

**RESOLUTION R-17-006**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, VACATING CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY, SPECIFICALLY A PORTION OF 261<sup>ST</sup> STREET EAST PURSUANT TO SECTIONS 336.09, 336.10 AND 336.12, FLORIDA STATUTES, AND THE LAND DEVELOPMENT CODE, MANATEE COUNTY, FLORIDA.**

**WHEREAS**, an application has been made by Stephen P. Aron, a married person, Joseph J. Roman, an unmarried person, and John S. Schlabach, a married person (Applicants) to vacate, abandon, discontinue and close a portion of an unimproved right-of-way identified as “261<sup>st</sup> Street East” on the plat of the “Pomello Park”, as recorded in Plat Book 6, Page 61, of the Official Records of Manatee County, Florida, located in Section 35, Township 35 South, Range 20 East, and more particularly described in Exhibit A attached hereto and by this reference provided herein. This site is located in Commission District Five; and

**WHEREAS**, Sections 336.09, 336.10 and 336.12, Florida Statutes, authorize the vacating and annulment and abandonment of roads and streets and any right of Manatee County (County) and of the public in and to any land or interest therein, by the Board of County Commissioners (Board); and

**WHEREAS**, the Applicants have a deeded interest in the right-of-way sought to be vacated; and

**WHEREAS**, the Applicants have complied with all applicable notice requirements pursuant to Section 336.10, Florida Statutes, and the County’s Land Development Code (the Code); and

**WHEREAS**, the application has been reviewed by the Property Management Department Director who has found it to be complete and sufficient for presentation to the Board; and

**WHEREAS**, pursuant to the Code, the Property Management Department Director has prepared a report recommending to the Board approval of the application; and

**WHEREAS**, a resolution declaring a notice of public hearing on said application was duly adopted by the Board and the notice of said public hearing was duly published in a newspaper of general circulation in Manatee County, Florida, in accordance with Section 336.10, Florida Statutes, and the Code; and

**WHEREAS**, a public hearing was held on Tuesday, February, 7, 2017, to consider the advisability of exercising the authority granted by Section 336.09, Florida Statutes, and the Code to vacate this right-of-way and the Board was fully advised and informed in the premises; and

**WHEREAS**, the Board has determined that vacating this right-of-way would not be in derogation of the public rights or needs of the County; and

**WHEREAS**, the Board has found that the right-of-way which is the subject of this resolution no longer serves a public purpose and is a proper subject for abandonment pursuant to Chapter 336, Florida Statutes.

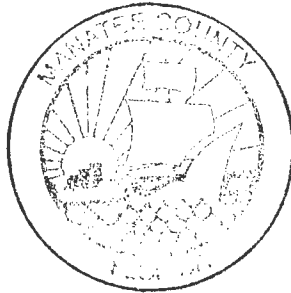
**WHEREAS**, following analysis of the application, approval of said vacation is determined to be consistent with the Code and the County's Comprehensive Plan; and

**WHEREAS**, vacation or abandonment of this property is in the best interests of the public.

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

1. Upon request of the Applicants, the Board vacates, abandons, renounces and disclaims any right of the County and the public in and to the land described in Exhibit A, incorporated herein by reference.
2. No portion of the land, or interest therein, described in Exhibit A constitutes or was acquired for a state or federal highway.
3. This resolution shall take effect upon recordation in the public records of Manatee County, Florida.

**DULY ADOPTED** with a quorum present and voting this 7 day of February, 2017.



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

By:  \_\_\_\_\_  
Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By:  \_\_\_\_\_  
Deputy Clerk

**LEGAL DESCRIPTION:**

SITUATED IN SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA AND BEING A PORTION OF PUBLIC RIGHT-OF-WAY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 49, IN SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST, POMELLO PARK, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 61, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE WESTERLY LINE OF AFORESAID TRACT 49, SAID LINE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF 261ST STREET EAST S00°38'53"W 370 FEET MORE OR LESS TO A POINT LYING 160 FEET SOUTH OF THE NORTH LINE OF THE LANDS OF ARON, SAID LANDS BEING DESCRIBED IN OFFICIAL RECORDS BOOK 2312, PAGE 4417, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND THE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, CONTINUE ALONG SAID RIGHT-OF-WAY LINE S00°38'53"W 476.86 FEET TO A POINT LYING 160 FEET NORTH OF THE SOUTH LINE OF THE LANDS OF SCHLABACH, SAID LANDS BEING DESCRIBED IN OFFICIAL RECORDS BOOK 2599, PAGE 81, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. THENCE N89°04'24"W 50.00 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF 261ST STREET EAST; THENCE N00°38'53"E 476.86 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE; THENCE S89°04'24"E 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.547 ACRES (23,843 SQUARE FEET) MORE OR LESS.

**LEGEND AND ABBREVIATIONS:**

- (P) PLAT DIMENSION
- (M) MEASURED DIMENSION
- (D) DEED DIMENSION
- (C) CALCULATED DIMENSION
- O.R./PG. OFFICIAL RECORDS BOOK/PAGE
- D.B./PG. DEED BOOK/PAGE
- P.B./PG. PLAT BOOK/PAGE
- W.F. WIRE FENCE
- OUL OVERHEAD UTILITY LINE
- PT. PORTION OF (LOT/BLOCK)
- R/W RIGHT-OF-WAY
- SEC. SECTION
- TWP. TOWNSHIP
- RGE. RANGE
- IRON ROD (I.R.) OR IRON PIPE (I.P.) FOUND
- 5/8" I. ROD SET W/CAP PSM#6333

**NOTE:**

BEARINGS BASED ON THE EASTERLY RIGHT OF WAY OF 261ST STREET EAST HAVING A BEARING OF S00°38'53"W.

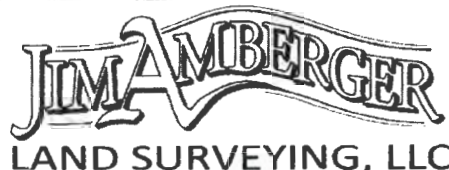
**EXHIBIT "A"**

*J* 12/22/2016

JAMES B. AMBERGER DATE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE No. 6333

© 2016 Jim Amberger Land Surveying, LLC

**SKETCH OF DESCRIPTION  
A PORTION OF 261ST STREET EAST  
ROAD RIGHT-OF-WAY  
SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST,  
MANATEE COUNTY, FLORIDA**



1055 South Tamiami Trail, Suite 110-B  
Sarasota, FL 34236  
Phone (941) 955-6333 berger@timeverizon.net  
Surveying & Mapping Business Authorization #LB7649

**SHEET 1 OF 2**

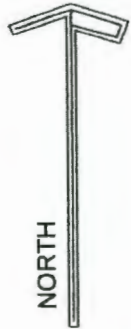
REV. 10-24-2016  
REV. 11-18-2016  
REV. 12-21-2016

DATE: 3-14-2016  
JOB # 2009071  
DWG# B-09071  
DRAWN BY: JBA

# EXHIBIT "A"

261ST STREET EAST  
(50' PUBLIC RIGHT-OF-WAY)  
(OPEN TO PUBLIC HIGHWAYS)

POINT OF COMMENCEMENT  
NORTHEAST CORNER  
OF TRACT 49



0 200'  
Scale: 1"=200'

77TH AVENUE EAST  
(50' PUBLIC RIGHT-OF-WAY)  
(UNIMPROVED--NOT OPEN)

TRACT 48  
POMELLO PARK  
P.B. 6, PG. 61

S89°04'24"E  
50.00'

PORTION OF  
261ST STREET EAST  
RIGHT-OF-WAY  
(23,843 SQUARE FEET MORE OR LESS)

PT. TRACTS 47 & 48  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335601889

PT. TRACT 47  
POMELLO PARK  
P.B. 6, PG. 61

333.50'

N89°04'24"W  
50.00'

N89°04'24"W

PT. TRACT 47  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335601699

WESTERLY  
RIGHT OF WAY LINE OF  
261ST STREET EAST

N00°38'53"E

476.86'

S00°38'53"W

476.86'

EASTERLY  
RIGHT OF WAY LINE OF  
261ST STREET EAST

370' ± S00°38'53"W

160.00'

POINT OF BEGINNING

NORTH LINE OF  
LANDS OF ARON  
O.R. 2312, PG. 4417

S89°04'24"E

160.00'

456.44'

LANDS OF ARON  
O.R. 2312, PG. 4417

PT. TRACT 49  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335601869

PT. TRACT 49  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335601879

PT. TRACT 50  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335602159

LANDS OF SCHLABACH  
O.R. 2599, PG. 81

SOUTH LINE OF  
LANDS OF SCHLABACH  
O.R. 2599, PG. 81

PT. TRACT 50  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335601869

**NOTE:**

SKETCH OF DESCRIPTION ONLY  
NOT A BOUNDARY SURVEY  
SEE ATTACHED PAGE 1  
FOR LEGAL DESCRIPTION

JAMES B. AMBERGER DATE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE No. 6333

12/22/2016

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SKETCH OF DESCRIPTION  
A PORTION OF 261ST STREET EAST  
ROAD RIGHT-OF-WAY  
SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST,  
MANATEE COUNTY, FLORIDA

**JIM AMBERGER**  
LAND SURVEYING, LLC

1055 South Tamiami Trail, Suite 110-B  
Sarasota, FL 34236  
Phone (941) 955-6333 bergertime@verizon.net  
Surveying & Mapping Business Authorization #B7649

SHEET 2 OF 2

REV. 10-24-2016  
REV. 11-18-2016  
REV. 12-21-2016

DATE: 3-14-2016  
JOB # 2009071  
DWG# B-09071  
DRAWN BY: JBA

**APPROVED** in Open Session

Manatee County Board of County  
Commissioners

Manatee County Government Administrative Center  
Commission Chambers, First Floor  
9:00 a.m. - February 7, 2017

February 7, 2017 - Regular Meeting  
Agenda Item #44

2/7/17

Subject

Adoption of Resolution R-17-006, a Resolution Vacating a Portion of 261st Street East located within Pomello Park

Briefings

None

Contact and/or Presenter Information

Joy Leggett Murphy, Property Acquisition Division Manager, Property Management, Extension 3439

Charles Meador, Real Property Specialist, Property Acquisition Division, Property Management, Extension 6289

Action Requested

- ADOPT Resolution R-17-006.

Enabling/Regulating Authority

Florida Statutes, Chapter 336.09, Closing and abandonment of roads.

Manatee County Land Development Code, Section 311, Vacation of Streets and Plats.

Background Discussion

- The applicants, Stephen P. Aron, Joseph J. Roman, and John S. Schlabach are requesting a vacation of a portion of 261st Street East within Pomello Park.
- The right-of-way sought to be vacated was dedicated to the public in 1926 by the Pomello Park subdivision plat recorded at Plat Book 6, Page 61 of the Public Records of Manatee County, Florida.
- The portion of 261st Street East that is sought to be vacated abuts the applicants properties and is unimproved.
- Jurisdictional reviews by appropriate county departments and private utility companies serving the area to be vacated have been notified of the intention to file a vacation and have no objection.
- Clarke Davis, Transportation Planning Section Manager, initially had a conditional objection. However, after a revised sketch of description was agreed upon by the applicants that reduces the vacation to meet the requirements of the LDC (per Miles Gentry, Planning Section Manager), Clarke Davis amended his comments and has no objection.

Manatee County Government Administrative Center  
Commission Chambers, First Floor  
9:00 a.m. - February 7, 2017

- James Hallman with Charter (formerly Brighthouse) initially had a conditional objection. However, after James reviewed the comments from Peace River, James amended his comments and has no objection.
- The vacation application complies with the technical requirements of the Manatee County Land Development Code and pertinent Florida Statutes.
- All expenses associated with the subject vacation will be paid by the applicants.
- Manatee County's application filing fee of \$800 has been paid.
- Staff followed and completed the recommendation outlined in the Request for Legal Services (RLS).

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other

Reviewing Attorney

D'Agostino

Instructions to Board Records Emailed, interofficed 2/9/17

Please return a certified copy of the resolution to Charles Meador, Property Management Department, 1112 Manatee Avenue West, Suite 800, Bradenton, Florida

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [R-17-006.pdf](#)

Attachment: [Application for Vacating.pdf](#)

Attachment: [Jurisdictional Review.pdf](#)

Attachment: [Response to CAO Matter No. 2016-0704.pdf](#)

Attachment: [Director Recommendation.pdf](#)

Attachment: [Sufficiency Review Memo.pdf](#)

Attachment: [Affidavit.pdf](#)

Attachment: [Public Hearing Notice.pdf](#)

Attachment: [Location Map.pdf](#)

## APPLICATION REVIEW LOG

Aron, Roman, Schlabah	FILE: #V-16-504	REQUEST DATE: 6/17/16	DEADLINE DATE: 6/30/16
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REVIEWING ENTITY	N/A	NO OBJECTION	CONDITIONAL *	DISAPPROVES *	DATE REVIEWED
<b><u>PARKS &amp; NATURAL RESOURCES DEPT:</u></b>					
• Charlie Hunsicker, Director 742-5923, x 6001	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>By Rob Brown</u>
• <b>ENVIRONMENTAL PROTECTION</b> Rob Brown, Division Manager 742-5980, x1870	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>7.19.16</u>
• <b>RESOURCE MANAGEMENT</b> Max Dersch, Division Manager 745-3723, x 4610	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>By Rob Brown</u>
<b><u>BUILDING &amp; DEVELOPMENT SERVICES:</u></b>					
• <b>PLANNING ACTIVITIES</b> Rob Wenzel, Dev. Rev. Coordinator 748-4501, x 6845	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>8.19.16</u>
• <b>COMPREHENSIVE PLANNING</b> Kathleen Thompson 748-4501, x 6841	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>7.6.16</u>
• <b>CODE ENFORCEMENT OFFICIAL</b> CJ Dupree 748-2071, x 6854	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.17.16</u>
• <b>ENVIRONMENTAL PLANNING DIVISION</b> Joel Christian, Division Manager 748-4501, x 6207	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.21.16</u>
• <b>PERMITTING SERVICES</b> Cindi Blake 748-4501, x 3802	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.20.16</u>
<b><u>PROPERTY MANAGEMENT DEPARTMENT:</u></b>					
• <b>PROPERTY ACQUISITION</b> Maggie Daniell, Interim Div Manager 749-3009, x 3021	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.17.16</u>
• <b>SURVEY</b> Todd Boyle, Manager 749-3024, x 3024	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.17.16</u>
<b><u>PUBLIC SAFETY DEPARTMENT:</u></b>					
• <b>EMERGENCY MEDICAL SERVICES</b> Sharon Tarman, Emergency Mgmt. Officer 749-3500, x 1673	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.21.16</u>
<b><u>PUBLIC WORKS DEPARTMENT:</u></b>					
• <b>TRANSPORTATION PLANNING</b> Clarke Davis, Planning Div. Manager 708-7450, x 7272	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>10.27.16</u>
• <b>HIGHWAY ENGINEERING</b> Chris Mowbray, Division Manager 708-7487, x 7605	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.21.16</u>
• <b>FIELD MAINTAINENCE DIVISION</b> Danny Smith, Division Manager 708-7494 x 7494	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.21.16</u>
• <b>TRAFFIC ENGINEERING</b> Aaron Burkett, Ops Div. Manager 708-7509 x 7509	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.17.16</u>
• <b>UTILITY ENGINEERING</b> Dave Branning, Sr. Engineer Tec 708-762, x 7662	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.17.16</u>
<b><u>UTILITIES DEPARTMENT:</u></b>					
• <b>WATER DIVISION</b> Robert Crowton, Services Coordinator 792-8811, x 5141	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>8.12.16</u>
• <b>WASTEWATER DIVISION</b> Jeff Goodwin, Division Manager 792-8811, x 5235	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>By Rob C</u>
<b><u>MANATEE COUNTY SHERIFF'S OFFICE:</u></b>					
• <b>ENFORCEMENT BUREAU</b> Major Dennis Dummer, Chief 747-3011, x2007	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.21.16</u>
<b><u>MANATEE COUNTY FIRE DISTRICT:</u></b>					
• NAME: Myakka City CONTACT: Chief Bartozek PHONE: 322-6525	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>7.6.16</u>
<b><u>PRIVATE UTILITY COMPANIES:</u></b>					
• <b>ELECTRIC:</b> NAME: Peace River CONTACT: Jamie Harrison PHONE: 863.781.1591	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>8.29.16</u>
• <b>PHONE:</b> NAME: Frontier CONTACT: Mike Little PHONE: 813.892.9648	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.20.16</u>
• <b>GAS:</b> NAME: TECO CONTACT: Dan Shanahan PHONE: 342-4006	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.20.16</u>
• <b>CABLE:</b> NAME: Comcast CONTACT: Bruce Drackett PHONE: 904.777.9052	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>6.20.16</u>

\* Refer to reviewer's comments

*Charter / Brighthouse  
Jim Hoffmann 737-1062*

X

10.26.16

Charles Meador

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**From:** Miles Gentry  
**Sent:** Wednesday, November 30, 2016 8:30 AM  
**To:** Charles Meador  
**Subject:** RE: Vacation application V-16-504 Aron, Roman and Schlabach 261st St E

Charles:

The modified sketch proves sufficient compliance with zoning regulations, particularly the minimum front lot line width that appeared insufficient on the earlier version.

Miles Gentry  
Manatee County Building & Development Services

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**From:** Charles Meador  
**Sent:** Tuesday, November 22, 2016 11:20 AM  
**To:** Miles Gentry  
**Subject:** RE: Vacation application V-16-504 Aron, Roman and Schlabach 261st St E

Miles,

The legal and sketch has been modified per your comments. Please see the attached. This revised legal and sketch and proposed vacation should be in compliance with the LDC. Can you kindly confirm the same when you have a minute.

Thank you,

Charles Meador  
Property Acquisition Division  
1112 Manatee Avenue West, Suite 800  
Bradenton, FL 34205  
941.748.4501 Ext.6289  
[charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)

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**From:** Miles Gentry  
**Sent:** Friday, October 28, 2016 2:43 PM  
**To:** Charles Meador  
**Cc:** Robert Wenzel  
**Subject:** Vacation application V-16-504 Aron, Roman and Schlabach 261st St E

Charles:

The vacation of 789 ft of street ROW shown on sheet 2 of Sketch by Amberger 10-24-2016, attached, would render the following parcels non-conforming to zoning regulations:

- parcel: 335602159
  - owner: SCHLABACH,JOHN STEPHEN
- parcel: 335601879
  - owner: ARON,CHRISTINE A

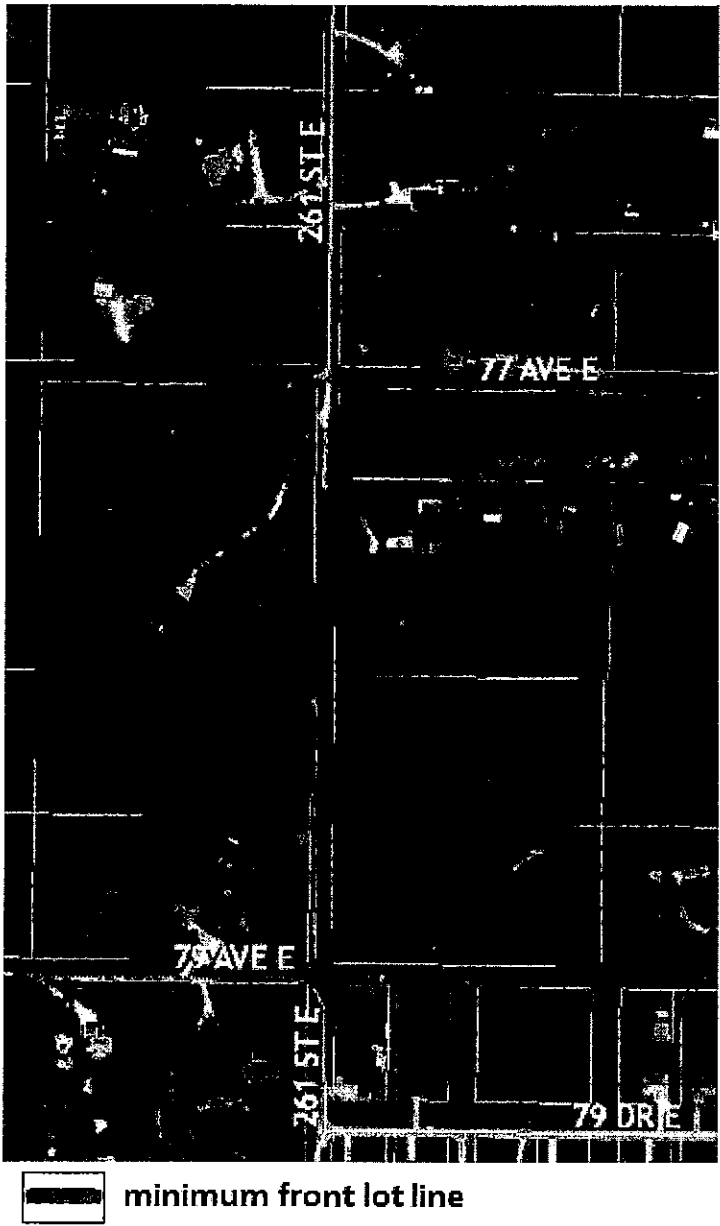
The vacation would violate the following sections of the Manatee County Land Development Code:



- 401.3.B.4 Minimum front lot line 80% of minimum lot width
- 401.4 Table 4-4 Minimum lot width in "A" zoning district 200 ft.

Calculate minimum front lot line = 80% of 200 ft = 160 ft.

The aerial photo map, below, shows (in orange color) where the parcels need the minimum 160 ft front lot line on the street ROW of 261st St E. That would leave a maximum 469 ft (789' – 160' – 160') (in red color) of ROW to vacate.



Miles Gentry  
Manatee County Building & Development Services

Charles Meador

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**From:** Chris Mowbray  
**Sent:** Friday, November 04, 2016 12:15 PM  
**To:** Charles Meador  
**Cc:** Clarke Davis; Miles Gentry  
**Subject:** FW: Vacation of ROW Clarification  
**Attachments:** 2009071 261ST STREET EAST RIGHT-OF-WAY VACATION rev 10-25-2016.pdf; Response to CAO Matter No. 2016-0704 dtd 10-14-16.pdf; ChrisDannyClakre.PDF; Clarke Davis Clarification.PDF

Charles,  
Please add the below to your /Hwy Eng's record as it addresses some comments by the CAO.

After speaking with you and seeing Miles' comments, I'm putting this one to bed.

The only other thing CAO mentioned was the utility reservation of private easement for Brighthouse/Frontier , FPL, etc....and that's addressed by your cc'ing those entities.

All Good  
Chris

Charles,  
I have no objection from a Hwy Engineering standpoint, however I would like to bring to BADS attention the below graphic. It shows excerpts from the application to vacate, the CAO's response, and parcel lines as they exist on GIS.

IMO two lots of record, regardless of ownership, will be non-conforming after said vacation as they won't have their required frontage based on their zoning district.

My original comments and the CAO's response to them may be clarified by this graphic as I called out certain lot nos. in my comments, which really aren't lots so I will use the parcels layer to explain my point.

One issue that was discussed in the

I have a call into the *planner on call* to see if I could forward this to the person who did BADS review.

Charles Meador

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**From:** Hallman, James C <James.Hallman@charter.com>  
**Sent:** Wednesday, October 26, 2016 11:09 AM  
**To:** Charles Meador; Hallman, James; Jamie Harrison  
**Subject:** RE: Vacation - 261st Street E

Charles,

From reading Mr. Harrison's Jurisdictional Review Response it looks like he will not be moving or removing any of his poles. If that is the case then we have no problem or issue with the vacate.

Jim

**Charter**  
COMMUNICATIONS

Jim Hallman | Field Engineer | 941-737-1062  
5413 State Rd. 64 E | Bradenton, FL 34243

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**From:** Charles Meador [mailto:Charles.Meador@mymanatee.org]  
**Sent:** Wednesday, October 26, 2016 10:30 AM  
**To:** Hallman, James; Jamie Harrison  
**Subject:** FW: Vacation - 261st Street E

All,

Please see the commentary from Mr. Aron on 9/1/16. I have kindly attached your feedback and two pictures provided by Mr. Aron. Jamie/Peace River had no objection.

James – You noted a conditional objection.

Both – Please confirm that this vacation will not impact any utility poles or easements.

Thank you,

Charles Meador  
Property Acquisition Division  
1112 Manatee Avenue West, Suite 800  
Bradenton, FL 34205  
941.748.4501 Ext.6289  
[charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)

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**From:** Stephen Aron [mailto:saron@ifeonline.com]  
**Sent:** Friday, September 02, 2016 10:16 AM

## JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

**RE: Application File # V-16-504**

**Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East**

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The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

Has **NO OBJECTION** to the vacation application.

Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

As long as the utility poles in the easterly easement are not affected by this vacation of easement  
Brighthouse Networks has No Objection. If the utility poles and easement are affected then a new  
easement will need to be granted.

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**DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  ***inspected***  ***not inspected*** in the course of completing the review.

Print Name  
James Hallman

Initials  
JH

Phone #  
941-737-1062

Date  
7-21-2016

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Charles Meador

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**From:** Robert Wenzel  
**Sent:** Friday, August 19, 2016 12:13 PM  
**To:** Charles Meador  
**Subject:** RE: Application to Vacate a portion of 261st Street East, Myakka City

Charles,

The vacation request will not violate any zoning regulations. Access should be looked at by the Public Works Department, Public Safety Department and the Fire District.

Thanks,

Rob Wenzel  
Manatee County  
Building and Development Department  
(941)748-4501 x6845

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**From:** Charles Meador  
**Sent:** Friday, August 12, 2016 10:22 AM  
**To:** Clarke Davis; Robert Wenzel; Robert Crowton  
**Subject:** FW: Application to Vacate a portion of 261st Street East, Myakka City

All,

Please provide a response.

Thank you,

Charles Meador  
Property Acquisition Division  
1112 Manatee Avenue West, Suite 800  
Bradenton, FL 34205  
941.748.4501 Ext.6289  
[charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)

---

**From:** Charles Meador  
**Sent:** Tuesday, July 19, 2016 9:22 AM  
**To:** Robert Brown; Clarke Davis ([clarke.davis@mymanatee.org](mailto:clarke.davis@mymanatee.org)); Robert Crowton; Max Dersch  
**Subject:** FW: Application to Vacate a portion of 261st Street East, Myakka City

All,

Please respond on behalf of your department/division.

Thank you,

Charles Meador

Charles Meador

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**From:** Clarke Davis  
**Sent:** Thursday, October 27, 2016 3:15 PM  
**To:** Charles Meador; Christine Pearson  
**Subject:** RE: Vacation of ROW Clarification

Charles,

While not clear in the comments and email chain presented in the RLS, this email is to confirm the applicant's follow-up information sufficiently addresses Transportation Planning concerns about potential impacts to access. Staff have no objection to the vacation as proposed. Thanks.

Clarke

====

Clarke Davis  
Transportation Planning Manager  
Manatee County Public Works  
1022 26<sup>th</sup> Ave East  
Bradenton, FL 34208  
941.708.7450 x7272  
[clarke.davis@mymanatee.org](mailto:clarke.davis@mymanatee.org)

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**From:** Charles Meador  
**Sent:** Thursday, October 27, 2016 3:09 PM  
**To:** Clarke Davis; Christine Pearson  
**Subject:** Vacation of ROW Clarification

Clarke/Chris,

Good afternoon! Can you please confirm if this vacation will impact access? To expedite your quick review, I have kindly attached:

- A Legal and sketch
- The RLS with some background that was sent to you on 10/17.
- Your initial response

Thank you,

Charles Meador  
Property Acquisition Division  
1112 Manatee Avenue West, Suite 800  
Bradenton, FL 34205  
941.748.4501 Ext.6289  
[charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)

## JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

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The undersigned, as a designated representative for the Transportation Planning Division declares that he:

Please  your responses below (attach as many additional pages as necessary):

- Has **NO OBJECTION** to the vacation application.
- Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

When vacated, the properties on either side will be extended to the center of what was previously right-of-way, placing the existing, unpaved roadway partially within each of what will then be private properties of Roman and Aron. This has the effect of landlocking the Aron (PID 335601879) and Schlabach (PID 335602159) parcels. Access can be preserved by 1) vacating a shorter section of the right-of-way, e.g., a south section lying between the Roman and Schlabach properties or 2) via access easement(s) or private roadway, whichever is appropriate.

Transportation Planning staff recommend that one of these mitigating actions be taken concurrently with the vacation.

- DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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### **ADDITIONAL COMMENTS/INFORMATION:**

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Property was  ***inspected***  ***not inspected*** in the course of completing the review.

*Clarke Davis*

*941.708.7450 x7272 17-Aug-2016*

Print Name

Initials

Phone #

Date

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### RETURN COMPLETED RESPONSE VIA EMAIL TO:

Attention: Charles Meador - [charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)

Property Management Department, Property Acquisition Division, 1112 Manatee Avenue West, Suite 800,  
Bradenton, Florida 34205

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**V-16-504**  
**Portion of 261<sup>st</sup> St E**

Local road in Pomelo Park area, west of Verna Bethany Rd

Approximate 800 foot section located between 77 Ave E and 79 Ave E and about 0.25mi west of Verna Bethany Rd (Pomelo Park).

Allowing the vacation will sever a right-of-way, eliminating potential for a future improved connection between 77 Ave E and 79 Ave E. This type of vacation seems to have been allowed previously. See similar breaks along this alignment north of 69<sup>th</sup> Ave E and north of 73<sup>rd</sup> Ave E. There are also similar breaks along the 257<sup>th</sup> St E alignment.

All adjacent, affected property owners are party to the application. **Because the existing travelway will lie in part or whole within the Roman parcel, vacating the right-of-way effectively landlocks the parcels of Aron (PID 335601879) and Schlabach (PID 335602159).** These properties will need access via easements or a private road. Based on the existing, limited means of access, it is likely that one access will need to serve three parcels (and possibly a fourth also owned Schlabach). The LDC and standards allow an easement over one lot to serve one other lot. For access to three or more lots, a private or public road is required.

Vacating the right-of-way does not appear to landlock any other parcels, either theoretically (right of way connections) or in-fact (actual road/driveway connections).



17-Aug-2016  
Trans Planning notes



Limiting vacation to an area similar to this is one way to address potential access issues.

Creating a private road over this section is another.

261ST STREET EAST  
(50' PUBLIC RIGHT-OF-WAY)  
(OPEN TO PUBLIC HIGHWAYS)

POINT OF COMMENCEMENT  
NORTHEAST CORNER  
OF TRACT 49

77TH AVENUE EAST  
(50' PUBLIC RIGHT-OF-WAY)  
(UNIMPROVED-NOT OPEN)

S89°04'24"E  
50.00'

PT. TRACT 49  
POMELO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERWRLY  
# 335601869

FOUND 5/8" I.R.  
W/CAP LB#613

EXTENSION OF THE  
NORTH LINE OF  
THE SOUTH 456.44 FEET  
OF TRACT 49

S89°04'24"E

POINT OF BEGINNING

Aron

TRACT 48  
POMELO PARK  
P.B. 6, PG. 61

Roman  
PORTION OF  
261ST STREET EAST  
RIGHT-OF-WAY  
(39,497 SQUARE FEET MORE OR LESS)

789.94'

789.94'

456.44'

PT. TRACT 49  
POMELO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERWRLY  
# 335601879

PT. TRACTS 47 & 48  
POMELO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERWRLY  
# 335601689

WESTERLY  
RIGHT OF WAY LINE OF  
261ST STREET EAST

EASTERLY  
RIGHT OF WAY LINE OF  
261ST STREET EAST

PT. TRACT 47  
POMELO PARK  
P.B. 6, PG. 61

333.50'

N00°38'53"E

S00°38'53"W

EXTENSION OF THE  
SOUTH LINE OF  
THE NORTH 333.50 FEET  
OF TRACT 47

PT. TRACT 50  
POMELO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERWRLY  
# 335602159

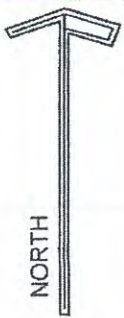
Schlabach

N89°04'24"W

N89°04'24"W  
50.00'

PT. TRACT 47  
POMELO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERWRLY  
# 335601699

PT. TRACT 50  
POMELO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERWRLY  
# 335601869



0 200'  
Scale: 1" = 200'

NOTE:  
SKETCH OF DESCRIPTION ONLY  
NOT A BOUNDARY SURVEY  
SEE ATTACHED PAGE 1  
FOR LEGAL DESCRIPTION

J 5/26/2016

JAMES B. AMBERGER DATE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE No. 6333

© 2016 Jim Amberger Land Surveying, LLC

SKETCH OF DESCRIPTION  
A PORTION OF 261ST STREET EAST  
ROAD RIGHT-OF-WAY  
SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST,  
MANATEE COUNTY, FLORIDA

JIM AMBERGER  
LAND SURVEYING, LLC

1055 South Tamiami Trail, Suite 110-B  
Sarasota, FL 34236  
Phone (941) 955-6333 bergertime@verizon.net  
Surveying & Mapping Business Authorization #LB7649

SHEET 2 OF 2  
REV.

DATE: 3-14-2016  
JOB # 2009071  
DWG# B-09071  
DRAWN BY: JBA

# JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

Has **NO OBJECTION** to the vacation application.

Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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**DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

Not within our service area (see pdf attached)

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Property was  *inspected*  *not inspected* in the course of completing the review.

Robert Crowton  
Print Name

RC  
Initials

941-792-8811 (5141)  
Phone #

081216  
Date

---

**JURISDICTIONAL REVIEW RESPONSE**

(Please Print or Type Your Comments)

**RE: Application File # V-16-504**

**Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East**

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

- Has **NO OBJECTION** to the vacation application.
- Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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- DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  ***inspected***  ***not inspected*** in the course of completing the review.

Robert Brown	RCB	941-742-5980 ext 1870	7/19/2016
Print Name	Initials	Phone #	Date

**JURISDICTIONAL REVIEW RESPONSE**

(Please Print or Type Your Comments)

**RE: Application File # V-16-504**

**Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East**

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

**XX** Has **NO OBJECTION** to the vacation application.

Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADDITIONAL COMMENTS/INFORMATION:**

The vacation request does not affect the Comprehensive Plan

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property was  inspected **XX not inspected** in the course of completing the review.

Print Name Kathleen Thompson Initials *[Signature]* Phone # x 6841 Date 06-24-16

**RETURN COMPLETED RESPONSE VIA EMAIL TO:**

Attention: Charles Meador - [charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)

Property Management Department, Property Acquisition Division, 1112 Manatee Avenue West, Suite 800, Bradenton, Florida 34205

# JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

- Has **NO OBJECTION** to the vacation application.
- Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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- DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  **inspected**  **not inspected** in the course of completing the review.

Rich Bartoszek  
Print Name

RB  
Initials

(441) 322-6525  
Phone #

7/6/16  
Date

# JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

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The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

- Has **NO OBJECTION** to the vacation application.
- Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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- DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  **inspected**  **not inspected** in the course of completing the review.

# JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

Has **NO OBJECTION** to the vacation application.

Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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**DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  inspected  **not inspected** in the course of completing the review.

Print Name  
Sharon Tarman

Initials  
ST

Phone #  
941-749-3500 x 1673

Date  
6/21/2016

Charles Meador

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**From:** Danny Smith  
**Sent:** Tuesday, June 21, 2016 11:41 AM  
**To:** Chris Mowbray; Charles Meador  
**Cc:** Chad Butzow; Sia Mollanazar; Clarke Davis; Tom Gerstenberger; Scott May  
**Subject:** RE: Application to Vacate a portion of 261st Street East, Myakka City

Charles,

I am in agreement with Chris's comments and have no additional comments at this time.

---

**From:** Chris Mowbray  
**Sent:** Tuesday, June 21, 2016 11:39 AM  
**To:** Charles Meador  
**Cc:** Danny Smith; Chad Butzow; Sia Mollanazar; Clarke Davis; Tom Gerstenberger; Scott May  
**Subject:** RE: Application to Vacate a portion of 261st Street East, Myakka City

Here's Hwy Engineering comments.

Thank you,

Chris Mowbray, P.E.  
Highway Engineering Division

Manatee County Government  
1022 26<sup>th</sup> Avenue East  
Bradenton, FL 34206  
(941)708-7450; Ext 7605

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**From:** Charles Meador  
**Sent:** Friday, June 17, 2016 10:17 AM  
**To:** Aaron Burkett <[aaron.burkett@mymanatee.org](mailto:aaron.burkett@mymanatee.org)>; Carroll Dupre <[carroll.dupre@mymanatee.org](mailto:carroll.dupre@mymanatee.org)>; Chad Butzow <[chad.butzow@mymanatee.org](mailto:chad.butzow@mymanatee.org)>; Charlie Hunsicker <[charlie.hunsicker@mymanatee.org](mailto:charlie.hunsicker@mymanatee.org)>; Cheryl King <[cheryl.king@mymanatee.org](mailto:cheryl.king@mymanatee.org)>; Chris Mowbray <[chris.mowbray@mymanatee.org](mailto:chris.mowbray@mymanatee.org)>; Cindi Blake <[cindi.blake@mymanatee.org](mailto:cindi.blake@mymanatee.org)>; Clarke Davis <[clarke.davis@mymanatee.org](mailto:clarke.davis@mymanatee.org)>; Danny Smith <[danny.smith@mymanatee.org](mailto:danny.smith@mymanatee.org)>; Dave Branning <[Dave.Branning@mymanatee.org](mailto:Dave.Branning@mymanatee.org)>; David.mcclintock@preco.coop; dennis.dummer@manateesherriff.com; dishanahan@tecoenergy.com; Don Hermey <[don.hermey@mymanatee.org](mailto:don.hermey@mymanatee.org)>; FPL <[Leonardo.Rojas@fpl.com](mailto:Leonardo.Rojas@fpl.com)>; FPL 2 <[Christopher.kolar@fpl.com](mailto:Christopher.kolar@fpl.com)>; gonzalo rojas@cable.comcast.com; greg\_coker@fpl.com; james.fleming@mybriighthouse.com; Jeff Goodwin <[jeff.goodwin@mymanatee.org](mailto:jeff.goodwin@mymanatee.org)>; Jeffrey Bowman <[Jeffrey.Bowman@mymanatee.org](mailto:Jeffrey.Bowman@mymanatee.org)>; Jim Hallman <[James.Hallman@mybriighthouse.com](mailto:James.Hallman@mybriighthouse.com)>; Joel Christian <[joel.christian@mymanatee.org](mailto:joel.christian@mymanatee.org)>; jr.gough@preco.coop; Kathleen Thompson <[kathleen.thompson@mymanatee.org](mailto:kathleen.thompson@mymanatee.org)>; Kenneth Kohn <[kenneth.kohn@mymanatee.org](mailto:kenneth.kohn@mymanatee.org)>; Mark Simpson <[mark.simpson@mymanatee.org](mailto:mark.simpson@mymanatee.org)>; Max Dersch <[max.dersch@mymanatee.org](mailto:max.dersch@mymanatee.org)>; michael.bernard2@fpl.com; Mike Little - Frontier <[michael.e.little@ftr.com](mailto:michael.e.little@ftr.com)>; Mukunda Gopalakrishna <[Mukunda.Gopalakrishna@mymanatee.org](mailto:Mukunda.Gopalakrishna@mymanatee.org)>; Robert Brown <[rob.brown@mymanatee.org](mailto:rob.brown@mymanatee.org)>; Robert Crowton <[robert.crowton@mymanatee.org](mailto:robert.crowton@mymanatee.org)>; Robert Wenzel <[robert.wenzel@mymanatee.org](mailto:robert.wenzel@mymanatee.org)>; Sage Kamiya



# JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

Has **NO OBJECTION** to the vacation application.

Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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**DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

Will create non-conforming lots for nos. 47, 49, 50 as these lots will have zero road frontage—Defer to BADS.

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Property was  ***inspected***  ***not inspected*** in the course of completing the review.

Chris Mowbray	clm	ext 7605	6-21-16
Print Name	Initials	Phone #	Date

**JURISDICTIONAL REVIEW RESPONSE**

(Please Print or Type Your Comments)

**RE: Application File # V-16-504**

**Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East**

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

Has **NO OBJECTION** to the vacation application.

Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADDITIONAL COMMENTS/INFORMATION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property was  **inspected**  **not inspected** in the course of completing the review.

Joel D. Christian  
Print Name

JDC  
Initials

6206  
Phone #

6/21/16  
Date

# JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

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The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

- Has **NO OBJECTION** to the vacation application.
- Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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- DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  ***inspected***  ***not inspected*** in the course of completing the review.

Bruce Drackett  
Print Name

J  
Initials

941-730-0+00  
Phone #

6/20/2016  
Date

---

Charles Meador

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**From:** Bruce Drackett <bdrackett@truenetcommunications.com>  
**Sent:** Monday, June 20, 2016 4:22 PM  
**To:** 'Rojas, Gonzalo'  
**Cc:** Charles Meador  
**Subject:** RE: Application to Vacate a portion of 261st Street East, Myakka City  
**Attachments:** RESPONSE FORM Comcast.docx

Attached is the letter on no objection for Comcast cable.



**Bruce Drackett**  
*Project Manager*  
904-777-9052 Ext 326

Truenet Communications  
[www.truenetcommunications.com](http://www.truenetcommunications.com)

---

**From:** Rojas, Gonzalo [mailto:Gonzalo\_Rojas@cable.comcast.com]  
**Sent:** Friday, June 17, 2016 10:27 AM  
**To:** Bruce Drackett <bdrackett@truenetcommunications.com>  
**Subject:** FW: Application to Vacate a portion of 261st Street East, Myakka City

Gonzalo Rojas  
Tech. 3, Planning & Design  
Comcast Cable  
3490 Technology Dr.  
Venice FL 34275  
941-342-3578  
[Gonzalo\\_rojas@cable.comcast.net](mailto:Gonzalo_rojas@cable.comcast.net)

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**From:** Charles Meador [mailto:Charles.Meador@mymanatee.org]  
**Sent:** Friday, June 17, 2016 10:17 AM  
**To:** Aaron Burkett; Carroll Dupre; Chad Butzow; Charlie Hunsicker; Cheryl King; Chris Mowbray; Cindi Blake; Clarke Davis; Danny Smith; Dave Branning; [David.mcclintock@preco.coop](mailto:David.mcclintock@preco.coop); [dennis.dummer@manateesherriff.com](mailto:dennis.dummer@manateesherriff.com); [djshanahan@tecoenergy.com](mailto:djshanahan@tecoenergy.com); Don Hermey; FPL; FPL 2; Rojas, Gonzalo; [greg\\_coker@fpl.com](mailto:greg_coker@fpl.com); [james.fleming@mybriighthouse.com](mailto:james.fleming@mybriighthouse.com); Jeff Goodwin; Jeffrey Bowman; Jim Hallman; Joel Christian; [jr.gough@preco.coop](mailto:jr.gough@preco.coop); Kathleen Thompson; Kenneth Kohn; Mark Simpson; Max Dersch; [michael.bernard2@fpl.com](mailto:michael.bernard2@fpl.com); Mike Little - Frontier; Mukunda Gopalakrishna; Robert Brown; Robert Crowton; Robert Wenzel; Sage Kamiya; Scott May; Sharon Tarman; Sia Mollanazar; steele, kenneth; Todd Boyle; Tom Gerstenberger; Vishal Kakkad; [william.gaulter@fpl.com](mailto:william.gaulter@fpl.com)  
**Subject:** Application to Vacate a portion of 261st Street East, Myakka City

All,

Please see the attached memo, legal and sketch and response form. Please respond by June 30<sup>th</sup>.

**JURISDICTIONAL REVIEW RESPONSE**

(Please Print or Type Your Comments)

**RE: Application File # V-16-504**

**Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East**

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

- Has **NO OBJECTION** to the vacation application.
- Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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- DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  ***inspected***  ***not inspected*** in the course of completing the review.

Mike Little	M.L.	813 892-9648	6/21/16
<small>Print Name</small>	<small>Initials</small>	<small>Phone #</small>	<small>Date</small>

*Foster*

Charles Meador

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**From:** Little, Michael <michael.e.little@ftr.com>  
**Sent:** Tuesday, June 21, 2016 7:13 AM  
**To:** Charles Meador  
**Subject:** FW: Application to Vacate a portion of 261st Street East, Myakka City  
**Attachments:** Vacation Memo.PDF; Legal and Sketch.PDF; RESPONSE FORM.pdf

Charles,  
Frontier has no objection.

Thanks,  
Mike Little  
Region rights of way  
& Municipal Affairs Mgr.  
Frontier Communications  
120 E. Lime Street  
Lakeland FL., 33801  
Ofc. 863 682-8506  
Cell 813 892-9648

**From:** Charles Meador [mailto:Charles.Meador@mymanatee.org]  
**Sent:** Friday, June 17, 2016 10:17 AM  
**To:** Aaron Burkett <aaron.burkett@mymanatee.org>; Carroll Dupre <carroll.dupre@mymanatee.org>; Chad Butzow <chad.butzow@mymanatee.org>; Charlie Hunsicker <charlie.hunsicker@mymanatee.org>; Cheryl King <cheryl.king@mymanatee.org>; Chris Mowbray <chris.mowbray@mymanatee.org>; Cindi Blake <cindi.blake@mymanatee.org>; Clarke Davis <clarke.davis@mymanatee.org>; Danny Smith <danny.smith@mymanatee.org>; Dave Branning <Dave.Branning@mymanatee.org>; David.mcclintock@preco.coop; dennis.dummer@manateesherriff.com; djshanahan@tecoenergy.com; Don Hermey <don.hermey@mymanatee.org>; FPL <Leonardo.Rojas@fpl.com>; FPL 2 <Christopher.kolar@fpl.com>; gonzalo\_rojas@cable.comcast.com; greg\_coker@fpl.com; james.fleming@mybriighthouse.com; Jeff Goodwin <jeff.goodwin@mymanatee.org>; Jeffrey Bowman <Jeffrey.Bowman@mymanatee.org>; Jim Hallman <James.Hallman@mybriighthouse.com>; Joel Christian <joel.christian@mymanatee.org>; jr.gough@preco.coop; Kathleen Thompson <kathleen.thompson@mymanatee.org>; Kenneth Kohn <kenneth.kohn@mymanatee.org>; Mark Simpson <mark.simpson@mymanatee.org>; Max Dersch <max.dersch@mymanatee.org>; michael.bernard2@fpl.com; Little, Michael <michael.e.little@ftr.com>; Mukunda Gopalakrishna <Mukunda.Gopalakrishna@mymanatee.org>; Robert Brown <rob.brown@mymanatee.org>; Robert Crowton <robert.crowton@mymanatee.org>; Robert Wenzel <robert.wenzel@mymanatee.org>; Sage Kamiya <sage.kamiya@mymanatee.org>; Scott May <scott.may@mymanatee.org>; Sharon Tarman <sharon.tarman@mymanatee.org>; Sia Mollanazar <sia.mollanazar@mymanatee.org>; steele, kenneth <kenneth.steele@fpl.com>; Todd Boyle <todd.boyle@mymanatee.org>; Tom Gerstenberger <tom.gerstenberger@mymanatee.org>; Vishal Kakkad <vishal.kakkad@mymanatee.org>; william.gaulter@fpl.com  
**Subject:** Application to Vacate a portion of 261st Street East, Myakka City

All,

Please see the attached memo, legal and sketch and response form. Please respond by June 30<sup>th</sup>.

Thank you,

Charles Meador

# JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

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The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

Has **NO OBJECTION** to the vacation application.

Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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**DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  ***inspected***  ***not inspected*** in the course of completing the review.

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Gerardo Traverso, PE, PMP	GT	749-3500 xt. 7859	June 20, 2016
Print Name	Initials	Phone #	Date

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Charles Meador

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**From:** Cindi Blake  
**Sent:** Monday, June 20, 2016 7:49 AM  
**To:** Charles Meador  
**Subject:** RE: Application to Vacate a portion of 261st Street East, Myakka City

Permitting has no objections

Cindi Blake  
Permitting/Development Services Section Manager  
Building and Development Services Department  
1112 Manatee Avenue West 4th Floor  
Bradenton, FL 34205  
941 748-4501 ext. 3802  
941 742-5887 Fax

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**From:** Charles Meador  
**Sent:** Friday, June 17, 2016 10:17 AM  
**To:** Aaron Burkett; Carroll Dupre; Chad Butzow; Charlie Hunsicker; Cheryl King; Chris Mowbray; Cindi Blake; Clarke Davis; Danny Smith; Dave Branning; David.mcclintock@preco.coop; dennis.dummer@manateesherriff.com; djshanahan@tecoenergy.com; Don Hermev; FPL; FPL 2; gonzalo\_rojas@cable.comcast.com; greg\_coker@fpl.com; james.fleming@mybriighthouse.com; Jeff Goodwin; Jeffrey Bowman; Jim Hallman; Joel Christian; jr.gough@preco.coop; Kathleen Thompson; Kenneth Kohn; Mark Simpson; Max Dersch; michael.bernard2@fpl.com; Mike Little - Frontier; Mukunda Gopalakrishna; Robert Brown; Robert Crowton; Robert Wenzel; Sage Kamiya; Scott May; Sharon Tarman; Sia Mollanazar; steele, kenneth; Todd Boyle; Tom Gerstenberger; Vishal Kakkad; william.gaulter@fpl.com  
**Subject:** Application to Vacate a portion of 261st Street East, Myakka City

All,

Please see the attached memo, legal and sketch and response form. Please respond by June 30<sup>th</sup>.

Thank you,

Charles Meador  
Property Acquisition Division  
1112 Manatee Avenue West, Suite 800  
Bradenton, FL 34205  
941.748.4501 Ext.6289  
[charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)



**JURISDICTIONAL REVIEW RESPONSE**

(Please Print or Type Your Comments)

**RE: Application File # V-16-504  
Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East**

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

- Has **NO OBJECTION** to the vacation application.
- Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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- DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  **inspected**  **not inspected** in the course of completing the review.

DANIEL SHAWHAN    DSH    342-4006    6/20/16  
Print Name                      Initials                      Phone #                      Date

# JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

Has **NO OBJECTION** to the vacation application.

Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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**DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  **inspected**  **not inspected** in the course of completing the review.

RAY VARGAS  
Print Name

*[Signature]*  
Initials

941-723-4427  
Phone #

06/17/16  
Date

Charles Meador

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**From:** Carroll Dupre  
**Sent:** Friday, June 17, 2016 2:04 PM  
**To:** Charles Meador  
**Subject:** RE: Application to Vacate a portion of 261st Street East, Myakka City  
**Attachments:** RESPONSE FORM.DOCX

CJ Dupre- No objection

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**From:** Charles Meador  
**Sent:** Friday, June 17, 2016 10:17 AM  
**To:** Aaron Burkett; Carroll Dupre; Chad Butzow; Charlie Hunsicker; Cheryl King; Chris Mowbray; Cindi Blake; Clarke Davis; Danny Smith; Dave Branning; David.mcclintock@preco.coop; dennis.dummer@manateesherriff.com; djshanahan@tecoenergy.com; Don Hermey; FPL; FPL 2; gonzalo\_rojas@cable.comcast.com; greg\_coker@fpl.com; james.fleming@mybighthouse.com; Jeff Goodwin; Jeffrey Bowman; Jim Hallman; Joel Christian; jr.gough@preco.coop; Kathleen Thompson; Kenneth Kohn; Mark Simpson; Max Dersch; michael.bernard2@fpl.com; Mike Little - Frontier; Mukunda Gopalakrishna; Robert Brown; Robert Crowton; Robert Wenzel; Sage Kamiya; Scott May; Sharon Tarman; Sia Mollanazar; steele, kenneth; Todd Boyle; Tom Gerstenberger; Vishal Kakkad; william.gaulter@fpl.com  
**Subject:** Application to Vacate a portion of 261st Street East, Myakka City

All,

Please see the attached memo, legal and sketch and response form. Please respond by June 30<sup>th</sup>.

Thank you,

Charles Meador  
Property Acquisition Division  
1112 Manatee Avenue West, Suite 800  
Bradenton, FL 34205  
941.748.4501 Ext.6289  
[charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)

Charles Meador

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**From:** Aaron Burkett  
**Sent:** Friday, June 17, 2016 11:27 AM  
**To:** Charles Meador  
**Subject:** RE: Application to Vacate a portion of 261st Street East, Myakka City

Traffic Operations has no objections or concerns.

Aaron Burkett  
Manatee County Public Works  
Traffic Operations Division Manager  
2904 12 Street Court East  
Bradenton, FL 34208  
Phone: (941)-708-7509  
Fax: (941)-708-7506  
E-Mail: [aaron.burkett@mymanatee.org](mailto:aaron.burkett@mymanatee.org)

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**From:** Charles Meador  
**Sent:** Friday, June 17, 2016 10:17 AM  
**To:** Aaron Burkett; Carroll Dupre; Chad Butzow; Charlie Hunsicker; Cheryl King; Chris Mowbray; Cindi Blake; Clarke Davis; Danny Smith; Dave Branning; [David.mcclintock@preco.coop](mailto:David.mcclintock@preco.coop); [dennis.dummer@manateesherriff.com](mailto:dennis.dummer@manateesherriff.com); [djshanahan@tecoenergy.com](mailto:djshanahan@tecoenergy.com); Don Hermev; FPL; FPL 2; [gonzalo\\_rojas@cable.comcast.com](mailto:gonzalo_rojas@cable.comcast.com); [greg\\_coker@fpl.com](mailto:greg_coker@fpl.com); [james.fleming@mybriighthouse.com](mailto:james.fleming@mybriighthouse.com); Jeff Goodwin; Jeffrey Bowman; Jim Hallman; Joel Christian; [jr.gough@preco.coop](mailto:jr.gough@preco.coop); Kathleen Thompson; Kenneth Kohn; Mark Simpson; Max Dersch; [michael.bernard2@fpl.com](mailto:michael.bernard2@fpl.com); Mike Little - Frontier; Mukunda Gopalakrishna; Robert Brown; Robert Crowton; Robert Wenzel; Sage Kamiya; Scott May; Sharon Tarman; Sia Mollanazar; steele, kenneth; Todd Boyle; Tom Gerstenberger; Vishal Kakkad; [william.gaulter@fpl.com](mailto:william.gaulter@fpl.com)  
**Subject:** Application to Vacate a portion of 261st Street East, Myakka City

All,

Please see the attached memo, legal and sketch and response form. Please respond by June 30<sup>th</sup>.

Thank you,

Charles Meador  
Property Acquisition Division  
1112 Manatee Avenue West, Suite 800  
Bradenton, FL 34205  
941.748.4501 Ext.6289  
[charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)

# JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

- Has **NO OBJECTION** to the vacation application.
- Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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- DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  ***inspected***  ***not inspected*** in the course of completing the review.

Jamie Harrison	JWH	863 767 4668	8-29-16
Print Name	Initials	Phone #	Date

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Charles Meador

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**From:** Dave Branning  
**Sent:** Friday, June 17, 2016 10:47 AM  
**To:** Charles Meador  
**Cc:** Scott May; Cheryl King  
**Subject:** RE: Application to Vacate a portion of 261st Street East, Myakka City  
**Attachments:** V-16-504 Utility Response.pdf

Charles,

See attached Utility Response – We have no objection, location lies well to the east of the County's Utility Service Area boundary.

David Branning  
Sr. Engineering Technician  
Utility Engineering Division  
Manatee County Public Works Dept.  
1022 26<sup>th</sup> Avenue East  
Bradenton, Florida 34208  
(941) 708-7450, ext. 7662  
[dave.branning@mymanatee.org](mailto:dave.branning@mymanatee.org)

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**From:** Charles Meador  
**Sent:** Friday, June 17, 2016 10:17 AM  
**To:** Aaron Burkett; Carroll Dupre; Chad Butzow; Charlie Hunsicker; Cheryl King; Chris Mowbray; Cindi Blake; Clarke Davis; Danny Smith; Dave Branning; David.mcclintock@preco.coop; dennis.dummer@manateesherriff.com; djshanahan@tecoenergy.com; Don Herme; FPL; FPL 2; gonzalo\_rojas@cable.comcast.com; greg\_coker@fpl.com; james.fleming@mybriighthouse.com; Jeff Goodwin; Jeffrey Bowman; Jim Hallman; Joel Christian; jr.gough@preco.coop; Kathleen Thompson; Kenneth Kohn; Mark Simpson; Max Dersch; michael.bernard2@fpl.com; Mike Little - Frontier; Mukunda Gopalakrishna; Robert Brown; Robert Crowton; Robert Wenzel; Sage Kamiya; Scott May; Sharon Tarman; Sia Mollanazar; steele, kenneth; Todd Boyle; Tom Gerstenberger; Vishal Kakkad; william.gaulter@fpl.com  
**Subject:** Application to Vacate a portion of 261st Street East, Myakka City

All,

Please see the attached memo, legal and sketch and response form. Please respond by June 30<sup>th</sup>.

Thank you,

Charles Meador  
Property Acquisition Division  
1112 Manatee Avenue West, Suite 800  
Bradenton, FL 34205  
941.748.4501 Ext.6289  
[charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)

# JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

Has **NO OBJECTION** to the vacation application.

Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ADDITIONAL COMMENTS/INFORMATION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property was  **inspected**  **not inspected** in the course of completing the review.

Maggie Sanick  
Print Name

msj  
Initials

749-3209  
Phone #

6.16.16  
Date

RETURN COMPLETED RESPONSE VIA EMAIL TO:

Attention: Charles Meador - [charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)

Property Management Department, Property Acquisition Division, 1112 Manatee Avenue West, Suite 800, Bradenton, Florida 34205



# JURISDICTIONAL REVIEW RESPONSE

(Please Print or Type Your Comments)

RE: Application File # V-16-504

Application to Vacate a portion of Right-of-Way at 261<sup>st</sup> Street East

---

The undersigned, as a designated representative for the Department declares that he/she:

Please  your responses below (attach as many additional pages as necessary):

Has **NO OBJECTION** to the vacation application.

Has noted below **CONDITIONAL** requirements (e.g., Comprehensive Plan objectives, Code issues, easements, etc.) that must first be satisfied before the application can be presented to the Board of County Commissioner for consideration:

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**DISAPPROVES** of the vacation petition for the following reason(s); references to code and statutory requirements are provided where applicable:

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**ADDITIONAL COMMENTS/INFORMATION:**

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Property was  *inspected*  *not inspected* in the course of completing the review.

Todd Boyle  
Print Name

TEB  
Initials

749-3024  
Phone #

June 17, 2016  
Date

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RETURN COMPLETED RESPONSE VIA EMAIL TO:

Attention: Charles Meador - [charles.meador@mymanatee.org](mailto:charles.meador@mymanatee.org)

Property Management Department, Property Acquisition Division, 1112 Manatee Avenue West, Suite 800,  
Bradenton, Florida 34205

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# 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. A non-refundable application of \$800.00 must accompany the application at the time of filing. Only checks payable to Manatee County are acceptable.

### APPLICANT:

List names of ALL fee owners of record

Stephen P. Aron, Joseph J Roman and John S Schlabach

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

STREET ADDRESS: 7725 261<sup>st</sup> ST. E.  
CITY, STATE, ZIP CODE: Myakka City, FL 34251-5107  
DAYTIME TELEPHONE: 9413218744 FAX: 9413229464 E-MAIL: saron@ifeonline.com

### 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): Property is not maintained by County only by adjacent Property Owners

### 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

### 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"  
See Exhibit B

LOCATION REFERENCES	Street Address of Property to be Vacated:	Section(s):	Township:	Range:	Parcel ID #(s):
	261 <sup>st</sup> ST E between #7710 and #7725				

### SPECIFIC PURPOSE AND JUSTIFICATION FOR THIS REQUEST (required):

If additional space is needed, attach separate labeled page  
See Exhibit C

Was vacation action recommended?  Yes  No If "Yes", by whom: Manatee County Road Maintenance

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: \_\_\_\_\_  
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  
 BRADLEY J. CRANSTON  
 PRINTED NAME

*[Signature]*  
 SIGNATURE OF WITNESS  
 Anthony Vinnola  
 PRINTED NAME

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

*[Signature]*  
 SIGNATURE OF APPLICANT OR AUTHORIZED INDIVIDUAL (see note below)  
 Stephen Aron  
 PRINTED NAME (include title of authorized individual) FL  
 STATE OF REGISTRY  
 7725 261<sup>st</sup> ST. E.  
 MAILING ADDRESS (of authorized individual)  
 Myakka City, FL 34251-5107  
 CITY, STATE, ZIP CODE  
 941 321 8744 941 322 9465  
 TELEPHONE FAX

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

*[Signature]*  
 SIGNATURE OF APPLICANT OR AUTHORIZED INDIVIDUAL (see note below)  
 John S Schlabach  
 PRINTED NAME (include title of authorized individual) STATE OF REGISTRY  
 26109 E 79TH DR  
 MAILING ADDRESS (of authorized individual)  
 Myakka City FL 34251  
 CITY, STATE, ZIP CODE  
 941 809 1976  
 TELEPHONE FAX

*[Signature]*  
 SIGNATURE OF WITNESS  
 BRADLEY J. CRANSTON  
 PRINTED NAME

*[Signature]*  
 SIGNATURE OF WITNESS  
 Anthony Vinnola  
 PRINTED NAME

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

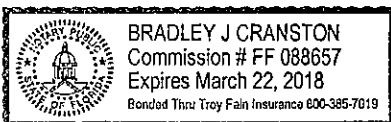
*[Signature]*  
 SIGNATURE OF APPLICANT OR AUTHORIZED INDIVIDUAL (see note below)  
 Joseph J Roman  
 PRINTED NAME (include title of authorized individual) STATE OF REGISTRY  
 7710 261<sup>st</sup> ST. E.  
 MAILING ADDRESS (of authorized individual)  
 Myakka City FL 34251  
 CITY, STATE, ZIP CODE  
 941 807 0610  
 TELEPHONE FAX

*[Signature]*  
 SIGNATURE OF WITNESS  
 BRADLEY J. CRANSTON  
 PRINTED NAME

*[Signature]*  
 SIGNATURE OF WITNESS  
 Anthony Vinnola  
 PRINTED NAME

Two witnesses to each Applicant signature are required

The foregoing instrument was acknowledged before me this the 19th day of March 2016  
 by Stephen Aron, John Schlabach, Joseph Roman who is/are  
 personally known to me or has/have produced FL DRIVER LICENSE(S) as identification.



*[Signature]*  
 NOTARY'S SIGNATURE  
 BRADLEY J. CRANSTON  
 PRINTED NAME

**LEGAL DESCRIPTION:**

SITUATED IN SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST, MANATEE COUNTY, FLORIDA AND BEING A PORTION OF PUBLIC RIGHT-OF-WAY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF TRACT 49, IN SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST, POMELLO PARK, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 61, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

THENCE FROM SAID POINT OF COMMENCEMENT ALONG THE WESTERLY LINE OF AFORESAID TRACT 49, SAID LINE ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF 261ST STREET EAST S00°38'53"W 370 FEET MORE OR LESS TO A POINT LYING 160 FEET SOUTH OF THE NORTH LINE OF THE LANDS OF ARON, SAID LANDS BEING DESCRIBED IN OFFICIAL RECORDS BOOK 2312, PAGE 4417, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, AND THE POINT OF BEGINNING.

THENCE FROM SAID POINT OF BEGINNING, CONTINUE ALONG SAID RIGHT-OF-WAY LINE S00°38'53"W 476.86 FEET TO A POINT LYING 160 FEET NORTH OF THE SOUTH LINE OF THE LANDS OF SCHLABACH, SAID LANDS BEING DESCRIBED IN OFFICIAL RECORDS BOOK 2599, PAGE 81, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. THENCE N89°04'24"W 50.00 FEET TO THE INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF 261ST STREET EAST; THENCE N00°38'53"E 476.86 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE; THENCE S89°04'24"E 50.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.547 ACRES (23,843 SQUARE FEET) MDRE OR LESS.

**LEGEND AND ABBREVIATIONS:**

- (P) PLAT DIMENSION
- (M) MEASURED DIMENSION
- (D) DEED DIMENSION
- (C) CALCULATED DIMENSION
- O.R./PG. OFFICIAL RECORDS BOOK/PAGE
- D.B./PG. DEED BOOK/PAGE
- P.B./PG. PLAT BOOK/PAGE
- W.F. WIRE FENCE
- OUL OVERHEAD UTILITY LINE
- PT. PORTION OF (LOT/BLOCK)
- R/W RIGHT-OF-WAY
- SEC. SECTION
- TWP. TOWNSHIP
- RGE. RANGE
- IRON ROD (I.R.) OR IRON PIPE (I.P.) FOUND
- 5/8" I. ROD SET W/CAP PSM#6333

**NOTE:**

BEARINGS BASED ON THE EASTERLY RIGHT OF WAY OF 261ST STREET EAST HAVING A BEARING OF S00°38'53"W.

**EXHIBIT "A"**

*J* 12/22/2016

JAMES B. AMBERGER DATE  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE No. 6333

© 2016 Jim Amberger Land Surveying, LLC

**SKETCH OF DESCRIPTION  
A PORTION OF 261ST STREET EAST  
ROAD RIGHT-OF-WAY  
SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST,  
MANATEE COUNTY, FLORIDA**

**JIM AMBERGER**  
**LAND SURVEYING, LLC**  
1055 South Tamiami Trail, Suite 110-B  
Sarasota, FL 34236  
Phone (941) 955-6333 bergertime@verizon.net  
Surveying & Mapping Business Authorization #LB7649

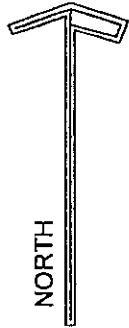
**SHEET 1 OF 2**  
REV. 10-24-2016  
REV. 11-18-2016  
REV. 12-21-2016

DATE: 3-14-2016  
JOB # 2009071  
DWG# B-09071  
DRAWN BY: JBA

# EXHIBIT "A"

261ST STREET EAST  
(50' PUBLIC RIGHT-OF-WAY)  
(OPEN TO PUBLIC HIGHWAYS)

POINT OF COMMENCEMENT  
NORTHEAST CORNER  
OF TRACT 49



0 200'  
Scale: 1" = 200'

77TH AVENUE EAST  
(50' PUBLIC RIGHT-OF-WAY)  
(UNIMPROVED-NOT OPEN)

TRACT 48  
POMELLO PARK  
P.B. 6, PG. 61

S89°04'24"E  
50.00'

PORTION OF  
261ST STREET EAST  
RIGHT-OF-WAY  
(23,843 SQUARE FEET MORE OR LESS)

PT. TRACTS 47 & 48  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335601689

PT. TRACT 47  
POMELLO PARK  
P.B. 6, PG. 61

N89°04'24"W  
50.00'

N89°04'24"W

PT. TRACT 47  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335601699

NORTH LINE OF  
LANDS OF ARON  
O.R. 2312, PG. 4417

PT. TRACT 49  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335601869

370' ± S00°38'53"W

160.00'

S89°04'24"E

POINT OF BEGINNING

LANDS OF ARON  
O.R. 2312, PG. 4417

PT. TRACT 49  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335601879

476.86'

476.86'

456.44'

WESTERLY  
RIGHT OF WAY LINE OF  
261ST STREET EAST

N00°38'53"E

EASTERLY  
RIGHT OF WAY LINE OF  
261ST STREET EAST

S00°38'53"W

LANDS OF SCHLABACH  
O.R. 2599, PG. 81

PT. TRACT 50  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335602159

160.00'

SOUTH LINE OF  
LANDS OF SCHLABACH  
O.R. 2599, PG. 81

PT. TRACT 50  
POMELLO PARK  
P.B. 6, PG. 61  
PROPERTY ID  
NOW OR FORMERLY  
# 335601869

**NOTE:**

SKETCH OF DESCRIPTION ONLY  
NOT A BOUNDARY SURVEY  
SEE ATTACHED PAGE 1  
FOR LEGAL DESCRIPTION

*J* 12/22/2016  
JAMES B. AMBERGER DATE:  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE No. 6333

© 2016 Jim Amberger Land Surveying, LLC

SKETCH OF DESCRIPTION  
A PORTION OF 261ST STREET EAST  
ROAD RIGHT-OF-WAY  
SECTION 35, TOWNSHIP 35 SOUTH, RANGE 20 EAST,  
MANATEE COUNTY, FLORIDA

**JIM AMBERGER**  
LAND SURVEYING, LLC

1055 South Tamiami Trail, Suite 110-B  
Sarasota, FL 34236  
Phone (941) 955-6333 bergertime@verizon.net  
Surveying & Mapping Business Authorization #LB7649

SHEET 2 OF 2  
REV. 10-24-2016  
REV. 11-18-2016  
REV. 12-21-2016

DATE: 3-14-2016  
JOB # 2009071  
DWG# B-09071  
DRAWN BY: JBA

## Application for Vacating Exhibit B



The property we are requesting be vacated is bordered on West side by 335601689 Joseph J Roman and on the East side by 335601879 Stephen P Aron and 335602159 John S Schlabach

Joseph J Roman 335601689 7710 261ST ST E

THE NLY 333.50 FT OF TRACT 47 & ALL TRACT 48 IN SEC 35 POMELLO PARK SUB REC IN PB 6 P 61, LESS PLATTED RD R/W PI#3356.0168/9

Stephen P Aron 335601879 645ft X 454ft

THE S 456.44 FT OF TRACT 49 POMELLO PARK, AS PER PLAT THEREOF REC IN PB 6 P 61, LYING & BEING IN SEC 35, LESS PLATTED RD R/W (2028/813) PI#3356.0187/9

John S Schlabach 335602159 26109 E 79TH DR MYAKKA CITY 34251

BEING A PORTION OF TRACT 50, & ADJ ROADWAYS, IN SEC 35, POMELLO PARK, AS REC IN PB 6, PG 61 OF THE PRMCF, BEING MORE PARTICULARLY DESC AS FOLLOWS: BEG AT A PT, SD PT IS ON THE ELY R/W LN OF ADJ RD, SD PT IS ALSO THE NW COR OF SD TRACT 50; TH DEPARTING SD R/W & RUNNING WITH THE N LN OF SD TRACT 50, S 89 DEG 03 MIN 50 SEC E, A DIST OF 627.32 FT TO A PT, SD PT BEING 11.00 FT FROM THE NE COR OF SD TRACT 50; TH DEPARTING SD N LN & RUNNING S 00 DEG 39 MIN 09 SEC W, A DIST OF 339.44 FT; TH RUNNING N 89 DEG 09 MIN 13 SEC W, A DIST OF 627.29 FT TO THE ELY R/W LN OF SD RD, BEING THE W LN OF TRACT 50; TH DEPARTING SD W LN & CONT N 89 DEG 09 MIN 13 SEC W, A DIST OF 25.00 FT TO THE C/L OF AFOREMENTIONED RD; TH WITH SAME, N 00 DEG 38 MIN 53 SEC E, A DIST OF 340.46 FT TO A PT 25.00 FT WLY OF THE NW COR OF TRACT 50; TH DEPARTING SD C/L S 89 DEG 03 MIN 50 SEC E, A DIST OF 25.00 FT TO THE POB [INSERT "LESS PLATTED RD R/W"] PI#3356.0215/9

# Application for Vacating Exhibit C

## **SPECIFIC REASONS & JUSTIFICATIONS SUPPORTING REQUEST**

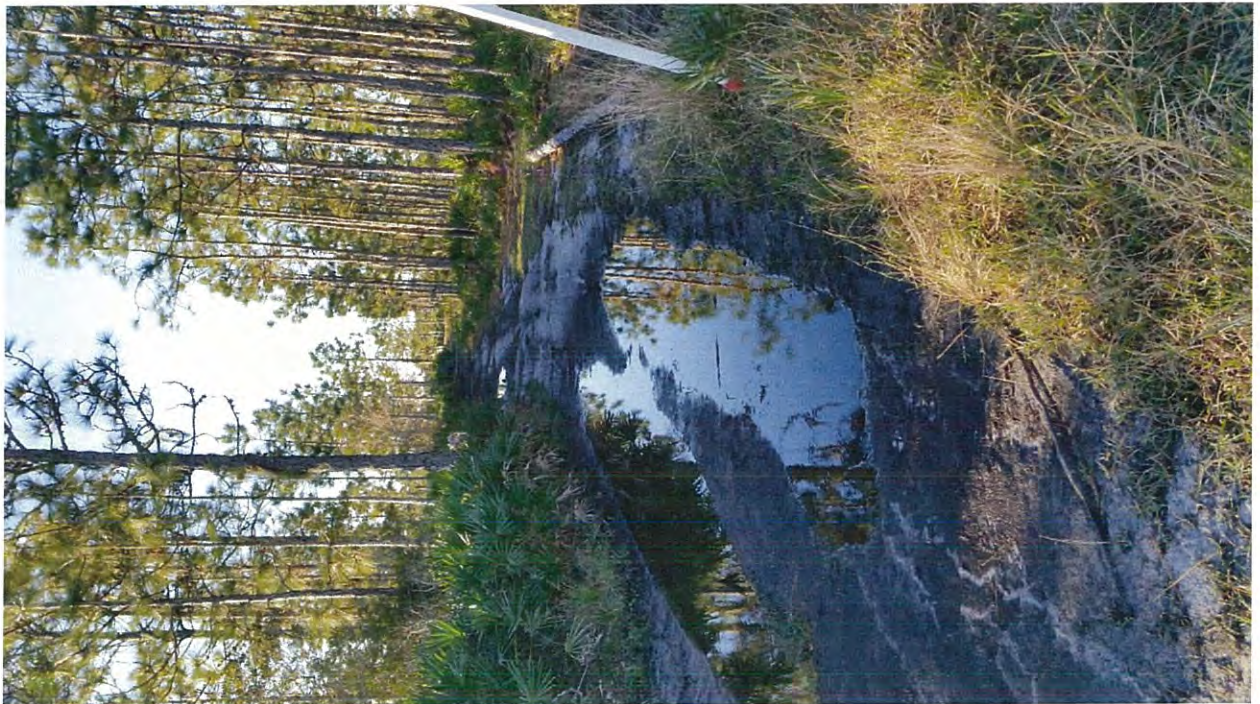
261<sup>st</sup> ST E is already a fractured North South road that is closed to traffic in several sections. This application to vacate is for an approximate 720-foot section that is unpaved grassland with no drainage ditch. SWFWMD confirms that the District hasn't any conservation easements, wetlands, or retention areas within the property. None of the area utilities require access through over or under this area because they serve the properties around it either from the East off Verna Bethany or the remaining sections of 261<sup>st</sup> ST E either from the North or from the South.

Vehicle access to all the properties surrounding this parcel of land (even if in the future they subdivide) will still be available from the remaining paved sections of 261<sup>st</sup> ST E too either from the North or South and 79<sup>th</sup> AVE E. The three property owners submitting this application are the only properties using these paved sections of 261<sup>st</sup> ST E for vehicle access. Finally there is no likelihood of the County ever completing the roadway through this section.

The problem and the reason for this application is that all the GPS maps show this section of 261<sup>st</sup> ST E as a through road because it is designated by the County as a through road and right of way. There is a steady flow of delivery trucks, other vehicles and motor bike riders following GPS that decide to go through when they reach the end of the paved sections causing damage to this area making deep ruts in the grass and pot holes in the property owners driveways. In recent years at least half a dozen eighteen wheelers plus multiple semis and box trucks have got stuck either trying to transit this section or turning around to retrace their route. When it rains the vehicles mostly avoid the muddy ruts and instead drive on to the private property to the West causing further damage. It is left to the property owners to repair this damage because the County advises that they are not responsible to maintain this unpaved section.

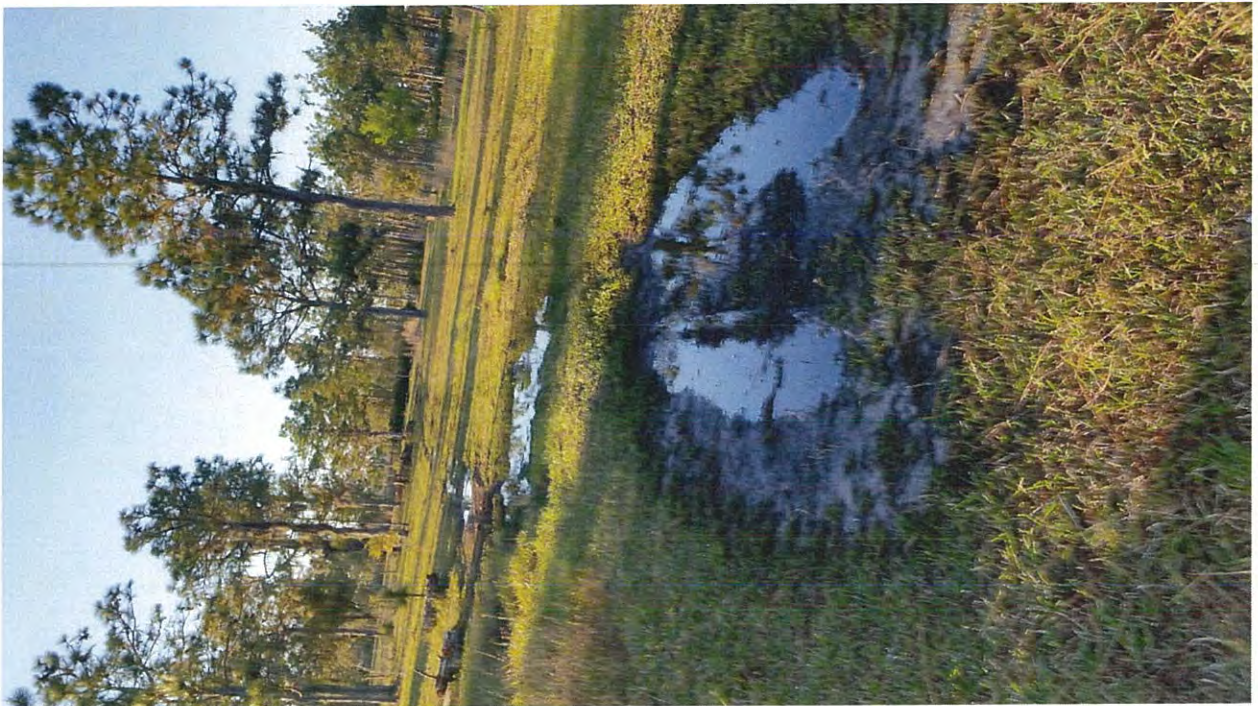
Please see following two pages four pictures of the parcel.

Application for Vacating Exhibit C (cont.)





Application for Vacating Exhibit C (cont.)



Manatee County Tax Collector

Receipt #	Payment Receipt	
H12022015P047010	2015 Real Estate	3,583.30

Parcel: 335601879  
 Assessed Value: 238,981

Processed: Remittance Processor  
 Exemptions: 50,000

District: County (Unincorp)  
 Taxable: 188,981  
 Date: 12/02/2015

**Assessed To:**  
 ARON, CHRISTINE A  
 ARON, STEPHEN P

Legal: THE S 456.44 FT OF TRACT 49 POMELLO PARK, AS PER  
 PLAT THEREOF REC IN PB 6 P 61, LYING & BEING IN  
 SEC 35, LESS PLATTED RD R/W (2028/813)  
 Pi#3356.0187/9

7725 261ST ST E  
 MYAKKA CITY FL 34251

Location: 7725 261ST ST E Myakka City FL 34251

Payments			Real Estate
Method	Check #	Paid By	Payment Amount
Check	182		3,583.30

Manatee County Tax Collector

Receipt #	Payment Receipt	
H12212015P065059	2015 Real Estate	5,188.74

Parcel: 335601689  
 Assessed Value: 344,537

Processed: Remittance Processor  
 Exemptions: 50,000

District: County (Unincorp)  
 Taxable: 294,537

Date: 12/21/2015

Legal: THE NLY 333.50 FT OF TRACT 47 & ALL TRACT 48 IN  
 SEC 35 POMELLO PARK SUB REC IN PB 6 P 61, LESS  
 PLATTED RD R/W PI#3356.0168/9

Assessed To:  
 ROMAN, JOSEPH J

7710 261ST ST E  
 MYAKKA CITY FL 34251

Location: 7710 261ST ST E Myakka City FL 34251

Payments			Real Estate
Method	Check #	Paid By	Payment Amount
Check	492		5,188.74

Manatee County Tax Collector

Receipt #	Payment Receipt	
H12022015P047313	2015 Real Estate	1,636.63

Parcel: 335602159	Processed: Remittance Processor	District: County (Unincorp)
Assessed Value: 65,000	Exemptions:	Taxable: 0
		Date: 12/02/2015

**Assessed To:**  
 HAMILTON, POLMERINE

PO BOX 641  
 VIRGIE KY 41572

Legal: BEING A PORTION OF TRACT 50, & ADJ ROADWAYS, IN  
 SEC 35, POMELLO PARK, AS REC IN PB 6, PG 61 OF  
 THE PRMCF, BEING MORE PARTICULARLY DESC AS  
 FOLLOWS: BEG AT A PT, SD PT IS ON THE ELY R/W LN  
 OF ADJ RD, SD PT IS ALSO THE NW COR OF SD TRACT  
 50; TH DEPARTING SD R/W & RUNNING WITH THE N LN  
 ...See tax roll for continuation

Location: VERNA BETHANY RD Myakka City FL 34251

**Payments**

*Real Estate*

Method	Check #	Paid By	Payment Amount
Check	210117098		1,653.68

**Refunds**

Processed Date	Refund Name	Refund Address	Refund Amount
12/04/2015	STEWART TITLE CO	101 RIVERFRONT BLVD STE 180 Bradenton Florida 34205	17.05

\*\*\*\*\*

Manatee County, BCC

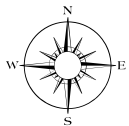
CASHIER: WC      TERMINAL NO: 166  
DATE: 04/19/16    TIME: 13:33:04

ID:  
NAME:    STEPHEN & CHRISTINE ARON

0010000000341201      B00.00

Total Receipt Amount:      800.00  
RCA/7336  
USER ID: CARLABCC

\*\*\*\*\*



1 inch equals 600 feet

**261ST STREET EAST  
 POMELLO PARK SUBDIVISION PB 6, PG 61  
 A PORTION OF 261 STREET EAST RIGHT-OF-WAY**

**District 5 - COMMISSIONER VANESSA BAUGH**



# BRADENTON HERALD

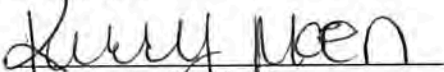
WWW.BRADENTON.COM  
P.O. Box 921  
Bradenton, FL 34206-0921  
1111 3rd Ave. W.  
Bradenton, FL 34205  
941-746-7077

Bradenton Herald  
Published Daily  
Bradenton, Manatee County, Florida

STATE OF FLORIDA  
COUNTY OF MANATEE

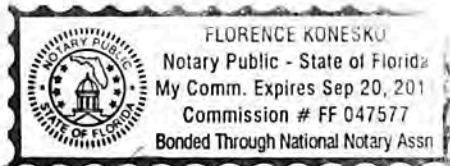
Before the undersigned authority personally appeared Kerry Moen, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter **Notice of Public Hearing, Resolution R-17-006, Manatee County** was published in said newspaper in the issue(s) **1/17/17**.

Affidavit 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 one 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

18 Day of January 2017



SEAL & Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

## NOTICE OF PUBLIC HEARING

The Board of County Commissioners of Manatee County, Florida does hereby give notice, pursuant to Section 336.10, Florida Statutes, and Section 312 of the Manatee County Land Development Code, that an application for vacation to close and abandon a street, alleyway, road, highway, or other place used for travel has been made to the Board of County Commissioners of Manatee County, Florida. Said vacation application is assigned application number V-16-504, and seeks to vacate a portion of 261st Street East.

On the 7th day of February, 2017, at 9 a.m., or as soon thereafter in the Commission Chambers on the First Floor of the Manatee County Government Administrative Center, located at 1112 Manatee Avenue West, Bradenton, Florida, 34205, the Board will consider, act upon, adopt or reject said application and the following corresponding resolution:

### RESOLUTION R-17- 006

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, VACATING CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY, SPECIFICALLY A PORTION OF 261ST STREET EAST PURSUANT TO SECTIONS 336.09, 336.10 AND 336.12, FLORIDA STATUTES, AND THE LAND DEVELOPMENT CODE, MANATEE COUNTY, FLORIDA.**

The right-of-way of this vacation application is located at 261st Street East and the portion to be vacated is 23,843 square feet more or less. The future land use map designation and zoning district of the property subject to the application are Agriculture/Rural and General Agriculture, respectively. The application, staff report, related materials and proposed Resolution related to this vacation application may be inspected by the public during normal business hours at the County Administration Building or on the County's website at [www.mymanatee.org](http://www.mymanatee.org).

Persons may appear and be heard, written comments filed with the Director of the Property Management Department will be entered into the record and the hearing may be continued from time to time as necessary. For more information, call 941.748.4501 ext 6289.

According to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he/she will need a record of the proceedings and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony and evidence upon which the appeal is to be based.  
**1/17/17**

**AFFIDAVIT OF NOTICE**

STATE OF FLORIDA  
COUNTY OF MANATEE

**BEFORE ME**, the undersigned notary public, personally appeared Stephen P. Aron, Joseph J. Roman and John S. Schlabach, who being first duly sworn, deposes and says that, to the best of their knowledge and belief:

1. We have personal knowledge of all matters set forth in this affidavit.
2. We are the owners of the fee simple title to certain real property situated in Manatee County, Florida, more particularly described in the vacation application filed with Manatee County assigned application number V-16-504.
3. Pursuant to said vacation application, we have caused the required public notice sign(s) to be posted as required by Section 312 of the Manatee County Land Development Code (LDC).
4. Pursuant to said vacation application and the instructions provided, we have caused the required public notice sign(s) to be posted as follows:

Notice was posted no more than FIFTEEN (15) feet from the front lot line so as to be clearly visible from the public way.
5. Pursuant to said vacation application, we certify that the required public notice sign(s) was/were posted in compliance with the standards of Chapter 3 of the Manatee County LDC.
6. This affidavit is made and given by affiant with full knowledge of applicable Florida laws regarding sworn affidavits and the penalties and liabilities resulting from false statements and misrepresentations therein.

**SIGNATURE PAGE AND ACKNOWLEDGEMENT FOLLOW ON NEXT PAGE.**



**Name of Applicants**

Signature

Stephen P. Aron  
Printed Name

Signature

Joseph J. Roman  
Printed Name

Signature

John S. Schlabach  
Printed Name

Sworn to (or affirmed), acknowledged and subscribed before me this 17 day of January, 2017, by Stephen P. Aron, Joseph J. Roman and John S. Schlabach who are personally known to me or  who have produced Florida Drivers license as identification.

Affix seal below:



[Signature]  
Notary Public Signature

Justen Cranston  
Printed Name

FF115587  
Commission Number

April 2018  
Expiration Date

# MEMORANDUM

To: Manatee County Board of County Commissioners  
From: John Barnott, Director, Building and Development Services  
Date: November 10, 2016  
Subject: A Portion of 261<sup>st</sup> Street East (Pomello Park) Right-of-Way  
Vacation: V 16.504



Commissioners,

Let this memorandum serve as notice that I recommend the following vacation move forward with a public hearing. This memorandum coincides with Section 312.5 "Sufficiency Review of Application" of the Land Development Code (LDC).

The applicant has been advised of the process and requirements for vacating County and public interests in properties situated in unincorporated areas of Manatee County, Florida. Additionally, the applicant has complied with the initial filing requirements.

Building & Development Services Department  
Administration  
P. O. Box 1000, Bradenton, Florida 34206  
Phone number: (941) 748-4501

LARRY BUSTLE \* CHARLES B. SMITH \* JOHN R. CHAPPIE \* ROBIN DiSABATINO \* VANESSA BAUGH \* CAROL WHITMORE \* BETSY BENAC \*

District 1

District 2

District 3

District 4

District 5

District 6

District 7

# MEMORANDUM

To: Board of County Commissioners  
From: Charlie Bishop, Director *CB*  
Date: January 24, 2017  
Subject: Stephen P. Aron, Joseph J. Roman, and John S. Schlabach – Application for Vacating a portion of 261<sup>st</sup> Street East in Myakka City

---



An application has been made by Stephen P. Aron, Joseph J. Roman and John S. Schlabach (applicants) to vacate a portion of unimproved right-of-way known as 261<sup>st</sup> Street East. The area to be vacated is bordered to the north by 77<sup>th</sup> Avenue East and to the south by 79<sup>th</sup> Avenue East.

The Board adopted a resolution on January 10, 2017 to declare a public hearing to consider the application. I have reviewed the application and recommend vacation approval to vacate approximately 23,843 square feet of unimproved right-of-way which is a portion of 261<sup>st</sup> Street East.

Thank you in advance for your consideration.

CB/JLM/lw

Property Management Department  
Administration  
1112 Manatee Avenue West, Ste. 802  
Phone number: (941) 749-3017



## OFFICE OF THE COUNTY ATTORNEY

MITCHELL O. PALMER, COUNTY ATTORNEY\*  
Robert M. Eschenfelder, Chief Assistant County Attorney\*\*  
William E. Clague, Assistant County Attorney  
Sarah A. Schenk, Assistant County Attorney\*\*  
Christopher M. De Carlo, Assistant County Attorney  
Geoffrey K. Nichols, Assistant County Attorney  
Pamela J. D'Agostino, Assistant County Attorney  
Anne M. Morris, Assistant County Attorney  
Katharine M. Zamboni, Assistant County Attorney

### MEMORANDUM

DATE: October 14, 2016

TO: Joy Leggett Murphy, Property Acquisition Division Manager, Property Management Department

THROUGH: Mitchell O. Palmer, County Attorney *MOP 10-17-16*

FROM: Pamela J. D'Agostino, Assistant County Attorney *PJD 10-14-2016*

RE: **Vacation Application # V-16-504 / Stephen Aron, Joseph Roman, and John Schlabach; Request to Vacate a Portion of 261st Street East; CAO Matter No. 2016-0704**

---

#### Issue Presented:

In this Request for Legal Services (RLS), you have asked the County Attorney's Office (CAO) to review a vacation application from Stephen P. Aron, Joseph J. Roman and John S. Schlabach (the Applicants) to vacate a portion of 261st Street East.

#### Brief Answer:

I have reviewed the vacation application. At this preliminary stage in the process, portions of Sections 336.09 and 336.10, Florida Statutes, and Section 331 of the Manatee County Land Development Code (LDC) have been met. The Applicants and staff will need to ensure full compliance with state and local laws as this application proceeds through the public hearing process to the Board of County Commissioners (Board). The decision to vacate this unimproved platted right-of-way is a business decision which the Board has the authority to make.

\* Board Certified in Construction Law

\*\* Board Certified in City, County, & Local Government Law

Recommendation:

Staff should also select the correct legal description and sketch of the right-of-way sought to be vacated and review it for accuracy. Staff should confer with several of the reviewing entities to address any concerns regarding utility poles or easements, non-conforming lots without road frontage and access issues.

Facts:

*The Vacation Application*

The right-of-way sought to be vacated was dedicated to the public in 1926 by the Pomello Park subdivision plat recorded at Plat Book 6, Page 61, of the Public Records of Manatee County, Florida. On April 19, 2016, the Applicants submitted a vacation application requesting the vacation of an almost seven hundred ninety (790) foot long section of the fifty (50) foot wide unimproved right-of-way known as 261st Street East.

According to the Applicants, Global Positioning System (GPS) maps show this section of 261st Street East as a through road. The Applicants also report that a steady flow of delivery trucks, motor bike riders and other vehicles following such GPS maps cause deep ruts in the grass, pot holes in the private driveways and other damage when attempting to go through this area beyond the paved sections. The Applicants claim too that in the recent years at least half a dozen eighteen wheelers and multiple semi or box trucks have either had to turn around and retrace their route or became immobile while trying to traverse this right-of-way. Moreover, the Applicants allege that vehicles drive onto and damage private property when it rains.

Discussion:

*1. Authority to Vacate Platted Right-of-Way*

Public places and right-of-way are held in trust by the authorities for the benefit of the public to be used for public purposes; however, this public trust concept does not prevent the abandonment, vacation or discontinuance of streets when done in the interest of general welfare. In *Sun Oil Co. v. Gerstein*, 206 So. 2d 439 (Fla. 3d DCA 1968), the Court explained: "The fact that [the] title to the public place . . . vacated or discontinued [in the interest of the general welfare] may revert to the adjacent landowner is of no consequence if the power to vacate is present and such power is lawfully exercised."

Section 336.09, Florida Statutes, provides the Board with the specific authority to vacate road right-of-way within platted subdivisions that have been dedicated to the public. According to Section 336.09(1):

[County] commissioners, with respect to property under their control may in their own discretion, and of their own motion, or upon the request of any agency of the state, or of the federal government, or *upon petition of any person or persons*, are hereby authorized and empowered to:

....

(b) Renounce and disclaim *any right of the county* and the public in and to *any land, or interest therein*, acquired by purchase, gift, devise, *dedication* or prescription for street, alleyway, road or highway purposes, other than lands acquired for state and federal highway; and

(c) Renounce and 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*.

(Emphasis added.)

2. *Procedure for Vacation of Platted Road Right-of-Way*
  - a. *Sections 336.09 and 336.10, Florida Statutes*

In addition to providing the authority to vacate platted road right-of-way, Sections 336.09 and 336.10, Florida Statutes, also provide the procedure for vacating road right-of-way within platted subdivisions. According to Section 336.10, an applicant who requests that the Board vacate any right or interest in land must make such a request in writing. Section 336.09 states that the Board “may adopt a resolution declaring that at a definite time and place a public hearing will be held to consider [a vacation application].” While adopting a resolution to declare a public hearing on the matter is optional, the Board must comply with the following requirements pursuant to Section 336.10:

- 1) “publish notice . . . one time, in a newspaper of general circulation in [the] county at least 2 weeks prior to the date [of the public hearing],”
- 2) “hold a public hearing,”
- 3) adopt a resolution evidencing any action of the commissioners after the public hearing and enter such action in the minutes of the commissioners,

- 4) include the applicant's written request for vacation within the minutes of the commissioners,
- 5) publish notice of the adoption of said resolution "one time, within 30 days following its adoption, in one issue of a newspaper of general circulation published in the county," and
- 6) record the following items in the deed records of the county:
  - i. "proof of publication of notice of [the] public hearing,"
  - ii. "the resolution as adopted," and
  - iii. "proof of publication of the notice of the adoption of [said] resolution."

The alternative to having the Board adopt a resolution declaring a public hearing, is presenting a motion to the Board to schedule the public hearing.

*b. Sections 331 and 312, Manatee County Land Development Code*

Section 331 of the LDC codifies the requirements of Sections 336.09 and 336.10, Florida Statutes, within the laws of Manatee County and also provides specific legal guidelines as to the vacation application process in Manatee County. Section 331.2 of the LDC outlines the review process for vacation applications. An applicant must:

- 1) "attend a pre-application meeting as provided for in Section 312.2" of the LDC;
- 2) "complete and submit an application to the Department Director"; and
- 3) "furnish any additional maps, charts, surveys, legal descriptions, title opinions, and title policies as required by the Department Director for clarification to the reviewing agencies and the Board."

Section 331.2, Manatee County Land Dev. Code. "Department Director" is defined within the LDC as "the staff person designated by the County Administrator to administer this code." Section 200, Manatee County Land Dev. Code.

Appropriate published and posted notice of the vacation application must be provided in accordance with Section 312.7 of the LDC. If staff confirms that an applicant has complied with the vacation procedures of Sections 336.09 and 336.10, Florida Statutes, and Section 331 of the LDC, then the application will be legally acceptable and sufficiently complete for presentation to the Board. If, after review of an application and upon the close of the public hearing, the Board decides to approve the application, the Board shall adopt a resolution to that effect. Notice of adoption of such a resolution must then be published "one (1) time in a newspaper of general circulation in Manatee County, Florida, within thirty (30) days following [its adoption]." Section 331.3, Manatee County Land Dev. Code. In accordance with 336.10, Florida Statutes, and the LDC, the following must be recorded in the deed records of the county:

- 1) A certified copy of the adopted vacation resolution,
- 2) An original proof of the publication of the notice of public hearing,
- 3) Location maps, survey, legal description or other appropriate data as determined by the Department Director,
- 4) Original proof of publication of the notice of adoption of the vacation resolution, and
- 5) Any applicable easements, if required.

Finally, within forty-five (45) days after the adoption of the resolution, the applicant must provide the Department Director or the staff person designated by the County Administrator, with a copy of all of the recorded documents. Pursuant to Section 331.5 of the LDC, the vacation becomes effective after the required documents have been filed with the Clerk of the Circuit Court and duly recorded in the public records of Manatee County.

### *3. Legal Review of Current Vacation Application*

#### *a. Background of Right-of-way*

In general, road right-of-way dedications within Manatee County are maintained and held in trust by the County for the benefit of the public. The plat for the Pomello Park subdivision was recorded in 1926. The face of the plat includes a written offer of dedication by the owner to the public. Therefore, the rights-of-way depicted were validly offered as dedicated platted roads. Although no written acceptance by Manatee County of the dedication the road right-of-way shown on the plat is evident on the face of the plat, Manatee County did not object to the dedication.



Little information is provided within the RLS as to the background on the right-of-way. The nearest improved road which intersects 261st Street East to the north of the area sought to be vacated is 75th Avenue East. From that intersection, 261st Street East is paved asphalt and runs south to the unimproved platted right-of-way known as 77th Avenue East. South of 77th Avenue East, 261st Street East is no longer paved and is instead grassland with an eight (8) foot wide unimproved dirt travel way. A shell or dirt drive branches off of 261st Street East toward the southwest to provide access to a single family residence located in Tract 48. A second shell or dirt drive branches off of 261st Street East toward the southeast to provide access for another single family residence located in the southern two-thirds of Tract 49. To the south, 261st Street East is not again improved until the intersection of 79th Drive East. In the vacation application, the Applicants accurately described 261st Street East as a “fractured north south road that is closed to traffic in several sections.” The portion sought to be vacated is 0.906 acres (39,497 square feet) more or less.

The west side of the right-of-way sought to be vacated is bordered by Tract 48 (to the north) and Tract 47 (to the south). All of Tract 48 and the northern half of Tract 47 are owned by Joseph J. Roman, one of the Applicants. Roman’s property is improved with a single family residence. As mentioned above, Roman currently has access to 261st Street East via a dirt/shell drive. This vacation will not impact Roman’s access via this route. Furthermore, this vacation will not prevent Roman from exiting his property at the southeast corner onto still existing southbound 261st Street East right-of-way.

The southern half of Tract 47 is owned by an unidentified individual, whose information is protected from public record pursuant to Chapter 119, Florida Statutes. Tract 47 is bordered to the south by 79th Avenue East and improved with a single family home. The driveway for this home connects directly to 79th Avenue East. This vacation will not impact this access route. Furthermore, this vacation will not prevent access via the eastern boundary onto still existing southbound 261st Street East right-of-way.

The east side of the right-of-way sought to be vacated is bordered by Tract 49 (to the north) and Tract 50 (to the south). The northern third of Tract 49 is owned by Paul D. Cronen and his trust and is vacant land. Currently, in addition to having access via 261st Street East, Cronen’s property can be accessed from 77th Avenue East to the north or from Verna Bethany to the east. This vacation will not impact any of these access routes.

The southern two-thirds of Tract 49 is owned by Stephen P. Aron and Christine A. Aron, husband and wife, and is improved with a single family residence. As mentioned above, the Arons currently have access to 261st Street East via a dirt/shell drive. This vacation will not impact the Arons’ access via this northbound route. This vacation will eliminate any public southbound route for the Arons to exit their property. Mr. Aron is one of the Applicants.

All of Tract 50 is owned by John Stephen Schlabach and Sharon K. Schlabach, husband and wife. Tract 50 is vacant land and currently has access to 261st Street East. This vacation will not impact the Schlabachs' access via this southbound route. This vacation will eliminate any public northbound route for the Schlabachs' to exit their property. Mr. Schlabach is one of the Applicants.

*b. Compliance with Sections 336.09 and 336.10, Florida Statutes*

In review of the subject application, the Applicants provided a written application for vacation in compliance with Section 336.10, Florida Statutes. Prior to vacation, the Board must hold a public hearing and publish notice of same "one time, in a newspaper of general circulation in [the] county at least 2 weeks prior to" the date of the public hearing. Staff must ensure compliance with this requirement that legal notice of the vacation application is provided to the public.

*c. Compliance with Section 331, Manatee County Land Development Code*

Based on the documents provided with this RLS, other applicable portions of the LDC do not appear to have been met. I cannot determine (1) whether the Department Director or the staff person designated by the County Administrator has reviewed the application for sufficiency, or (2) if the Department Director or the staff person designated by the County Administrator has prepared a report and recommendation for presentation to the Board. The Applicants have paid the \$800 application fee and have demonstrated that all property taxes and assessments are current.

Section 312 of the LDC requires that the Applicants and the Department Director or the staff person designated by the County Administrator publish and post notice of the public hearing. In addition, the Applicants must provide an affidavit to the Department Director or the staff person designated by the County Administrator affirming that the Applicants have provided said notice at least five (5) days prior to the date of the hearing. Currently, the Applicants have not provided proof of compliance with either notice requirement. Additionally, the Applicants have not submitted an affidavit affirming their compliance with the LDC. However, the Applicants could not have provided published or posted notice given that the hearing has yet to be scheduled. Staff must ensure that the Applicants ultimately comply with both the published and posted notice requirements outlined in the LDC, once the public hearing has been scheduled.

*d. Other Considerations*

This application was sent to twenty-six (26) reviewing entities. Transportation Planning Division Staff initially responded noting conditional requirements which must first be satisfied before the vacation application could be presented to the Board. That division believed, incorrectly, that the vacation would result in both the Arons and the Schlabachs being landlocked.

Transportation Planning Division staff recommended preserving access to those parcels through either the granting of access easements or vacating less right-of-way than requested. Later, Transportation Planning Division staff provided further input, but did not definitely declare whether that division now has no objection to the vacation application or if one of the recommended alternatives still needed to be implemented before that application should be presented to the Board. As I do not agree with the conclusion reached by the Transportation Planning Division, staff need not concern itself with seeking clarification as to that division's commentary.

The designated representative for Bright House Networks questioned whether utility poles in the easterly easement are affected by the vacation and requested a new easement if such is the case. This RLS provides no information regarding any utility poles or easements. Staff should determine whether this vacation will impact any utility poles or easements.

One reviewing entity expressed concern that Tracts 47, 49 and 50 would have no road frontage and therefore become non-conforming lots if this right-of-way is vacated. That entity did not object to the vacation, but implied that the Building and Development Services Department (BADS) should be consulted with respect to whether the vacation will result in non-conforming lots without road frontage. Tracts 47 and 50 will continue to have road frontage via 79th Avenue East. Tract 49 will continue to have road frontage via 77th Avenue East. Although none of the BADS entities which reviewed this application formally objected to the vacation, BADS staff recommended that the Public Works Department, the Public Safety Department and the Fire District review how this vacation will impact access. Staff should (1) confer with the various BADS entities to determine whether this vacation will result in non-conforming lots without road frontage and (2) confer with the entities suggested by BADS to determine whether access will be impacted.

Among the documents provided in this RLS are two (2) separate legal descriptions and sketches for the property sought to be vacated. The application states that Exhibit A is the legal description and sketch of the property to be vacated. Exhibit A is entitled "Report of Survey" and is dated March 18, 2016 (March Legal & Sketch). A second legal description and sketch, entitled "Sketch of Description," is dated May 26, 2016 (May Legal & Sketch). Both of these documents contain errors. On page one (1) of the March Legal & Sketch, the subdivision name is misspelled in two (2) locations; the subdivision name is *Pomello* Park, not *Pomelo* Park. This error is repeated seven (7) times on page two (2) of the March Legal & Sketch. Finally, the measurement scale is incorrect on the March Legal & Sketch. On page one (1) of the May Legal & Sketch, the same misspelling of the subdivision name appears twice. This error is repeated eight (8) times on page two (2). The word "formerly" has also been misspelled five (5) times on page two (2) of the May Legal & Sketch. Staff should request that the necessary edits are made to whichever one of these legal descriptions and sketches is to be used and to ensure that the document ultimately presented to the Board contain no errors.

Conclusion:

At this preliminary stage in the application process, I cannot determine whether staff has fully complied with the requirements of the LDC. The Applicants and staff will need to address all of the matters identified above and ensure that the procedures required by the applicable statutes and the LDC are met as this application proceeds to the Board for consideration. The decision to vacate this right-of-way is a business decision which the Board has the authority to make.

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.

Copies to:

Ed Hunzeker, County Administrator  
Karen Windon, Deputy County Administrator  
Dan Schlandt, Deputy County Administrator  
Charlie Bishop, Director, Property Management Department  
Charles Meador, Real Property Specialist, Property Acquisition Division, Property Management Department  
Robert Wenzel, Development Review Coordinator, Building and Development Services  
Kathleen Thompson, Planning Manager, Building and Development Services  
Chris Mowbray, P.E., Highway Engineering Division Manager, Public Works Department  
Clarke Davis, Transportation Planning Division Manager, Public Works Department