

**TAB 5**



# City of Palmetto Agenda Item

**Meeting Date**

8/2/10

**Presenter:** Mark P. Barnebey

**Department:** City Attorney

**Title:**

## ROADWAY TRANSFER AGREEMENT BETWEEN THE CITY OF PALMETTO AND MANATEE COUNTY

**ISSUE:**

When the MFC lands were annexed into the City in 1999, 8<sup>th</sup> Avenue West was omitted from the legal description of the annexed lands. Manatee County is the apparent owner of 8<sup>th</sup> Avenue West, north of existing 23<sup>rd</sup> Street West, pursuant to statute, by virtue of the County's long-term maintenance of that roadway. In order to give the City the authority to consider annexation and/or vacation of 8<sup>th</sup> Avenue West, the County must first transfer jurisdiction of the roadway to the City.

**BACKGROUND:**

As part of the ball field project and land swap, MFC desires 8<sup>th</sup> Avenue West between existing 23<sup>rd</sup> Street West and the new 23<sup>rd</sup> Street West, to be annexed and vacated in order to create a unified tract of land for MFC. 8<sup>th</sup> Avenue West in this location is bordered on both sides by the City of Palmetto. Before the City can consider the annexation and vacation petitions, the jurisdiction over this portion of 8<sup>th</sup> Avenue West must be transferred from the County to the City. This type of transfer of jurisdiction over roadways is provided for in Section 335.0415, Florida Statutes.

At the July 27, 2010, meeting of the Board of County Commissioners, the County Commission approved this roadway transfer agreement, in order to transfer jurisdiction of 8<sup>th</sup> Avenue West to the City. The City must approve this agreement in order to allow it to move forward with consideration of the annexation and vacation of 8<sup>th</sup> Avenue West.

**Budgeted Amount:** \$0.00    **Budget Page No(s):**    **Available Amount:** \$0.00    **Expenditure Amount:** \$0.00

**Additional Budgetary Information:**

**Funding Source(s):**    **Sufficient Funds Available:**  Yes  No    **Budget Amendment Required:**  Yes  No    **Source:**

**City Attorney Reviewed:**  Yes  No  N/A    **Advisory Board Recommendation:**  For  Against  N/A    **Consistent With:**  Yes  No  N/A

**Potential Motion/Direction Requested:** I move to approve the Roadway Transfer Agreement and authorize the Mayor to execute on behalf of the City.

**Staff Contact:**

**Attachments:** Roadway Transfer Agreement between Manatee County and City of Palmetto

**AGREEMENT BETWEEN  
THE CITY OF PALMETTO, FLORIDA,  
AND THE COUNTY OF MANATEE, FLORIDA,  
TO COMPLETE A TRANSFER OF JURISDICTION IN  
A CERTAIN PUBLIC ROAD AND RIGHT-OF-WAY**

**THIS AGREEMENT** is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2010, by and between the **CITY OF PALMETTO**, a municipal corporation of the State of Florida (“**CITY**”), acting by and through its **CITY COMMISSION**, and the **COUNTY OF MANATEE**, a political subdivision of the State of Florida (“**COUNTY**”), acting by and through its **BOARD OF COUNTY COMMISSIONERS**.

**WITNESSETH:**

**WHEREAS**, Section 335.0415, Florida Statutes, permits a governmental entity to transfer jurisdiction over public roads and rights-of-way to another public entity by mutual agreement; and

**WHEREAS**, COUNTY has certain jurisdictional interests over that road right-of-way named in Section 1 of this Agreement; and

**WHEREAS**, CITY has requested full jurisdiction over said road right-of-way.

**NOW, THEREFORE**, in consideration of the mutual benefits to be derived and other good and valuable consideration, the parties hereto agree as follows:

1. Jurisdiction over that portion of road right-of-way known as 8<sup>th</sup> Avenue West, lying in Section 11, Township 34 South, Range 17 East, Manatee County, Florida, and more fully described in Exhibit “A” attached hereto, is hereby transferred from COUNTY to CITY.
2. This Agreement shall become effective when signed by all parties.
3. This Agreement shall be filed with the Clerk of the Circuit Court of Manatee County, Florida.

IN WITNESS WHEREOF, the CITY COMMISSION, with a quorum present and voting, has authorized the approval and execution of this Agreement on behalf of the CITY, and the BOARD OF COUNTY COMMISSIONERS, with a quorum present and voting, has likewise authorized the approval and execution of this Agreement on behalf of the COUNTY on the respective day, month, and year as set forth below.

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

ATTEST: JAMES FREEMAN  
City Clerk

By: \_\_\_\_\_

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY**

ATTEST: R. B. SHORE  
Clerk of the Circuit Court

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

EXHIBIT "A" (Page 1 of 2)

**8th Avenue West Annex**

DESCRIPTION: A parcel of land lying in Section 11, Township 34 South, Range 17 East, Manatee County, Florida, being more particularly described as follows:

**COMMENCE** at the Northwest corner of the Southeast 1/4 of said Section 11, for the **POINT OF BEGINNING**, run thence along the North boundary of the Northwest 1/4 of the Southeast 1/4 of said Section 11, S.89°17'24"E., 14.50 feet to a point on the Easterly Maintained Right-of-Way line of 8th AVENUE WEST; thence along said Easterly Maintained Right-of-Way line of 8th AVENUE WEST, S.00°31'10"W., 735.67 feet to a point on a curve on the Southerly Right-of-Way line of 23rd STREET WEST; thence along said Southerly Right-of-Way line of 23rd STREET WEST, Westerly, 27.60 feet along the arc of a curve to the left having a radius of 350.00 feet and a central angle of 04°31'07" (chord bearing N.84°41'57"W., 27.60 feet) to a point on the Westerly Maintained Right-of-Way line of aforesaid 8th AVENUE WEST; thence along said Westerly Maintained Right-of-Way line of 8th AVENUE WEST, N.00°31'10"E., 733.37 feet to a point on the North boundary of the Northeast 1/4 of the Southwest 1/4 of said Section 11; thence along said North boundary of the Northeast 1/4 of the Southwest 1/4 of Section 11, S.89°40'51"E., 13.00 feet to the **POINT OF BEGINNING**.

Containing 0.464 acres, more or less.

Bearings shown hereon are Grid Bearings referenced to the State Plane Coordinate System, North American Horizontal Datum of 1983 (NAD 83 - 1990 ADJUSTMENT), as established from Manatee County GPS Control Monuments "M 003" and "M 008", and are based on the North boundary of the Northeast 1/4 of the Southwest 1/4 and the South boundary of the Southeast 1/4 of the Northwest 1/4 of Section 11, Township 34 South, Range 17 East, having a grid bearing of S.89°40'51"E.

**8th AVENUE WEST ANNEX  
CITY OF PALMETTO**

Prepared For: **CITY OF PALMETTO**

**DESCRIPTION  
SKETCH**

(Not a Survey)  
*David A. Williams*  
David A. Williams

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6423

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

**GeoPoint  
Surveying, Inc.**

1403 E. 8th Avenue  
Tampa, Florida 33605  
www.geopointsurvey.com

Phone: (813) 248-8888  
Fax: (813) 248-2288  
Licensed Business Number LB 7768

No.	Date	Description	Dwn.
REVISIONS			
SHEET NO. 1 OF 2 SHEETS			

Drawn: SEC	Checked: DAW	P.C.: N/A	Data File: N/A
Date: 03/24/10	Proj: 8TH-AVENUE-ANNEX-05	Order No.: 997-99-999	
SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST			



EXHIBIT "A" (Page 2 of 2)

Scale: 1" = 200'

LINE DATA TABLE

L5	S.00°31'10"W.	100.59
L6	N.00°31'10"E.	100.08
L7	S.89°17'24"E.	14.50
L8	S.89°40'51"E.	13.00

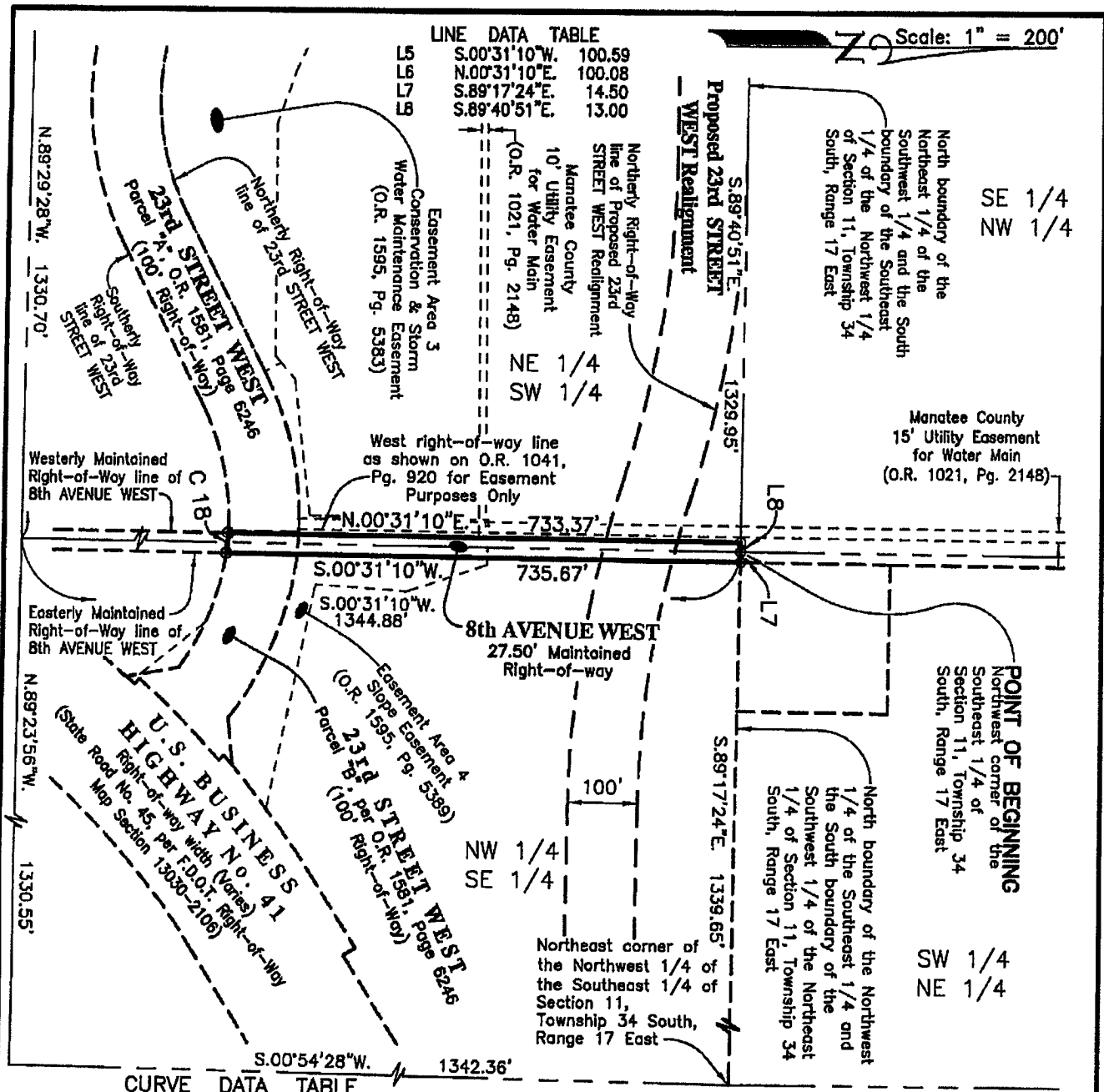
SE 1/4  
NW 1/4

North boundary of the Northwest 1/4 of the Southwest 1/4 and the South boundary of the Southeast 1/4 of the Northwest 1/4 of Section 11, Township 34 South, Range 17 East

Manatee County  
15' Utility Easement  
for Water Main  
(O.R. 1021, Pg. 2148)

POINT OF BEGINNING  
Northwest corner of the Southeast 1/4 of Section 11, Township 34 South, Range 17 East

SW 1/4  
NE 1/4



CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	BEARING
18	350.00	04°31'07"	27.60	13.81	27.60	N.84°41'57"W.

8th AVENUE WEST ANNEX  
CITY OF PALMETTO

Prepared For: CITY OF PALMETTO

DESCRIPTION  
SKETCH

(Not a Survey)  
David A. Williams

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Drawn: SEC | Checked: DAW | P.C.: N/A | Date Filed: N/A

Date: 03/24/10 | Dwg: 8TH-AVENUE-ANNEX-06 | Order No.: 111-11-111  
SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST

No.	Date	Description	Dwn.
REVISIONS			

SHEET NO. 2 OF 2 SHEETS

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
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