

ITEM DEFERRED

3/7/17

Manatee County Government Administrative Center
Commission Chambers, First Floor
9:00 a.m. - March 7, 2017

March 7, 2017 - Regular Meeting
Agenda Item #44

Subject

Permanent Utilities Easement between 57th Ave Rentals, LLC, and Manatee County for property located at 1407 57th Avenue West, Bradenton, Florida 34207, PID 5887100005

Briefings

None

Contact and/or Presenter Information

Joy Leggett-Murphy, Property Acquisition Division Manager, Property Management, Extension 3439

Larry Decker, Real Property Specialist, Property Acquisition Division, Property Management, Extension 6287

Action Requested

- Accept and Record Permanent Utilities Easement from 57th Ave Rentals, LLC; and
- Record Affidavit of Ownership and Encumbrances from Kenneth Bueg, individually and as Trustee for the Kenneth Bueg Revocable Trust.

Enabling/Regulating Authority

Florida Statutes, Chapter 125; Manatee County Comprehensive Plan Goal 9.5 addresses the potable water system.

Background Discussion

- On October 25, 2016, the Board of County Commissioners executed a Contract for Sale and Purchase with 57th Ave Rentals, LLC, in the amount of \$10,000.00.
- Parcel 815 is a Permanent Utilities Easement consisting of 1,000 square feet.
- The acquisition is a requirement associated with the Suburban System Phase III waterline improvement project.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

Assistant County Attorney Pamela D'Agostino assisted in the review and preparation of the documents.

Reviewing Attorney

D'Agostino

Instructions to Board Records Original interofficed to Larry Decker 3/8/17

Please notify Larry Decker at larry.decker@mymanatee.org and Anthony Russo at anthony.russo@mymanatee.org of recording information.

CCC: AR700013

Cost and Funds Source Account Number and Name

\$79.50 Recording Fee to #6074770 Suburban System, Phase III project

Amount and Frequency of Recurring Costs

N/A

Attachment: [57th Ave Rentals, LLC, Permanent Utilities Easement-Parcel 815.pdf](#)

Attachment: [57th Ave Rentals, LLC, AO&E-Parcel 815.pdf](#)

Attachment: [Suburban Waterlines Project Phase III -Parcel 815 Location Map.pdf](#)

THIS INSTRUMENT PREPARED BY:

Larry Decker, Property Acquisition Division
Manatee County Property Management Department
1112 Manatee Avenue West, Suite 800
Bradenton, Florida 34205

PROJECT NAME: Suburban System - Phase III
PROJECT#: 6074770
PARCEL#: 815
PID#: 5885400001

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

PERMANENT UTILITIES EASEMENT

THIS PERMANENT UTILITIES EASEMENT made this ____ day of _____, 20__, between 57th AVE RENTALS, LLC, a Florida limited liability company, as owner of the following described property, whose mailing address is 2674 Dick Wilson Drive, Sarasota, Florida 34240, (hereinafter the “Grantor”), and **MANATEE COUNTY**, a political subdivision of the State of Florida, whose mailing address is Post Office Box 1000, Bradenton, Florida 34206, (hereinafter the “Grantee”).

As used herein, the term “Grantor” shall include any and all heirs, legal representatives, successors or assigns of the Grantor, and all subsequent owners of the “Easement Area” (as hereinafter defined) and the term “Grantee” shall include any successor or assignee of Grantee.

WITNESSETH THAT Grantor, for and in consideration of the sum of **ONE DOLLAR (\$1.00)** and other valuable consideration paid, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and transfer unto Grantee, a *nonexclusive, permanent utilities easement for ingress, egress, construction and maintenance of surface and/or underground drainage and utility facilities* across, in, over, under and upon the real property of the Grantor situated, lying and being in the County of Manatee, State of Florida, particularly described as **Parcel 815 in Exhibit “A”**, attached hereto and incorporated herein by this reference (hereinafter the **Easement Area**).

THAT said Grantor reserves the right to use the Easement Area for any purposes which are not inconsistent with the rights granted herein unto the Grantee.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name, by its Managers thereunto duly authorized, the day and year first above written.

SIGNATURE PAGES AND ACKNOWLEDGMENTS FOLLOW ON NEXT PAGE.

Signed, sealed and delivered in the presence of:

Lynn Bueg
First Witness Signature

Lynn Bueg
First Witness Printed Name

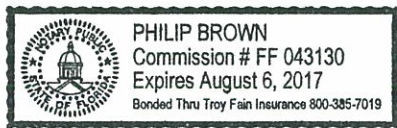
Ph
Second Witness Signature

Philip Brown
Second Witness Printed Name

STATE OF Florida
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me this 3 day of October, 2016, by Kenneth Bueg, as Trustee for the Kenneth Bueg Revocable Trust under Agreement dated September 3, 2015, as Authorized Member of 57th Ave Rentals, LLC, on behalf of said company, who is personally known to me or _____ who has produced _____ as identification.

Affix seal below:



GRANTOR:

57TH AVE RENTALS, LLC,
a Florida limited liability company

By: Kenneth Bueg Revocable Trust Under Agreement Dated September 3, 2015

As: Authorized Member

By: [Signature]
Signature

Name: Kenneth Bueg

As: Trustee

Date: 10/3/16

[Signature]
Notary Public Signature

Philip Brown
Printed Name

Commission Number

Expiration Date

EXHIBIT "A"



ZNS ENGINEERING

ENGINEERS | PLANNERS | SURVEYORS | LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
 EB 0927416 LS 0906982 LC 0000365

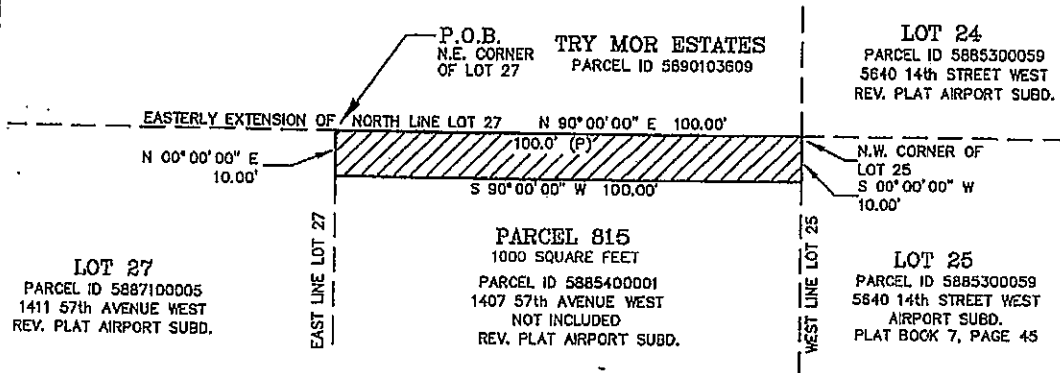
CERTIFICATE OF AUTHORIZATION # LB 6982
 201 5th AVENUE DRIVE EAST
 POST OFFICE BOX 9448
 BRADENTON, FLORIDA 34206
 (941) 748-8080
 FAX (941) 748-3747

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 14, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 27, REVISED PLAT OF AIRPORT SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 66 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE N 90°00'00" E, ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 27, A DISTANCE OF 100.00 FEET TO THE NORTHWEST CORNER OF LOT 25, AIRPORT SUBDIVISION AS RECORDED IN PLAT BOOK 7, PAGE 45 OF SAID PUBLIC RECORDS; THENCE S 00°00'00" W, ALONG THE WEST LINE OF SAID LOT 25, A DISTANCE OF 10.00 FEET; THENCE S 90°00'00" W, A DISTANCE OF 100.00 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID LOT 27; THENCE N 00°00'00" E, ALONG SAID EAST LINE, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1000 SQUARE FEET, MORE OR LESS.



LEGEND:

- P.O.B. POINT OF BEGINNING
- ID IDENTIFICATION
- (P) PLAT
- REV. REVISED
- SUBD. SUBDIVISION
- No. NUMBER
- SITE

NOTES:

1. BEARINGS ARE BASED ON THE NORTH LINE OF LOT 27, HAVING AN ASSUMED BEARING OF N 90°00'00" E, AND DO NOT REFER TO THE TRUE MERIDIAN.
2. THIS DRAWING IS A SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY AS SUCH.

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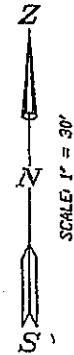
THIS DOCUMENT IS PROTECTED BY SECTION 106 OF THE "UNITED STATES COPYRIGHT ACT". REPRODUCTION OR ALTERATION OF THIS DOCUMENT OR THE INFORMATION CONTAINED HEREON BY ANY MEANS WHATSOEVER IS STRICTLY PROHIBITED WITHOUT THE PRIOR WRITTEN CONSENT OF ZNS ENGINEERING, L.C. CONSENT IS HEREBY GRANTED SPECIFICALLY TO GOVERNMENTAL AGENCIES TO REPRODUCE THIS DOCUMENT IN COMPLIANCE WITH F.S. CHAPTER 119.
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**PARCEL # 815
 PERMANENT EASEMENT
 NOT INCLUDED AREA OF
 REVISED PLAT OF AIRPORT SUBDIVISION
 PLAT BOOK 7, PAGE 66
 LOCATED IN
 SECTION 14, TOWNSHIP 35 SOUTH, RANGE 17 EAST
 MANATEE COUNTY, FLORIDA**

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

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION HAVE BEEN PREPARED UNDER OUR DIRECT SUPERVISION, THAT THEY ARE A TRUE REPRESENTATION OF THE LAND AS SHOWN AND DESCRIBED HEREON, THAT THEY ARE CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND THAT THEY MEET THE "MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN THE STATE OF FLORIDA", CHAPTER 5J-217, FLORIDA ADMINISTRATIVE CODE.

BY:
 JAMES N. GATCH, JR., P.S.M.
 FLORIDA CERTIFICATE NO. LS 4295
 DATE OF CERTIFICATION : 12/13/10



**PERMANENT
 EASEMENT
 PARCEL # 815**

CONSENT AND JOINDER

THIS CONSENT AND JOINDER, made and given this _____ day of _____, 20___, by **MANASOTA PHARMACY SERVICES, LLC**, a Florida limited liability company, whose mailing address is 1407 57th Avenue West, Bradenton, Florida 34207, hereinafter the **Lessee**, being the owner and holder of a lease dated July 1, 2012, made by **57TH AVE RENTALS, LLC**, a Florida limited liability company, whose mailing address is 2674 Dick Wilson Drive, Sarasota, Florida 34240, (hereinafter the **Lessor**), in favor of Lessee which Lease has not been recorded in the Public Records of Manatee County, Florida (hereinafter the **Lease**, and encumbers real property.

WHEREAS, MANATEE COUNTY, a political subdivision of the State of Florida, for good and valuable consideration, has or will obtain from 57th Ave Rentals, LLC, a "Permanent Utility Easement" (hereinafter the **Easement**), encumbering the lands described in the Easement, to which this Consent and Joinder is attached.

WHEREAS, MANATEE COUNTY has requested the Lessee to consent to and join in the Easement referenced above and incorporated herein by reference, and the Lessee hereby consents to and joins in same.

IN WITNESS WHEREOF, the Lessee has caused these presents to be executed in its name by its proper officer thereunto duly authorized, the day and year first above written.

SIGNATURE PAGE AND ACKNOWLEDGEMENT FOLLOW ON NEXT PAGE.

MANASOTA PHARMACY SERVICES,
LLC, a Florida limited liability company

[Signature]
First Witness Signature

ANDREW QUIKEN
First Witness Printed Name

[Signature]
Second Witness Signature

Philip Brown
Second Witness Printed Name

STATE OF Florida
COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 3 day of October, 2016, by Martin Reisk, as Managing Member of Manasota Pharmacy Services, LLC, a Florida limited liability company, on behalf of said company, who is personally known to me or _____ who has produced _____ as identification.

Affix seal below:



By: MARTY REISK
Signature

As: MANAGER
Title

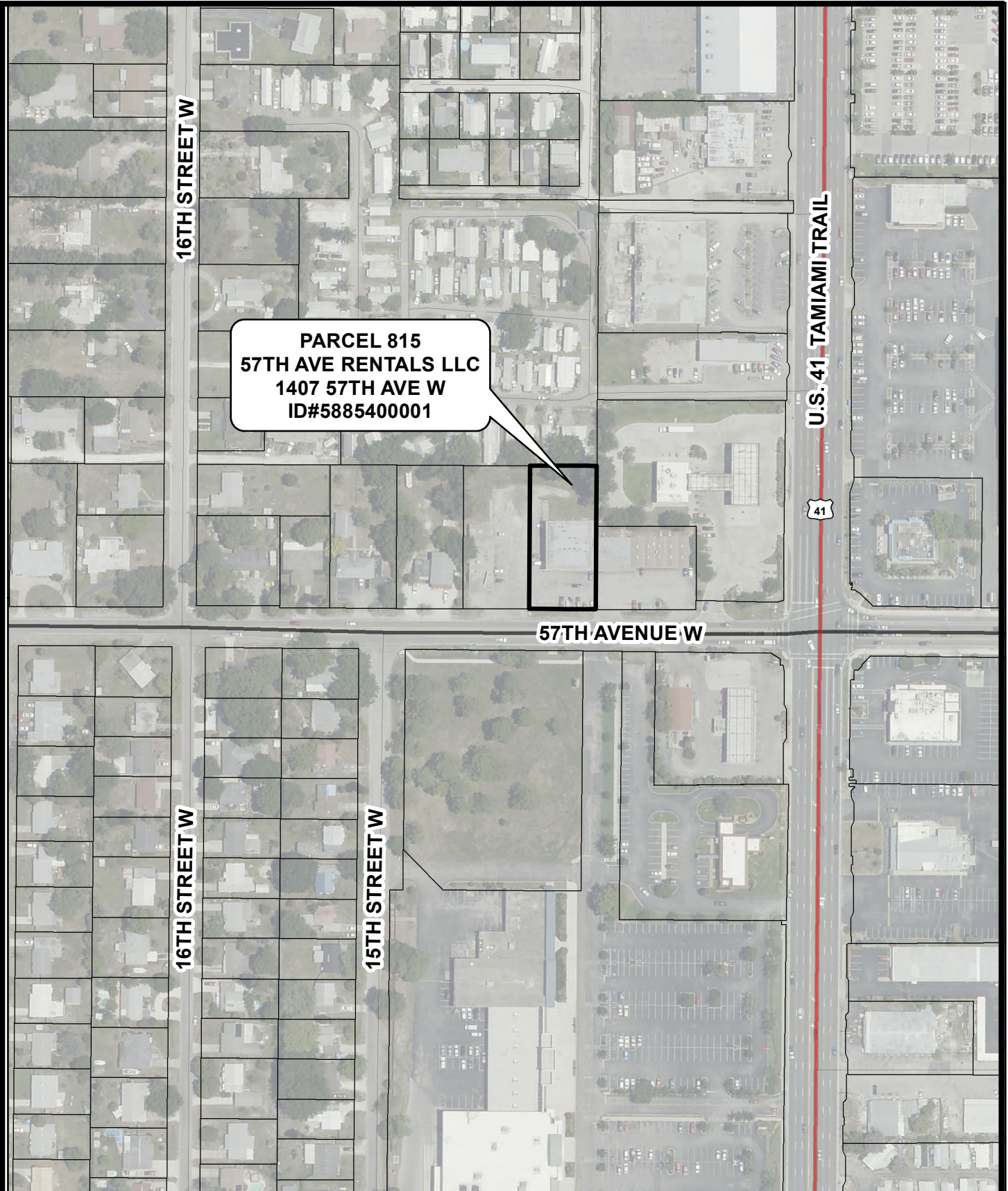
MARTY REISK
Printed Name

[Signature]
Notary Public Signature

Philip Brown
Printed Name

Commission Number

Expiration Date



PARCEL 815
57TH AVE RENTALS LLC
1407 57TH AVE W
ID#5885400001

16TH STREET W

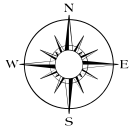
U.S. 41 TAMIAAMI TRAIL

41

57TH AVENUE W

16TH STREET W

15TH STREET W



1 inch equals 200 feet

PROJECT NO.412-6074770
SUBURBAN WATERLINES PROJECT, PHASE III
WATERLINE IMPROVEMENTS
(WEST MANATEE FIRE AND RESCUE DISTRICT)
District 4 - COMMISSIONER ROBIN DISABATINO



THIS INSTRUMENT PREPARED BY:
Larry Decker, Property Acquisition Division
Manatee County Property Management Department
1112 Manatee Avenue West, Suite 800
Bradenton, Florida 34205

PROJECT NAME: Suburban System - Phase III
PROJECT#: 6074770
PARCEL#: 815
PID#: 5885400001

AFFIDAVIT OF OWNERSHIP AND ENCUMBRANCES

STATE OF Florida
COUNTY OF Sarasota

BEFORE ME, the undersigned notary public, personally appeared Kenneth Bueg, individually and as Trustee, who being first duly sworn, deposes and says that, to the best of his knowledge and belief:

1. I have personal knowledge of all matters set forth in this affidavit.
2. 57th Ave Rentals, LLC, a Florida limited liability company (hereinafter the **Grantor**) is the owner of the fee simple title to certain real property (hereinafter the **Property**) situated in Manatee County, Florida, more particularly described in **Exhibit A** attached to this affidavit and by this reference made a part of this affidavit, and has full authority to sell or encumber the Property.
3. I am the Trustee of the Kenneth Bueg Revocable Trust under Agreement dated September 3, 2015.
4. The aforesaid Trust is the Authorized Member of Grantor and I make this affidavit with the authority of and on behalf of 57th Ave Rentals, LLC.
5. Neither Grantor's title to nor possession of the Property has ever been disputed or questioned and I am not aware of any facts by reason of which the title to or possession of the Property or any part of it or any personal property located on it might be disputed or questioned or by reason of which any claim to the Property or any portion of it or any personal property located on it might be adversely asserted.
6. There are no disputes concerning the location of the boundary lines of the Property.
7. There are no title retention contracts or personal property leases affecting any materials, fixtures, appliances, furnishings or equipment placed on or installed in or on the Property or the improvements located on it.
8. There are no actions, proceedings, judgments, bankruptcies, liens or executions recorded among the Public Records of Manatee County, Florida, or any other county in Florida or pending against the Grantor in the courts of Manatee County, Florida, or any other courts.
9. There are no outstanding or unpaid taxes or assessments (pending or certified) due to any governmental agency for improvements to or for the benefit of the Property for which the Grantor is responsible or any unpaid or unsatisfied mortgages, claims of lien, or other matters that

constitute or could constitute a lien or encumbrance against the Property or any improvements on it or any part of it or against any personal property located on it. Should any bill be found which relates to the period of the Grantor's possession, the Grantor shall pay such bill upon demand. No notice has been received regarding future pending zoning by any government instrumentality.

10. There are no matters pending against the Grantor that could give rise to a lien that would attach to the Property or cause a loss of title or impair the title between the effective date of the title insurance commitment and the recording of the interest to be insured by the title insurance company, and the Grantor has not and will not execute any instrument that would adversely affect the title or interest to be insured in the Property, including but not limited to mortgaging or conveying the Property or any interest in it or causing any liens to be recorded against the Property or the Owner.

11. There has been no labor performed or materials furnished on or to the Property during the past **NINETY (90)** days, or, if labor has been performed or materials furnished during such **NINETY (90)** days, all persons performing or furnishing the same have been fully paid and there are no unpaid bills for labor or materials for which valid liens could be filed.

12. No notice of commencement concerning the Property has been filed in the past **NINETY (90)** days, nor are there any unsatisfied construction liens of record concerning such Property, nor have any notices to owner been received by the Grantor during the past **NINETY (90)** days.

13. There are no outstanding, unrecorded deeds, unsatisfied liens, leases, contracts for sale, judgments, easements or rights-of-way for users, conveyances, mortgages or adverse interests affecting title to the Property, except the following:

- Easement in favor of Suburban Water Service, Inc., recorded in Official Records Book 176, Page 762.

As used herein all references to Official Records shall mean of the Public Records of Manatee County, Florida.


14. The Grantor's Taxpayer Identification Number is 47-5455352.

15. The representations embraced herein are made for the purpose of conveying an easement.

16. This affidavit is made and given by affiant with full knowledge of applicable Florida laws regarding sworn affidavits and the penalties and liabilities resulting from false statements and misrepresentations therein.

SIGNATURE PAGE AND ACKNOWLEDGMENT FOLLOW ON NEXT PAGE.

Kenneth Bueg



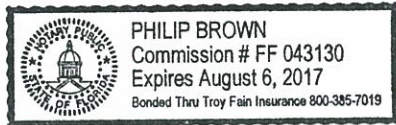
Signature


KENNETH BUEG

Printed Name

Sworn to (or affirmed), acknowledged and subscribed before me this 3 day of October, 2016, by Kenneth Bueg, individually and as Trustee for the Kenneth Bueg Revocable Trust under Agreement dated September 3, 2015, as Authorized Member of 57th Ave Rentals, LLC, on behalf of said company, who is personally known to me or _____ who has produced _____ as identification.

Affix seal below:





Notary Public Signature
Philip Brown

Printed Name

Commission Number

Expiration Date

EXHIBIT "A"



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ENGINEERS | PLANNERS | SURVEYORS | LANDSCAPE ARCHITECTS | ENVIRONMENTAL CONSULTANTS
 EB 0027176 LS 000982 LC 000085

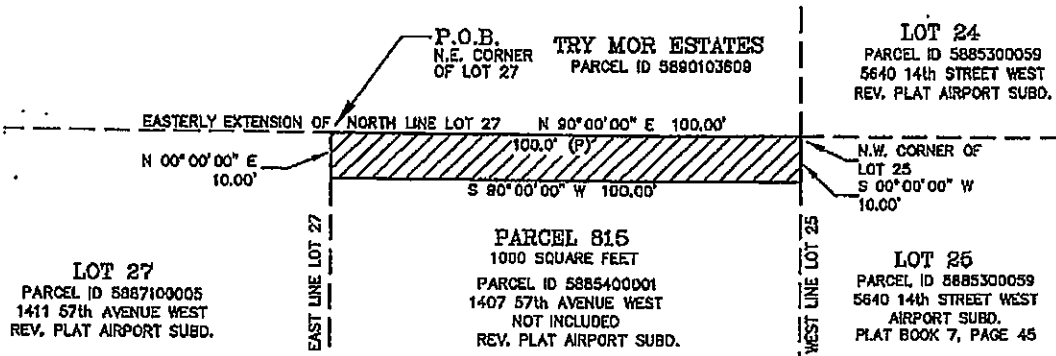
CERTIFICATE OF AUTHORIZATION # LB 6982
 201 5th AVENUE DRIVE EAST
 POST OFFICE BOX 9448
 BRADENTON, FLORIDA 34208
 (941) 748-8080
 FAX (941) 748-3747

DESCRIPTION:

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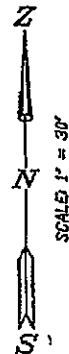
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CONTAINING 1000 SQUARE FEET, MORE OR LESS.



LEGEND:

- P.O.B. POINT OF BEGINNING
- ID IDENTIFICATION
- (F) PLAT
- REV. REVISED
- SUBD. SUBDIVISION
- No. NUMBER
- SITE



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**PARCEL # 815
 PERMANENT EASEMENT
 NOT INCLUDED AREA OF
 REVISED PLAT OF AIRPORT SUBDIVISION
 PLAT BOOK 7, PAGE 66
 LOCATED IN**

**SECTION 14, TOWNSHIP 35 SOUTH, RANGE 17 EAST
 MANATEE COUNTY, FLORIDA**

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**PERMANENT
 EASEMENT
 PARCEL # 815**

BY:
 JAMES N. GATCH, JR., P.S.M.
 FLORIDA CERTIFICATE NO. LS 4295
 DATE OF CERTIFICATION: 12/13/10