



ORDINANCE NO. 2973

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 1016 64TH STREET COURT EAST, PROPERTY IDENTIFIED AS PARCEL #1442800059 AND LEGALLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NW CORNER OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE EAST 630 FEET; SOUTH 660 FEET; WEST 619.43 FEET; NORTH 660 FEET TO THE POINT OF BEGINNING, BEING FURTHER IDENTIFIED AS TRACTS 1 AND 2 OF MAGNOLIA MANOR UNRECORDED AND IS THE SAME LAND AS DESCRIBED IN O.R. BOOK 300, PAGE 369 AND O.R. BOOK 327, PAGE 265, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

CONTAINING 411,343.5 SQUARE FEET OR 9.4 ACRES MORE OR LESS

WHEREAS, a request for Annexation to the City of Bradenton has been brought by Allison-Gause, Inc., agent, for Saul Lapidus owner by submitting application AX.15.3628 Lapidus; and

WHEREAS, said property petitioned to be annexed is contiguous to the corporate limits of the City of Bradenton, Florida and meets the requirements of Florida Statute 171.044; and

WHEREAS, the property is owned by Saul Lapidus,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRADENTON, FLORIDA:

Section 1: That the land herein before referred to and described as follows:

LEGAL DESCRIPTION: BEGIN AT THE NW CORNER OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE EAST 630 FEET; SOUTH 660 FEET; WEST 619.43 FEET; NORTH 660 FEET TO THE POINT OF BEGINNING, BEING FURTHER IDENTIFIED AS TRACTS 1 AND 2 OF MAGNOLIA MANOR UNRECORDED AND IS THE SAME LAND AS DESCRIBED IN O.R. BOOK 300, PAGE 369 AND O.R. BOOK 327, PAGE 265, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

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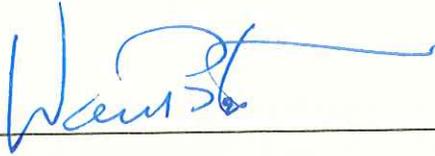
is land sought to be annexed by motion, and the same is hereby annexed to and incorporated within the City of Bradenton, Manatee County, Florida, as fully and effectually as if the same were included within the boundary of the City of Bradenton, Florida, as set forth in its Charter.

Section 2: Such land, above described, shall immediately become subject to the jurisdiction and powers of the City of Bradenton, Florida.

Section 3: Impact fee equivalency will be required in accordance with the definitions of the ACCORD as determined by the Director of the Department of Planning and Community Development subject to City Council approval.

Section 4. This Ordinance shall take effect immediately.

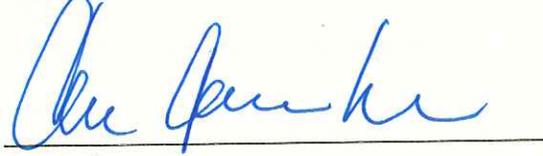
PASSED IN REGULAR SESSION, this 27th day of January, 2016



President, City Council



ATTEST



City Administrator, Carl Callahan

First Reading: January 13, 2016

Advertised: January 16, 2016 and January 23, 2016

Second Reading & Public Hearing: January 27, 2016

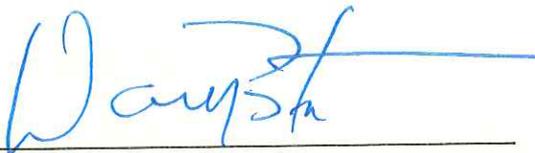
APPROVED AS TO FORM:



City Attorney, William R. Lisch



APPROVED by me, this 27th day of January 2016.



Mayor, Wayne H. Poston

Manatee Clerk of the Circuit Court
Angelina Colonneso, Clerk of Court
P.O. Box 25400 Bradenton FL 34206
Visit our website: "www.manateeclerk.com"

INVOICE *Ordinance 2973*

CITY OF BRADENTON

RECEIPT
#1 of #1

001.133200

FL

AR PAYOR: AR720002 GOOG Book# 2605 Page# 6179
DOC TYPE: GOV CALC AMOUNT: \$0.00
PAGES: 2 FILE# 003475120
Receipt: 420275574 2/02/16 3:07PM By: FGERNS

CODE	RECEIPT DESC.	FUND	ACCOUNT	QTY	FEES
R	RECORDING TRUST	199	000000341150	0	1.50
R	RECORDING FEES	001	000000341100	0	9.00
R	CLERK CT TECH FUND	199	000000341160	0	3.80
R	FL ASSOC COURT CLERK	001	000000208911	0	0.20
R	BD OF COUNTY COMM	001	000000208912	0	4.00

RECEIPT TOTAL: \$18.50
GRAND TOTAL: \$18.50



Receipt#
420275574 thru 420275574

OFFICE HOURS *****8:30 AM - 5:00 PM
"Pride in Service with a Vision to the Future"

Manatee Clerk of the Circuit Court
Angelina Colonneso, Clerk of Court
P.O. Box 25400 Bradenton FL 34206
Visit our website: "www.manateeclerk.com"

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EVALUATION AND REPORT
Department of Planning & Community Development

PROJECT #: AX.15.3628 Lapidus
TO: Mayor and City Council
FROM: Christopher M. Gratz, AICP, Development Services & Zoning Manager
DATE: 1/13/2016
APPLICANT: Allison-Gause, Inc., agent, for Saul Lapidus, owners
WARD: 4 – Bemis Smith

<u>CASE SYNOPSIS:</u>	
<i>Applicant's Request:</i>	<i>Annexation of 9.4 acres into municipal limits</i>
<i>Location:</i>	<i>1016 64th Street Court East</i>
<i>DRC Recommendation:</i>	Approval
<i>Staff Recommendation:</i>	Approval with one (1) stipulation
<i>Joint Planning Committee Review:</i>	<i>September 30, 2015, Move forward</i>
<i>City Council Action:</i>	<i>January 13, 2016</i>
<i>City Council Final Determination:</i>	<i>January 27, 2016</i>

APPLICANT'S REQUEST: Voluntary annexation of a contiguous parcel into the City of Bradenton municipal limits.

COMPLETE APPLICATION REMARKS: The application is adequately complete for consideration.

FINDINGS OF FACT

LOCATION OF SUBJECT PROPERTY: 1016 64th Street Court East, less than 400 feet south of State Road 64 East on the west side of 64th Street Court East. A legal description is included in the application. The subject property is also located in Neighborhood 20.12.

ACREAGE: 9.4 ±

FLOOD ZONE: A, X

CHARACTERISTICS OF THE SUBJECT PROPERTY: The subject property is vacant and heavily vegetated.

EXISTING LAND USE / CURRENT FUTURE LAND USE/ CURRENT ZONING:
 Vacant / RES-3 (County)/ A-1 (County)

PROPOSED FUTURE LAND USE/ZONING: SCC, Suburban Commercial Corridor

SURROUNDING PROPERTIES:

Existing: Commercial Zoning: GC (County) FLU: ROR (County)	Existing: Commercial Zoning: GC (County) FLU: ROR (County)	Existing: Commercial Zoning: GC (County) FLU: ROR (County)
Existing: Vacant Zoning: SCC (City) FLU: SCC (City)	SUBJECT PROPERTY	Existing: Vacant, Residential Zoning: A-1 (County) FLU: RES-3 (County)
Existing: Vacant, Residential Zoning: A-1 (County) FLU: RES-3 (County)	Existing: Residential Zoning: A-1 (County) FLU: RES-3 (County)	Existing: Residential Zoning: A-1 (County) FLU: RES-3 (County)

HISTORY/PREVIOUS ACTION RELEVANT TO APPLICANT'S REQUEST: N/A

ANALYSIS

EVALUATION OF CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The proposed Annexation does not appear to be inconsistent with Bradenton's Comprehensive Plan. The following Comprehensive Plan Goals, Objectives, and Policies are applicable to the request.

Future Land Use Element

Objective 1.7 Annexations

To expand City boundaries through annexation of unincorporated land in a logical, sequential and efficient manner.

The request is consistent with this objective; the property is the same width as the contiguous property in the City to the west.

Policy 1.7.1 Annexation Process

The City shall pursue annexation of property, not excluded by the adopted Urban Development Zone in accordance with "The Accord".

This property is not within the Urban Development Zone, the process as specified by The Accord has been followed, therefore the request is consistent with this policy.

Policy 1.7.2 Annexation Feasibility Study (AFS)

The City shall produce in addition to the requirements of "The Accord", an Annexation Feasibility Study for every proposed annexation outlining the property's compliance with the specific policies of Objective 1.7. At a minimum, the AFS will include:

- A statement addressing the requirements of annexations outlined in Ch. 171, FS.
- A statement addressing the potential creation of an enclave.
- A statement addressing the potential creation of a "leap-frog" extension.
- A statement addressing the potential creation of a nearly surrounded pocket of unincorporated land.
- A statement addressing the potential creation of an overly irregular City Boundary.
- An inventory of existing public services provided to the proposed annexation by the County or others.
- An inventory of public services to be provided by the City upon annexation.
- A statement from the City Engineer noting if the provision of public services to the proposed property will adversely affect the provision of services to existing City residents.
- The results of a fiscal impact assessment of the proposed annexation.

The applicant has provided a sufficient AFS which is included in the attached application materials.

Policy 1.7.3 Public Services

The City shall deny or delay annexations of properties that would cause a decrease in the City's ability to provide adequate public services to existing City residents at approved LOS standards, until such time as the deficiency can be corrected. Public services to be considered include, but are not limited to: Potable Water, Wastewater, Stormwater, Police, Fire Protection, Road Maintenance, Garbage Collection, Parks and Recreation.

No public services in which the level of service would be compromised by this annexation have been identified. It is noted that water and sewer may be provided by Manatee County; 64th Street Court East is a County road and proportional fair share impacts to it will be determined by the Manatee County.

Policy 1.7.4 Fiscal Impact

The City shall not approve a proposed annexation if a fiscal impact assessment of the property shows a negative benefit to the City, unless the annexation is to correct an overriding public health or safety issue.

A net positive fiscal impact for the City even with the property being undeveloped is anticipated, and once developed the tax revenues should have a net positive impact over services provided to the development. It is not possible to definitively make a finding on this factor, for example the need for services such as Police can vary.

Policy 1.7.5 Assignment of Future Land Use

The City shall assign land annexed into the City a future land use category during the next comprehensive plan amendment cycle, consistent with all policies in this Comprehensive Plan and adjacent land use categories, as shown on the adopted Future Land Use Map.

Concurrent with this annexation request are a Future Land Use Map and Zoning Atlas amendments to designate the property SCC, Suburban Commercial Corridor.

Policy 1.7.6 Public Facilities Efficiency

The City shall encourage annexation of property where the annexation promotes the efficiency of utilities or roadways.

The adjacent roadway is established and there are logical connections to utilities that can be made.

Policy 1.7.7 Avoid Enclaves

The City shall avoid annexations that create unincorporated enclaves.

The proposed annexation will not result in any enclaves being created.

Policy 1.7.9 Logical City Boundary

The City shall strive to avoid annexations that create an overly irregular City boundary.

The annexation is a linear extension of the City boundary with the parcel being the same width as the contiguous property in the City to the west.

Policy 1.7.10 Leap-Frog Annexations

The City shall avoid annexations that create linear "leap-frog" extensions resulting in land that is nearly completely surrounded by unincorporated land.

The property substantially abuts the City boundaries as it is the same width as the contiguous property in the City to the west.

Intergovernmental Coordination Element

Policy 1.3.8 Coordination of Annexation

Amendments to the City's Comprehensive Plan to address annexed property shall be compatible with Manatee County's Comprehensive Plan in regard to density and intensity limits and level of service standards.

The intensity of non-residential use on this property exceeds that of the Manatee County designation of RES-3, and level of service standards will be maintained when the property is developed with the assessment of impacts. It needs to be noted that the Manatee County Comprehensive Plan prohibits this property from being assigned a Commercial Future Land Use Map designation because it is not adjacent to a roadway designated as a collector or arterial, and the location of the property is well suited for non-residential development. It is less than 400 feet from State Road 64 and less than 1,000 feet from the I-75 Interchange, and adjacent to commercial uses on State Road 64, with 64th Street Court East at State Road 64 being a signalized intersection.

CONSISTENCY WITH JOINT PLANNING AGREEMENT A.K.A. "THE ACCORD":

Urban Development Zone(UDZ)/Joint Planning Overlay Considerations: The subject property is not located within the UDZ, therefore review by the Joint Planning Committee occurred.

Compatibility: Annexation of the subject parcel appears to be compatible with existing and contiguous City jurisdictional property with the same designation located immediately west, and the commercially developed property within the County's jurisdiction to the north. The applicant intends to market the parcel for a commercial use permitted by the City's SCC, Suburban Commercial Corridor future land use designation and zoning district.

Density Limit: The application represents a greater intensity since a commercial use is proposed when the current County designation is RES-3.

- "The Accord" requires that the proposed intensity must be found compatible with areas adjoining the area to be annexed, which approval shall not be reasonably withheld by the County; with a response from the County to be provided within 30 days of the request, unless such time is extended by mutual agreement.

Manatee County objected to the annexation, however the objections have been addressed and "The Accord" is not a binding inter-local agreement that can prevent an annexation from taking place. The Assistant County Attorney opined to the Board of County Commissioners that a legal challenge to this annexation would likely be unsuccessful.

Height Provisions: The standards set forth in the City's Land Use Regulations limit the height of development to 35 feet in the SCC zoning district, consistent with the maximum height limit stated in "The Accord", therefore a full public hearing using the height ordinance criteria of Manatee County is not required.

Environmental Sensitivity of the Property: The subject parcel is located in Flood Zone X, with a small part of it in Flood Zone A. The subject property is heavily vegetated; however, it contains no known areas of jurisdictional wetlands.

Impact Fee Equivalency: Pursuant to "The Accord", Section 4.B (5), the subject parcel is subject to both City and County impact fees; where the developer would pay the County the difference between City and County impact fees.

AVAILABILITY OF PUBLIC SERVICES:

Potable Water: City of Bradenton service is available on the south side of State Road 64 at Morgan Johnson Road. Manatee County service is available from 64th Street Court East through a six (6) inch line coming off of a 36 inch line.

Reclaimed Water: N/A

Sanitary Sewer: City of Bradenton service is available on the south side of State Road 64 at Morgan Johnson Road. Manatee County service is available on the south side of State Road 64 at 64th Street Court East through a 12 inch force main.

Solid Waste: City of Bradenton service is available.

Roads: Improvements to 64th Street Court East, to be determined by Manatee County, will be constructed concurrently with development of the site may be necessary since it is a two (2) lane road that is 20 feet in width.

Recreation: N/A

COST/BENEFIT ANALYSIS: No established procedure currently exists for this type of analysis.

SUMMARY OF OUTSIDE AGENCY/PUBLIC NOTIFICATION RESPONSE: Comments from the School District of Manatee County or Florida Department of Health are not necessary for a non-residential annexation.

ATTACHMENTS:

**“The Accord”
Pre-Application Meeting Comments
Development Review Committee Comments
Future Land Use Element (excerpt)
Permitted and Special Uses
Dimensional and Area Standards
Maps
Application
JPC Minutes
Correspondence from and to Manatee County**

STAFF RECOMMENDATION:

APPROVAL of AX.15.3628 based on the Findings of Fact with the following stipulation:

1. The applicant shall be responsible for all efforts and provide a guarantee for all costs to bring utilities to the property, by extending City of Bradenton services or by obtaining agreements from Manatee County, prior to the issuance of any development permit.
-

JOINT PLANNING COMMITTEE review took place on **September 30, 2015**, and a recommendation for the City to move forward with the process with annexation was approved 5-0.

CITY COUNCIL ACTION (January 13, 2016):

CITY COUNCIL FINAL DETERMINATION (January 27, 2016):

THE ACCORD

(For the Improvement of the Quality of Life of the Citizens)

WHEREAS, cooperation and coordination between the County Government, the School Board, and Cities of Manatee County is desirable and in the best interest of the citizenry ("Intergovernmental Coordination"), and

WHEREAS, a long term growth management strategy in which the Cities, the School Board, and County seek to identify and minimize service deficiencies and duplications, pool resources, coordinate planning, and seek efficiencies in government and education is desirable, and

WHEREAS, the coordination of consistent growth management policies through such identification, cooperation, planning and pooling is in the best interest of the citizens of Manatee and its Cities, and will provide for protection of Manatee County's (inclusive of the Cities') unique quality of life, and

WHEREAS, Intergovernmental Coordination is a key to the future success of our community, and the current visioning process (Imagine Manatee) may assist in such effort, and

WHEREAS, the Cities' ability to address their citizens' needs is, in part, dependent upon creating either an expanded tax base or alternative revenue sources, and

WHEREAS, a recent proposal for Charter Government has created dialogue regarding these matters but has not been embraced by the Cities;

NOW THEREFORE in order to improve the quality of life of the citizens, foster a better community, preserve the character of the Cities while enhancing their financial stability, to better unify growth management efforts, and to protect environmentally sensitive lands, the undersigned Cities, School Board, and County Government agree that:

1. Recitals. The above recitals are true and correct and incorporated herein.
2. Good Faith. The parties will in good faith focus on Intergovernmental Coordination as more fully set forth herein with the goal of entering into appropriate inter-local agreements consistent with these efforts within 60 days after approval of this Accord by all parties.
3. "Imagine Manatee". The parties agree to cooperate so that the Imagine Manatee visioning process that is being implemented for the community can truly be a community visioning that will result in the formulation of long term growth management strategies for the benefit of all the citizenry. To that end each party will appoint representatives to a committee to discuss and outline the basis for implementing the vision.

4. Annexation. The parties recognize that cooperation in growth planning requires communication and coordination. To that end, the County and Cities of Palmetto and Bradenton agree that regarding future land annexations other than those lands being annexed for redevelopment:

A. Joint Planning Committee. Within thirty (30) days of the date of this Agreement, the County, the School Board, and Cities of Palmetto and Bradenton will identify and assemble executed copies of all existing inter-local service-delivery agreements regarding sanitary sewer, public safety, solid waste, drainage and storm water, potable water, reuse water, parks and recreation, school facilities, and transportation facilities. The parties shall immediately create a five (5) person Joint Planning Committee ("JPC") consisting of one elected official appointed collectively by the governing bodies of the Town of Longboat Key, the City of Bradenton Beach, the City of Holmes Beach, and the City of Anna Maria and one elected official each appointed respectively by the governing bodies of Manatee County, the City of Bradenton, the City of Palmetto, and the Manatee County School Board.

B. Annexation Considerations. Annexation shall occur in accordance with the following:

(1) Intergovernmental Coordination. With regard lands located outside of the applicable City (that are not excluded as set forth in D below) there shall be an ongoing obligation of Intergovernmental Coordination regarding the matters set forth in paragraph A above. In the event of a proposed annexation, the JPC will meet and review and evaluate the propriety of such annexation in light of future land use, compatibility, service delivery mechanisms etc.

(2) Compatibility. It is understood a purpose of the JPC is to ensure that all factors including service components and compatibility with surrounding neighborhoods are fairly addressed from a technical and professional perspective. In that connection the JPC shall propose policies for development that will serve as a basis for a Joint Planning Agreement. Items that may be appropriate for a Joint Planning Agreement include, without limitation, utility territorial areas, identification of police and fire service and infrastructure areas, environmental land considerations, joint concurrency, restrictive zoning and unique/historic areas, provisions for dispute resolution, identification of potential joint grant opportunities, etc. The recommendations of the JPC shall be public but not binding on any party.

(3) Density Limit. The Cities of Bradenton and Palmetto agree that annexation of land areas shall not result in greater intensity and density than that provided in the currently (today) existing designation of future land use contained in the Manatee County Comprehensive Plan (without the County's approval which approval shall not be unreasonably withheld) and such intensity and density shall be compatible with areas adjoining the area to be annexed. Where County approval is required, the County agrees to respond within 30 days of the request, unless such time is extended by mutual agreement.

(4) Height Consideration. It is understood that no increase in building height over 35 feet shall be permitted in annexed areas without full public hearing in front of the applicable City Council using the height ordinance criteria of Manatee County that currently exists and that the County shall have the obligation to present its perspective on such proposals, if applicable.

(5) Impact Fee Equivalency. The purpose of this provision is to remove the financial incentives for annexation where the focus of such is simply to save impact fees as opposed to the positive benefits of annexation as the reason for such. Accordingly, the Cities agree that such annexation shall require a contribution from the owners or developers of such annexed land of an amount at least equivalent to the impact fees in effect for the County at the time the development occurs on such annexed property for a period of at least five (5) years after such annexation takes place. (This limitation shall survive the termination of this Agreement provided, however, such five year limit shall not apply to any annexation that occurs pursuant to these provisions if no sales tax initiative is adopted by May 31, 2003 as set forth in paragraph 6.) "Equivalence" shall take in account (as a deduction) current impact fees or related fees (such as facility investment fees) paid to the Cities with regard to the development. All such monies paid shall remain the monies of the City, but shall be used in a manner similar for the categories of such impact fees to benefit the entire citizenry. However, if an equivalency fee is collected for impacts for which only the County provides the service then such portion of the fee collected shall be provided to the County provided such service or facilities will be reasonably provided in the subject impact fee district for the benefit of the applicable land and its occupants. The developers and owners of the property being so annexed shall have the right to credits against such Equivalency sum for the costs of improvements made by them that are deemed to be for the public benefit (e.g. impact fee creditable). Nothing herein shall be deemed to preclude the County from seeking to impose county-wide impact fees in accordance with state law. [It is understood that the foregoing is a conceptual expression of the parties' intent and may be set forth in an interlocal agreement, but that in order to implement the concept of equivalency in a legal manner, there may be substantial adjustments in the mechanisms necessary to accomplish same.]

C. Service Delivery Mechanism. No annexation shall occur without the appropriate service delivery mechanisms being addressed. In that connection the JPC shall attempt to resolve issues of concern.

D. Excluded Urban Development Zone (Redevelopment Focus). With regard to the Cities of Palmetto and Bradenton, the parties will agree to identify and map a limited urban development zone ("UDZ") that is external to each City but within which any future annexations will be accepted by the County as appropriate for urban development and the City's judgement with regard to density, height and other growth management shall be predominant and sovereign. While the provisions of paragraph 4B shall not be binding upon Palmetto or Bradenton regarding UDZ lands, the JPC will assist in the identification of such areas for designation by the County and Cities. The standard for this limited "urbanization" zone shall relate to:

(a) existing developed areas adjacent to the Cities' developed areas, or

(b) limited in-fill opportunities that are adjacent to "urbanized" areas for which the external infrastructure needed to serve future improvements largely exists.

E. UDZ Adjustment. The UDZ and Joint Planning Area ("JPA") shall be reviewed by the JPC every two (2) years with the recommendations of the JPC to be presented to the County and affected City Council. Such designation shall be modified as appropriate.

5. Efficiency in Government. Intergovernmental Coordination shall continue to emphasize the savings of tax dollars via efficiency in government. This shall involve collaborative efforts for consolidating or sharing of services where appropriate. In that regard, the parties agree to authorize their staffs to:

(a) work toward an integrated and inter-local traffic management system,

(b) evaluate the existing three 911 systems for increased service and efficiency, and

(c) evaluate opportunities to save where there are duplication of services through enhanced inter-local agreements.

(d) evaluate other potential consolidation of services between the Cities of Palmetto and Bradenton.

6. Sales Tax. The County agrees to support the Cities in seeking a $\frac{1}{2}\text{¢}$ sales tax if needs are presented for which a sales tax initiative is appropriate. The Cities shall retain their portion of the $\frac{1}{2}\text{¢}$ sales tax as a revenue source to address revitalization and other needs of the Cities. It is understood that the Cities' of Palmetto and Bradenton's agreement to the provisions of paragraph 4B are dependent upon the implementation of such tax and its ongoing availability to the Cities. The Cities of Palmetto and Bradenton agree to immediately abide by the provisions of paragraph 4B and continue to do so at least until May 31, 2003, provided the parties are in good faith proceeding with the foregoing initiative.

7. Environmentally Sensitive Lands. The parties recognize that as the community expands through both redevelopment and new development, the opportunities to preserve valuable and environmentally sensitive lands are being lost. The Cities agree to support the County's efforts at obtaining an appropriate funding source to be used to secure such environmentally sensitive lands for the public interest.

8. Dispute Resolution. The parties agree to explore non judicial dispute resolution mechanisms where appropriate. This includes facilitation by local intermediaries, mediation or arbitration. The parties agree to meet at least once a year

to enhance communication, review areas of concern and to maximize Intergovernmental Coordination.

9. Mutual Support. The parties offer, where appropriate, to provide mutual support to each other, upon request, for guidance, coverage and other matters where savings and efficiencies can be maximized to the benefit of all. The parties agree to partner with each other to enhance their financial stability, where appropriate.

IN WITNESS WHEREOF, the undersigned agree to this Accord:

ATTEST: R. B. Shore
Clerk of Circuit Court

By: [Signature]
Date: 3/26/02



By: _____
Date: _____

BOARD OF COUNTY COMMISSIONERS

By: [Signature]
Its: First Vice-Chairman 3/26/02

CITY OF BRADENTON, a municipal corporation of the State of Florida

By: _____
Its: _____

CITY OF PALMETTO, a municipal corporation of the State of Florida

ATTEST:
By: _____
Date: _____

By: _____
Its: _____

CITY OF BRADENTON BEACH, a municipal corporation of the State of Florida

ATTEST:
By: _____
Date: _____

By: _____
Its: _____

CITY OF ANNA MARIA, a municipal corporation of the State of Florida

ATTEST:
By: _____
Date: _____

By: _____
Its: _____

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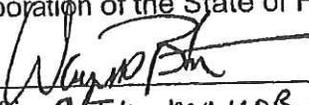
BOARD OF COUNTY COMMISSIONERS

By: _____
Date: _____

By: _____
Its: _____

ATTEST:
By: 
Date: APRIL 10, 2002

CITY OF BRADENTON, a municipal corporation of the State of Florida

By: 
Its: CITY MAYOR

ATTEST:
By: _____
Date: _____

CITY OF PALMETTO, a municipal corporation of the State of Florida

By: _____
Its: _____

ATTEST:
By: _____
Date: _____

CITY OF BRADENTON BEACH, a municipal corporation of the State of Florida

By: _____
Its: _____

ATTEST:
By: _____
Date: _____

CITY OF ANNA MARIA, a municipal corporation of the State of Florida

By: _____
Its: _____

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Clerk of Circuit Court

BOARD OF COUNTY COMMISSIONERS

By: _____
Date: _____

By: _____
Its: _____

ATTEST:

CITY OF BRADENTON, a municipal
corporation of the State of Florida

By: _____
Date: _____

By: _____
Its: _____

ATTEST:

CITY OF PALMETTO, a municipal
corporation of the State of Florida

By: Karen A. Conlon, CITY CLERK
Date: 4/15/02

By: Lawrence E. Bustle
Its: Mayor

ATTEST:

CITY OF BRADENTON BEACH, a
municipal corporation of the State of Florida

By: _____
Date: _____

By: _____
Its: _____

ATTEST:

CITY OF ANNA MARIA, a municipal
corporation of the State of Florida

By: _____
Date: _____

By: _____
Its: _____

to enhance communication, review areas of concern and to maximize Intergovernmental Coordination.

9. Mutual Support. The parties offer, where appropriate, to provide mutual support to each other, upon request, for guidance, coverage and other matters where savings and efficiencies can be maximized to the benefit of all. The parties agree to partner with each other to enhance their financial stability, where appropriate.

IN WITNESS WHEREOF, the undersigned agree to this Accord:

ATTEST: R. B. Shore
Clerk of Circuit Court

By: _____
Date: _____

ATTEST:

By: _____
Date: _____

ATTEST:

By: _____
Date: _____

ATTEST:

By: Chadler Patterson
Date: April 4, 2002

ATTEST:

By: _____
Date: _____

BOARD OF COUNTY COMMISSIONERS

By: _____
Its: _____

CITY OF BRADENTON, a municipal corporation of the State of Florida

By: _____
Its: _____

CITY OF PALMETTO, a municipal corporation of the State of Florida

By: _____
Its: _____

CITY OF BRADENTON BEACH, a municipal corporation of the State of Florida

By: John R. Chappie
Its: MAYOR

CITY OF ANNA MARIA, a municipal corporation of the State of Florida

By: _____
Its: _____

ATTEST:

CITY OF HOLMES BEACH, a municipal corporation of the State of Florida

By: _____

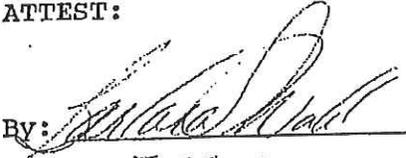
By: _____

Date: _____

Its: _____

ATTEST:

TOWN OF LONGBOAT KEY, a municipal corporation of the State of Florida

By: 

By: Ronald A Johnson

Date: 5-23-02

Its: VICE-MAYOR

ATTEST:

SCHOOL BOARD OF MANATEE COUNTY

By: _____

By: _____

Date: _____

Its: _____

ATTEST:

By: _____
Date: _____

CITY OF HOMES BEACH, a municipal corporation of the State of Florida

By: _____
Its: _____

ATTEST:

By: _____
Date: _____

TOWN OF LONGBOAT KEY, a municipal corporation of the State of Florida

By: _____
Its: _____

ATTEST:

By: Marilyn Clark
Date: 4-1-02

SCHOOL BOARD OF MANATEE COUNTY

By: Harry S. Kincaid
Its: Chairman



CITY OF BRADENTON
PRE-APPLICATION MEETING
COMMENT SHEET

Application # PM.15.0103 Pre-App Date: Jan 27, 2015

Applicant: Andy Allison - Annexation 1016 64th St Ct E

PUBLIC WORKS DEPARTMENT:	<u>Jim McLellan, PE 708-6300</u>
FIRE DEPARTMENT:	<u>Fire Marshal K. Langston 932-9603</u>
POLICE DEPARTMENT:	<u>Officer K. Camacho 741-3041</u>
PCD DEPARTMENT:	<u>Tim Polk 932-9408</u>
BUILDING DIVISION:	<u>Jeff Camden, CBO 932-9405</u>

COMMENTS

Potential annexation of 9.46 acres into City. Property presently undeveloped, heavily vegetated. Current city limit immediately west of property.

Current County Zoning: GC/A-1. Current County FLU: ROR

Applicant intends to develop the property with commercial uses.

No City utilities in the area. Provision of water/sewer services must be obtained via agreement from Manatee County.

Primary access to property is via 64th St Ct E, an undivided 20ft paved local County road. ROW use permits from Manatee County will be required. Intensity of proposed commercial may require significant improvements to roadway capacity.

Compatible City Zoning: SCC. Compatible City FLU: SCC.

Annexation/Comp Plan/Rezone applications to be processed concurrently but approved respectively.



CITY OF BRADENTON
DEVELOPMENT REVIEW COMMITTEE
COMMENT SHEET

Application # AX.15.3628, LU.15.3630, CP.15. DRC Date: September 8, 2015

Project Name: (Owner: Saul Lapidus Agent: Andy Allison)- Request for Annexation of 9.46 acres, Zoning Atlas Amendment, and Small Scale Comp Plan Map Amendment
1014 64th Street Ct East

PUBLIC WORKS DEPARTMENT	Official: Kim Clayback, P.E.
Detailed comments regarding utilities will be made when a use is decided upon. City utilities are preferred. Agreements must be obtained for water/sewer use from Manatee County. City water lines are accessible, and there are lift stations nearby at SR64/Morgan Johnson Rd and at 4 th Ave Court.	

FIRE DEPARTMENT	Official: Fire Marshal K.Langston
Provide locations of fire hydrants.	

POLICE DEPARTMENT	Official: Officer Kim Camacho
PD will need contact information in case of any problems.	

PCD DEPARTMENT	Official: Tim Polk, Chris Gatz, M.Schwarz
Parcel is not within the UDZ. Will require Joint Planning Committee review and recommendation (to be scheduled by City Staff).	
Requested Land Use is from (MC) <u>Res-3 to SCC</u> , <u>Zoning from A-1 to SCC</u> . Request is appropriate to adjoining uses and zoning.	
New survey will be required prior to public hearing.	
Please provide an Annexation Feasibility Study (AFS), outlining the property's	

compliance with the specific policies of Objective 1.7 of the City of Bradenton Comprehensive Plan. At a minimum, the AFS will include:

- A statement addressing the requirements of annexations outlined in Ch. 171, FS.
- A statement addressing the potential creation of an enclave.
- A statement addressing the potential creation of a “leap-frog” extension.
- A statement addressing the potential creation of a nearly surrounded pocket of unincorporated land.
- A statement addressing the potential creation of an overly irregular City Boundary.
- An inventory of existing public services provided to the proposed annexation by the County or others.
- An inventory of public services to be provided by the City upon annexation.
- A statement from the City Engineer noting if the provision of public services to the proposed property will adversely affect the provision of services to existing City residents.
- The results of a fiscal impact assessment of the proposed annexation.

DRC Determination:	Approve	Deny	Forward to Joint Planning Commission Review X
---------------------------	---------	------	--

Professional Office/Medical

Offices, medical facilities, public facilities, limited commercial and educational facilities.

Maximum floor area ratio: 0.35

Urban Commercial Corridor

Commercial uses with moderate residential density, offices, light commercial, retail, hotel, restaurant, educational, social services, automotive sales

Residential – 10 DU/ acre or 13 DU/acre (Dwelling units proposed above the base density threshold must meet the City’s moderate income housing guidelines as established in the City of Bradenton Local Housing Agency Plan (LHAP) as may be amended from time to time, as well as Policies 1.2.1 – 1.2.4 of the Housing Element.)

Maximum floor area ratio: 0.7

Suburban Commercial Corridor

Commercial uses commensurate with suburban arterial roadways, retail, office, automotive sales, automotive repair and service, hotel, motel, restaurants, social services

Maximum floor area ratio: 0.50

Recreational/Open Space

Parks, and designated open areas.

Maximum floor area ratio: N/A

Conservation

All land below the two-foot contour line or otherwise designated by documented tidal wetland delineation. Docks, boardwalks, or passive recreational uses only.

Urban Central Business District (UCBD)

The UCBD is the most intensely developed area of the City. It includes the Central Business District, Riverwalk, and West Historic District. Together, these sub-areas form the downtown of the City and provide a vital place for social, cultural, and economic interchange. The Urban Core is also a hub for governmental and civic uses.

The purpose of the UCBD category is to establish, define, promote, and facilitate the redevelopment and enhancement of the City’s primary and historical urban center. The UBDC land use category is further intended to implement the downtown and general redevelopment goals, objectives, and policies of the Future Land Use Element as well as to promote the accomplishment of the City’s Community Redevelopment Area

(CRA) designation for the downtown area and the implementation of redevelopment plans, studies, and regulations.

The UCBD allows and encourages a mixture and range of uses generally associated with or considered compatible with traditional urban core central business districts, particularly those that are pedestrian friendly, and not necessarily catering to automobile traffic. Proposed uses within the area encourage the development of a lively, mixed-use, walkable downtown that effectively serves Bradenton residents, merchants, visitors, and employees. Uses include: offices, personal and professional services, commercial, retail, public and semi-public facilities, educational, institutional, restaurants, parks, recreation, and entertainment venues, and medium to high density residential uses are desired subject to compatibility with and appropriate transition considerations to adjacent low density residential uses.

*Maximum floor area ratio: 5.0
Maximum base density: 40 dwelling units per acre*

Maximum Density with moderate income housing bonus: 50 dwelling units per acre (Dwelling units proposed above the base

SCHEDULE 3.2.1.2 - continued													
PERMITTED AND SPECIAL USES/MIXED-USE AND NON-RESIDENTIAL LAND USE ATLAS													
DISTRICTS													
USE ^{(1)/(5)}	UV ⁽⁶⁾		UC/UCBD ⁽³⁾		UCC		SCC		P		I		
	P	SU	P	SU	P	SU	P	SU	P	SU	P	SU	
AUTOMOTIVE USES													
Service Station/Repair		X				X		X				X	
Car Wash						X		X				X	
Auto Sales/Rental						X	X					X	
Parking Lot/Garage	X		X		X		X		X			X	
Automotive Specialty				X		X	X					X	
AMUSEMENT ESTABLISHMENTS													
Adult Entertainment*				X		X		X					
Indoor		X		X		X		X					
Outdoor		X				X		X					
Parks	X		X			X		X		X			X
Clubs		X		X		X		X		X			
TRANSPORTATION USES													
Public Transportation Terminal		X		X		X	X					X	
Marinas				X		X						X	
Motor Freight Terminals													X
Marine Establishments				X		X	X					X	
Heliports ⁽¹¹⁾				X		X		X		X			X
Docks and Piers ⁽⁴⁾			X		X		X		X			X	
SERVICE AND EQUIPMENT ESTABLISHMENTS													
Testing Laboratories				X		X	X			X		X	
Heating and Fuel								X				X	
Ice Plant				X		X		X				X	
Building Materials				X		X		X				X	
Construction Service				X		X	X					X	
Farm/Marine Supplies				X		X		X				X	
Laundry/Dry Cleaning Plant								X				X	
Wholesale								X				X	
Storage Establishments				X	X			X				X	
Plant Nurseries						X	X					X	
Communication Towers*				X		X		X		X			X
MANUFACTURING													
Light						X		X				X	
Heavy													X
RESIDENTIAL USES													
Single-Family	X		X		X								
Multi-Family	X		X										
Mixed Use/Home Occupation	X		X		X								
Dwelling Unit w/ Principal bldg	X		X		X		X		X				
Garage Apartment	X												
PUBLIC FACILITIES													
Seasonal Sales ⁽²⁾			X		X		X						
PRIVATE EVENTS	X		X		X		X		X			X	
PUBLIC EVENTS REQUIRE CITY COUNCIL APPROVAL													
Convenience, Grocery, Drugs		X		X		X		X					X
Comparison Goods	X		X		X		X		X				
Secondhand Stores			X		X		X						
Auction Houses*		X		X		X		X					

P = Permitted Use S = Special Use Blank = Not Permitted

Continued

SCHEDULE 3.2.1.2 - continued														
PERMITTED AND SPECIAL USES/MIXED-USE AND NON-RESIDENTIAL LAND USE ATLAS DISTRICTS														
USE ⁽¹⁾⁽⁵⁾	UV ⁽⁶⁾		UC/UCBD ⁽³⁾		UCC		SCC		P				I	
	P	SU	P	SU	P	SU	P	SU	P	SU			P	SU
EATING/DRINKING ESTABLISHMENTS⁽⁷⁾														
Restaurants – over 20 seats	X		X			X		X						
Shopping Center Restaurants			X		X		X							
Lounges		X		X		X		X						
Catering			X		X		X							X
Take Out/Delivery/Drive Through		X		X	X		X							
Café/Sidewalk Café < 20 seats ⁽⁷⁾	X		X		X		X		X					
NEWSRACKS, MODULAR*	X		X		X		X		X				X	
SERVICE ESTABLISHMENTS														
Personal Service	X		X		X		X		X					
Business/Domestic Service	X		X		X		X							
Kennels, Animal Boarding						X		X						X
Free Standing Ice Vending Machine								X						
EDUCATIONAL AND RELIGIOUS														
Schools, Public and Private ⁽⁹⁾		X				X		X		X				
Business, Training Schools	X		X		X		X		X					
Educational		X		X		X		X		X				
Cultural	X			X		X		X		X				
Dormitories				X		X	X							
Religious Establishments ⁽⁹⁾					X		X							
Cemeteries						X		X						
Mortuaries, Funeral Homes, Crematories		X		X	X		X							
Day Care Centers* ⁽⁸⁾⁽⁹⁾		X		X		X		X	X					
OFFICES – NON-MEDICAL	X		X		X		X		X				X	
LODGING														
Hotels		X		X		X		X						
Motels						X		X						
Bed and Breakfast	X		X			X		X						
Boarding Houses*						X		X						
HEALTH CARE & SOCIAL SERVICE FACILITIES														
Hospitals ⁽¹¹⁾				X		X		X		X				
Nursing Homes*				X		X		X	X					
Health Services	X		X		X		X		X					
Group Care Homes ¹²				X		X		X	X					
Group Care Facilities* ¹²				X		X		X	X				X	
Social Services Establishment						X		X		X				
Veterinarian/Animal Hospital				X	X		X		X				X	

P = Permitted Use SU = Special Use Permit Blank = Not Permitted

* Indicates that there are specific use regulations pertaining to the use (*Section 4.3*).

(1) Outdoor storage and/or display in conjunction with any use is not permitted unless specifically approved by Special Use Permit.

(2) Limited to four per year, maximum two weeks duration each, except Christmas Tree Lots which are limited to once yearly for 30 days.

(3) Refer to *Section 3.4.6*, Special District Regulations, for use permissions in the Antique District Overlay.

(4) Docks and piers proposed for public waterfront and those not meeting the criteria in *Section 5.1.2.14* shall require a Special Use Permit.

(5) Retail establishments providing modeling services require 1,000 square feet per room.

(6) Buildings within 40 feet of a local street abutting a residential land use district must be residential in use and character and oriented to the local street. Neighborhood-serving retail uses may be allowed for corner parcels at local and minor collector street intersections if approved as a Planned Development Project with a positive recommendation from the Architectural Review Board.

(7) City Council approval may be required. Refer to *Sections 2.2.9* and *4.3.1* for alcoholic beverage sales and approval requirements.

(8) Adult and child day care centers with six or less clients and "Family Day Care Home" as defined and licensed by HRS are exempt from zoning requirements.

(9) Day care centers, schools, churches, and other religious establishments can not be located within 500 feet of any Adult Entertainment Establishment.

(10) Permitted use inside the Urban Central Business District Overlay.

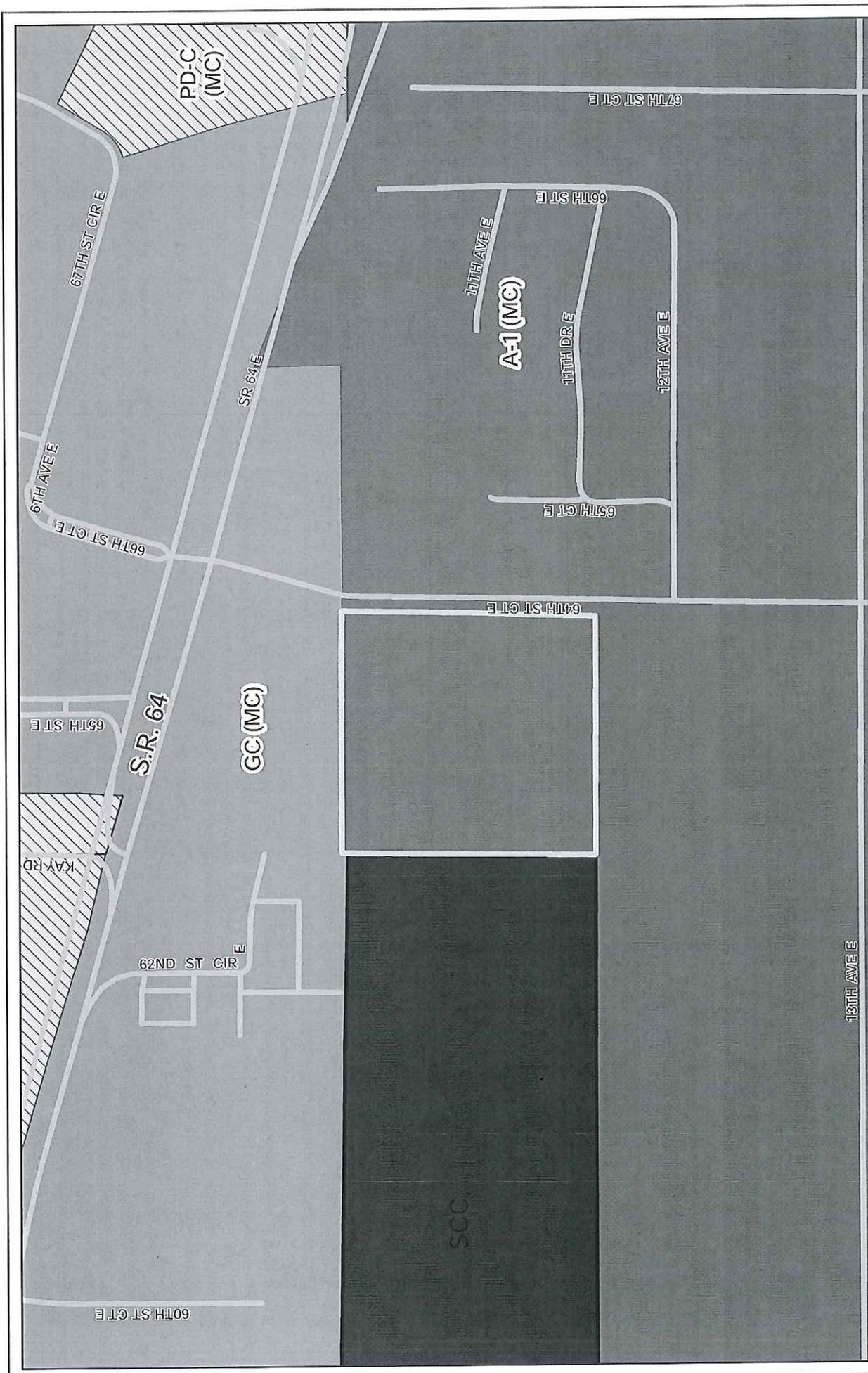
(11) Helicopter pads shall be a permitted accessory use to hospitals and public safety facilities.

(12) Shall be a state licensed facility.

**SCHEDULE 3.2.2.2
DIMENSIONS AND AREA STANDARDS FOR MIXED USE AND NON-RESIDENTIAL DISTRICTS**

STANDARD	MIXED-USE										INDUSTRIAL
	UV			COMMERCIAL				PROFESSIONAL	INDUSTRIAL		
	Arterial ⁽¹⁾	Non-Arterial ⁽²⁾	UC	UCBD	UCC	SCC	P			I	
NON-RESIDENTIAL BUILDINGS (Building Setbacks in Feet) ⁽⁹⁾	5 ⁽³⁾	10	none	none	20	35	35	25			
Front	0	5	none	none	10	10	10	20			
Side	0	15	none	none	15	25	25	25			
Rear	n/a	n/a	35	35	35	35	35	35			
Side or rear adjacent to residential district ⁽¹⁰⁾	none	none	none	none	10	10	10	10			
Accessory building/structure setback in feet, side or rear ⁽¹¹⁾	0.7	0.7	5	5	0.5	0.5	0.35	1			
Maximum floor area ratio ⁽¹²⁾	60 ⁽⁴⁾	35 ⁽⁵⁾	95	95	35	35	45	45			
Maximum building height (in feet) ⁽¹³⁾	5	3	8	8	2	2	3	4			
Maximum building height (in stories)	25 ⁽⁶⁾⁽⁷⁾		60 ⁽⁶⁾⁽⁸⁾	40 ⁽⁶⁾⁽⁸⁾	10 ⁽⁶⁾⁽⁸⁾						
MAXIMUM RESIDENTIAL DENSITY IN DWELLINGS UNITS PER ACRE (where permitted)											

- (1) Standards apply to buildings fronting arterial roadways listed in Section 4.1.3 .
- (2) Standards apply to buildings fronting local or collector streets listed in Section 4.1.3.
- (3) Maximum building setback of fifteen (15) feet.
- (4) Within 125 feet of parcel boundary fronting arterial roadway . Within 125 feet of parcel boundary fronting arterial roadway and local or minor collector street (corner parcel), height may be increased to 85 feet.
- (5) Within 85 feet of parcel boundary fronting local street or minor collector.
- (6) A density bonus of up to ten (10) dwelling units per acre may be granted for Planned Development Project applications subject to Architectural Review Board (ARB) design and compatibility review if such unit(s) meet the following conditions: (1) remains owner occupied with homestead tax exemption status; (2) the initial sales price does not exceed the purchase price limit set forth in the adopted City of Bradenton Local Housing Agency Plan, as may be amended from time to time; and (3) said unit does not exceed said purchase price limit for a time period of not less than five (5) years from date of first occupancy.
- (7) See Schedule 3.2.2.1 for Urban Village Residential Standards.
- (8) Areas inside the Coastal High Hazard Area being the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm model are limited to dimensional and area standards and density limitations set forth in the R-3C District.
- (9) An overhang of up to three (3) feet is permitted to extend into the required setback unless the overhang would extend into a public facilities easement or right-of-way. No footings or structural supports shall be located in an public facilities easement, drainage easement or right-of-way.
- (10) A five (5) foot separation strip shall be provided along all property lines abutting a residential zone. Within the strip, a permanent buffer, such as a wall or evergreen hedge, with a minimum height of six (6) feet shall be provided.
- (11) Previous wood decks for outdoor seating may extend to side and rear property lines at the discretion of the PCD Director. No deck or structure pursuant to this allowance may extend over any water body or wetland. Additional standards may apply for such approval.
- (12) Floor area ratio is defined as the total building area divided by the total land area of the site and is limited to non-residential uses not including parking, public atriums, and/or indoor plazas and courtyards.
- (13) The maximum building height permitted, except in the UV, UC or UCBD zone, may be increased provided one additional foot is added to each required setback for each additional foot to building height. In UV, UC or UCBD Districts, increased height may be permitted with the approval of the City Council upon the recommendation of the ARB, provided adjoining properties would not be adversely affected based on visual impact and design and compatibility analysis and consistency with the Tamiami Trail Revitalization Strategy.
- (14) Gasoline pumps and propane tanks shall meet a 25 foot front setback and shall be landscaped.



Application #: AX.15.3628, LU.15.3630, CP.15.3629
 Agent: Allison-Gause, Inc.
 Owner: Saul Lapidus
 Address: 1016 64th St Ct East



**EXHIBIT G
ZONING**

Legend

- City Boundary
- Subject Parcel



Prepared by Department of
Planning and Community Development

Rm



Annexation Application

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400
www.cityofbradenton.com

CONTACT INFORMATION

Name of Property Owner: Saul Lapidus

Owner Address: 5430 Eagles Point Circle Sarasota, FL Telephone: 941-923-0535

Name of Agent: Allison-Gause, Inc.

Agent Address: 926 14th Street West Bradenton, FL Telephone: 941-708-5400

Owner/Agent Email: Andy@allisongause.com, Bob@allisongause.com

REQUIRED

PROPERTY INFORMATION

Property Address: 1016 64th Street Court East Bradenton, Florida 34208

Parcel ID: 1442800059 Acreage: 9.46

Existing Use of Property: Vacant

Existing Zoning: GC, A-1, CITY Existing Future Land Use: ROR, CITY, RES-3
**Existing Zoning and Future Land Use information may be obtained from Manatee County Government at (941) 748-4501*

Proposed Use of Property: Commercial Use

Proposed Zoning: Suburban Commercial Corridor Proposed Future Land Use: Suburban Commercial
**click to view city zoning map* **click to view city LU map*

IS THIS A REQUEST FOR CONTRACTION OR DE-ANNEXATION? Yes No

REQUIRED

MATERIALS FOR REVIEW

Before submitting an application to the City of Bradenton, please check with the Planning & Community Development Department to verify all essential information for review is present. Incomplete applications will delay the review process.

- ▶ Annexation Application
- ▶ Application Fee: Property up to 10 Acres - \$2,120. Property 10 Acres or more - \$3,120
- ▶ Notarized Agent Authorization Form, if applicable
- ▶ Letter of Request
- ▶ Legal Description
- ▶ Property Survey (signed & sealed within the last three years)
- ▶ Aerial Photo of Property
- ▶ Additional information may be required for review, as needed

REQUIRED

SIGNATURE

The owner of this property and/or the undersigned agree to conform to all applicable laws of the City of Bradenton and to all applicable Federal, State, and County laws.

[Signature] Date 7/28/2015

Signature of Owner/Applicant

REQUIRED

CITY STAFF ONLY

Application Fees:
Fee Required: \$2,120 (10 acres or less)
\$3,120 (10 acre or more)

FEE COLLECTED: \$ 2,120.00

RECEIPT #: 004237-0003

Application Sufficiency:
Sufficient:
Incomplete:

AX
APPLICATION #: 1536028

CITY STAFF ONLY

2ND CC READ: 12/16/15

1ST CC READ: 11/18/15

JPC REVIEW: 9/30/2015

DRC: 9/8/15

REVIEW DATES - TO BE COMPLETED BY CITY STAFF



Allison
Incorporated
Gause

Engineering

August 28, 2015

Landscape
Architecture

Mr. Christopher Gratz
City of Bradenton Planning and Community Development
101 Old Main Street
Bradenton, FL 34205-6258

Planning

Environmental
Consultants

RE: **Lapidus Annexation (9.46 Acres)**
Annexation Application
Parcel ID #1442800059

Consulting
Arborist



On behalf of our client, Thomas McCormick, we are respectfully petitioning for annexation of a 9.46 +/- acre parcel of land located at 1016 64th St. Court East; Bradenton, FL 34208.

Please find the following enclosed items included in this submittal:

1. Annexation Application
2. Application Fee Check- \$2,120
3. Notarized Agent Authorization Form, if applicable
4. Letter of Request (Cover Letter)
5. Legal Description
6. Property Survey (Per conversation with Christopher Gratz, an updated survey is being completed at this time and will be delivered with Response to Comments Submittal)
7. Aerial Photo of Property

Should you have any questions or require additional information, please feel free to call.

Sincerely,

ALLISON-GAUSE INC.
M. Andrew Allison, P.E.
cc: Mr. Barry Seidel (via e-mail)

City Of Bradenton
EXHIBIT B
AX.15.3628



Agent Authorization Form

Department of Planning & Community Development
101 Old Main Street, Bradenton, FL 34205
Ph: (941) 932-9400
www.cityofbradenton.com

PLANNING & ZONING AGENT AUTHORIZATION FORM

Property Address: 1016 64th Street Court East Bradenton, FL 34208

I, Saul Lapidus, the registered property owner(s) of the above noted property, do hereby authorize

Allison-Gause, Inc.
Print Name of Agent

Company Name

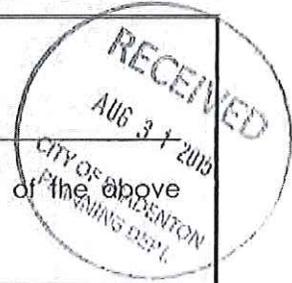
to act on my behalf and take all actions necessary for the processing, issuance and acceptance of this permit or certification and any and all standards and conditions applicable.

[Signature]
Signature of Owner(s)

5450 Eagles Pt Circle Sarasota, FL
Owner(s) Address (if different than property above)

[Signature]
Signature of Agent

926 14th Street West Bradenton, FL 34205 (941)708-5400
Agent Address and Phone



AGENT AUTHORIZATION

REQUIRED

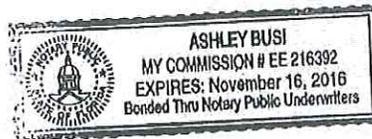
STATE OF FLORIDA, MANATEE COUNTY

The Foregoing instrument was acknowledged before me this 25th day of July, 2015 produced Saul Lapidus respectively, as

as identification and who did (did not) take an oath:

[Signature]
Signature

Ashley Busi, Notary Public
Print Name



State of Florida
My Commission Expires: November 16, 2016

NOTARY

REQUIRED

AX. 15. 3628

City Of Bradenton

EXHIBIT C Agent Authorization Form 2015

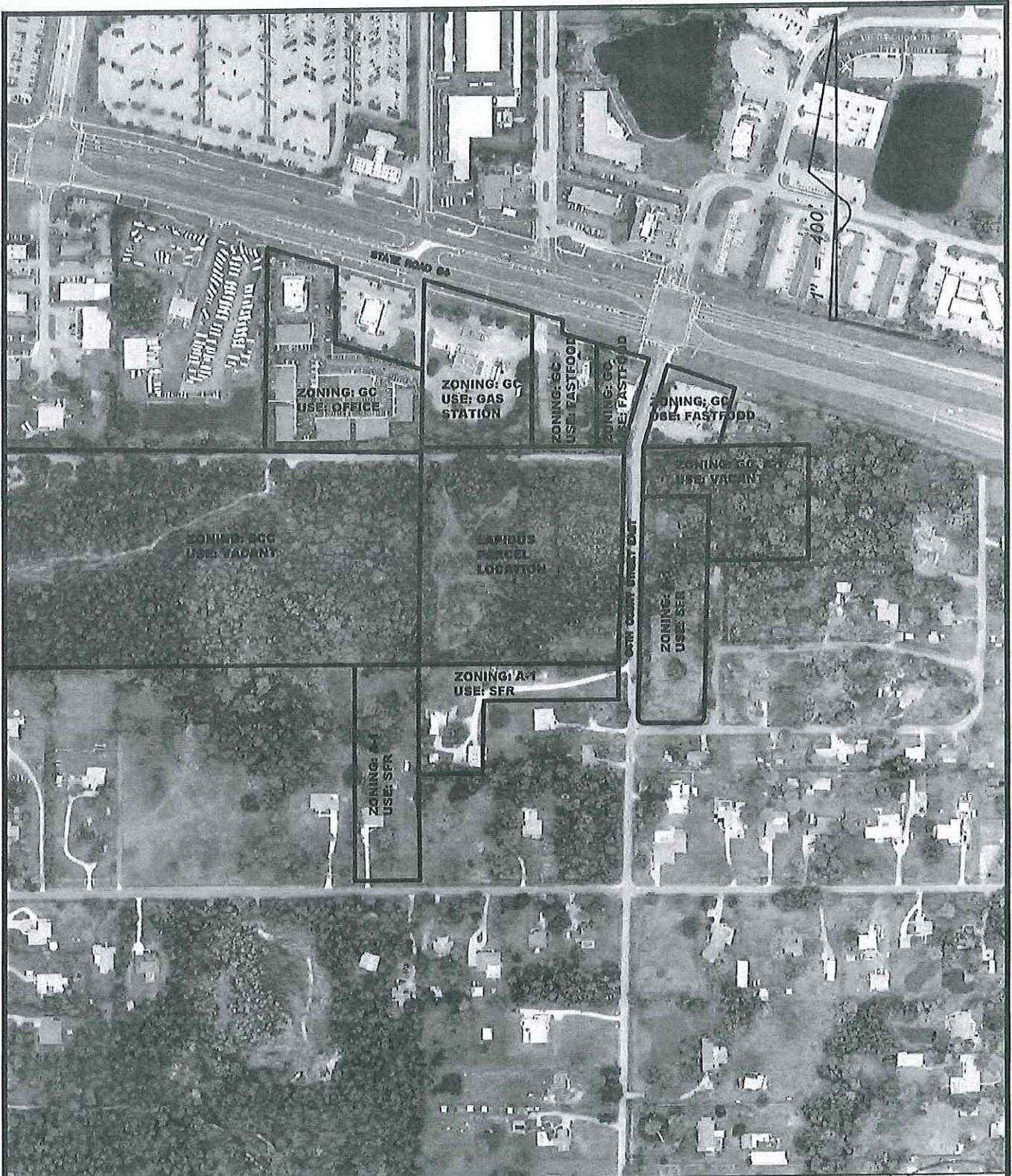
FULL LEGAL- 1442800059

BEG AT THE NW COR OF SEC 35, TWN 34 S, RNG 18 E; TH E 630 FT; S 660 FT; W 619.43 FT; N 660 FT TO THE POB; BEING FURTHER IDENTIFIED AS TRACTS 1 & 2 MAGNOLIA MANOR UNRECORDED & IS THE SAME LAND AS DESC IN OR BK 300, P 389 & OR BK 327, P 265 OF THE PRMCF. (2087/6072) PI#14428.0005/9



City Of Bradenton
EXHIBIT J

15. 3628



LAPIDUS ANNEXATION

LOCATED IN:
S 35, 34, 26, 27, T 34 SOUTH, R 18 EAST
MANATEE COUNTY, FLORIDA

City Of Bradenton

LOCATION MAP

AX. 15. 3628



Engineering, Land Planning, Landscape Architectural, Environmental,
Consultants, Consulting Arborists
1215 UNIVERSITY BLVD., SUITE 100, BRADENTON, FL 34205
(813) 755-1200



EXHIBIT G



Annexation Feasibility Study

The proposed annexation request appears to be consistent with Bradenton's Comprehensive Plan as it applies to the Suburban Commercial Corridor.

The proposed request appears consistent with the criteria outlined in Ch. 171 F.S. Specifically, the area to be annexed is contiguous to the City of Bradenton's boundary and no part of the property will remain within another incorporated municipality. Additionally, 60 percent of the property either abuts the municipal boundary or other urban areas containing either non-residential uses or zoned for at least one unit per acre allowing for at least two people per acre.

The proposed annexation will not create an enclave. The parcel abuts City of Bradenton jurisdiction. Other adjoining parcels within County jurisdiction will retain access through County streets with County facilities.

The property currently abuts City jurisdiction on the west. As the boundaries currently exist, a large rectangular piece of property extends nearly to 64th St. E. The proposed expansion extends City jurisdiction further east representing a logical extension of the City's jurisdiction.

Public services currently provided to the property by the County and other agencies includes water, law enforcement, emergency medical services, fire protection. There currently is no centralized sanitary sewer service to the site although a force main is located on the south side of SR 64. Following annexation, law enforcement and fire protection services will become the responsibility of the City. Emergency medical services will remain as a County responsibility. Water will continued to be provided by the County. A Manatee County Force main is located along the south side of SR 64. As noted by the Public Works Department, once the future use is known, utility service needs can be better determined.

The fiscal impact of the annexation is expected to a net positive for the City of Bradenton. The annexation will not significantly increase the costs of services already provided by the City, but will increase revenue. The property has a 2014 assessed value of \$187,308. Using the city millage rate of 5.8976, the subject property will generate approximately \$1,100 / yr. in its undeveloped condition. Once developed, the site will generate additional revenue for the City, while still having a limited impact on services.

**ABBREVIATED MINUTES
JOINT PLANNING COMMITTEE
September 30, 2015**

The Joint Planning Committee met on September 30, 2015 at 10:00 a.m. in the Bradenton City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida.

ATTENDANCE

Joint Planning Committee Members:

Present: Chairman and Councilman Gene Gallo, City of Bradenton; Mayor Bob Johnson, Island Communities; Commissioner Betsy Benac, Manatee County; Karen Carpenter, Manatee School District; Commissioner Brian Williams, City of Palmetto

City of Bradenton Staff:

Present: Tim Polk, Christopher Gratz and Karen Aihara, Planning & Community Development; William Lisch, City of Bradenton Attorney

NEW BUSINESS

The meeting was called to order on September 30, 2015 at 10:00 a.m. in the Bradenton City Council Chambers by Chairman Gene Gallo to discuss:

AX.15.3628 WARD 4 NEIGHBORHOOD 20.12

Request of Allison-Gause, Inc., agent for Saul Lapidus, owner of 1016 64th Street Court East for annexation of 9.46 acres into the City of Bradenton limits.

Mr. Christopher Gratz, Development Services & Zoning Manager, introduced the request which represents a logical annexation into the City of Bradenton based on locational criteria and is located in an area that appears to be acceptable under the JPC/UDZ criteria. Proposed Future Land Use would be zoned Suburban Commercial Corridor. Staff recommends approval. The City received a memorandum from John Barnott, Planning Official dated 9/28/15 (Exhibit A) and Manatee County has 30 days for further response to the City of Bradenton.

Chairman Gallo asked if the Committee had any questions for city staff:

- Ms. Benac asked if the property already designated SCC is single ownership, staff answered, yes it is single ownership.
- Ms. Benac asked if the proposed parcel is one ownership, staff answered yes one owner.
- Ms. Benac asked if there have been any development plans filed for this property, staff answered no plans currently filed. Mr. Polk commented that the City collapsed the previous numerous zoning classifications into one category – Suburban Commercial Corridor (SCC). The future development can be either 'by right' or 'special use'.

Mr. Andy Allison, Allison-Gause, Inc. representing Saul Lapidus, stood for questions.

- Ms. Benac asked if the proposed annexed property is single ownership, Mr. Allison answered, yes the 9.5 acres is a single ownership. The 32 acres to the west is a different owner.

Ms. Kathleen Thompson, Manatee County Planning, said Chris did a good job outlining the project and had nothing to add at this time. Manatee County will issue a memo for or against the annexation within 30 days and has issued a request for legal services.

City Attorney Bill Lisch interpreted that the comments from John Barnott's memo are that the

request would be inconsistent if we went ahead with the annexation and zoned it commercial, without hearing a response from Manatee County. If Manatee County states that they do not have an objection to the annexation with the SCC designation, then the City can move forward.

Commission Comments:

- Ms. Betsy Benac, Manatee County Commission stated that this is her first Joint Planning Commission meeting and it is an interlocal agreement to have a discussion format. Her staff has found this request to be inconsistent due to the Future Land Use category and an increase in intensity. The discussion will be going back to Board and it will be a Board action. Concerns are that the County's comp plan will only allow residential, not commercial, and the access off 64th St Ct East is a substandard road with increased intensity. This is a transitional area with a commercial corridor abutting a rural residential area; what would be a proper transitional use? No findings at this time.
- Mr. Bob Johnson, Island Communities asked if there is any planned activity in this residential area. Ms. Benac answered that Manatee Comp Plan recognizes that this is an area that could transition into a more intensive residential area (Res 3).
- Ms. Karen Carpenter, Manatee School District stated that this would have no impact on the school district unless someone built an orphanage.
- Chairman and Councilman Gene Gallo, City of Bradenton spoke in favor of the City staff's recommendation.
- Mr. Brian Williams, City of Palmetto asked if there have been any comments from the residents surrounding this property. Mr. Gratz stated that this meeting was advertised in the newspaper and no comments were received. As the process proceeds, there will be extensive notifications of annexation, zoning, and land use plan amendment via mailings, newspaper, and posted signs. Mr. Williams stated that the property north of SR64 is high residential next to commercial. Ms. Benac stated that the concerns will be expressed by the neighboring southern properties once the development starts.
- Mr. Bill Lisch asked if the property to west had a submitted plan. Mr. Polk stated that previously there was a proposed adult living facility, but it went away.

Chairman Gallo called for a motion to move forward. Ms. Benac stated that she supports this motion as long as it does not prohibit the County Board from filing an objection in the thirty day period. Mr. Williams made a motion to allow the City of Bradenton to move forward with the process of annexation for AX.15.3628. Second by Mr. Johnson, 5-0 approved.

Chairman Gallo adjourned the meeting at 10:21 a.m.

Tim Polk, Director
Department of Planning and Community Development

MEMORANDUM



To: Board of County Commissioners
From: John Barnott, Director
Thru: John Osborne, AICP, Planning Official
Date: **September 28, 2015**
Subject: City of Bradenton Annexation Request AX-15-3628

ANNEXATION REQUEST

The City of Bradenton received a petition for an annexation of a parcel, approx. 9.46 +/- acres, located at 1016 – 64th Street Court East. The property is owned by Saul Lapidus.

The annexed site is adjacent to city jurisdiction to the west and appears to meet the definition of contiguous.

Section 171.031(11), Florida Statutes, defines contiguous to mean that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. A recent court ruling, City of Sanford v. Seminole County, stated Section 171.031(11) only requires that a substantial part of a boundary touch municipal property.

- The site is outside the Urban Development Zone (UDZ). A Joint Planning Committee meeting is scheduled September 30, 2015 at the City of Bradenton Council Chambers.
- Manatee County Utilities has no objection to this annexation request. There are fees and policies in place should the property owner request connection to county utilities.
- The first reading before City Council has not been scheduled at this time.

PROPOSED FUTURE LAND USE DESIGNATION

The future land use of the site is RES-3 (3 dwelling units per acre) and does not appear to meet commercial locational criteria (no frontage on a functionally classified roadway and not within 1500' of two functionally classified roadway intersections) which means the site is not eligible for commercial uses. The existing zoning is A-1 (Agriculture – Suburban).

The proposed future land use designation and zoning district is SCC – Suburban Commercial Corridor. SCC has the potential of retail, office, automobile sales, automotive repair and service, hotel, motel, restaurants and social services. The maximum floor area ratio (FAR) is 0.50.

Building & Development Services Department
Comprehensive Planning Division
1112 Manatee Avenue West, Bradenton FL 34205
Phone number: (941) 748-4501

According to The Accord, Section 4.B(3) Density Limit "The cities of Bradenton and Palmetto agree that annexation of land areas shall not result in greater intensity and density than that provided in the current existing designation of future land use contained in the Manatee County Comprehensive Plan – *without the County's approval which approval shall not be unreasonably withheld* - and such intensity and density shall be compatible with areas adjoining the area to be annexed. Where County approval is required, the County agrees to respond within 30 days of the request, unless such time is extended by mutual agreement".

RESPONSE

The proposed future land use designation of SCC (Suburban Commercial Corridor) has the potential for a greater intensity than the allowable uses under the existing county future land use designation of RES-3 (3 du/ga). Therefore, the request is inconsistent with The Accord.

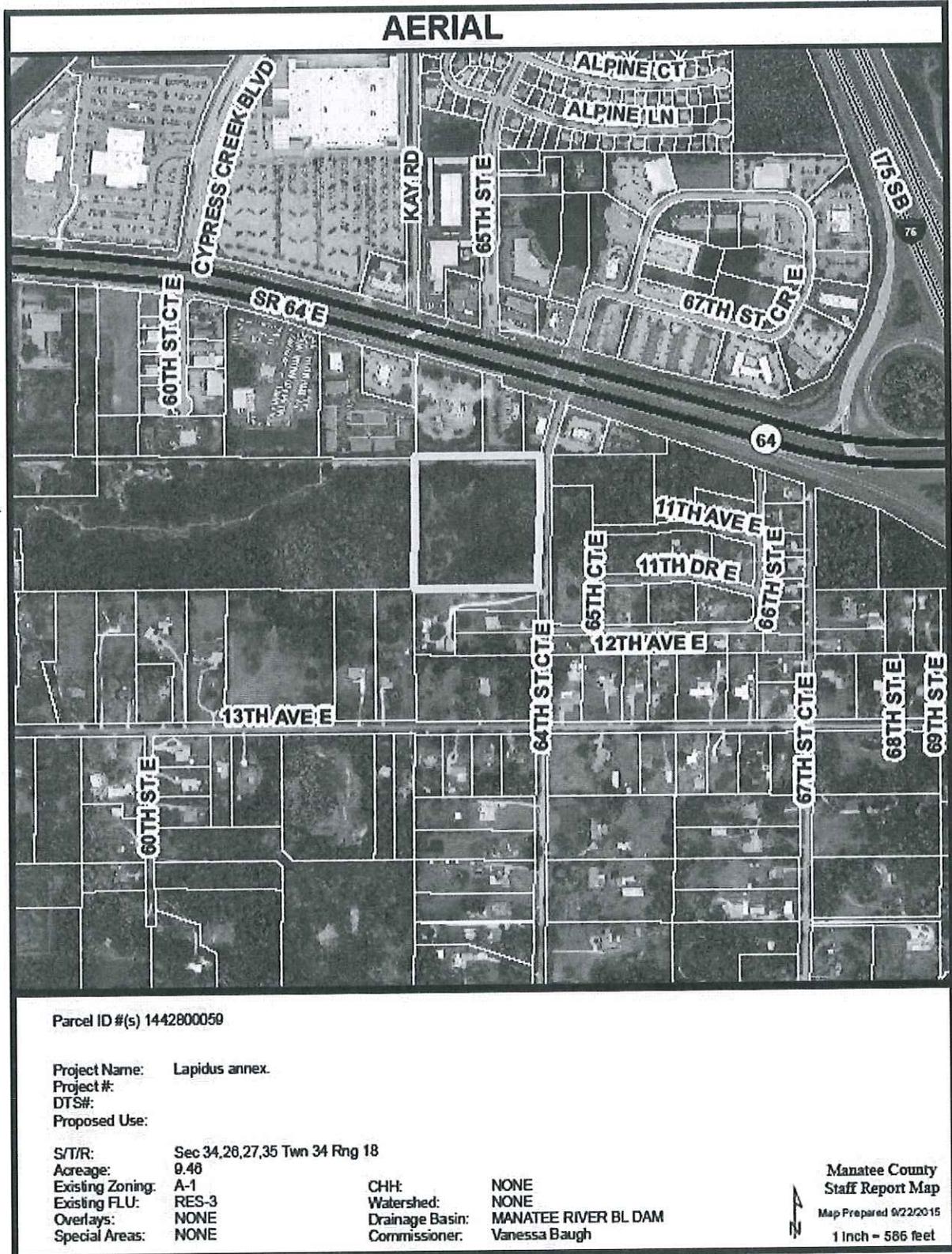
Attachments:

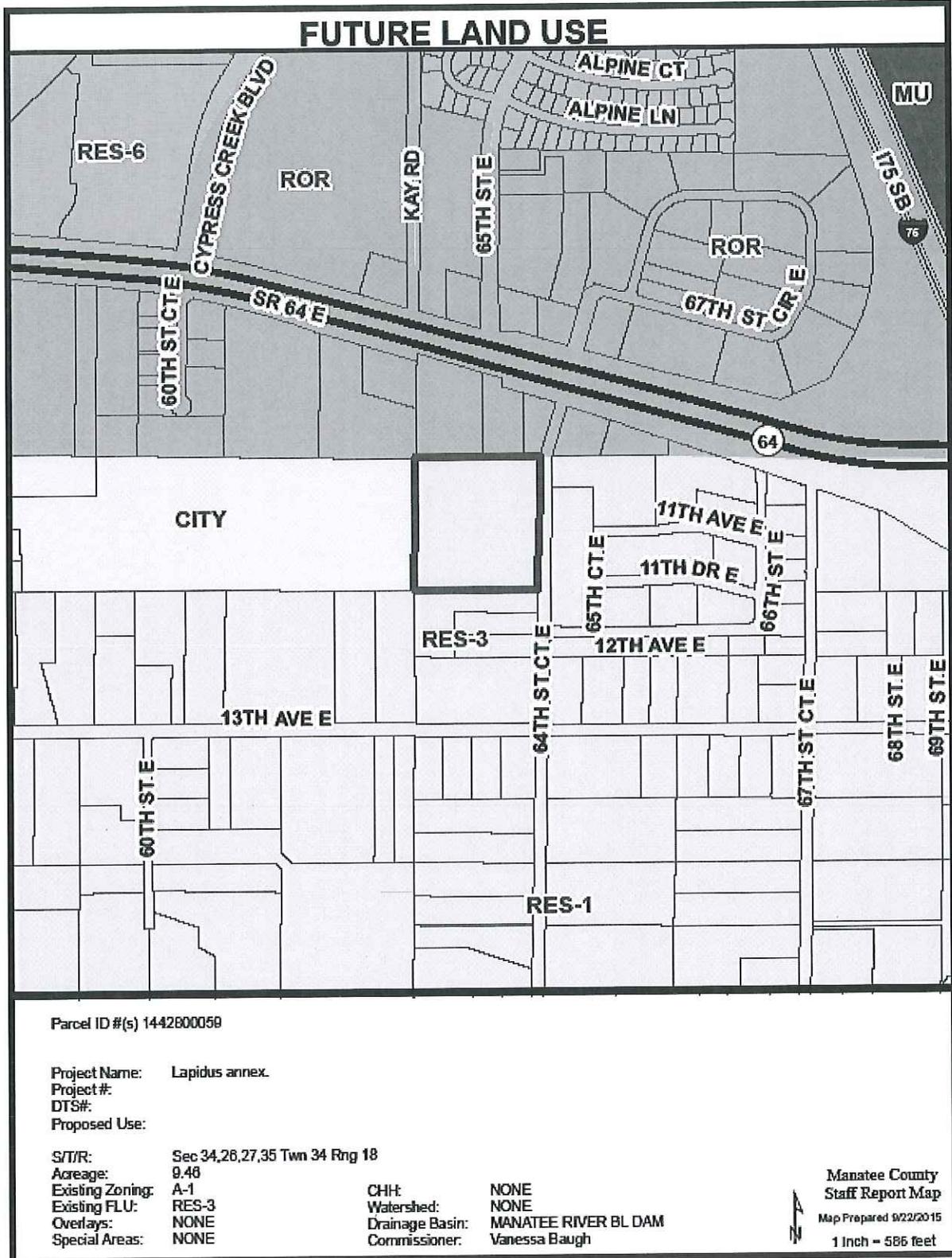
Aerial, FLU & Zoning Maps
City of Bradenton Staff Report

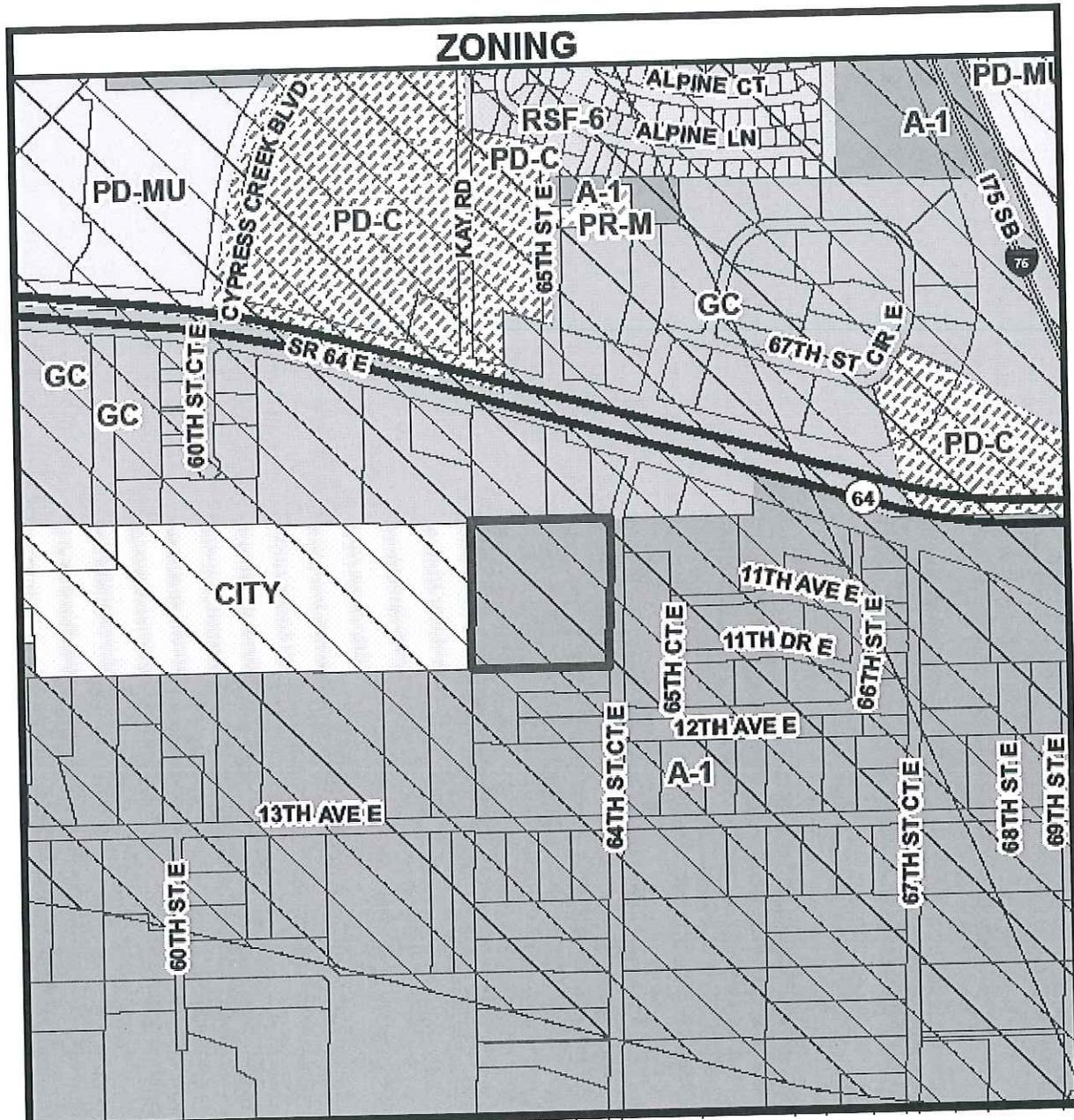
JO:KLT/kit

Cc: Ed Hunzeker, County Administrator
Mickey Palmer, CAO
Christopher DeCarlo, CAO

Aerial, Future Land Use and Zoning Maps







Parcel ID #(s) 1442800058

Project Name: Lapidus annex.
 Project #:
 DTS#:
 Proposed Use:

 Entranceways

S/T/R: Sec 34,26,27,35 Twn 34 Rng 18
 Acreage: 9.48
 Existing Zoning: A-1
 Existing FLU: RES-3
 Overlays: NONE
 Special Areas: NONE

CHH: NONE
 Watershed: NONE
 Drainage Basin: MANATEE RIVER BL DAM
 Commissioner: Vanessa Baugh

Manatee County
 Staff Report Map
 Map Prepared 9/22/2015
 1 Inch = 586 feet



Building & Development Services
Comprehensive Planning Division
1112 Manatee Avenue West, 5th fl
Bradenton, FL 34205
Phone: (941) 748-4501 x 6825
www.mymanatee.org

October 9, 2015

Tim Polk, Director
Planning & Community Development
101 – Old Main Street
Bradenton FL 34205



RE: Lapidus Annexation (AX-15-3628)
Objection by Manatee County Board of County Commissioners

Dear Tim:

During its October 1, 2015, land use meeting, the Board of County Commissioners received a report on the above referenced annexation of property, located at 1016 64th Street Court East. After discussing the matter at length, the Board directed the County staff and County Attorney's Office to file written objections to the proposed annexation.

Accordingly, the County hereby notifies the City of Bradenton of the following objections to the proposed annexation:

- No mailed notice was provided to the surrounding neighborhood regarding the annexation proposal.
- The proposed future land use designation under the City's Comprehensive Plan is SCC (Suburban Commercial Corridor). The existing future land use designation under the County's Comprehensive Plan is RES-3. This change would result in a significantly "greater intensity and density". Pursuant to the Accord, such an increase requires "approval" by the County. Unless and until the objections set forth in this letter are addressed to the County's satisfaction, the County is unwilling to provide such approval. (See Accord Section 4.B(3), *Density Limit*.)
- The subject parcel is adjacent to low density residential neighborhoods. Higher intensity (commercial use) may not be compatible with the "surrounding neighborhood", and could represent an intrusion of commercial use into a residential community. (See Accord Section 4.B(2), *Compatibility*.)
- Numerous "service delivery mechanisms" have not been addressed. Specifically, 64th Street Court East (a County road) appears to be a shell road, and may not be sufficient to handle commercial uses. Too, no City services appear to be available

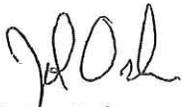
October 9, 2015

in the area, such that the applicant anticipates connection to County water and sewer services, and reliance on County stormwater drainage infrastructure. Finally, because of its remote location in proximity to the City's service area, once annexed, the property may depend primarily upon County emergency services and law enforcement services. (See *Accord Section 5(C), Service Delivery Mechanism.*)

- The County Attorney's Office has advised that, because the annexation will create a "finger area" in a "serpentine pattern", it may violate the "reasonably compact" requirement of Florida Statutes 171.031(12) and 171.044(1).

The Accord contemplates that the City and the County will attempt to resolve the above objections (either directly or through the Joint Planning Committee) before either party proceeds with adversarial actions or proceedings. In furtherance of that goal, I am available to discuss these issues at your convenience.

Sincerely,



John Osborne, AICP
Planning Official

JO:KLT/kit

cc: Board of County Commissioners
Ed Hunzeker, County Administrator
Dan Schlandt, Deputy County Administrator
John Barnott, Building & Development Services Director
Mickey Palmer, County Attorney
William Clague, Assistant County Attorney



CITY OF BRADENTON

Department of Planning & Community Development
101 Old Main Street
Bradenton, Florida 34205-7865
(941) 932-9400
www.cityofbradenton.com

November 17, 2015

Wayne Poston
Mayor

Gene Gallo
Ward 1

Gene Brown
Ward 2

Patrick Roff
Ward 3

Bemis Smith
Ward 4

Harold Byrd, Jr.
Ward 5

John Osborne, AICP, Planning Official
Building & Development Services
Comprehensive Planning Division
1112 Manatee Avenue West, 5th Floor
Bradenton, FL 34205

RE: AX.15.3628 Lapidus Annexation, 1016 64th Street Court East

Dear Mr. Osborne:

This is in response to the correspondence dated October 9, 2015, stating the County Commission's objections to the request. The City wishes to maintain an amicable relationship with the County and believes the following responses adequately address the objections raised.

- A mailed notice to the surrounding property owners is not required for a Joint Planning Committee meeting, nor is required by F.S. 171.044 for a Voluntary Annexation. Notices in compliance with F.S. 166.041 for subsequent land use plan amendment and rezoning applications mailings will occur.
- The proposed future land use, Suburban Commercial Corridor (SCC), is the identical designation as the parcels totaling approximately 56 ½ acres to the west which were annexed in 2009 with no objection from the County Commission.
- The SCC future land use and zoning provide a transitional use between the County designated General Commercial uses to the north and is a compatible with the surrounding residential uses.
- 64th Street Court East is a paved two lane roadway and any impacts to it would be addressed at the time when the applicant develops the property and applies for a County right-of-way permit.
 - City water is available at Morgan Johnson Road and can be extended through the parcel to the west.
 - City sewer is available with the construction of a lift station on a City owned property on the west side of Morgan Johnson Road (PID 1119700109).
 - All properties in Manatee County receive County emergency medical services.
 - City Fire and Police services are able to be provided to the property as are already provided to properties in the vicinity.

- Every property is required to not discharge storm water upon development pursuant to State Statutes and cannot rely on County drainage infrastructure.
- The annexation will not create an appreciably larger “finger area” than already exists to the west and many other places throughout the County and is a “reasonably compact” area.

We hope that the above responses address the County Commission’s concerns. So based upon the foregoing and the Joint Planning Committee’s recommendation for approval; the City will plan on proceeding with the annexation unless there are other objections.

Sincerely,

A handwritten signature in black ink, appearing to be 'T. Polk', with a small circled '6' at the end of the signature.

The Honorable Gene Gallo, City of Bradenton
Chairman of the Joint Planning Committee

Timothy Polk, Director
Department of Planning & Community
Development



January 19, 2016

City of Bradenton

PLANNING COMMISSION

101 Old Main Street

Bradenton, FL 34208

Via fax 932-9534

Re: CP.15.3629 WARD 4, NEIGHBORHOOD 20.12 and LU.15.3630 WARD 4, NEIGHBORHOOD 20.12

Attention Planning Commission:

My family and I are concerned about the plans for re-zoning of 64th Street Court East in Manatee County. We live at 1421 70th Street Court East and use this street as an entry into and an exit from our neighborhood. My first concern is that we do not want more commercial development on this south side on SR64. These are family homes in this area, it is not desirable or safe for commercial development to occur here. Secondly, re-zoning for commercial development means there will be much heavier vehicle volume in this area. There is already congestion and traffic backups at the light for SR 64 due to three commercial enterprises already using this road (Wendy's, Long John Silvers, and the car wash). On any given day you will find glass and metal in the middle of SR64 at this intersection because so many traffic accidents happen here.

I do not know what commercial enterprise Mr. Lapidus is planning, but I strongly feel that this is not the right place for anything but residences. I certainly would not want my family's home to back up against a parking lot or a commercial structure with the noise and traffic that would come with it.

Please consider the people who live in this neighborhood's best interest before you allow for re-zoning.

Thank you for listening,


Eirinn Camphire

1421 70th Street Ct East

Bradenton, FL 34208

(16 years at this address)



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 8, 2016

City of Bradenton
101 Old Main Street
Bradenton, Florida 34205-7865

To whom it may concern:

This will acknowledge receipt of Ordinance No. 2973, annexing property in the City of Bradenton, which was filed in this office on February 8, 2016.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ernest L. Reddick".

Ernest L. Reddick
Program Administrator

ELR/lb

BRADENTON HERALD

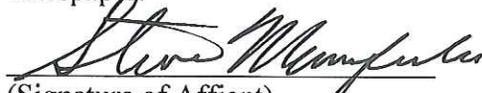
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P.O. Box 921
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1111 3rd Ave. W.
Bradenton, FL 34205
941-746-7077

Bradenton Herald
Published Daily
Bradenton, Manatee County, Florida

STATE OF FLORIDA
COUNTY OF MANATEE

Before the undersigned authority personally appeared Steve Mansfield, who, on oath, says that he is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Notice of Public Hearing Ordinance No., 2973 City of Bradenton** was published in said newspaper in the issue(s) of **01/16/16 and 01/23/16**.

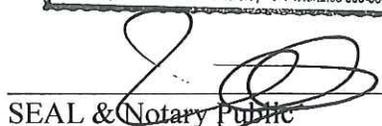
Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

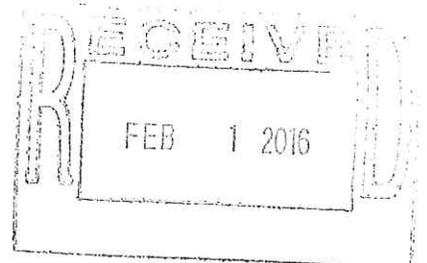
Sworn to and subscribed before me this

26 Day of Jan, 2016




SEAL & Notary Public

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____



Claire Aronson, Manatee County reporter, can be reached at 41-745-7024. Follow her on twitter @Claire_Aronson.

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Romans 6:23

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 City Lube)

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 1475 Cortez Road West
 (1 Block West of 41)

Sarasota 921-5543
 7119 S. Tamiami Trl.

ndsewing.com

CITY OF BRADENTON, FLORIDA NOTICE OF ANNEXATION NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Bradenton City Council will hold a public hearing on January 27, 2016 at 6:00 P.M. in the City Hall Council Chambers, 101 Old Main Street, Bradenton, Florida, for the purpose of adopting an ordinance regarding the annexation of 1016 64th Street East into the City of Bradenton municipal boundaries and further identified as AX.15.3628 Lapidus.

CITY OF BRADENTON, FLORIDA
 ORDINANCE NO. 2973

AN ORDINANCE ANNEXING TO THE CITY OF BRADENTON, FLORIDA, CERTAIN LAND CONTIGUOUS THERETO, LOCATED AT 1016 64TH STREET COURT EAST, PROPERTY IDENTIFIED AS PARCEL #1442800059 AND LEGALLY DESCRIBED AS FOLLOWS:

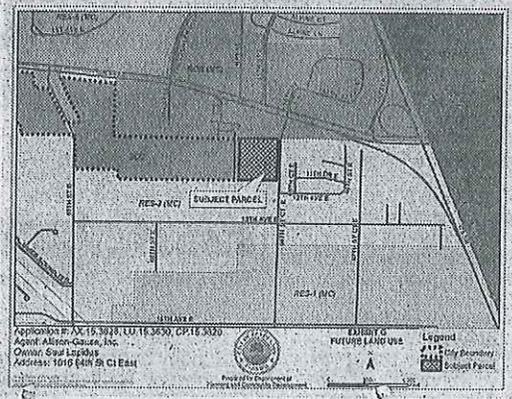
BEGIN AT THE NW CORNER OF SECTION 35, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE EAST 630 FEET; SOUTH 660 FEET; WEST 619.43 FEET; NORTH 660 FEET TO THE POINT OF BEGINNING, BEING FURTHER IDENTIFIED AS TRACTS 1 AND 2-OF MAGNOLIA MANOR UNRECORDED AND IS THE SAME LAND AS DESCRIBED IN O.R. BOOK 300, PAGE 369 AND O.R. BOOK 327, PAGE 265, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA

CONTAINING 411,343.5 SQUARE FEET OR 9.4 ACRES MORE OR LESS

All interested persons and parties may appear either in person or submit written comments regarding the above matter, and they will be heard and considered. Copies of the proposed Annexation ordinance are available from the City Clerk at the City of Bradenton City Hall and may be reviewed by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday through Thursday, exclusive of holidays. Further information may be obtained from Christopher M. Gratz, AICP, Development Services & Zoning Manager, Department of Planning and Community Development, 101 Old Main Street, Bradenton, Florida, 34205, or by calling (941) 932-9400.

Be advised that, in accordance with the Americans with Disabilities Act, persons needing a reasonable accommodation to participate in this proceeding should contact the City Clerk Office of the City of Bradenton, 101 Old Main Street, Bradenton, Florida 34205, telephone (941) 932-9447, not later than seven (7) days prior to the proceeding.

Pursuant to Florida Statute 286.0105, if any person decides to appeal any decision made by the board, council, agency or commission at this meeting, such person will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



Appropriation # AX.15.3628 LU.15.3628, DP.15.3628
 Agent: Alison-Cause, Inc.
 Owner: Earl Lapidus
 Address: 1016 64TH ST. CT EAST
 Bradenton, FL 34205