

RESOLUTION R-16-026

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 northeast 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, Universal, LLC, a Florida limited liability company (hereinafter Owner), is the property owner of the northeast 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.

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 #: 5164010000

RIGHT OF ENTRY AGREEMENT

THIS RIGHT OF ENTRY AGREEMENT (hereinafter the Agreement) is made and entered into this 14th day of January, 2016, between **UNIVERSAL, LLC**, a Florida limited liability company (hereinafter the Owner), whose mailing address is 8530 West Cortez Road, Bradenton, FL 34210, 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."

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: UNIVERSAL, LLC, a Florida limited liability company

Joanne Ramon
Witness

Joanne Ramon 1/14/16
Printed Name and Date

Cindy Covington
Witness

Cindy Covington 1/14/16
Printed Name and Date

By: Anita Patel
Signature

As: manager
Title

Anita Patel
Printed Name

Affix corporate seal below:

Attest: [Signature]
Secretary Signature

STATE OF Florida
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me this 14th day of January, 2016, by Anita Y. Patel, as Manager of UNIVERSAL, LLC, a Florida limited liability company, on behalf of said company, who [Signature] is personally known to me or who has produced as identification.

Affix seal below:

[Signature]
Notary Public Signature



Cindy Covington

Printed Name

FF 177966

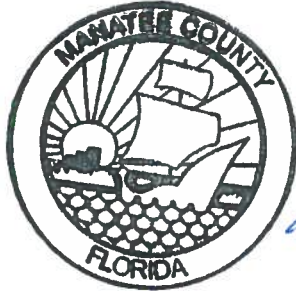
Commission Number

11-19-18

Commission Expires

THE COUNTY:

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA



By: _____

Chairperson

Date: _____

2/9/16

ATTEST: ANGELINA COLONNESO
CLERK OF CIRCUIT COURT

By: _____

Wendi Jessner

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

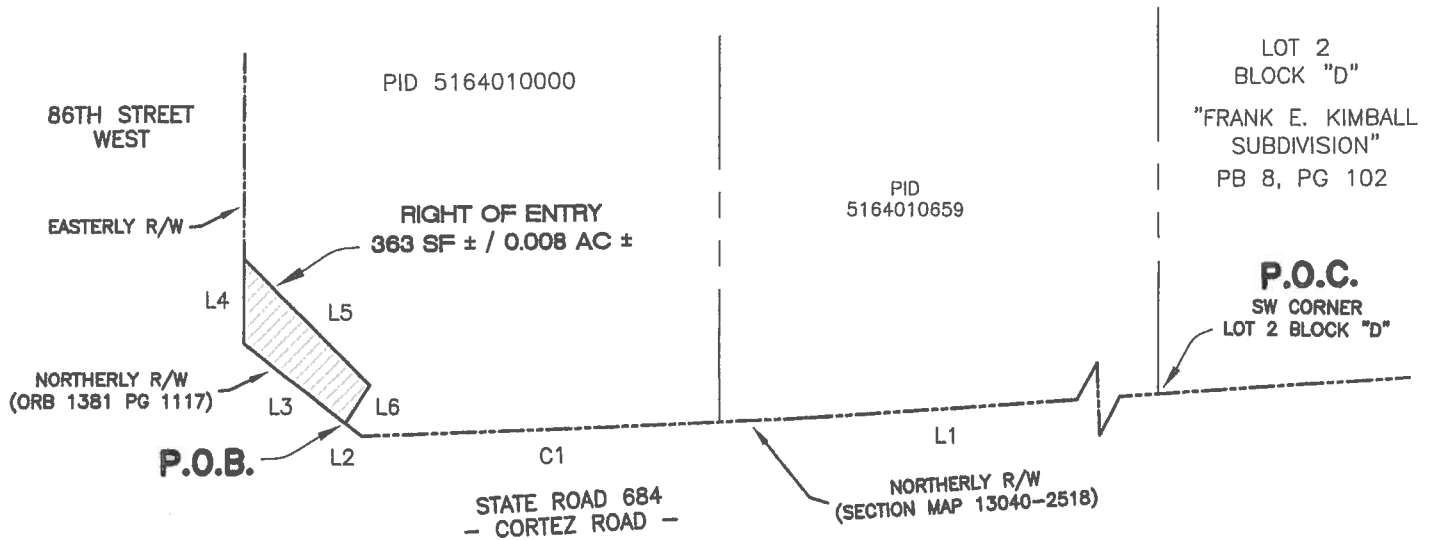
PROJECT NAME: Cortez Road (State Road 684) at 86th Street West
PROJECT #: 6082160
PID #: 5164010000

ATTACHMENT "A"

SCOPE OF WORK:

Relocate two (2) pull and splice boxes and one (1) mast arm located on the property described in Attachment "B" into the existing Cortez Road (State Road 684) right-of-way.

Attachment "B"



C1 R=7589.44' A=243.24' D=01°50'11"
CH=S 87°05'49" W 243.22'

- L1 S 86°10'43" W 1151.99'
- L2 N 52°31'54" W 4.41'
- L3 N 52°31'54" W 27.12'
- L4 N 00°05'26" W 17.61'
- L5 S 45°33'45" E 37.45'
- L6 S 33°20'02" W 9.44'

ABBREVIATIONS

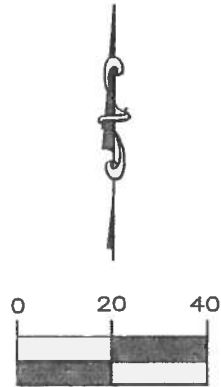
R/W	RIGHT-OF-WAY	P.O.B.	POINT OF BEGINNING
PB	PLAT BOOK	P.O.C.	POINT OF COMMENCEMENT
ORB	OFFICIAL RECORDS BOOK	PID	PARCEL IDENTIFICATION
PG	PAGE	R	RADIUS
SF	SQUARE FEET	A	ARC LENGTH
AC	ACRES	D	CENTRAL ANGLE
		CH	CHORD


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 SOUTHWEST CORNER OF LOT 2, BLOCK "D" AS SHOWN AND DESIGNATED ON A PLAT ENTITLED "FRANK E. KIMBALL SUBDIVISION" RECORDED AMONG THE PUBLIC RECORDS OF MANATEE COUNTY, FLORIDA IN PLAT BOOK 8, PAGE 102; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY OF CORTEZ ROAD PER FDOT SECTION MAP 13040-2518, S 86°10'43" W, A DISTANCE OF 1151.99 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHERLY WITH A RADIUS OF 7589.44 FEET; THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°50'11", A DISTANCE OF 243.24 FEET TO A POINT OF NON-TANGENT; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY AS DESCRIBED IN OFFICIAL RECORDS BOOK 1381, PAGE 1117 OF AFORESAID PUBLIC RECORDS, N 52°31'54" W, A DISTANCE OF 4.41 FEET TO A POINT OF BEGINNING; THENCE CONTINUE, N 52°31'54" W, A DISTANCE OF 27.12 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF 86TH STREET WEST; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY, N 00°05'26" W, A DISTANCE OF 17.61 FEET; THENCE DEPARTING THE EASTERLY RIGHT-OF-WAY OF 86TH STREET WEST, S 45°33'45" E, A DISTANCE OF 37.45 FEET; THENCE S 33°20'02" W, A DISTANCE OF 9.44 FEET TO THE POINT OF BEGINNING.

CONTAINING A DESCRIBED AREA OF 363 SQUARE FEET OR 0.008 ACRES MORE OR LESS.

THIS IS NOT A BOUNDARY SURVEY.




 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.

LB No.: 7203 Geographic Data Specialists
 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 1	SHEET 1 OF 1
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