

62

R-08-072-V

**A RESOLUTION VACATING
CERTAIN STREETS, ROADS OR OTHER APPROPRIATE PROPERTY
PURSUANT TO SECTIONS 336.09 ET SEQ., FLORIDA STATUTES, AND
SECTION 911, LAND DEVELOPMENT CODE, MANATEE COUNTY, FLORIDA**

WHEREAS, an application for the vacation of a public or private street, alleyway, road, highway or other place used for transportation, or portion thereof, has been filed before the Board of County Commissioners of Manatee County (the "Board"), Florida, by **Manatee Fruit Company**, a Florida corporation, and **Terra Ceia Bay Clubhouse and Golf, LLC**, a Florida limited liability company, (the "Applicant"); and

WHEREAS, the County and other affected agencies and utility companies have reviewed the application and have expressed no relevant objection to the requested vacation; and

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

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

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

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

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

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

1. Upon request of the Applicant, the Board hereby renounces and disclaims any right of the County and public in and to the land, or interest therein, described in Exhibit "A," incorporated herein by reference, and acquired by purchase, gift, devise, dedication, or prescription for street, alleyway, road or highway purposes.
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 serves only that purpose expressly stated in Paragraph 1, above. Nothing herein shall be construed or interpreted as a representation of the rights or interests accruing to or existing in the Applicant or any third party to the land described in Exhibit "A."

DULY ADOPTED, with a quorum present and voting, this 9th day of December 2008.

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

BY: *Donald J. Brown*
Chairman

ATTEST: R.B. SHORE
Clerk of Circuit Court

R.B. Shore

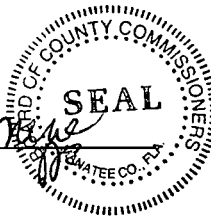


EXHIBIT "A"

(1 of 4)

Description of Rights-of-Way to be Vacated:

ANY AND ALL INTERESTS HELD BY MANATEE COUNTY, FLORIDA, IN THE FOLLOWING DESCRIBED PARCELS:

PARCEL A (33rd Street West Right-of-Way):

THAT PORTION OF 33rd STREET WEST, A 50-FOOT WIDE, IMPROVED RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

THE SOUTH 25 FEET OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, **LESS** THE EASTERLY 615.12 FEET THEREOF.

TOGETHER WITH THE NORTH 25 FEET OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, **LESS** THE EASTERLY 615.12 FEET THEREOF.

ALSO, THAT PORTION OF THE WESTERLY, UNIMPROVED EXTENSION OF THE 33RD STREET WEST RIGHT-OF-WAY IDENTIFIED IN AN "EASEMENT DEED" RECORDED IN DEED BOOK 318, PAGES 265 AND 266 (RECORDED JUNE 1, 1954), AND BEING DESCRIBED (AS CORRECTED) BELOW:

THE SOUTH 25 FEET OF U. S. GOVERNMENT LOT 3 IN SECTION 3, TOWNSHIP 34 SOUTH, RANGE 17 EAST, AND THE NORTH 25 FEET OF THE NE 1/4 OF SECTION 10 (CORRECTED), TOWNSHIP 34 SOUTH, RANGE 17 EAST (SAID NE 1/4 BEING A FRACTIONAL 1/4 SECTION). **LESS AND EXCEPTING** THEREFROM THE WEST 150 FEET OF THE ABOVE DESCRIBED PROPERTY, SAID WEST 150 FEET THEREOF BEING MORE PARTICULARLY DESCRIBED AS BEING BOUNDED ON THE WEST BY THE WATERS OF TERRA CEIA BAY AND BEING BOUNDED ON THE EAST BY A LINE WHICH IS PARALLEL TO AND AT A DISTANCE OF 150 FEET EASTERLY FROM THE WATERS OF SAID TERRA CEIA BAY, ON THE NORTH BY THE NORTH LINE OF THE ABOVE DESCRIBED TRACT AND ON THE SOUTH BY THE SOUTH LINE OF THE DESCRIBED TACT, THE EASTERLY LINE OF SAID EXCEPTED PIECE OR PARCEL OF LAND BEING APPROXIMATELY 45 FEET EAST OF AN EXISTING DIKE OR FIELD DIKE, WHICH IS NOW LOCATED APPROXIMATELY 105 FEET EAST OF THE WATERS OF SAID TERRA CEIA BAY.

PARCEL B (Former Railroad Right-of-Way):

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°39'47" W, ALONG THE SOUTH LINE OF SAID SECTION 3, A DISTANCE OF 4.50 FEET, FOR A **POINT OF BEGINNING**; THENCE N 00°23'51" E, PARALLEL WITH AND 4.50 FEET WEST OF THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 315.00 FEET; THENCE S 89°36'09" E, A DISTANCE OF 39.50 FEET; THENCE S 00°23'51" W, PARALLEL WITH AND 35.00 FEET EAST OF THE WEST LINE OF SECTION 2, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, A DISTANCE OF 314.98 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 2; THENCE N 89°38'07" W, ALONG SAID SOUTH LINE, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.29 ACRES, MORE OR LESS.

PARCEL C (8th Avenue West Right-of-Way):

THAT PORTION OF 8th AVENUE WEST, A 28-FOOT WIDE, UNIMPROVED RIGHT-OF-WAY, LYING IN SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, NORTH OF THE INTERSECTION OF RIGHT-OF-WAY FOR VALENCIA DRIVE AT STATION 150+65.33 AS SHOWN ON THE RIGHT-OF-WAY MAPS FOR STATE ROAD 45 (U.S. 41 SECTION 13030-2106) AND SOUTH OF THE RIGHT-OF-WAY LINE FOR 23rd STREET WEST (aka TERRA CEIA BOULEVARD) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1581, PAGE 6246, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

PARCEL A

EXHIBIT "A"

(2 of 4)

**R/W TO BE
VACATED**

33rd ST W

(Unimproved)

(Paved)

**R/W TO BE
VACATED**

**TERRA CEIA BAY
GOLF &
TENNIS CLUB**

14th AVE W

(Unimproved)

11

PORTION OF 33rd STREET WEST RIGHT-OF-WAY TO BE VACATED:

THAT PORTION OF 33rd STREET WEST, A 50-FOOT WIDE, IMPROVED RIGHT-OF-WAY DESCRIBED AS FOLLOWS:

THE SOUTH 25 FEET OF THE SOUTHWEST 1/4 OF SECTION 2, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, **LESS** THE EASTERLY 615.12 FEET THEREOF.

TOGETHER WITH THE NORTH 25 FEET OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, **LESS** THE EASTERLY 615.12 FEET THEREOF.

ALSO, THAT PORTION OF THE WESTERLY, UNIMPROVED EXTENSION OF THE 33rd STREET WEST RIGHT-OF-WAY IDENTIFIED IN AN "EASEMENT DEED" RECORDED IN DEED BOOK 318, PAGES 265 AND 266 (RECORDED JUNE 1, 1954), AND BEING DESCRIBED (AS CORRECTED) BELOW:

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8th AVE W

(Paved)

Terra Ceia Bay

3

2

10

150'

50'

50'

615.12'

EXHIBIT "A"

(3 of 4)

PARCEL B



SECTION 3

SECTION 2

33rd ST W

(Paved)

(Unimproved)

N 89°39'47" W
4.50'

P.O.B.

S.E. CORNER
SECTION 3

N 89°38'07" W
35.00'

SECTION 10

SECTION 11

14th AVE W

(Unimproved)

S 89°36'09" E
39.50'

**R/W TO BE
VACATED**

N 00°23'51" E 315.00'

S 00°23'51" E 314.98'

ABANDONED RAILROAD RIGHT-OF-WAY TO BE VACATED:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE N 89°39'47" W, ALONG THE SOUTH LINE OF SAID SECTION 3, A DISTANCE OF 4.50 FEET, FOR A **POINT OF BEGINNING**; THENCE N 00°23'51" E, PARALLEL WITH AND 4.50 FEET WEST OF THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 315.00 FEET; THENCE S 89°36'09" E, A DISTANCE OF 39.50 FEET; THENCE S 00°23'51" W, PARALLEL WITH AND 35.00 FEET EAST OF THE WEST LINE OF SECTION 2, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, A DISTANCE OF 314.98 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID SECTION 2; THENCE N 89°38'07" W, ALONG SAID SOUTH LINE, A DISTANCE OF 35.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.29 ACRES, MORE OR LESS.

EXHIBIT "A"
(4 of 4)

N.E. 1/4 OF
S.W. 1/4

PARCEL C

23rd ST W
(Terra Ceia Blvd)

R/W TO BE
VACATED

273'+/-

8th AVE W

28'

PORTION OF RIGHT-OF-WAY TO BE VACATED:

THAT PORTION OF 8th AVENUE WEST, A 28-FOOT WIDE, UNIMPROVED RIGHT-OF-WAY, LYING IN SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, NORTH OF THE INTERSECTION OF RIGHT-OF-WAY FOR VALENCIA DRIVE AT STATION 150+65.33 AS SHOWN ON THE RIGHT-OF-WAY MAPS FOR STATE ROAD 45 (U.S. 41 SECTION 13030-2106) AND SOUTH OF THE RIGHT-OF-WAY LINE FOR 23rd STREET WEST (aka TERRA CEIA BOULEVARD) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1581, PAGE 6246, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

STATE ROAD 45
(U.S. 41 SECTION 13030-2106)



STA. 150+65.33

21st ST W

(Valencia Dr)

S.E. 1/4 OF
S.W. 1/4

