

THIS INSTRUMENT PREPARED BY:
Caitlyn DeLoach, Senior Real Property Specialist
On behalf of Property Acquisition Division
Manatee County Property Management Department
1112 Manatee Avenue West
Bradenton, Florida 34205



PROJECT NAME: 36th Street East (Prospect Road) – Whitfield Ave Sidewalk
PROJECT NO: 5400002

SPACE ABOVE THIS LINE FOR RECORDING DATA

TEMPORARY CONSTRUCTION EASEMENT

2nd **THIS TEMPORARY CONSTRUCTION EASEMENT** (hereinafter the Easement) made this November, 2021, **HAWTHORN SOUTH, LLC**, a Florida limited liability company, as owner of the following described property, whose mailing address is 135 South LaSalle Street, 14th Floor, Chicago, Illinois 60603, (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 **improving, sloping, grading, harmonizing adjacent to the easement area**, and for all other construction purposes reasonably related to the construction of a sidewalk (hereinafter after "Sidewalk") along the east side of 36th Street East (Prospect Road) as a component of the Whitfield Ave. Sidewalk Project #5400002, 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. Because the Sidewalk will provide infrastructure benefitting Grantor's property, as further consideration for the grant of this Easement, Grantee commits to actually constructing the segment of the Sidewalk extending from 70th Terrace East to Tallevast Road, and completing its construction within the term of this Easement.

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.

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, Grantor has hereunto set Grantor's hand and seal on 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:

HAWTHORN SOUTH, LLC, a Florida limited liability company

Eric Dawson

First Witness Signature

Eric Dawson

First Witness Printed Name

Conor Daly

Second Witness Signature

Conor Daly

Second Witness Printed Name

By: Bank of America, N.A., as Co-Trustee of the John F. Cuneo, Jr., Revocable Trust u/a/d March 4, 1963, as amended

As: Susan M. Boin

Manager

Susan M. Boin, its Director

Printed Name

STATE OF Illinois
COUNTY OF Cook

Before me, a Notary Public, the foregoing instrument was acknowledged by means of

- physical presence or
- online notarization

this 2 day of Nov, 2021, by Susan Boin, as representation of HAWTHORN SOUTH, LLC, a Florida limited liability company, on behalf of the company, who

- is personally known to me or
- has produced _____ as identification.

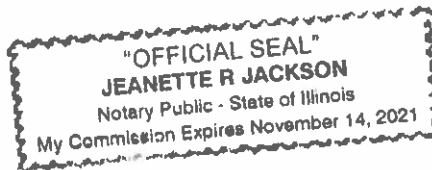
[CHECK APPLICABLE BOXES TO SATISFY IDENTIFICATION REQUIREMENT OF SECTION 117.05, FLORIDA STATUTES]

Jeanette R Jackson
Signature of Notary Public

(Legibly print, type, or stamp commissioned name of Notary Public and affix official notary seal below.)

6699262.v1

My Commission Expires: Nov. 14, 2021



THIS IS NOT A SURVEY

THERE MAY BE ADDITIONAL RESTRICTIONS AFFECTING THIS PROPERTY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
 THIS LEGAL DESCRIPTION AND SKETCH WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH REPORT.
 BEARINGS ARE BASED UPON THE W LINE OF TRACT A, BEING N00°17'19"W, ACCORDING TO THE PLAT OF HUBER ESTATES, AS RECORDED IN PB 37, PAGE 128, OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA.
 NOTE: PROPOSED EASEMENT IS ACCORDING TO THE ROADWAY PLANS BEING PREPARED BY HDR, INC.

LEGAL DESCRIPTION:

A parcel of land being a portion of that certain property as described in Official Records Book 2592, Page 1553, of the Public Records of Manatee County, Florida, lying in Section 29, Township 35 South, Range 18 East, Manatee County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of 17.00 feet of Additional Right-of-Way, same being the Southwest corner of Tract A, both according to the plat of HUBER ESTATES, as recorded in Plat Book 37, Page 128, of the Public Records of Manatee County, Florida; thence N00°17'19"W, along the East line of said 17.00 feet of Additional Right-of-Way, same being the West line of said Tract A (being the basis of bearings for this legal description), for 50.00 feet to the Northeast corner of said 17.00 feet of Additional Right-of-Way, same being the Northwest corner of said Tract A, same also being the point of intersection with the South line of that certain property, as described in Official Records Book 2592, Page 1553, of the Public Records of Manatee County, Florida; thence S89°55'09"W, along the North line of said 17.00 feet of Additional Right-of-Way, same being said South line of that certain property as described in Official Records Book 2592, Page 1553, for 3.00 feet to the POINT OF BEGINNING; thence continue S89°55'09"W, along said North line of 17.00 feet of Additional Right-of-Way, same being said South line of that certain property as described in Official Records Book 2592, Page 1553, for 5.00 feet to the point of intersection with the East Maintained Right-of-Way line of PROSPECT RD (36TH AVE E), as recorded in Road Plat Book 3, Page 199, of the Public Records of Manatee County, Florida; thence leaving said North line of 17.00 feet of Additional Right-of-Way, same being said South line of that certain property as described in Official Records Book 2592, Page 1553, N00°17'19"W, along said East Maintained Right-of-Way line of PROSPECT RD (36TH AVE E), for 50.09 feet; thence leaving said East Maintained Right-of-Way line of PROSPECT RD (36TH AVE E), N89°42'41"E, for 5.00 feet; thence S00°17'19"E, for 50.11 feet to the POINT OF BEGINNING.

Containing 251 square feet or 0.006 acres, more or less.

NOTE: THE GEOMETRY PERTAINING TO THE PARCEL OF LAND BEING DESCRIBED HEREIN (THE DESCRIPTION) IS BASED UPON THE PLAT OF "HUBER ESTATES", AS RECORDED IN PLAT BOOK 37, PAGE 128, DATA PROVIDED BY HDR INC. AND THE RECORD DOCUMENTS AS REFERENCED HEREON AND IS SUBJECT TO AN ACCURATE FIELD BOUNDARY SURVEY.

PREPARED FOR: **MANATEE COUNTY**

SHEET DESCRIPTION: **PROSPECT ROAD - TEMPORARY CONSTRUCTION EASEMENT**

SCALE: NONE	DATE: 6/16/2021	DRAWN: SMS	CALCED: BGD	CHECKED: BGD
JOB No.: 0577-005A	EPN: 900	SECTION: 29	TOWNSHIP: 35S	RANGE: 18E

SEE SHEET 1 FOR LEGAL DESCRIPTION
 SEE SHEET 2 FOR SKETCH

REV 1: 7-2-2021 (BGD)



FLORIDA DESIGN CONSULTANTS, INC.
 — THINK IT. ACHIEVE IT. —

20525 AMBERFIELD DRIVE, SUITE 201, LAND O LAKES, FLORIDA 34638
 PHONE: (800) 532-1047 FAX: (727) 848-3648 WWW.FLDESIGN.COM LB. NO.6707

NOT VALID WITHOUT ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
 CERTIFIED AS TO LEGAL DESCRIPTION AND SKETCH
7-6-2021
JARED T. PATENAUDE
 PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE NUMBER LS 6971
 STATE OF FLORIDA

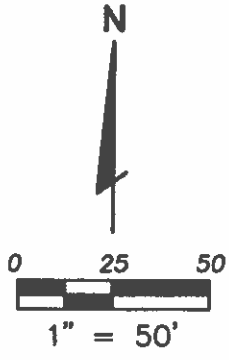
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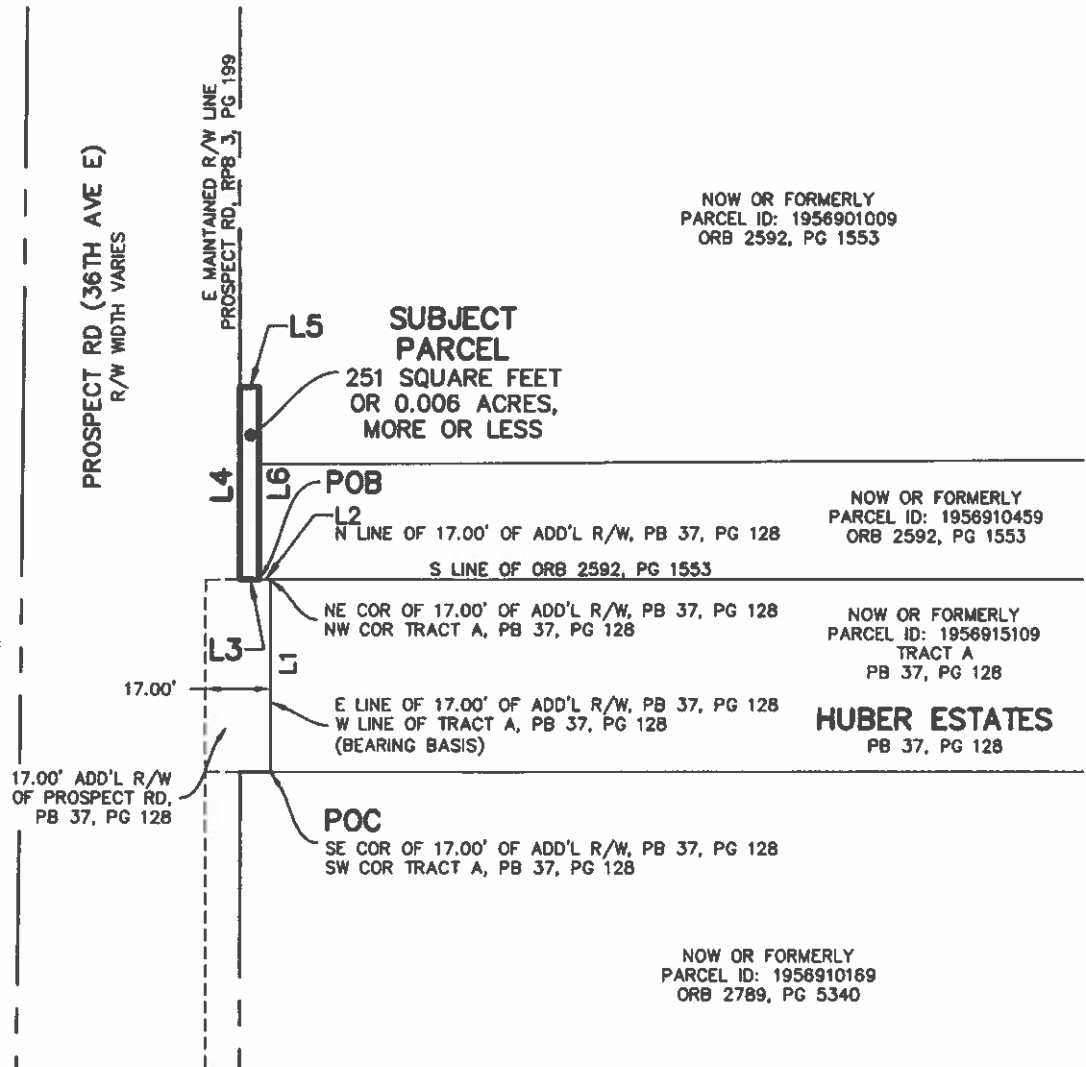
NOTE: PROPOSED EASEMENT IS ACCORDING TO THE ROADWAY PLANS BEING PREPARED BY HDR, INC.



LEGEND:

- ADD'L = ADDITIONAL
- COR = CORNER
- ORB = OFFICIAL RECORDS BOOK
- PB = PLAT BOOK
- PG = PAGE
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- RPB = ROAD PLAT BOOK
- R/W = RIGHT-OF-WAY

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°17'19"W	50.00'
L2	S89°55'09"W	3.00'
L3	S89°55'09"W	5.00'
L4	N00°17'19"W	50.09'
L5	N89°42'41"E	5.00'
L6	S00°17'19"E	50.11'



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PREPARED FOR: **MANATEE COUNTY**

SHEET DESCRIPTION: **PROSPECT ROAD - TEMPORARY CONSTRUCTION EASEMENT**

SCALE: 1"=50'	DATE: 6/16/2021	DRAWN: SMS	CALCED: BGD	CHECKED: BGD
JOB No.: 0577-005A	EPN: 900	SECTION: 29	TOWNSHIP: 35S	RANGE: 18E

SEE SHEET 1 FOR LEGAL DESCRIPTION
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REV 1: 7-2-2021 (BGD)



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CERTIFIED AS TO LEGAL DESCRIPTION AND SKETCH
Jared T. Patenaude
JARED T. PATENAUDE
PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER LS 6971
STATE OF FLORIDA

Angelina "Angel" Colonnese
Clerk of the Circuit Court of Manatee County Florida
1115 Manatee Avenue West, Bradenton, Florida 34205
P.O. Box 25400, Bradenton, Florida 34206
Phone (941) 749-1800 - Fax (941) 741-4082
www.manateeclerk.com

Recorded By: mdejesus
Cashiered By: mdejesus

Receipt#: 900444334 **Payee Name:** MANATEE COUNTY PROJECT MANAGEMENT AR700013
Receipt Date: 12/15/2021 1112 MANATEE AVE WEST MYA.HARDEN & MARY.MOELL
BRADENTON, FL 34205

Instrument(s): 202141166247-EASEMENT

Receipt Total:	\$44.00
Amount Tendered:	\$0.00
Overage:	\$0.00
Service Fee	\$0.00
Total PAID	\$0.00

Instrument: 202141166247 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
Instrument Total:		\$44.00



Board of County Commissioners December 14, 2021 - Regular Meeting

SUBJECT

ACCEPTANCE AND RECORDING OF A TEMPORARY CONSTRUCTION EASEMENT FROM HAWTHORNE SOUTH, LLC FOR PROPERTY LOCATED AT 7061 PROSPECT ROAD, SARASOTA FL, 34243 – DISTRICT 4

Category

CONSENT AGENDA

Briefings

None

Contact and/or Presenter Information

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

Caitlyn DeLoach, Real Property Specialist, Property Acquisition Division, Property Management Department, Extension 3603

Action Requested

- Accept and Record Temporary Construction Easement from Hawthorne South, LLC

Enabling/Regulating Authority

- Chapter 125 of the Florida Statutes, County Government
- Manatee County Comprehensive Plan Goal

Background Discussion

- The Temporary Construction Easement (TCE) is required for the 36th Street East (Prospect Road) – Whitfield Avenue Sidewalk Project.
- The 36th Street East (Prospect Road) - Whitfield Avenue Capital Improvement Project was approved in FY 2018 and is identified as project number 5400002.
- The TCE is for improving, sloping, grading, and harmonizing adjacent to the easement area and for purposes related to the construction of a sidewalk along Prospect Road.
- The area of the TCE is approximately 251 square feet and is located to the west of Prospect Road.

Attorney Review

Not Reviewed (No apparent legal issues)

Instructions to Board Records

Please email a copy of the approved agenda item to the following:

- Caitlyn DeLoach at Caitlyn.deloach@mymanatee.org
- Dan Garner at Daniel.garner@mymanatee.org
- Charles Meador at Charles.meador@mymanatee.org
- PWfiscalCIP@mymanatee.org **Distributed 12/17/21 RT**

AR700013

Cost and Funds Source Account Number and Name

\$44.00 in recording fees charged to 850-5400002-561000/5400002-0003 36th St E at Whitfield

Amount and Frequency of Recurring Costs




PROSPECT ROAD

70TH Terrace E

University of South Florida,
County of Manatee, Esri, HERE,
Garmin, INCREMENT P, NGA,
USGS

70TH Terrace E

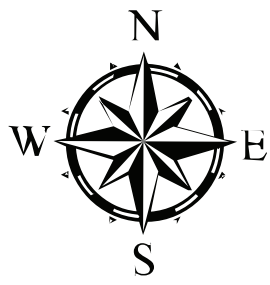
PROSPECT ROAD

 Temporary Construction Easement

71ST Terrace E

***Boundaries shown are approximate
and for informational purposes only.**

University of South Florida, County of Manatee, Esri, HERE, Garmin,
INCREMENT P, NGA, USGS



TEMPORARY CONSTRUCTION EASEMENT

**HAWTHORN SOUTH LLC
7061 PROSPECT ROAD
SARASOTA, FL 34243
PID 1956910459**



DISTRICT 4 - MISTY SERVIA