

TAB 13

**CITY OF PALMETTO
ORDINANCE NO. 2010-15**

AN ORDINANCE OF THE CITY COMMISSION FOR THE CITY OF PALMETTO, FLORIDA, VACATING PORTIONS OF 8TH AVENUE WEST AND 23RD 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 November 15, 2010; and

WHEREAS, pursuant to the Notice of Hearing for the vacation having been duly made by advertisement in the Bradenton Herald on October 29, 2010; and

WHEREAS, all things necessary and required by law for the vacating portions of 8th Avenue West and 23rd Street West, as more particularly described in Section 2, have been accomplished; and

WHEREAS, the City Commission has determined that it is in the best interests of the City 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. 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.

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT “A”

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 upon the occurrence of both of the following:

- (1) 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; and
- (2) Upon the opening of the relocated 23rd Street West for vehicular traffic, as depicted on that attached Exhibit "B".

PASSED AND DULY ADOPTED, by the City Commission, in open session, with a quorum present and voting, this 15th day of November, 2010.

First Reading:	November 1, 2010
Publication:	October 29, 2010
Second Reading and Public Hearing:	November 15, 2010

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.

EXHIBIT "A"

8th Avenue West Partial Vacating



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, run thence along the West line of the Southeast 1/4 of said Section 11, S.00°31'10"W., 197.52 feet to a point on a curve on the Proposed Southerly Right-of-Way line of 23rd STREET WEST Realignment, said point also being the **POINT OF BEGINNING**; thence along said Proposed Southerly Right-of-Way line of 23rd STREET WEST Realignment, Easterly, 14.90 feet along the arc of a curve to the left having a radius of 1550.00 feet and a central angle of 00°33'03" (chord bearing S.76°07'11"E., 14.90 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, the following two (2) courses: 1) S.00°31'10"W., 434.17 feet to a point on the Northerly Right-of-Way line of 23rd STREET WEST; 2) continue S.00°31'10"W., 100.59 feet to a point on a curve on the Southerly Right-of-Way line of said 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 8th AVENUE WEST; thence along said Westerly Maintained Right-of-Way line of 8th AVENUE WEST, the following two (2) courses: 1) N.00°31'10"E., 100.08 feet to a point on aforesaid Northerly Right-of-Way line of 23rd STREET WEST; 2) continue N.00°31'10"E., 439.04 feet to a point on a curve on aforesaid Proposed Southerly Right-of-Way line of 23rd STREET WEST Realignment; thence along said Proposed Southerly Right-of-Way line of 23rd STREET WEST Realignment, Easterly, 13.39 feet along the arc of a curve to the left having a radius of 1550.00 feet and a central angle of 00°29'42" (chord bearing S.75°35'48"E., 13.39 feet) to the **POINT OF BEGINNING**.

Containing 0.339 acres, more or less.

**8th AVENUE WEST
PARTIAL VACATING
CITY OF PALMETTO**

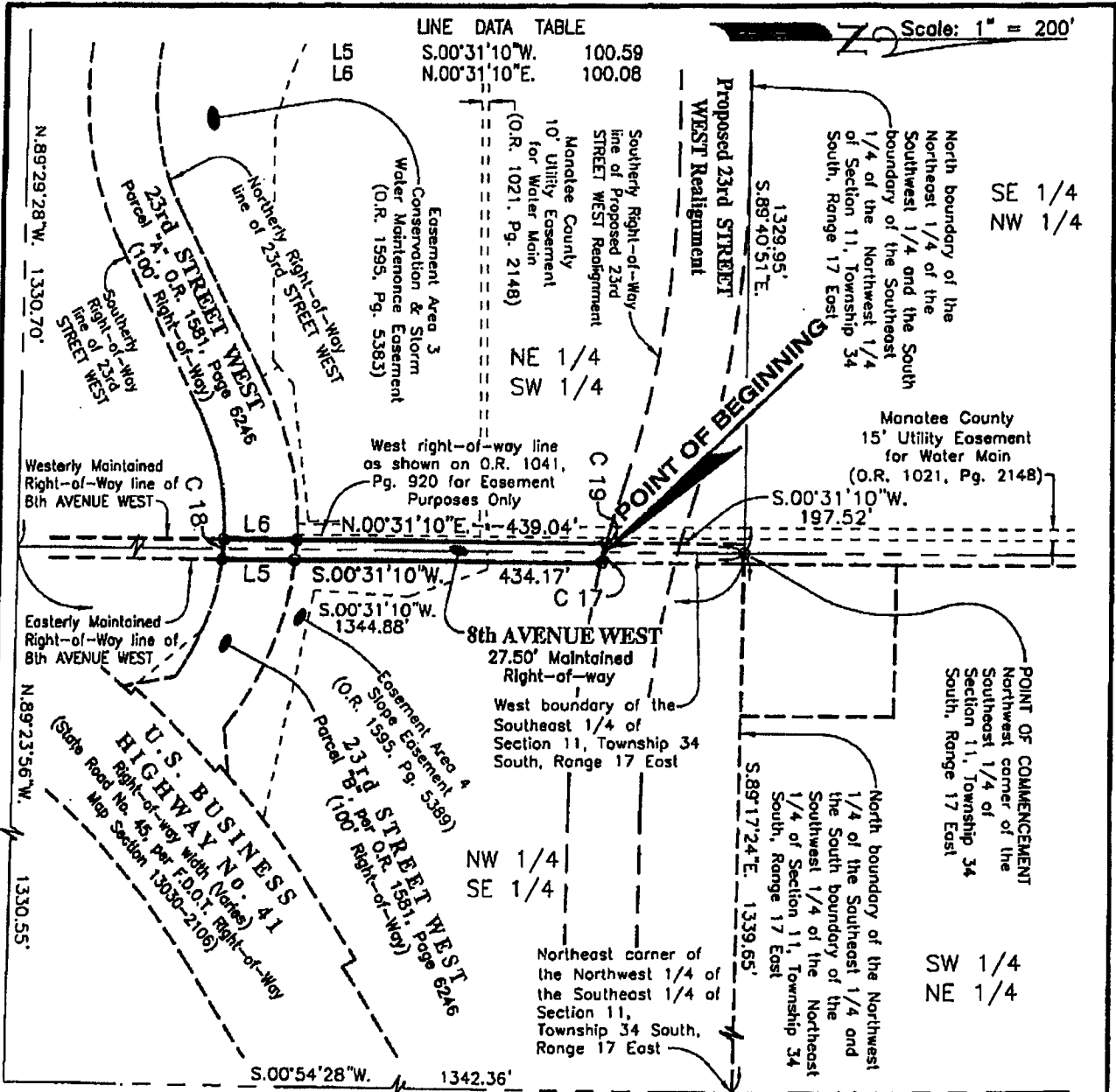


Prepared For: CITY OF PALMETTO									
DESCRIPTION SKETCH <i>(Not a Survey)</i>  David K. Williams FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6423	 1403 E. 5th Avenue Tampa, Florida 33605 www.geopointsurvey.com Phone: (813) 248-8888 Fax: (813) 248-2268 Licensed Business Number LB 7788								
<table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Description</th> <th>Dwn.</th> </tr> </thead> <tbody> <tr> <td colspan="4" style="text-align: center;">REVISIONS</td> </tr> </tbody> </table>	No.	Date	Description	Dwn.	REVISIONS				Drawn: SEC Checked: DAW P.C.: N/A Data File: N/A Date: 01/05/10 Dwg: 8TH-AVENUE-VAC-05 Order No: HDL-23-001 SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST
No.	Date	Description	Dwn.						
REVISIONS									

SHEET NO. 1 OF 2 SHEETS

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

EXHIBIT "A"



**8th AVENUE WEST
PARTIAL VACATING
CITY OF PALMETTO**

Prepared For: CITY OF PALMETTO

**DESCRIPTION
SKETCH**

(Not a Survey)

David A. Williams
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6423

**GeoPoint
Surveying, Inc.**

1403 E. 5th Avenue
Tampa, Florida 33605
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No.	Date	Description	Drawn
REVISIONS			

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Drawn: SEC	Checked: OAW	P.C.: N/A	Date Plt: N/A
Date: 01/05/10	Draw: 8TH-AVENUE-VAC-05	Order No.: HOL-23-001	

SHEET NO. 2 OF 2 SHEETS

SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST

EXHIBIT "A"

23rd Street West Parcel "A"

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, run thence along the West boundary of said Southeast 1/4 of said Section 11, S.00°31'10"W., 633.97 feet to a point on a curve; thence Westerly, 13.02 feet along the arc of a curve to the left having a radius of 450.00 feet and a central angle of 01°39'26" (chord bearing N.86°41'27"W., 13.02 feet) to a point of the Westerly Maintained Right-of-Way line 8th AVENUE WEST, said point also being the Northeast corner of 23rd Street West, Parcel "A", per Official Records Book 1581, Page 6246, of the Public Records of Manatee County, Florida, and the **POINT OF BEGINNING**; thence along said Westerly Maintained Right-of-Way line 8th AVENUE WEST, S.00°31'10"W., 100.08 feet to a point on a curve the Southerly Right-of-Way line said 23rd STREET WEST, Parcel "A"; thence along said Southerly Right-of-Way line of 23rd STREET WEST, Parcel "A", the following eight (8) courses: 1) Westerly, 186.74 feet along the arc of said curve to the left having a radius of 350.00 feet and a central angle of 30°34'11" (chord bearing S.77°45'24"W., 184.53 feet) to a point of tangency; 2) S.62°28'18"W., 253.67 feet to a point of curvature; 3) Westerly, 364.50 feet along the arc of a curve to the right having a radius of 450.00 feet and a central angle of 46°24'36" (chord bearing S.85°40'36"W., 354.62 feet) to a point of tangency; 4) N.71°07'06"W., 193.79 feet to a point of curvature; 5) Northwesterly, 235.15 feet along the arc of a curve to the right having a radius of 625.00 feet and a central angle of 21°33'25" (chord bearing N.60°20'23"W., 233.77 feet) to a point of tangency; 6) N.49°33'41"W., 343.14 feet to a point of curvature; 7) Westerly, 366.52 feet along the arc of a curve to the left having a radius of 525.00 feet and a central angle of 40°00'00" (chord bearing N.69°33'41"W., 359.12 feet) to a point of tangency; 8) N.89°33'41"W., 652.96 feet to a point of cusp; thence Easterly, 552.92 feet along the arc of a curve to the left having a radius of 1550.00 feet and a central angle of 20°28'19" (chord bearing N.80°13'10"E., 549.99 feet) to a point of tangency; thence N.70°00'00"E., 6.94 feet to a point on aforesaid Northerly Right-of-Way line of 23rd STREET WEST, Parcel "A"; thence along said Northerly Right-of-Way line of 23rd STREET WEST, Parcel "A", the following eight (8) courses: 1) S.89°33'41"E., 105.19 feet to a point of curvature; 2) Easterly, 436.33 feet along the arc of a curve to the right having a radius of 625.00 feet and a central angle of 40°00'00" (chord bearing S.69°33'41"E., 427.53 feet) to a point of tangency; 3) S.49°33'41"E., 343.14 feet to a point of curvature; 4) Southeasterly, 197.53 feet along the arc of a curve to the left having a radius of 525.00 feet and a central angle of 21°33'25" (chord bearing S.60°20'23"E., 196.36 feet) to a point of tangency; 5) S.71°07'06"E., 193.79 feet to a point of curvature; 6) Easterly, 283.50 feet along the arc of a curve to the left having a radius of 350.00 feet and a central angle of 46°24'36" (chord bearing N.85°40'36"E., 275.82 feet) to a point of tangency; 7) N.62°28'18"E., 253.67 feet to a point of curvature; 8) Easterly, 235.69 feet along the arc of a curve to the right having a radius of 450.00 feet and a central angle of 30°00'32" (chord bearing N.77°28'34"E., 233.00 feet) to the **POINT OF BEGINNING**.

Containing 5.117 acres, more or less.

**23rd STREET WEST
PARCEL "A" VACATING
CITY OF PALMETTO**



Prepared For: **CITY OF PALMETTO**

**DESCRIPTION
SKETCH**

(Not a Survey)
[Signature]
David A. Williams

FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6423

GeoPoint
Surveying, Inc.

1403 E. 8th Avenue Phone: (813) 248-8888
Tampa, Florida 33605 Fax: (813) 248-2200
www.geopointsurvey.com Licensee Business Number LB 7766

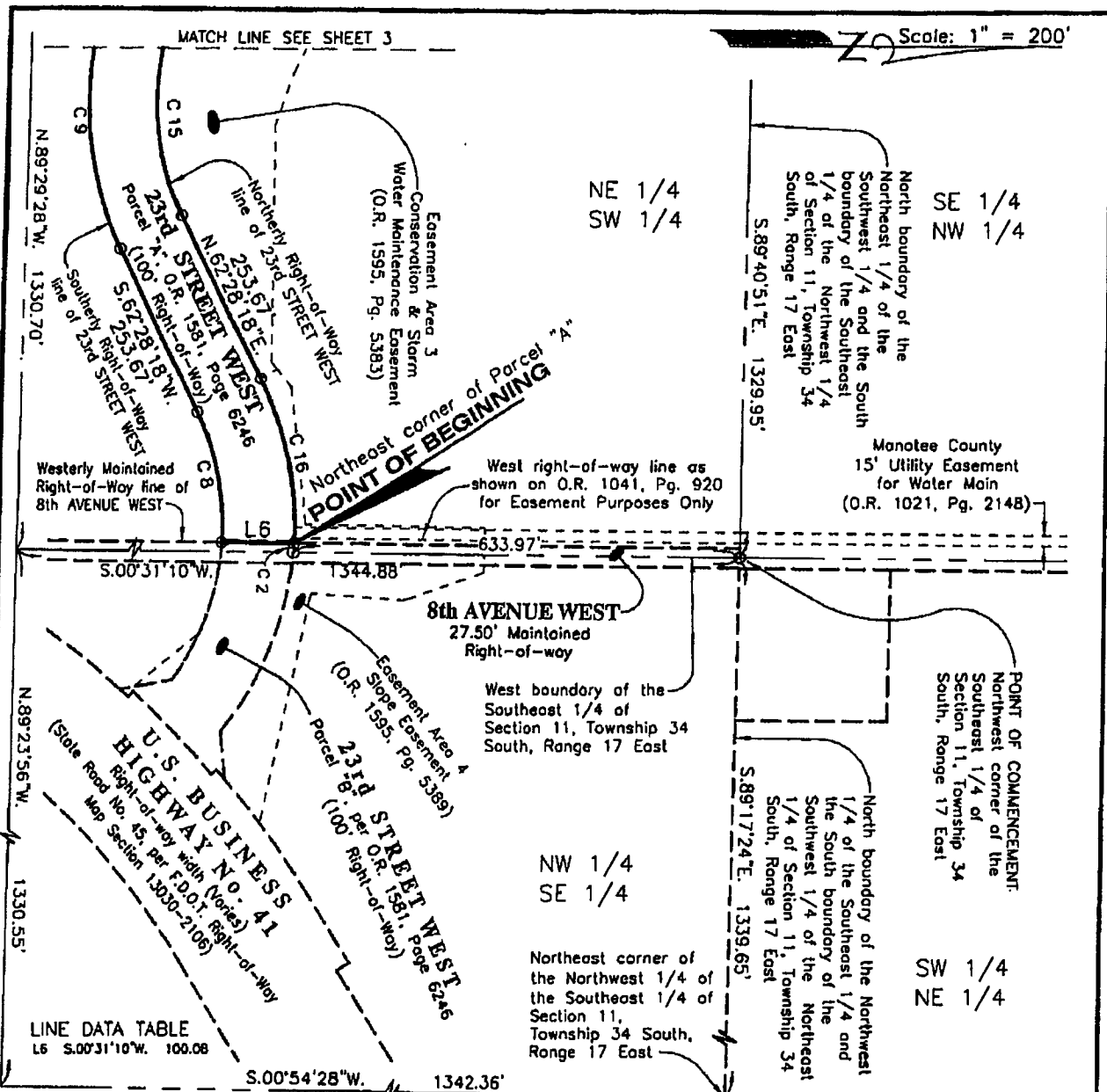
No.	Date	Description	Drawn
REVISIONS			

SHEET NO. 1 OF 4 SHEETS

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

Drawn: SEC | Checked: JOB | P.C.: N/A | Data File: N/A
Date: 12/30/09 | Dwg: 23RD-PARC-A-VAC-SHT1-05 | Order No.: HDL 23 001
SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST

EXHIBIT "A"



CURVE DATA TABLE

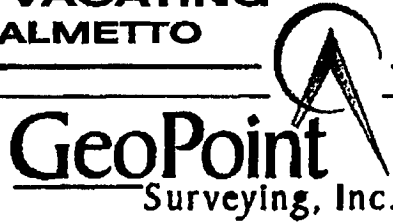
NO.	RADIUS	DELTA	ARC	CHORD	BEARING
2	450.00	01°39'28"	13.02	13.02	N.86°41'27"W.
8	350.00	30°34'11"	186.74	184.53	S.77°45'24"W.
9	450.00	46°24'36"	364.50	354.62	S.85°40'36"W.
15	350.00	46°24'36"	283.50	275.82	N.85°40'36"E.
16	450.00	30°00'32"	235.69	233.00	N.77°28'34"E.

23rd STREET WEST
PARCEL "A" VACATING
CITY OF PALMETTO

Prepared For: CITY OF PALMETTO

DESCRIPTION
SKETCH

(Not a Survey)
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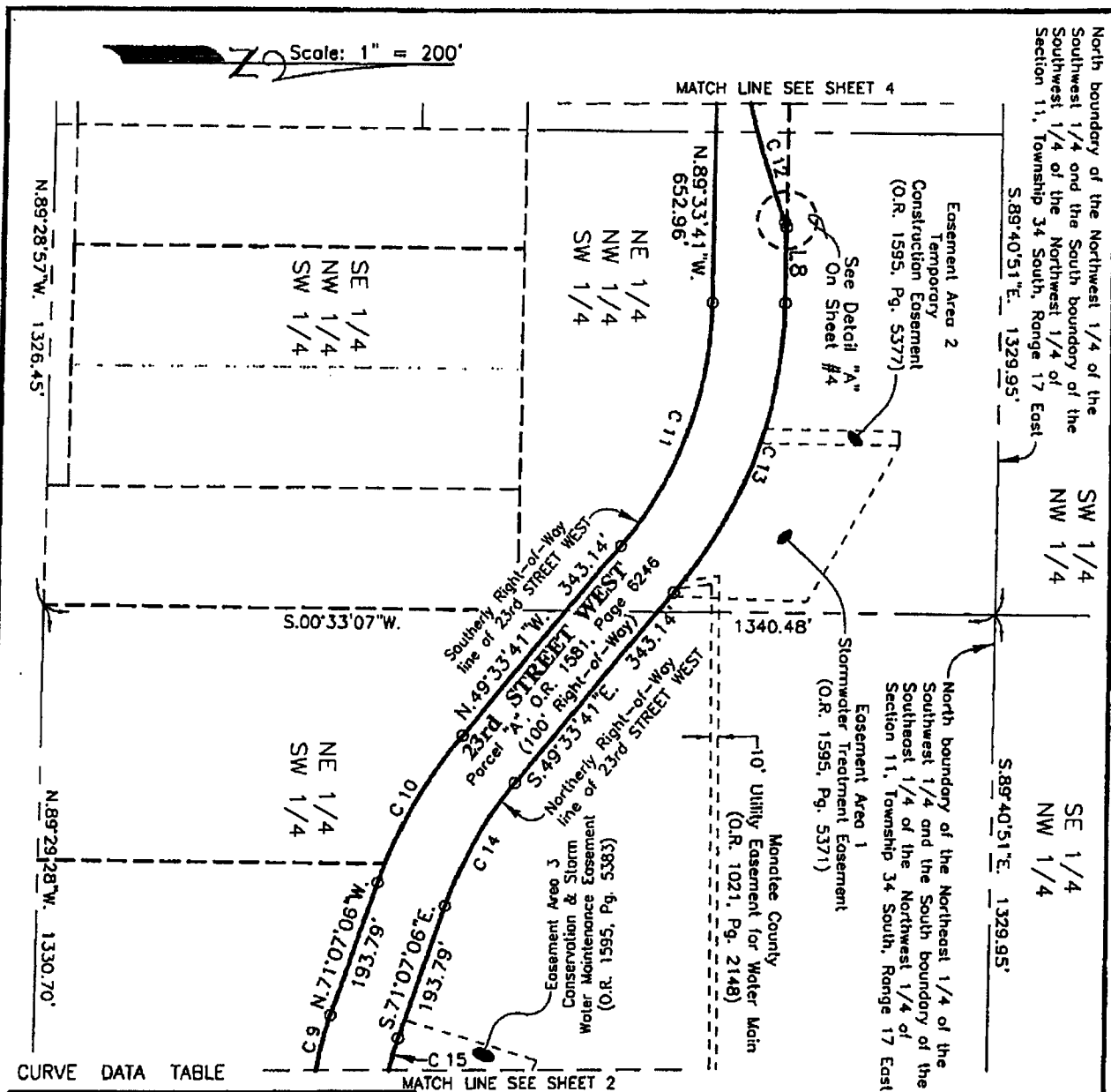
No.	Date	Description	Dwn.
REVISIONS			

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Drawn: SEC	Checked: JOB	P.C.: N/A	Date Plt: N/A
Date: 12/30/09	Dwg: 23RD-PARC-A-VAC-SHT3-05	Order No.: MDL 23 001	
SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST			

SHEET NO. 2 OF 4 SHEETS

EXHIBIT "A"



CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	CHORD	BEARING
9	450.00	46°24'36"	364.50	354.62	S.85°40'38"W.
10	625.00	21°33'25"	235.15	233.77	N.60°20'23"W.
11	525.00	40°00'00"	366.52	358.12	N.69°33'41"W.
12	1550.00	20°26'19"	552.92	549.99	N.80°13'10"E.
13	625.00	40°00'00"	438.33	427.53	S.69°33'41"E.
14	525.00	21°33'25"	197.53	196.36	S.60°20'23"E.
15	350.00	46°24'36"	283.50	275.82	N.85°40'36"E.

**23rd STREET WEST
PARCEL "A" VACATING
CITY OF PALMETTO**

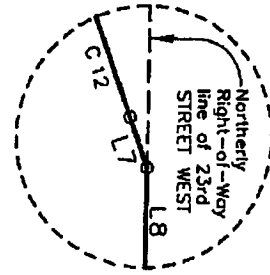
Prepared For: CITY OF PALMETTO			
DESCRIPTION SKETCH (Not a Survey) David A. Williams FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6423		 GeoPoint Surveying, Inc. 1403 E. 5th Avenue Tampa, Florida 33605 www.geopointsurvey.com Phone: (813) 248-8888 Fax: (813) 248-2288 Licensed Business Number LB 7768	
No.	Date	Description	Rev.
REVISIONS			
SHEET NO. 3 OF 4 SHEETS			
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER		Drawn: SEC Checked: JOB P.C.: N/A Date Plt: N/A Date: 12/30/09 Dwg: 23RD-PARC-A-VAC-SHT3-DS Order No.: --- SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST	

EXHIBIT "A"

Scale: 1" = 200'

CURVE DATA TABLE

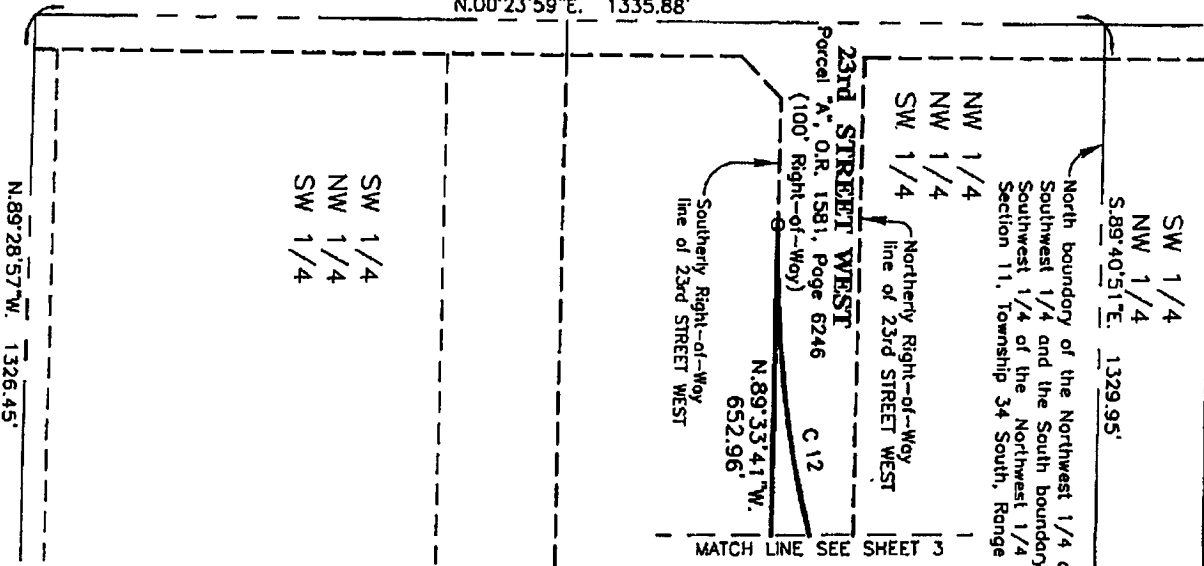
NO.	RADIUS	DELTA	ARC	CHORD	BEARING
12	1550.00	20°26'19"	552.92	549.99	N.80°13'10"E.



Detail "A"
Not to Scale

14th. AVENUE WEST

N.00°23'59"E. 1335.88'



LINE DATA TABLE

L6	S.00°31'10"W.	100.08
L7	N.70°00'00"E.	6.94
L8	S.89°33'41"E.	105.19

23rd STREET WEST
PARCEL "A" VACATING
CITY OF PALMETTO

Prepared For: CITY OF PALMETTO

DESCRIPTION
SKETCH

(Not a Survey)
David A. Williams

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Licensed Business Number LB 1768

No.	Date	Description	Drawn
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REVISIONS

SHEET NO. 4 OF 4 SHEETS

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RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Drawn: SEC Checked: JOB P.C.: N/A Date Plotted: N/A

Date: 12/30/09 Draw: 23RD-PARC-A-VAC-SHT4-05 Order No.:

SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST

EXHIBIT "A"

23rd Street West Parcel "B"

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, thence run along the West line of said Southeast 1/4 of said Section 11, S.00°31'10"W., 633.97 feet to a point on a curve; thence Easterly, 14.55 feet along the arc of a curve to the right having a radius of 450.00 feet and a central angle of 01°51'08" (chord bearing S.84°56'10"E., 14.55 feet) to a point of the Easterly Maintained Right-of-Way line 8th AVENUE WEST, said point also being the Northwest corner of 23rd STREET WEST, Parcel "B", per Official Records Book 1581, Page 6246, of the Public Records of Manatee County, Florida, and the **POINT OF BEGINNING**; thence along the Northerly right-of-way line of said 23rd STREET WEST, Parcel "B", the following two (2) courses: 1) Easterly, 253.86 feet along the arc of a curve to the right having a radius of 450.00 feet and a central angle of 32°19'20" (chord bearing S.67°50'56"E., 250.51 feet); 2) N.83°58'06"E., 66.54 feet to a point on a curve on the Northerly Right-of-Way line of U.S. BUSINESS HIGHWAY No. 41, thence along said Northerly Right-of-Way line of U.S. BUSINESS HIGHWAY No. 41, the following five (5) courses: 1) Southwesterly, 17.55 feet along the arc of a curve to the left having a radius of 1255.92 feet and a central angle of 00°48'02" (chord bearing S.48°41'13"W., 17.55 feet); 2) S.41°42'48"E., 10.00 feet to a point on a curve; 3) Southwesterly, 163.09 feet along the arc of a curve to the left having a radius of 1245.92 feet and a central angle of 07°30'00" (chord bearing S.44°32'12"W., 162.97 feet); 4) S.49°12'48"E., 10.00 feet to a point on a curve; 5) Southwesterly, 16.13 feet along the arc of said curve to the left having a radius of 1235.92 feet and a central angle of 00°44'52" (chord bearing S.40°24'46"W., 16.13 feet) to a point on the Southerly Right-of-Way line of said 23rd STREET WEST, Parcel "B"; thence along the Southerly Right-of-Way line 23rd STREET WEST, Parcel "B", the following two (2) courses: 1) N.09°53'44"W., 76.34 feet to a point on a curve; 2) Westerly, 176.94 feet along the arc of a curve to the left having a radius of 350.00 feet and a central angle of 28°57'55" (chord bearing N.67°57'27"W., 175.06 feet) to a point of aforesaid Easterly Maintained Right-of-Way line 8th AVENUE WEST; thence along said Easterly Maintained Right-of-Way line 8th AVENUE WEST, N.00°31'10"E., 100.59 feet to the **POINT OF BEGINNING**.

Containing 0.661 acres, more or less.


CURVE DATA TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	BEARING
1	450.00	01°51'08"	14.55	7.27	14.55	S.84°56'10"E.
3	450.00	32°19'20"	253.86	130.41	250.51	S.67°50'56"E.
4	1255.92	00°48'02"	17.55	8.77	17.55	S.48°41'13"W.
5	1245.92	07°30'00"	163.09	81.66	162.97	S.44°32'12"W.
6	1235.92	00°44'52"	16.13	8.07	16.13	S.40°24'46"W.
7	350.00	28°57'55"	176.94	90.40	175.06	N.67°57'27"W.

**23rd STREET WEST
PARCEL "B" VACATING
CITY OF PALMETTO**

Prepared For: **CITY OF PALMETTO**

**DESCRIPTION
SKETCH**

(Not a Survey)


David A. Williams
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO. 6423

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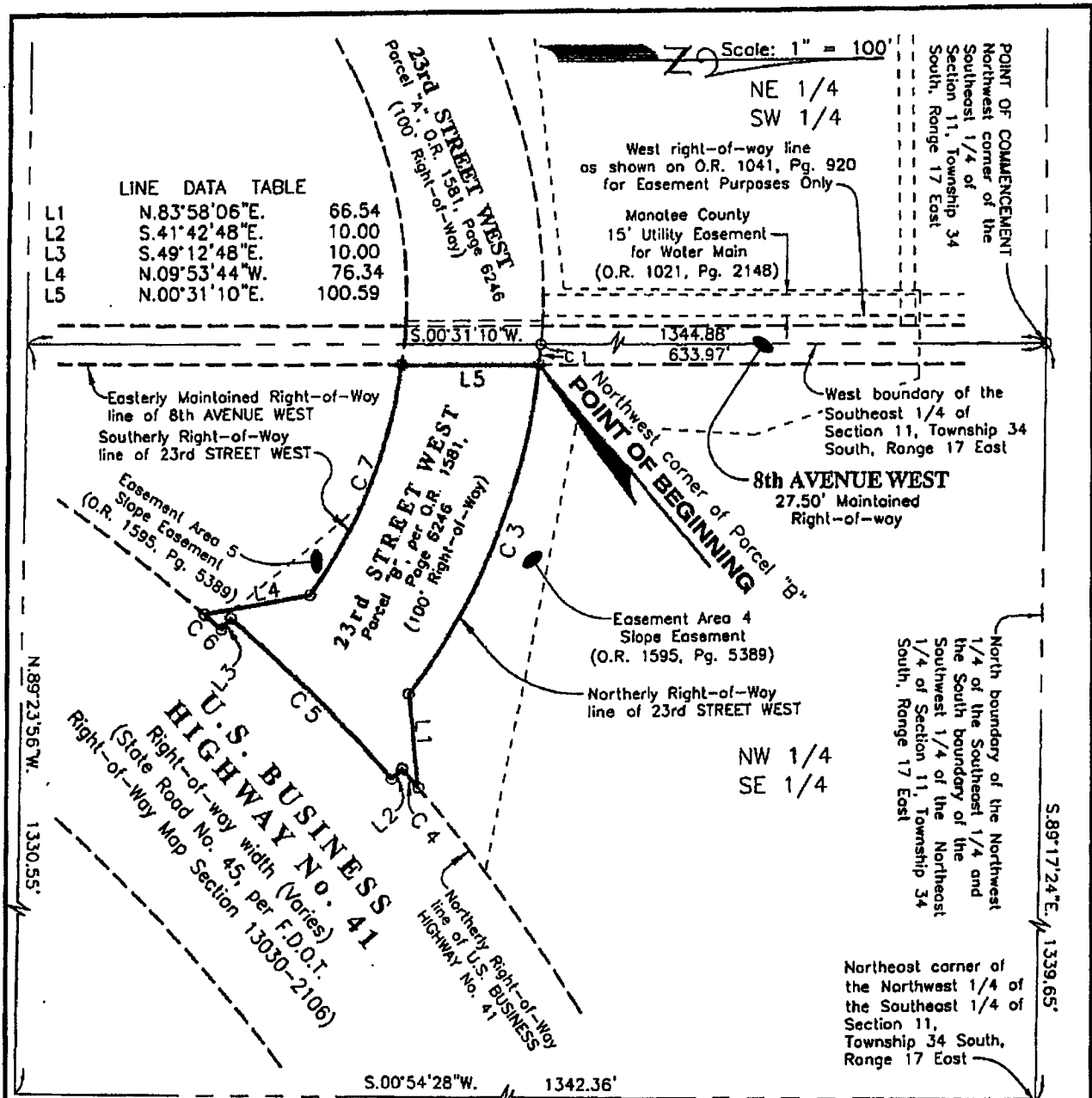
No.	Date	Description	Own.
REVISIONS			
SHEET NO. 1 OF 2 SHEETS			

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Drawn: SEC	Checked: JOB	P.C.: N/A	Date File: N/A
Date: 12/30/08	Dwg: 23RD-PARC-B-VAC-05	Order No: HDL 23 001	
SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST			



EXHIBIT "A"



**23rd STREET WEST
PARCEL "B" VACATING
CITY OF PALMETTO**

Prepared For: CITY OF PALMETTO

**DESCRIPTION
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Drawn: SEC	Checked: JOB	P.C.: N/A	Date Plotted: N/A
Date: 12/30/09	Dwg: 23RD-PARC-B-VAC-05	Order No.: MDL 23 001	

No.	Date	Description	Rev.
REVISIONS			

SHEET NO. 2 OF 2 SHEETS

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SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST