

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.

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 “261st 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.

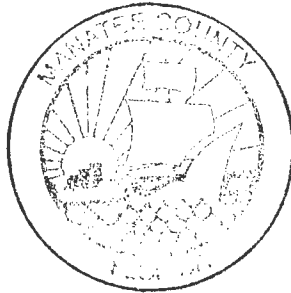
WHEREAS, following analysis of the application, approval of said vacation is determined to be consistent with the Code and the County's Comprehensive Plan; and

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.

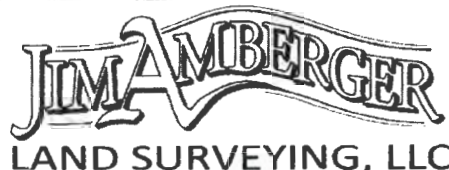
EXHIBIT "A"

J 12/22/2016

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

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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**



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

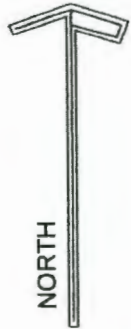
REV. 10-24-2016
REV. 11-18-2016
REV. 12-21-2016

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'

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

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

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

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

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

160.00'

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

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Surveying & Mapping Business Authorization #B7649

SHEET 2 OF 2

REV. 10-24-2016
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