

R-13-178

**A RESOLUTION VACATING A PLATTED UTILITY EASEMENT**

**PURSUANT TO SECTION 177.101 ET SEQ., FLORIDA STATUTES, AND SECTION 911, LAND DEVELOPMENT CODE, MANATEE COUNTY, FLORIDA**

**WHEREAS**, an application for the vacation of a subdivision plat, in whole or in part, has been filed before the **Board of County Commissioners of Manatee County, Florida** (the "Board"), by **Jean E. Button** (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 Magnolia Manor River Subdivision as recorded in Plat Book 11, Page 30, and being located in an unincorporated area of Manatee County, Florida.

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2. Said action has been undertaken pursuant to the enabling legislation of 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 two (2) weekly issues 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."

October 20<sup>th</sup> **DULY ADOPTED** with a quorum present and voting this 22<sup>nd</sup> day of

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



By: Larry Bustle  
Chairperson

ATTEST: R. B. SHORE  
CLERK OF THE CIRCUIT COURT

By: Robin Liberty, D.C.  
Deputy Clerk

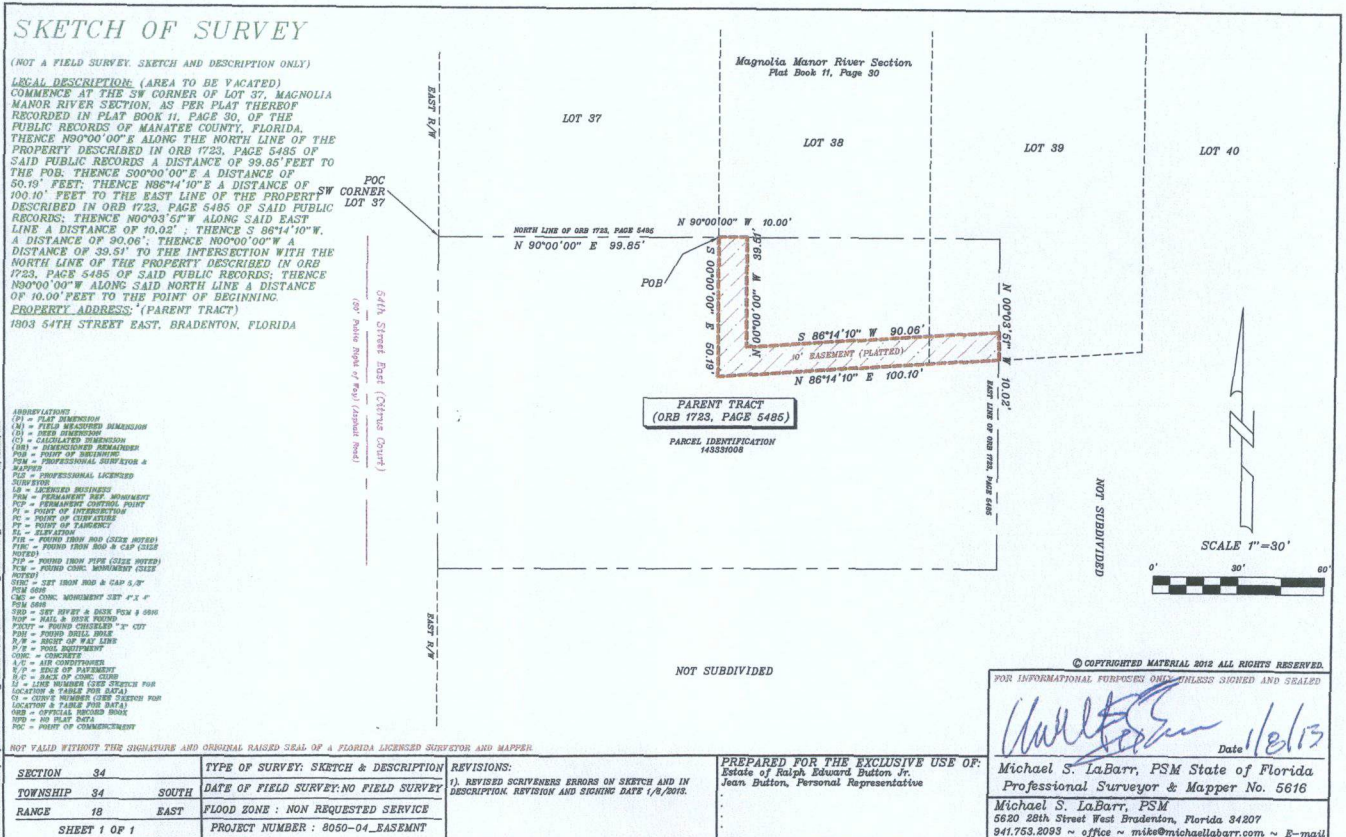
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EXHIBIT A

COMMENCE at the southwest corner of LOT 37, MAGNOLIA MANOR RIVER SECTION, as per plat thereof recorded in Plat Book 11, Page 30, of the Public Records of Manatee County, Florida. Thence  $N90^{\circ}00'00''E$  along the north line of the property described in ORB 1723, page 5485 of said public records a distance of 99.85 feet to the POB; thence  $S00^{\circ}00'00''E$  a distance of 50.19 feet; thence  $N86^{\circ}14'10''E$  a distance of 100.10 feet to the east line of the property described in ORB 1723, page 5485 of said Public Records; thence  $N00^{\circ}03'51''W$  along said east line a distance of 10.02'; thence  $S86^{\circ}14'10''W$  a distance of 90.06'; thence  $N00^{\circ}00'00''W$  a distance of 39.51' to the intersection with the north line of the property described in ORB 1723, page 5485 of said public records; thence  $N90^{\circ}00'00''W$  along said north line a distance of 10.00' to the POINT OF BEGINNING.

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## EXHIBIT "A"



SECTION	34	TYPE OF SURVEY: SKETCH & DESCRIPTION
TOWNSHIP	34 SOUTH	DATE OF FIELD SURVEY: NO FIELD SURVEY
RANGE	18 EAST	FLOOD ZONE: NON REQUESTED SERVICE
SHEET 1 OF 1		PROJECT NUMBER: 8050-04_EASEMNT

REVISIONS:  
1) REVISED SURVEYER'S ERRORS ON SKETCH AND IN DESCRIPTION, REVISION AND SIGNING DATE 1/8/2013

PREPARED FOR THE EXCLUSIVE USE OF:  
Estate of Ralph Edward Button Jr.  
Jean Button, Personal Representative

Date 1/8/13

Michael S. LaBarr, PSM State of Florida  
Professional Surveyor & Mapper No. 5616

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