

RESOLUTION R-19-015

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, CLOSING AND ABANDONING CERTAIN ROADS AND ALLEYS SHOWN ON THE PLAT OF PALMETTO GROVE AND GARDEN COMPANY, PURSUANT TO SECTIONS 336.09, 336.10, AND 336.12, FLORIDA STATUTES, AND THE MANATEE COUNTY LAND DEVELOPMENT CODE.

WHEREAS, the United States Army Corps of Engineers (USACOE) has requested the right to place dredge spoil from Port Manatee in land owned by Manatee County (County) known as Washington Park in Palmetto; and

WHEREAS, receipt of this dredge spoil would benefit the County as fill material to recontour the property in furtherance of a project to restore Washington Park; and

WHEREAS, the USACOE requires the County to execute an instrument certifying certain matters regarding the Washington Park land and before the County can lawfully execute said instrument, the County must close and abandon certain roads and alleys shown on the plat of Palmetto Grove and Garden Company, recorded in Plat Book 1, Page 317, of the Public Records of Manatee County, Florida, and located in Section 1 and Section 12, Township 34 South, Range 17 East, as more particularly described in Exhibit A attached hereto and incorporated herein by this reference. These roads and alleys are located in Commission District Two; and

WHEREAS, Sections 336.09, 336.10 and 336.12, Florida Statutes, authorize the closing and abandonment of roads and alleys by the Board of County Commissioners of Manatee County, Florida, (Board); and

WHEREAS, a resolution declaring a public hearing 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 County's Land Development Code (Code); and

WHEREAS, the Director of the Property Management Department has prepared a report and recommends the Board close and abandon these roads and alleys; and

WHEREAS, a public hearing was held on September 24th, 2019, to consider the advisability of exercising the authority granted by Section 336.09, Florida Statutes, and the Code to vacate these roads and alleys and the Board was fully advised and informed in the premises; and

WHEREAS, a motion was made by a Commissioner of the Board to close and abandon the roads and alleys described in Exhibit A.

WHEREAS, the Board has determined that closing and abandoning these roads

and alleys would not be in derogation of the public rights or needs of the County; and

WHEREAS, the Board has found that no portion of these roads and alleys constitute or were acquired for a state or federal highway; and

WHEREAS, the Board has found that these roads and alleys no longer serve a public purpose and are a proper subject for abandonment pursuant to Chapter 336, Florida Statutes; and

WHEREAS, following analysis of the relevant facts and circumstances, the Board finds that closing and abandoning these roads and alleys is consistent with the Code and the County's Comprehensive Plan; and

WHEREAS, the Board finds that closing and abandoning these roads and alleys is in the best interests of the public.

NOW, THEREFORE, BE IT RESOLVED, by the Board that:

Any right of the County and the public in and to the roads and alleys described in Exhibit A is hereby closed and abandoned.

The County Administrator, or her designee, is hereby directed to publish notice of adoption of this resolution within 30 days in one issue of a newspaper of general circulation published in the County and to record with the Clerk of Circuit Court in the Official Records among the Public Records of the County the original proof of publication of the notice of the public hearing, a certified copy of this resolution as adopted, and the original proof of publication of the notice of adoption of this resolution.

This resolution shall take effect immediately upon its adoption.

DULY ADOPTED with a quorum present and voting this 24th day of September, 2019.



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

By: Stephen R. Johnson
Chairperson

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER.**

By: Ulbi Jessmer
Deputy Clerk.

EXHIBIT A

All roads and alleys lying within that portion of PALMETTO GROVE AND GARDEN CO, recorded in Plat Book 1, Page 317, of the Public Records of Manatee County, Florida being in the Southwest 1/4 of Section 1, Township 34 South, Range 17 East, and the Northwest 1/4 of Section 12, Township 34 South, Range 17 East, Manatee County Florida, bounded by the following calls:

To the North - the southerly maintained right-of-way line of Mendoza Road (also known as 39th Street East) as recorded in Road Plat Book 6 Page 182 of the Public Records of said County; To the East - the easterly boundary line of the Southwest 1/4 of said Section 1 and the easterly boundary line of the Northwest 1/4 of said Section 12; To the South - the northerly boundary line and the easterly and westerly projection of LINCOLN MANOR as recorded in Plat Book 7 Page 100 of the Public Records of said County; To the West - the easterly railroad right-of-way per Right-of-Way and Tract Map of the Tampa Southern R.R. (now CSX) Sheet No. 9 of V19 Fla.

Less all roads and alleys lying westerly of Tract 18 and easterly of Tract 50 of said PALMETTO GROVE AND GARDEN CO.