

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

PROPERTY ADDRESS: 2004 12th Avenue West, Bradenton, Florida 34205
PID#: 406970005



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

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT AGREEMENT (hereinafter the **Agreement**) made this 7 day of March 2017, (hereinafter the **Effective Date**) between **MANATEE COUNTY**, a political subdivision of the State of Florida, whose mailing address is Post Office Box 1000, Bradenton, Florida 34206, as owner of the following described property, (hereinafter the **Grantor**), and the **CITY OF BRADENTON**, a Florida municipal corporation, whose mailing address is 101 Old Main Street, Bradenton, Florida 34205, (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 **Temporary Construction 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 temporary construction easement* (hereinafter the **Easement**), across, in, over, under, and upon the real property of the Grantor situated, lying and being in the County of Manatee, State of Florida, more particularly described in **Exhibit A**, attached hereto and incorporated herein by this reference (hereinafter the **Temporary Construction Easement Area**), to facilitate Grantee’s dredging and maintenance activities.

THIS Easement shall be for the purposes of (1) performing bathymetric surveying activities, (2) staging equipment, (3) temporary storage of spoil, (4) spoil removal, (5) dewatering and (6) maintenance dredging of the body of water more commonly known as Wares Creek.

THAT Grantor reserves unto itself, its affiliates, assigns, consultants, heirs, successors, tenants and subtenants, the right to the continued free use and enjoyment of the Temporary Construction Easement Area for any purposes and in any manner that (1) is not inconsistent with the rights granted herein unto the Grantee and (2) will not prevent or interfere with the rights granted to the Grantee herein; provided, that the Grantor does not obstruct, or permit others to obstruct, the Temporary Construction Easement Area at any time without first obtaining express written consent of the Grantee.

ACCEPTED IN OPEN SESSION March 7, 2017
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

THAT Grantee shall, to the extent permitted by Section 768.28, Florida Statutes, indemnify, defend, and hold Grantor harmless from all arbitrations, awards, claims, costs, damages, demands, expenses, fees, fines, legal actions, legal proceedings, liabilities, litigation, losses, penalties, and settlements, including, but not limited to attorneys' fees, paralegal's fees, and litigations costs through all trial and appellate levels and any costs and disbursements related thereto, which arise, result from or are in any way caused by, the condition, construction, maintenance, repair or use of the Temporary Construction Easement Area by Grantee or by Grantee's agents, contractors, directors, employees, invitees, licensees, members, officers, subcontractors or vendors.

THAT Grantee shall, prior to the termination of this Easement, remove any debris, equipment, improvements, materials and spoil from the Temporary Construction Easement Area and shall restore such land to the same or substantially the same condition as was prior to the Grantee's use.

THIS Easement shall be for a term of **ONE (1) YEAR** from the Effective Date of this Agreement or until the Grantee completes its maintenance dredging, whichever comes first. The Effective Date of this Agreement shall be defined as the date of execution of this Agreement by the Board of County Commissioners of Manatee County.

IN WITNESS WHEREOF, the Grantor and Grantee hereto have executed this Agreement on the day and year first above written.

GRANTEE:
CITY OF BRADENTON,
a Florida municipal corporation,

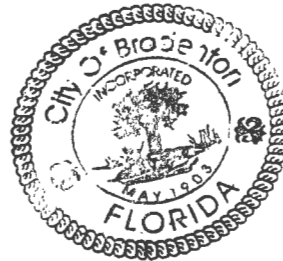
By: its Mayor

By: Waverly Ste

Date: 2.8.17

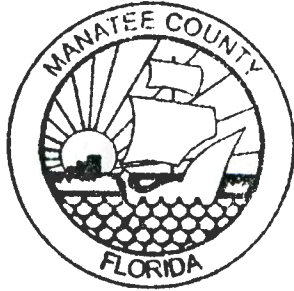
ATTEST: CARL CALLAHAN
CITY CLERK

By: Carl Callahan



GRANTOR:
MANATEE COUNTY,
a political subdivision of the State of Florida

By: its Board of County Commissioners



By: 
Chairperson

Date: March 7, 2017

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

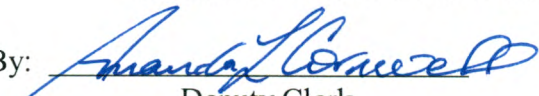
By: 
Deputy Clerk

EXHIBIT "A"
 SKETCH OF TEMPORARY CONSTRUCTION EASEMENT DESCRIPTION
 (THIS IS NOT A SURVEY)

PID 406960007
 LOT 5, BLOCK 17
 FAIRVIEW PARK ADDITION
 P.B. 1, PG. 228



PID 4069700005
 LOT 6, BLOCK 17
 FAIRVIEW PARK ADDITION
 P.B. 1, PG. 228

TEMPORARY CONSTRUCTION EASEMENT
 0.21 ACRE OR 9,225 SQUARE FEET MORE OR LESS

WARES CREEK

20th STREET WEST



DRAINAGE AND UTILITY EASEMENT
 (O.R. 2460, PG. 2512)
 522 SQUARE FEET MORE OR LESS

29.00' WEST

44.14' WEST

P.O.B.
 (O.R. 2460, PG. 2512)

P.O.C.
 (O.R. 2460, PG. 2512)
 SOUTHEAST CORNER
 OF LOT 6 BLOCK 17

12th AVENUE WEST

NOTES:

- 1) THIS IS NOT A SURVEY.
- 2) BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 6, BLOCK 17 OF THE FAIRVIEW PARK SUBDIVISION AS RECORDED IN PLAT BOOK 1 PAGE 228 OF THE PUBLIC RECORDS OF MANATEE COUNTY FLORIDA, BEING ASSUMED AS WEST.
- 3) THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR BOUNDARY SURVEY AND MAY BE SUBJECT TO EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD.
- 4) NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DESCRIPTION:

A TEMPORARY CONSTRUCTION EASEMENT OVER ALL OF LOT 6, BLOCK 17 OF THE FAIRVIEW PARK ADDITION SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 228 OF THE PUBLIC RECORDS OF MANATEE COUNTY FLORIDA.

CITY OF BRADENTON
 PUBLIC WORKS & UTILITIES
 SURVEY & MAPPING



1411 9th STREET WEST
 BRADENTON, FLORIDA 34205
 (941) 708-6300

DAVID E. CRONKHITE
 CERTIFICATE NO. 6078
 DATE 1/13/2017

P.O.B.=POINT OF BEGINNING
 P.O.C.=POINT OF COMMENCEMENT
 P.B. =PLAT BOOK
 PG. =PAGE
 O.R. =OFFICIAL RECORD BOOK
 PID =PARCEL IDENTIFICATION

SCALE: NONE
 TEMPORARY
 CONSTRUCTION EASEMENT
 2004 12TH AVENUE WEST

SHEET: 1 OF 1
 SECTION 34
 TOWNSHIP 34 SOUTH
 RANGE 17 EAST
 DRAW BY: DEC
 DRAWING DATE: 11/21/2016

Angelina "Angel" Colonnese

Clerk of the Circuit Court

Manatee County

P.O. Box 25400
Bradenton, FL 34206

Official Records Receipt Recording

Username: hhoey

Changed By: hhoey

Receipt#: 900050971 **Payee Name:** MANATEE COUNTY PROPERTY MGMT DEPT AR700003
Receipt Date: 03/08/2017 1112 MANATEE AVE WEST 8TH FL
BRADENTON, FL 34205
Escrow Balance:
Escrow Customer:

Instrument: 201741021165 - BK2663/PG5071 EASEMENT

| | | |
|-----------------|-----------------------|---------|
| 001000000341100 | RECORDING FEE \$5/\$4 | \$17.00 |
| 199000000341150 | PRMTF \$1/\$.50 | \$2.50 |
| 001000000208911 | PRMTF FACC \$.10 | \$0.40 |
| 199000000341160 | PRMTF CLERK \$1.90 | \$7.60 |
| 001000000208912 | PRMTF BCC \$2 | \$8.00 |
| 001000000208901 | DEED DOC STAMPS \$.70 | \$0.00 |
| 001000000341400 | INDEXING NAMES | \$0.00 |

Instrument Total: **\$35.50**

Receipt Total: \$35.50

Amount Tendered: \$0.00

Overage: \$0.00

Amount Paid:

APPROVED in Open Session

Manatee County Board of County
Commissioners

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

3/7/17

March 7, 2017 - Regular Meeting
Agenda Item #49

Subject

Temporary Construction Easement Agreement between the City of Bradenton and Manatee County for property located at 2004 12th Avenue West, Bradenton, Florida 34205, PID 4069700005

Briefings

Briefing Provided Upon Request

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 Temporary Construction Easement Agreement from the City of Bradenton.

Enabling/Regulating Authority

Florida Statutes, Chapter 125

Background Discussion

- On February 26, 2013, the City of Bradenton obtained a Drainage, Utility and Temporary Construction Easement from Manatee County. The Temporary Construction Easement (TCE) was effective for a period of two years and has since expired.
- In preparation of their FY2017 mini-maintenance dredge activities within Wares Creek, the City of Bradenton contacted the Property Acquisition Division to request another TCE at this same location.
- The TCE is being requested at a County owned parcel, located adjacent to the City dredging project at the northeast corner of Wares Creek and 12th Avenue West.
- Property Acquisition staff corresponded with Public Works staff for their input regarding the request.
- Upon further review, a meeting was suggested and held on November 1, 2016, between City of Bradenton staff, Manatee County staff, and the County Attorneys Office (CAO).
- At the meeting, it was determined that the TCE would be used for staging equipment, temporary storage of dredged material, and dewatering of dredged material. Other related concerns were also addressed.
- A Temporary Construction Easement Agreement was drafted by the City. It was reviewed and revised by the CAO and a final version was distributed for review and acceptance by the City.
- The TCE agreement has been presented to the City Council and executed, and is now being presented for consideration by the Board.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

Assistant County Attorney Pamela D'Agostino attended a meeting, reviewed a draft proposal of the TCE agreement, and provided a revised agreement that was accepted for use in this matter.

Reviewing Attorney

D'Agostino

Instructions to Board Records Emailed 3/8/17

Please return a copy of the executed agreement to Larry Decker at larry.decker@mymanatee.org, Alicia Stull at Alicia.stull@mymanatee.org, and Susan Hochuli at susan.hochuli@cityofbradenton.com.

CCC: AR700003

Cost and Funds Source Account Number and Name

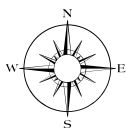
\$35.50 Recording Fee #001-0020505 Property Acquisition Core Fund

Amount and Frequency of Recurring Costs

N/A

Attachment: [City of Bradenton TCE Agreement.pdf](#)

Attachment: [Wares Creek and 20th St W- Drain and Util Esmt DS.pdf](#)



1 inch equals 200 feet

**WARES CREEK AT 12TH AVENUE WEST
 TEMPORARY CONSTRUCTION EASEMENT
 LOT 6, BLOCK 17 FAIRVIEW PARK ADDITION P.B. 1, PG 228**

District 2 - COMMISSIONER CHARLES B. SMITH

