

April 9, 2013 - Regular Meeting  
Agenda Item #34

**ITEM DEFERRED**

Subject

Taylor Morrison of Florida Inc. Conservation Easement.

Briefings

None

Contact and/or Presenter Information

Moonlin Johnson  
Ext. 6289

Joaquin Servia, Manager  
Property Acquisition/Ext. 3021

Action Requested

Acceptance of, authorization to record, Conservation Easement from Taylor Morrison of Florida Inc., a Florida corporation.

Authorization to record an Affidavit of Ownership and Encumbrances from Tony J. Squitieri, Vice President of Taylor Morrison of Florida Inc., a Florida corporation.

Authorization to record Mortgagee's Joinder and Consent from SMR North 70, LLC.

Authorization to record Consent to Conservation Easement from Lakewood Ranch Stewardship District.

Enabling/Regulating Authority

Florida Statutes – FS 125

Background Discussion

A Conservation Easement was required by the Natural Resources Department in accordance with the LDC to protect the wetlands on the property.

The subject property is located east of Pope Road and north of State Road 70 East.

Esplanade is the name of the project for this dedication. The easement area contains 50,943 square feet.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Please email Moonlin Johnson, Property Acquisition Division, Property Management Department at [moonlin.johnson@mymanatee.org](mailto:moonlin.johnson@mymanatee.org) a copy of the recorded documents.  
CCC Charge Account #AR700003 Property Management

Cost and Funds Source Account Number and Name

\$74.00 Recording Fee - 001-0020505 Property Acquisition Core Funds

Amount and Frequency of Recurring Costs

N/A

Attachment: [Conservation Easement.pdf](#)

Attachment: [Affidavit.pdf](#)

Attachment: [Consent.pdf](#)

Attachment: [Mortgagee Jonder from SMR.pdf](#)

Attachment: [Location map.pdf](#)

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

SPACE ABOVE THIS LINE FOR RECORDING DATA

### CONSERVATION EASEMENT

In consideration of the premises and mutual covenants, terms, conditions, and restrictions contained herein and other good and valuable considerations the receipt of which is hereby acknowledged, Taylor Morrison of Florida Inc., a Florida corporation, whose mailing address is 501 N. Cattlemen Road, Sarasota, Florida 34232 (Grantor), certify ownership by said corporation of the property described as follows:

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

on behalf of itself and its successors, heirs and assigns, grants and gives unto MANATEE COUNTY, a political subdivision of the State of Florida, whose mailing address is P.O. Box 1000, Bradenton, Florida 34206, (Grantee), a Conservation Easement pursuant to Florida Statutes 704.06 over the above-described property of the Grantor.

Unless permitted by the Manatee County Land Development Code, the following acts and activities are expressly prohibited within the boundaries of this Conservation Easement without the prior consent of Grantee and upon the issuance of any applicable local, state, or federal permits and other appropriate authorizations:

- Construction or placing of buildings, roads, signs, billboards or other advertising structures, or other structures on or above the ground.
- Construction or placing of utilities on, below or above the ground.
- Dumping or placing of soil or other substances or material as landfill or dumping or placing trash, waste, unsightly or offensive materials.
- Removal, mowing, or trimming of trees, shrubs or other vegetation.
- Application of herbicides, pesticides, or fertilizers.
- Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substances in such manners as to affect the surface.
- Surface use except for purposes that permit the land or water areas to remain in its natural condition.
- Any activity detrimental to drainage, flood control, water conservation, erosion control, soil conservation or fish and wildlife habitat preservation.
- Acts or uses detrimental to such retention of land or water areas.

Signed, sealed, and delivered in the presence of:

[Signature]  
Witness Signature

Dustin Newman  
Printed Name

[Signature]  
Witness Signature

LISA Sturtevant  
Printed Name

Taylor Morrison of Florida Inc.,  
a Florida corporation

BY: [Signature]

Tony J. SOUTER, Vice President  
Printed Name and Title

STATE OF FLORIDA  
COUNTY OF SARASOTA

The foregoing Conservation Easement was acknowledged before me this 5 day of March, 2013, by Tony J. SOUTER, Vice President (name and title of agent) Of Taylor Morrison of Florida Inc., a Florida corporation, on behalf of the corporation, who is personally known to me or has produced \_\_\_\_\_ as identification.



[Signature]  
NOTARY PUBLIC Signature  
Michelle Montone  
Printed Name

DESCRIPTION WETLAND NW-W66 (as prepared by the certifying Surveyor and Mapper):

Exhibit "A"

A tract of land lying in Sections 8 & 9, Township 35 South, Range 19 East, Manatee County, Florida and described as follows:

Commence at the southeast corner of said Section 8; thence  $N00^{\circ}07'50''E$ . along the east line of said Section 8, a distance of 543.85 feet to the POINT OF BEGINNING, thence  $N77^{\circ}52'25''W$ , a distance of 19.27 feet to a point of curve to the right having a radius of 30.00 feet and a central angle of  $59^{\circ}54'17''$ ; thence northwesterly along the arc of said curve an arc distance of 31.37 feet; thence  $N17^{\circ}58'08''W$ , a distance of 159.15 feet to a point of curve to the right having a radius of 30.00 feet and a central angle of  $101^{\circ}18'26''$ ; thence northeasterly along the arc of said curve an arc distance of 53.04 feet; thence  $N83^{\circ}20'18''E$ , a distance of 89.36 feet to a point of curve to the right having a radius of 30.00 feet and a central angle of  $20^{\circ}47'29''$ ; thence easterly along the arc of said curve an arc distance of 10.89 feet; thence  $S75^{\circ}52'13''E$ , a distance of 95.43 feet to a point of curve to the right having a radius of 30.00 feet and a central angle of  $55^{\circ}41'10''$ ; thence southeasterly along the arc of said curve an arc distance of 29.16 feet; thence  $S20^{\circ}11'03''E$ , a distance of 117.21 feet to a point of curve to the right having a radius of 30.00 feet and a central angle of  $72^{\circ}08'23''$ ; thence southerly along the arc of said curve an arc distance of 37.77 feet; thence  $S51^{\circ}57'20''W$ , a distance of 83.44 feet to a point of curve to the right having a radius of 30.00 feet and a central angle of  $50^{\circ}10'15''$ ; thence westerly along the arc of said curve an arc distance of 26.27 feet; thence  $N77^{\circ}52'25''W$ , a distance of 90.10 feet to the POINT OF BEGINNING.

Said tract contains 50,943 square feet or 1.1695 acres, more or less.

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BRG.
C1	30.00'	$59^{\circ}54'17''$	31.37'	29.96'	$N47^{\circ}55'17''W$
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C6	30.00'	$50^{\circ}10'15''$	26.27'	25.44'	$S77^{\circ}02'27''W$

NOTES:

- Bearings shown hereon are relative to the east line of Section 8, Township 35 South, Range 19 East having a bearing of  $N00^{\circ}07'50''E$ .
- Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper this drawing, sketch, plat or map is for informational purposes only.
- This is a sketch only and does not represent a field survey.

Feb 14, 2013 - 13:59:24

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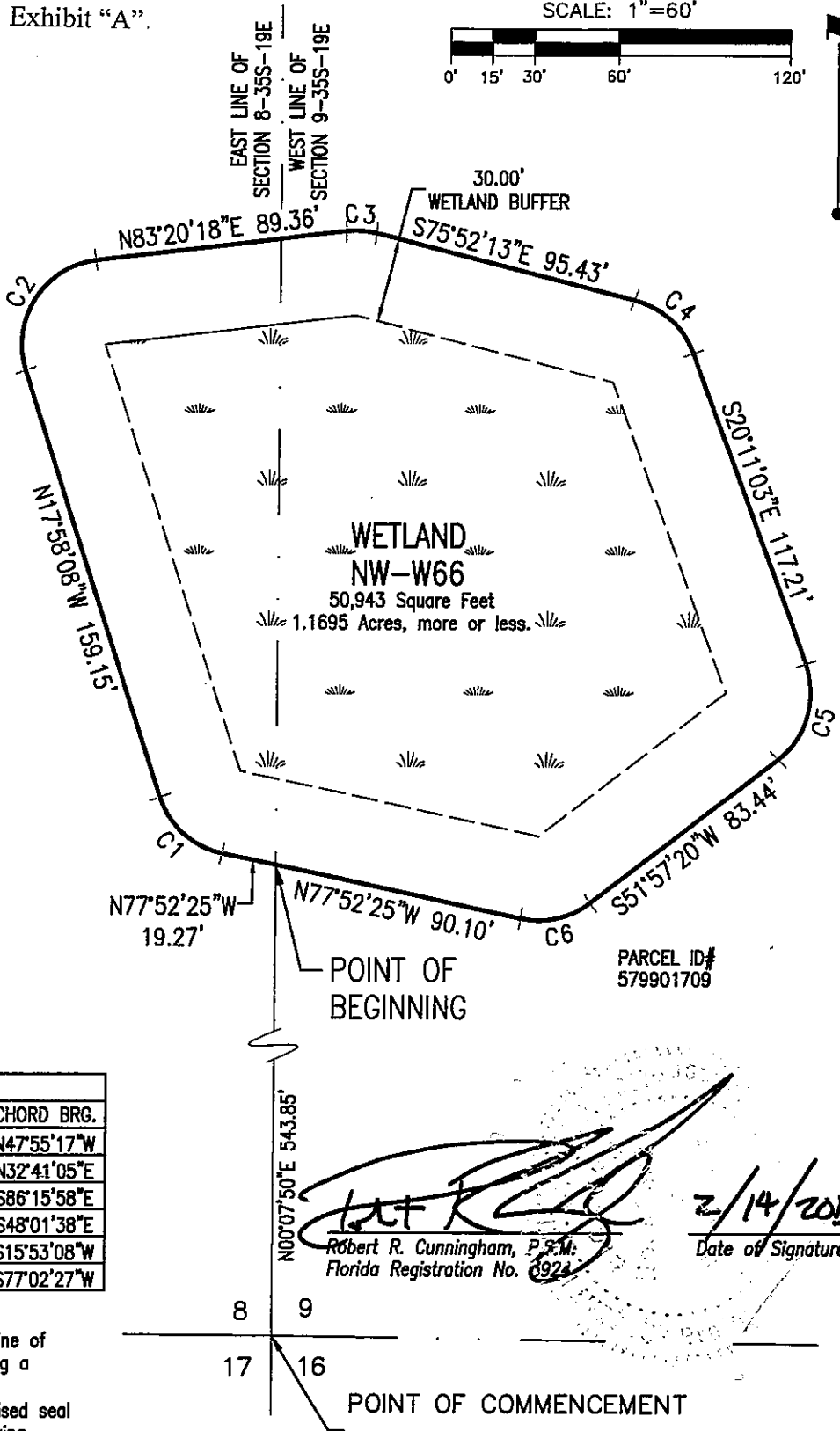
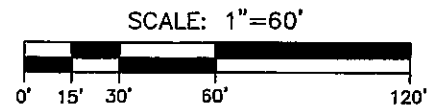
SKETCH AND DESCRIPTION OF WETLAND NW-W66 IN SECTIONS 8 & 9, TOWNSHIP 35 S., RANGE 19 E. MANATEE COUNTY, FLORIDA



**Stantec**

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Phone 941-907-6600 • Fax 941-907-6610 • Web-Site www.stantec.com

TASK CODE: 531	DRAWN BY: JDN	CHKD BY: RRC	CAD FILE: SM-215611087v-spsk02	PROJECT NO: 215611087	SHEET 1 OF 1	DRAWING INDEX NO: B215611087-V002	REV:
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*Robert R. Cunningham*  
Robert R. Cunningham, P.S.M.  
Florida Registration No. 6924  
2/14/2013  
Date of Signature

SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 19 EAST

This is NOT a Survey.

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

SPACE ABOVE THIS LINE FOR RECORDING DATA

**AFFIDAVIT OF OWNERSHIP AND ENCUMBRANCES**

STATE OF FLORIDA  
COUNTY OF SARASOTA

**BEFORE ME**, the undersigned authority, this day personally appeared Tony J. Squitieri, of Taylor Morrison of Florida Inc., a Florida corporation, whose mailing address is 501 N. Cattlemen Road, Sarasota, Florida 34232, 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 convey an easement and/or 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:

Mortgage and Security Agreement from Taylor Morrison of Florida, Inc., a Florida corporation to SMR North 70, LLC, a Florida limited liability company, dated August 5, 2011, recorded August 8, 2011, in Official Records Book 2388, Page 2230, of the Public Records of Manatee County, Florida.  
Lien upon the land by virtue of Benefit Special Assessments levied by the Lakewood Ranch Stewardship District.

4. That 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. That 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.

Taylor Morrison of Florida Inc.,  
a Florida Corporation

By: [Signature]  
Tony J. Squitieri, Vice President  
Printed Name and Title

**SWORN** to (or affirmed) and subscribed before me this 5 day of MARCH, 2013, by Tony J. Squitieri - Vice President (name and title of agent) of Taylor Morrison of Florida Inc, a Florida corporation, on behalf of the corporation, who is personally known to me or has produced as identification.



[Signature]  
NOTARY PUBLIC Signature  
Michelle Montone  
Printed Name

DESCRIPTION WETLAND NW-W66 (as prepared by the certifying Surveyor and Mapper):

Exhibit "A".

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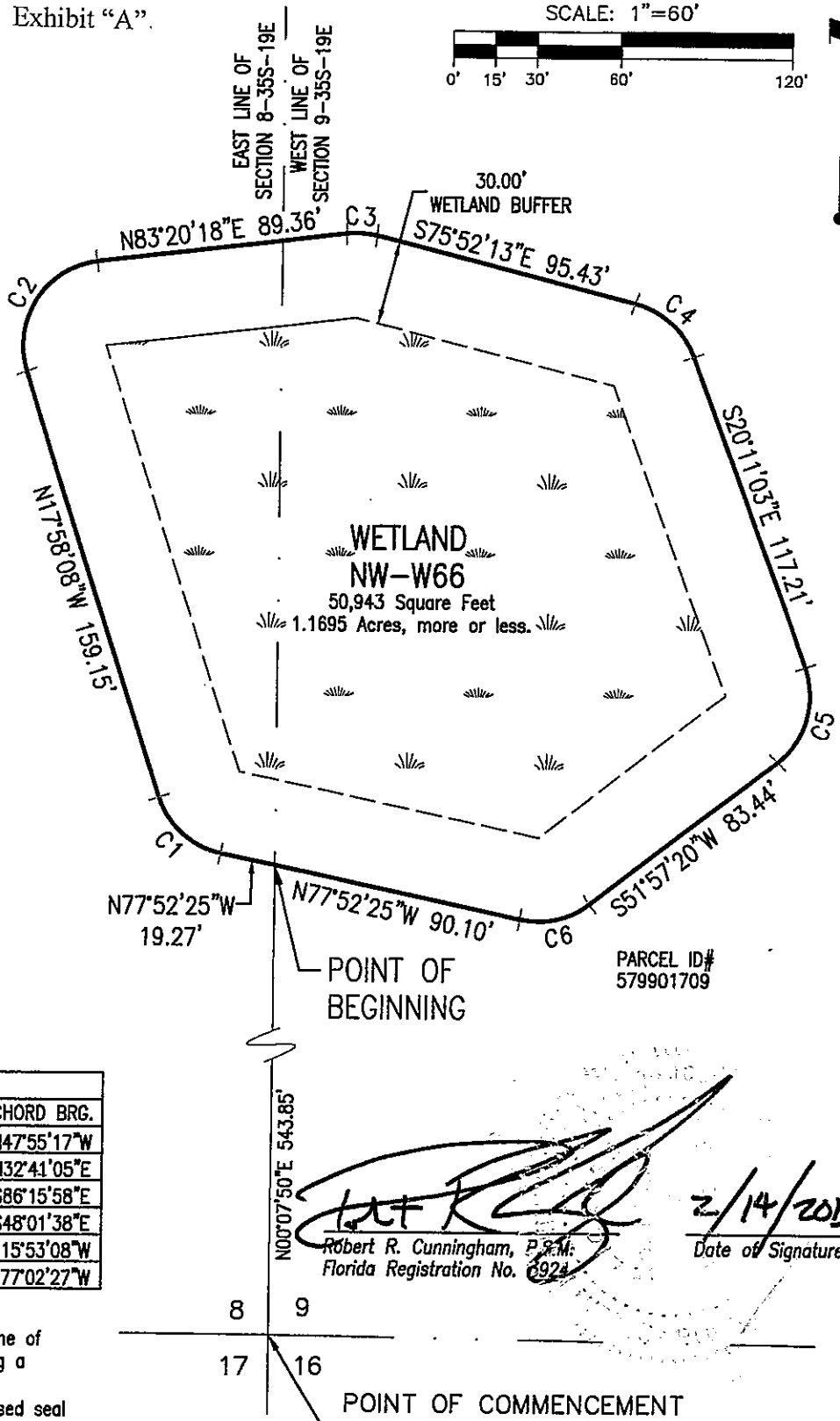
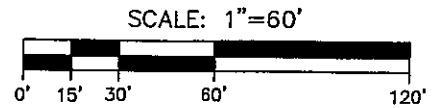
SKETCH AND DESCRIPTION OF WETLAND NW-W66 IN SECTIONS 8 & 9, TOWNSHIP 35 S., RANGE 19 E. MANATEE COUNTY, FLORIDA



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PARCEL ID# 579901709

*Robert R. Cunningham*  
Robert R. Cunningham, P.E.M.  
Florida Registration No. 3924

2/14/2013  
Date of Signature

8 9  
17 16

POINT OF COMMENCEMENT

SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 19 EAST

This is NOT a Survey.

CONSENT TO CONSERVATION EASEMENT

LAKEWOOD RANCH STEWARDSHIP DISTRICT, an independent special district created by Local Bill No. 1429, codified at Chapter 2005-338, Laws of Florida, as amended ("District") is the Owner and holder of that certain lien upon the property by virtue of Benefit Special Assessments in favor of Owner, covering all or some portion of the real property located in Manatee County, Florida, and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

IN WITNESS WHEREOF, Owner has caused these presents to be executed by its duly authorized officer this 4th day of MARCH, 2013.

ATTEST:

LAKEWOOD RANCH STEWARDSHIP DISTRICT

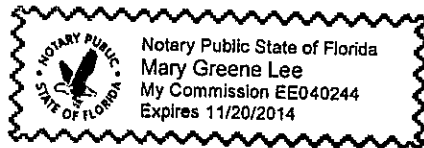
By: [Signature]  
Anthony J. Chiofalo, Assistant Secretary

By: [Signature]  
Harold Wagner, Vice Chairman

Address: 14400 Covenant Way  
Lakewood Ranch, Florida 34202

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 4th day of MARCH, 2013, by Harold Wagner, as Vice Chairman and Anthony J. Chiofalo, as Assistant Secretary, of Lakewood Ranch Stewardship District, an independent special district created by Local Bill No. 1429, codified at Chapter 2005-338, Laws of Florida, as amended, who are personally known to me or have produced n/a as identification and did (did not) take an oath.

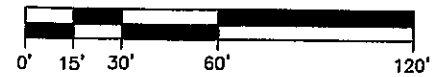


Mary Greene Lee  
NOTARY PUBLIC - STATE OF FLORIDA  
Print Name: Mary Greene Lee  
My Commission Expires: 11/20/2014  
Commission Number: EE040244

DESCRIPTION WETLAND NW-W66 (as prepared by the certifying Surveyor and Mapper):

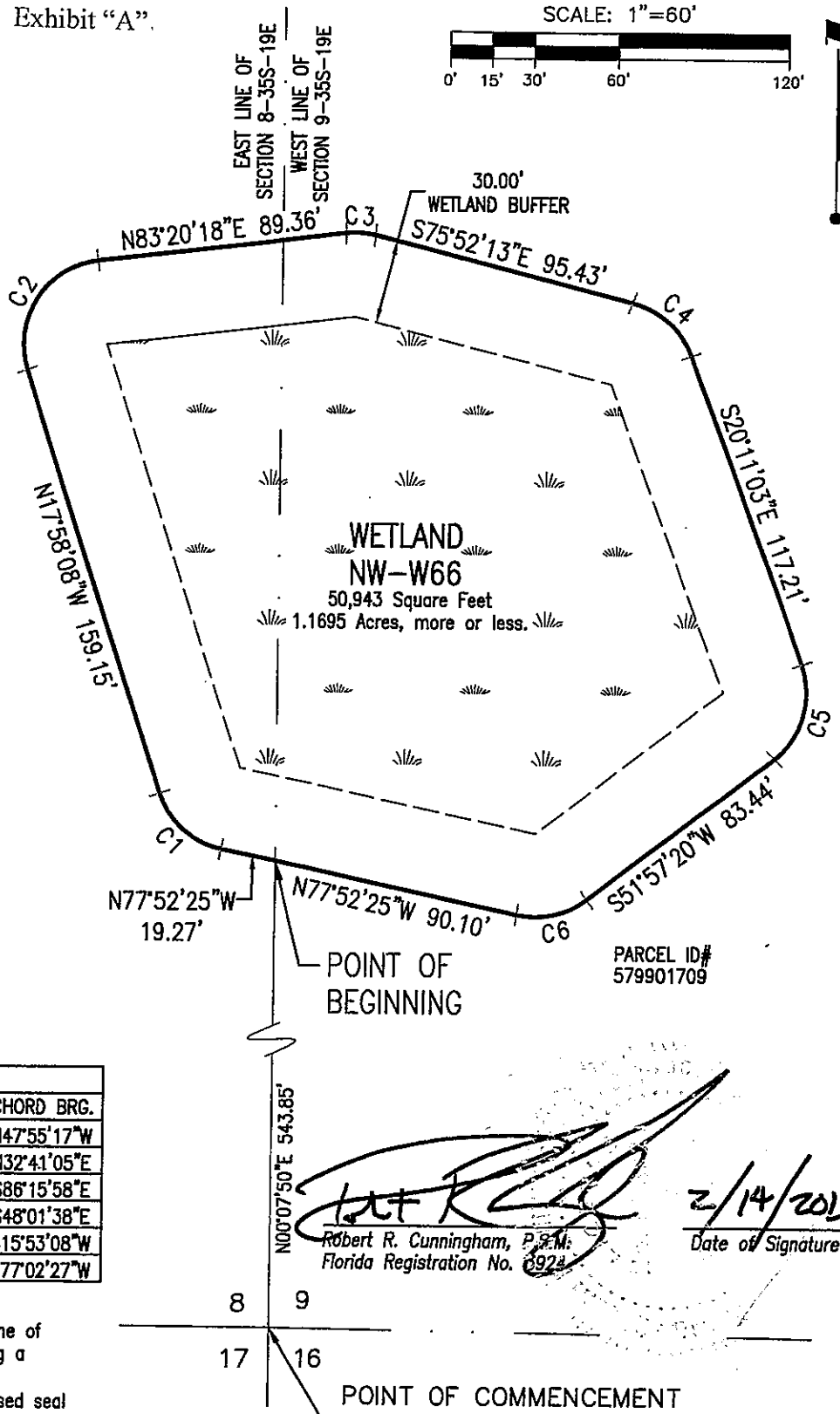
Exhibit "A".

SCALE: 1"=60'



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PARCEL ID# 579901709

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Robert R. Cunningham, P.E.M.  
Florida Registration No. 6924

2/14/2013  
Date of Signature

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SKETCH AND DESCRIPTION OF WETLAND NW-W66 IN SECTIONS 8 & 9, TOWNSHIP 35 S., RANGE 19 E. MANATEE COUNTY, FLORIDA



**Stantec**

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**MORTGAGEE'S JOINDER AND CONSENT**

SMR NORTH 70, LLC, a Florida limited liability company, the owner and holder of that certain Mortgage and Security Agreement dated August 5, 2011, and recorded August 8, 2011, in Official Records Book 2388, Pages 2230 through 2241, of the Public Records of Manatee County, Florida, which encumbers the property described in Exhibit "A" attached hereto, does hereby join in and consent to the recording of the conservation easement to which this joinder and consent is attached.

DATED, this 4<sup>th</sup> day of MARCH, 2013.

**SMR NORTH 70, LLC,  
a Florida limited liability company**

By: SCHROEDER-MANATEE RANCH, INC.  
a Delaware corporation  
Its: Managing Member

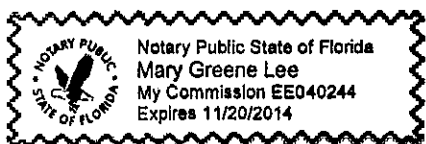
By: *Daniel J. Perka*  
DANIEL J. PERKA, Vice President

ATTEST: *Anthony J. Chiofalo*  
ANTHONY J. CHIOFALO, as Assistant Secretary of  
SCHROEDER-MANATEE RANCH, INC., a Delaware corporation

STATE OF FLORIDA  
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 4<sup>th</sup> day of MARCH, 2013, by DANIEL J. PERKA, as Vice President, and ANTHONY J. CHIOFALO, as Assistant Secretary, of SCHROEDER-MANATEE RANCH, INC., a Delaware corporation, the managing member of SMR 70 NORTH, LLC, a Florida limited liability company, on behalf of the company, who are personally known to me or who have produced n/a and \_\_\_\_\_ as identification.

NOTARY STAMP:



*Mary Greene Lee*  
(Signature of Person Taking Acknowledgment)

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C3	30.00'	$20^{\circ}47'29''$	10.89'	10.83'	$S86^{\circ}15'58''E$
C4	30.00'	$55^{\circ}41'10''$	29.16'	28.02'	$S48^{\circ}01'38''E$
C5	30.00'	$72^{\circ}08'23''$	37.77'	35.33'	$S15^{\circ}53'08''W$
C6	30.00'	$50^{\circ}10'15''$	26.27'	25.44'	$S77^{\circ}02'27''W$

NOTES:

- Bearings shown hereon are relative to the east line of Section 8, Township 35 South, Range 19 East having a bearing of  $N00^{\circ}07'50''E$ .
- Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper this drawing, sketch, plat or map is for informational purposes only.
- This is a sketch only and does not represent a field survey.

Feb 14, 2013 - 13:59:24

BCUNNINGHAM\Y:\2156\active\215611087\survey\drawing\Sketch & Description\215611087v-spsk02.dwg

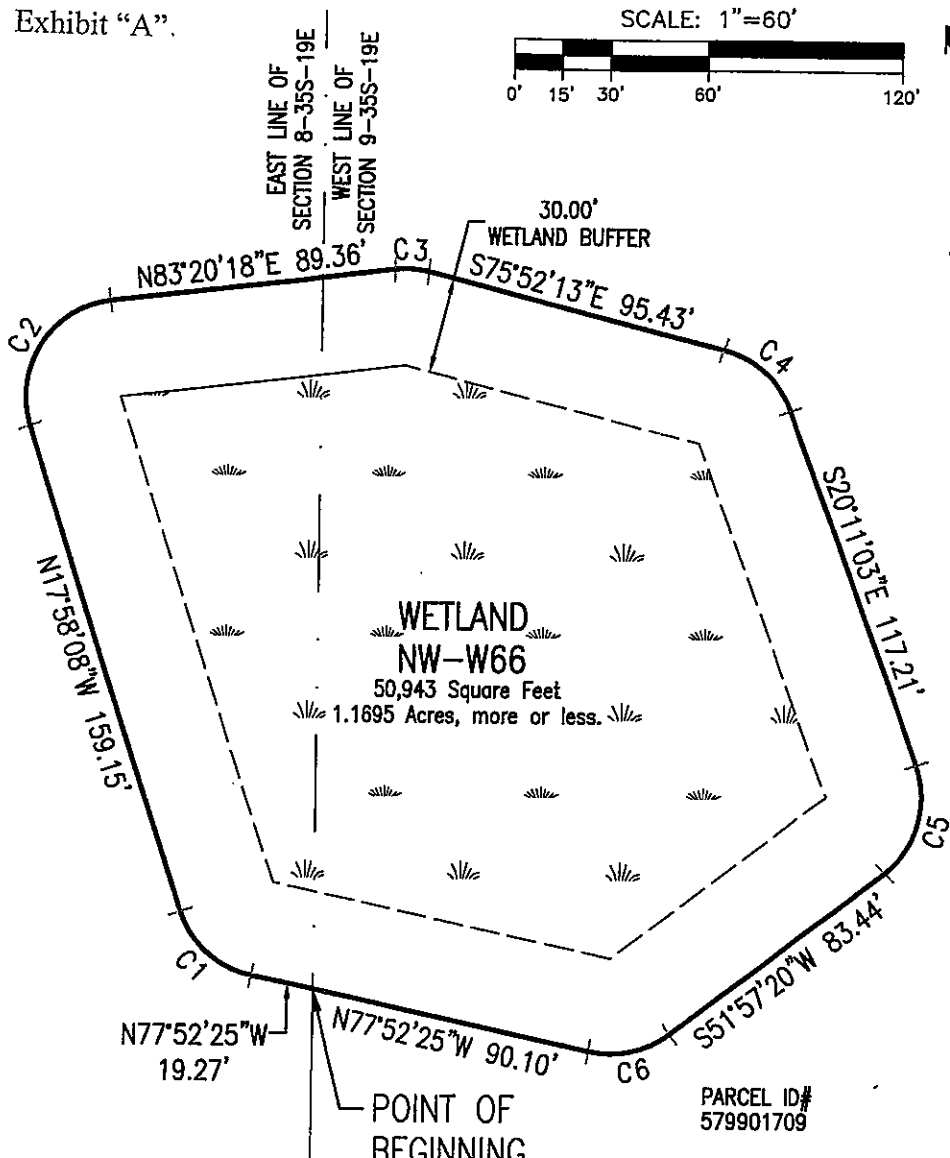
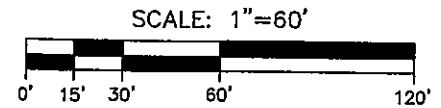
SKETCH AND DESCRIPTION OF WETLAND NW-W66 IN SECTIONS 8 & 9, TOWNSHIP 35 S., RANGE 19 E. MANATEE COUNTY, FLORIDA



**Stantec**

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TASK CODE: 531	DRAWN BY: JDN	CHKED BY: RRC	CAD FILE: SM-215611087v-spsk02	PROJECT NO: 215611087	SHEET 1 of 1	DRAWING INDEX NO: B215611087-V002	REV:
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*Robert R. Cunningham*  
Robert R. Cunningham, P.S.M.  
Florida Registration No. 3924  
2/14/2013  
Date of Signature

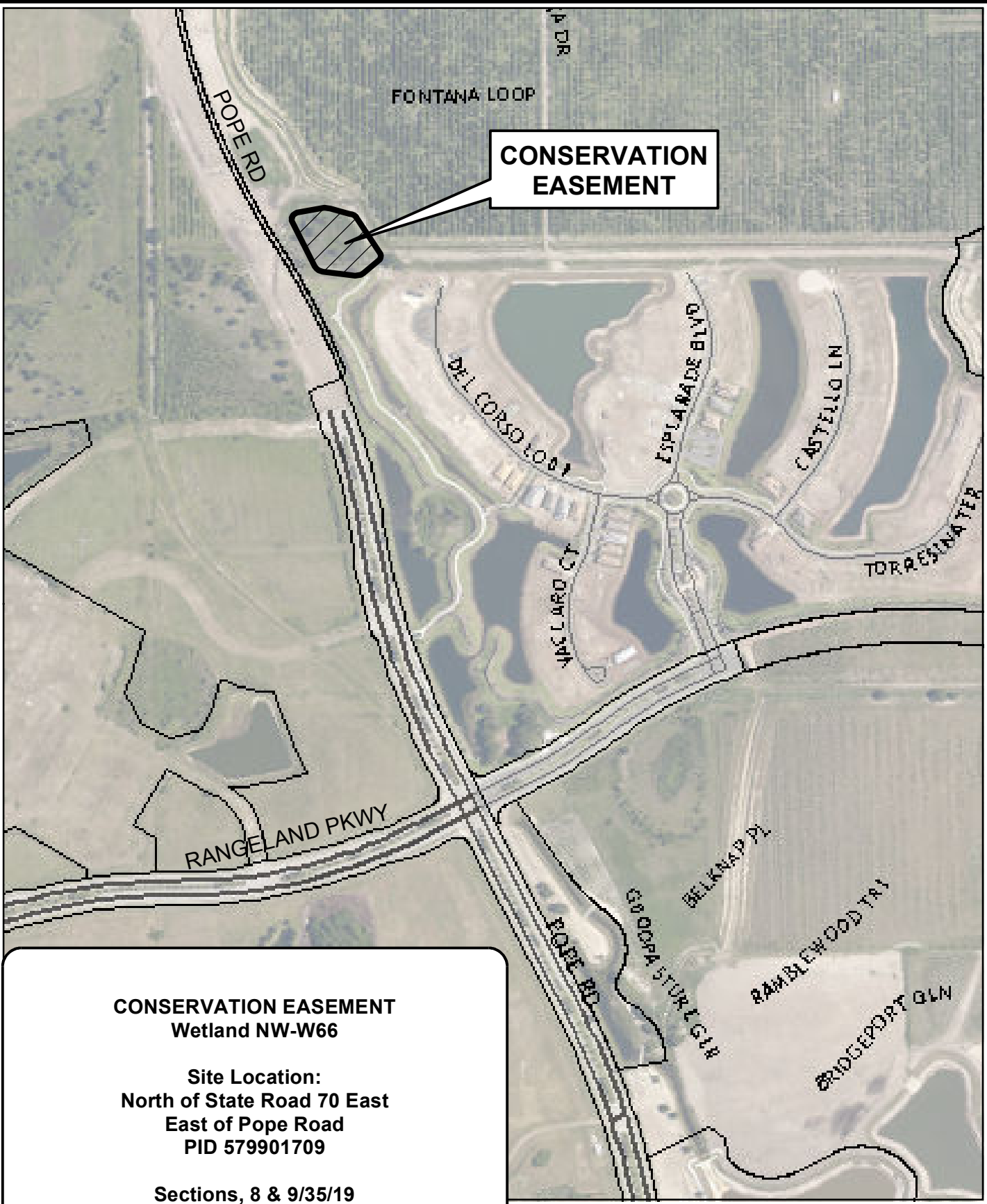
8 9  
17 16

POINT OF COMMENCEMENT

SOUTHEAST CORNER OF SECTION 8, TOWNSHIP 35 SOUTH, RANGE 19 EAST

This is NOT a Survey.

**CONSERVATION  
EASEMENT**



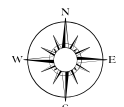
**CONSERVATION EASEMENT  
Wetland NW-W66**

**Site Location:  
North of State Road 70 East  
East of Pope Road  
PID 579901709**

**Sections, 8 & 9/35/19**

**District 5 Vanessa Baugh**

**Legend: Conservation Easement**



1 inch equals 0.1 miles

