

TAB 6

POINT PAPER

CORRECTIVE ORDINANCES FOR STREET VACATIONS

September 14, 2009

BACKGROUND: The City has recently passed two street vacation ordinances. Subsequently, it was discovered that there were three minor scriveners' errors on the legal descriptions of the ordinances. On the 2nd Avenue street vacation, the legal description did not properly close. On the 9th Avenue West street vacation the legal description did not make it clear that it was within the City of Palmetto.

DISCUSSION: The Commission needs to amend the current ordinances with correct legal description.

RECOMMEND MOTION:

I move to approve corrected Ordinances 09-087 and 09-994, authorize the Mayor to execute the same, and authorize the City Clerk to file the corrected documents for recording.



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

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, VACATING A PORTION OF 2ND AVENUE WEST RIGHT-OF-WAY SOUTH OF 12TH 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 2nd Avenue West right-of-way south of 12th Street West more particularly described in Section 2 having been accomplished; and

*Corrective Document
9-14-2009*

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.

CORRECTIVE DOCUMENT
9-14-2009

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
SHIRLEY GROOVER BRYANT,
MAYOR

ATTEST: James R. Freeman
City Clerk

By: James R. Freeman
City Clerk/Deputy Clerk.

Corrective Document
9-14-2009

2nd AVENUE STREET VACATION

EXHIBIT "A"

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

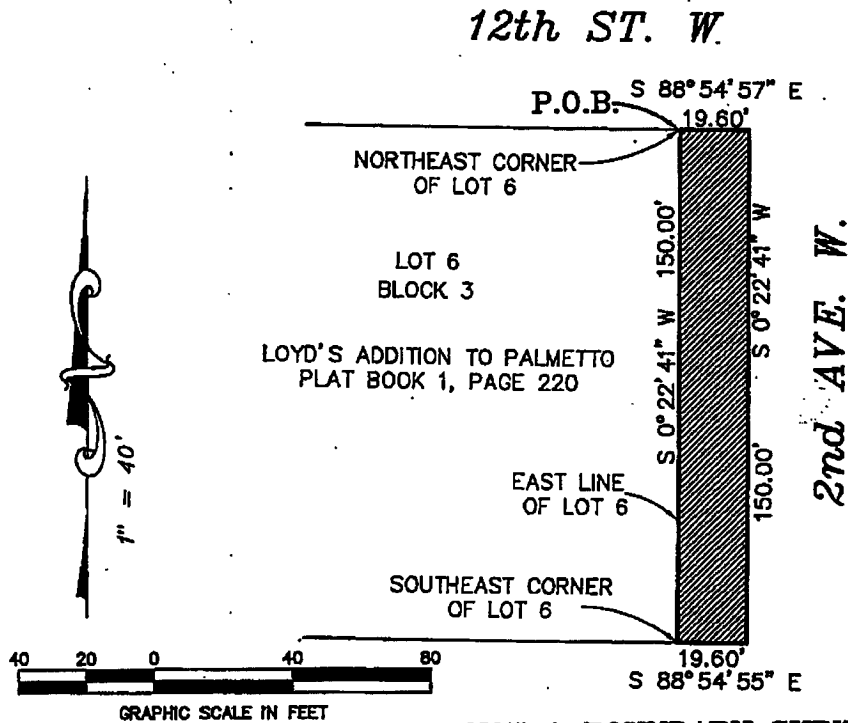
CITY OF PALMETTO, WARD 1
 ZNS JOB NO. 18972

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 0°22'41" W, A DISTANCE OF 150.00 FEET; THENCE N 88°54'55" W, A DISTANCE OF 19.60 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

REVISED: 07/01/08 LER

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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T:\CITY OF PALMETTO\EMASTER-LS\2ND-AVE-EASEMENT.DWG

NOTE: THIS DESCRIPTION SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND OFFICIAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION HAVE BEEN PREPARED UNDER MY DIRECT SUPERVISION, THAT THEY ARE A TRUE REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, THAT THEY ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THEY MEET THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA, CHAPTER 91G17, FLORIDA ADMINISTRATIVE CODE.

BY: *James N. Griffin, Jr.*
 JAMES N. GRIFFIN, JR., P.S.M.
 FLORIDA CERTIFICATE No. LB 4285
 DATE OF CERTIFICATION: 03/04/08

CORRECTIVE DOCUMENT
ORDINANCE NO. 09-987
9-14-2009



**CITY OF PALMETTO
ORDINANCE NO. 09-994**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, VACATING THE 9th AVENUE WEST RIGHT-OF-WAY FROM THE SOUTHERN RIGHT-OF-WAY LINE OF 9TH STREET WEST TO A LINE 182 FEET SOUTH OF THE 9TH STREET WEST RIGHT-OF-WAY LINE; 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 May 18, 2009 and continued to June 1, 2009; and

WHEREAS, pursuant to the Notice of Hearing for the vacation having been duly made by advertisement in the Bradenton Herald on May 8, 2009; and

WHEREAS, all things necessary and required by law for the vacation of the right-of-way for 9th Avenue West right-of-way from the southern right-of-way line of 9th Street West to a line 182 feet south of the 9th Street West right-of-way line; and

*Corrective Document
9-14-2009*

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 and Reservation of Utility Easement. 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 on Exhibit "A" attached hereto and incorporated herein by reference; provided, however, that the City shall reserve public drainage and utility easement over the entire right-of-way vacated. The vacation of the right-of-way described in Exhibit "A" is contingent upon the School Board of Manatee County obtaining the fee simple title in Lots 2, 3, and 4 of Robinson & Brunjes Subdivision and utility easements to be granted for the property being vacated.

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.

CORRECTIVE DOCUMENT
9-14-2009

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 1st day of June, 2009.

First Reading: May 4, 2009

Publication: May 8, 2009

Second Reading and

Public Hearing: May 18, 2009 and continued to June 1, 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.

CORRECTIVE DOCUMENT
9-14-2009

9th AVENUE WEST STREET VACATION

EXHIBIT 'A'

ALL OF THAT CERTAIN 40 FOOT WIDE RIGHT-OF-WAY OF CENTRAL STREET (NOW KNOW AS 9TH AVENUE WEST) AND ITS NORTHERLY EXTENSION THEREOF AS PER PLAT OF ROBINSON AND BRUNJES' SUBDIVISION, RECORDED IN PLAT BOOK 1, PAGE 291, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. SAID PORTION BOUNDED ON THE SOUTH BY THE EASTERLY EXTENSION OF THE SOUTH LINE OF LOT 2 OF SAID ROBINSON AND BRUNJES' SUBDIVISION, BOUNDED ON THE NORTH BY A LINE PARALLEL TO SAID SOUTH LINE, LYING 182.00 FEET NORTH OF SAID SOUTH LINE, BOUNDED ON THE WEST BY THE EAST LINE OF LOTS 2, 3 AND 4 AND ITS NORTHERLY EXTENSION THEREOF AND BOUNDED ON THE EAST BY THAT CERTAIN PARCEL OF LAND IDENTIFIED AS PARCEL IDENTIFICATION NUMBER 27002.0005/4 BY THE MANATEE COUNTY PROPERTY APPRAISER. ALL LYING AND BEING IN SECTION 14, TOWNSHIP 34 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA.

ORDINANCE 09-994
CORRECTIVE DOCUMENT
9-14-2009