

THIS INSTRUMENT PREPARED BY:
Tim J. Cristello, Real Property Specialist
Property Acquisition Division
Manatee County, Property Management Department
1112 Manatee Avenue West, Suite 800
Bradenton, Florida 34205



PROJECT NAME: Ellenton Gillette Road/ US 301 Intersection Improvements
PROJECT NUMBER: 381-6035161
PARCEL#: N/A
PID#: 946100059

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

TEMPORARY CONSTRUCTION EASEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT (hereinafter the Easement) made this 11 day of OCTOBER, 2018, between **ELLENTON UNITED METHODIST CHURCH, INC.**, a Florida non-profit corporation as owner of the following described property, whose mailing address is 3607 U.S. Highway 301 North, Ellenton, Florida 34222, (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 “**Property**” (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* across, in, over, under, and upon the real property of the Grantor situated, lying and being in the County of Manatee, State of Florida (hereinafter the Property), particularly described as:

See legal description identified as Exhibit A attached hereto.

THIS Easement shall be for the purpose of **roadway improvements adjacent to the easement area** and for all other construction purposes reasonably related to the construction to be undertaken by Grantee. This Easement is granted upon the condition that the sloping and/or grading upon the Property shall not extend beyond the limits outlined above and that all grading and/or sloping shall conform to all existing improvements on the Property and all work shall be performed in such a manner that existing improvements will be left in same or like condition.

THAT said Grantor reserves the right to use the Property in any manner that 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 Property at any time without first obtaining express written consent of the Grantee.

ACCEPTED IN OPEN SESSION 11/27/18
BOARD OF COUNTY COMMISSIONERS, MANATEE COUNTY

THIS Easement shall be for a term of **“THREE (3) YEARS”** from the effective date, which is defined herein as the date of acceptance by the Board of County Commissioners of Manatee County.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

SIGNATURE PAGE AND ACKNOWLEDGEMENT FOLLOW ON NEXT PAGE.

Signed, sealed and delivered in the presence of two witnesses as required by law:

GRANTOR:
ELLENTON UNITED METHODIST CHURCH, INC., A Florida non-profit corporation

[Signature]
Witness

Tim Cristello 10/11/18
Printed Name and Date

[Signature]
Witness

Jeri Phelps 10-11-2018
Printed Name and Date

By: [Signature]
Signature

As: CHAIRMAN BOARD OF TRUSTEES
Title

JAMES A. PHELPS
Printed Name

Affix corporate seal below:

Attest: [Signature]
Secretary Signature

STATE OF Florida
COUNTY OF MANATEE

The foregoing instrument was acknowledged before me this 11 day of OCTOBER, 2018, by JAMES A. PHELPS, as CHAIRMAN BOARD OF TRUSTEES of **ELLENTON UNITED METHODIST CHURCH, INC.**, a Florida non-profit corporation, on behalf of said corporation, who _____ is personally known to me or X who has produced FL Drivers License as identification.

Affix seal below:



[Signature]
Notary Public Signature

Tim Cristello
Printed Name

GG218727
Commission Number

8/25/22
Expiration Date

EXHIBIT "A"

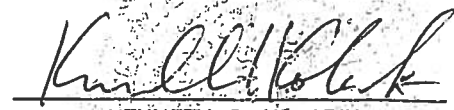
DESCRIPTION: TEMPORARY CONSTRUCTION EASEMENT

COMMENCE AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S88°22'57"E, ALONG THE NORTH LINE OF SAID SECTION 17, A DISTANCE OF 1146.48 FT. TO THE INTERSECTION WITH THE SURVEY BASELINE OF ELLENTON GILLETTE ROAD; THENCE S00°18'11"E, ALONG SAID SURVEY BASELINE, 8.92 FT.; THENCE S01°00'44"W, ALONG SAID SURVEY BASELINE, A DISTANCE OF 2640.00 FT. TO THE INTERSECTION WITH THE SURVEY BASELINE OF U.S. 301; THENCE CONTINUE S01°00'44"W, ALONG THE SURVEY BASELINE OF ELLENTON GILLETTE ROAD EXTENDED SOUTHERLY, A DISTANCE OF 92.91 FT.; THENCE S88°59'16"E, PERPENDICULAR TO SAID SURVEY BASELINE EXTENDED SOUTHERLY, A DISTANCE OF 21.34 FT. TO THE INTERSECTION WITH THE WESTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1650, PAGE 1949, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE S89°42'49"E, A DISTANCE OF 16.14 FT.; THENCE S00°17'11"W, 57.19 FT.; THENCE N89°42'49"W, A DISTANCE OF 17.34 FT. TO THE INTERSECTION WITH SAID WESTERLY LINE; THENCE N01°29'30"E, ALONG SAID WESTERLY LINE, A DISTANCE OF 57.20 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 17, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 957 SQUARE FEET (0.02 ACRE) MORE OR LESS.

(REFER TO SHEET 2 OF 2 FOR SKETCH)

JUNE 6, 2018
DATE OF CERTIFICATE


KENNETH C. KOLARIK
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NO. 5116

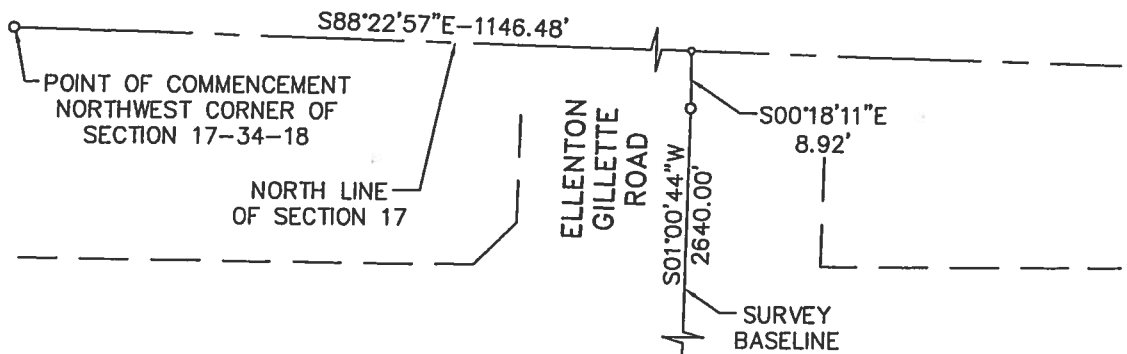
FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER, LB 2241
NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB NUMBER: 10682

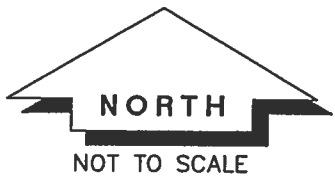
SHEET NUMBER 1 OF 2

FOLEY / KOLARIK, INC.
Consulting Engineers, Surveyors and Planners
503 8th Avenue West • Palmetto, Florida 34221 • (941) 722-4561





US 301 (S.R.43)
 (F.D.O.T. R/W MAP SECTION
 1302 - [104] 202)



LEGEND	
P.O.B.	= POINT OF BEGINNING
R/W	= RIGHT-OF-WAY
P.I.D.	= PROPERTY IDENTIFICATION NUMBER
O.R.	= OFFICIAL RECORDS
S.F.	= SQUARE FEET
S.R.	= STATE ROAD
F.D.O.T.	= FLORIDA DEPARTMENT OF TRANSPORTATION
±	= MORE OR LESS
o	= ANGLE POINT ONLY, NO CORNER SET OR FOUND

SKETCH OF DESCRIPTION

NOT A SURVEY
 BEARINGS ARE BASED ON THE NORTH LINE
 OF SECTION 17 BEING S88°22'57"E

LEFFINGWELL AVENUE

SURVEY
 BASELINE
 EXTENDED
 SOUTHERLY

PLAT OF
 ELLENTON VILLAGE
 (PLAT BOOK 1, PAGE 133)

WESTERLY
 PARCEL LINE

21.34'
 S88°59'16"E

P.O.B.

S89°42'49"E-16.14'

TEMPORARY
 CONSTRUCTION
 EASEMENT
 (957 S.F.±)
 (0.02 ACRES±)

N01°29'30"E-57.20'

S00°17'11"W-57.19'

LANDS OF
 ELLENTON UNITED
 METHODIST CHURCH, INC.
 PER O.R. BOOK 1650,
 PAGE 1949
 (NOW OR FORMERLY
 P.I.D. 945100059)

N89°42'49"W-17.34'

EAST R/W
 PER PLAT

REFER TO SHEET 1 OF 2 FOR DESCRIPTION
 NOT VALID WITHOUT THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB NUMBER: 10682 DRAWN BY: T.BALL SCALE: NONE SHEET NUMBER 2 OF 2

FOLEY / KOLARIK, INC.

Consulting Engineers, Surveyors and Planners

503 8th Avenue West • Palmetto, Florida 34221 • (941) 722-4561



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#: 900170583 **Payee Name:** MANATEE COUNTY PROJECT MANAGEMENT AR700013
Receipt Date: 11/28/2018 1112 MANATEE AVE WEST
BRADENTON, FL 34205
Escrow Balance:
Escrow Customer:

Instrument: 201841118186 - BK2757/PG6718 EASEMENT

001000000341100	RECORDING FEE \$5/\$4	\$21.00
199000000341150	PRMTF \$1/\$.50	\$3.00
001000000208911	PRMTF FACCC \$.10	\$0.50
199000000341160	PRMTF CLERK \$1.90	\$9.50
001000000208912	PRMTF BCC \$2	\$10.00
001000000208901	DEED DOC STAMPS \$.70	\$0.00
001000000341400	INDEXING NAMES	\$0.00

Instrument Total: \$44.00

Receipt Total: \$44.00

Amount Tendered: \$0.00

Overage: \$0.00

Amount Paid:

THIS INSTRUMENT PREPARED BY:
Tim Cristello, Real Property Specialist
On Behalf of: Joy Leggett-Murphy, Property Acquisition Division
Manatee County Property Management Department
1112 Manatee Avenue West, Suite 800
Bradenton, Florida 34205



PROJECT NAME: Ellenton Gillette Road/U.S. 301 Intersection Improvements
PROJECT NUMBER: 381-6035161
PARCEL#: N/A
PID #: 946100059

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

AFFIDAVIT OF OWNERSHIP AND ENCUMBRANCES

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE ME, the undersigned notary public, personally appeared James A. Phelps, 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. Ellenton United Methodist Church, Inc., a Florida non-profit corporation (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 Chairman of Board of Trustees for Ellenton United Methodist Church, Inc., and I make this affidavit with the authority of and on behalf of Ellenton United Methodist Church, Inc.
4. Grantor has sole and exclusive possession of the Property.
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. No person or entity other than Grantor claims or is presently entitled to the right to possess or is in possession of the Property and there are no tenancies, leases, or other occupancies that affect the Property.
7. There are no disputes concerning the location of the boundary lines of the Property.

8. Grantor has not violated any of the restrictions, declarations or covenants in connection with the Property, nor know of any prior owner violating said restrictions, declarations or covenants.

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 security agreements, financing statements, 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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:

Restrictions as contained in Deed as recorded in Deed Book 282, Page 280, of the Public Records of Manatee County, Florida.

Vacation Agreement as recorded in Official Records Book 757, Page 963, of the Public Records of Manatee County, Florida.

Notice of Commencement from Ellenton United Methodist Church to FRS Environmental Remediation Inc., dated June 17, 2015 and recorded July 10, 2015, in the Official Records Book 2577, Page 5194, of the Public Records of Manatee County, Florida.

Notice of Commencement from Ellenton United Methodist Church to Magee Sign Service, dated April 17, 2015 and recorded May 20, 2015, in the Official Records Book 2569, Page 7868, of the Public Records of Manatee County, Florida.

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

16. The Grantor's Taxpayer Identification Number is 59-2754168.

17. The representations embraced herein are made to induce Manatee County, a political subdivision of the State of Florida, to purchase the Property for the purpose of conveying a Temporary Construction Easement.

18. 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 ACKNOWLEDGEMENT FOLLOW ON NEXT PAGE.

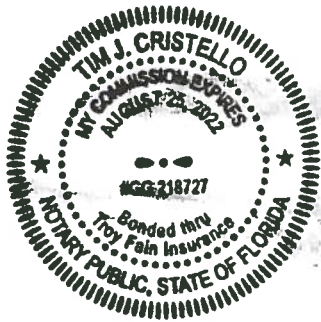
James A. Phelps, Chairman of Board of Trustees

James A. Phelps
Signature

JAMES A. PHELPS
Printed Name

Sworn to (or affirmed), acknowledged and subscribed before me this 11 day of OCTOBER, 2018, by James A. Phelps, as Chairman of Board of Trustees for Ellenton United Methodist Church Inc., a Florida non-profit corporation on behalf of said corporation, who is personally known to me or X who has produced FL Drivers License as identification.

Affix seal below:



TC
Notary Public Signature

TIM CRISTELLO
Printed Name

GG218727
Commission Number

8/25/22
Expiration Date

EXHIBIT "A"

DESCRIPTION: TEMPORARY CONSTRUCTION EASEMENT


COMMENCE AT THE NORTHWEST CORNER OF SECTION 17, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA; THENCE S88°22'57"E, ALONG THE NORTH LINE OF SAID SECTION 17, A DISTANCE OF 1146.48 FT. TO THE INTERSECTION WITH THE SURVEY BASELINE OF ELLENTON GILLETTE ROAD; THENCE S00°18'11"E, ALONG SAID SURVEY BASELINE, 8.92 FT.; THENCE S01°00'44"W, ALONG SAID SURVEY BASELINE, A DISTANCE OF 2640.00 FT. TO THE INTERSECTION WITH THE SURVEY BASELINE OF U.S. 301; THENCE CONTINUE S01°00'44"W, ALONG THE SURVEY BASELINE OF ELLENTON GILLETTE ROAD EXTENDED SOUTHERLY, A DISTANCE OF 92.91 FT.; THENCE S88°59'16"E, PERPENDICULAR TO SAID SURVEY BASELINE EXTENDED SOUTHERLY, A DISTANCE OF 21.34 FT. TO THE INTERSECTION WITH THE WESTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1650, PAGE 1949, PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, FOR A POINT OF BEGINNING; THENCE S89°42'49"E, A DISTANCE OF 16.14 FT.; THENCE S00°17'11"W, 57.19 FT.; THENCE N89°42'49"W, A DISTANCE OF 17.34 FT. TO THE INTERSECTION WITH SAID WESTERLY LINE; THENCE N01°29'30"E, ALONG SAID WESTERLY LINE, A DISTANCE OF 57.20 FT. TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 17, TOWNSHIP 34 SOUTH, RANGE 18 EAST, MANATEE COUNTY, FLORIDA.

CONTAINING 957 SQUARE FEET (0.02 ACRE) MORE OR LESS.

(REFER TO SHEET 2 OF 2 FOR SKETCH)

JUNE 6, 2018

DATE OF CERTIFICATE


KENNETH C. KOLARIK
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATE NO. 5116

FLORIDA CERTIFICATE OF AUTHORIZATION NUMBER, LB 2241

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

JOB NUMBER: 10682

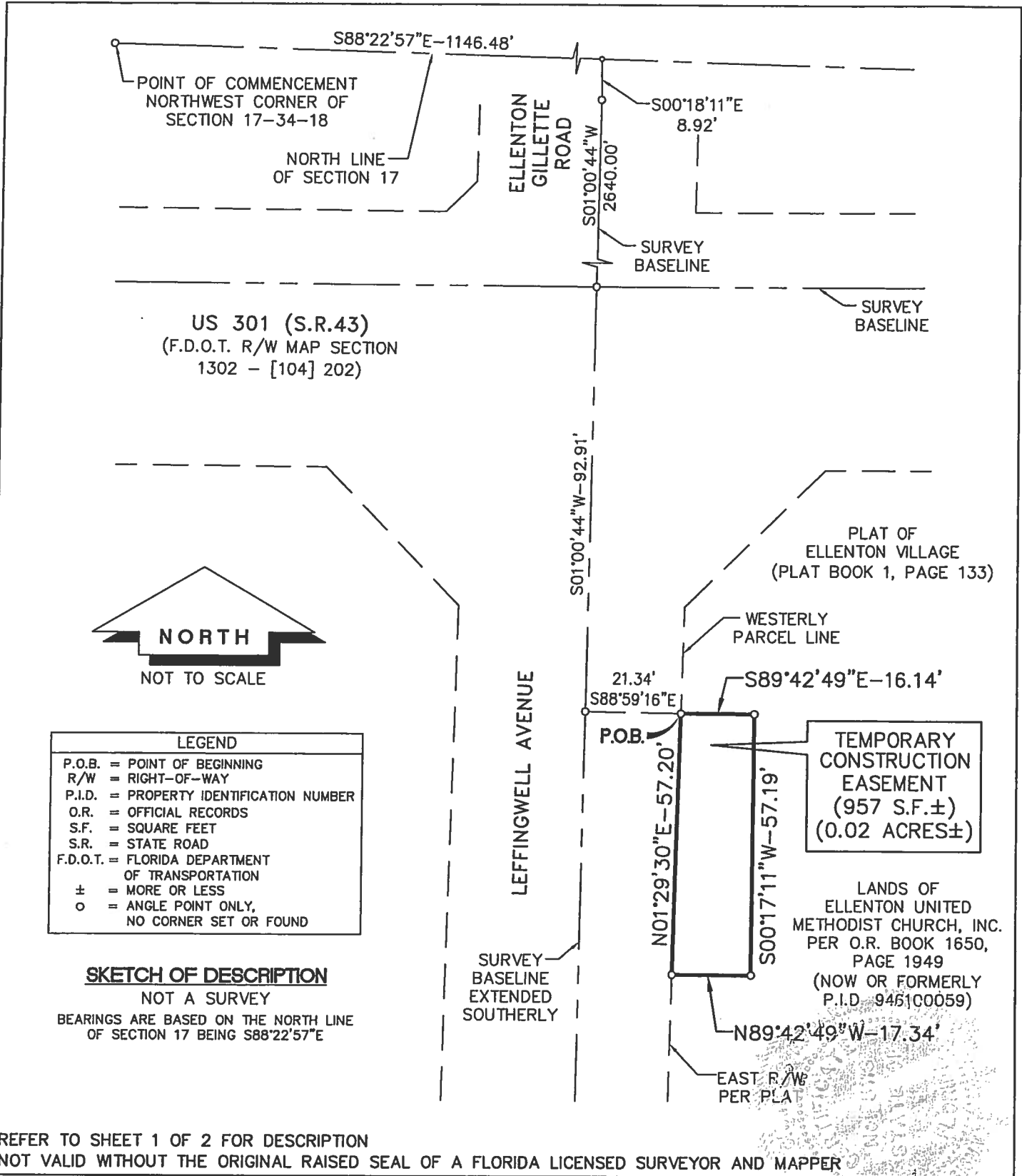
SHEET NUMBER 1 OF 2

FOLEY / KOLARIK, INC.

Consulting Engineers, Surveyors and Planners

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REFER TO SHEET 1 OF 2 FOR DESCRIPTION
NOT VALID WITHOUT THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

JOB NUMBER: 10682 DRAWN BY: T.BALL SCALE: NONE SHEET NUMBER 2 OF 2

FOLEY / KOLARIK, INC.
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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#: 900170584 **Payee Name:** MANATEE COUNTY PROJECT MANAGEMENT AR700013
Receipt Date: 11/28/2018 1112 MANATEE AVE WEST
BRADENTON, FL 34205
Escrow Balance:
Escrow Customer:

Instrument: 201841118187 - BK2757/PG6723 AFFIDAVIT

001000000341100	RECORDING FEE \$5/\$4	\$25.00
199000000341150	PRMTF \$1/\$.50	\$3.50
001000000208911	PRMTF FACC \$.10	\$0.60
199000000341160	PRMTF CLERK \$1.90	\$11.40
001000000208912	PRMTF BCC \$2	\$12.00
001000000341400	INDEXING NAMES	\$0.00

Instrument Total: \$52.50

Receipt Total: \$52.50

Amount Tendered: \$0.00

Overage: \$0.00

Amount Paid:

November 27, 2018 - Regular Meeting
Agenda Item #49

Approved in Open Session 11/27/18,
Manatee County
Board of County Commissioners

Subject

Temporary Construction Easement from Ellenton United Methodist Church, Inc., for property located at 3607 U.S. 301 North, Ellenton, Florida 34222

Briefings

None

Contact and/or Presenter Information

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

Tim Cristello, Real Property Specialist, Property Acquisition Division, Property Management Department, Extension 6284

Action Requested

- Accept and Record Temporary Construction Easement from Ellenton United Methodist Church, Inc.; and
- Record Affidavit of Ownership and Encumbrances from Ellenton United Methodist Church, Inc.

Enabling/Regulating Authority

Florida Statutes, Chapters 125 and 127.

Manatee County Comprehensive Plan Goal 5.1 addresses the safety and efficiency of forecasted vehicular demands.

Background Discussion

- The Ellenton Gillette Road Intersection Improvement Project (U.S. 301 at Ellenton Gillette Road) was approved in FY 2014-2018 CIP 381-6035161.
- A 957 square foot Temporary Construction Easement is needed for access to do the required work for the project at 3607 U.S. 301 North, Ellenton, Florida.

County Attorney Review

Not Reviewed (No apparent legal issues)

Explanation of Other

Reviewing Attorney

N/A

Instructions to Board Records

Please email a copy of the approved agenda item and the recording information to Tim Cristello at Tim.Cristello@mymanatee.org and Michael Strum at Michael.Strum@mymanatee.org.

CCC: AR700013

Distributed 11/29/18, RT

Cost and Funds Source Account Number and Name

N/A

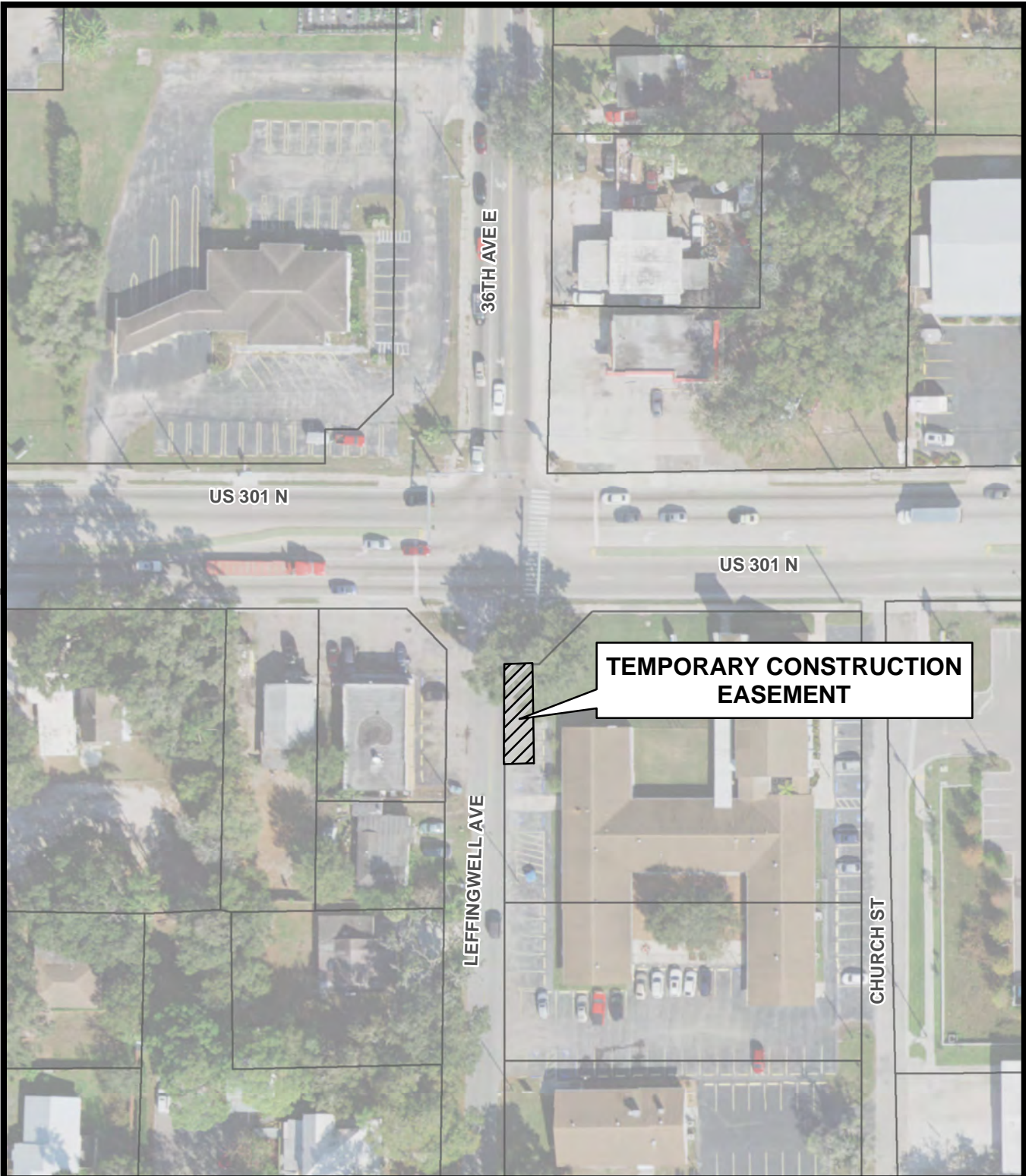
Amount and Frequency of Recurring Costs

\$96.50 Recording fee to 381-6035161, Ellenton Gillette Road (US 301 at Ellenton Gillette Road) Intersection Improvement Project.

Attachment: [Temporary Construction Easement Ellenton United Methodist Church Inc.pdf](#)

Attachment: [Affidavit of Ownership and Encumbrances Ellenton United Methodist Church Inc.pdf](#)

Attachment: [Location Map.pdf](#)



**TEMPORARY CONSTRUCTION
EASEMENT**

**TEMPORARY CONSTRUCTION
EASEMENT**



**ELLENTON UNITED METHODIST CHURCH
3607 US 301
ELLENTON 34222**



DISTRICT 2 - REGGIE BELLAMY