

Drafted by and when
recorded return to:
Jefferson F. Riddell, Esq.
RIDDELL LAW GROUP
3400 S. Tamiami Trail
Sarasota, FL 34239

AMENDED
SATISFACTION, RELEASE AND CANCELLATION OF
AGREEMENT TO DEFER COMPLETION OF REQUIRED SIDEWALKS

Since Federal Port Corporation, a Florida corporation ("Developer") has made a payment-in-lieu as required in that certain Sidewalk Agreement dated October 23, 2018, the undersigned does hereby release Developer, and its successors and assigns, from all obligations and requirements of Developer set for in that certain Agreement to Defer Completion of Required Sidewalks dated January 7, 2005, recorded in Official Records Book 1984, Page 4148, of the Public Records of Manatee County, Florida ("Agreement"), and it is the purpose of this satisfaction to fully satisfy, release and cancel said Agreement.

This amendment is for the purpose of correcting January 7, 2002 to January 7, 2005 and correcting page number 4150 to 4148 in the Satisfaction recorded in O.R. Book 2753, Page 6451, Manatee County Public Records.

Manatee County, a political subdivision of
the State of Florida

By: Its ~~Board of County Commissioners~~

By: 
County Administrator 11/27/18

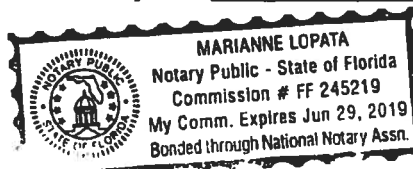
STATE OF FLORIDA

COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 27 of November,
2018, by Ed Hunziker, who is personally known to me or who
produced _____ as identification.

Marianne Lopata
Notary Public
My Commission Expires: _____

(SEAL)



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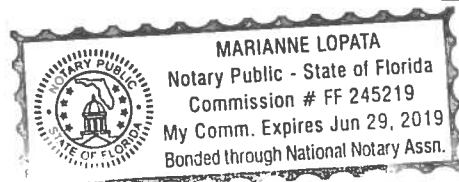
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Marianne Lopata

Notary Public

My Commission Expires: _____

(SEAL)



November 27, 2018 - Regular Meeting
Agenda Item #61

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

Subject

Federal Port Corporation - Amended Satisfaction, Release and Cancellation of Agreement to Defer Completion of Required Sidewalks

Briefings

None

Contact and/or Presenter Information

Sia Mollanazar, P.E., County Engineer, Deputy Director-Engineering Services, Ext 7487

Thomas R. Gerstenberger, P.E., Stormwater Engineering Division Manager, Ext. 7228

Action Requested

Authorization for the County Administrator to execute the AMENDED "Satisfaction, Release and Cancellation of Agreement to Defer Completion of Required Sidewalks" to correct the errors identified in the previously executed version dated October 23, 2018.

Enabling/Regulating Authority

Section 1001.6.A.1.a of the Manatee County Land Development Code, which requires construction of sidewalks along both sides of a major thoroughfare.

Background Discussion

On January 7, 2005, Federal Port Corporation executed and recorded an agreement to defer completion of required sidewalk construction as part of the approval for the Final Site Plan (FSP-03-02).

On October 23, 2018, the Board of County Commissioners (BCC) executed the sidewalk agreement for payment-in-lieu of sidewalk construction at the request of the applicant, Federal Port Corporation, to satisfy its obligation to construct the required sidewalk. As part of this execution there was also a "Satisfaction, Release and Cancellation of Agreement to Defer Completion of Required Sidewalks" prepared by the applicant.

Post BCC execution of the agreement, the applicant submitted payment in the amount of \$20,720.10, as per the October 23, 2018, executed agreement.

On November 6, 2018, the Applicant informed the County that the October 23, 2018, executed "Satisfaction, Release and Cancellation of Agreement to Defer Completion of Required Sidewalks" had an error that was identified in the document by their Counsel. This amended document corrects the errors identified (initial year of Agreement corrected to January 7, 2005, and recording page corrected to 4148) and allows for the transfer of real estate.

A location map has been attached to the agenda item for reference.

County Attorney Review

Formal Written Review (Opinion memo must be attached)

Explanation of Other

Reviewing Attorney

Clague

Instructions to Board Records

Please have County Administrator sign and execute the AMENDED "Satisfaction, Release and Cancellation of Agreement to Defer Completion of Required Sidewalks."

Please return the signed and executed original documents to Sia Mollanazar, P.E., County Engineer, Deputy Director-Engineering Services, Public Works Dept.

Please call Janice Haas, ext.7462, to arrange for pick-up of the signed, notarized original.

Distributed 11/29/18, RT

11/30/18 QA Stanley Riggs picked up and recorded document

Cost and Funds Source Account Number and Name

0

Amount and Frequency of Recurring Costs

0

Attachment: [AMENDED - Satisfaction, Release and Cancellation of Agreement to Defer Completion of Required Sidewalks -11132018.pdf](#)

Attachment: [CAO -RLS Port Manatee; South Dock Street Sidewalk Agreement; CAO Matter No. 2018-0475.pdf](#)

Attachment: [Location Map - Federal Port Corporation.pdf](#)

From: [William Clague](#)
To: [Sia Mollanazar](#)
Cc: [Mitchell Palmer](#); [Alex Nicodemi](#); [Chad Butzow](#); [Tom Gerstenberger](#); [Juliet Shepard](#)
Subject: Port Manatee; South Dock Street Sidewalk Agreement; CAO Matter No. 2018-0475
Date: Monday, October 01, 2018 10:57:14 AM
Attachments: [Sidewalk Agr - CAO Comments 10.01.18.pdf](#)

Sia:

Pursuant to the above Request for Legal Services, you have asked this Office to review the above referenced Agreement. You have indicated in the RLS that the Agreement is intended to replace a prior agreement that addresses the sidewalk improvement in a manner that is no longer consistent with County practices, and to remove the prior agreement from the chain of title for the subject property. I provide the following advice in response:

1. Attached is a marked draft of the Agreement reflecting my suggested changes, which are limited to matters of clarification and consistency with past practices of the County and this Office.
2. Section 3 of the Agreement includes language directing the Clerk to record the Agreement upon payment of the required funds. I have marked this language for removal, as it would impose responsibilities upon the Clerk that are not within her statutory and constitutional role. It may also create as many title issues as it is intended to correct. Instead, I recommend utilizing the approach followed with respect to subdivision improvement agreements, incorporating the following language in Section 3:

The County Administrator or his or her designee is hereby authorized to execute and record, at Developer's expense, a release to, and termination of, the Agreement to Defer Completion of Required Sidewalks, substantially in the form attached hereto as Exhibit C, upon confirmation that the Developer has paid to the County the amount required pursuant to Section 2.

3. The applicant should provide a form of release to be attached as an exhibit, which should be reviewed by this Office (no additional RLS needed) before the Agreement is scheduled for Board consideration.
4. Per our phone conference this morning, you have indicated that the prior agreement was not submitted to the Board for approval as it should have been. Nevertheless, this Agreement must be approved by the Board to be legally binding upon the County.

There were no specific legal issues raised in the RLS. Therefore, I have limited my review to identifying legal issues that could give rise to claim or case against the County. I express no opinion as to the business judgment of entering into the Agreement.

Subject to the inclusion of my suggested changes and the resolution of any business issues raised by staff, I have no objection from a legal standpoint to the Agreement being considered by the Board.

This concludes my response to the RLS. Please let me know if you have any questions or concerns.

William Clague, Assistant County Attorney
Manatee County Attorney's Office
1112 Manatee Avenue West
Bradenton, FL 34205
(941)745-3750
william.clague@mymanatee.org



HARLEE RD

CSX RAILROAD

PINEY POINT RD

INLAND TRANSPORT ST

CSX RAILROAD

US 41 N

US 41 N





Pay in Lieu of Sidewalk

Pay in Lieu of Sidewalk

S DOCK ST

US 41 N

Sidewalk Agreement - Federal Port Corporation

-  Pay in Lieu of Sidewalk
-  Street
-  Parcel
-  CSX Rail



This map was developed by the Manatee County Government. It is provided for general reference and is not warranted in any way. Errors from non-coincidence of features from different sources may exist. The Manatee County BOCC shall be held harmless for inappropriate or unintended uses of the information.