

TAB 7

**CLEMONS  
RIGHT-OF-WAY VACATION - A PORTION OF  
2<sup>ND</sup> AVENUE WEST BETWEEN 11<sup>TH</sup> STREET DRIVE WEST AND 12<sup>TH</sup> STREET  
WEST  
(VAC0901)**

**BACKGROUND**

The proposed right-of-way vacation, for a portion of 2<sup>nd</sup> Avenue West between 11<sup>th</sup> Street Drive West and 12<sup>th</sup> Street West, is necessary to reconstruct Ms. Clemons' single-family home at 201 12<sup>th</sup> Street West. Her home was demolished due to the dilapidated condition of the structure. The new home needs to be placed using RS-4 zoning setbacks, which places the southwest corner of the home on the top-of-bank of the historic drainage ditch that runs through her property. By vacating 19 feet 6 inches of right-of-way along the 150 feet of length of her property adjacent to 2<sup>nd</sup> Avenue West, Ms. Clemons' home will meet the City's setback criteria. There are existing utilities, both public and private, with portions within the right-of-way. Easements have been retained for existing utilities located with the existing right-of-way.

**STAFF RECOMMENDATION**

The requested vacation has been reviewed by Florida Power & Light, Brighthouse, the Manatee County Utilities Department, Peace River Electric, Verizon, North River Fire District, the Palmetto Public Works Department, the Palmetto Police Department, the Manatee County Safety Department, and the Palmetto City Planning Department.

There were no objections to the vacations as long as easements were retained for any public/private utility existing within the right-of-way.

**CITY COUNCIL ACTION REQUIRED**

City Council shall **APPROVE** or **DENY** Ordinance 09-987 for the vacation of a portion of 2<sup>nd</sup> Avenue West.

**CITY OF PALMETTO**  
**ORDINANCE NO. 09-987**

**AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF 2<sup>ND</sup> AVENUE WEST RIGHT-OF-WAY SOUTH OF 12<sup>TH</sup> STREET WEST AS MORE PARTICULARLY DESCRIBED IN SECTION 2 OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDAINED** by the City Commission of the City of Palmetto, Florida as follows:

**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 power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof; and

**WHEREAS**, the City Commission of the City of Palmetto, Florida was duly convened at its regular meeting place in the City Hall of the City of Palmetto, Florida on March 23, 2009; and

**WHEREAS**, pursuant to the Notice of Hearing for the vacation having been duly made by advertisement in the Bradenton Herald on March 13, 2009; and

**WHEREAS**, all things necessary and required by law for the vacation of a portion of 2<sup>nd</sup> Avenue West right-of-way south of 12<sup>th</sup> Street West more particularly described in Section 2 having been accomplished; and

**WHEREAS**, the City Commission has determined that it is necessary, desirable and in the best interest of the citizens of the City 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 forgoing “whereas” clauses are adopted herein as findings of fact, and are accepted as a basis for adoption of this Ordinance.

**Section 2. Vacated Right-Of-Way.** The City Commission of the City of Palmetto, Florida, pursuant to due and proper petition and application and other procedures as required by law and the rules and regulations of this Commission for vacating the following described right-of-way having been accomplished, the City Commission of the City of Palmetto, does hereby vacate, close and abandon that right-of-way, which is described and graphically depicted on Exhibit “A” attached hereto and incorporated herein by reference.

**Section 3. Severability.** It is the intent of this Ordinance to comply with the requirements of all applicable law and constitutional requirements. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then such provisions or portions shall be deemed null and void but all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 4. Effective Date.** This Ordinance shall take effect as provided by law and Section 14 of the City Charter 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.

**PASSED AND DULY ADOPTED**, by the City Commission, in open session,  
with a quorum present and voting, this 23rd day of March, 2009.

First Reading:	March 9, 2009
Publication:	March 13, 2009
Second Reading and Public Hearing:	March 23, 2009

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

By: \_\_\_\_\_  
SHIRLEY GROOVER BRYANT,  
MAYOR

ATTEST: James R. Freeman  
City Clerk

By: \_\_\_\_\_  
City Clerk/Deputy Clerk.

# ZNS Engineering, L.C.

ENGINEERS, PLANNERS, SURVEYORS, LANDSCAPE ARCHITECTS & ENVIRONMENTAL CONSULTANTS  
 201 5th AVENUE DRIVE EAST, BRADENTON, FLORIDA 34206, (941)748-8080, FAX: (941)748-3747  
 CERTIFICATE OF AUTHORIZATION No. LB 6982

MARCH 4, 2009

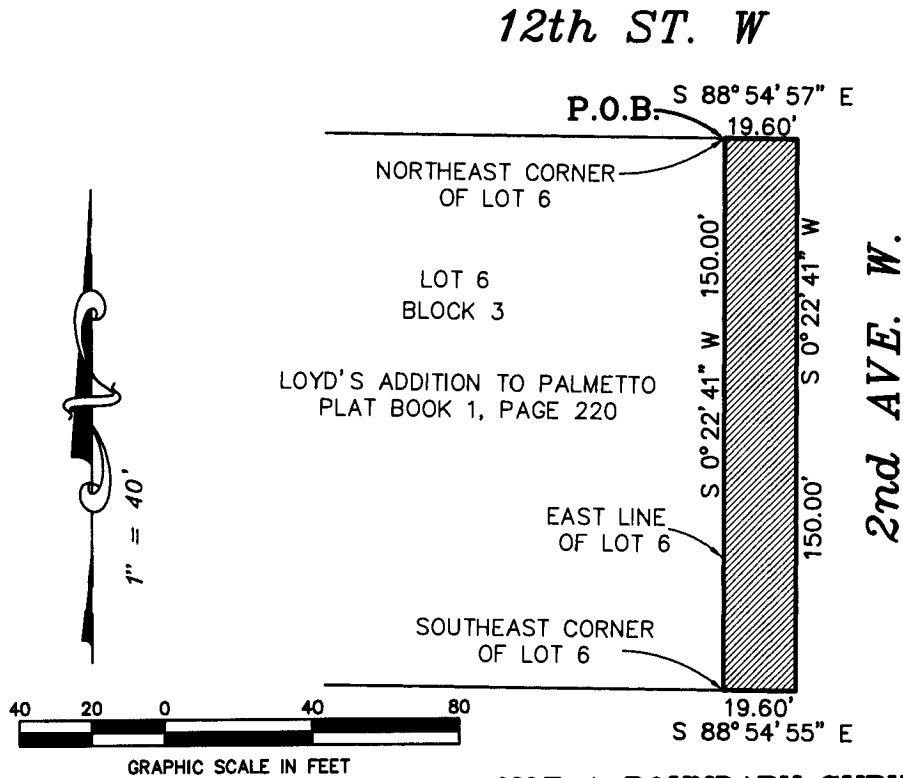
CITY OF PALMETTO, WARD 1  
 ZNS JOB NO. 18972

**DESCRIPTION:**

A PARCEL OF LAND LYING IN SECTION 14, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 6, BLOCK 3 OF LOYD'S ADDITION TO PALMETTO, A SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 220 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 88°54'57" E, A DISTANCE OF 19.60 FEET; THENCE S 00°22'41" W, A DISTANCE OF 150.00 FEET; THENCE N 88°54'55" W, A DISTANCE OF 21.70 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE N 00°22'41" E, ALONG THE EAST LINE OF SAID LOT 6, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,940 SQUARE FEET, MORE OR LESS.



**NOT A BOUNDARY SURVEY**  
**DESCRIPTION SKETCH**

OF  
**RIGHT OF WAY**  
**2nd AVENUE WEST**

LOCATED IN  
**SECTION 14, TOWNSHIP 34 SOUTH, RANGE 17 EAST**  
**MANATEE COUNTY, FLORIDA**

NOTE: THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

**NOTES:**

1. BEARINGS ARE BASED ON THE NORTH R/W LINE OF 12ST STREET WEST, BEING S 88°54'57" E.
2. THIS DRAWING IS A SKETCH ONLY AND DOES NOT REPRESENT A BOUNDARY SURVEY. CORNERS HAVE NOT BEEN FIELD LOCATED OR SET.

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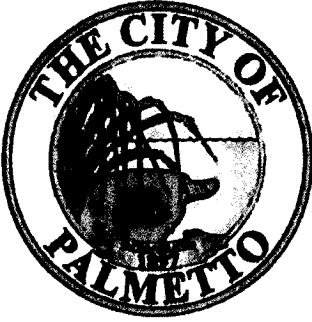
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**CERTIFICATE OF SURVEYOR**

I, THE UNDERSIGNED PROFESSIONAL SURVEYOR & MAPPER, HEREBY CERTIFY THAT THIS RECORD OF LAND SURVEY WAS PREPARED UNDER MY DIRECT SUPERVISION THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF IS A TRUE AND CORRECT REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, AND THAT IT MEETS THE "MINIMUM TECHNICAL STANDARDS FOR SURVEYING IN THE STATE OF FLORIDA", CHAPTER 61G17-5, OF THE FLORIDA ADMINISTRATIVE CODE.

FLORIDA CERTIFICATE No. LS 4285  
 DATE OF CERTIFICATION 03/04/09  
 DATE OF FIELD SURVEY XXXX

BY: [Signature]  
 JAMES H. GATCER, P.S.M.



## Department of Public Works

600 17th Street West  
Palmetto, Florida 34221  
Phone (941) 723-4580 • FAX: (941) 723-4539  
Suncom 599-4580

March 5, 2009

Re: Right-of-Way Vacation

To Whom It May Concern:

This is a request for a right-of-way vacation for a parcel of land adjacent to 2<sup>nd</sup> Avenue West, 201 12<sup>th</sup> Street West in the City of Palmetto. Please look over the legal description of parent property area to be vacated. After you review the material please provide me with your comment by March 16, 2009.

Thank you for your immediate attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom McCollum".

Thomas C. McCollum, AICP  
Interim City Planner

Enclosures

# ZNS Engineering, L.C.

ENGINEERS, PLANNERS, SURVEYORS, LANDSCAPE ARCHITECTS & ENVIRONMENTAL CONSULTANTS  
 201 8th AVENUE DRIVE EAST, BRADENTON, FLORIDA 34208, (813)748-8080, FAX: (813)748-3747  
 CERTIFICATE OF AUTHORIZATION No. LB 6882

MARCH 4, 2009

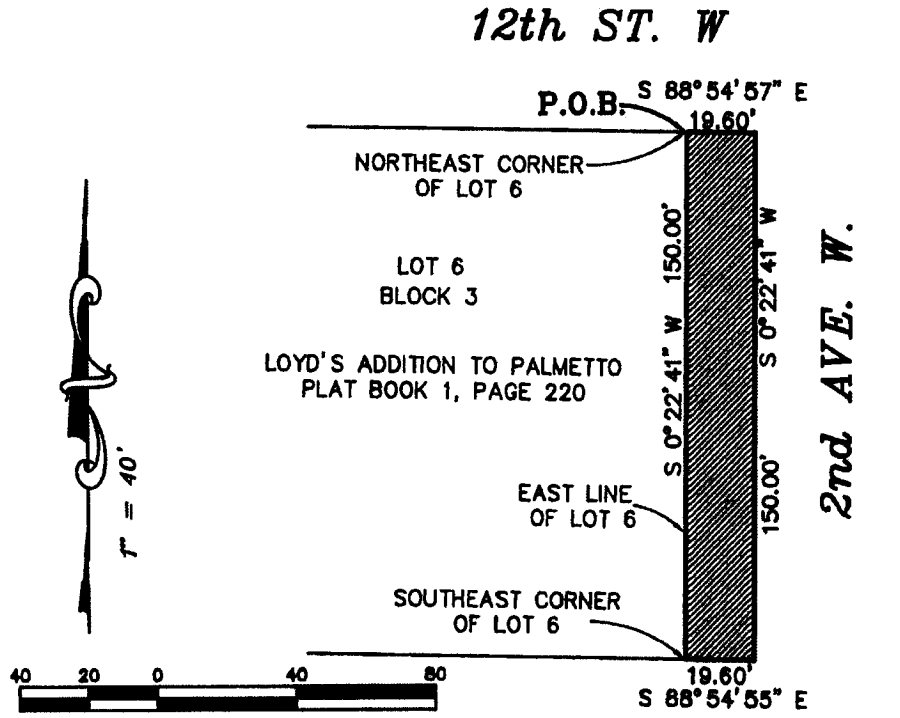
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T:\CITY OF PALMETTO\MASTER-LE\2ND-AVE\ASSEMBLY.DWG

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FLORIDA CERTIFICATE No. LS 4285  
 DATE OF CERTIFICATION 03/25/09  
 DATE OF FIELD SURVEY 2008

BY: James H. Gatz  
 JAMES H. GATZ P.S.M.



AERIAL



  
**ZNS ENGINEERING**

301 34 AVE SE SAINT PETERSBURG, FL 34208  
PO BOX 9448 BRADLETON FL 34508  
TELEPHONE 941 748 2000 FAX 941 748 3316

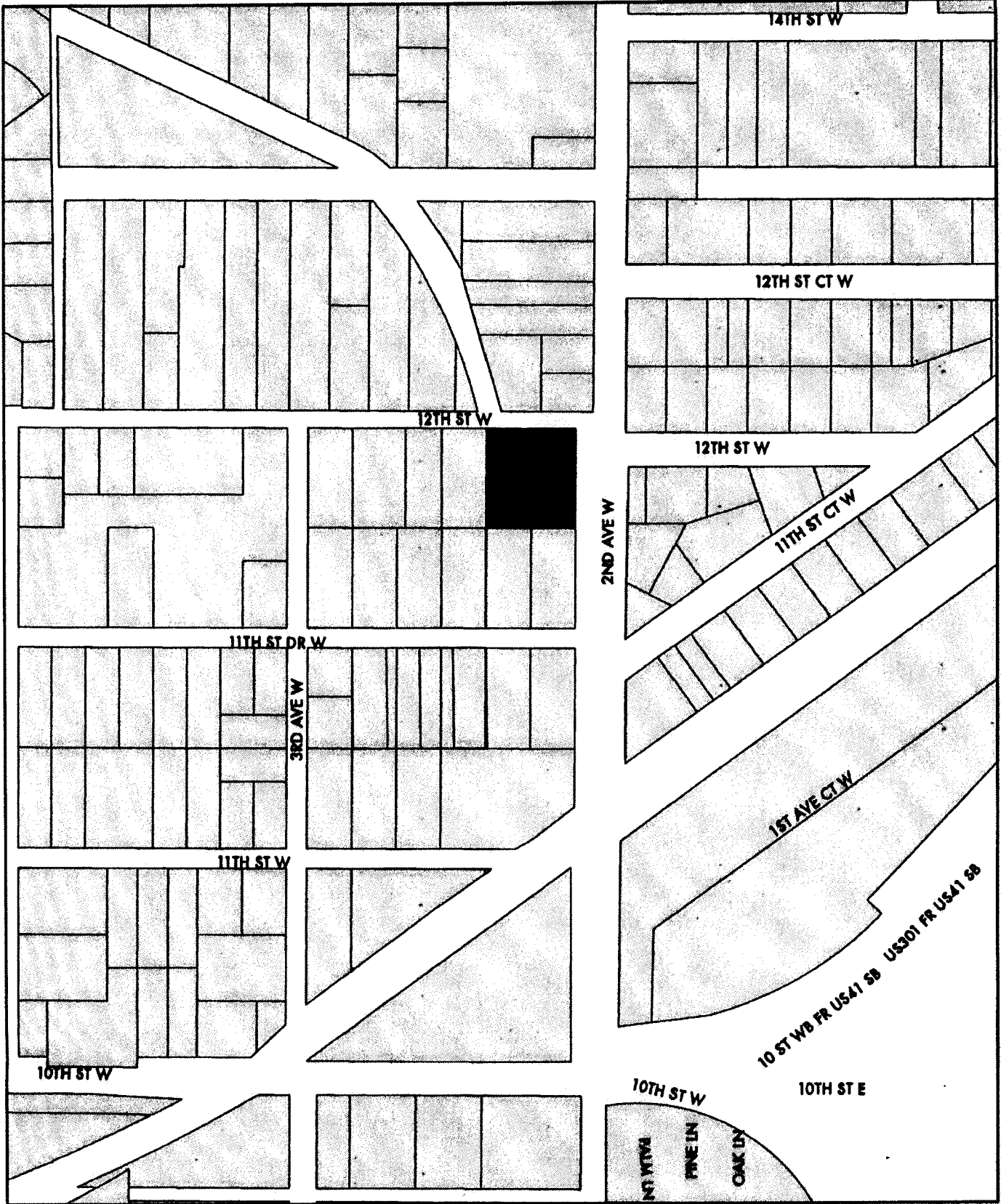
## RIGHT OF WAY VACATION

SCALE: 1"=200'  
SOURCE: MANATEE COUNTY



THIS MAP IS PROVIDED FOR GRAPHICAL REPRESENTATION  
AND GENERAL REFERENCE ONLY. THE DATA CONTAINED  
HEREIN IS SUBJECT TO CHANGE AND IS NOT WARRANTED.

# LOCATION MAP



**ZNS ENGINEERING**

801 86 AVE DR EAST BRADENTON, FL 34208  
 PO BOX 9048 BRADENTON, FL 34208  
 TELEPHONE 941.748.6086 FAX 941.748.5116

## RIGHT OF WAY VACATION

SCALE: 1"=200'  
 SOURCE: MANATEE COUNTY



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