

MANATEE COUNTY GOVERNMENT

AGENDA MEMORANDUM

SUBJECT	Hidden River Trail Utility Easement	TYPE AGENDA ITEM	Consent
DATE REQUESTED	July 26, 2011	DATE SUBMITTED/REVISED	June 29, 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>CHB</i>
CONTACT PERSON TELEPHONE/EXTENSION	Paul Johnson Extension 6284	PRESENTER/TITLE TELEPHONE/EXTENSION	Joaquin Servia, Division Manager, Property Acquisition/Extension 3021 <i>Joaquin</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, authorization to record, a Utility Easement from Lakewood Ranch Community Development District 5 located at Hidden River Trail in Lakewood Ranch.

Authorization to record Affidavit of Ownership from Lakewood Ranch Community Development District 5.

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

Comp Plan - Policy 11.5-11.7 Addresses the potable water system.

BACKGROUND/DISCUSSION

- A Utility Easement is required in the Lakewood Ranch community for the purpose of providing a looping waterline between Matanzas Place and Lorraine Road in the Hidden River Trail right-of-way in Tract 400D. The installed water line will provide the necessary connection to loop two existing mains and will help ensure the water quality of the existing dead-end run that exists on Matanzas Place.
- The conveyance documents are hereby presented to the BCC for acceptance and recording.

COUNTY ATTORNEY REVIEW *APPROVED IN OPEN SESSION*

JUL 26 2011

*BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA*

Check appropriate box	
<input type="checkbox"/>	REVIEWED Written Comments: <input type="checkbox"/> Attached <input type="checkbox"/> Available from Attorney (Attorney's initials: _____)
<input type="checkbox"/>	NOT REVIEWED (No apparent legal issues.)
<input checked="" type="checkbox"/>	NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	OTHER

[Handwritten mark]

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
1) Utility Easement 2) Affidavit 3) Location Map		Notification of document acceptance and recording to Paul Johnson, ext. 6284, Property Acquisition, Property Management Department. CCC Charge Account # AR 300026 Project Management <i>MR 8/2/11</i>	
COST:	\$37.00 (Recording Fee)	SOURCE (ACCT # & NAME):	402-0019601/5000101- Project Management Water Line Extension Project
COMMENTS:	N/A	AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)	N/A

This instrument prepared by:
Joaquin Servia, Manager, Property Acquisition
Property Management Department
P.O. Box 1000
Bradenton, Florida 34206



ID #587306309

-----SPACE ABOVE THIS LINE FOR RECORDING DATA-----

UTILITY EASEMENT

THIS INDENTURE made this 9th day of June, 2011, between LAKEWOOD RANCH COMMUNITY DEVELOPMENT DISTRICT 5, whose mailing address is 6215 Lorraine Road, Bradenton, Florida, 34202, 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 **nonexclusive access easement for ingress, egress, construction, installation, maintenance and operation of public utility facilities for the specific purpose of looping two water mains from Matanzas Place and Lorraine Road in the Hidden River Trail right of way to provide better water quality** through and across the following described property situate in the County of Manatee, State of Florida, more particularly described as follows:

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

This is a nonexclusive utility 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

[Signature]
Witness

Andrew Cohen
Printed Name

[Signature]
Witness

Steven H. Zielinski
Printed Name

(Signature of two witnesses required by law)

Lakewood Ranch Community Development District 5
Grantor

[Signature]
Chairman, Tom Bishop

STATE OF FLORIDA
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 9th day of June, 2011, by Tom Bishop, Chairman for Lakewood Ranch Community Development District 5, who is personally known to me or ~~who~~ has produced _____ as identification.

[Signature]
NOTARY PUBLIC Signature
Kay K. DePaolo
Printed Name

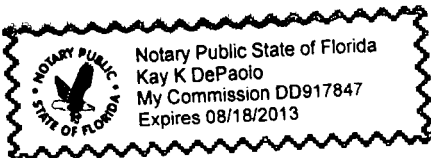


EXHIBIT "A"

Description and Sketch

(NOT A SURVEY)

DESCRIPTION: PUBLIC UTILITY EASEMENT

A portion of Tract 4000, LAKEWOOD RANCH COUNTRY CLUB VILLAGE, Subphase MM a/k/a LACANTERA recorded in Plat Book 48, Page 146 of the Public Records of Manatee County, Florida and being more specifically described as follows:

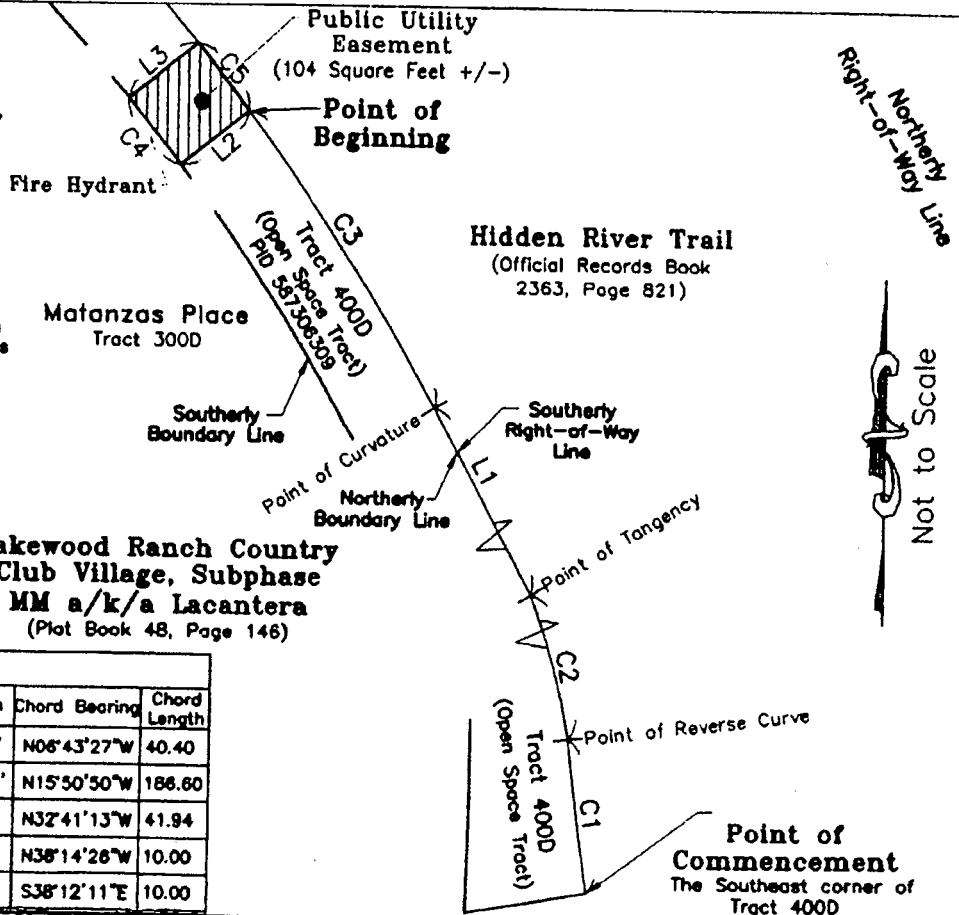
COMMENCE at the Southeast corner of said Tract 4000; thence along the northerly boundary line of said Tract 4000 also being the southerly right-of-way line of HIDDEN RIVER TRAIL as recorded in Official Records Book 2363, Page 821 of the Public Records of said County the following three (3) curves and one (1) course: northerly 40.42 feet along the arc of a curve concave to the Northeast having a radius of 355.00 feet through a delta angle of 08°31'24" (chord bears N06°43'27"W, 40.40 feet) to the beginning of a curve concave to the Southwest having a radius of 435.00 feet; thence northwesterly 188.06 feet along said curve through a delta angle of 24°46'12" (chord bears N15°50'50"W, 186.60 feet); thence N28°13'56"W, 105.28 feet to the beginning of a curve concave to the Southwest having a radius of 270.00 feet; thence northwesterly 41.99 feet along the arc of said curve through a delta angle of 08°54'35" (chord bears N32°41'13"W, 41.94 feet) to the POINT OF BEGINNING; thence S51°30'50"W, 10.40 feet to the southerly boundary line of said Tract 4000 and the beginning of a non-tangent curve concave to the Southwest having a radius of 260.00 feet; thence northwesterly 10.00 feet along said southerly boundary and the arc of said curve through a delta angle of 02°12'14" (chord bears N38°14'26"W, 10.00 feet); thence N51°30'50"E, 10.40 feet to said northerly boundary line and said southerly right-of-way line and the beginning of a non-tangent curve concave to the Southwest having a radius of 270.00 feet; thence southeasterly 10.00 feet through a delta angle of 02°07'20" (chord bears S38°12'11"E, 10.00 feet) to the POINT OF BEGINNING. Containing 104 square feet more or less.

NOTES:


1. This description and sketch does not certify or warranty: title, zoning, easements, or freedom of encumbrances.
2. No instruments of record reflecting easements, rights-of-way and/or ownership are known by, or were furnished except as shown hereon.
3. Not valid without the signature and original raised seal of a Florida licensed surveyor & mapper. This is not a survey.
4. The basis of bearing is the Southerly Right-of-Way Line at Line #1 which bears N28°13'56"W (Plat).

Line Table		
Line #	Direction	Length
L1	N28°13'56"W	105.28'
L2	S51°30'50"W	10.40'
L3	N51°30'50"E	10.41'

Curve Table					
Curve #	Delta	Radius	Length	Chord Bearing	Chord Length
C1	08°31'24"	355.00	40.42'	N06°43'27"W	40.40
C2	24°46'12"	435.00	188.06'	N15°50'50"W	186.60
C3	08°54'35"	270.00	41.99'	N32°41'13"W	41.94
C4	02°12'14"	260.00	10.00'	N38°14'26"W	10.00
C5	02°07'20"	270.00	10.00'	S38°12'11"E	10.00



MANATEE COUNTY
PROPERTY APPRAISAL - SURVEY DIVISION



1112 MANATEE AVENUE WEST
BRADENTON, FLORIDA, 34205,
(941)748-4501

Todd E. Boyle 2/22/11
Todd E. Boyle, RSM
Registered Surveyor & Mapper, (047)

- POB = POINT OF BEGINNING
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- S.F. = SQUARE FEET

Scale: NOT TO SCALE
Project / Job Number:
Sheet: 1 of 1
Section 26, Township 35
South, Range 19 East
DWS Date: February 18, 2011

Clerk of the Circuit Court - Manatee County
R.B."Chips" Shore
P.O. Box 25400 Bradenton FL 34206
Visit our website: "www.manateeclerk.com"

INVOICE

MAN CO PROJECT MGT
ATTN: MAGGIE - BOARD RECORDS

RECEIPT
#1 of #1

HIDDEN RIVER TRAIL

001.133000

AR PAYOR: AR300026 GOMC Book# 2386 Page# 7778
DOC TYPE: EAS CALC AMOUNT: \$0.00
PAGES: 2 FILE# 002938784
Receipt: 490072991 7/27/11 12:31PM

By: FGERNS

CODE	RECEIPT DESC.	FUND	ACCOUNT	QTY	FEES
R	RECORDING TRUST	199	000000341150	0	1.50
R	RECORDING FEES	001	000000341100	0	9.00
R	CLERK CT TECH FUND	199	000000341160	0	3.80
R	FL ASSOC COURT CLERK	001	000000208911	0	0.20
R	BD OF COUNTY COMM	001	000000208912	0	4.00

RECEIPT TOTAL: \$18.50
GRAND TOTAL: \$18.50

Receipt#
490072991 thru 490072991



OFFICE HOURS *****8:30 AM - 5:00 PM
"Pride in Service with a Vision to the Future"

Clerk of the Circuit Court - Manatee County
R.B."Chips" Shore
P.O. Box 25400 Bradenton FL 34206
Visit our website: "www.manateeclerk.com"

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Maggie Riester

From: paul.johnson@mymanatee.org
Sent: Wednesday, July 27, 2011 3:22 PM
To: Maggie Riester
Subject: Re: Affidavit of Ownership and Encumbrances

Yes, that is correct.

Thank you.

Paul Johnson

Real Property Specialist
1112 Manatee Ave. West
Suite 800
Bradenton, FL 34205
Phone: 941-748-4501, Ext. 6284
Fax: 941-749-3007
Email: paul.johnson@mymanatee.org

From: Maggie Riester <maggie.riester@ManateeClerk.com>
To: "paul.johnson@mymanatee.org" <paul.johnson@mymanatee.org>
Date: 07/27/2011 03:18 PM
Subject: Affidavit of Ownership and Encumbrances

Paul,

Just a follow up to place in the file.

Please confirm with me via email that you have just returned the Affidavit of Ownership and Encumbrances for Lakewood Ranch CDD 5 regarding Hidden River Trail, and my instructions are that the document will not be recorded since it does not have a notary seal.

I will place this email in our file for the official records.

Thank you,

Maggie Riester
Board Records
For R.B. "Chips" Shore
Manatee County Clerk of the Circuit Court & Comptroller
www.manateeclerk.com
maggie.riester@manateeclerk.com

7/27/2011

This instrument prepared by:
Joaquin Servia, Manager, Property Acquisition
Property Management Department
P.O. Box 1000
Bradenton, Florida 34206

ID #587306309

*****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 Tom Bishop, Chairman for Lakewood Ranch Community Development District 5, whose mailing address is 6215 Lorraine Road, Bradenton, Florida, 34202, 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").

See legal description identified as Exhibit "A" attached hereto

2. That the Owner plans to grant an easement over 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:

NONE

4. To the best of my knowledge 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. To the best of my knowledge 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.

Lakewood Ranch Community Development District 5
Grantor


Chairman, Tom Bishop

SWORN to (or affirmed) and subscribed before me this 9th day of June, 2011, by Tom Bishop, Chairman for Lakewood Ranch Community Development District 5, who is personally known to me or ~~who has~~ produced _____ as identification.


NOTARY PUBLIC Signature

Kay K. DePaolo
Printed Name

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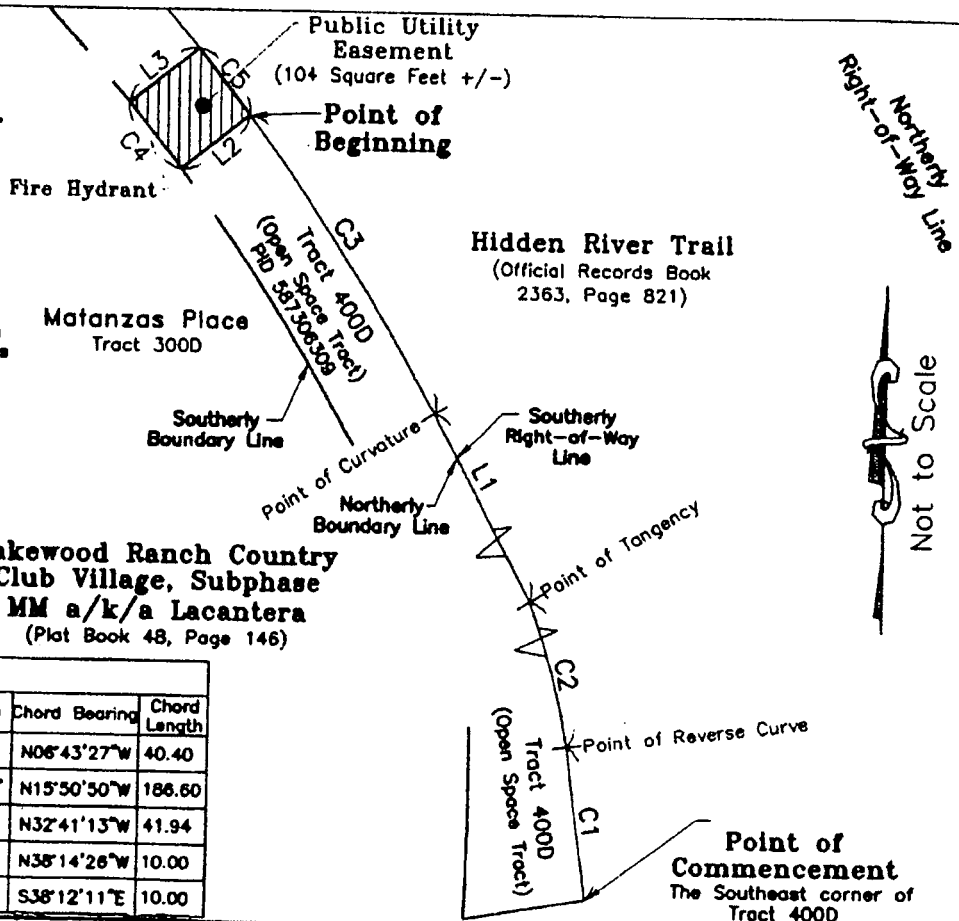
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MANATEE COUNTY
PROPERTY MANAGEMENT - SURVEY DIVISION



1112 MANATEE AVENUE WEST
BRADENTON, FLORIDA, 34206,
(941)748-4501

Todd E. Boyle 2/22/11
Todd E. Boyle, RSM
 Registered Surveyor & Mapper, 6047

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Scale: NOT TO SCALE

Project / Job Number:
 11-000000-00000-000000
 Manatee (for Trail Stationing Plots)
 Length of Station and Description

Sheet: 1 of 1

Section 28, Township 35
 South, Range 19 East

DWG Date: February 16, 2011



**Tract 400D
Utility Easement
location**

**Property ID#587306309
Section 28 Township 35 S, Range 19 E
Commissioner: Donna Hayes**