

TAB 4

**POINT PAPER**  
**VAC-07-01**  
**Family Health Center**  
**A Portion of 300 Block of 6th Street West**

**BACKGROUND:**

The Family Health Center is requesting the vacation of a portion of right-of-way for 6<sup>th</sup> Street West between 3<sup>rd</sup> Avenue and 4<sup>th</sup> Avenue West. A sketch of description is attached along with the survey that identifies the existing site conditions. A cul-de-sac was constructed partially within the 3<sup>rd</sup> Avenue West right-of-way several years ago by the City of Palmetto. The improvement was constructed with an encroachment into the property owned by the Family Health Center. The purpose of the vacation is to remove liability from the Family Health Center in the event of any occurrence.

**PROPOSAL:**

There is currently no development proposal for the area to be vacated. In exchange for the vacation of the identified portion 6<sup>th</sup> Street West, the applicant had proposed granting the City an easement (exhibit attached) over the improved area of the 3<sup>rd</sup> Avenue West cul-de-sac. Staff has reviewed the proposed exchange and has requested that the cul-de-sac be dedicated for right-of-way. This will grant the City ownership instead of a right of use. The applicant has agreed to dedicate the land for public purpose in exchange for the vacation of the described area of 6<sup>th</sup> Street West. This appears to provide a legal benefit to both parties. As such, staff has no objection to the proposed request.

**STAFF RECOMMENDATIONS**

Staff recommends approval of the vacation of the identified portion of 6<sup>th</sup> Street West in exchange for the dedication of right-of-way of the identified portion of the 3<sup>rd</sup> Avenue West cul-de-sac.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

The Planning and Zoning Board recommended **APPROVAL** of the proposed right-of-way vacation at its November 13, 2007 meeting.

**CITY COMMISSION**

The City Commission shall **APPROVE**, **APPROVE WITH CONDITIONS** or **DENY** the proposed right-of-way vacation.

CITY OF PALMETTO, ORDINANCE NO. 07-954

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, VACATING THE EASTERLY PORTION OF 6<sup>TH</sup> STREET WEST BETWEEN BLOCKS N & Q, OF THE PLAT OF EAST PALMETTO, AS MORE PARTICULARLY DESCRIBED HEREIN, UPON CERTAIN CONDITIONS; PROVIDING FOR RECORDATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE (V0701 – North River Family Health Center)

WHEREAS, Article VIII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate, and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any powers for municipal purposes, except when expressly prohibited by law and to enact ordinance in furtherance of thereof; and

WHEREAS, Section 177.101, Florida Statutes, provides for the vacation of plats and portions thereof; and

WHEREAS, the real property legally described in **Exhibit A**, attached hereto and incorporated herein, commonly referred to as a portion of 6<sup>th</sup> Street West between Blocks N and Q of the East Palmetto Subdivision, is comprised solely of right-of-way dedicated to the City of Palmetto, Florida,

(“City”) per Plat Book 1, Page 161 of the public records of Manatee County;  
and

WHEREAS, David J. Krull and Raymond L. Raitz have applied for the vacation of said real property by the City; and

WHEREAS, notice of said application, a copy of which is attached hereto and incorporated herein as **Exhibit B**, has been published as required by Section 171.101, Florida Statutes; and

WHEREAS, the City Commission has determined that the portion of right-of-way identified in **Exhibit A** is no longer needed for use by the public;  
and

WHEREAS, the City Commission has determined that it is necessary, desirable and in the best interest of the public, in order to protect the public health, safety, and welfare, to adopt this Ordinance.

**NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, AS FOLLOWS:**

Section 1. Findings of Fact. The foregoing “whereas” clauses are adopted herein as findings of fact, and are accepted as a basis for adoption of this Ordinance.

Section 2. Vacation of Right-Of-Way. The City Commission of the City of Palmetto, Florida, upon proper application and in accordance with other procedures required by law for vacating right-of-way, does hereby

vacate the right-of-way legally described in **Exhibit A**, attached hereto and incorporated herein, subject to the following conditions:

A. Immediately following the adoption of this Ordinance, David J. Krull and Raymond L. Raitz shall convey fee simple title to the real property identified in **Exhibit C**, attached hereto and incorporated herein, to the City of Palmetto, Florida, in a form acceptable to the City Attorney.

B. The above conveyance shall occur prior to the recordation of this Ordinance.

C. City costs associated with processing the vacation application shall be paid in full prior to the recordation of this Ordinance.

D. In the event David J. Krull and Raymond L. Raitz fail to fully comply with the above conditions within thirty (30) days of the adoption of this Ordinance, City Commission may repeal the Ordinance at its sole discretion.

Section 3. Recordation. Notice is hereby given that vacation of the right-of-way identified in **Exhibit A** will not be effective until a certified copy of this Ordinance has been duly recorded by the City Clerk in the Public Records of Manatee County, Florida.

Section 4. Repeal of Inconsistent Ordinances. This Ordinance hereby repeals all ordinances, or parts thereof, in conflict herewith to the extent of such conflict.

Section 5. Severability. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 6. Effective Date. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

FIRST READING	December 17, 2007
PUBLICATION DATE	December 24 and 31, 2007
SECOND READING	January 7, 2008

APPROVED AND ADOPTED, in open session with a quorum present and voting, this 7th day of January, 2008.

CITY OF PALMETTO, FLORIDA, BY  
AND THROUGH THE CITY  
COMMISSION OF THE CITY OF  
PALMETTO

By: \_\_\_\_\_  
Lawrence E. Bustle, Jr., Mayor

ATTEST:

By: \_\_\_\_\_  
James R. Freeman, City Clerk



# Leo Mills & Associates, Inc.

LICENSED BUSINESS NO. 613 • SURVEYING • LAND PLANNING

LEO MILLS - PSM 1735  
 LEO MILLS, JR. - PSM 3513  
 MEMBER: FLORIDA SURVEYING  
 AND MAPPING SOCIETY &  
 MANASOTA CHAPTER SURVEYING  
 AND MAPPING SOCIETY

620 8th AVENUE WEST, PALMETTO, FL 34221 22 NORTH POLK AVENUE, ARCADIA, FL 34266  
 PHONE: (941)722-2460 FAX: (941)722-9640 PHONE: (863)993-4141 FAX: (863)993-2646

LOTS ..... BLOCK N. & Q  
 SUBDIVISION PLAT OF EAST PALMETTO  
 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK NO. 1 PAGE 161.  
 SECTION 14, TOWNSHIP 34 SOUTH, RANGE 17 EAST  
 PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA  
 FOR THE EXCLUSIVE USE OF: FAMILY HEALTH CENTER  
 ADDRESS: .....

### SURVEYOR'S CERTIFICATE:

BY: *[Signature]*  
**LEO MILLS, JR.**  
 REGISTERED STATE OF FLORIDA PROFESSIONAL  
 SURVEYOR & MAPPER NO. 3513  
 DATE OF SURVEY: 06/08/07  
 \*NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL  
 RAISED SEAL OF A FLORIDA LICENSED SURVEYOR  
 AND MAPPER.  
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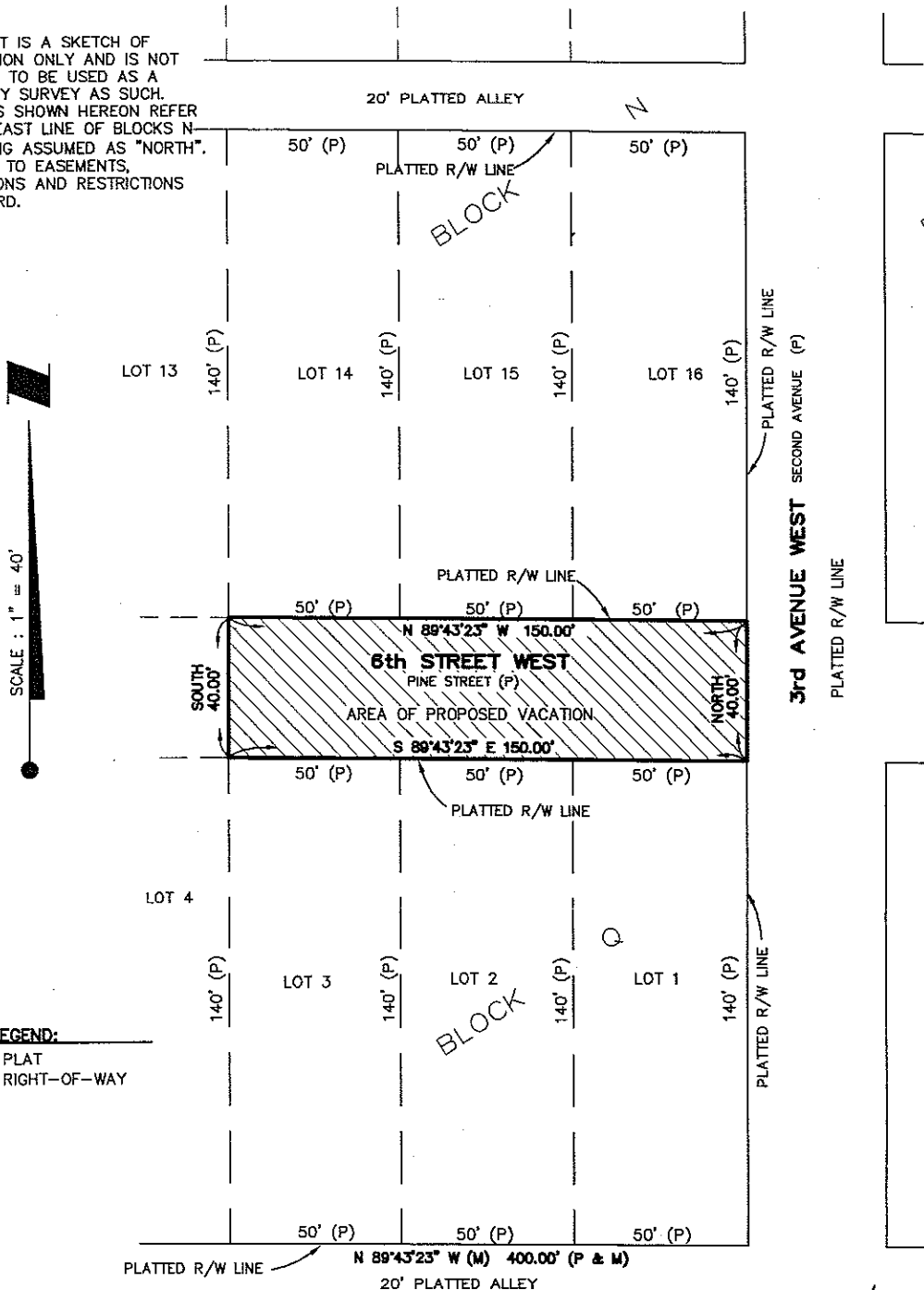
### DESCRIPTION FOR VACATION OF RIGHT-OF-WAY:

A PORTION OF PLATTED PINE STREET (NOW 6th STREET WEST) LYING  
 BETWEEN LOTS 1, 2 AND 3, BLOCK Q AND LOTS 14, 15, AND 16, BLOCK N,  
 PLAT OF EAST PALMETTO, AS PER PLAT THEREOF RECORDED IN PLAT BOOK  
 1, PAGE 161, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

### SKETCH OF DESCRIPTION

#### NOTES:

1. THIS PLAT IS A SKETCH OF DESCRIPTION ONLY AND IS NOT INTENDED TO BE USED AS A BOUNDARY SURVEY AS SUCH.
2. BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF BLOCKS N & Q BEING ASSUMED AS "NORTH".
3. SUBJECT TO EASEMENTS, DEDICATIONS AND RESTRICTIONS OF RECORD.



**LEGEND:**  
 (P) = PLAT  
 R/W = RIGHT-OF-WAY

JOB NO. C.6215

SCALE: 1" = 40' FILE INDEX NO. 154

EXHIBIT B  
ORD. 07-954



# City of Palmetto Florida Vacation Application

Date
6/25/07

<b>For Official Use Only</b>
Vacation ID

### Owner Information

Prefix	First Name	Last Name	
Dr.	David	Krull	
Suffix	Organizational Name		
	Family Health Center		
Address			
606 4TH Avenue West			
City	State	County	Postal Code
Palmetto	FL	Manatee	34221
Home Phone	Work Phone	Mobile Phone	Fax Number
	941-722-7785		
Email Address			

### Property Information

Property Zoning District	
CG	
Address of Parent Property	
506, 602 & 606 4th Avenue West Palmetto, Florida	
Subdivision of Parent Property	Lot of Parent Property
Plat of East Palmetto	1-8 Blk Q & 9-16, Blk N
Phase of Parent Property	
N/A	

### Attached Exhibits

Please check the box to indicate that attachments are included with application

Deeds (3) ✓	Recent Tax Bill (4) ✓	Recent Survey Exhibit ✓	Owner Authorization ✓	Title Certification ✓
List of name and address of every abutting or adjacent parcels ✓		The names and addresses can be obtained by providing the Property Appraiser's Office, 915 4 <sup>th</sup> Ave. W. in Bradenton, FL 34205. Ph: 941-748-8208 and FAX 941-742-5664, with the Data Processing Number (Parcel ID) of your property.		
Vacation Petition Fee:		\$500		

*PAID*



<b>Impact Analysis</b>	<i>(Attach if Necessary)</i>

- Legal Description of Parent Property attach as Exhibit "A"
- Legal Description of Area to be Vacated attach as Exhibit "B"
- Letter of Request and attach as Exhibit "C"
- Current survey attach as Exhibit "D"
- List of contiguous Property Owners attach as Exhibit "E"
- Ingress/Egress Easement - Exhibit "F"

Non-refundable fees shall be paid upon filing the petition or request, and no consideration shall be undertaken until all applicable fees are paid.

Applicants shall be responsible for all required advertising, posting and mailing of notices, as required by Florida law and the City Code of Ordinances.

Applicants shall be responsible to the City for the actual cost of professional consulting services associated with the City's review and consideration of submitted applications, including but not limited to legal, engineering, and surveying services.

**The owner of this property and the undersigned agree to conform to all applicable laws of the City of Palmetto and to all applicable Federal, State, and County laws.**



Signature of Applicant or Agent

7-18-07

Date

**EXHIBIT "A"**

**DESCRIPTION:** PARENT PARCEL

**PARCEL 1:**

LOTS 14, 15 AND 16, BLOCK N, PLAT OF EAST PALMETTO, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 161 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

**PARCEL 2:**

LOTS 1, 2 AND 3, BLOCK Q, PLAT OF EAST PALMETTO, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 161 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

**EXHIBIT "B"**

**DESCRIPTION FOR VACATION OF RIGHT-OF-WAY:**

A PORTION OF PLATTED PINE STREET (NOW 6th STREET WEST) LYING BETWEEN LOTS 1, 2 AND 3, BLOCK Q AND LOTS 14, 15, AND 16, BLOCK N, PLAT OF EAST PALMETTO, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 161, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

**City of Palmetto**  
**Affidavit of Ownership/Agent Authorization**

File Number: \_\_\_\_\_

*To be filled out by the property Owner*

Owner Name: David J. Krull

Mailing Address: 606 4th Avenue West Palmetto, Florida 34221

Officer's Name: \_\_\_\_\_

Title: \_\_\_\_\_

Being first duly sworn, depose(s) and say(s):

1. That I am (we are) the owner's and recorded title holders(s) of the following described property legal description, to wit:

See attached Exhibit "A"

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(if necessary attach the property's legal description as exhibit "A")*

2. That this property constitutes the property for which a request for

Vacation of street

\_\_\_\_\_

\_\_\_\_\_ is being applied for to the City of Palmetto,  
Florida

*(Type of application approval requested)*

3. That the undersigned has (have) appointed and does (do) appoint

Charles A. Roy & Leo Mills, Jr.

as agent(s) execute any petitions or other documents necessary to affect such petition; and request that you accept my agent(s) signature as representing my agreement of all terms and conditions of the approval process;

4. This affidavit has been executed to induce The City of Palmetto, FL to consider and act on the forgoing request;

5. That I (we) the undersigned authority, hereby certify the foregoing is true and correct

David J. Krull / DAVID J KRULL  
Owner's signature / Print title

\_\_\_\_\_/\_\_\_\_\_  
Owner's signature / Print Title

**To be Filled out by a licensed Notary Republic**

Sate of Florida  
County of Manatee

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of July, 2007  
(Date)

by DAVID J. KRULL which is personally known to me or who has  
(Name of persons acknowledging)  
produced \_\_\_\_\_ as identification.  
(Type of Identification)

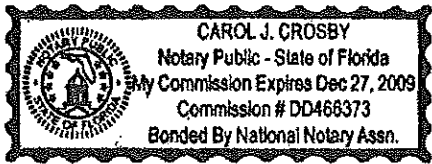
Carol J. Crosby  
Signature of person Taking acknowledgement/ Serial Number, if any

CAROL J. CROSBY  
Print Name

Notary  
Title or rank

My Commission expires: 12/27/09

Commission Number: DD466373





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## DESCRIPTION: PROPOSED RIGHT-OF-WAY

A PORTION OF BLOCK N, BLOCK Q AND THE PLATTED RIGHT-OF-WAY FOR PINE STREET (NOW 6th STREET WEST), OF THE PLAT OF EAST PALMETTO, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 161, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA BEING DESCRIBED AS FOLLOWS:  
BEGIN AT THE SOUTHEAST CORNER OF SAID BLOCK N; THENCE NORTH, ALONG THE EAST LINE OF SAID BLOCK N, A DISTANCE OF 22.26 FEET TO A POINT ON A CURVE WHOSE RADIUS POINT LIES N54°43'02"W, SAID CURVE BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 29.17 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 25°56'17", A DISTANCE OF 13.21 FEET (CHORD = 13.09 FEET; CHORD BEARING = S48°15'07"W) TO THE POINT OF TANGENCY OF SAID CURVE; THENCE S61°13'08"W, 15.11 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 91.61 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°05'13", A DISTANCE OF 27.32 FEET (CHORD = 27.22 FEET; CHORD BEARING = S52°40'31"W) TO A POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 40.44 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 65°46'40", A DISTANCE OF 46.43 FEET (CHORD = 43.92 FEET; CHORD BEARING = S11°14'43"W) TO A POINT OF COMPOUND CURVATURE OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 50.88 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 75°02'58", A DISTANCE OF 66.65 FEET (CHORD = 61.98 FEET; CHORD BEARING = S59°09'59"E) TO A POINT ON THE EAST LINE OF AFOREMENTIONED BLOCK Q, OF THE PLAT OF EAST PALMETTO; THENCE NORTH, ALONG SAID EAST LINE, A DISTANCE OF 45.08 FEET TO THE NORTHEAST CORNER OF SAID BLOCK Q; THENCE CONTINUE NORTH, 40.00 FEET TO THE POINT OF BEGINNING.

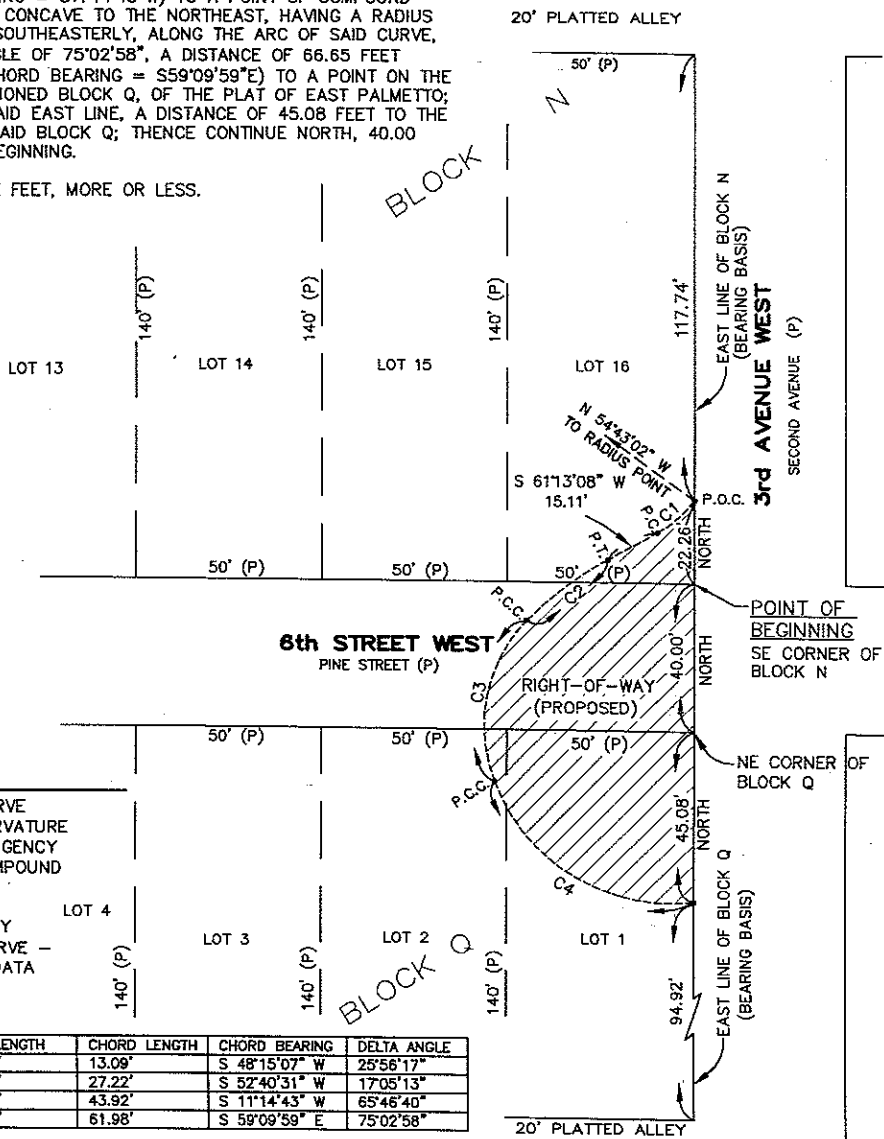
## SKETCH OF DESCRIPTION

REVISIONS:  
EASEMENT TO R/W CHANGE 8/13/07 GHC

## NOTES:

1. THIS PLAT IS A SKETCH OF DESCRIPTION ONLY AND IS NOT INTENDED TO BE USED AS A BOUNDARY SURVEY AS SUCH.
2. BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF BLOCKS N & Q BEING ASSUMED AS "NORTH".
3. SUBJECT TO EASEMENTS, DEDICATIONS AND RESTRICTIONS OF RECORD.

CONTAINING 4324 SQUARE FEET, MORE OR LESS.



**LEGEND:**  
P.O.C. = POINT ON CURVE  
P.C. = POINT OF CURVATURE  
P.T. = POINT OF TANGENCY  
P.C.C. = POINT OF COMPOUND CURVATURE  
(P) = PLAT  
R/W = RIGHT-OF-WAY  
C# = INDICATES CURVE - SEE CURVE DATA

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	29.17'	13.21'	13.09'	S 48°15'07" W	25°56'17"
C2	91.61'	27.32'	27.22'	S 52°40'31" W	17°05'13"
C3	40.44'	46.43'	43.92'	S 11°14'43" W	65°46'40"
C4	50.88'	66.65'	61.98'	S 59°09'59" E	75°02'58"

JOB NO. C.6215

SCALE: 1" = 40' FILE INDEX NO. 155