

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Conveyance of right-of-way for the extension of 24 th Street East	TYPE AGENDA ITEM	Consent
DATE REQUESTED	July 26, 2011	DATE SUBMITTED/REVISED	July 12, 2011
BRIEFINGS? Who?	N/A	CONSEQUENCES IF DEFERRED	N/A
DEPARTMENT/DIVISION	Property Management Property Acquisition Division	AUTHORIZED BY TITLE	Charlie Bishop, Director, Property Management <i>CMB</i>
CONTACT PERSON TELEPHONE/ EXTENSION	Barbara Carter/Extension 3009	PRESENTER/TITLE TELEPHONE/ EXTENSION	Joaquin Servia, Division Manager, Property Acquisition/Extension 3021 <i>JSA</i>
ADMINISTRATIVE APPROVAL		<i>[Signature]</i>	

ACTION DESIRED
INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

Acceptance of a Special Warranty Deed from AP Bradenton Limited Partnership to Manatee County conveying a Stormwater Retention Site and additional right-of-way for the extension of 24th Street East.

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

- In 1998 AP Bradenton Limited Partnership purchased an approximately 24-acre property at the northwest corner of State Highway 70 (53rd Avenue East) and US Highway 301 (State Road 683). The property had been operated for many years as a landscape nursery by the Reasoner family. The property was acquired for development of a multi-screen movie theatre with three (3) outparcels intended for commercial uses. The theatre opened in early 2004.
- To improve access into the theatre, additional right-of-way was required from FDOT, the United States Postal Service (USPS) and from AP Bradenton Limited Partnership.
- The detention pond situated on USPS property was relocated to an area on AP Bradenton's property which was required to be dedicated and operated by Manatee County.
- Construction of the roadway and drainage facilities was completed in 2006.
- The Special Warranty Deed hereby presented for acceptance is the conveyance from AP Bradenton Limited Partnership for additional right-of-way and detention pond area.
- The attorney for AP Bradenton has had the Deed recorded, which can be found in O.R. Book 2378, Page 1165, Public Records Manatee County, Florida.

APPROVED IN OPEN SESSION

JUL 26 2011

**BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA**

COUNTY ATTORNEY REVIEW	
Check appropriate box	
<input checked="" type="checkbox"/>	REVIEWED Written Comments: <input checked="" type="checkbox"/> Attached Memorandum dated March 23, 2011 from Rodney Wade, Deputy County Attorney. <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS: <i>MR 7/26/11</i>	
1) Deed 2) Memorandum from CAO 3) Location Map		Please return a copy of the accepted Deed to Barbara Carter, Property Management, Property Acquisition Division and to Sandra Murphy, CAO.	
COST:	N/A	SOURCE (ACCT # & NAME):	N/A
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A

Cc: Rodney Wade, Deputy County Attorney

Warranty Deed
This instrument prepared by:
James D. Dye, Esquire
1111 3rd Avenue West, #300
Bradenton, FL 34205



PARCEL # 16804.1005/5 (w/other lands)
PARCEL # 16827.0000/8 (w/other lands)

=====SPACE ABOVE THIS LINE FOR RECORDING DATA=====

THIS SPECIAL WARRANTY DEED made and executed the 29th day of March, 2011, A.D., by **AP BRADENTON LIMITED PARTNERSHIP**, a Texas limited partnership, and having its principal place of business at 12770 Coit Road, Suite 970, Dallas, TX 75251, hereinafter called the grantor, to the **COUNTY OF MANATEE**, a political subdivision of the State of Florida, hereinafter called the grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of \$1.00 and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in Manatee County, State of Florida, viz:

Tract One and Tract Two described on Exhibit "A" attached hereto.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever, subject to the following:

RESERVATION OF EASEMENT AND IMPOSITION OF RESTRICTIVE COVENANT

Grantor reserves a perpetual, non-exclusive easement in and to the west twenty (20) feet of the land described as Tract One on Exhibit "A" to place, keep and maintain facilities for drainage of surface and storm waters discharged from a retention lake located in whole or in part on the parcel of land described on Exhibit "B" attached hereto (to which land such easement shall be appurtenant), which drainage facilities may include, without limitation, an underground reinforced concrete pipe, 24" in diameter; provided that in the exercise of such easement rights, grantor, its successors and assigns shall not materially interfere with a storm water retention lake and appurtenant facilities located on Tract One, as depicted on Exhibit "A-1" attached hereto. This conveyance shall include the retention lake and appurtenant drainage facilities, including the junction box and reinforced concrete pipe, 24" in diameter, extending in a northerly direction from the junction box to the right-of-way of 52nd Avenue East, but excluding the segment of reinforced concrete pipe extending from the land described on Exhibit "B" to the junction box, which pipe segment shall be owned by grantor, its successors and assigns.

By its acceptance of this conveyance, grantee acknowledges that this conveyance is made subject to a covenant to maintain in good condition and repair the junction box shown on Exhibit "A-1" and the portion of the reinforced concrete pipe, 24" in diameter, extending from the junction box on a northerly direction to the right-of-way of 52nd Avenue East; provided, however, that the liability of grantee to grantor or its successors or assigns, for any damage caused by the junction box or the portion of the drainage pipe extending in a

northerly direction therefrom becoming obstructed by debris or out of repair, shall be limited to the reasonable cost of removing the obstruction or making the necessary repair. The easement rights hereby reserved by grantor shall include the right to clear such obstruction and make such repairs. This easement shall be deemed a covenant running with the lands of both grantor and grantee and shall bind and inure to the benefit of grantor and grantee and their successors in interest.

AND the grantor hereby covenants with said grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that said land is free of all encumbrances; and that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever claiming by, through, or under Grantor, but not otherwise.

IN WITNESS WHEREOF the said grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

[Signature page follows.]

Signed, sealed and delivered
in the presence of:

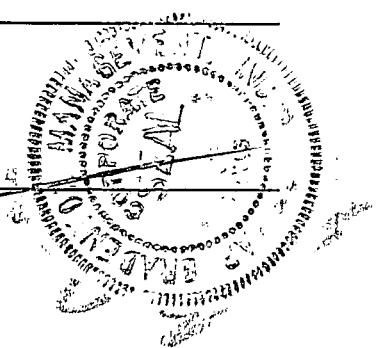
Cynthia S. Anthony
Witness Signature
Cynthia S. ANTHONY
Printed Name

Brian B. Shiv
Witness Signature
BRIAN B. SHIV
Printed Name
(Signature of two witnesses or secretary required by law)

**AP BRADENTON LIMITED PARTNERSHIP,
A Texas Limited Partnership**
By: AP Bradenton Management, Inc., a Texas
corporation, its General Partner

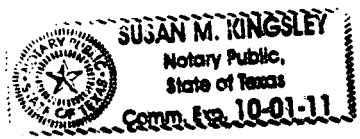
R. Jay Anthony
BY: _____
Title: President
Print Name: R. Jay Anthony

ATTEST:
Signature: _____
Title: Assistant Secretary
Printed Name: Frank Nuchereno



STATE OF TEXAS
COUNTY OF DALLAS

The foregoing instrument was acknowledged before me this 23th day of March, 2011, by R. Jay Anthony, President of AP Bradenton Management, Inc., a Texas corporation, General Partner of AP BRADENTON LIMITED PARTNERSHIP, a Texas limited partnership, on behalf of corporation and limited partnership who is personally known to me or has produced _____ as identification.



Susan M. Kingsley
Notary Public
Print Name: SUSAN M. KINGSLEY
Commission #: 00103862-9
My Commission Expires: 10-01-2011

EXHIBIT A TRACT ONE

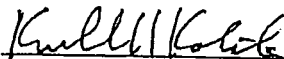
DESCRIPTION: A.P. BRADENTON, LTD. TO MANATEE COUNTY
STORMWATER RETENTION SITE

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N 00°12'44" W, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, A DISTANCE OF 575.44 FT. FOR A POINT OF BEGINNING, SAID POINT BEING THE P.C. OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 93.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°19'58", A DISTANCE OF 50.86 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 72.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°05'05", A DISTANCE OF 39.06 FT. TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF 52ND AVENUE EAST; THENCE N 88°56'15" W, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 116.28 FT. TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1171, PAGE 3027, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 00°35'47" W, ALONG THE EASTERLY LINE OF SAID CERTAIN PARCEL, A DISTANCE OF 87.61 FT.; THENCE N 89°58'48" E, A DISTANCE OF 141.55 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

REFER TO SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION

AUGUST 1, 2000

DATE



KENNETH C. KOLARIK
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5116

FLORIDA CERTIFICATE AUTHORIZATION NUMBER, LB 2241.

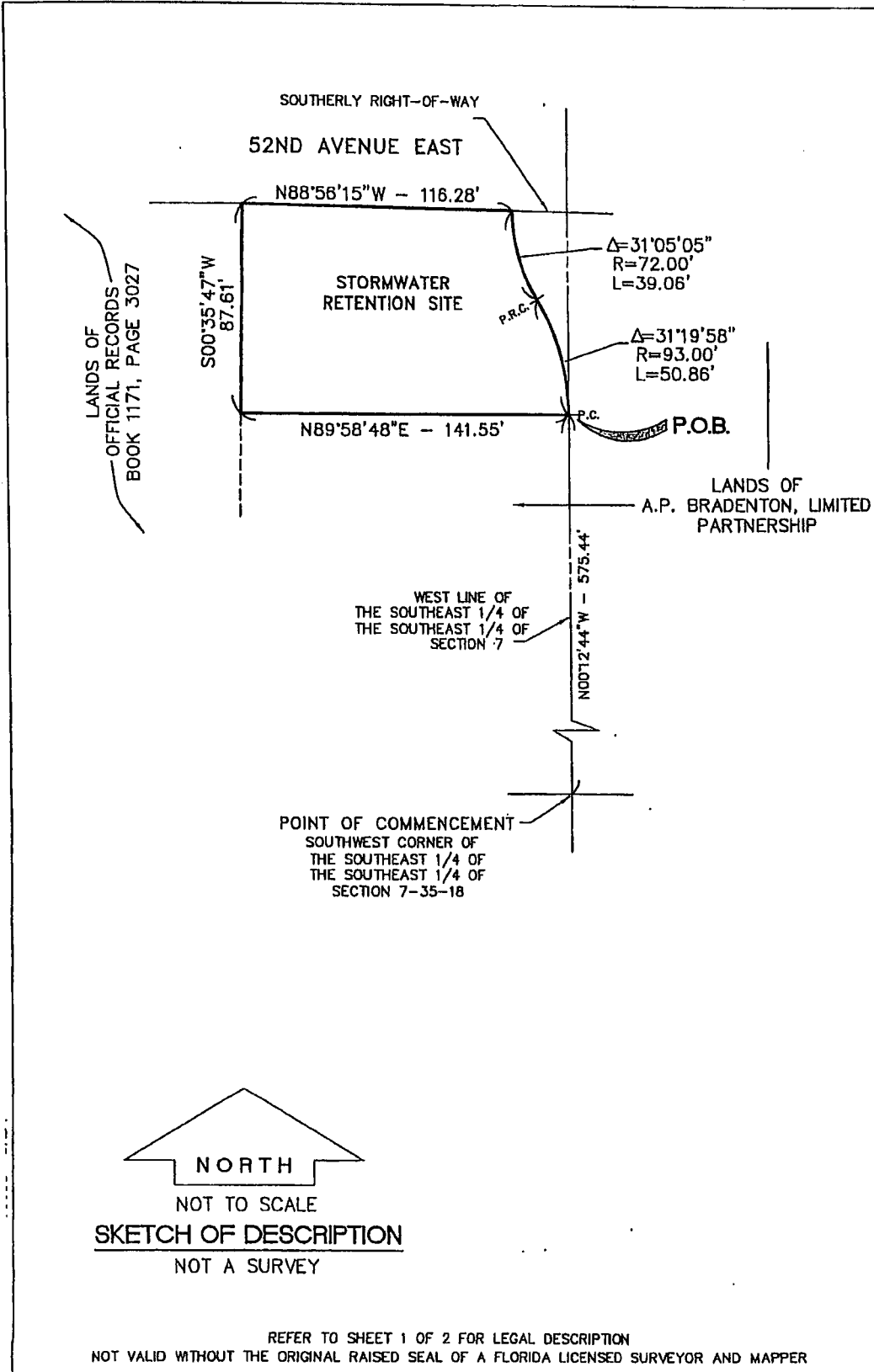
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB NUMBER: 7000.18 DRAWN BY: SLM SCALE: NONE SHEET NUMBER 1 OF 2



LOMBARDO, SKIPPER & FOLEY, INC.
CONSULTING ENGINEERS, SURVEYORS AND PLANNERS

EXHIBIT A TRACT ONE



JOB NUMBER: 7000.18 DRAWN BY: SLM SCALE: NONE SHEET NUMBER 2 OF 2



LOMBARDO, SKIPPER & FOLEY, INC.
CONSULTING ENGINEERS, SURVEYORS AND PLANNERS

EXHIBIT A TRACT TWO


DESCRIPTION: A.P. BRADENTON, LTD. TO MANATEE COUNTY
24TH STREET EAST - ADDITIONAL RIGHT-OF-WAY

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N 00°12'44" W, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, A DISTANCE OF 435.88 FT. FOR A POINT OF BEGINNING; THENCE CONTINUE N 00°12'44" W, ALONG SAID WEST LINE, A DISTANCE OF 139.56 FT. TO THE P.C. OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 93.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°19'58", A DISTANCE OF 50.86 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 72.00 FT.; THENCE RUN NORTHERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 31°05'05", A DISTANCE OF 39.06 FT. TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF 52ND AVENUE EAST; THENCE S 88°56'15" E, ALONG SAID SOUTHERLY RIGHT-OF-WAY, A DISTANCE OF 44.07 FT. TO THE INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY OF 24TH STREET EAST; THENCE N 00°12'44" W, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 157.71 FT. TO A POINT ON THE ARC OF A CURVE WHOSE RADIUS POINT LIES N 89°47'16" E, A DISTANCE OF 477.82 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°32'38", A DISTANCE OF 196.35 FT. TO THE P.R.C. OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 482.65 FT.; THENCE RUN SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°32'38", A DISTANCE OF 198.33 FT.; THENCE N 89°07'50" W, A DISTANCE OF 99.97 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

REFER TO SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION

AUGUST 1, 2000

DATE


KENNETH C. KOLARIK
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5116

FLORIDA CERTIFICATE AUTHORIZATION NUMBER, LB 2241.

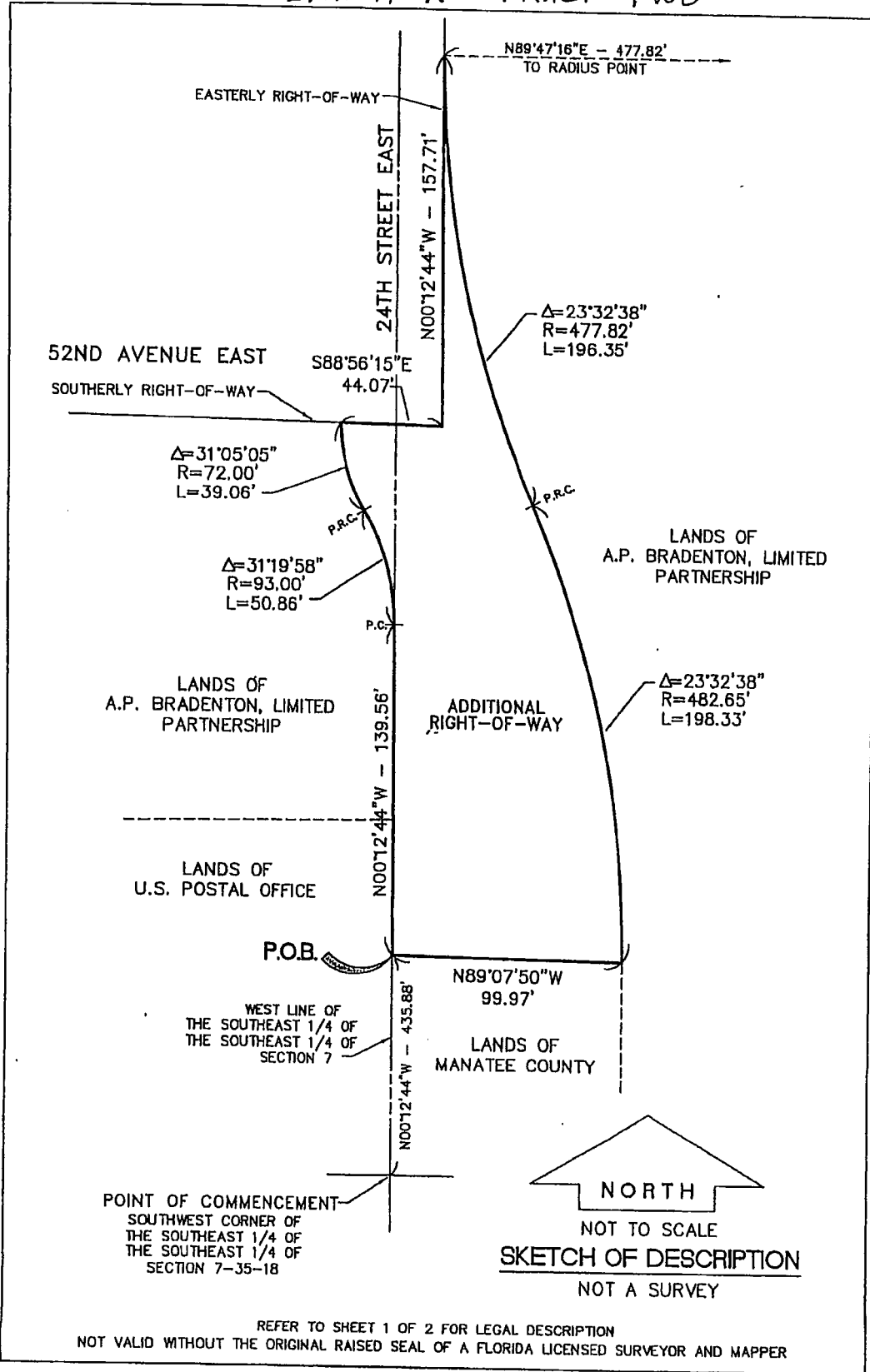
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JOB NUMBER: 7000.18 DRAWN BY: SLM SCALE: NONE SHEET NUMBER 1 OF 2



LOMBARDO, SKIPPER & FOLEY, INC.
CONSULTING ENGINEERS, SURVEYORS AND PLANNERS

EXHIBIT A TRACT TWO



REFER TO SHEET 1 OF 2 FOR LEGAL DESCRIPTION
 NOT VALID WITHOUT THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB NUMBER: 7000.18 DRAWN BY: SLM SCALE: NONE SHEET NUMBER 2 OF 2

EXHIBIT "A-1"

20' Drainage Easement

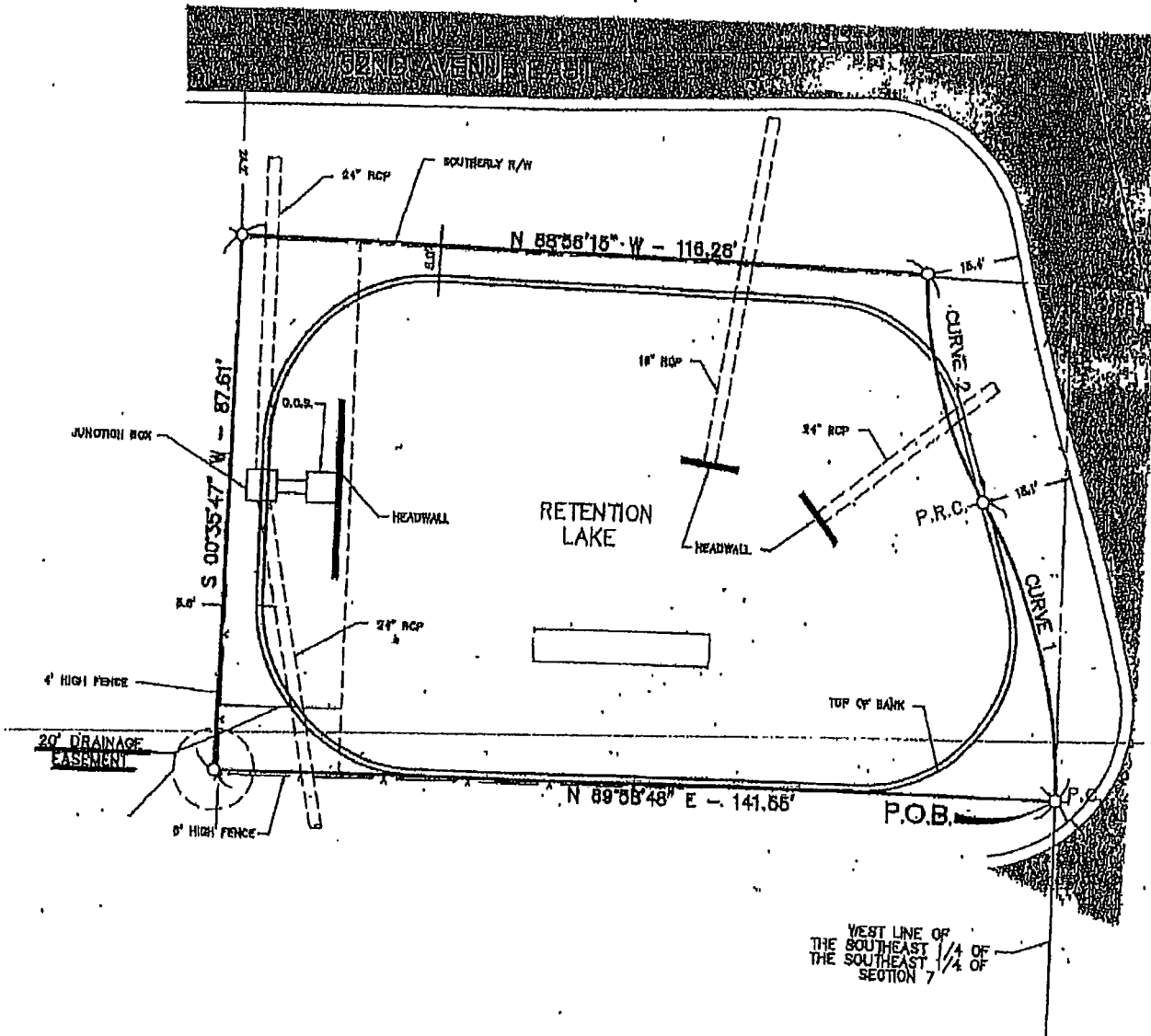
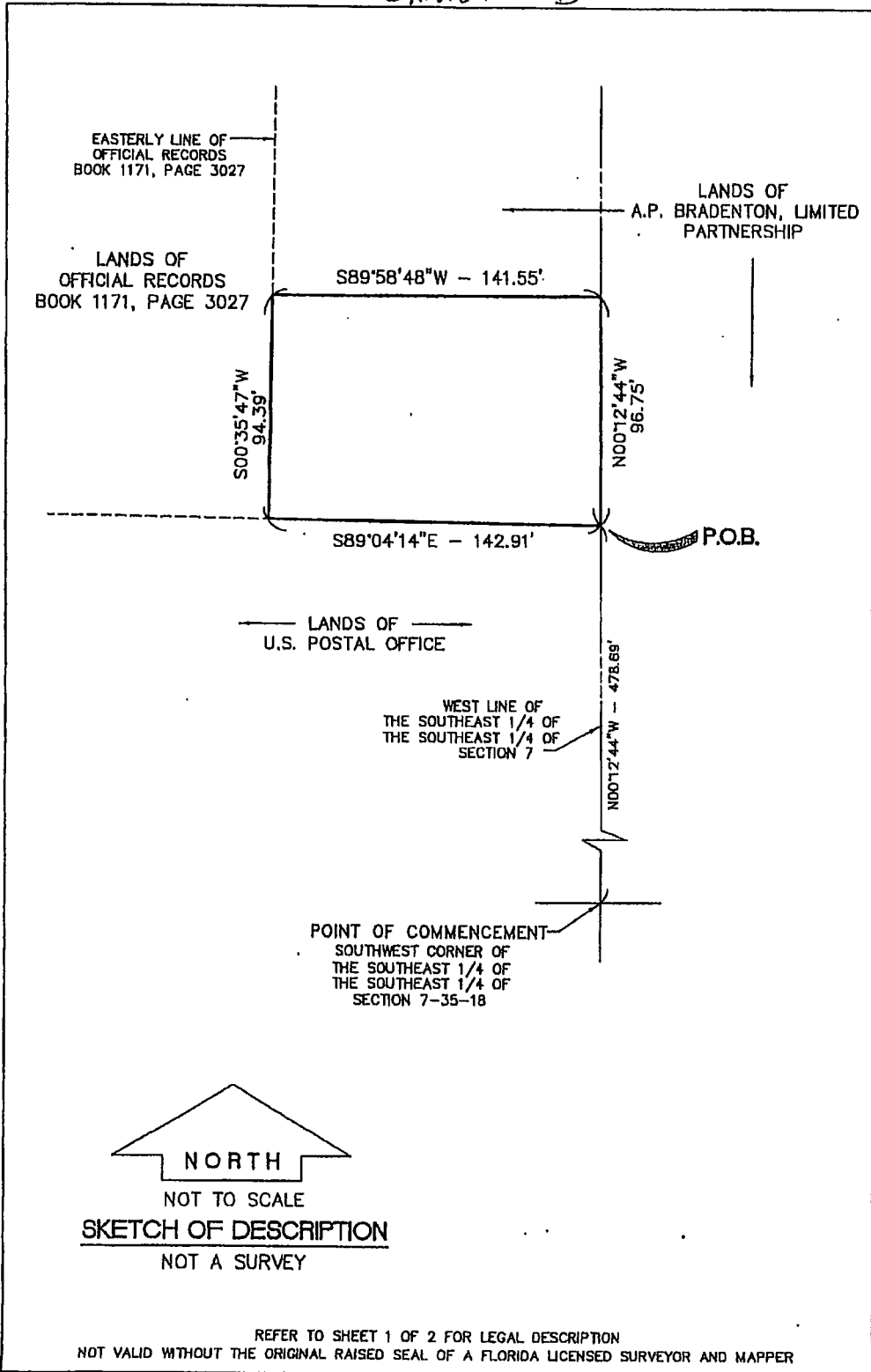


EXHIBIT B



RPC24ESK.DWG 060600 CAD4

JOB NUMBER: 7000.18 DRAWN BY: SLM SCALE: NONE SHEET NUMBER 2 OF 2



LOMBARDO, SKIPPER & FOLEY, INC.
 CONSULTING ENGINEERS, SURVEYORS AND PLANNERS
 P.O. BOX 188 • 825 4TH STREET WEST
 PALMETTO, FLORIDA 34101 • (813) 788-1500

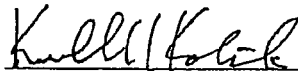
EXHIBIT B

DESCRIPTION: A.P. BRADENTON, LTD. TO U.S. POSTAL SERVICE

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST; THENCE N 00°12'44" W, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 7, A DISTANCE OF 478.69 FT. FOR A POINT OF BEGINNING, THENCE CONTINUE N 00°12'44" W, ALONG SAID WEST LINE, A DISTANCE OF 96.75 FT.; THENCE S 89°58'48" W, A DISTANCE OF 141.55 FT. TO THE INTERSECTION WITH THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1171, PAGE 3027, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE S 00°35'47" W, ALONG SAID EASTERLY LINE, A DISTANCE OF 94.38 FT.; THENCE S 89°04'14" E, A DISTANCE OF 142.91 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 7, TOWNSHIP 35 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

REFER TO SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION

AUGUST 1, 2000
DATE



KENNETH C. KOLARIK
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5118

FLORIDA CERTIFICATE AUTHORIZATION NUMBER, LB 2241.
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB NUMBER: 7000.18 DRAWN BY: SLM SCALE: NONE SHEET NUMBER 1 OF 2



LOMBARDO, SKIPPER & FOLEY, INC.
CONSULTING ENGINEERS, SURVEYORS AND PLANNERS
P.O. BOX 188 • 825 4TH STREET WEST
PALMETTO, FLORIDA 34221 • (941)722-4561

RPC24ESK.DWG 060600 CAD4



Office of
**MANATEE COUNTY
ATTORNEY**

Tedd N. Williams, Jr., County Attorney

James A. Mizix, Chief Deputy County Attorney
Maureen S. Sikora, Deputy County Attorney*
Robert M. Eschenfelder, Deputy County Attorney
Rodney C. Wade, Deputy County Attorney*
William E. Clague, Deputy County Attorney
James R. Cooney, Deputy County Attorney
Sarah A. Schenk, Deputy County Attorney*

MEMORANDUM

DATE: March 23, 2011

TO: Charlie H. Bishop, PMP, Director, Property Management Department

THROUGH: Tedd N. Williams, Jr., County Attorney *Tedd N. Williams, Jr.*
3/23/11 *Rodney C. Wade*

FROM: Rodney C. Wade, Deputy County Attorney

RE: **Conveyance Documents to Manatee County for the Extension of 24th Street East Between 51st Avenue East and 53rd Avenue East (SR 70)
RLS-11-102 Received March 17, 2011; CAO File 8003-085**

This memorandum is in response to the above-referenced Request for Legal Services in which you ask this office to review conveyance documents required for the extension of 24th Street East from 51st Avenue East to 53rd Avenue East (SR 70) from the United States Postal Service and AP Bradenton Limited Partnership to Manatee County.

I accompanied Property Management Staff to the road that is intended to be conveyed and observed the condition of the roadway. Manatee County has been maintaining the road for several years and has placed Manatee County road signs in the right-of-way. Manatee County should formalize the conveyance, and as requested, I reviewed the following draft documents provided:

1. Quit Claim Deed from United States Postal Service to Manatee County conveying Tract II and IIA
2. Warranty Deed and Grant of Drainage Easement from AP Bradenton Limited Partnership to United States Postal Service conveying Tract III
3. Affidavit of Ownership and Encumbrances of AP Bradenton Limited Partnership, Tract III

Charlie H. Bishop, PMP, Director
Property Management Department

Page 2

March 23, 2011

4. Special Warranty Deed from AP Bradenton Limited Partnership to Manatee County conveying Tracts IV and V
5. Affidavit of Ownership and Encumbrances of AP Bradenton Limited Partnership, Tracts IV and V

The documents conveying an interest to Manatee County are appropriate and legally acceptable for the Board of County Commissioners to accept the conveyance of the road. My recommendation is that the Board accepts the conveyance and records the documents with the Manatee County Clerk of the Circuit Court.

This completes my response to your Request for Legal Services. Please contact me if you have any questions or if I can be of further assistance.

RCW/slm

cc: Ed Hunzeker, County Administrator

Joaquin Servia, Manager, Property Acquisition Division

Barbara Carter, SR/WA, Real Property Supervisor, Property Acquisition Division

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AP BRADENTON LIMITED PARTNERSHIP
CONVEYANCE OF RETENTION AREA
AND RIGHT-OF-WAY
FOR THE EXTENSION OF 24TH STREET EAST

RETENTION
AREA

US POST OFFICE

District #4
Commissioner DiSabatino



Replaced

