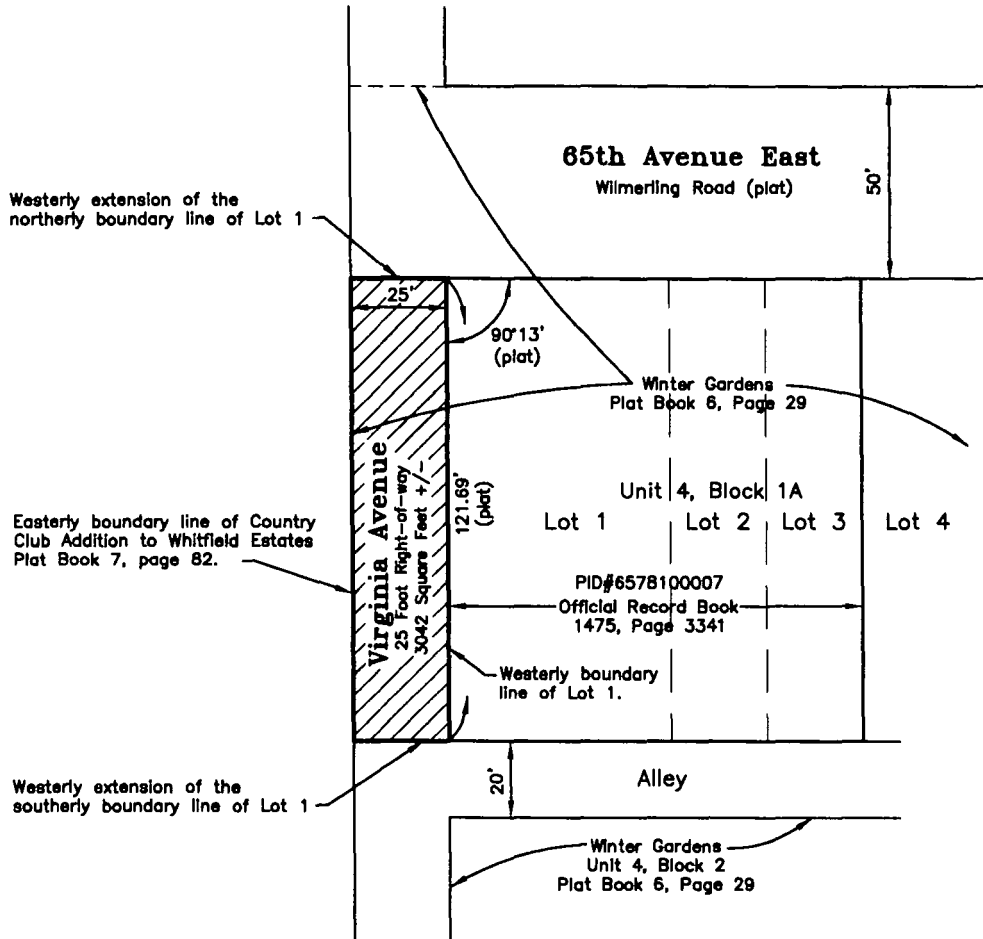
Description and Sketch

(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

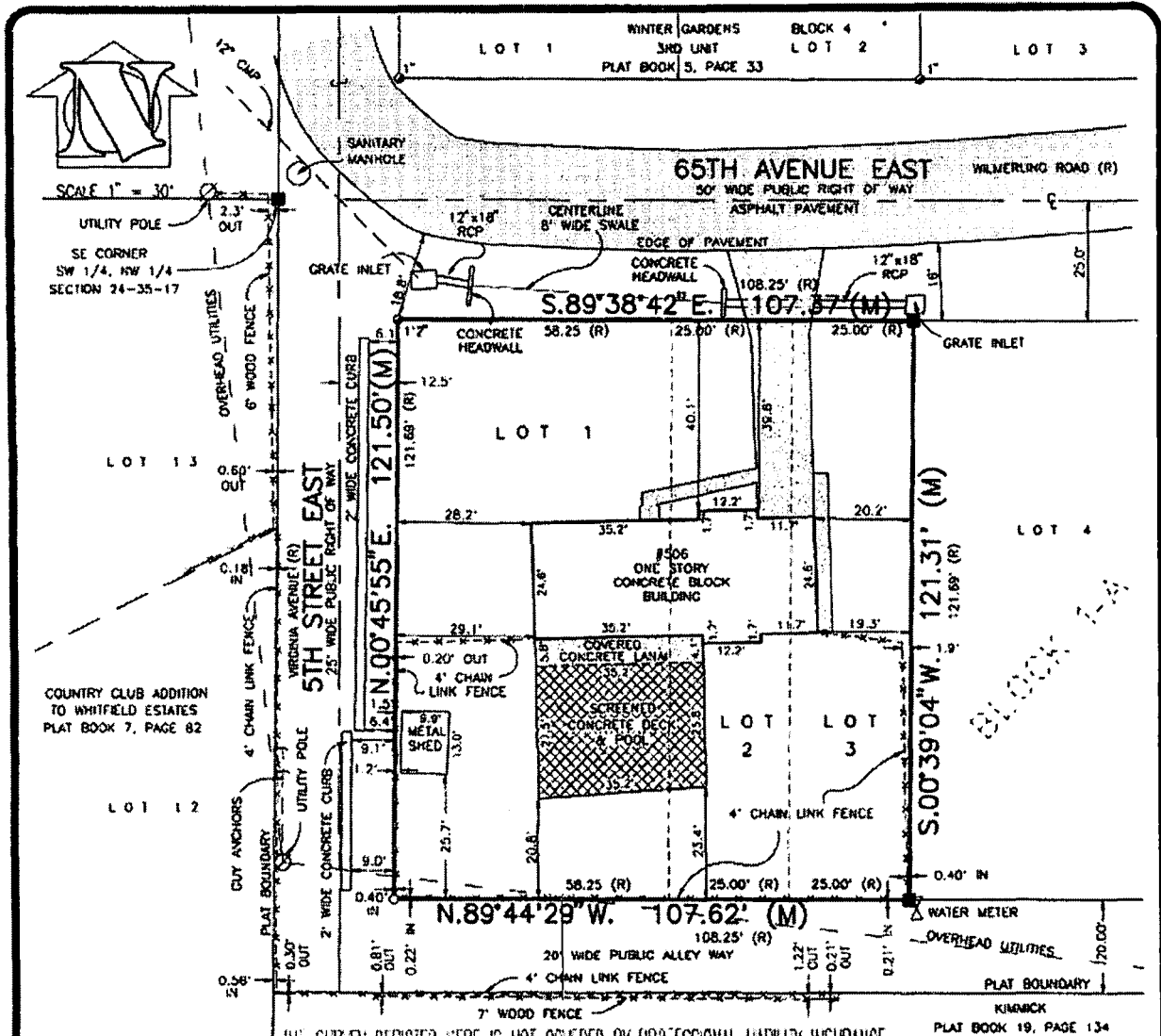


1112 MANATEE AVENUE WEST
BRADENTON, FLORIDA, 34205,
(941)748-4501


 Todd E. Boyle, 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:
 20101631
 Sheet: 1 of 1
 Section 24, Township 35
 South, Range 17 East
 DWG Date: Aug 5, 2010



THE 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 IN 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 61C17-6 OF THE FLORIDA ADMINISTRATIVE CODE. CYRIX ENGINEERING, INC. LB #6094

Kenneth R. Palmer 08-21-06

KENNETH R. PALMER, PSM
 STATE OF FLORIDA
 LICENSE NUMBER 4661
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL PRESSED SEAL OF A FLORIDA LICENSED SURVEYOR, P.L. MAPPER.

CMP CORRUGATED METAL PIPE

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) RECORD DATA
- LB LICENSED BUSINESS
- PLS PROFESSIONAL LAND SURVEYOR
- RCP REINFORCED CONCRETE 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

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:

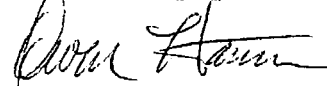
Jo Anne G. Tobias by virtue of Quit Claim Deed recorded in OR Book 1475, page 3341.

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. (SEAL)
THEODORE J. TOBIAS, JR.

Jo Anne G. Tobias
JO ANNE G. TOBIAS

Jo Anne G. Tobias (SEAL)
JO ANNE G. TOBIAS

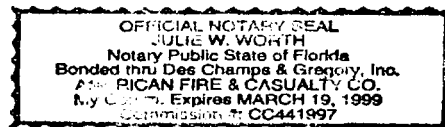
STATE OF FLORIDA
COUNTY OF MANATEE

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



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#65781.0000/7

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			Real Estate
Method	Check #	Paid By	Payment Amount
Credit Card		Joanne Tobias 506 65th Ave E Bradenton, FI 34203	955.23

PROPOSED ROW VACATION

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

WINTER GARDENS - UNIT 3

65th Avenue East

WINTER GARDENS - UNIT 4

KIMMICK SUBDIVISION
(REPLAT OF WINTER GARDENS - UNIT 4)

Winter Garden Drive

5th Street East

15' Public Drainage Esmt.

15' Private Drainage Easement

#506

Area of Proposed Vacation (25' Wide)

Utility Pole







Secondary Access

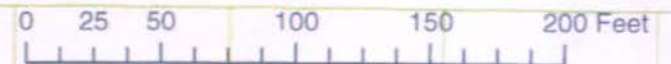
20' Wide Alleyway

20' Public Utility Easement



LEGEND

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



STERLING LAKE

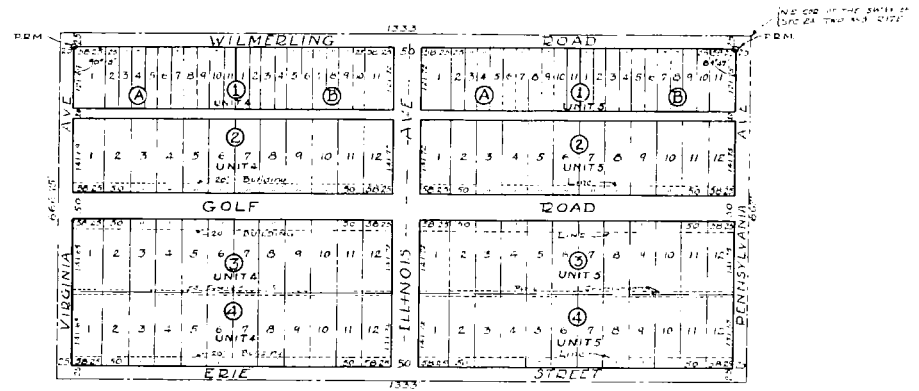
WHITFIELD ESTATES
COUNTRY CLUB ADDITION

Mag

WINTER GARDENS

4TH AND 5TH UNITS

A SUBDIVISION OF THE N 1/2 OF THE NE 1/4 OF THE SW 1/4 OF SEC. 24 TWP 35S R 17E
MANATEE COUNTY
FLORIDA



N

 CANTEY & LIDDELL CE
 SARASOTA, FLA
 SCALE 1"=60'
 MARCH 15, 1922

State of Florida
 County of Manatee
 I, Walter H. Savory, Trustee, the owner of the land shown upon this map, do hereby certify that the N 1/2 of the NE 1/4 of the SW 1/4 of Sec. 24, Twp. 35S, R. 17E, in Manatee County, Florida, as hereby dedicated to the use of the public forever, all of the streets, parking, drives, alleys, easements, easements and easements shown upon this plat are as shown.
 Witness my hand and seal this 2ND day of APRIL 1922
 Signed, sealed and delivered in the presence of:
 W. H. Savory
 W. H. Savory
 W. H. Savory

State of Florida
 County of Manatee
 I hereby certify that Walter H. Savory, Trustee, whose name is shown in the foregoing map, and who is personally known to me, came before me this day and acknowledged that he executed the same for the purposes therein expressed and as his true act and deed.
 Witness my hand and seal this 2ND day of APRIL 1922
 My commission expires 24TH day of APRIL 1922

CERTIFICATE of APPROVAL

State of Florida
 County of Manatee
 It is hereby certified that the Board of County Commissioners of Manatee County, Florida, have officially approved this plat.
 This 2ND day of APRIL 1922
 Board of County Commissioners
 By _____
 Attest _____

State of Florida
 County of Manatee
 Clerk of Circuit Court of Manatee County, Florida, do hereby certify that I have examined this plat and that it complies in form with all the requirements of the Laws of the State of Florida regulating the making of surveys and filing for record of maps and plats, and I have this day filed the same.
 Witness my hand and official seal at _____ Florida, this 2ND day of APRIL 1922
 Clerk of Circuit Court

CERTIFICATE of CLERK

State of Florida
 County of Manatee
 I, the undersigned registered engineer hereby certify that the plan hereon is the true and correct representation of the subdivision described and that all measurements, angles and dimensions are correct as shown on said plan and that said plan has been approved and approved of the works shown on by Board of County Commissioners.

CERTIFICATE of ENGINEER

State of Florida
 County of Manatee
 I, the undersigned County Engineer, hereby certify that the plat hereon is a true and correct representation of the subdivision described and that all measurements, angles and dimensions are correct as shown on said plan and that said plan has been approved and approved of the works shown on by Board of County Commissioners.

CERTIFICATE of COUNTY ENGINEER

State of Florida
 County of Manatee
 I, the undersigned attorney for Board of County Commissioners hereby certify that I have examined the plat hereon and do hereby certify the same to be true and correct.

R-10-014-V

VACATION OF CERTAIN PLATTED PROPERTY

AFFIDAVIT ATTESTING TO THE POSTING OF PUBLIC NOTICE
SIGNAGE AND WRITTEN NOTIFICATIONS

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE ME, the undersigned notary public, personally appeared **JoAnne G Tobias**, who after having been first duly sworn and put upon oath, deposes and says:

1. That he/she is the property owner of the property identified in the application for Official Plat Vacation and to be heard as Resolution No. **R-10-239-V** by the Board of County Commissions, Manatee County, Florida, on the **14th day of December, 2010**, and, as such, is authorized to execute and make this Affidavit and is familiar with the matters set forth herein and attests they are true and correct.

2. That the Affiant has caused the required public notice sign be posted pursuant to Manatee County Ordinance No. 90-01, on the property identified in said application and that **the sign was conspicuously posted as follows** (note location below):

506 65th Ave. E, Bradenton, FL 34203

Also,

3. That the Affiant has caused the **mailing of the required letter** of notification to contiguous property owners pursuant to Manatee County Ordinance 90-01, by 1st Class Mail, **on the 17th day of November 2010**. A list of contiguous property owners, mailing addresses and applicable property identification numbers is attached.

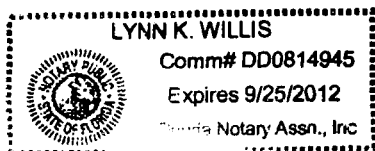
4. That Affiant is aware of and understands that failure to adhere to the provisions of Manatee County Ordinance No. 90-01, as it relates to the above matters, may cause the above identified application and any public hearing held thereon to be ineffective and a nullity.

FURTHER YOUR AFFIANT SAITH NOT.

JoAnne G Tobias
Signature of Affiant

SWORN TO AND subscribed before me on this 22nd day of November 2010, who is personally known to me or who has/have produced Drivers Lic as identification.

Lynn K. Willis
NOTARY PUBLIC



Name Typed or Printed

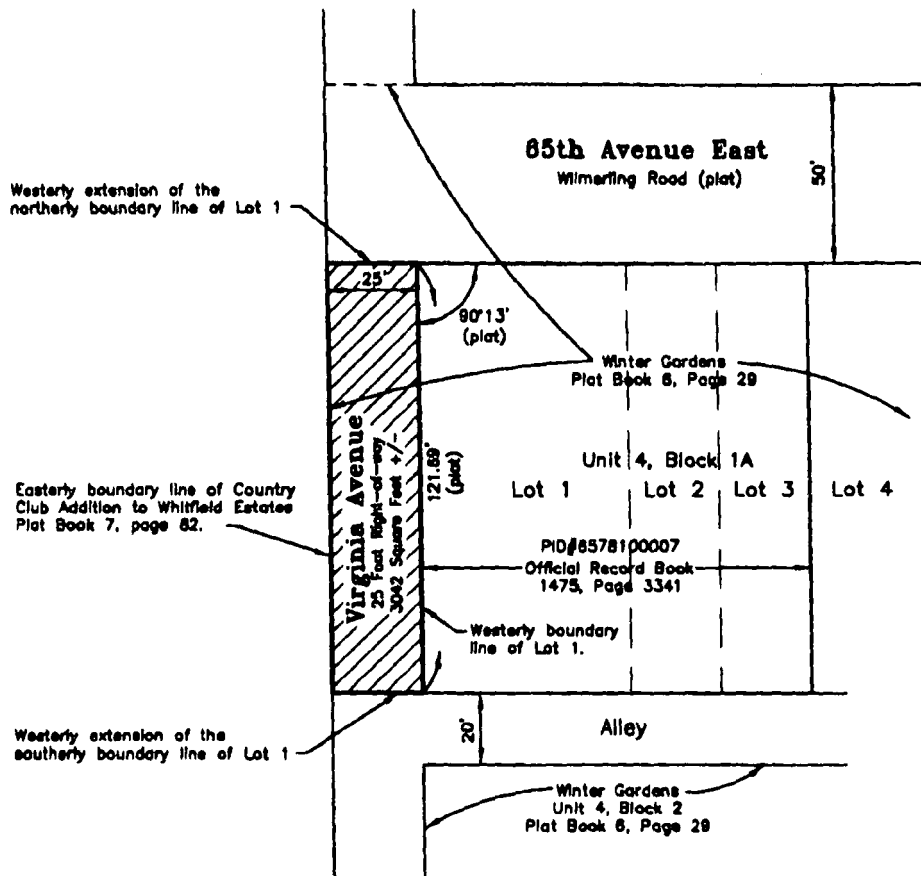
Description and Sketch

(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
 Twp = 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 8, 2010

Work Order No. _____

EASEMENT

This Instrument Prepared By

Sec. 24 , Twp 25 S, Rge 17 E

Name:

Co. Name: FPL Co.

Parcel I.D. 6578100007
(Maintained by County Appraiser)

Address: _____

Form 3722-A (Stocked) Rev. 7/94

pg ____ of ____.

Reserved for Circuit Court

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company, its licensees, agents, successors, and assigns, an easement forever for the construction, operation and maintenance of overhead and underground electric utility facilities (including wires, poles, guys, cables, conduits and appurtenant equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage, as well as, the size of and remove such facilities or any of them within an easement 25 feet in width described as follows:

See Description and Sketch

Together with the right to permit any other person, firm or corporation to attach wires to any facilities hereunder and lay cable and conduit within the easement and to operate the same for communications purposes; the right of ingress and egress to said premises at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the easement area; to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the easement area which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the land heretofore described, over, along, under and across the roads, streets or highways adjoining or through said property.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on October 18, 2010

Signed, sealed and delivered
in the presence of:

By: JoAnne G. Tobias
(Grantor's signature)

Print Name: JoAnne G. TOBIAS

Print Address: 506 65th AVE E.
BRADENTON, FL 34203

Paul Johnson
(Witness' Signature)
Print Name: PAUL JOHNSON
(Witness)

Lynn K. Willis
(Witness' Signature)
Print Name: Lynn K. Willis
(Witness)

By: _____
(Grantor's signature)

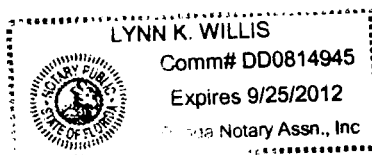
Print Name:

Print Address:

STATE OF Florida AND COUNTY OF Manatee. The foregoing instrument was acknowledged before me this 18th day of October, 2010, by JoAnne G. Tobias, and _____, who is(are) personally known to me or has(have) produced Drivers License as identification, and who did (did not) take an oath.

My Commission Expires: _____
(Type of Identification)

Notary Public, Signature: Lynn K. Willis
Print Name: Lynn K. Willis



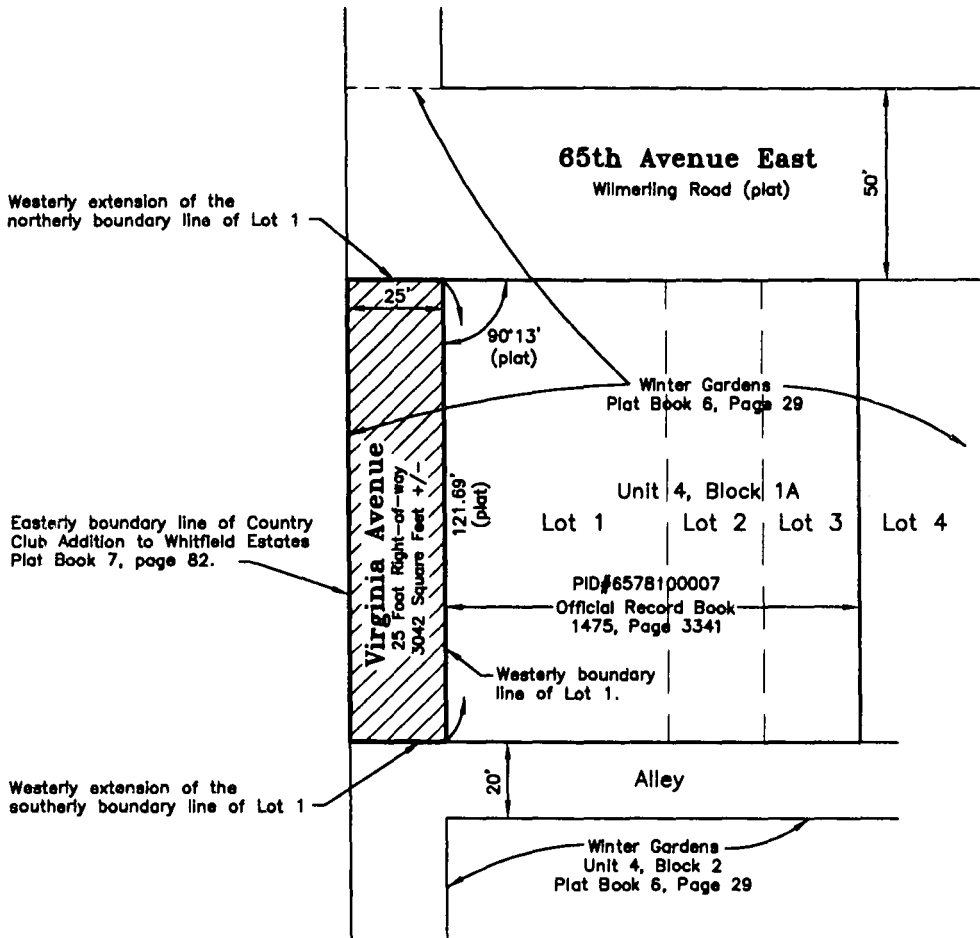
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Containing 3,042 Square Feet, more or less.



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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

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Scale: NOT TO SCALE

Project / Job Number:
20101631

Sheet: 1 of 1

Section 24, Township 35
South, Range 17 East

DWG Date: Aug 5, 2010

GRANT OF EASEMENT

This Grant of Easement Agreement dated October 18, 2010 is by and between JoAnne G. Tobias (Grantor), and **Bright House Networks, LLC** (Grantee), for the purpose of providing multi-channel video services and other services as provided by Grantee over Grantee's network, by the Grantee to the property of the Customer Grantor, its successors and assigns, and for this service to provide Grantee with the necessary and sufficient access for its cable television/communications service facilities (the "System").

1. **NOW THEREFORE**, the Customer Grantor and/or Association Grantor, for good and valuable consideration, does (do) hereby grant to the Grantee, its successors and assigns, an easement and access to, under, along and through the following described property located at 506 65th Ave. E., Bradenton FL 34203 in Manatee County, Florida, as more particularly described in Exhibit A (the "Property"), for the purposes of installing, maintaining and operating the Grantee's System to serve the property of the Customer Grantor, its successors or assigns. The granting of this easement in no way obligates Customer Grantor now, or in the future, to purchase any of the Grantee's services.
2. Grantee will place and maintain the System in the above described location, and agrees to install and maintain the System in an orderly manner with as little inconvenience as possible. Any areas disturbed will be restored to their original condition or better.
3. The easement granted by this conveyance shall remain in effect so long as Grantee's ownership and operation of its System and services are not found out of compliance with any applicable franchise requirements and conditions of the franchising authority for the provision of these cable television services; however, this Grant of Easement shall terminate if the System is abandoned by the Grantee or if Grantee attempts to utilize the easement granted here under for any other purpose. Grantee shall retain all rights and interests in its System placed at the above-described property.
4. Grantor represents and warrants that Grantor has the full power and authority to negotiate, execute, deliver and perform this Grant of Easement and that the signatory below is authorized to execute and deliver this Grant of Easement or Grantor owns and/or otherwise has the right to grant to Grantee this easement.
5. Grantor reserves the right to record this Grant of Easement in the Public Records of Manatee County, Florida.
6. This Agreement shall be freely assignable by either party.

[DATE, SIGNATURE AND NOTARIZATION ON THE FOLLOWING PAGE]

WITNESSES:

Paul Johnson
Lynn K. Willis

State of _____
County of _____

GRANTOR:

Joanne G Tobias
By: JoAnne G. Tobias

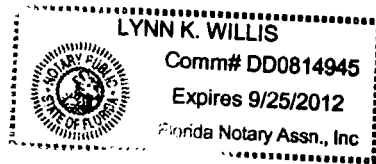
Title: _____

The foregoing instrument was acknowledged before me this 18th day of Oct., ~~2007~~ ²⁰¹⁰ by JoAnne G Tobias. He/She is { } personally known to me or { } has produced Drivers Lic. as identification.

My Commission Expires:

Notary Public

Lynn K. Willis
Signature
(Seal)



WITNESSES:

State of _____
County of _____

GRANTEE:

Bright House Networks, LLC

By: _____

Title: Vice President

The foregoing instrument was acknowledged before me this ____ day of ____, 2007 by _____. He/She is { } personally known to me or { } has produced _____ as identification.

My Commission Expires:

Notary Public

Signature
(Seal)

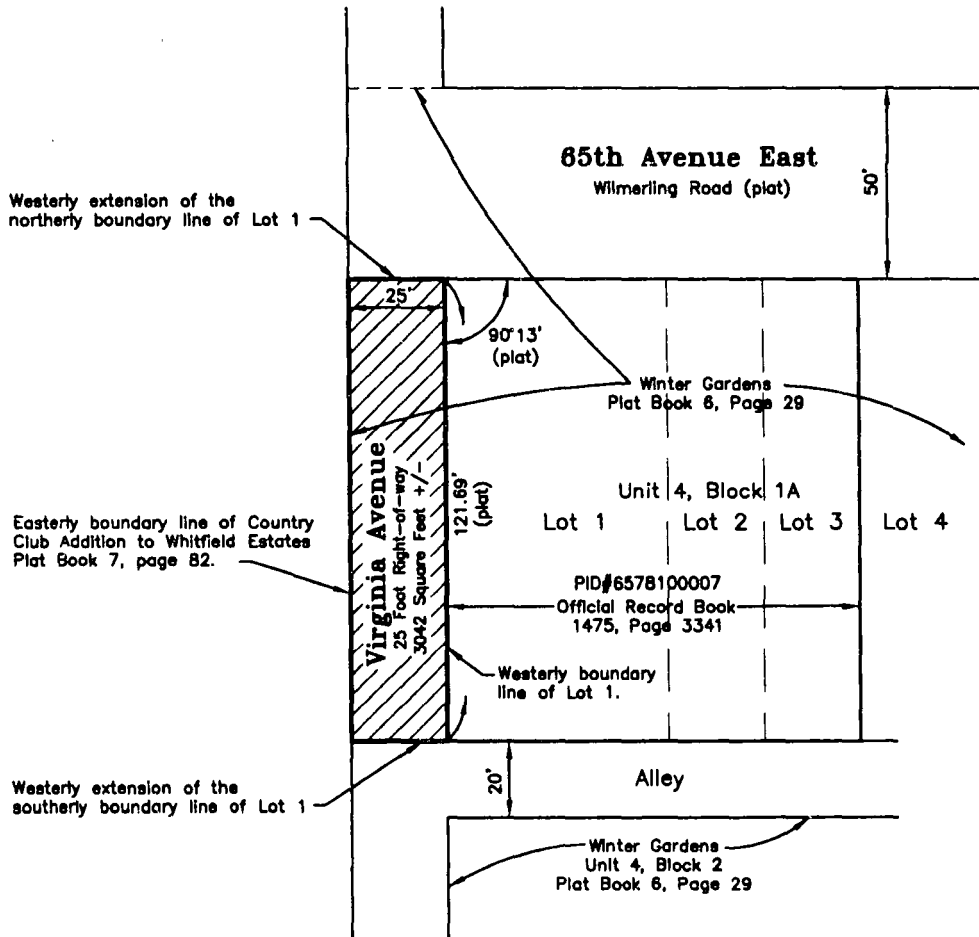
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Containing 3,042 Square Feet, more or less.




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MANATEE COUNTY
PROPERTY MANAGEMENT - SURVEY DIVISION



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

Todd E. Boyle

Todd E. Boyle, RSM DATE: 08/12/10
Registered Surveyor & Mapper, 6047

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Scale: NOT TO SCALE
Project / Job Number: 20101631
Sheet: 1 of 1
Section 24, Township 35 South, Range 17 East
DWG Date: Aug 9, 2010

BRADENTON HERALD

CLASSIFIED ADVERTISING

Order:	132000527	Pubs:	1,9	Rate:	LE
Phone:	9417488208	Class:	4995	Charges:	\$ 0.00
Account:	11980	Start Date:	12/03/2010	List Price:	\$ 305.97
Name:	MANATEE,	Stop Date:	12/03/2010	Payments:	\$ 0.00
Firm:	MANATEE CO PROPERTY	Insertions:	2	Balance:	\$ 305.97

**NOTICE OF
PUBLIC HEARING
ON RESOLUTION
R-10-239-V
TO VACATE CERTAIN
UN-IMPROVED
RIGHTS OF WAY**

NOTICE IS HEREBY GIVEN, pursuant to Section 336.09 et seq., Florida Statutes, and Section 911, Manatee County Land Development Code, that the Board of County Commissioners, Manatee County, Florida, will hold a public hearing on the 14TH day of December 2010 at 9:00 a.m. (or as soon thereafter as may be heard) in the Commission Chambers, 1st Floor, Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, Florida, to consider and act upon an application filed by JoAnne G. Tobais, petitioning the vacation of the following described property:

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.

All interested parties are invited to appear at this hearing and be heard. Additionally, any comments filed with the Director of the Property Management Department will be considered by the Board and entered into the record. The Application and other information regarding the subject are available for public inspection, by appointment, at the offices of the Property Management Department, Property Acquisition Division, Eighth Floor, 1112 Manatee Avenue West, Bradenton, Florida, from 7:00 a.m. to 4:00 p.m., Monday through Friday. Interested parties may obtain assistance regarding this matter by calling (941) 748-4501, extension 6287, during normal business hours.

Rules of procedure for this public hearing are in effect pursuant to Resolution 94-90. Copies of the Resolution are available for review at the Citizens Action Center, Ninth Floor, County Administration Building, 1112 Manatee Avenue West, Bradenton, Florida, and are available for purchase, at cost, from the County Administrators Office.

In accordance with Section 286.0106, Florida Statutes, any person desiring to appeal any decision made with respect to any matter considered at said public hearing will need a record of the proceedings, and, for such purposes, 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.

The Board of County Commissioners of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This nondiscrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodations for this meeting, as provided for in the

Americans with Disabilities Act, should contact the Citizens Action Center at 742-5800; TDD ONLY 742-5803 and wait 60 seconds; or FAX 749-3007.

*SAID HEARING MAY BE
CONTINUED FROM TIME
TO TIME PENDING
ADJOURNMENTS.*

**BOARD OF COUNTY
COMMISSIONERS**
*Property Management
Department
Manatee County, Florida*

12/03/2010

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