

RESOLUTION R-16-024

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, APPROVING A RIGHT OF ENTRY AGREEMENT; AUTHORIZING THE EXECUTION OF DOCUMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Property Management Department (hereinafter the Department) has learned that improvements in the southeast corner of the intersection of 86th Street West and Cortez Road (State Road 684) have been installed outside of the right-of-way by a contractor for Manatee County; and

WHEREAS, the installation of said improvements are not in accordance with the approved plans; and

WHEREAS, before today, Manatee County (hereinafter the County) was unable to rectify the mistake as access to the affected area was not permitted; and

WHEREAS, Lake Flores I, LLC, a Florida limited liability company, (hereinafter Owner) is the property owner of the southeast parcel; and

WHEREAS, the Owner has agreed to permit the County, its agents or assigns the right to enter the property for the purpose of removing and relocating the improvements; and

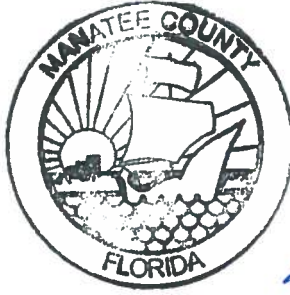
WHEREAS, the Owner has executed a Right of Entry Agreement attached hereto as Exhibit 1; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interests of the County to accept this Right of Entry Agreement from the Owner so that the improvements may be removed and relocated in accordance with the approved plans.

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

1. The findings set forth in the preamble above are hereby adopted as findings of the Board and incorporated herein by reference.
2. The Board hereby approves, and the Chairman or Vice Chairman of the Board is hereby authorized to execute and accept the Right of Entry Agreement.
3. The effective date of this Resolution shall be the date of adoption of this Resolution.

ADOPTED in open session with a quorum present and voting, this 9th day of February, 2016.



BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: 
Chairman

ATTEST: ANGELINA COLONNESO
CLERK OF CIRCUIT COURT

By: 
Deputy Clerk

EXHIBIT "1"

RIGHT OF ENTRY AGREEMENT

See Attached.

RIGHT OF ENTRY AGREEMENT

THIS RIGHT OF ENTRY AGREEMENT (hereinafter the Agreement) is made and entered into this 14th day of December, 2015, between **LAKE FLORES I, LLC**, a Florida limited liability company (hereinafter the Owner), whose mailing address is 1320 33rd Street West, Palmetto, FL 34221, and **MANATEE COUNTY**, a political subdivision of the State of Florida (hereinafter the County), whose mailing address is Post Office Box 1000, Bradenton, Florida 34206.

WITNESSETH:

WHEREAS, the County intends to remove and relocate or reconstruct certain improvements at the intersection of Cortez Road (State Road 684) and 86th Street West, Bradenton, Florida; and

WHEREAS, as a part of the intended removal and relocation or reconstruction, the County desires to enter Owner's property and to perform activities more specifically described in Attachment "A," attached hereto and made a part hereof; and

WHEREAS, the area of the Owner's property where the certain improvements exist is specifically described in Attachment "B," attached hereto and made a part hereof; and

WHEREAS, the Owner has no objection to the entry onto its property to perform these removal and relocation or reconstruction activities on Owner's land.

NOW, THEREFORE, in consideration of the above-stated premises and for other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties mutually agree and covenant as follows:

1. The foregoing recitals are true and correct and are incorporated herein by this reference.
2. The Owner, by this instrument, hereby grants to the County and its agents or assigns a right of entry to enter upon the Owner's lands for the purpose of performing the activities described above and in Attachment "A." This agreement shall expire 120 days after execution by the Board of County Commissioners.
3. It is further understood and agreed the County and its agents or assigns shall restore the land to a safe and sanitary condition after performance of the activities more specifically described in Attachment "A."
4. If any one or more of the provisions of this Agreement should be held contrary to law or public policy, or should for any reason whatsoever be held invalid or unenforceable by a court of competent jurisdiction, then such provision or provisions shall be null and void and shall

be deemed separate from the remaining provisions of this Agreement, which remaining provisions shall continue in full force and effect, provided that the rights and obligations of the parties contained herein are not materially prejudiced and the intentions of the parties continue to be effective.

5. This Agreement shall be construed and enforced pursuant to Florida Law.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date first above written.

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

OWNER: LAKE FLORES I, LLC, a Florida limited liability company

Krystal Parsons
Witness

By: [Signature]
Signature

Krystal Parsons 12/14/15
Printed Name and Date

As: _____
Title

[Signature]
Witness

Whiting Preston
Printed Name

DAVID N. CARRUTHERS 12/14/2015
Printed Name and Date

Affix corporate seal below:

Attest: _____
Secretary Signature

STATE OF Florida
COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 14 day of December, 2015, by Whiting H. Preston, as Manager of LAKE FLORES I, LLC, a Florida limited liability company, on behalf of said company, who X is personally known to me or _____ who has produced _____ as identification.

Affix seal below:

Krystal Parsons
Notary Public Signature

Krystal Parsons



Printed Name

EE 84183

Commission Number

Commission Expires

THE COUNTY:

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



By: [Signature]

Chairperson

Date: 2/9/16

ATTEST: ANGELINA COLONNESO
CLERK OF CIRCUIT COURT

By: [Signature]
Deputy Clerk

THIS INSTRUMENT PREPARED BY:
Pamela J. D'Agostino
Assistant County Attorney
Manatee County Attorney's Office
1112 Manatee Avenue West, Suite 969
Bradenton, Florida 34205

PROJECT NAME: Cortez Road (State Road 684) at 86th Street West
PROJECT #: 6082160
PID #: 5164500059

ATTACHMENT "A"

SCOPE OF WORK:

Relocate one (1) electrical power service, one (1) prestressed concrete pole and one (1) pull and splice box located on the property described in Attachment "B" into the existing Cortez Road (State Road 684) right-of-way.

Attachment "B"

- L1 S 89°38'42" E 7.00'
- L2 N 00°21'18" E 31.41'
- L3 N 47°53'55" E 28.69'
- L4 N 47°53'55" E 12.00'
- L5 S 42°06'05" E 6.00'
- L6 S 47°53'55" W 12.00'
- L7 N 42°06'05" W 6.00'



P.O.C.
NW CORNER 7-35-17

S 00°21'18" W
488.46'

WEST LINE
(7-35-17)

86TH STREET
WEST

P.O.B.

STATE ROAD 684
- CORTEZ ROAD -

SOUTHERLY R/W
(SECTION MAP 13040-2518)

RIGHT OF ENTRY
72 SF ±

SOUTHERLY R/W
(ORB 1351 PG 2177)

PID 5164500059

ABBREVIATIONS

R/W	RIGHT-OF-WAY
PB	PLAT BOOK
ORB	OFFICIAL RECORDS BOOK
PG	PAGE
SF	SQUARE FEET
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PID	PARCEL IDENTIFICATION

A RIGHT OF ENTRY LYING WITHIN SECTION 7, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 17 EAST, MANATEE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID SECTION, S 00°21'18" W, A DISTANCE OF 488.46 FEET; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 684 (CORTEZ ROAD) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1351, PAGE 2177 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA, S 89°38'42" E, A DISTANCE OF 7.00 FEET; THENCE N 00°21'18" E, A DISTANCE OF 31.41 FEET; THENCE N 47°53'55" E, A DISTANCE OF 28.69 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE, N 47°53'55" E, A DISTANCE OF 12.00 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, S 42°06'05" E, A DISTANCE OF 6.00 FEET; THENCE S 47°53'55" W, A DISTANCE OF 12.00 FEET; THENCE N 42°06'05" W, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING.

CONTAINING A DESCRIBED AREA OF 72 SQUARE FEET MORE OR LESS.

RUSSELL P. HYATT, P.S.M.
Florida Surveyor's Reg'n. No. LS 5303

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

THIS IS NOT A BOUNDARY SURVEY.

CORTEZ ROAD/86TH STREET WEST
RIGHT OF ENTRY
MANATEE COUNTY, FLORIDA

Hyatt Survey Services, Inc.
Geographic Data Specialists

LB No.: 7203
11007 8th Avenue East Bradenton, Florida 34212
Phone (941) 748-4693 Fax (941) 744-1643

JOB NUMBER
14-1851

SECTION 7, TOWNSHIP 35 SOUTH, RANGE 17 EAST

SCALE
1"=40'

DATE
08/2015

DRAWN BY
JM

FILE NAME
TCE 2

SHEET
1 OF 1