

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	River's Bend Subdivision	TYPE AGENDA ITEM	Consent
DATE REQUESTED	11/25/97 / 02/24/98	DATE SUBMITTED	11/19/97
BRIEFING?	N/A	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/OFFICE DIVISION	Planning Growth Management	AUTHORIZED BY TITLE	Carol B. Clarke Director <i>CB</i>
CONTACT PERSON TELEPHONE/EXTENSION	Jerome Gostkowski 3835	PRESENTER TELEPHONE/EXTENSION	Jerome Gostkowski 3835
ADMINISTRATIVE APPROVAL	<i>[Signature]</i>		

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

- Acceptance of authorization for Chairmen to execute and authorization to record Agreement to Defer Completion of Required Sidewalks for Minor Subdivision
- Authorization to release and return the following Performance Bond and Required Improvements Agreement to: Petzoldt Construction Company located at 5827 Driftwood Place, Sarasota, FL 34231
- Authorization to release and return the following Letter of Credit No. 1080 from West Coast Bank in the amount of \$11,115.00 to: Petzoldt Construction Company located at Petzoldt Construction Company located at 5827 Driftwood Place, Sarasota, FL 34231 - *Carol B. Clarke*

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

- Section 722.1.4.5 of the Land Development Code, Ordinance 90.01 as amended, states "where sidewalks do not exist within 1,000 feet to property zoned A-1, sidewalks shall not be required", and Section 722.1.4.7 approves deferral of construction.

BACKGROUND/DISCUSSION:

- The Land Development Code has been amended by Section 722.1.4.5 since the approval of the final plat and acceptance of the performance bond.

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

IF N/A OR NO, PLEASE EXPLAIN:
Not required by Land Development Code

IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT IS SAME AS APPROVED IN PREVIOUS YEARS, STATE YEAR OF LAST USE: 1996

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.

\$ 232.000.00 not provided. this also not w/ 11/25/97 agenda pkg - WJ and 2 other w/c pkg from a prior date (?) etc.

ATTACHMENTS: 1) Agreement 2) Map	INSTRUCTIONS TO BOARD RECORDS: Record Agreement to Defer Completion of Required Sidewalks
COST N/A	SOURCE (AGENCY & NAME) N/A
COMMENTS N/A	FISCAL IMPACT STATEMENT N/A
	RECURRING COSTS N/A
	FREQUENCY OF OCCURRENCE

3/2-198 - Delivered to 3/1-198 at request of Jerome Gostkowski

105 3

AGREEMENT TO DEFER COMPLETION OF REQUIRED SIDEWALKS

This Agreement is made and entered into by and between PETZOLDT CONSTRUCTION CO., a Ohio corporation authorized to do business in the State of Florida (Developer) and MANATEE COUNTY, FLORIDA (County).

WITNESSETH:

WHEREAS, Developer has made application to the County for approval of a final subdivision plat, identified as RIVER'S BEND SUBDIVISION PLAT (Project) which shall be located upon that property described on Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, the Developer desires to obtain approval of this final subdivision plat, but does not wish to construct the required sidewalks prior to Final Site Plan approval, because no sidewalks exist in the vicinity of the Project; and

WHEREAS, the Developer has agreed to construct such sidewalks at a later date which is acceptable to the County, subject to certain conditions.

NOW, THEREFORE, Developer and the County hereby agree as follows:

1. Developer, in consideration of the County's approval of the Final Site Plan for the Project, and other valuable consideration, hereby agrees to fully construct or install a sidewalk to the specifications of Manatee County development standards, a minimum of five feet wide and the length of the property in the right-of-way immediately adjacent to the Project within sixty (60) days of the beginning of construction or installation of the sidewalk within the right-of-way immediately adjacent to properties adjoining the Project or upon notice by the County; provided, however, the County may waive this requirement if the County initiates and the Developer participates in any type of road improvement program which includes construction of the aforesaid sidewalk.
2. Should the Developer fail or refuse to construct the aforesaid sidewalk, nothing herein shall be construed as affecting the County's right to resort to any and all legal and equitable remedies against Developer, including specific performance to which Developer hereby unconditionally agrees.

APPROVED AND ACCEPTED FOR AND ON BEHALF OF MANATEE COUNTY,
FLORIDA, THIS _____ DAY OF _____, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: _____
Chairman

ATTEST: _____
R. B. SHORE
Clerk of the Circuit Court

3. In the event there shall be any litigation between the parties hereto arising out of this Agreement, the prevailing party shall be entitled to recover all fees and costs incurred in such litigation, including reasonable attorney's fees, through appeal, if necessary.
4. This Agreement shall run with the land and shall be binding on the successors of Developer.
5. This agreement may not be assigned by either party.
6. This Agreement shall become effective upon the execution thereof by both parties hereto.

SIGNED AND SEALED this 12th day of May, 1997.

Carol A. Maslo
Witness

Carol A. Maslo

(Print or Type Name)

PETZOLDT CONSTRUCTION CO., a
Ohio corporation authorized to
do business in the State of
Florida

By: Curtis S. Petzoldt
CURTIS S. PETZOLDT, Pres.

Tammy J. Horne
Witness

Tammy J. Horne

(Print or Type Name)

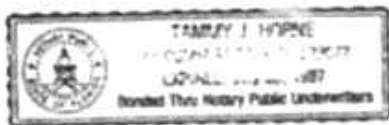
Address: 5827 Griffithwood Place
Sanasota, FL 34231

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 12th day of May, 1997, by CURTIS S. PETZOLDT, as President of PETZOLDT CONSTRUCTION CO., a Ohio corporation authorized to do business in the State of Florida, on behalf of the corporation identified herein as Developer. He is:
 personally known to me; or
 who has produced _____ as identification.

Tammy J. Horne
NOTARY PUBLIC **Tammy J. Horne**

(Printed Signature of Notary)



RIVER'S BEND SUBDIVISION

MANATEE COUNTY, FLORIDA
SECTION 9, TOWNSHIP 34 SOUTH, RANGE 19 EAST

