

DEPARTMENT OF THE ARMY

RIGHT-OF-ENTRY FOR CONSTRUCTION

ID #125429-Manatee County SPP
(Project, Installation, or Activity)

Manatee County - Cortez Beach
(Tract Number or Other Property Identification)

The undersigned, MANATEE COUNTY, hereinafter called the "Owner," in consideration for the mutual public benefits of the work described below, hereby grants to the UNITED STATES OF AMERICA, hereinafter called the "Government" a right-of-entry upon the following terms and conditions:

1. The Owner hereby grants to the Government an irrevocable right to enter upon the lands hereinafter described at any time within a period of eighteen (18) months from the date of this instrument, in order to erect buildings or any other type of improvements and to perform construction work of any nature.

2. This right-of-entry includes the right of ingress and egress on other lands of the Owner not described below, provided that such ingress and egress is necessary and not otherwise conveniently available to the Government.

3. All tools, equipment, buildings, improvements, and other property taken upon or placed upon the land by the Government shall remain the property of the Government and may be removed by the Government at any time within a reasonable period after the expiration of this right-of-entry.

4. The Government shall have the right to patrol and police the lands hereinafter described during the period of this right-of-entry.

5. If aircraft flights over said lands, or entry upon the land by means of helicopter or other type aircraft, are necessary, the Government shall inform the Owner, in advance, of each such flight or entry.

6. In the event that the Government does not acquire title or other necessary interest in said land prior to the expiration of this permit or right-of-entry, or other renewal thereof, the parties agree that, if any action of the Government's employees or agents in the exercise of this right-of-entry results in damage to the real property, the Government will, at its option, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee interest of the real property at the time immediately preceding such damage. The Government's liability under this clause may not exceed appropriations available for such payment and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any other damages than provided herein. If the Government does acquire such title or other necessary interest, damages would be limited to the decrease in the fair market value of the owner's remainder caused by such damage.

The land affected by this right-of-entry is located in the County of Manatee, State of Florida, and is described as follows: Land south of Monument R-33 to Monument R-36 on a reach of beach locally known as Cortez Beach, owned by Manatee County. Same lands are shown on the attached map identified as Exhibit I, located between "red arrows".

WITNESSES MY HAND AND SEAL this 5th day of September, 2013

Lawrence Bustle (SEAL)

Lawrence Bustle, Chairman, Manatee Board of County Commissioners

By: R.B. Shore (SEAL)

R.B. Shore, Clerk of Circuit Court
UNITED STATES OF AMERICA

BY Audrey Ormerod

Audrey C. Ormerod
Chief, Real Estate Division
Real Estate Contracting Officer





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

September 6, 2013

RECEIVED
SEP 16 2013
MANATEE COUNTY
NATURAL RESOURCES DEPT

Real Estate Division
Acquisition Branch

Mr. Charlie Hunsicker
Director
Natural Resources Department
Manatee County
P. O. Box 1000
Bradenton, FL 34206-1000

Dear Mr. Hunsicker:

RE: Manatee County Shore Protection Project: Right-Of-Entry for Cortez Beach

Enclosed is the fully executed Right-Of-Entry For Construction for Cortez Beach.
Thanks for all your help.

Sincerely,

A handwritten signature in black ink that reads "Hansler A. Bealyer".

Hansler A. Bealyer
Chief, Acquisition Branch

Enclosure

APPROVED

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - September 5, 2013

REVISED September 5, 2013 Land Use Meeting
Agenda Item #7

Subject

US Army Corps of Engineer Right-of-Entry agreement with Manatee County

Briefings

None

Contact and/or Presenter Information

Charlie Hunsicker, Director, Natural Resources Department

748-4501 X4601

charlie.hunsicker@mymanatee.org

Action Requested

Authorization for Chairman to execute the Right-of-Entry Agreement between the U.S. Army Corps of Engineer and Manatee County to provide access by a contractor retained by the Federal Government to work on County property.

Enabling/Regulating Authority

N/A

Background Discussion

- This is a requirement to allow the federal project for renourishment of Cortez Beach to proceed providing for access by a contractor retained by the Federal Government to work on County property.
- Anna Maria Shore Project Project is a federally authorized and approved beach renourishment project scheduled to be completed on or before September 2014 for Anna Maria Island. The project encompasses work beginning at 79th St. in Holmes Beach and extends south to the third southern most beach erosion control groin along the County owned property known as Cortez Beach. Site map attached.
- The attached Right-of-Entry agreement is an additional assurance required by the ACOE to allow a federal contractor to enter upon Cortez Beach to complete the federal renourishment project at the location.
- The County Attorney's Office has reviewed the Right-of-Entry agreement and has no objection to its approval. (See attached).
- Time is of the essence to execute the document. Please see attached letter dated August 30, 2013, from Charlie Hunsicker to ACOE.

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other

Reviewing Attorney

Clague

Instructions to Board Records

Provide two executed copies to Kay Rogers, 4602, Natural Resources Department,
kay.rogers@mymanatee.org

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Attachment: [Ltr to ACOE RE Right of Entry Agrmt 08 30 13 Signed.pdf](#)

Attachment: [Site Map.pdf](#)

Attachment: [CAO Review & Approval.pdf](#)

Attachment: [Revised-RightofEntry-ManateeCounty 04Sept13.pdf](#)



MANATEE COUNTY FLORIDA

August 30, 2013

Sirisha Rayaprolu, E.I.
U.S. Army Corps of Engineers
Coastal/Navigation Section
Water Resources Branch
U. S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville, Florida 32207

On Tuesday, August 27, 2013 we received a PDF file for execution of a Right-Of-Entry for federal construction over the public beach located at Cortez Beach within the federally authorized Manatee County Shore Protection Project. The County Attorney's Office has completed their review of the right of entry form provided and can recommend that the County execute the agreement without change or further amendment.

Because the agreement conveys a specific property interest, the form must be approved by vote of the entire Board of County Commissioners. The next regularly scheduled meeting of the Board is Thursday, September 5. This form will be presented for approval at that time. Given the very high degree of public interest, public benefit and recommendation for approval provided by the County Attorney's Office, staff has every reason to believe the form will be approved. Due to the short time frame required, staff will endeavor to obtain document approval and receipt by the County Clerk of Circuit Court before 10:00 a.m. on September 5, 2013 and then immediately forward the executed document to the Corps.

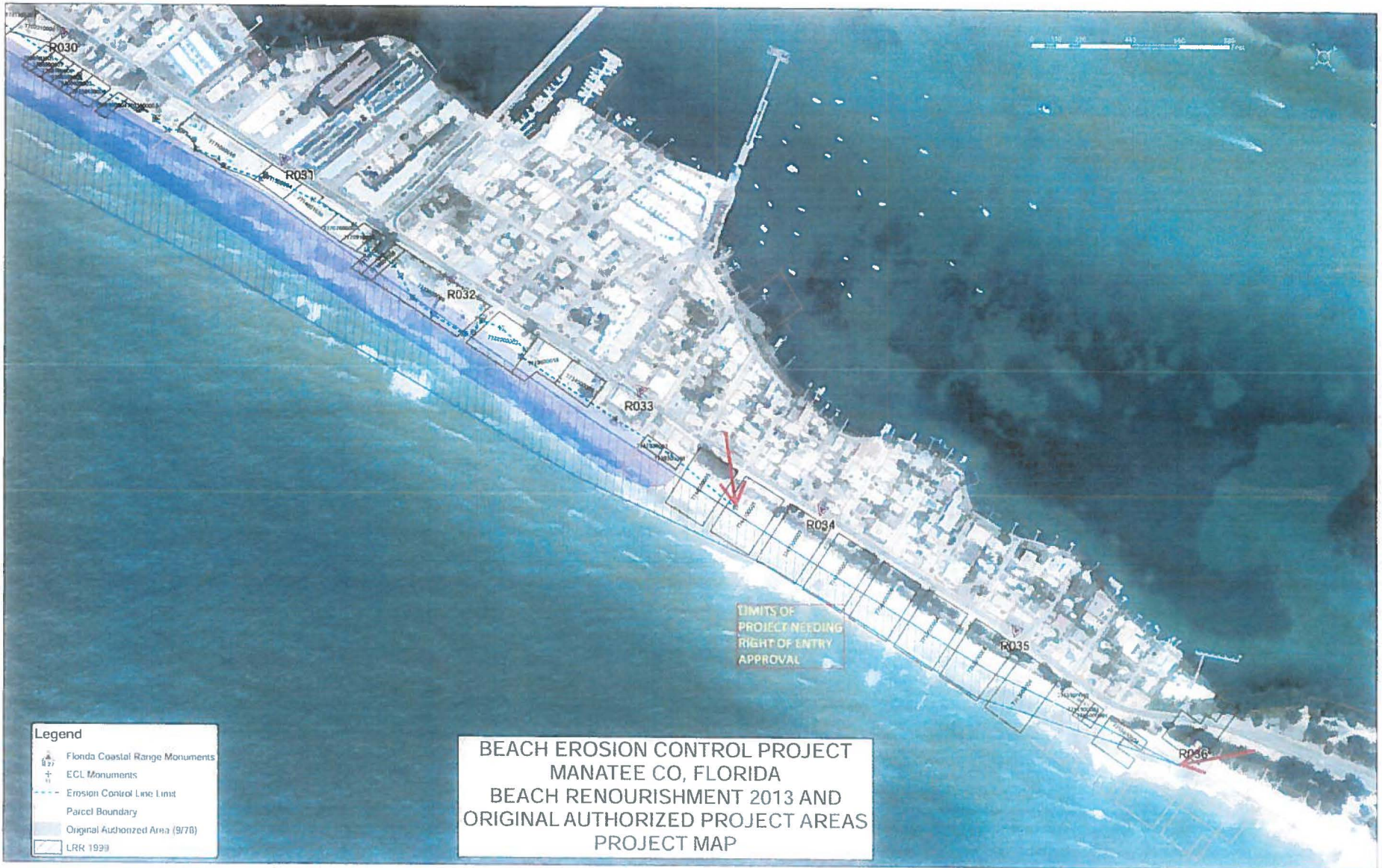
Thank you to all who have contributed to this successful project.

Sincerely,


Charlie Hunsicker, Director

cc: Mickey Palmer, County Attorney
William Clague, Assistant County Attorney

Natural Resources Department
Mailing Address: P.O. Box 1000, Bradenton, FL 34206-1000 * Street Address: 415 10th Street West, Bradenton, FL 34205
WEB: www.mymanatee.org * PHONE: 941.745.3723 * FAX: 941.741.3227



- Legend**
- Florida Coastal Range Monuments
 - ECL Monuments
 - Erosion Control Line Limit
 - Parcel Boundary
 - Original Authorized Area (9/78)
 - LRR 1999

**BEACH EROSION CONTROL PROJECT
 MANATEE CO, FLORIDA
 BEACH RENOURISHMENT 2013 AND
 ORIGINAL AUTHORIZED PROJECT AREAS
 PROJECT MAP**

LIMITS OF
 PROJECT NEEDING
 RIGHT OF ENTRY
 APPROVAL



Re: Fwd: Manatee County - Cortez Beach - ROE 
William Clague to: Charlie Hunsicker
Cc: Kay Rogers, Mitchell Palmer

09/03/2013 08:27 AM

Charlie:

A couple of minor comments to the agenda item:

1. "Contractor" is misspelled in the Action Requested section ("contractore");
2. In the forth bullet please changes "recommends its approval" to "has no objection to its approval". We generally don't recommend agreements except in the case of settlement agreements.

Subject to those changes, I have no objection to the item being scheduled for Board consideration and approval.

Bill Clague
Assistant County Attorney
Manatee County, Florida
ph. 941-745-3750
fx. 941-749-3089
william.clague@mymanatee.org

Charlie Hunsicker The site map I am thinking of to be included with... 08/31/2013 02:08:54 AM

From: Charlie Hunsicker/MCG
To: Kay Rogers/MCG, William Clague/MCG
Cc: "Tom Pierro" <Thomas.Pierro@cbi.com>
Date: 08/31/2013 02:08 AM
Subject: Fwd: Manatee County - Cortez Beach - ROE

The site map I am thinking of to be included with the BCC agenda is indeed the map attached to the ROE agreement. Thanks

Sent from my iPad

Begin forwarded message:

From: "Bealyer, Hansler A SAJ" <Hansler.A.Bealyer@usace.army.mil>
To: "charlie.hunsicker@mymanatee.org" <charlie.hunsicker@mymanatee.org>
Cc: "Rayaprolu, Sirisha SAJ" <Sirisha.Rayaprolu@usace.army.mil>, "Bealyer, Hansler A SAJ" <Hansler.A.Bealyer@usace.army.mil>
Subject: Manatee County - Cortez Beach - ROE

Charlie: