

**MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT	Bowlee's Creek US41 @ 69th Avenue West Temporary Construction Easement	TYPE AGENDA ITEM	Consent
DATE REQUESTED	July 7, 1998	DATE SUBMITTED/REVISED	June 25, 1998
BRIEFINGS?/WHO?	N/A	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Transportation/Land Acquisition	AUTHORIZED BY	Larry Mau, P.E. Transportation Director
CONTACT PERSON	Jim Staples	PRESENTER/TITLE	Jim Staples, Land Acquisition Manager
TELEPHONE/EXTENSION	5007	TELEPHONE/EXTENSION	5007

ADMINISTRATIVE APPROVAL

ACTION DESIRED

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

Acceptance of a Temporary Construction Easement from Rantoy Enterprises required for driveway improvements between the Anna Maria Oyster Bar and the new right-of-way area on U.S. 41.

ENABLING/REGULATING AUTHORITY

Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy.)

Comp Plan - Goal 5.1 addresses the safety and efficiency of forecasted vehicular travel demands

BACKGROUND/DISCUSSION

- The Temporary Construction Easement will allow the County to pave the driveway area connecting the Anna Maria Oyster Bar and the new access right-of-way area on U.S. 41.
- The new right-of-way area was recently dedicated to the County for the benefit of the residents of Bowlee's Creek Mobile Home Court who had requested that the traveled way that they and the restaurant patronage take access from on US 41, be improved for vehicular traffic and pedestrian safety.
- The conveyance document is hereby presented for acceptance.

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? Indicate "NO" or "YES" @ right. (If "NO," proceed to 1) below; and if "YES," proceed to 2) below) No

1) IF "NO" TO ABOVE:

A) PLEASE EXPLAIN BELOW: (see also following section 1B) re: contract, agreement, lease, etc.

Procedure previously approved by the County Attorney's Office

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT N/A

2) IF "YES" TO FIRST QUESTION IN THIS SECTION:

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED; IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER **MUST BE ATTACHED** (if comments were verbal, so indicate)

ATTACHMENTS: (List in order as attached)

- 1) Temporary Construction Easement
- 2) Location Map

INSTRUCTIONS TO BOARD RECORDS:

Return accepted copy to Land Acquisition, Transportation Department
CCC Charge Account #AR300005 Transportation

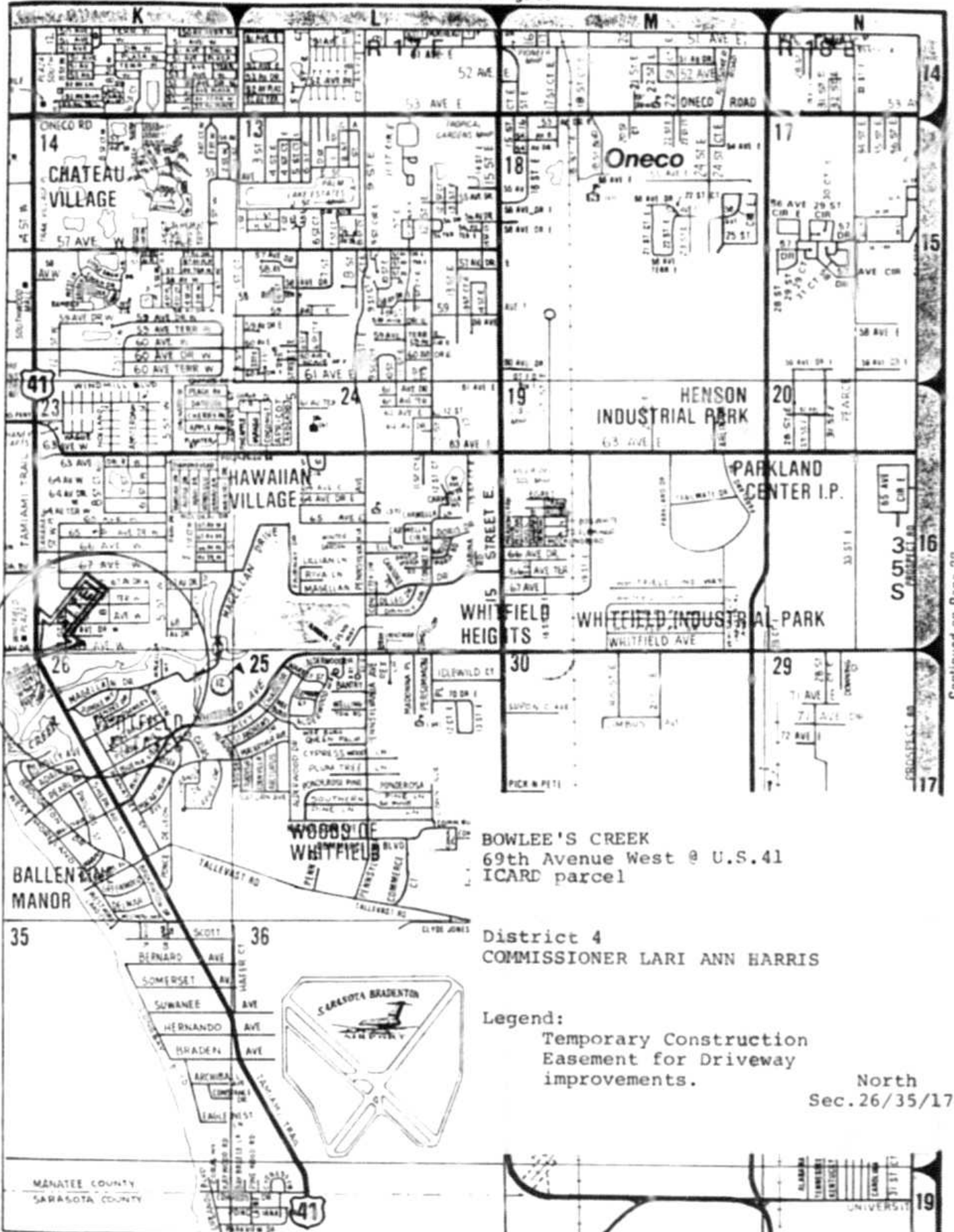
COST No Cost to the County

SOURCE (ACCT# & NAME) 101-0011800-552000 Land Acquisition Core Fund

COMMENTS N/A

AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT) N/A **APPROVED IN OPEN SESSION**

JUL 17 1998



BOWLEE'S CREEK
69th Avenue West @ U.S.41
ICARD parcel

District 4
COMMISSIONER LARI ANN HARRIS

Legend:
Temporary Construction
Easement for Driveway
improvements.

North
Sec. 26/35/17

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

TEMPORARY CONSTRUCTION EASEMENT

For and in consideration of the benefits accruing to the Owner, **RANTOY ENTERPRISES**, a Florida General partnership, as Grantor, whose mailing address is c/o Thomas F. Icard, Jr., P.O. Box 4195, Sarasota, Florida 34230, 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 owners land, said portion described as follows

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

for the purpose of constructing the adjacent improvements and tying in and harmonizing said property and any existing improvements thereon with the construction to be undertaken by the County of Manatee.

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 and all work shall be performed in such a manner that existing improvements will be left in same or like condition.

This Easement will expire upon completion of project

Signed, sealed and delivered in the presence of:

Lucille Sandhoff
Witness Signature

Lucille SANDHOFF
Printed Name

Ann Beerswalter
Witness Signature

Ann Beerswalter
Printed Name

Witness Signature

Printed Name

Witness Signature

Printed Name

Witness Signature

Printed Name

Witness Signature

Printed Name

Witness Signature

Printed Name

Witness Signature

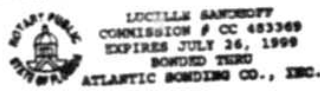
Printed Name

(Signature of two witnesses required by law)

Date May 19 1998

Faye Icard Huskins

FAYE ICARD HUSKINS, not individually, but as Co-Trustee under the Rantoy Trust, dated April 1, 1971, and amended March 25, 1993



Sherry Icard Corson
SHERRY ICARD CORSON, not individually, but as Co-Trustee under the Rantoy Trust, dated April 1, 1971, and amended March 25, 1993

Thomas F. Icard, Jr.
THOMAS F. ICARD, JR., not individually, but as Co-Trustee under the Rantoy Trust, dated April 1, 1971, and amended March 25, 1993

Greg Ike Icard
GREG IKE ICARD, not individually, but as Co-Trustee under the Rantoy Trust, dated April 1, 1971, and amended March 25, 1993

ACCEPTED IN OPEN SESSION JUL 07 1998
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

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Transportation Department
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Date May 19, 1993

Signed, sealed and delivered in the presence of

[Signature]
Witness Signature
Lucille Sandoroff
Printed Name

[Signature]
Witness Signature
Ann B...
Printed Name

Anthony R. Nettles
Witness Signature
Anthony R. Nettles
Printed Name

[Signature]
Witness Signature
Raren Altman
Printed Name

Witness Signature

Printed Name

Witness Signature

Printed Name

Witness Signature

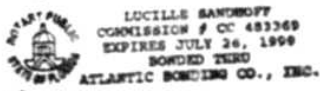
Printed Name

Witness Signature

Printed Name

(Signature of two witnesses required by law)

[Signature]
FAYE ICARD HUSKINS, not individually, but as Co-Trustee under the Rantoy Trust, dated April 1, 1971, and amended March 25, 1993



[Signature]
SHERRY ICARD CORSON, not individually, but as Co-Trustee under the Rantoy Trust, dated April 1, 1971, and amended March 25, 1993

[Signature]
Susan Lygare met this 22nd day may 1993. with person known to me as... and that person's name is...
Benjie R. Mues

THOMAS F. ICARD, JR., not individually, but as Co-Trustee under the Rantoy Trust, dated April 1, 1971, and amended March 25, 1993

GREG IKE ICARD, not individually, but as Co-Trustee under the Rantoy Trust, dated April 1, 1971, and amended March 25, 1993

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[Signature]
Witness Signature

Lucille Sanguinoff
Printed Name

[Signature]
Witness Signature

Don B...
Printed Name

Witness Signature

Printed Name

Witness Signature

Printed Name

[Signature]
Witness Signature

Drucilla N. Bouffard
Printed Name

Deena M. Spencer
Witness Signature

Deena M. Spencer
Printed Name

Witness Signature

Printed Name

Witness Signature

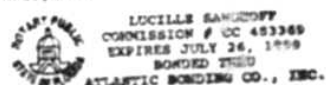
Printed Name

(Signature of two witnesses required by law)

Date: May 19, 1993

[Signature]

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Signed, sealed and delivered in the presence of

[Signature]
Witness Signature
Lucille Sandorff
Printed Name
[Signature]
Witness Signature
[Signature]
Printed Name

Witness Signature

Printed Name

Witness Signature

Printed Name

Witness Signature

Printed Name

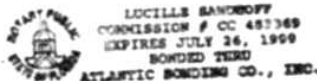
Witness Signature

Printed Name

Susan Kraushaar
Witness Signature
Susan R Kraushaar
Printed Name
[Signature]
Witness Signature
Peter A. Stelljes
Printed Name

(Signature of two witnesses required by law)

Date May 19, 1998
[Signature]
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Residing in Bothell, WA
Commission Exp 3.13.99

EXHIBIT "A"

DESCRIPTION: (PARCEL "B")

A TRACT OF LAND LYING IN THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT A CAPPED IRON ROD AT THE NORTHWEST CORNER OF SAID SECTION 26; THENCE N.89°48'47"E ALONG THE NORTHERLY LINE OF SAID NORTHWEST 1/4 A DISTANCE OF 956.65 FEET FOR A POINT OF BEGINNING; THENCE S.00°07'11"W A DISTANCE OF 373.97 FEET TO THE SOUTHERLY LINE OF BLOCK "E" OF EMERALD ISLES, UNIT No. 1, AS RECORDED IN PLAT BOOK 4, ON PAGE 90 OF THE RECORDS OF MANATEE COUNTY, FLORIDA (VACATED); THENCE S.89°50'46"E ALONG THE SOUTHERLY LINE OF SAID BLOCK "E" A DISTANCE OF 129.31 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN O.R. BOOK 817, PAGE 959 OF SAID PUBLIC RECORDS; THENCE N.00°09'08"E ALONG THE WEST LINE OF SAID PARCEL A DISTANCE OF 100.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.89°50'46"E ALONG THE NORTHERLY LINE OF SAID PARCEL AND THE EXTENSION THEREOF A DISTANCE OF 242.37 FEET TO THE EASTERLY LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26; THENCE N.00°08'41"W ALONG SAID EASTERLY LINE A DISTANCE OF 29.55 FEET TO A POINT OF INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF U.S. 41 (S.R. 45) SAID POINT BEING ON A CURVE OF WHICH THE RADIUS POINT LIES N.73°22'34"E A RADIAL DISTANCE OF 1687.02 FEET; THENCE NORTHWESTERLY ALONG THE ARC THROUGH A CENTRAL ANGLE OF 07°09'08" A DISTANCE OF 210.59 FEET; THENCE A RADIAL BEARING OF S.80°31'42"W A DISTANCE OF 3.80 FEET TO SOUTHERLY POINT OF PREMISES CONVEYED BY O.R. ICARD AND WIFE TO THE STATE OF FLORIDA BY A LIMITED WARRANTY DEED DATED SEPTEMBER 6, 1957 AND RECORDED IN DEED BOOK 373 ON PAGE 161 OF THE AFOREMENTIONED PUBLIC RECORDS; THENCE N.33°52'48"W ALONG THE WESTERLY LINE OF SAID PREMISES A DISTANCE OF 19.09 FEET TO THE WESTERNMOST CORNER OF SAID PREMISES; THENCE N.00°07'59"W A DISTANCE OF 26.19 FEET TO THE AFOREMENTIONED NORTHERLY LINE OF SAID NORTHWEST 1/4 OF SECTION 26; THENCE S.89°48'47"W ALONG SAID NORTHERLY LINE A DISTANCE OF 309.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.563 ACRES MORE OR LESS.

SUBJECT TO THE RIGHTS OF THE PUBLIC IN AND TO THOSE PORTIONS THEREOF TAKEN, USED OR DEDICATED FOR ROAD PURPOSES.

JUL 07 1998