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MANATEE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT	TEMPORARY CONSTRUCTION EASEMENT	TYPE AGENDA ITEM	CONSENT
DATE REQUESTED	JULY 7 1998	DATE SUBMITTED/REVISED	JULY 5 1998
BRIEFINGS/WHO?	N/A	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	TRANSPORTATION/LAND ACQUISITION	AUTHORIZED BY TITLE	LARRY R. MAU, P.E. TRANSPORTATION DIRECTOR
CONTACT PERSON TELEPHONE/EXTENSION	JIM STAPLES 5007 <i>DLR 9/16/98</i>	PRESENTER/TITLE TELEPHONE/EXTENSION	JIM STAPLES, LAND ACQUISITION MANAGER 5007
ADMINISTRATIVE APPROVAL <div style="text-align: center;"><i>[Signature]</i></div>			

ACTION DESIRED

INDICATE WHETHER "REPORT OR "DISCUSSION, "VOTE OF MOTION, OR "OTHER ACTION REQUIRED.

AUTHORIZATION FOR CHAIRMAN TO EXECUTE A TEMPORARY CONSTRUCTION EASEMENT TO FLORIDA POWER & LIGHT COMPANY AND MANASOTA COMMERCIAL CONSTRUCTION CO., INC. FOR A TEMPORARY ELECTRICAL SUPPLY FROM A COUNTY PARKING LOT ON 9TH STREET WEST/STATE ROAD 45 TO A CONSTRUCTION SITE FOR THE NEW SOUTH TRUST BANK.

ENABLING/REGULATING AUTHORITY

FEDERAL/STATE LAW(S), ADMINISTRATIVE RULING(S), MANATEE COUNTY COMP PLAN/LAND DEVELOPMENT CODE, ORDINANCES, RESOLUTIONS, POLICY.

N/A

BACKGROUND/DISCUSSION

MANASOTA COMMERCIAL CONSTRUCTION COMPANY, INC. REQUESTED A TEMPORARY CONSTRUCTION EASEMENT FOR FLORIDA POWER & LIGHT COMPANY TO INSTALL A TEMPORARY UTILITY POWER POLE AND AN AERIAL ELECTRIC LINE ACROSS THE COUNTY OWNED PARKING LOT LOCATED AT 323 NINTH STREET WEST/STATE ROAD 45 TO SERVICE A CONSTRUCTION SITE FOR THE NEW SOUTH TRUST BANK.

THE COUNTY ATTORNEY'S OFFICE HAS RECOMMENDED THAT MANATEE COUNTY CONVEY A TEMPORARY CONSTRUCTION EASEMENT TO BOTH FLORIDA POWER & LIGHT COMPANY AND MANASOTA COMMERCIAL CONSTRUCTION, COMPANY, INC. ACCORDINGLY, TWO EASEMENTS ARE ATTACHED FOR EXECUTION BY THE CHAIRMAN.

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? INDICATE "NO" OR "YES" @ RIGHT. (IF "NO," PROCEED TO 1) BELOW, AND IF "YES," PROCEED TO 2) BELOW) YES

1) IF "NO" TO ABOVE:

A) PLEASE EXPLAIN BELOW: (SEE ALSO FOLLOWING SECTION 1B) RE: CONTRACT, AGREEMENT, LEASE, ETC.

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?

THE ENTIRE MATTER WAS REVIEWED BY THE COUNTY ATTORNEY.

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.)

ALL COMMENTS/SUGGESTIONS HAVE BEEN ADDRESSED. SEE ATTACH MEMO FROM CAO.

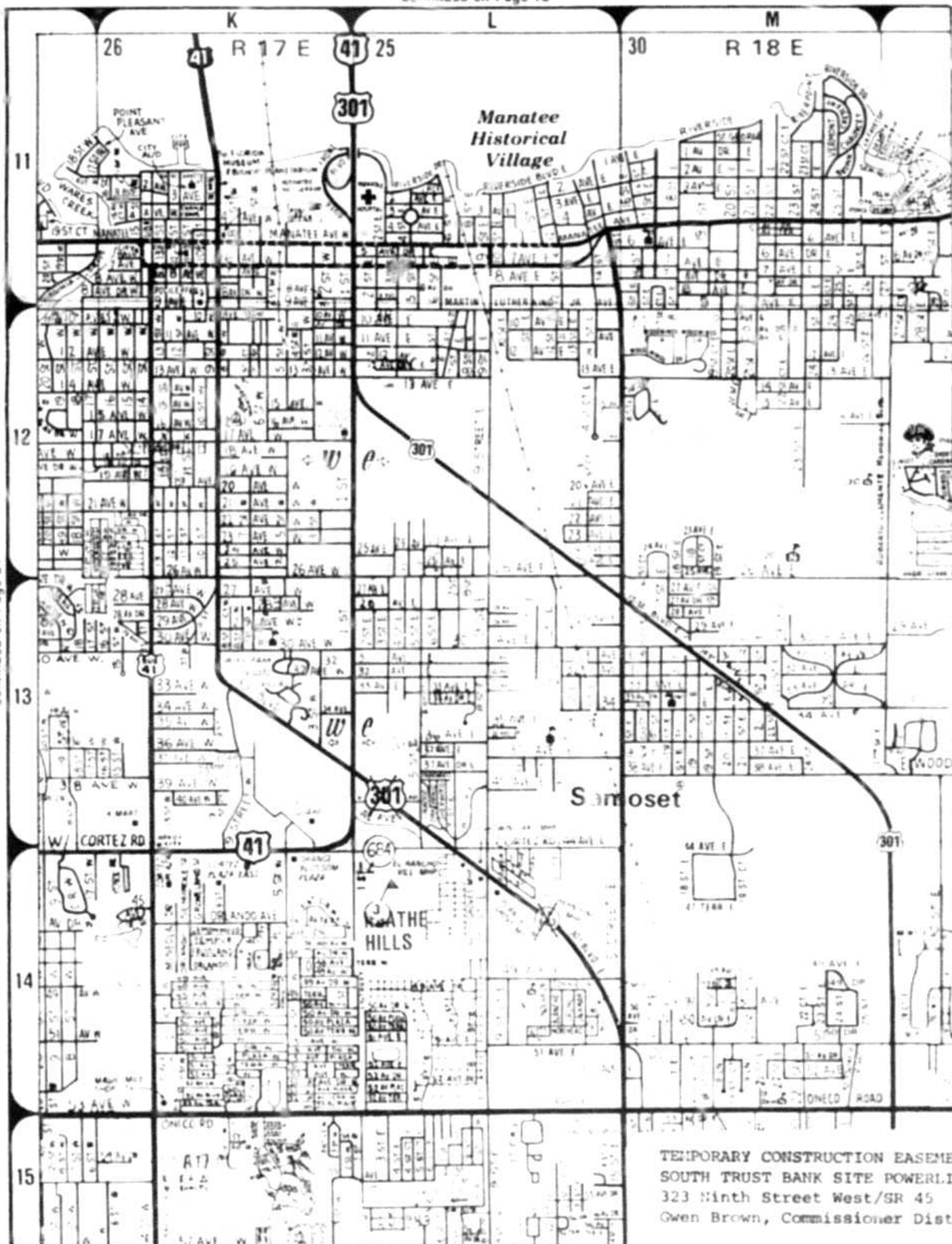
APPROVED IN OPEN SESSION

JUL 7 1998

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

LAST REVISED ON 7/6/98 BY S. O. W. B. DATE: 3/7/98

<p>ATTACHMENTS: (LIST IN ORDER AS ATTACHED)</p> <ol style="list-style-type: none"> 1. TEMPORARY CONSTRUCTION EASEMENT FOR FLORIDA POWER & LIGHT 2. TEMPORARY CONSTRUCTION EASEMENT FOR MANASOTA COMMERCIAL CONSTRUCTION CO., INC. 3. MANASOTA COMMERCIAL CONSTRUCTION LETTER OF 6/30/08 4. CAO MEMO 5. LOCATION MAP 	<p>INSTRUCTIONS TO BOARD RECORDS:</p> <p>RETURN EXECUTED COPY OF TEMPORARY CONSTRUCTION EASEMENT TO LAND ACQUISITION/TRANSPORTATION DEPARTMENT.</p>
<p>COST N/A</p>	<p>SOURCE (ACCT# & NAME) N/A</p>
<p>COMMENTS N/A</p>	<p>AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT) N/A</p>

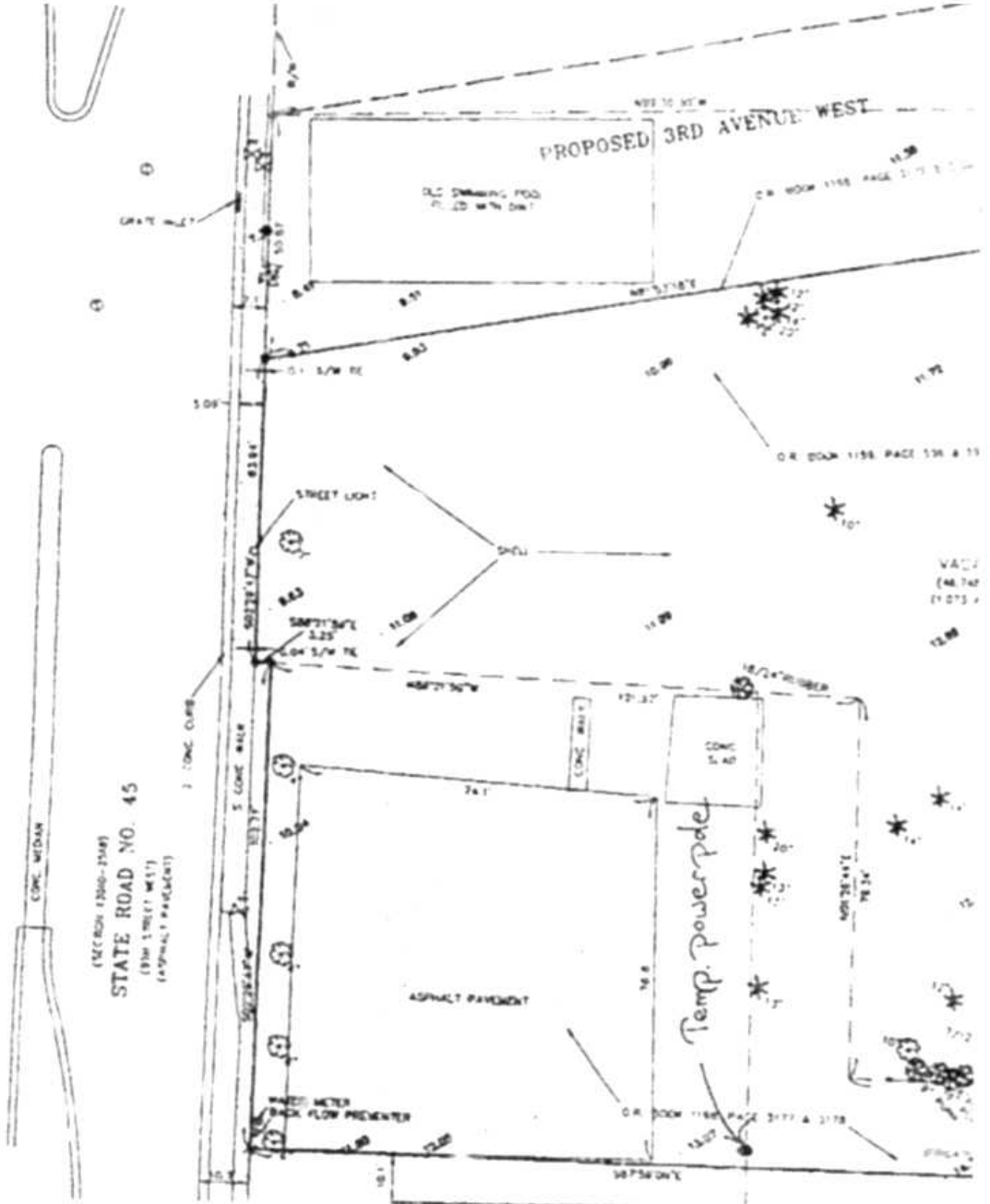


TEMPORARY CONSTRUCTION EASEMENT
 SOUTH TRUST BANK SITE POWERLINE
 323 Ninth Street West/SR 45
 Gwen Brown, Commissioner Dist. #2

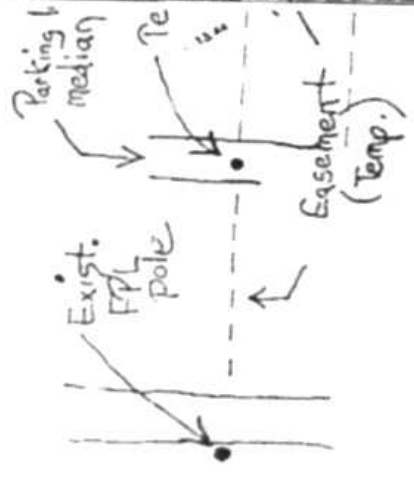
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(SECTION 12000-12000)
STATE ROAD NO. 45
 (3RD AVENUE WEST)
 (ORIGINAL PLAN)



RECEIVED

JUN 30 1998

Board of County Commissioners
Manatee County



**MANASOTA
COMMERCIAL
CONSTRUCTION**
CGC021884

June 30, 1998

Mr. Jim Staples
Manatee County
PO Box 1000
Bradenton, FL

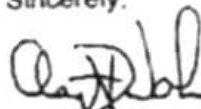
Re: South Trust Bank, 9th Street West -
Temporary Construction Easement

Dear Mr. Staples:

This letter is to request a Temporary Construction Easement for a power pole in the County parking lot directly north of the downtown Post Office Building. The power pole will be located in the grass median as not to damage the parking lot.

I will be happy to provide a site drawing or meet someone on site to locate the pole.

Sincerely,



Clayton D. Johnson
Vice President

cls

MANASOTA COMMERCIAL CONSTRUCTION COMPANY, INC.
Suite D • 5515 21st Avenue West • Bradenton, Florida 34209
(941) 795-2732 • FAX (941) 795-3732

JUL - 1 REC'D



Office of
**MANATEE COUNTY
ATTORNEY**

* Board Certified City, County & Local Government Law
† Board Certified Civil Trial

Teddy N. Williams, Jr., County Attorney
Mark P. Barnebey, Chief Assistant County Attorney *
Paul G. Bangel, Senior Assistant County Attorney *
William C. Henry, Senior Assistant County Attorney for Risk Management
Patricia McVoy, Senior Assistant County Attorney *
James A. Minix, Senior Assistant County Attorney†
Mitchell O. Palmer, Senior Assistant County Attorney
Jeffrey N. Steinsnyder, Senior Assistant County Attorney

**Response to URGENT
Request for Legal Services**

July 6, 1998

MEMORANDUM

TO: Jim Staples, Manager, Land Acquisition, Transportation Department

FROM: Mitchell O. Palmer, Senior Assistant County Attorney *MOP 7/6/98*

RE: **Proposed conveyance of temporary construction easement to
Manasota Commercial Construction Company, Inc.; RLS-98-273,
received July 6, 1998; CAO File No. 1148**

In this urgent Request for Legal Services, you have solicited my review of and advice regarding a proposed temporary construction easement instrument. Specifically, a local contractor, Manasota Commercial Construction Company, Inc. (hereinafter Manasota), has requested that the County convey to it a temporary construction easement on County-owned property situated immediately north of the downtown Bradenton Post Office. The property in question is currently improved with an asphalt paved parking lot and associated landscaping and other appurtenances.

As I understand the request, Manasota is currently constructing a bank building on property lying immediately to the north of the County-owned parking lot, and Manasota is in need of temporary electrical power for their onsite project trailer.

I have reviewed the proposed temporary construction easement instrument as prepared by your Division. While it is a good start, it is nevertheless inadequately tailored for this particular undertaking. I have taken the liberty of creating an entirely new document, for your usage.

Jim Staples, Manager,
Land Acquisition
July 6, 1998
Page 2

Finally, your Request for Legal Services suggests that the appropriate grantee is Florida Power & Light Company (hereinafter FPL), as opposed to Manasota. While I realize that the actual installation of the temporary utility pole and the overhead electrical line will likely be undertaken by personnel of Florida Power & Light Company (with the cost naturally to be covered by Manasota), the easement is nevertheless granted for the ultimate use and benefit of Manasota, as opposed to FPL. It therefore appears that the appropriate grantee is, in fact, Manasota.

Nevertheless, I am forwarding herewith alternative versions of the easement instrument--naming Manasota and FPL as alternative grantees. Probably the most prudent course of action would be to convey an easement to both entities.

If I can be of additional assistance in this matter, please advise. Otherwise, this concludes my services pursuant to the above-described urgent Request for Legal Services.

MOP/kc

Attachments

cc: Teddy N. Williams, Jr., County Attorney
Dave Rothfuss, Chief Assistant County Administrator

TEMPORARY CONSTRUCTION EASEMENT

For good and valuable consideration, the **COUNTY OF MANATEE** a political subdivision of the State of Florida, as Grantor, whose mailing address is P. O. Box 1000, Bradenton, Florida 34206, does hereby give, grant, bargain and release to **FLORIDA POWER & LIGHT COMPANY**, a Florida corporation, as Grantee, whose mailing address is P. O. Box 14000, Juno Beach, Florida 33408-0420, a temporary construction easement to enter upon that portion of the Grantor's land, said portion described as follows:

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

for the purpose of erecting a temporary utility pole and installing a temporary aerial electrical line across said property described above.

This Easement is granted upon the condition that Grantee's activities herein shall be performed in a generally safe and workmanlike manner, and that existing improvements on or in said property described above will be left in same or like condition, upon termination of this Easement, as existed prior to Grantee's exercising of its rights herein, and that Grantor's continued usage of the property for vehicular parking shall not be interrupted, and that the aforementioned utility pole and aerial electrical line be removed upon expiration of this Easement.

This Easement will expire upon completion of construction of a South Trust Bank building on property lying to the immediate north of said property described above. This instrument will not be recorded in Manatee County's Official Records.

COUNTY OF MANATEE, FLORIDA,
by and through its
BOARD OF COUNTY COMMISSIONERS,
as Grantor

By: 
Chairman

Date: July 7, 1996

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

By: 
Clerk of the Circuit Court

This instrument prepared by:
Jim Staples, Manager
Land Acquisition Division
Manatee County Transportation Department
4412 66 Street West
Bradenton, Florida 34210

EXHIBIT "A"

Lots 1,2,3,4 & 5, less 760 square feet to the Department of Transportation for road right-of-way as described in OR Book 1076, Page 2666, also less that part included in OR Book 1198, Page 3173, Roesch Subdivision, also: Lot 9, less northerly 10 feet and all of Lots 11 and 13, Block A, Coe & Warren Subdivision, together with vacated Alley A and part of vacated Alley B, as vacated by unrecorded Resolution No. 07-53. All of said land being and situate in Manatee County, Florida.

TEMPORARY CONSTRUCTION EASEMENT

For good and valuable consideration, the **COUNTY OF MANATEE** a political subdivision of the State of Florida, as Grantor, whose mailing address is P. O. Box 1000, Bradenton, Florida 34206, does hereby give, grant, bargain and release to **MANASOTA COMMERCIAL CONSTRUCTION COMPANY, INC.**, a Florida corporation, as Grantee, whose mailing address is 5515 21st Avenue West, Bradenton, Florida 34209, a temporary construction easement to enter upon that portion of the Grantor's land, said portion described as follows:

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

for the purpose of erecting a temporary utility pole and installing a temporary aerial electrical line across said property described above.

This Easement is granted upon the condition that Grantee's activities herein shall be performed in a generally safe and workmanlike manner, and that existing improvements on or in said property described above will be left in same or like condition, upon termination of this Easement, as existed prior to Grantee's exercising of its rights herein, and that Grantor's continued usage of the property for vehicular parking shall not be interrupted, and that the aforementioned utility pole and aerial electrical line be removed upon expiration of this Easement.

This Easement will expire upon Grantee's completion of construction of a South Trust Bank building on property lying to the immediate north of said property described above. This instrument will not be recorded in Manatee County's Official Records.

COUNTY OF MANATEE, FLORIDA,
by and through its
BOARD OF COUNTY COMMISSIONERS,
as Grantor

By: _____

Samuel D. Glass
Chairman

Date: _____

July 7, 1998

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

Susan B. R. Moore

This instrument prepared by:
Jim Staples, Manager
Land Acquisition Division
Manatee County Transportation Department
4412 66 Street West
Bradenton, Florida 34210

EXHIBIT "A"

Lots 1,2,3,4 & 5, less 760 square feet to the Department of Transportation for road right-of-way as described in OR Book 1076, Page 2666, also less that part included in OR Book 1198, Page 3173, Roesch Subdivision, also: Lot 9, less northerly 10 feet and all of Lots 11 and 13, Block A, Coe & Warren Subdivision, together with vacated Alley A and part of vacated Alley B, as vacated by unrecorded Resolution No. 87-53. All of said land being and situate in Manatee County, Florida.