

February 12, 2013, Regular Meeting
Agenda Item #34

Subject

Defer Resolution R-13-033, Application to vacate certain rights of way of record (Cahill-Richland Farms)

Briefings

None

Contact and/or Presenter Information

Lynn Willis x6287

Joaquin Servia x3120

APPROVED IN OPEN SESSION

FEB 12 2013

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

Action Requested

Motion to defer a Public Hearing to vacate certain public rights of way owned by Mark Cahill Investments, Steve P. Jorgensen and Barry W. Greer.

Enabling/Regulating Authority

Land Development Code: Chapter 9, Section 911.3, Public Hearing Requirements for vacation of Streets, Roads and Other Property. Section 911.3.1, Public Hearing and Notice. Florida Statue: Chapter 336, Sections 336.06, et seq., Closing and Abandonment of Roads.

Background Discussion

On January 25, 2011 the BCC approved a Resolution R-11-18 (f/k/a R-12-60 and n/k/a as R-13-033) declaring a public hearing to consider an application to vacate certain public rights of way to be held on March 15, 2011; subsequently continued to April 12, 2011, May 24, 2011, August 23, 2011, October 25, 2011, February 28, 2012, April 24, 2012, August 21, 2012, October 9, 2012, December 18, 2012, and February 12, 2013.

Attorney for the applicant, Mark Barnebey, has requested the Public Hearing to vacate certain rights-of-way in the Richland Farms subdivision be deferred until the easement issues between the two parties are resolved.

The applicant will then pay to re-advertise the Public Hearing once the issues are settled.

County Attorney Review

Not Reviewed (No apparent legal issues)

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - February 12, 2013

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Please send a copy of approved item to Lynn Willis, Property Management (lynn.willis@mymanatee.org).

✓ 2/12/13

Cost and Funds Source Account Number and Name

none

Amount and Frequency of Recurring Costs

0

Attachment: Defer Public Hearing Request.pdf



[back to agenda approver](#)

[help](#)

Approver : [View Agenda Item](#)

Agenda

February 12, 2013, Regular Meeting

Category

D. ADVERTISED PUBLIC HEARINGS (Presentations Upon Request)

Sub-Category

Property Management

Approval Path

PM (1)

Subject

Defer Resolution R-13-033, Application to vacate certain rights of way of record (Cahill-Richland Farms)

Briefings

None

Contact and/or Presenter Information

Lynn Willis x6287

Joaquin Servia x3120

Action Requested

Motion to defer a Public Hearing to vacate certain public rights of way owned by Mark Cahill Investments, Steve P. Jorgensen and Barry W. Greer.

Enabling/Regulating Authority

Land Development Code: Chapter 9, Section 911.3, Public Hearing Requirements for vacation of Streets, Roads and Other Property. Section 911.3.1, Public Hearing and Notice. Florida Statute: Chapter 336, Sections 336.06, et seq., Closing and Abandonment of Roads.

Background Discussion

On January 25, 2011 the BCC approved a Resolution R-11-18 (f/k/a R-12-60 and n/k/a as R-13-033) declaring a public hearing to consider an application to vacate certain public rights of way to be held on March 15, 2011; subsequently continued to April 12, 2011, May 24, 2011, August 23, 2011, October 25, 2011, February 28, 2012, April 24, 2012, August 21, 2012, October 9, 2012, December 18, 2012, and February 12, 2013.

Attorney for the applicant, Mark Barnebey, has requested the Public Hearing to vacate certain rights-of-way in the Richland Farms subdivision be deferred until the easement issues between the two parties are resolved.

The applicant will then pay to re-advertise the Public Hearing once the issues are settled.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Please send a copy of approved item to Lynn Willis, Property Management.

Cost and Funds Source Account Number and Name

none

Amount and Frequency of Recurring Costs

0

Attachments: (list)



[Defer Public Hearing Request.pdf](#)

Barbara Carter - ()
Role : Approver

| log out

Version: 1.2.1.3 - 1.2.7.5

© 2002-2013, Idea Integration Corp.
All Rights Reserved

From: Mark Barnebey <mbarnebey@blalockwalters.com>
To: "Joaquin.Servia@mymanatee.org" <Joaquin.Servia@mymanatee.org>
Cc: Rachel Layton <rlayton@blalockwalters.com>
Date: 02/01/2013 04:03 PM
Subject: Cahill Street Vacation

Good afternoon Joaquin,

Thank you to the County for continuing the Application to Vacate certain rights-of-way of record in the Richland Farms subdivision. We have been working to resolve issues regarding the easement documents with both parties. At this time, no further requests for continuance are requested. If we can resolve the easement issues between the two parties, the applicant will pay to re-advertise the public hearing. If you have any questions, please do not hesitate to call me. Mark

Mark P. Barnebey

Board Certified in City, County and Local Government Law



802 11th Street West | Bradenton, FL 34205
2 North Tamiami Trail, #408 | Sarasota, FL 34236

Office 941.748.0100 | Facsimile 941.745.2093
mbarnebey@blalockwalters.com

To ensure compliance with Treasury Department regulations, we advise you that, unless otherwise expressly indicated, any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or applicable state or local tax law provisions or (ii) promoting, marketing or recommending to another party any tax-related matters addressed herein.

Confidentiality Notice - This message is being sent by or on behalf of an attorney. It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of this message.

BRADENTON HERALD


WWW.BRADENTON.COM
P.O. Box 921
Bradenton, FL 34206-0921
102 Manatee Avenue West
Bradenton, FL 34205-8894
Ph: 941-745-7066
Fax: 941-708-7758

Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

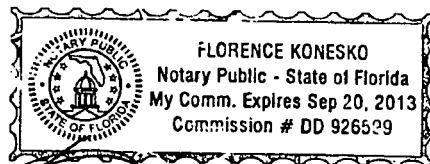
STATE OF FLORIDA
COUNTY OF MANATEE

Before the undersigned authority personally appeared Danica Sherrill, who, on oath, says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, **LEGAL NOTICE OF PUBLIC HEARING** as published in said newspaper in the issue **02/17/2011, 02/26/2011**.

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn to and subscribed before me this
03 Day of March, 2011




SEAL & Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

BRADENTON HERALD

CLASSIFIED ADVERTISING

Order:	132016116	Pubs:	1,9	Rate:	LE
Phone:	9413642400	Class:	4995	Charges:	\$ 0.00
Account:	3642400	Start Date:	02/17/2011	List Price:	\$ 724.78
Name:	KIRK,	Stop Date:	02/26/2011	Payments:	\$ 0.00
Firm:	KIRK PINKERTON	Insertions:	4	Balance:	\$ 724.78

NOTICE OF PUBLIC HEARING

ON RESOLUTION
R-11-018-V
TO VACATE A STREET,
ALLEYWAY, ROAD
OR HIGHWAY

NOTICE IS HEREBY GIVEN, pursuant to Sections 177.101 and 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 15th day of March 2011 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 Mark Cahill Investments, Steve P. Jorgensen and Barry W. Graer, petitioning the vacation of the following described property:

A PUBLIC RIGHT-OF-WAY LYING IN SECTION 30, TOWNSHIP 34 S., RANGE 19 E AND BEING 50 FEET WIDE AS PER THE PLAT OF RICHLAND FARMS, RECORDED IN PLAT BOOK 6, PAGE 63, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 30, TOWNSHIP 34 SOUTH, RANGE 19 EAST, SAID POINT ALSO BEING A 4" CONCRETE MONUMENT; THENCE RUN S 89°33'54" E ALONG THE SOUTH LINE OF SAID SECTION 30, A DISTANCE OF 2,408.28 FEET TO THE EAST LINE OF LOT 21 OF SAID RICHLAND FARMS AND THE POINT OF BEGINNING;

THENCE DEPARTING SAID SOUTH LINE OF SECTION 30, RUN N 00°59'15" E ALONG THE EAST LINE OF SAID LOT 21, A

DISTANCE OF 286.17 FEET, TO THE SOUTH RIGHT-OF-WAY WAY LINE OF S.R. 64, AS DESCRIBED IN OR BOOK 2082, PAGE 5898, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA;

THENCE RUN S 87°50'17" E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 50.01 FEET TO THE WEST LINE OF LOT 20 OF SAID RICHLAND FARMS, AS DESCRIBED IN OR BOOK 2042, PAGE 5087; THENCE RUN 00°59'15" W ALONG WEST LINE OF SAID LOT 20, A DISTANCE OF 284.66 FEET TO SOUTH LINE OF SAID SECTION 30;

THENCE RUN N 89°33'54" W ALONG THE SOUTHLINE OF SAID SECTION 30, A DISTANCE OF 50.00 FEET TO THE EAST LINE OF SAID LOT 21 AND THE AFOREMENTIONED POINT OF BEGINNING.

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, 8th Floor, 1112 Manatee Ave. W., Bradenton, Florida, from 7 a.m. to 4 p.m., M-F. Interested parties may obtain assistance regarding this matter by calling (941) 748-4501, x 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 Ave. W., 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 745 3790.

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

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

02/17/2011, 02/26/2011

**AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGNAGE
AND WRITTEN NOTIFICATIONS**

**STATE OF FLORIDA
COUNTY OF MANATEE**

BEFORE ME, the undersigned authority, personally appeared Scott E. Rudacille, Esquire, who, after having first been duly sworn and put upon oath, says as follows:

1. That he is the Agent (owner, agent for owner, attorney in fact for owner, etc.) of the property identified in the application for Vacation of Certain Platted Property to be heard before the **Manatee County Board of County Commissioners** at a public hearing to be held on **Tuesday, March 15, 2011** and as such, is authorized to execute and make this Affidavit and is familiar with the matters set forth herein, and they are true to the best of his knowledge, information, and belief.
2. That the Affiant has caused the required public notice sign to be posted pursuant to Manatee County Ordinance No. 90-01, on the property identified in said application, and the sign was conspicuously posted on or before the 28th day of February, 2011 as follows: (note location below).

**On the South side of State Road 64, just east of Greenfield
Boulevard in Section 30, Township 34 South, Range 19 East.
The properties are identified on the County tax roll as Parcel
IDs# 566000006 and 565900503.**

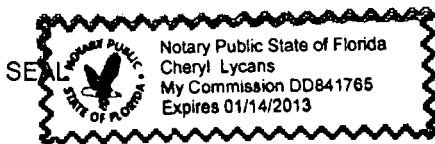
3. That the Affiant has caused the mailing of the required letter of notification to contiguous property owners pursuant to Manatee County Ordinance 90-01, by 1st Class Mail, on the 28th day of February, 2011. A list of contiguous property owners with mailing addresses and applicable property identification 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.

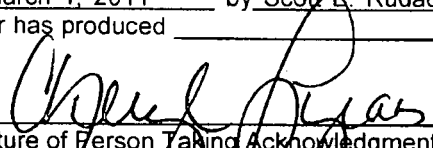
FURTHER YOUR AFFIANT SAITH NOT.



Property Owner/Agent Signature

SWORN TO AND SUBSCRIBED before me on March 1, 2011 by Scott E. Rudacille, Esquire (name of affiant). He is personally known to me or has produced _____ (type of identification) as identification and did take an oath.





Signature of Person Taking Acknowledgment
CHERYL LYCANS

Type Name

NOTARY PUBLIC

Title or Rank

My Commission Expires: 1/14/2013

Commission No.: DD841765

Serial Number, if any _____

Parcel Owners With In a 250 Foot Buffer Around a Parcel

OWNER	MAILING ADDR1	MAILING ADDR2	CITYNAME	ST	ZIP	+4	COUNTRY	POSTALCODE	PARID	NO	STREET	STR	DIR	UNIT
1 BROWN, ETHEL A	ADDRESS UNKNOWN								565910007		NO ASSIGNED ADDRESS			
2 BRUCE WILLIAMS FARM	607 7TH ST E		BRADENTON	FL	34208	2004			566801029	10325	GREENFIELD	BLVD		
3 EAST GLEN PROFESSIONAL PARK	9906 SR 64 E		BRADENTON	FL	34212	5303			566100053	9928	SR 64		E	
4 EAST GLEN PROFESSIONAL PARK INC	9906 SR 64 E		BRADENTON	FL	34212	5303			566100152	9904	SR 64		E	
5 EAST GLEN PROFESSIONAL PARK INC	9906 SR 64 E		BRADENTON	FL	34212	5303			566100103	9908	SR 64		E	
6 GREER, BARRY W	4516 4TH AVE NE		BRADENTON	FL	34208	5410			565900503	10106	SR 64		E	
7 MANATEE COUNTY	P O BOX 1000		BRADENTON	FL	34206				567110051	3331	LENA	RD		
8 MARK CAHILL INVESTMENTS LLC	PO BOX 20669		BRADENTON	FL	34204	0669			566000006	10008	SR 64		E	
9 REAGAN, E LAWRENCE	11415 UPPER MANATEE RIVER RD		BRADENTON	FL	34212	6702			565900107	10208	SR 64		E	
10 JORGENSEN, STEVEN P	4516 4th AVE. NE		BRADENTON	FL	34208				565900503					