

M E M O R A N D U M

DATE: June 2, 2014

TO: Dave Bullock, Town Manager

THROUGH: Alaina Ray, AICP, Director
Planning, Zoning and Building Department

FROM: Briana Ozor, Planner
Planning, Zoning and Building Department

SUBJECT: Ordinance 2014-16, Petition to Close and Discontinue a Right-of-Way,
Unnamed Longbeach Alley

Allan Luke, joined by neighboring property owners in petition, requests to close and discontinue a ten (10) foot wide right-of-way of an unnamed alley located in Block 11 of the revised Longbeach Subdivision.

The Planning and Zoning Board recommended denial of the petition to close and discontinue the subject right-of-way at their May 27, 2014 Regular Meeting.

The P&Z Board requests the Town Commission to hold a public hearing during the June 30, 2014 Special Meeting, and deny Ordinance 2014-16, the Petition to Close and Discontinue a Right-of-Way for the subject unnamed Longbeach Alley.

Attachments: 6-2-14 Memo, P&Z Board Chair to Commission;
5-19-14 Staff Report, Planner to P&Z Board;
Ordinance 2014-17;
PowerPoint Presentation;
Draft minutes from the 5-27-14 P&Z Board Regular Meeting;
Applicant Application.

xc: Maggie Mooney-Portale, Town Attorney
Alaina Ray, AICP, Director – Planning, Building & Zoning

M E M O R A N D U M

DATE: June 2, 2014

TO: Honorable Mayor and Town Commission

THROUGH: Dave Bullock, Town Manager

FROM: BJ Bishop, Chair
Planning and Zoning Board

SUBJECT: ORDINANCE 2014-16, REQUEST FOR ALLEY CLOSURE,
BLOCK 11, REVISED LONGBEACH SUBDIVISION

During the public hearing held on May 27, 2014, the Planning and Zoning Board recommended DENIAL of Ordinance 2014-16, requesting closure of an alley located in Block 11, of the Revised Longbeach Subdivision. The specific motion from the May 27, 2014, meeting of the P&Z Board is as follows:

MR. GARNER MOVED THE P&Z BOARD RECOMMEND DENIAL OF ORDINANCE 2014-16 REQUESTING CLOSURE OF AN ALLEY LOCATED IN BLOCK 11 OF THE REVISED LONGBEACH SUBDIVISION. MR. SYMANSKI SECONDED THE MOTION. MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE.

Enclosed, for your review and consideration, please find the following support documentation:

1. Staff Report, dated 5-19-14, Planner to P&Z Board;
2. Ordinance 2014-16;
3. PowerPoint presentation;
4. Draft minutes from the 5-27-14 regular P&Z Board meeting on this issue; and
5. Applicant's Application

If you should have any questions, or desire any additional information, please do not hesitate to contact me.

BJB/dmc

MEMORANDUM

DATE: May 19, 2014

TO: Planning and Zoning Board

FROM: Briana Ozor, Planner

THROUGH: Alaina Ray, Planning, Zoning and Building Director

SUBJECT: Ordinance #2014-16, Petition to Close and Discontinue a Right-of-Way – Unnamed Longbeach Alley

PROPERTY OWNERS: Allan & Virginia Luke, 6890 Longboat Drive S; Greene & Chris Tussey, 6900 Longboat Drive S; Michael Riter & Kimberly Ross, 591 Hibiscus Way; Elizabeth Brown, 611 Hibiscus Way; Scott & Cynthia Anderson, 6889 Poinsetta Ave; Bill & Judy Carmen, 6901 Poinsetta Ave; Liz Yerkes, 610 Cedar St; Joseph & Jill Nemeth, 600 Cedar St

APPLICANT/AGENT: Allan Luke

SITE LOCATION: An alley in the Longbeach Subdivision between Cedar Street to the north, Hibiscus Way to the south, Poinsetta Avenue on the east, and Longboat Drive South on the west.

EXISTING ZONING: R-6SF - Single-Family High Density Residential

EXISTING USE: Partially passable alley

REQUEST: The applicants/owners request to close and discontinue a ten (10) foot wide right-of-way of an unnamed alley located in Block 11 of the revised Longbeach Subdivision.

Summary

Staff recommends DENIAL of Ordinance 2014-16 based in part on the recommendation of the Public Works Department to deny the petition.

History & Background

The subject ten (10) foot wide alley is located on Block 11 of the revised Longbeach Subdivision between Cedar Street and Hibiscus Way, running East-West from Poinsettia Avenue to Longbeach Drive South (see attached location map). Block 11 has nine (9) single-family homes and two (2) vacant lots. Property owners are requesting permanent closure of the alley.

Currently, the sections of the alley behind the residences at 6900 and 6890 Longboat Drive South and the residences at 6901 and 6889 Poinsetta Avenue are improved and passable, and

appear to be in use. The section of the alley behind the residences at 600 and 610 Cedar Street and the residences at 591 and 611 Hibiscus Way, as well as behind the vacant lot at 621 Hibiscus Way is vegetated, unimproved and impassable.

In December 1998, the Town received and reviewed a petition to vacate this unnamed Longbeach Village alley. When the petition moved to the Town Commission, the Commission unanimously, with one Commissioner abstaining, decided to “postpone action [on the petition] until the next meeting following the approval of the Village Study and the actions required by the Town Commission to implement the Study...”

At the completion of the Village Study, Town Commission passed Ordinance 2000-04 which implemented the Study’s recommendations related to alley access. The adopted recommendations were:

1. Existing non-passable alleys or portions of alleys to remain non-passable.
2. Vacation of non-passable alleys requires Village resident support and abutting owners to petition the Town Commission.
3. Existing passable alleys to remain passable through the implementation of routine maintenance by the Town.

On April 3, 2000, the Town Commission adopted Ordinance 2000-13 to close, vacate, and abandon the unnamed Longbeach alley right-of-way provided the following condition:

“The property owners execute a conservation, utilities and use restriction easement in the form attached hereto as Exhibit “A” and record it within the public records of Manatee County within 90 days of adoption on second reading and public hearing of this Ordinance. *The failure to meet this condition shall render this Ordinance null and void without further force and effect.*” (emphasis added)

On July 10, 2000, the Town Clerk mailed the property owners to notify them that the condition to file with the Manatee County Clerk of Court was unmet and therefore Ordinance 2000-13 is considered null and void.

Staff Assessment

The subject ten (10) foot wide right-of-way lies within Block 11 of the revised Longbeach Subdivision. The right-of-way runs east to west from Poinsetta Avenue to Longboat Drive South (see attached location map). The alley abuts nine (9) single family homes and two (2) vacant lots.

Petition by Property Owners

The petition submitted by the property owners provides signatures for owners of eight (8) of the eleven (11) lots. The signatures of two (2) property owners are missing. Jane Wikoff of 560 and 580 Cedar Street and Michael and Jane Yeatman of Lot 11 at 621 Hibiscus Way have not signed the petition. Mr. Luke states that they were unable to get in contact with Ms. Wikoff, who is in a nursing home. Ms. Wikoff owns a single family residence at 560 Cedar Street and a vacant lot at 580 Cedar Street.

Michael Yeatman, who owns a vacant lot at 621 Hibiscus Way adjacent to the subject alley, has formally notified the Planning and Zoning Department that he objects to the request to vacate the alley. In fact, he stated that he would like for the Town to clean the alley of vegetation and make it passable for all property owners.

The second recommendation regarding the Village alleys adopted by the Town Commission in Ordinance 2000-04 states that the vacation of non-passable alleys requires Village resident support and abutting owners to petition the Town Commission. Staff feels that since one (1) adjacent property owner has objected to the request and another adjacent property owner or their representative has not joined the petition for unknown reasons, it would be inappropriate to act in a manner that alters their private property.

Relation of Alley to Existing Driveways

As noted above, the alley is passable behind the houses at the ends of the block. The alley currently serves as a driveway for these houses, specifically the ones located at 6890 Longboat Drive South, 6900 Longboat Drive South, and 6889 Poinsetta Avenue. If the alley is vacated, the land becomes divided evenly between the properties. This means that property owners would be allowed to put fences along their newly acquired portions of the alley, which would likely inhibit the ability of these homeowners to access their garages as they currently can through the alley. In at least one case, there appears to be insufficient room to back a vehicle out of an existing garage and exit to the street without the full width of the existing alley.

Review by other Town Departments

The Longboat Key Fire Department, Police Department, Public Works Department, and Information Technology Department reviewed the petition. With the exception of the Public Works Department, the departments did not find any concerns and recommend approval of the petition. The Public Works Department evaluated the proposed vacation and recommends denial of the petition. Although there are no public utilities or stormwater facilities currently in this location, staff expressed concern that vacating this public right-of-way will hinder the Town's ability to locate utilities or any other public infrastructure in the future. Public Works states that there are no near-future plans to locate infrastructure in this location, but long-term needs of the Town may require the use of this public right-of-way. These responses by the Departments are part of the application materials.

Section 97.11 Standards of review.

Section 97.14 of the Town Code, states that the Planning and Zoning Board shall review all vacation petitions, for recommendation to the Town Commission. Section 97.15 provides the Town Commission with the ability to close and discontinue a street or easement. In making such a determination to close and discontinue an easement, the Commission shall consider and make findings on the following standards. To facilitate the review of the subject petition to vacate an easement, staff has provided an assessment of each of the criteria (in **bold**).

- (A) *The benefit to the town and general public of the existing street, right-of-way or easement.* **There is no obvious benefit to the town and general public of the alley**

apart from the potential future usefulness of this right-of-way for locating utilities or other public infrastructure.

- (B) *The rearrangement of streets, rights-of-way, easements or nonfee interests of the town that will be required to secure a regular and harmonious system for traffic circulation if the request is granted.* **A portion of the alley is currently impassable and plays a negligible role in the greater street system.**
- (C) *Whether the street, right-of-way or easement has been improved or abandoned, and the extent to which it is currently, or in the future will be, utilized by the general public.* **The right-of-way has been improved at the end sections and is vegetated in the middle section, rendering it impassable. The end sections of the alley appear to be used as driveways for the adjacent properties. The Public Works Department notes that there may be a future need for this right-of-way to place utilities or other public infrastructure depending on the long-term needs of the Town. One adjacent property owner has also requested future access to be provided to his property.**
- (D) *Whether the closing and discontinuation is proposed in conjunction with an application for development approval for adjacent property.* **The vacation of the right-of-way is not proposed in conjunction with an application for development approval for adjacent property.**
- (E) *Whether the proposed closing and discontinuation of the street, right-of-way or easement is in the public interest.* **As noted by the Public Works Department, future needs of the Town may require the use of this public right-of-way at some point for locating utilities or other public infrastructure. In regards to fire and public safety, both the Fire Chief and Police Chief state that fire and police response will be unaffected. Also, vacation of this alleyway would deprive property owners of any potential future ability to access their properties from the rear.**

Section 97.13 Conditions of approval.

The closing and discontinuation of a street, right-of-way or easement shall be conditioned upon the following:

- (A) Additional building or lot coverage shall not accrue to a lot or parcel as a result of the proposed closure or discontinuance of use;
- (B) Additional residential density shall not accrue to a lot or parcel as a result of the proposed closure or discontinuance of use;
- (C) No setback adjustment shall extend into any easement without concurrent modification of the easement, vacation of the easement, or a change in the recorded plat regarding the easement to accommodate the administrative adjustment.

Staff Recommendation

Based on the above assessment, staff recommends DENIAL of the request by the applicants to close and discontinue the alley right-of-way. Staff cannot determine a public benefit in giving this

Town-owned land to the private property owners and follows the recommendation of Public Works to deny vacating the alley. Additionally, the petition included in the application did not provide signatures of all of the property owners abutting the subject alley and, in fact, one of these property owners has formally objected to the request.

ATTACHMENTS

Attached, please find a copy of the location map, surveys, vacation application and support documentation upon which the staff assessment has been based. If you should have any questions, or desire any additional information, please do not hesitate to contact the Planning, Zoning & Building Department.

xc: Allan Luke, Applicant
Maggie Mooney-Portale, Town Attorney
Alaina Ray, AICP, Planning, Zoning and Building Director

ORDINANCE 2014-16

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, CLOSING, VACATING, AND DISCONTINUING AN ALLEY IN THE LONGBEACH SUBDIVISION, WITH CONDITIONS, IN ACCORDANCE WITH SECTIONS 97.10 – 97.15 OF THE TOWN OF LONGBOAT KEY CODE OF ORDINANCES, SAID ALLEY BEING DESCRIBED AS A TEN (10) FOOT WIDE RIGHT-OF-WAY OF AN UNNAMED ALLEY LOCATED IN BLOCK 11 OF THE REVISED LONGBEACH SUBDIVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, applicants, Allan and Virginia Luke, owners of property at 6890 Longboat Drive South, have submitted a petition to vacate, discontinue, and abandon a ten (10) foot wide right-of-way of an unnamed alley located in Block 11 of the Revised Longboat Subdivision (hereinafter the "ROW"); and

WHEREAS, on May 27, 2014, the Town's Planning and Zoning Board conducted a public hearing to consider the applicants' petition to vacate, discontinue, and abandon the ROW; and

WHEREAS, following the public hearing before the Planning and Zoning Board, the Board recommended denial of the petition and forwarded the applicants' petition to vacate, discontinue, and abandon the ROW subject to certain conditions to the Town Commission for public hearing; and

WHEREAS, on June 30, 2014, the Town Commission conducted a duly noticed, public hearing regarding the applicants' petition to vacate, discontinue, and abandon the ROW; and

WHEREAS, after considering all testimony and evidence entered into the record at such public hearing the Town Commission finds that the granting the applicants' petition to vacate the ROW is consistent with the provisions of Town Code and is in the best interest of the public.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

SECTION 1. The Whereas clauses above are ratified and confirmed as true and correct.

SECTION 2. The Town Commission having considered the Staff Report and the applicants' Petition and conducted a duly noticed public hearing on this matter has considered and made findings on the following standards:

- A. The benefit to the town and general public of the existing street, right-of-way, or easement;

- B. The rearrangement of streets, rights-of-way, easements, or non-fee interests of town that will be required to secure a regular and harmonious system for traffic circulation if the request is granted;
- C. Whether the street, right-of-way, or easement has been improved or abandoned, and the extent to which it is currently, or in the future will be, utilized by the general public;
- D. Whether the closing and discontinuation is proposed in conjunction with an application for development approval for adjacent property; and
- E. Whether the proposed closing and discontinuation of the street, right-of-way, or easement is in the public interest.

SECTION 3. The following described alley right-of-way is hereby closed, vacated, and abandoned, to wit:

A TEN (10) FOOT WIDE RIGHT-OF-WAY OF AN UNNAMED ALLEY LOCATED IN BLOCK 11 OF THE REVISED LONGBEACH SUBDIVISION

provided the conditions as set forth below are met:

- A. Additional building or lot coverage shall not accrue to a lot or parcel as a result of the proposed closure or discontinuance of use;
- B. Additional residential density shall not accrue to a lot or parcel as a result of the proposed closure or discontinuance of use;
- C. No setback adjustment shall extend into any easement without concurrent modification of the easement, vacation or the easement, or a change in the recorded plat regarding the easement to accommodate the administrative adjustment.

SECTION 4. The Town Clerk is directed to record a certified copy of this Ordinance in the Public Records of Manatee County, Florida.

SECTION 5. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

SECTION 6. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 7. This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.

Passed on first reading and public hearing the ____ day of _____, 2014.

Adopted on second reading and public hearing the ____ day of _____, 2014.

ATTEST:

James L. Brown, Mayor

Trish Granger, Town Clerk



**Petition to Vacate Right-of-Way
Longbeach Alley**

**Town Commission
Special Meeting
June 30, 2014**



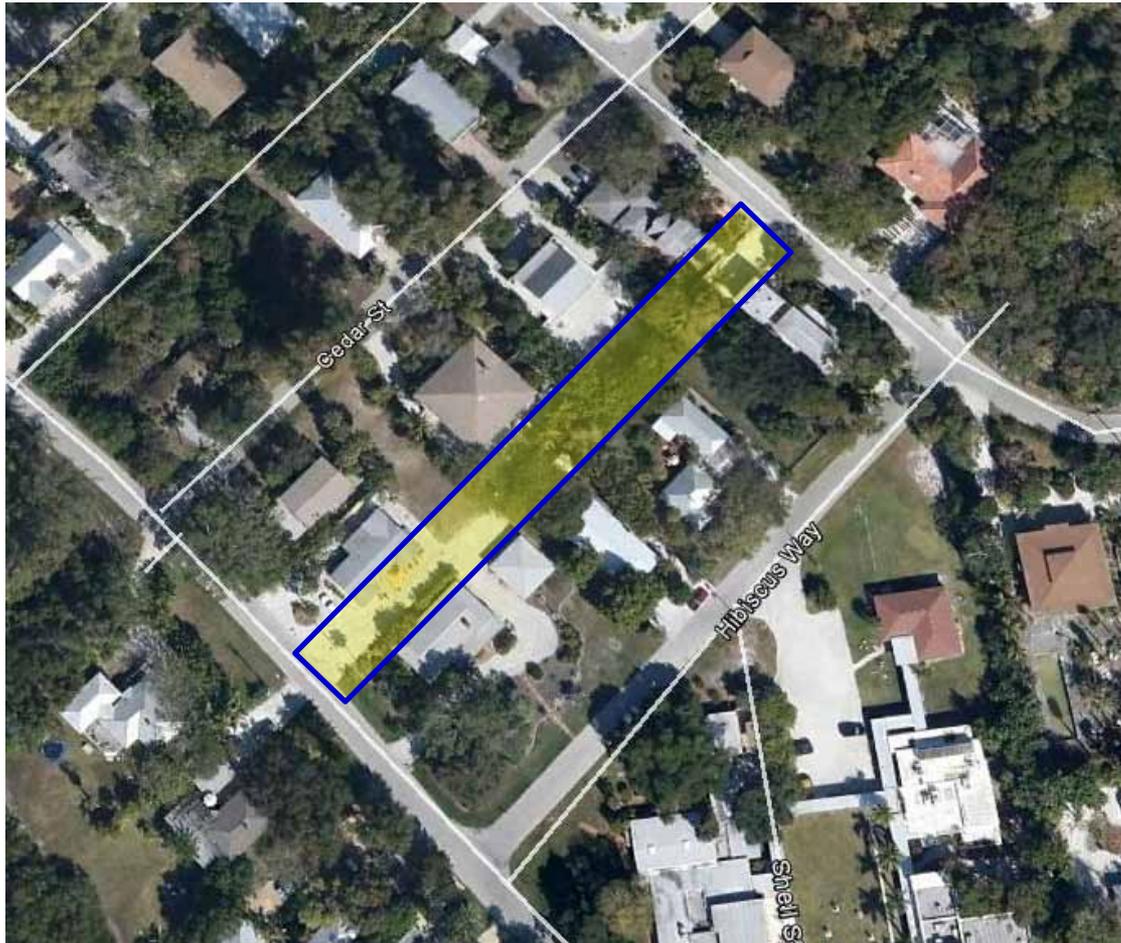
Vacation of Right-of-Way

The applicants request to close and discontinue a ten (10) foot wide right-of-way of an unnamed alley located in Block 11 of the revised Longbeach Subdivision.

TOWN OF LONGBOAT KEY



Location Map



TOWN OF LONGBOAT KEY



Poinsetta Avenue



TOWN OF LONGBOAT KEY



Poinsetta Avenue



TOWN OF LONGBOAT KEY



Poinsetta Avenue



TOWN OF LONGBOAT KEY



Longboat Drive South



TOWN OF LONGBOAT KEY



Longboat Drive South



TOWN OF LONGBOAT KEY



Longboat Drive South



TOWN OF LONGBOAT KEY



Longboat Drive South





Staff Recommendation

Based upon the review, staff recommends DENIAL of Ordinance 2014-16 that closes and discontinues the right-of-way of the unnamed alley in the Longbeach Subdivision.



P&Z Board Recommendation

At their May 27, 2014, meeting, the P&Z Board, after considering the application materials and testimony, recommended DENIAL of the application.

AGENDA ITEM 5
ORDINANCE 2014-16, BLOCK 11, REVISED LONGBEACH SUBDIVISION
REQUEST FOR ALLEY CLOSURE

Pursuant to published notice, the public hearing was opened.

Alaina Ray, Planning, Zoning & Building Director, reviewed the request noting:

- Petition was filed to close a 10 foot wide alley in Block 11, Revised Longbeach Subdivision
- Located between Poinsettia Avenue and Longboat Drive South
- Alley was impassable with the exception of the areas on each end
- While the applicant did obtain signatures from a majority of the property owners, there were two owners that did not sign
- Michael Yeatman, owner of a lot on Hibiscus, which backs up to the alley, was not able to access the lot from the rear and contacted staff by phone; he was not in favor of the application and did not want the alley vacated or closed, but open for access
- Showed a PowerPoint presentation illustrating the site and surrounding conditions
- That if the alley was vacated, each abutting owner would gain five feet of property and would be responsible for maintenance and taxes

Mr. Hixon asked if it was possible that the neighbors would have an agreement between themselves for an easement. Ms. Ray responded they would have to file it with the clerk of court.

Ms. Ray continued her presentation and explained why staff was recommending denial:

- When vacating property in public ownership, there was a need to have public benefit to give property away
- Staff found no public benefit to the general public for conveying into private ownership
- Public Works recommended denial, because at some point in the future they may need utility access
- There was a property owner that has voiced disapproval of the petition; if granted, it would change that owner's property including requirement to pay taxes and maintain

Mr. Garner questioned the difference in utilization of the alley if it was discontinued versus narrowing; what would be the benefit to closing. Ms. Ray pointed out there was no public benefit. The code stated that all adjacent property owners need to support the petition.

Maggie Mooney-Portale, Town Attorney, was sworn. She explained this was a quasi-judicial hearing, and asked the board the following:

- If there had been Ex Parte communications to which Mr. Hixon, Mr. Aitken, and Mr. Schneier noted for the record that they had visited the site, but did not speak to anyone
- If there were any conflicts of interest to which none were noted

Attorney Mooney-Portale explained there were specific standards of review (Section 97.11 (A), (B), (C), (D), and (E)) as to what was under the purview of the Board.

Mr. Hixon pointed out when looking at the Poinsettia Avenue location, the owner on the southern side has taken over the use of the property as their own, probably for many years, and if they have done that, he asked whether there would be an issue with the right of 'Adverse Possession.' Attorney Mooney-Portale responded there could not be an 'Adverse Possession' taken against government.

Mr. Daly asked if a single owner's objection was a legal basis for denial. Attorney Mooney-Portale explained the benefit to the Town and the general public, with regard to the easement, was in their purview, and since an owner was part of the general public, then yes, it could be considered. Mr. Daly believed if a single land owner was objecting, then the board had no choice but deny the application. Attorney Mooney-Portale noted the objection from a single owner should weigh into the benefit of the general public.

Judith Carman, Poinsettia Avenue, noted she had lived on that corner for 45 years, and the alley had never been opened for any use; it had a "jungle atmosphere," and the Town has never maintained it. She continued discussing the history of the area and that Florida Power & Light (FPL) walked through the alley as there were two power poles; drainage was a problem in the area; and, there would be increased noise and impact on privacy if opened.

Elizabeth Brown, Hibiscus Way, supported the applicant and voiced concern with the potential ability to have access in the back of their property with the opening of the alley. Mr. Schneier questioned why they believed the alley would be used or developed. Ms. Brown responded the alley was not currently accessible, but understood the Town was considering opening it. Ms. Ray noted there had been discussions at the Commission level regarding the alleys, but the Commission had decided to leave things as they were currently.

Michael Riter, Hibiscus Way, spoke in support of the application. He discussed the recommended denial by Public Works noting they felt the vacation would hinder the Town's ability to locate utilities and other public infrastructure in the future. However, he referred to the Town's approval for closing of the alley in 2000, and the Town's vacation of Coral and Shell Street, and noted that these were also public rights-of-way, with Shell Street being vacated and deeded to the Longboat Key Center for the Arts to expand their campus.

Ivan Zunz, Broadway Street, voiced concern with setting a precedent if the request was approved as it would not prevent other owners in the Village from asking for the same. The Town should not be appropriating the land and asked if the owner voicing opposition would have to pay for land they did not wish to have.

No one else wished to be heard, and the hearing was closed.

MR. GARNER MOVED THE P&Z BOARD RECOMMEND DENIAL OF ORDINANCE 2014-16 REQUESTING CLOSURE OF AN ALLEY LOCATED IN BLOCK 11 OF THE REVISED LONGBEACH SUBDIVISION. MR. SYMANSKI SECONDED THE MOTION.

Mr. Garner did not see a benefit in officially closing the alley, but acknowledged there were utilities located in the alleyway which would still need to be accessible. He also voiced concern with setting a precedent. Mr. Symanski did not believe any verbal agreements would meet legal criteria; friendly agreements were not legally binding. Mr. Aitken noted that he was on the committee that addressed the alleys, and they concluded two items: 1) that all alleys should be treated the same – either open or closed; and 2) should forward a recommendation to the Commission to open all alleys. However, after that it was learned the Town Manager was reviewing the status of the alleys, and the committee had dropped the idea of opening all the alleys. Mr. Hackett pointed out the main concern was if the alley was vacated, it might result in other changes that would not be satisfactory. Mr. Hixon commented that property owners currently have use of the space, and therefore, he did not see an advantage to making a change. Chair Bishop voiced concern with requiring someone, who did not wish to close the alley, to take over the property, maintain it, and pay taxes. She did not believe public property should be given to individual property owners.

MOTION CARRIED ON ROLL CALL VOTE: AITKEN, AYE; BISHOP, AYE; DALY, AYE; GARNER, AYE; HACKETT, AYE; HIXON, AYE; SCHNEIER, AYE; SYMANSKI, AYE; WILD, AYE.

TOWN OF LONGBOAT KEY
PETITION TO CLOSE AND DISCONTINUE
A STREET, RIGHT-OF-WAY, OR EASEMENT
LONGBOAT KEY TOWN CODE SECTION 97.10

2014 MAR -6 AM 10:05
TOWN OF LONGBOAT KEY

To: Town Clerk, Town of Longboat Key
501 Bay Isles Road
Longboat Key, FL 34228

Name of Petitioner Requesting Closure and Discontinuance of Street or Easement:

Allan Luke

Address: 6890 Longboat Dr S

City: Longboat Key State: FL Zip: 34228

Telephone: 941-387-0817 Fax: _____

E-mail: AV Luke 1 comcast.net

Petitioner's Relationship to the requested Closure and Discontinuance of the Street, Right-of-Way, or Easement (i.e. owner, developer, authorized representative):

SEE ATTACHED

Filing fee of \$35.00 Check _____ Cash _____

I hereby petition the Town Commission of the Town of Longboat Key to close and discontinue the street, right-of-way, or easement located in the Town of Longboat Key, Florida, as follows:

Location: An alley in the Longbeach Subdivision between Cedar St. to the North, Hibiscus Way to the South.

Legal Description:
SEE ATTACHED

Statement of Interest in Discontinuing Street, Right-of-Way, or Easement:
(State fully reasons for desiring the street or easement to be closed and discontinued.)

SEE ATTACHED

**TOWN OF LONGBOAT KEY
PETITION TO CLOSE AND DISCONTINUE
A STREET, RIGHT-OF-WAY, OR EASEMENT
LONGBOAT KEY TOWN CODE SECTION 97.10**

To: Town Clerk, Town of Longboat Key
501 Bay Isles Road
Longboat Key, FL 34228

Name of Petitioner Requesting Closure and Discontinuance of Street or Easement:

See Attached Petition for Permanent Closure of Alley

Petitioner's Relationship to the requested Closure and Discontinuance of the Street, Right-of-Way, or Easement (i.e. owner, developer, authorized representative):

Owners of Adjacent Property

I hereby petition the Town Commission of the Town of Longboat Key to close and discontinue the street, right-of-way, or easement located in the Town of Longboat Key, Florida, as follows:

Location:

**An alley in the Longbeach Subdivision between Cedar Street to the North, Hibiscus Way to the South,
Poinsetta on the East and Longboat Drive South on the West.**

Legal Description:

A ten Foot Wide Right-of-Way of an unnamed Alley Located in Block 11 of the Revised Longbeach Subdivision

Statement of Interest in Discontinuing Street, Right-of-Way, or Easement:
(State fully reasons for desiring the street or easement to be closed and discontinued.)

This Alleyway has not been open for over 100 years and it is our collective opinion that the opening of the alleyway would result in unwanted loss of privacy and increased noise due to the removal of the existing trees and shrubs located on the property at this time. Drainage is also a consideration since portions of the area are prone to flooding. Due to the narrow width of the alley - a mere 10 feet wide - we feel safety is a factor of concern to the vehicles attempting to navigate the alley and to the adjoining properties which may suffer damage and loss. We also feel the tax dollars which should be spent on regular upkeep and maintenance on this property would be better spent on other more useful and far-reaching town projects.

Names and addresses of all abutting property owners: the legal description of each individual parcel, and the owner thereof abutting on the subject street, right-of-way, or easement: (If additional space needed, attach separate sheets.)

SEE ATTACHED

Please attach any other information relevant to this Petition or otherwise requested by the Town.

Allan Luke
Petitioner Signature

3/6/14
Date

AFFIDAVIT

State of Florida
County of SARASOTA

Before me this day personally appeared Allan Luke;
who being first duly sworn, deposes and states that the foregoing statements and presentation of facts set forth in this Petition are true based on his/her personal knowledge.

Signature: Patricia Granger Date: 3-6-14

Sworn and subscribed before me this 6th day of March, 2014.

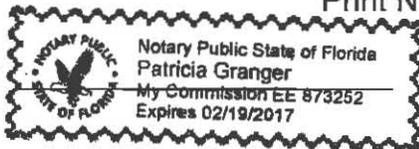
Personally known
OR Produced Identification _____
Type of Identification: _____

Patricia Granger
Notary Public, State of Florida, At Large

(SEAL)

Patricia Granger
Print Name of Notary

My Commission Expires:



PARID: 778620000
LUKE, ALLAN & VIRGINIA
6890 LONGBOAT DR S

Legal

Description

LOTS 9,10 & 11 BLK 11 REV LONG BEACH PI#77862.0000/1

PARID: 7786100003
TUSSEY, CHRISTINE J & GREENE
6900 LONGBOAT DR S

Legal

Description

LOT 8 BLK 11 REV LONG BEACH PI#77861.0000/3

PARID: 7786500004
RITER, MICHAEL C & KIMBERLY
591 HIBISCUS WAY

Legal

Description

LOT 12 BLK 11 REV LONG BEACH PI#77865.0000/4

PARID: 7786600002
BROWN ELIZABETH M
611 HIBISCUS WAY

Legal

Description

LOTS 13 & 14, BLK 11, LONGBEACH SUB, LESS THE ELY 10 FT OF LOT 14, FURTHER DESC IN OR 930 P 894 PI#77866.0000/2

PARID: 7786610001
YEATMAN, MICHAEL F & JANE
621 HIBISCUS WAY

Legal

Description

LOT 15 & THAT PART OF LOT 14, BLK 11, LONGBEACH SUB, DESC AS FOLLOWS: BEG AT MOST WLY COR OF LOT 15, TH SWLY ALG NLY LN OF LOT 14, A DIST OF 10 FT; TH SELY PARALLEL WITH LN DIVIDING SD LOTS 14 & 15, A DIST OF 120 FT; TH NELY ALG NLY LN OF HIBISCUS WAY, 10 FT TO MOST SLY COR OF LOT 15; TH NWLY ALG DIVIDING LN OF LOTS 14 & 15, A DIST OF 120 FT TO POB. (930/896) PI#77866.1000/1

PARID: 7786700000
ANDERSON, SCOTT C & CYNTHIA
6889 POINSETTIA AVE

Legal

Description

LOT 16 BLK 11 REV LONG BEACH DP77867.0000/0 PI#77867.0000/0

PARID: 7785700001
CARMAN, WILLIAM L III & JUDITH
6901 POINSETTIA AVE

Legal

Description

LOT 1 & ELY 1/2 OF LOT 2 BLK 11 REV LONG BEACH PI#77857.0000/1

PARID: 7785800009
YERKES ELIZABETH D
610 CEDAR ST

Legal

Description

WLY 1/2 OF LOT 2, ALL LOT 3 BLK 11 REV LONG BEACH PI#77858.0000/9

PARID: 7785810009
NEMETH, JOSEPH & JILL
600 CEDAR ST

Legal

Description

LOTS 4 & 5 BLK 11 REV LONG BEACH PI#77858.1000/9

PARID: 7785900056
WIKOFF K JANET
580 CEDAR ST

Legal

Description

LOT 6 BLK 11 REV LONG BEACH SUB PI#77859.0005/6

PARID: 7786000005
WIKOFF K JANET
560 CEDAR ST

Legal

Description

LOT 7 BLK 11 REV LONG BEACH DP77860.0000/5 PI#77860.0000/5

February 19, 2014

To: Town of Longboat
Town Clerk

Petition of Permanent Closure of Alley

Attached is the information that is required under 97.10 of the petition requirements. Block 11 has 9 homes and two empty lots. The signatures of all of the home owners are attached except for Janet Wikoff who is in a nursing home and did not reply to my letter. Thank you for this consideration.

Allan & Virginia Luke
6890 Longboat Drive S
Longboat Key, FL
941-387-0817

cc: Dave Bullock
Juan Florenza

January 14

MEMORANDUM TO THE TOWN OF LONGBOAT FLORIDA

PETITION FOR REWASING OF SIDE DRIVE

A driveway located between Cedar St and the side way leading East of Johnson St. north of
Highway 10 Longboat Drive South
(See attached map)

In the aforementioned property owners living in the Village of Longboat, Town of
Longboat, FL. have petitioned the Town of Longboat to make the Alleyway adjacent
to properties PERMANENTLY CLOSED TO ALL VEHICULAR TRAFFIC and petition the
TOWN TO VACATE THE aforementioned PROPERTIES and to REEVALUATE THE
PROPERTY OF THE PROPERTIES TO EACH ALL-ADJACENT OWNERS

THIS ALLEYWAY HAS NOT BEEN OPEN FOR OVER 100 YEARS AND THE
concrete opinion that the opening of the alleyway would result in unwanted loss of privacy
and increased noise due to the removal of the existing trees and shrubs located on the
properties at this time. Drainage is a serious consideration since portions of the area are prone to
flooding. Due to the narrow width of the alley - a mere 10 feet wide - we feel safety is a factor
of concern to the vehicles attempting to navigate the alley and to the adjoining properties
which may suffer damage and loss. We also feel the tax dollars which should be spent on
regular upkeep and maintenance on this town property would be better spent on other more
useful and far reaching town projects.

Thank you

Name Alan & Virginia Luke
Address 4890 Longboat Drive E
Longboat Key, FL 34228

Name Greene & Chris Tussey
Address 6900 Longboat Drive E
Longboat Key, FL 34228

Signature Alan Luke
Signature Virginia Luke

Signature Christine G. Tussey
Signature Greene E. Tussey

Name Miriam Rose & Anthony Rose
Address 5917 Biscayne Way
Longboat Key, FL 34228

Name Elizabeth Brown
Address 6117 Biscayne Way
Longboat Key, FL 34228

Signature Miriam Rose
Signature Anthony Rose

Signature Elizabeth Brown
Signature

January 2014

PETITION TO THE TOWN OF LONGBOAT KEY

PETITION FOR PERMANENT CLOSURE OF ALLEY

Alleyway located between Cedar St. and Hibiscus Way, running East - West from Poinsettia Avenue to Longboat Drive South
See attached map

We, the undersigned property owners living in the Village of Longbeach, Town of Longboat Key, do hereby petition the Town of Longboat Key to leave "the Alleyway" abutting our properties PERMANENTLY CLOSED TO ALL VEHICULAR TRAFFIC and petition the town for VACATION OF THE AFORMENTIONED PROPERTY and in turn DEED EQUAL PORTIONS OF THE PROPERTY TO EACH ADJACENT OWNER.

THIS ALLEYWAY HAS NOT BEEN OPEN FOR OVER 100 YEARS AND it is our collective opinion that the opening of the alleyway would result in unwanted loss of privacy and increased noise due to the removal of the existing trees and shrubs located on the property at this time. Drainage is also a consideration since portions of the area are prone to flooding. Due to the narrow width of the alley - a mere 10 feet wide - we feel safety is a factor of concern to the vehicles attempting to navigate the alley and to the adjoining properties which may suffer damage and loss. We also feel the tax dollars which should be spent on regular upkeep and maintenance on this town property would be better spent on other, more useful and far-reaching town projects.

Thank You!

Name: Scott & Cynthia Anderson
Address: 6889 Poinsettia Avenue
Longboat Key, FL 34228

Signature Scott Anderson

Signature Cynthia Anderson

Name: Bill & Judy Carmen
Address: 6901 Poinsettia Avenue
Longboat Key, FL 34228

Signature William L. Carmen III

Signature Judith J. Carmen

Name: Liz Yerkes
Address: 610 Cedar St.
Longboat Key, FL 34228

Signature Liz Yerkes

Signature _____

Name: Joseph & Jill Nemeth
Address: 600 Cedar St.
Longboat Key, FL 34228

Signature Joseph Nemeth

Signature Jill Nemeth

January 2014

PETITION TO THE TOWN OF LONGBOAT KEY

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Thank You!

Name: Janet Wikoff
Address: 560 & 580 Cedar St.
Longboat Key, FL 34228

Name: Michael & Jane Yeatman
Address: 621 Hibiscus Way
Longboat Key, FL 34228

Signature _____

Signature _____

Signature _____

Signature _____

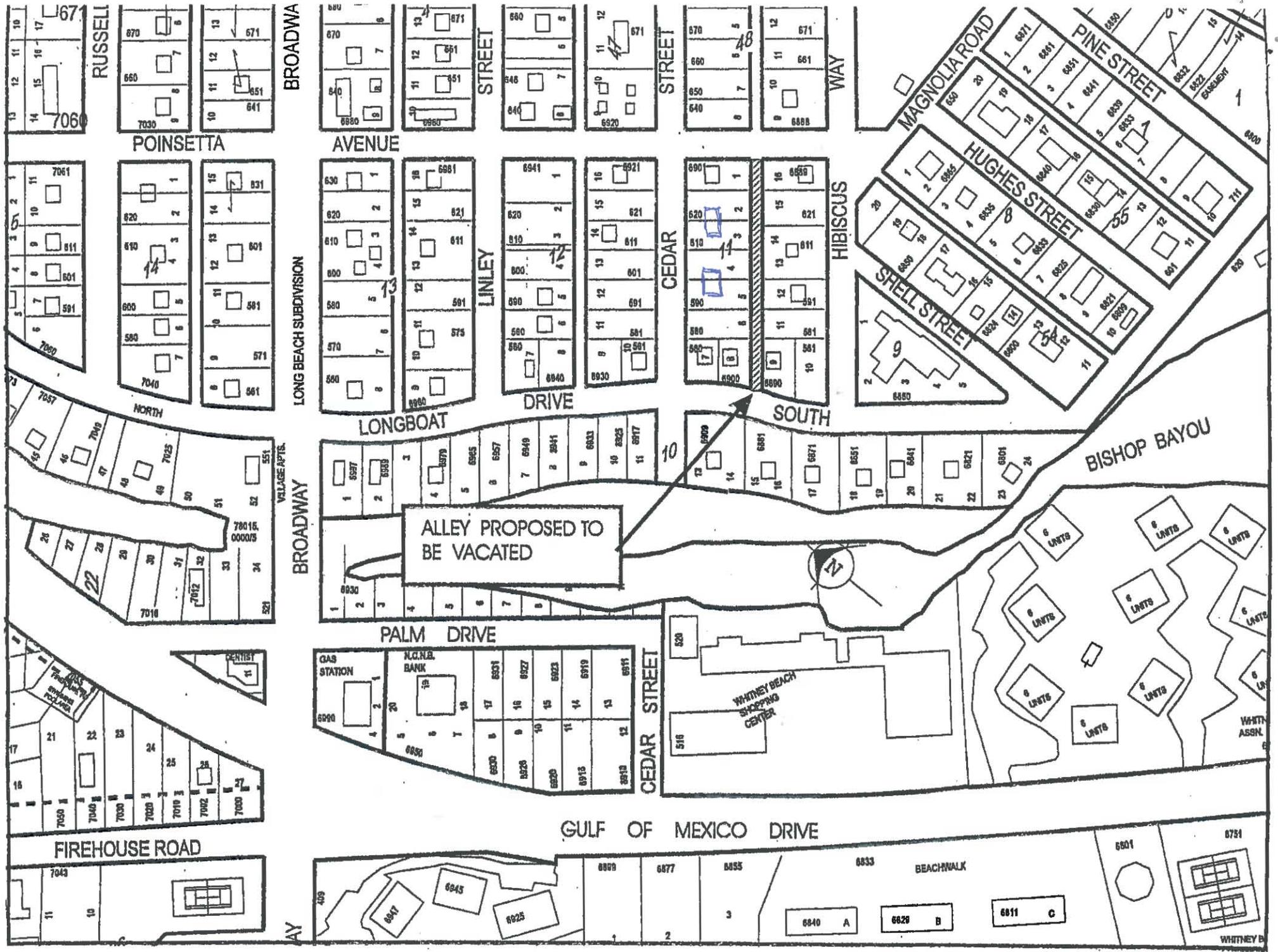
*In Nursing Home -
No Reply*

Lot Only

**Town of Longboat Key
Longbeach Village Alleys
Public Utility Matrix**

	FPL (Overhead)	Teco/Peoples Gas (Underground)		Stormwater (Underground)	Comcast Cable (Overhead)	Verizon (OH/UG)
Alley #1	None	From Longboat Dr N. east to 601 Broadway	None	From Lois to Bayside Dr.	None	None
Alley #2	From Longboat Dr S. east one lot. From intersection Poinsettia west 3 lots and east to Bayside Dr.	None	None	None	From intersection Poinsettia west 3 lots and east to Bayside Dr.	None
Alley #3	From Longboat Dr S. to Bayside Dr.	None	From Poinsettia east to Bayside Dr.	None	From intersection Poinsettia west 5 lots and east to Bayside Dr.	None
Alley #4	From Longboat Dr S. to Poinsettia Lot 11 only	None	None	None	From intersection Poinsettia west 2 lots and east 4 lots.	None
Alley #5	From Jackson Way North 5 lots.	None	None	None	From Jackson Way North 5 lots.	None
Alley #6	From Jackson Way North 3 lots.	None	None	None	From Jackson Way North 3 lots.	None
Alley #7	From Magnolia Rd to the south 4 lots.	None	None	None	From Magnolia Rd to the south 4 lots.	None

Refer to maps pages of report for Alley locations.
Prepared by Town of Longboat Key Public Works Department
Jan. 2014



ALLEY PROPOSED TO BE VACATED



10

WHITNEY BEACH SHOPPING CENTER

6840 A 6820 B 6811 C

WHITNEY B



End of Agenda Item