

RESOLUTION R-16-025

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 southwest 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, Lee F. Pallardy, III, (hereinafter Owner), is the property owner of the southwest 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 11th day of November, 2015, between **LEE F. PALLARDY, III**, (hereinafter the Owner), whose mailing address is 609 East Jackson Street, Suite 200, Tampa, FL 33602, 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: LEE F. PALLARDY, III

Zurisdai Neris
Witness

Zurisdai Neris 11/11/15
Printed Name and Date

[Signature]
Signature

LEE F PALLARDY III 11/11/15
Printed Name and Date

Eileen C. Terrence 11/11/15
Witness

EILEEN C TERRENCE
Printed Name and Date

STATE OF Florida
COUNTY OF Hillsborough

The foregoing instrument was acknowledged before me this 11 day of November, 2015, by LEE F. PALLARDY, III, who is personally known to me or who has produced _____ as identification.

Affix seal below:



[Signature]
Notary Public Signature

Teresa K Hanger
Printed Name

Commission Number
FF062072

Commission Expires

THE COUNTY:

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



By: [Signature]
Chairperson

Date: 2/9/11

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 #: 7664500001

ATTACHMENT "A"

SCOPE OF WORK:

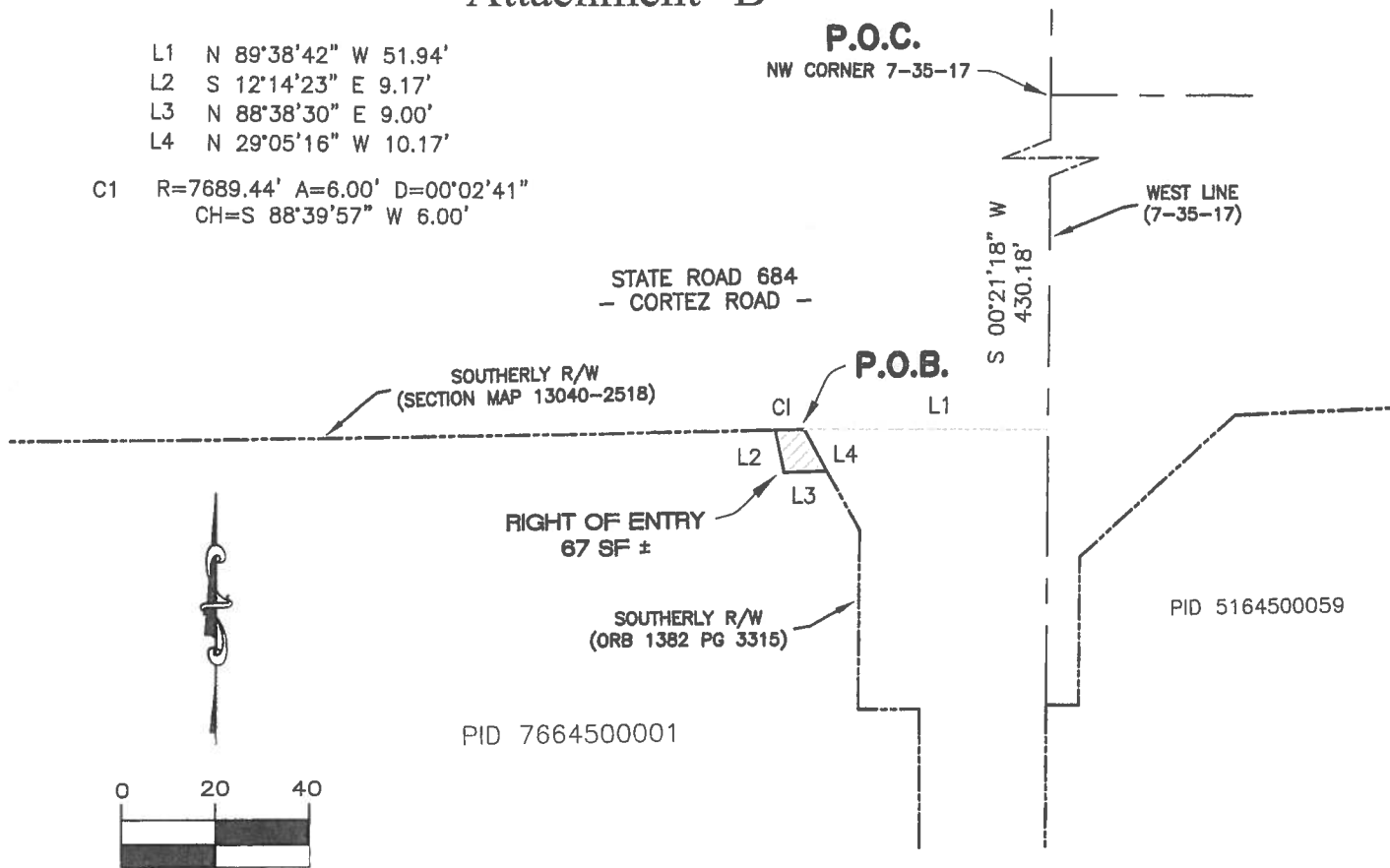
Relocate two (2) pull and splice boxes located on the property described in Attachment "B" into the existing Cortez Road (State Road 684) right-of-way.

Attachment "B"

- L1 N 89°38'42" W 51.94'
- L2 S 12°14'23" E 9.17'
- L3 N 88°38'30" E 9.00'
- L4 N 29°05'16" W 10.17'

C1 R=7689.44' A=6.00' D=00°02'41"
CH=S 88°39'57" W 6.00'

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



A RIGHT OF ENTRY LYING WITHIN SECTION 12, TOWNSHIP 35 SOUTH, RANGE 16 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 430.18 FEET; THENCE DEPARTING SAID WEST LINE AT A RIGHT ANGLE, N 89°38'42" W, A DISTANCE OF 51.94 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 684 (CORTEZ ROAD) PER SECTION MAP 13040-2518; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY ALONG A CURVE CONCAVE NORTHERLY WITH A RADIUS OF 7689.44 FEET AND CHORD OF S 88°39'57" W 6.00', AN ARC DISTANCE OF 6.00 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY, S 12°14'23" E, A DISTANCE OF 9.17 FEET; THENCE N 88°38'30" E, A DISTANCE OF 9.00 FEET TO A POINT ON AFORESAID SOUTHERLY RIGHT-OF-WAY OF CORTEZ ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 1382, PAGE 3315 OF THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, N 29°05'16" W, A DISTANCE OF 10.17 FEET TO THE POINT OF BEGINNING.

CONTAINING A DESCRIBED AREA OF 67 SQUARE FEET MORE OR LESS.

THIS IS NOT A BOUNDARY SURVEY.

ABBREVIATIONS

R/W	RIGHT-OF-WAY
ORB	OFFICIAL RECORDS BOOK
PG	PAGE
SF	SQUARE FEET
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PID	PARCEL IDENTIFICATION
R	RADIUS
A	ARC LENGTH
D	CENTRAL ANGLE
CH	CHORD

[Signature]
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.

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 12, TOWNSHIP 35 SOUTH, RANGE 16 EAST

SCALE
1"=40'

DATE
08/2015

DRAWN BY
JM

FILE NAME
TCE 3

SHEET
1 OF 1