

M E M O R A N D U M

DATE: October 24, 2016

TO: David Bullock, Town Manager

FROM: Alaina Ray, AICP
Director – Planning, Zoning and Building Department

SUBJECT: Approving a Plat for a Lot Line Adjustment Between Lot 2 and Lot 3 of the Landwirth Subdivision, Located at 570 and 580 Broadway Street

Mason Martin, LLC, owner of property located at 570 and 580 Broadway Street Lot 2 and Lot 3 of the Landwirth Subdivision), has applied for a minor lot line modification between the two lots. Both lots are currently conforming to Chapter 157: Subdivision Regulations of the Town's Land Development Code; however, the owner desires to move the existing lot line to the east. The new configuration will be in compliance with the Town's Subdivision Code and all applicable provisions within the Zoning Code.

Section 157.32 allows approval of lot line adjustments to be performed administratively when the revision results in two conforming lots, as stated below:

157.32 Lot Line Adjustments. Notwithstanding anything within this Chapter to the contrary, the Planning, Zoning, and Building Director may administratively approve lot line modifications between two existing lots of record when the lot line modifications result in two conforming lots. The plat that reflects the lot line modifications shall be in substantial compliance with the requirements of this Chapter and Florida law except that the Planning, Zoning, and Building Director shall execute the plat instead of the Mayor and no public hearing shall be required.

However, Section 157.32 specifies that the adjustment shall be made via a plat and that the plat shall be approved by the Planning, Zoning and Building Director, rather than the Mayor. Pursuant to Florida Statutes 177.071, the governing body of a jurisdiction has sole authority to approve subdivision plats and this authority cannot be delegated to another body or administrative personnel.

The commonly accepted method in most jurisdictions for processing minor lot line adjustments, lot consolidations, or lot splits is an administrative staff-level approval utilizing a survey and affidavit that is then filed with the appropriate County Clerk. This method is acceptable under Florida Statutes, since a plat is not required for these minor revisions and recording is handled through a method other than a plat. Based on research into the adoption of Section 157.32 through Ordinance 2008-25 on December 1, 2008, it appears the intent was to adopt a similar administrative approval process. However, specifying the use of a plat in Section 157.32 eliminates the use of staff-level approval.

Based on the issue discussed above, the lot line adjustment request for 570 and 580 Broadway is being brought forward for the Town Commission's consideration through their administrative Consent Agenda process. Pursuant to Florida Law, a plat must be approved if it meets the applicable subdivision and zoning regulations.

Staff has also prepared an ordinance to present to the Planning and Zoning Board on November 15, 2016, to address the discrepancy between Section 157.32 and Florida Statutes. Pending recommendation from the Planning and Zoning Board, the ordinance will then be forwarded to the Town Commission for consideration.



Planning, Zoning & Building Department (941) 316-1966
501 Bay Isles Road
Longboat Key, Florida 34228
Fax Number (941) 373-7938
Web: <http://www.longboatkey.org>

APPLICATION FOR SUBDIVISION

APPLICANT IS REQUIRED TO SUBMIT FIVE (5) INDIVIDUAL, COLLATED SETS FOR DEVELOPMENT REVIEW. ONCE DEEMED COMPLETE, APPLICANT IS REQUIRED TO SUBMIT SIXTEEN (16) INDIVIDUAL, COLLATED SETS (ONE BEING AN ORIGINAL) OF THE APPLICATION, SUPPORTING PLANS AND DOCUMENTS FOR PLANNING AND ZONING BOARD REVIEW. ADDITIONAL SETS WILL BE REQUIRED WHEN FORWARDED FOR TOWN COMMISSION REVIEW. ALL SITE PLANS SHOULD BE FOLDED. ALL MATERIALS SHOULD BE IN SETS, EITHER RUBBER BANDED OR PAPER CLIPPED. **APPLICANT WILL ALSO BE REQUIRED TO SUBMIT APPLICATION, SUPPORTING PLANS AND DOCUMENTS IN DIGITAL FORMAT.**

The undersigned hereby applies for Subdivision Approval and submits the following information in connection therewith:

Name of Property Owner: Mason Martin LLC
Address: 6000 Marina Drive STE. 104
City, State & Zip: Holmes Beach FL 34217
Telephone: 941-778-4333 Fax: 941-778-4330
Telephone 2: _____ Mobile: _____
Email: jake@masonmartinbuilders.com

Name of Agent: _____
Address: _____
City, State & Zip: _____
Telephone: _____ Fax: _____
Telephone 2: _____ Mobile: _____
Email: _____

Name of Engineer/Surveyor: Leland Bedwell
Address: 3423 55th Dr. E
City, State & Zip: Bradenton FL 34203
Telephone: 941-753-9994 Fax: _____
Telephone 2: _____ Mobile: _____
Email: dragon36@verizon.net

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SEP 22 2016

Subdivision Location: Lot 2 Landwirth subdivision TOWN OF LONGBOAT KEY
Subdivision Current Name: landwirth subdivision Planning, Zoning and Building
Subdivision Proposed Name (if changing) *: _____ PB 27/72
Section No.: _____ Acreage: _____ No. Lots: _____
Average Lot Area: _____ Average Road Frontage per Lot: _____

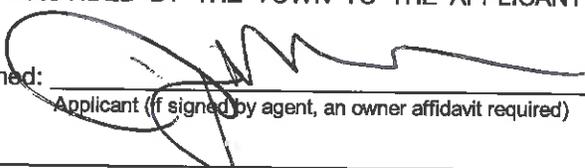
* PLEASE VERIFY PROPOSED NAME COMPLIES WITH SECTION 157.16 (C) OF THE SUBDIVISION REGULATIONS.

PLEASE ANSWER THE FOLLOWING QUESTIONS COMPLETELY:

1. Is construction and development contemplated in the near future: ___ yes no (if yes, when? _____)
2. Approximate price range of houses contemplated? 1.2 million
3. Improvements to be installed by subdivider (list): none
4. What lands will be offered for dedication? none
5. What lots are to be used for what uses other than single-family residential? none
6. State type and location of water supply: city
7. State type and location of sanitary waste disposal system: city
8. Local zoning designation and current land use: RSFC
9. Subdivision regulation minimums: Lot Area: 7000 Width Frontage: 60 Depth: 90
10. Minimum setbacks for zoning: Street: 20 Sides: 20/8 Rear: 15 Water: 20 Other: _____

In addition to the preliminary plat, a boundary survey, and title opinion are required. Fees and plans showing all public improvements shall be submitted with this application. Any additional plans or information required by the Public Works Department shall be submitted promptly. The undersigned agrees to comply with all requirements of the Town of Longboat Key Subdivision Ordinance No. 74-27, as amended, and further agrees to execute contract, submit required bonds within the stipulated time limit, and obtain all necessary permits in connection with the subject subdivision. Prior to recording, ALL plats shall be subject to review for compliance with Chapter 177, F.S., by an independent surveyor, the costs of which shall be borne by the applicant.

LIST OF NAMES AND ADDRESSES OF ALL OWNERS OF PROPERTY WITHIN A DISTANCE OF 500 FEET FROM THE OUTSIDE EDGES OF THE PROPERTY INVOLVED WILL BE PROVIDED BY THE TOWN TO THE APPLICANT FOR CERTIFIED MAILING.

Signed: 
Applicant (if signed by agent, an owner affidavit required)

Revised 9/2/10

FOR STAFF USE ONLY

Application Fee: \$ 1000.00 deposit* _____ Receipt # _____
(Application fee will be deducted from deposit)

Application and Plans Accepted By: _____ Date: _____

File Code/Number: _____

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SEP 22 2016

*Deposit required at time of formal submission

TOWN OF LONGBOAT KEY
Planning, Zoning and Building

At the conclusion of your plan review by the Town, you will be billed for additional staff time, Town Attorney cost, cost of advertising, and any other miscellaneous costs incurred with the processing of your application(s). Costs will be deducted from initial deposit. If costs exceed the initial deposit, you will be billed for the remaining costs incurred; or you will be refunded the unused portion of the deposit.

LELAND E. BEDWELL SURVEYING INC.

PROFESSIONAL LAND SURVEYORS, & MAPPERS-PSM#5884

3423 65TH DRIVE EAST, BRADENTON, FLORIDA, 34203

LICENSE BUSINESS # LB7113

OFFICE 941-753-9994

FAX 941-739-8318

COPY RIGHT BY BEDWELL SURVEYING INC. YEAR 2015

SHEET#
2 OF 2
NOT VALID
WITHOUT
SHEET 1 OF 2

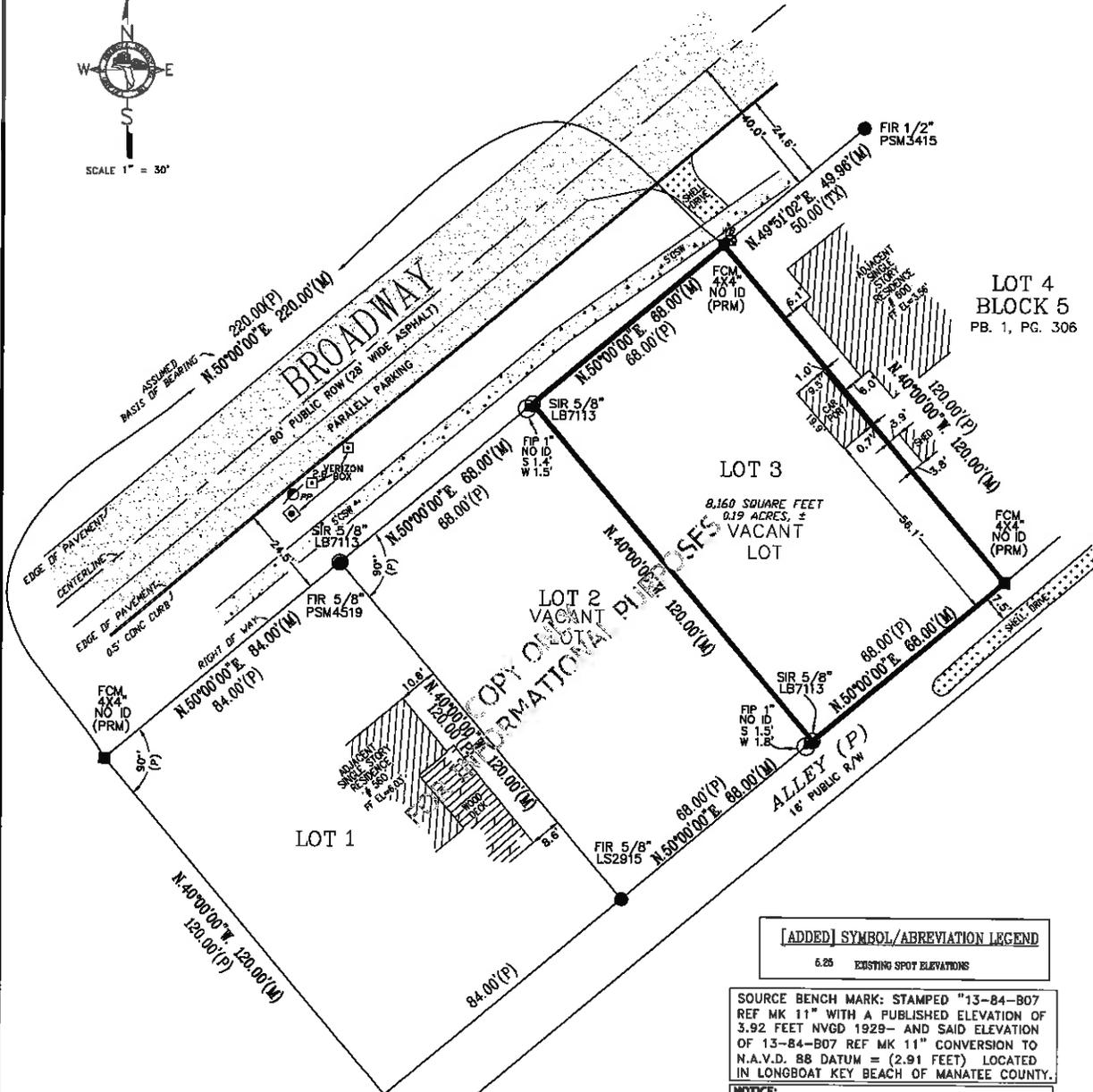
PURPOSE OF SURVEY
PROPOSED CONSTRUCTION
BOUNDARY SURVEY

MAP OF SURVEY
BOUNDARY SURVEY & VISIBLE IMPROVEMENTS

PRIMARY ADDRESS LOCATION
580 BROADWAY
LONGBOAT KEY FL. 34228



SCALE 1" = 30'



[ADDED] SYMBOL/ABBREVIATION LEGEND

6.25 EXISTING SPOT ELEVATIONS

SOURCE BENCH MARK: STAMPED "13-84-B07 REF MK 11" WITH A PUBLISHED ELEVATION OF 3.92 FEET NVGD 1929- AND SAID ELEVATION OF 13-84-B07 REF MK 11" CONVERSION TO N.A.V.D. 88 DATUM = (2.91 FEET) LOCATED IN LONGBOAT KEY BEACH OF MANATEE COUNTY.

NOTE:
ALL ELEVATIONS SHOWN ON THIS SURVEY ARE BASED ON NORTH AMERICAN VERTICAL DATUM (N.A.V.D.) 1988 AS REQUIRED BY FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR COASTAL PERMITTING. THIS DATUM DOES NOT COINCIDE WITH CURRENT PUBLISHED F.E.M.A. (FEDERAL EMERGENCY MANAGEMENT AGENCY) ELEVATION DATUM FOR THIS AREA. TO CONVERT ALL ELEVATIONS SHOWN HEREON TO NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D.) 1929, ADD 1.01 FEET.



ORIGINAL SURVEY DATE : 07-28-2015

CERTIFICATION :

SEE PAGE 1 OF 2 FOR SIGNATURE AND SEAL
THIS PAGE NOT VALID WITHOUT PAGE 1 OF 2
LELAND E. BEDWELL, PSM #5884

NOT A CERTIFICATION OF TITLE, ZONING, EASEMENTS OR FREEDOM OF ENCUMBRANCES.
NOT VALID WITHOUT SURVEYOR'S SIGNATURE AND ORIGINAL EMBOSSED SEAL
SURVEY IS VALID FOR 365 DAYS. PLEASE REFER TO REVERSE SIDE OF SHEET 1 OF 2 FOR GENERAL NOTES & ABBREVIATIONS.

(NOTE)
IN COMPLIANCE WITH FLORIDA STATUTES 5J-17.052(2) (4) IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.

NOTE:
THIS SURVEY MEETS THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF FLORIDA, AS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, RULE NO. 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472027 OF THE FLORIDA STATUTES.

NO.	REVISIONS	DATE	BY

SEE SHEET 1 OF 2 FOR SYMBOLS, LEGENDS AND REPORT OF SURVEY

UNLESS VERIFIED AND APPROVED BY THE SURVEYOR SIGNATURE HEREON
APPROVED FOR CONSTRUCTION SIGNED: *Leland E. Bedwell* DATED: 7-28-2015

DRAWN BY: SH & JS	DATE DRAFTED: 7/30/2015	CHECKED BY:	SCALE: 1"=30'	PROJECT# 15-626
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TITLE CERTIFICATION

SUBDIVISION NAME: Landwirth 2016

LEGAL DESCRIPTION: See attached Exhibit "A"

I, **Scott E. Rudacille**, Attorney-at-Law, hereby confirm that apparent record title to the land described above and shown on the **Landwirth 2016** plat is in the name of **Mason Martin LLC**, the entity executing the offer of dedication appearing on the above plat. Property taxes for 2015 have been paid. All mortgages or liens not satisfied or released of record are as follows:

<u>MORTGAGEES:</u>	<u>OFFICIAL RECORD BOOK AND PAGE</u>
None	N/A

<u>LIENS:</u>	
None	N/A

ADDITIONAL ENCUMBRANCES:

Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.

Restrictions, covenants, conditions, easements and other matters contained on the Plat of Landwirth Subdivision, recorded in Plat Book 27, Page 72, of the Public Records of Manatee County, Florida.

Clerks Certificate (Dedication of Certain Streets to Public Use) recorded in Official Records Book 574, Page 946.

WITNESS my hand and official seal at Manatee County, Florida, this 13th day of September, 2016.

Signature: _____



Scott E. Rudacille
Blalock Walters, P.A.
802 11th Street West
Bradenton, Florida 34205
Florida Bar No. 0866121

EXHIBIT "A"

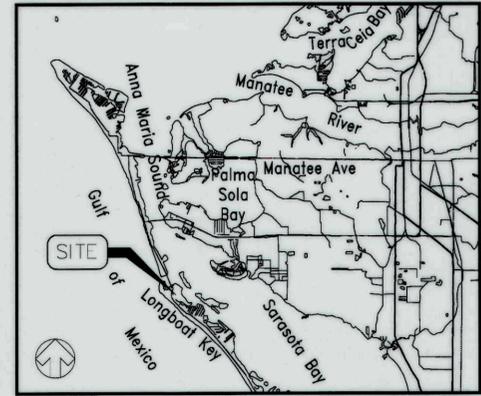
LEGAL DESCRIPTION

Lot 2 and 3, Landwirth Subdivision, according to the plat thereof, as recorded in Plat Book 27, Page 72, of the Public Records of Manatee County, Florida.

LANDWIRTH 2016

A REPLAT OF LOTS 2 AND 3, LANDWIRTH SUBDIVISION, THE RESUBDIVISION OF: LOTS 6 AND 7, BLOCK 5, LONGBEACH, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 1 AT PAGE 306 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; TOGETHER WITH LOTS 5 AND 8, BLOCK 13, RESUBDIVISION OR REVISION OF LONGBEACH, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 6 AT PAGE 66 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA. AS PER PLAT THEREOF RECORDED IN PLAT BOOK 27, PAGE 73 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

SECTION 15, TOWNSHIP 35 SOUTH, RANGE 16 EAST



VICINITY MAP
NOT TO SCALE

NOTES

Notice: this plat as recorded in its graphic form, is the official depiction of the subdivided lands described herein and will in no circumstances be supplanted in authority by any other graphic or digital form of the plat. There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county.

Bearings are based on the southeasterly right-of-way line of Broadway as recorded in Plat Book 1, Page 306 of the Public Records of Manatee County, Florida, being N.50°00'00"E.

All easements are private unless otherwise noted.

Except in the case of an irregular boundary, numerical expressions shown hereon to the nearest foot or tenth of a foot, are to be interpreted as having a precision to the nearest one hundredth of a foot.

CERTIFICATE OF APPROVAL OF THE TOWN OF LONGBOAT KEY COMMISSION

STATE OF FLORIDA: SS
COUNTY OF MANATEE:

This plat entitled "LANDWIRTH 2016" was received and approved this day by the Council of the Town of Longboat Key, Florida this being the _____ day of _____, 2016.

Attest:

City Mayor Date

Deputy City Clerk Date

Chairman of City Commission Date

LEGAL DESCRIPTION:
Lot 2 and 3, Landwirth Subdivision, according to the plat thereof, as recorded in Plat Book 27, Page 72, of the Public Records of Manatee County, Florida.

RESERVATION OF EASEMENTS

There are hereby expressly reserved, easements of five (5) feet in width, along the side lot lines and along all front and rear lot lines for the express purpose of accommodating surface and underground drainage and overhead and underground utilities. Where more than one lot is intended as a building site, the outside boundaries of said building site shall carry said easements.

CERTIFICATE OF SURVEYOR

I, the undersigned professional land surveyor, hereby certify that this plat is a true and correct representation of the lands surveyed, that the survey was made under my responsible direction and supervision, that the survey data complies with all requirements of chapter 177, part 1 of the Florida statutes and that the permanent reference monuments, and lot corners have been installed.

Signature: Leland E. Bedwell Date: 10/13/2016
Leland E. Bedwell, P.S.M.
Florida License No. PSM #5884

(NOT VALID UNLESS SIGNED IN INK EMBOSSED SEAL AFFIXED HERETO)

CERTIFICATE OF APPROVAL OF CLERK OF CIRCUIT COURT

STATE OF FLORIDA: SS
COUNTY OF MANATEE:

I, Angelina Colanesso, Clerk of the Circuit Court of Manatee County, Florida, hereby certify that this plat has been examined and that it complies in form with all the requirements of the Statutes of Florida pertaining to maps and plats, and that this plat has been

filed for record in Plat Book _____, Pages _____
Public Records of Manatee County, Florida, this _____ day of _____, 2016.

Clerk of Circuit Court
Manatee County, Florida

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF FLORIDA: SS
COUNTY OF MANATEE:

Mason Martin LLC, certify that we are the owners of the property described hereon, do hereby dedicate and set apart all of the streets, alleys, walks, thoroughfares, front, rear and side lot line utility and drainage easements, parks and other open spaces, canals and drainage or other easements shown on this plat of "LANDWIRTH 2016" for said uses and purposes to the Town of Longboat Key forever.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this _____ day of _____ A.D. 2016

By: _____
Date

Witness: _____
Signature Printed Name

Witness: _____
Signature Printed Name

ACKNOWLEDGEMENTS

STATE OF FLORIDA: SS
COUNTY OF MANATEE:

The foregoing Certificate of Ownership and Dedication was acknowledged before me this _____ day of _____, 2016 by _____

who is personally known to me.

Notary Public State of Florida Printed Name

My Commission Expires: _____ (Date) _____ (Stamp)

CERTIFICATE OF CONFORMITY

STATE OF FLORIDA: SS
COUNTY OF MANATEE:

I hereby certify that:

I am a Professional Surveyor registered in the State of Florida, holding a Certificate authorized to offer services of Registered Surveyors and Mappers in the State of Florida. I have reviewed the face of this plat for conformity with the requirements of Chapter 177, Part 1 of the Florida Statutes.

Jeffrey L. Hostetler, PSM
FL License No. LS004911
6915 Holmes Blvd.
Holmes Beach, FL 34217
(941) 807-3597

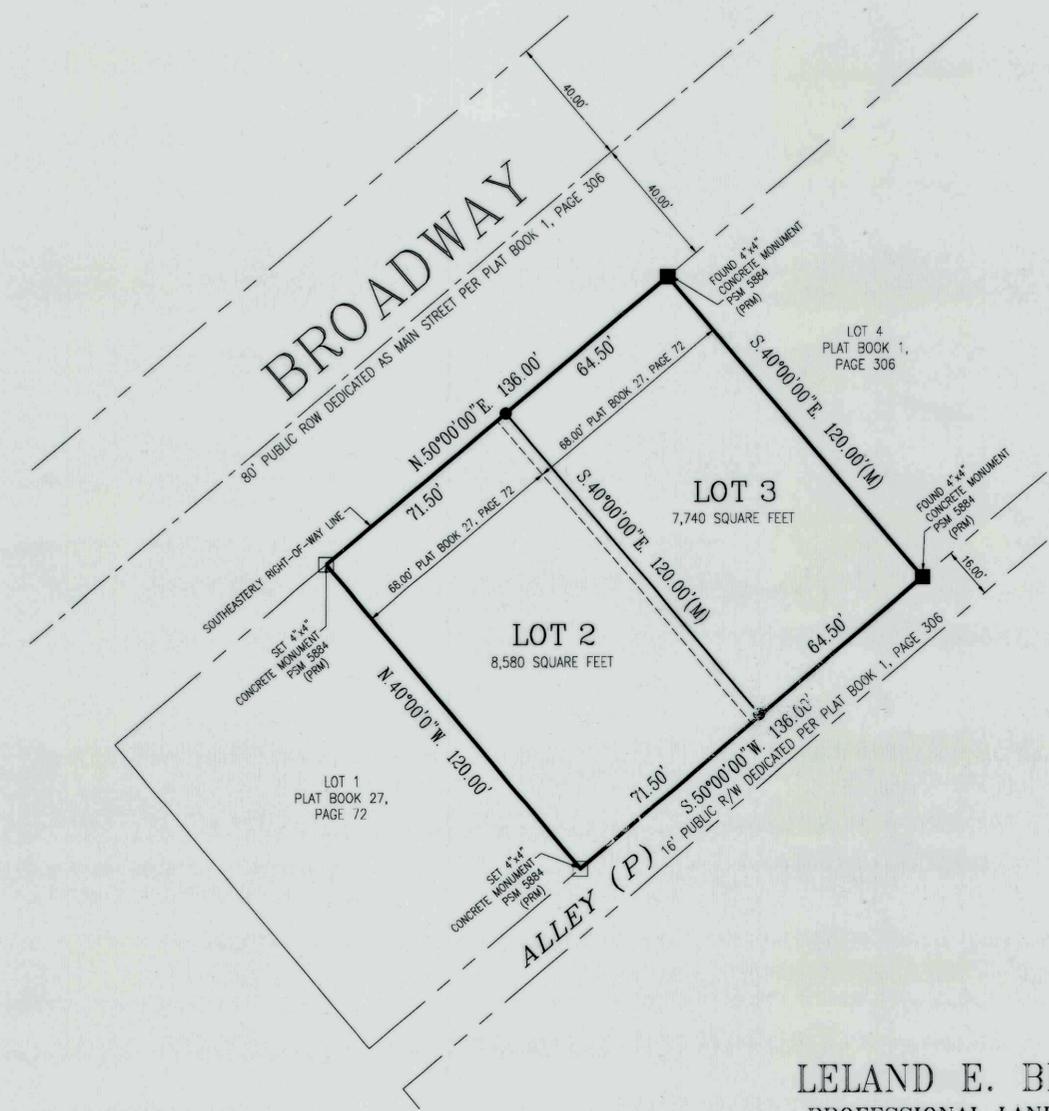
By: [Signature]
Date: 10-19-2016

(NOT VALID UNLESS SIGNED IN INK EMBOSSED SEAL AFFIXED HERETO)

LELAND E. BEDWELL SURVEYING INC.
PROFESSIONAL LAND SURVEYORS & MAPPERS-PSM#5884
3423 55TH DRIVE EAST, BRADENTON, FLORIDA, 34203
LICENSE BUSINESS # LB7113
OFFICE 941-753-9994 - FAX 941-739-8318
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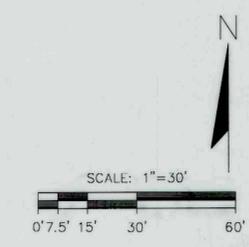


BEARING BASIS
 THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF BROADWAY PLAT BOOK 1, PAGE 306

- LEGEND
- 4"x4" CONCRETE MONUMENT FOUND PSM 5884 (PRM)
 - 4"x4" CONCRETE MONUMENT SET (PSM 5884) (PRM)
 - SET 5/8" IRON ROD & CAP (LB#7113)
 - PRM = PERMANENT REFERENCE MONUMENT
 - ROW = RIGHT OF WAY

TYPICAL LOT LINE EASEMENTS

THERE ARE HEREBY EXPRESSLY RESERVED, EASEMENTS OF FIVE (5) FEET IN WIDTH, ALONG THE SIDE LOT LINES AND ALONG ALL FRONT AND REAR LOT LINES FOR THE EXPRESS PURPOSE OF ACCOMMODATING SURFACE AND UNDERGROUND DRAINAGE AND OVERHEAD AND UNDERGROUND UTILITIES. WHERE MORE THAN ONE LOT IS INTENDED AS A BUILDING SITE, THE OUTSIDE BOUNDARIES OF SAID BUILDING SITE SHALL CARRY SAID EASEMENTS.



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End of Agenda Item