

R-13-051

**A RESOLUTION VACATING UNIMPROVED PLATTED ROAD RIGHT OF WAY
PURSUANT TO SECTIONS 177.101 AND 336.09 ET SEQ., FLORIDA STATUTES,
AND SECTION 911, LAND DEVELOPMENT CODE, MANATEE COUNTY, FLORIDA**

WHEREAS, an application for the vacation of a public street, alleyway, road, highway or other place used for transportation, or portion thereof, a subdivision plat, in whole or in part, has been filed before the **Board of County Commissioners of Manatee County, Florida** (the "Board"), by Jeffrey Eickelmann and Jennifer Eickelmann; Jacqueline D. Weachock, as Trustee of the Florida Land Trust u/a dated 12/18/09; Kevin Cross, as Trustee of the Cross Irrevocable Trust Agreement dated 3/25/98 and Advanta IRA #8003010; and Michael A. Schue and Kelly Rae Schue (the "Applicant"); and

WHEREAS, said application has been found, upon review by the County Attorney's Office, to be legally sufficient and of sufficient form for presentation to and action by the Board; and

WHEREAS, the County and other affected agencies and utility companies have reviewed the application and have no 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 objectives; and

WHEREAS, a Resolution Declaring Notice of Public Hearing on said application was duly adopted by said Board of County Commissioners, 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 said Board of County Commissioners was duly held considering the advisability of granting said Application, or some portion thereof, and the Board of County Commissioners was fully advised and informed in the premises; and

WHEREAS, said Board of County Commissioners has determined that vacating said property would not be in derogation of the public rights or needs of the County of Manatee, 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 vacates, renounces and disclaims any right of the County and the public in and to the land described in Exhibit "A," incorporated herein by reference, as delineated on the plat of Pomello Park, a

Resolution R-13-051 (continued)

Page 2

subdivision as Plat Book 6, Page 61, and being located in an unincorporated area of Manatee County, Florida.

2. Said action has been undertaken pursuant to the enabling legislation of Chapters 336.09 through 336.12, Florida Statutes, pertaining to public streets, roadways and other places of travel and Chapter 177.101, Florida Statutes, pertaining to subdivision plats and land boundaries.
3. No portion of the property to be vacated, as described in Exhibit "A" constitutes or was acquired for a state or federal highway, nor will the vacation of the property deprive any person, firm, corporation or other entity of its legal right of ingress and egress to any property whether abutting the property to be vacated or not.
4. The real property containing or abutting the property to be vacated is not subject to any delinquent or unpaid ad valorem taxes, special assessments, or other improvement liens.
5. An announcement of the public hearing to vacate the property described in Exhibit "A" was given by publishing legal notice in a newspaper of general circulation in the County in which the tract or parcel of land is located, in not less than one (1) weekly issue of said paper.
6. 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 26th day of March **2013**.

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

BY: _____

Chairman

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

BY: Wabi Lassner
Deputy Clerk



EXHIBIT "A"

LEGAL DESCRIPTION: (RIGHT OF WAY VACATION FOR TRACT 21)

A PORTION OF THE RIGHT OF WAY OF 65TH AVENUE EAST AND A PORTION OF THE RIGHT OF WAY OF 221ST STREET EAST AS PER PLAT OF POMELLO PARK, A SUBDIVISION, RECORDED IN PLAT BOOK 6, PAGE 61 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF TRACT 21, SECTION 21, TOWNSHIP 35 SOUTH, RANGE 20 EAST, OF SAID POMELLO PARK SUBDIVISION,; THENCE S.89°20'09"E. ALONG THE NORTH LINE OF SAID TRACT 21, A DISTANCE OF 667.38 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID TRACT 21; THENCE S.00°38'42"W. ALONG SAID EAST LINE, A DISTANCE OF 25.00 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT OF WAY OF 65TH AVENUE EAST; THENCE N.89°20'09"W. ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 667.11 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID TRACT 21; THENCE N.00°38'26"E. ALONG SAID WEST LINE, A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,684 SQUARE FEET OR 0.38 ACRES MORE OR LESS.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.

NOTES:

- 1. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN OF S 89°20'09" E BEING THE NORTH LINE OF TRACT 21.
- 2. THIS SKETCH IS NOT COMPLETE WITHOUT THE DESCRIPTION.

SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION

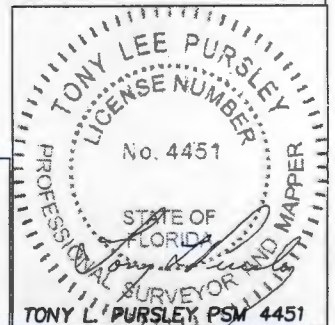
Section 21 , Township 35 South, Range 20 East
Manatee County, Florida

SKETCH OF DESCRIPTION ONLY
NOT A BOUNDARY SURVEY



**SCHAPPACHER ENGINEERING
AND SURVEYING, L.L.C.**

CERTIFICATE OF AUTHORIZATION LB 0007859
3604 53RD AVENUE, BRADENTON, FLORIDA 34203
(941) 748-8340 (941) 896-9938 FAX



DATE: 11-08-2012

JOB: BOB C

1 OF 2

Scale: 1"= NONE

Drawn by: TP

FB/PG: NONE



221ST Street East

NOTES:

- 1. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN OF S 89°20'09" E BEING THE NORTH LINE OF TRACT 21.
- 2. THIS SKETCH IS NOT COMPLETE WITHOUT THE DESCRIPTION.

65TH Avenue East

NORTH LINE OF TRACT 21

S 89°20'09" E 667.38

POINT OF BEGINNING
NW CORNER TRACT 21

N 89°20'09" W 667.11'

SOUTH RIGHT OF WAY LINE 65TH AVE EAST

RIGHT OF WAY VACATION TRACT 21
16,684 SQUARE FEET OR 0.38 ACRES MORE OR LESS

N 00°38'26" E 25.00'

WEST LINE OF TRACT 21

EAST RIGHT OF WAY LINE

PID: 320602105

TRACT 21
SEC. 21-35-20
POMELLO PARK SUBDIVISION,
PLAT BOOK 6, PAGE 61

EAST LINE TRACT 21

S 00°38'42" W 608.59'

S 00°38'42" W 25.00'

21

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Section 21 , Township 35 South, Range 20 East

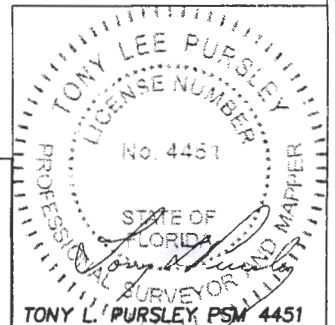
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2 OF 2

Scale: 1" = 150'

Drawn by: TP

FB/PG: NONE

DATE: 11-08-2012

JOB: BOB C

LEGAL DESCRIPTION (RIGHT OF WAY VACATION FOR TRACT 13)

A PORTION OF THE RIGHT OF WAY OF 65TH AVENUE EAST AND A PORTION OF THE RIGHT OF WAY OF 221ST STREET EAST AS PER PLAT OF POMELLO PARK, A SUBDIVISION RECORDED IN PLAT BOOK 6, PAGE 61 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF TRACT 13, SECTION 21, TOWNSHIP 35 SOUTH, RANGE 20 EAST, OF SAID POMELLO PARK SUBDIVISION; THENCE N.89°20'09"W. ALONG THE SOUTH LINE OF SAID TRACT 13, A DISTANCE OF 667.11 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID TRACT 13; THENCE N.00°38'26"E. ALONG SAID WEST LINE, A DISTANCE OF 25.00 FEET TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF 65TH AVENUE EAST; THENCE S.89°20'09"E. ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 642.11 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF 221ST STREET EAST; THENCE N.00°38'42"E. ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 668.64 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID TRACT 13; THENCE S.89°14'43"E. ALONG SAID NORTH LINE, A DISTANCE OF 25.00 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID TRACT 13; THENCE S.00°38'42"W. ALONG SAID EAST LINE, A DISTANCE OF 693.60 FEET TO THE POINT OF BEGINNING.

CONTAINING 33,393 SQUARE FEET OR 0.77 ACRE MORE OR LESS.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.

NOTES:

1. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN OF N 89°20'09" W BEING THE SOUTH LINE OF TRACT 13.
2. THIS DESCRIPTION IS NOT COMPLETE WITHOUT THE SKETCH.

SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION

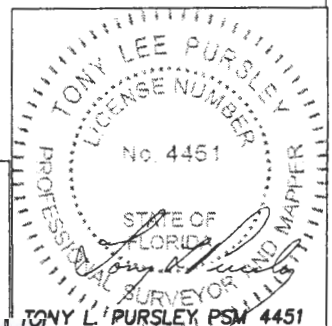
Section 21 , Township 35 South, Range 20 East
Manatee County, Florida

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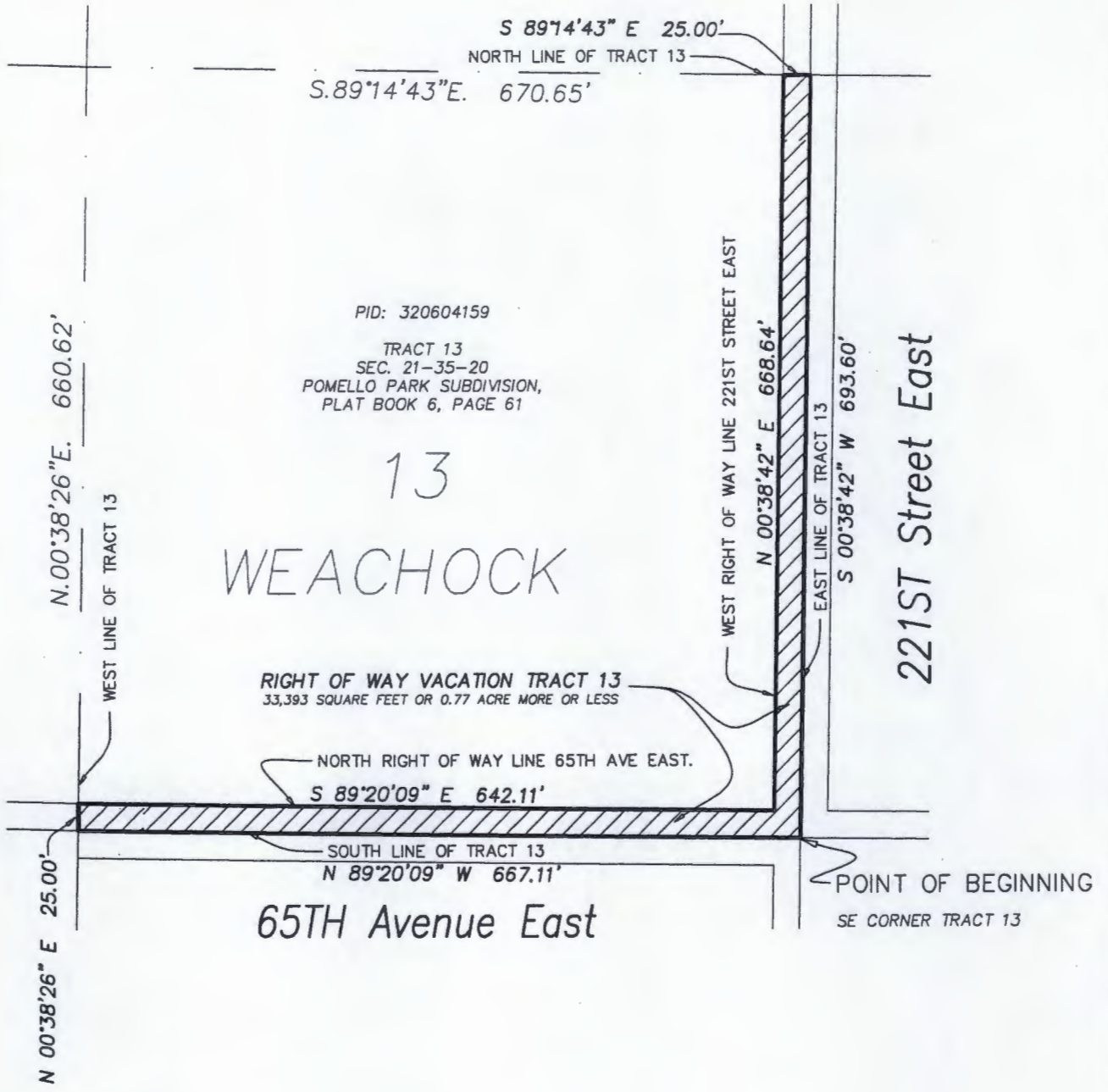
JOB: BOB C

1 OF 2

Scale: 1" = NONE

Drawn by: TP

FB/PG: NONE



PID: 320604159
 TRACT 13
 SEC. 21-35-20
 POMELLO PARK SUBDIVISION,
 PLAT BOOK 6, PAGE 61

13

WEACHOCK

RIGHT OF WAY VACATION TRACT 13
 33,393 SQUARE FEET OR 0.77 ACRE MORE OR LESS

NORTH RIGHT OF WAY LINE 65TH AVE EAST.

S 89°20'09" E 642.11'

SOUTH LINE OF TRACT 13
 N 89°20'09" W 667.11'

65TH Avenue East

221ST Street East

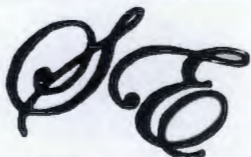
POINT OF BEGINNING
 SE CORNER TRACT 13

NOTES:

1. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN OF N 89°20'09" W BEING THE SOUTH LINE OF TRACT 13.
2. THIS SKETCH IS NOT COMPLETE WITHOUT THE DESCRIPTION.

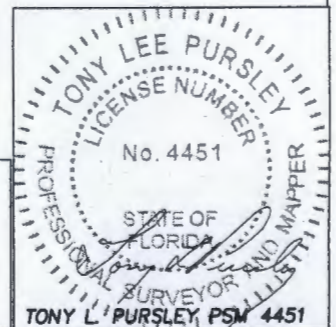
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TONY L. PURSLEY, PSM 4451

2 OF 2

Scale: 1" = 150'

Drawn by: TP

FB/PG: NONE

DATE: 11-08-2012

JOB: BOB C

LEGAL DESCRIPTION: (RIGHT OF WAY VACATION FOR TRACT 20)

A PORTION OF 65TH AVENUE EAST AND A PORTION OF 221ST STREET EAST AS PER PLAT OF POMELLO PARK, A SUBDIVISION, RECORDED IN PLAT BOOK 6, PAGE 61 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF TRACT 20, SECTION 21, TOWNSHIP 35 SOUTH, RANGE 20 EAST, OF SAID POMELLO PARK SUBDIVISION; THENCE N.00°51'52"E. ALONG THE WEST LINE OF SAID TRACT 20, A DISTANCE OF 693.60 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID TRACT 20; THENCE S.89°14'43"E. ALONG SAID NORTH LINE, A DISTANCE OF 25.00 FEET TO THE INTERSECTION WITH THE EAST RIGHT OF WAY LINE OF 221ST STREET EAST; THENCE S.00°51'52"W. ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 668.64 FEET TO THE INTERSECTION WITH THE NORTH RIGHT OF WAY LINE OF 65TH AVENUE EAST; THENCE S.89°09'17"E. ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 645.48 FEET TO THE INTERSECTION WITH THE EAST LINE OF SAID TRACT 20; THENCE S.00°50'43"W. ALONG SAID EAST LINE, A DISTANCE OF 25.00 FEET TO THE INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 20; THENCE N.89°09'17"W. ALONG SAID SOUTH LINE, A DISTANCE OF 670.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 33,478 SQUARE FEET OR 0.77 ACRES, MORE OR LESS.
SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.

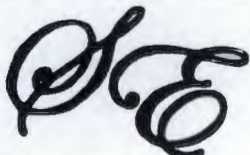
NOTES:

1. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN OF N 89°09'17" W BEING THE SOUTH LINE OF TRACT 20.
2. THIS SKETCH IS NOT COMPLETE WITHOUT THE DESCRIPTION.

SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION

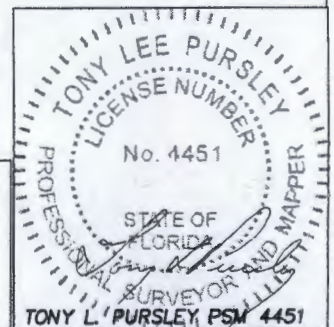
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1 OF 2

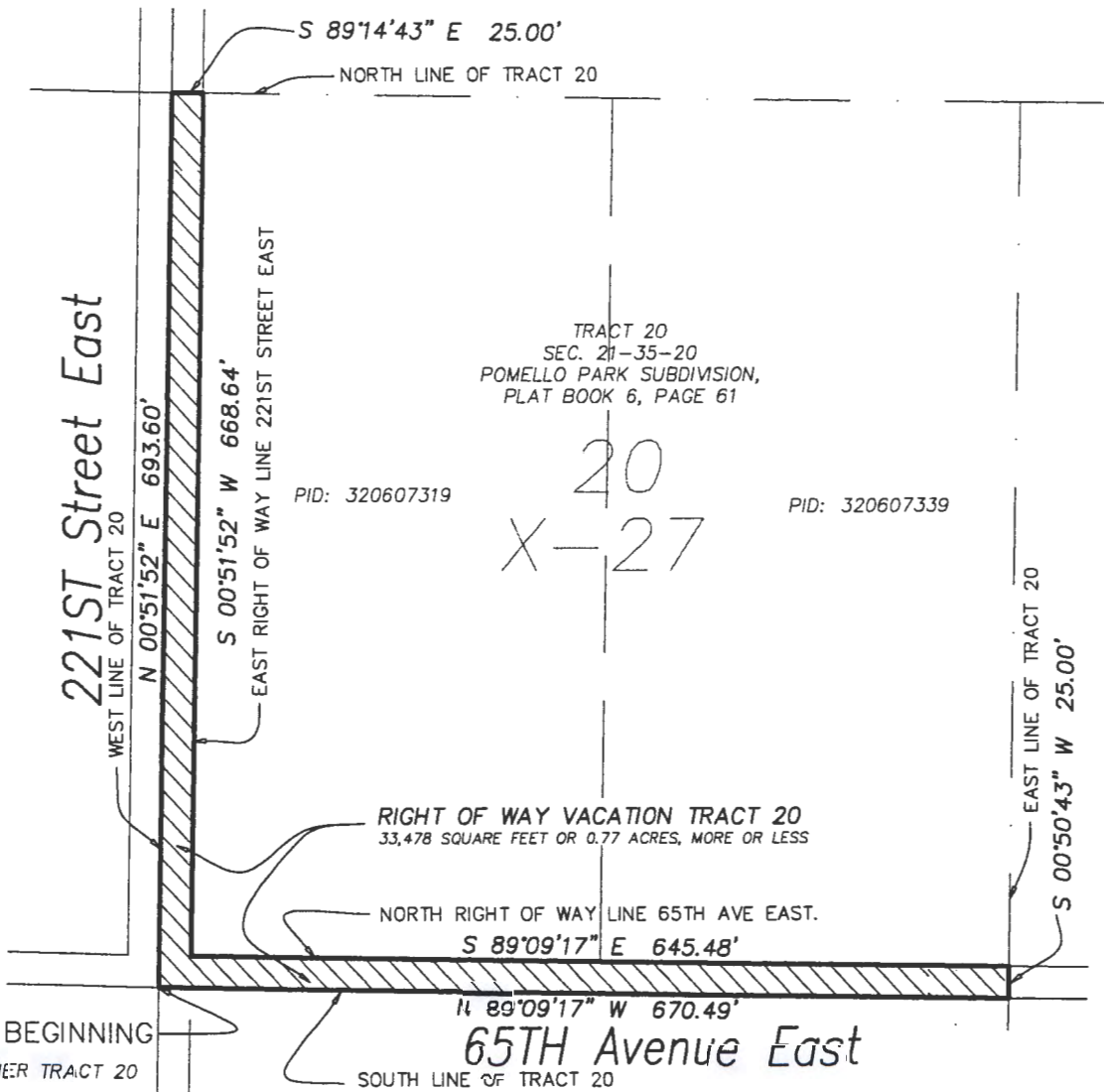
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Drawn by: TP

FB/PG: NONE

DATE: 11-08-2012

JOB: BOB C



NOTES:

1. BEARINGS ARE BASED ON AN ASSUMED MERIDIAN OF N 89°09'17" W BEING THE SOUTH LINE OF TRACT 20.
2. THIS SKETCH IS NOT COMPLETE WITHOUT THE DESCRIPTION.

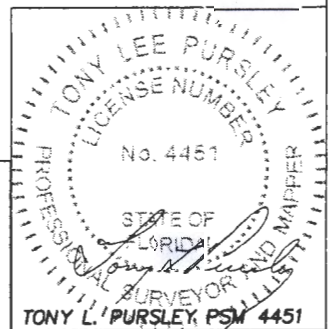
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2 OF 2

Scale: 1" = 150'

Drawn by: TP

FB/PG: NONE

DATE: 11-08-2012

JOB: BOB C

LEGAL DESCRIPTION: (RIGHT OF WAY VACATION FOR TRACT 12)

A PORTION OF THE RIGHT OF WAY OF 65TH AVENUE EAST AND PORTION OF THE RIGHT OF WAY OF 221 STREET EAST AS PER PLAT OF POMELLO PARK, A SUBDIVISION, RECORDED IN PLAT BOOK 8, PAGE 61 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A THE NORTHEAST CORNER OF TRACT 12, SECTION 21, TOWNSHIP 35 SOUTH, RANGE 20 EAST, OF SAID POMELLO PARK, A SUBDIVISION,; THENCE S.00°38'42"W. ALONG THE EAST LINE OF SAID TRACT 12, A DISTANCE OF 25.00 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT OF WAY OF SAID 65TH AVENUE EAST; THENCE N.89°20'09"W. ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 667.11 FEET TO THE INTERSECTION WITH THE WEST LINE OF SAID TRACT 12; THENCE N.00°38'26"E. ALONG SAID WEST LINE, A DISTANCE OF 25.00 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID TRACT 12; THENCE S.89°20'09"E. ALONG SAID NORTH LINE, A DISTANCE OF 667.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 16,678 SQUARE FEET OR 0.38 ACRES, MORE OR LESS.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, IF ANY.

NOTES:

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SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION

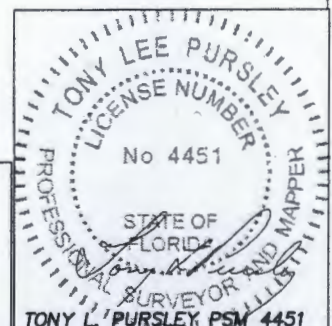
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1 OF 2

Scale: 1" = NONE

Drawn by: TP

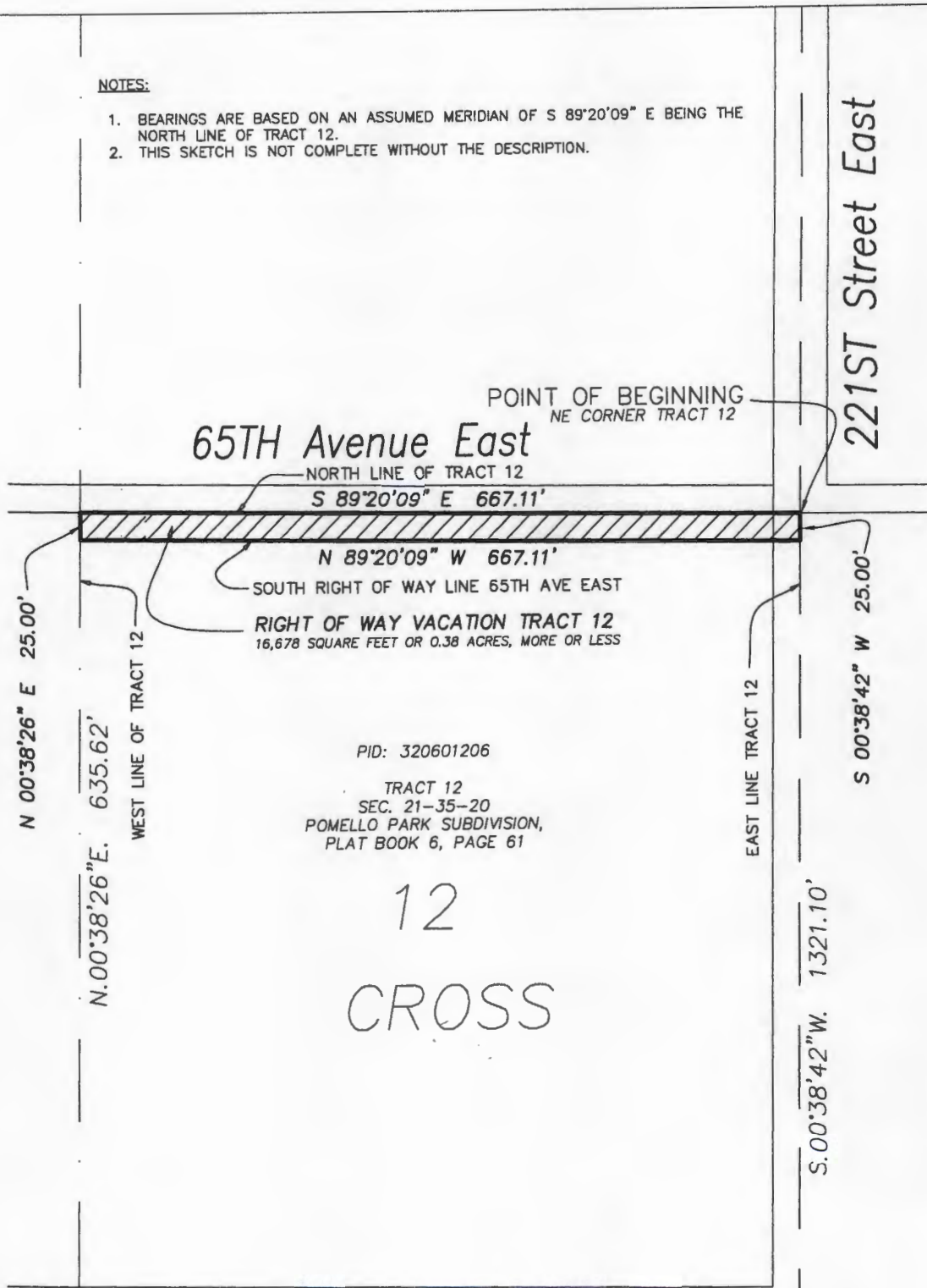
FB/PG: NONE

DATE: 11-08-2012

JOB: BOB C

NOTES:

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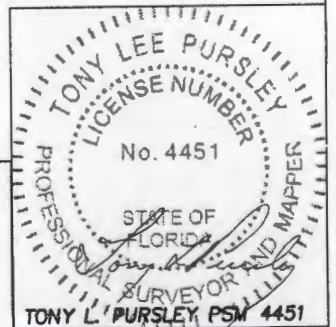
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2 OF 2

Scale: 1" = 150'

Drawn by: TP

FB/PG: NONE

DATE: 11-08-2012

JOB: BOB C