

**MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

| | | | |
|---|---|--------------------------------------|---|
| SUBJECT | 14TH STREET WEST DRAINAGE EASEMENT | TYPE AGENDA ITEM | CONSENT |
| DATE REQUESTED | JANUARY 6, 1998 | DATE SUBMITTED | DECEMBER 24, 1997 |
| BRIEFINGS? | N/A | CONSEQUENCES IF DEFERRED | N/A |
| DEPARTMENT/OFFICE DIVISION | TRANSPORTATION/ LAND ACQUISITION | AUTHORIZED BY TITLE | LARRY R. MAU, P. <i>Larry R. Mau</i> TRANSPORTATION DIRECTOR |
| CONTACT PERSON TELEPHONE/EXTENSION | JIM STAPLES, LAND ACQUISITION MGR 5007 | PRESENTER TELEPHONE/EXTENSION | JIM STAPLES 5007 <i>Jim Staples</i> |
| ADMINISTRATIVE APPROVAL | <i>[Signature]</i> | | |

INDICATE WHETHER "REPORT," "DISCUSSION," or "FORM OF MOTION" or "OTHER ACTION REQUIRED:

ACCEPTANCE OF, AUTHORIZATION TO RECORD, DRAINAGE EASEMENT FROM JAMES D. FORSHEY, PATRICIA A. FORSHEY, AND AUGUSTA R. FORSHEY REQUIRED FOR ACCESS TO CONSTRUCT AND MAINTAIN SURFACE AND UNDERGROUND DRAINAGE ACROSS PRIVATE PROPERTY LOCATED ON 14TH STREET WEST.

ACCEPTANCE OF, AUTHORIZATION TO RECORD, TEMPORARY CONSTRUCTION EASEMENT FROM CEDAR HAMMOCK FIRE CONTROL DISTRICT FOR TYING IN AND HARMONIZING IMPROVEMENTS TO DRAINAGE DITCH.

AUTHORIZATION TO RECORD AFFIDAVIT OF OWNERSHIP AND ENCUMBRANCES FROM JAMES D. FORSHEY, PATRICIA A. FORSHEY, AND AUGUSTA R. FORSHEY.

ENABLING/REGULATING AUTHORITY: (Federal and/or state laws[s], administrative ruling[s], Manatee Comp Plan, Land Development Code, ordinances, resolutions, and/or County policy).

COMP PLAN - GOAL 11 3 1 5 ADDRESSES THE PROVISION OF ADEQUATE DRAINAGEWAYS AND WATER QUALITY TREATMENT

- BACKGROUND/DISCUSSION:**
- THE FORSHEYS OWN THE PLAZA MOBILE HOME COURT ON 14TH STREET WEST WHICH ADJOINS THE CEDAR HAMMOCK DRAINAGE CANAL TO THE EAST.
 - TO CORRECT SERIOUS EROSION PROBLEMS ALONG THEIR NORTH PROPERTY LINE, THE OWNERS DEDICATED A DRAINAGE EASEMENT REQUIRED TO PIPE A DITCH.
 - THE FIRE STATION, ADJACENT TO THE DITCH, ALSO DEDICATED A TEMPORARY CONSTRUCTION EASEMENT TO ALLOW FOR THE TYING IN AND GRADING ASSOCIATED WITH THE IMPROVEMENTS.
 - THE CONVEYANCE DOCUMENTS ARE HEREBY PRESENTED TO THE BCC FOR ACCEPTANCE.

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Please indicate "N/A", "NO" or "YES." NO

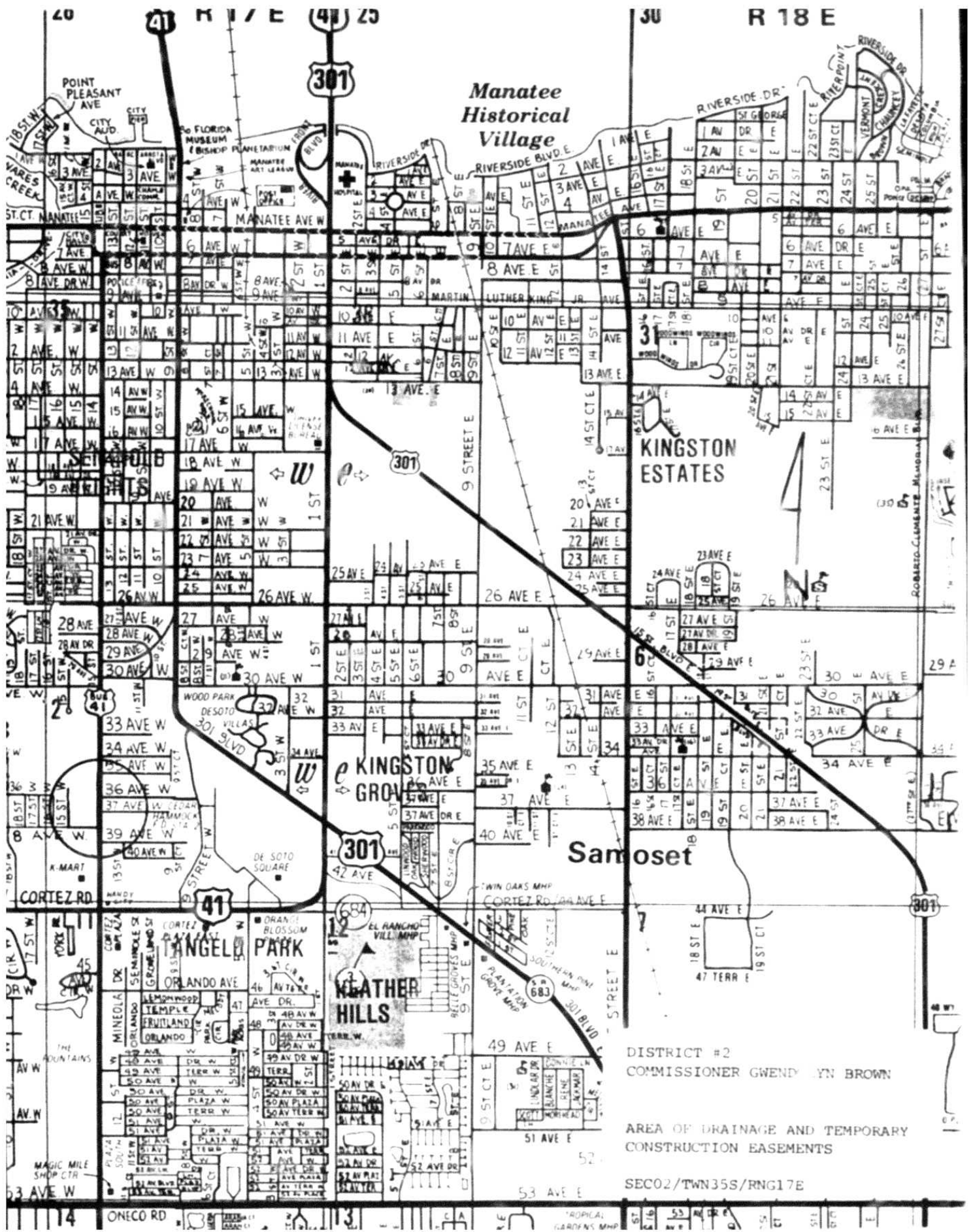
IF N/A OR NO, PLEASE EXPLAIN:
PROCEDURE PREVIOUSLY APPROVED BY THE COUNTY ATTORNEY'S OFFICE

IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT IS SAME AS APPROVED IN PREVIOUS YEARS, STATE YEAR OF LAST USE. N/A

- IF "YES,"
- 1) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED BY THE COUNTY ATTORNEY'S OFFICE?
 - 2) HAVE ALL COMMENTS/SUGGESTIONS BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN.
 - 3) ATTACH COPY OF FINAL MEMORANDUM OF THE COUNTY ATTORNEY'S OFFICE RELATED TO THIS MATTER.

| | |
|---|---|
| ATTACHMENTS: | INSTRUCTIONS TO BOARD RECORDS: |
| <ul style="list-style-type: none"> ✓ 1) DRAINAGE EASEMENT ✓ 2) TEMPORARY CONSTRUCTION EASEMENT ✓ 3) AFFIDAVIT OF OWNERSHIP ✓ 4) FLORIDA REVENUE FORM ✓ 5) LOCATION MAP | RETURN RECORDED AND ACCEPTED COPIES TO LAND ACQUISITION, TRANSPORTATION DEPARTMENT <i>not # 11 11 11 11 11</i> |

| | | | |
|-----------------|--------------------|--|---|
| COST | \$27 RECORDING FEE | SOURCE (ACCT# & NAME) | 101-468000-541320-04680 LAND ACQUISITION'S CORE |
| COMMENTS | N/A | FISCAL IMPACT STATEMENT | N/A APPROVED IN OPEN SESSION |
| | | RECURRING COSTS FREQUENCY OF OCCURRENCE | N/A JAN 06 1998 |



**Manatee
Historical
Village**

**KINGSTON
ESTATES**

**e KINGSTON
GROVE**

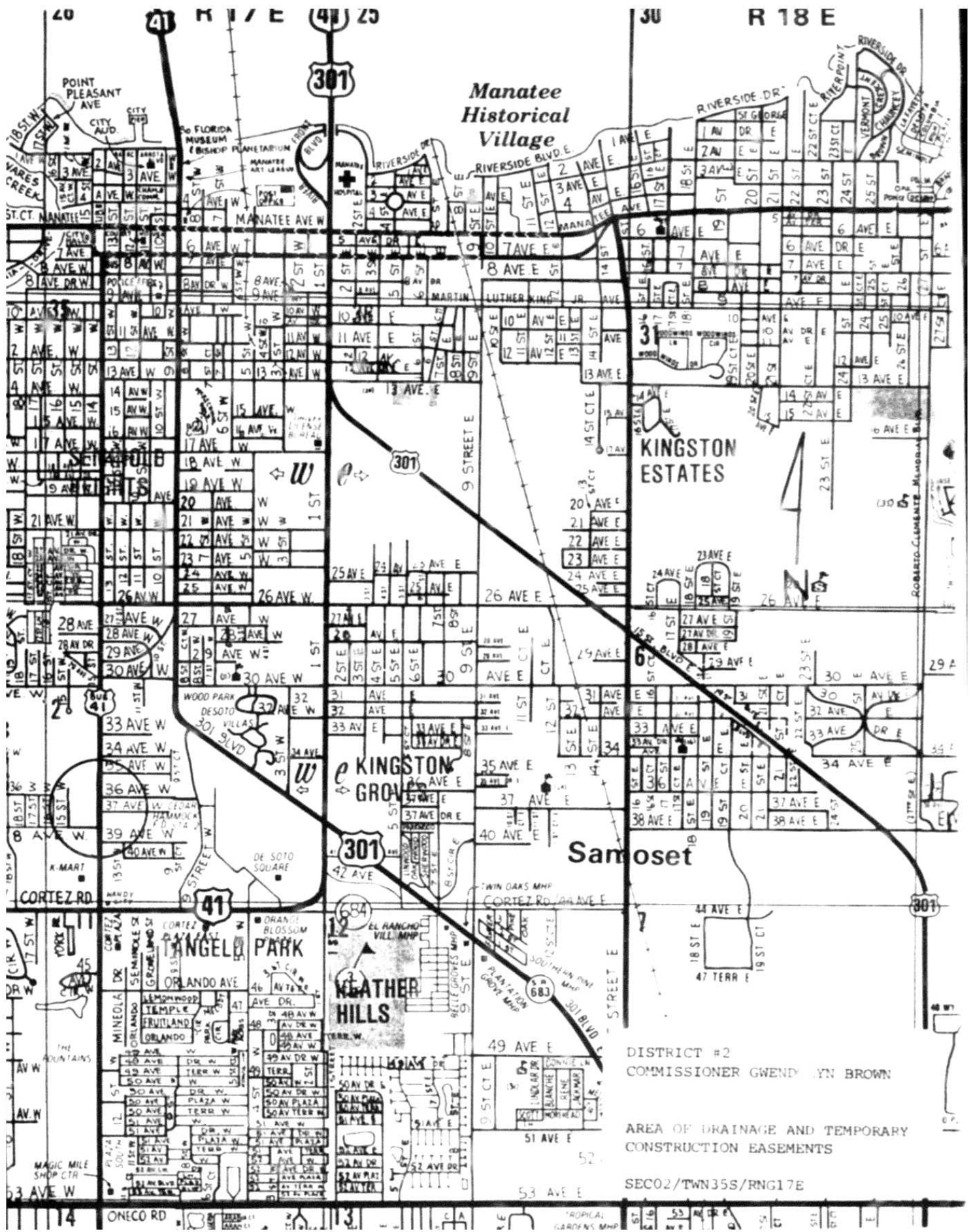
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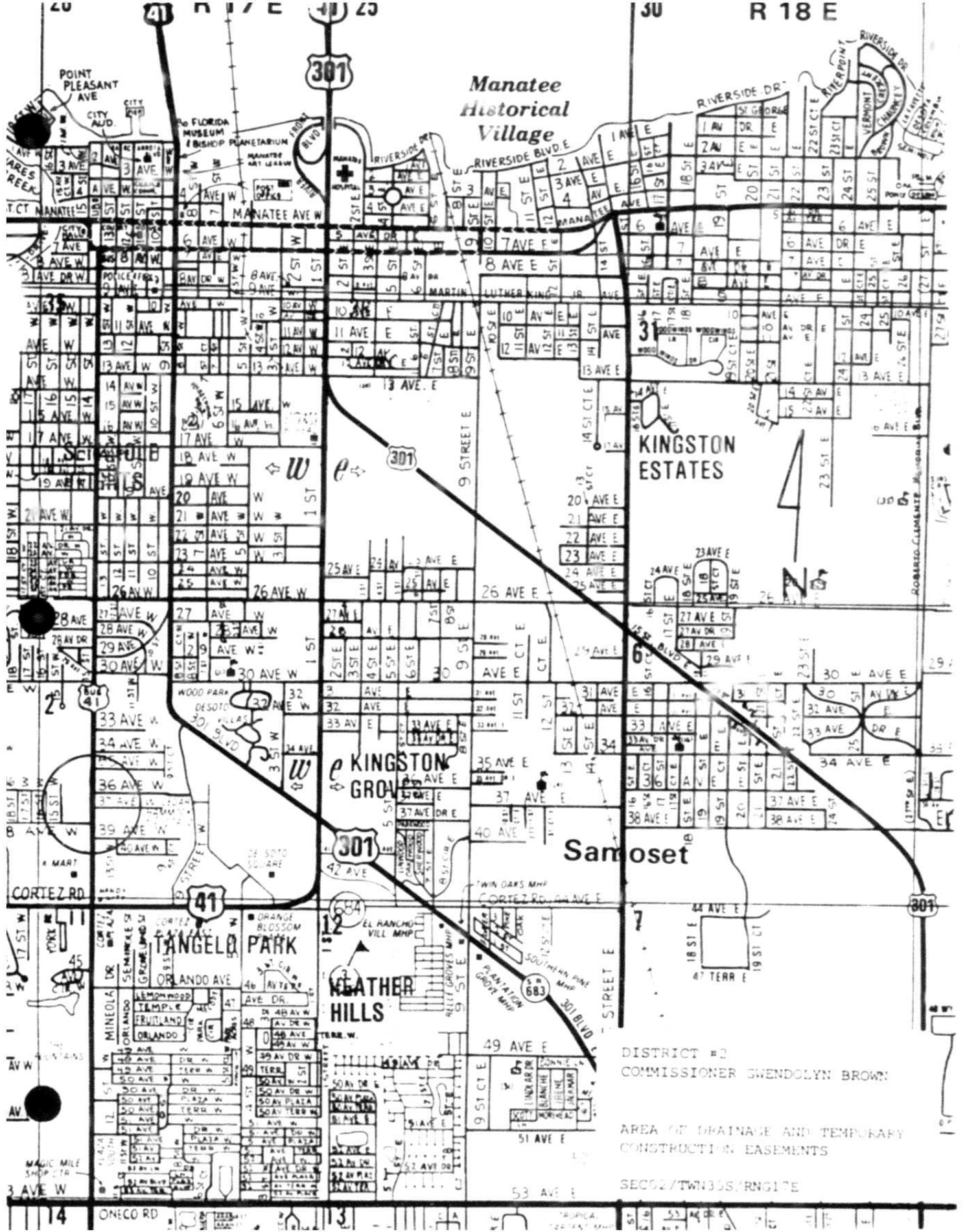
**WEATHER
HILLS**

DISTRICT #2
COMMISSIONER GWEND YN BROWN

AREA OF DRAINAGE AND TEMPORARY
CONSTRUCTION EASEMENTS

SEC02/TWN35S/RNG17E





*Manatee
Historical
Village*

**KINGSTON
ESTATES**

**KINGSTON
GROVE**

Samoset

TANGELA PARK

**WEATHER
HILLS**

DISTRICT #2
COMMISSIONER GWENDOLYN BROWN

AREA FOR DRAINAGE AND TEMPORARY
CONSTRUCTION EASEMENTS

SEC02/TWN30S/RNG17E

This instrument prepared by
Jim Staples, Manager, Land Acquisition
Transportation Department
P O Box 1000
Bradenton, Florida 34206

BK 1540 PG 5090 LK# 1078807
FILED AND RECORDED 01/09/98 11:12AM 1 of 1
R. B. SHIRK CLERK OF "TRUSTEE COURT MANATEE COUNTY FLORIDA"

ID # 48908 0000/8

SPACE ABOVE THIS LINE FOR RECORDING DATA

AFFIDAVIT OF OWNERSHIP AND ENCUMBRANCES

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE ME, the undersigned authority, this day personally appeared **JAMES D. FORSHEY and PATRICIA A. FORSHEY, and AUGUSTA R. FORSHEY**, whose mailing address is **3701 14th Street West, Bradenton, Florida 34205**, who being first duly sworn, deposes and says

1 That the undersigned, hereinafter called the Grantor, is the owner of and has full authority to sell or encumber the following described property, (hereinafter "Property")

THE NORTH 22 FEET OF THE EAST 560 FEET, MORE OR LESS, BOUNDED ON THE SOUTH BY THE NORTH PAVEMENT EDGE OF THE NORTHERNMOST MOBILE HOME PARK ROADWAY, OF THE FOLLOWING PARCEL:

THE NORTH 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, AND THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, LESS BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, SOUTH 150 FEET, EAST 250 FEET, NORTH 150 FEET, WEST 250 FEET TO THE POINT OF BEGINNING, AND LESS A PORTION TO 9TH STREET AND FOR DRAINAGE, ALSO, LESS BEGINNING 360 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE EAST 425 FEET, SOUTH 145 FEET, WEST 425 FEET, NORTH 145 FEET TO THE POINT OF BEGINNING, SUBJECT TO EASEMENTS AND LESS HIGHWAY RIGHT-OF-WAY, ALSO LAND DESCRIBED IN O.R. BOOK 376, PAGE 294, PRMCF, LESS LAND DESCRIBED IN O.R. BOOK 376, PAGE 291, PRMCF. CONTAINS 12,320 SQUARE FEET, MORE OR LESS.

2 That the Owner plans to convey the Property to the **COUNTY OF MANATEE** whose principal office is at 1112 Manatee Avenue West, Post Office Box 1000, Bradenton, Florida 34206 (hereinafter "Grantee")

3 To the best of my knowledge the only mortgages, liens, encumbrances, including but not limited to any leasehold interest or potential claims against the Property are

4 That there has been no labor, material, or service furnished for improvement of the Property, which remains unpaid, except as set forth in paragraph 3 of this affidavit

5 That there are no claims, demands, liens or judgments outstanding against the above described property and the Grantor is not indebted to anyone for any such Property, except as set forth in paragraph 3 of this affidavit

6 That the Grantor makes this affidavit for the purpose of assisting the Grantee in the acquisition of the above described property

James D. Forshey
Grantor
JAMES D. FORSHEY
Printed Name

Patricia A. Forshey
Grantor
PATRICIA A. FORSHEY
Printed Name

Augusta R. Forshey
Grantor
AUGUSTA R. FORSHEY
Printed Name

SWORN to and subscribed before me this 14TH day of July, 1997 by **JAMES D. FORSHEY and PATRICIA A. FORSHEY, and AUGUSTA R. FORSHEY**, who are personally known to me or who have produced _____ as identification



Byron P. Barton
NOTARY PUBLIC Signature
Byron P. Barton
Printed Name

ACCEPTED IN OPEN SESSION
BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY
JAN 06 1998

Return to:

Name:

Address:

BK 1540 PG 5091 DKT# 1078808 1 of 2

This instrument prepared by:

Jim Staples, Mgr., Land Acquisition
Public Transportation Department
P.O. Box 1000
Bradenton, Florida 34206

Parcel #49253.1000/7

ID#:

SPACE ABOVE THIS LINE FOR RECORDING DATA

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the benefits accruing to the Owner, CEDAR HAMMOCK FIRE CONTROL DISTRICT as Grantor, whose mailing address is 5200 26TH STREET WEST, BRADENTON, FLORIDA 34207, does hereby give, grant, bargain and release to the COUNTY OF MANATEE, a political subdivision of the State of Florida, with its mailing address being P O Box 1000, Bradenton, Florida 34206, a temporary construction easement to enter upon that portion of the Owner's land, said portion described as follows

See legal description identified
as Exhibit "A" attached hereto.

for the purpose of tying in and harmonizing said property and any existing improvements thereon with the construction to be undertaken by the County of Manatee Said property will be restored to its original condition

This Easement is granted upon the condition that the sloping and/or grading upon the above land shall not extend beyond the limits outlined above, and that all grading and/or sloping shall conform to all existing improvements on Grantor's property

This Easement will expire upon completion of project.

Signed, Sealed and Delivered

in the presence of:

George D. Parks
Witness

George D. Parks
Printed Name

CEDAR HAMMOCK FIRE CONTROL DISTRICT

David R. Quaderer

David R. Quaderer, Deputy Chief
Printed Name and Title

Ronald E. Smith
Witness

RONALD E. SMITH
Printed Name

(Signature of two witnesses
or secretary required by law)

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing **TEMPORARY CONSTRUCTION EASEMENT** was acknowledged before me this 12 day of July, 1997 by DAVID R. QUADERER (Name and title of agent) of the CEDAR HAMMOCK FIRE CONTROL DISTRICT, who is personally known to me or has produced CEDAR HAMMOCK I.D. as identification

BS # 264-81-4943

Thomas E. Fenton
NOTARY PUBLIC Signature

THOMAS E. FENTON
Printed Name



THOMAS E. FENTON
COMMISSION # CC 371801
EXPIRES MAY 11, 1998
BOARDED THRU
ATLANTIC BONDING CO., INC.

JAN 06 1998
ACCEPTED IN OPEN SESSION
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

EXHIBIT "A"

THE SOUTH 200 FEET OF WEST 1/2 OF WEST 1/2 OF NORTHWEST 1/4 OF SOUTHEAST 1/4 OF SECTION 2 LYING WEST OF CEDAR HAMMOCK DRAIN AND THE SOUTH 200 FEET OF EAST 1/2 OF NORTHEAST 1/4 OF NORTHEAST 1/4 OF SOUTHWEST 1/4 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1012, PAGE 598 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA (2.541 ACRES MORE OR LESS), SUBJECT TO UTILITY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 1040, PAGE 317, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.

Drainage Easement Individual

This instrument prepared by
Jim Staples, Manager, Land Acquisition
Transportation Department
P.O. Box 1000
Bradenton, Florida 34206

DN 1540 PG 5093 WITH 1078009 1 of 2

PROJECT # 100000
PARCEL #
D.P. #48908.0000/8

SPACE ABOVE THIS LINE FOR RECORDING DATA

DRAINAGE EASEMENT

THIS INDENTURE, made this 4th day of July, 1997, between JAMES D. FORSHEY and PATRICIA A. FORSHEY, AND AUGUSTA R. FORSHEY, whose mailing address is 3701 14th Street West, Bradenton, Florida 34205 as Grantor, and COUNTY OF MANATEE, a Political Subdivision of the State of Florida, with its mailing address being P.O. Box 1000, Bradenton, Florida 34206, as Grantee

WITNESSETH

That said Grantor, for and in consideration of the sum of \$1 00 and other valuable consideration in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and transferred, and by these presents does grant, bargain, sell and transfer unto Grantee, a **non-exclusive access easement for ingress, egress, construction and maintenance of surface and underground drainage** across the following described property situate in the County of Manatee, State of Florida, more particularly described as follows

THE NORTH 22 FEET OF THE EAST 560 FEET, MORE OR LESS, BOUNDED ON THE SOUTH BY THE NORTH PAVEMENT EDGE OF THE NORTHERNMOST MOBILE HOME PARK ROADWAY, OF THE FOLLOWING PARCEL:

THE NORTH 1/2 OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4, AND THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4, LESS BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, SOUTH 150 FEET, EAST 250 FEET, NORTH 150 FEET, WEST 250 FEET TO THE POINT OF BEGINNING, AND LESS A PORTION TO 9TH STREET AND FOR DRAINAGE, ALSO, LESS BEGINNING 360 FEET EAST OF THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4; THENCE EAST 425 FEET, SOUTH 145 FEET, WEST 425 FEET, NORTH 145 FEET TO THE POINT OF BEGINNING, SUBJECT TO EASEMENTS AND LESS HIGHWAY RIGHT-OF-WAY, ALSO LAND DESCRIBED IN O.R. BOOK 376, PAGE 294, PRMCF, LESS LAND DESCRIBED IN O.R. BOOK 376, PAGE 291, PRMCF. CONTAINS 12,320 SQUARE FEET, MORE OR LESS.

This is a non exclusive drainage easement with the **Grantor** reserving unto itself its heirs, successors or assigns, the right to the continued free use and enjoyment of the property herein described, for any purposes which are not inconsistent with the rights granted herein unto the **Grantee**.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal, the day and year above written

Signed, sealed and delivered
in the presence of:

Byron P. Branton
Witness

Byron P. Branton
Printed Name

Barbara J. Carter
Witness

BARBARA J. CARTER
Printed Name

Byron P. Branton
Witness

Byron P. Branton
Printed Name

Barbara J. Carter
Witness

BARBARA J. CARTER
Printed Name

James D. Forshey (Seal)
Signature
JAMES D. FORSHEY
Printed Name

Patricia A. Forshey (Seal)
Signature
PATRICIA A. FORSHEY
Printed Name

JAN 06 1998

Witness Byron P. Barton
Printed Name Byron P. Barton
Witness Barbara J. Pactor
Printed Name Barbara J. Pactor

Signature Augusta R. Forshey (Seal)
Printed Name AUGUSTA R. FORSHEY

(Signature of two witnesses required by law)

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 14th day of July, 1997 by JAMES D. FORSHEY, PATRICIA A. FORSHEY AND AUGUSTA R. FORSHEY (name of persons acknowledged), who are personally known to me ~~or who has/have produced~~ identification



Signature Byron P. Barton
NOTARY/PUBLIC Signature
Printed Name Byron P. Barton

BY 1560 OF 5000
OF 1240 TO 20/74 FILED AND RECORDED 01/09/98 11:15AM 2 of 2
R.B. SHAY CLERK OF CIRCUIT COURT MANATEE COUNTY FL