

TAB 8

## **POINT PAPER**

### **13<sup>th</sup> Street Drainage Project**

**COP Job # 07- 568**

#### **Background:**

In an effort to address the flooding issues along 13<sup>th</sup> Street West the Public Works Department is proposing stormwater improvements along 13<sup>th</sup> Street West from 24<sup>th</sup> Avenue West to 28<sup>th</sup> Avenue Drive West and 28<sup>th</sup> Avenue Drive West from 13<sup>th</sup> Street West to Nassau Drive which will include two outfalls into the Terra Ceia Bay behind the Tropic Isles community center building.

Staff has meet with the Tropic Isles Co-op to discuss the project and have agreed to grant the City two (2) separate fifteen foot (15') permanent drainage easements through the property.

#### **Alternatives:**

1. – Take No Action
2. – Accept and record the permanent drainage easements for the stormwater outfalls.

#### **Recommendation:**

Staff recommends Alternative #2; accept and record the permanent drainage easements for the stormwater outfalls.

#### **Budget Impact:**

None

This document prepared by:  
Mark P. Barnebey, Esq.,  
Kirk P. Pinkerton  
1301 6<sup>th</sup> Avenue West  
Bradenton, Florida 34205  
(941) 364-2403

Project # 07-568  
Parcel ID # 292550030

RECEIVED

MAR 12 2009

PUBLIC WORKS  
DEPARTMENT

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**Permanent Drainage Easement**

**THESE EASEMENTS** made this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by Tropic Isles Co-op, Inc. a Florida Non Profit corporation, whose address is 3100 10<sup>th</sup> Street West, Palmetto, Florida 34221, ("**GRANTOR**"), to the City of Palmetto, a municipal corporation created and existing under the laws of the State of Florida, whose mailing address is 516 8<sup>th</sup> Avenue West, Palmetto, Florida 34221 ("**GRANTEE**").

**WITNESSETH**

That the **GRANTOR** for and in consideration of the sum of Ten and 00/100 dollars and other good and valuable consideration paid, the receipt and sufficiency of which is hereby acknowledged, hereby grants unto **GRANTEE**, its successors, and assigns, in perpetuity, an easement for stormwater drainage purposes (hereinafter "Permanent Drainage Easement") over, across, under and through the following described parcel, piece or strip of land, situate, lying and being in the City of Palmetto, State of Florida:

**Legal descriptions and sketches attached hereto as Exhibit "A" and made a part hereof.**

It is understood and agreed by and between the **GRANTOR** and **GRANTEE**, that any drainage lines and appurtenances of the **GRANTEE**, installed or located, or to be installed or located under and through the Permanent Drainage Easement Property, shall at all times remain the absolute property of **GRANTEE**, its successors, and assigns. All rights, title, and privileges to the easements herein granted shall run with the land and shall be binding upon **GRANTOR**, its agents, personal representatives, heirs, assigns and all other successors to their interest and all persons making a claim by, through, or under **GRANTOR**, and inure to the benefit of the **GRANTEE**, its successors, and assigns.

The above conveyance is made upon the condition that should **GRANTEE** or its successors and assigns cease to use the Permanent Drainage Easement property for drainage purposes, the title and rights herein and hereby granted and conveyed shall forthwith revert to and vest in the **GRANTOR**, or in its successors and assigns. **GRANTOR** retains all rights to the Permanent Drainage Easement Property not otherwise expressly conveyed.

IN WITNESS WHEREOF, the said GRANTOR sets its hand and seal the day and year first above written.

Witnesses:

James Mitchell  
JAMES MITCHELL  
Print name

Allen Hale  
ALLAN HALE  
Print name

GRANTOR

TROPIC ISLES CO-OP, INC.

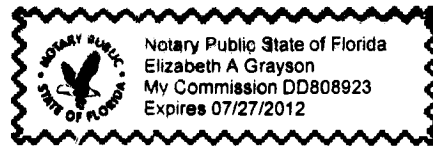
By: Barry Zask  
Its President

STATE OF FLORIDA  
COUNTY OF MANATEE

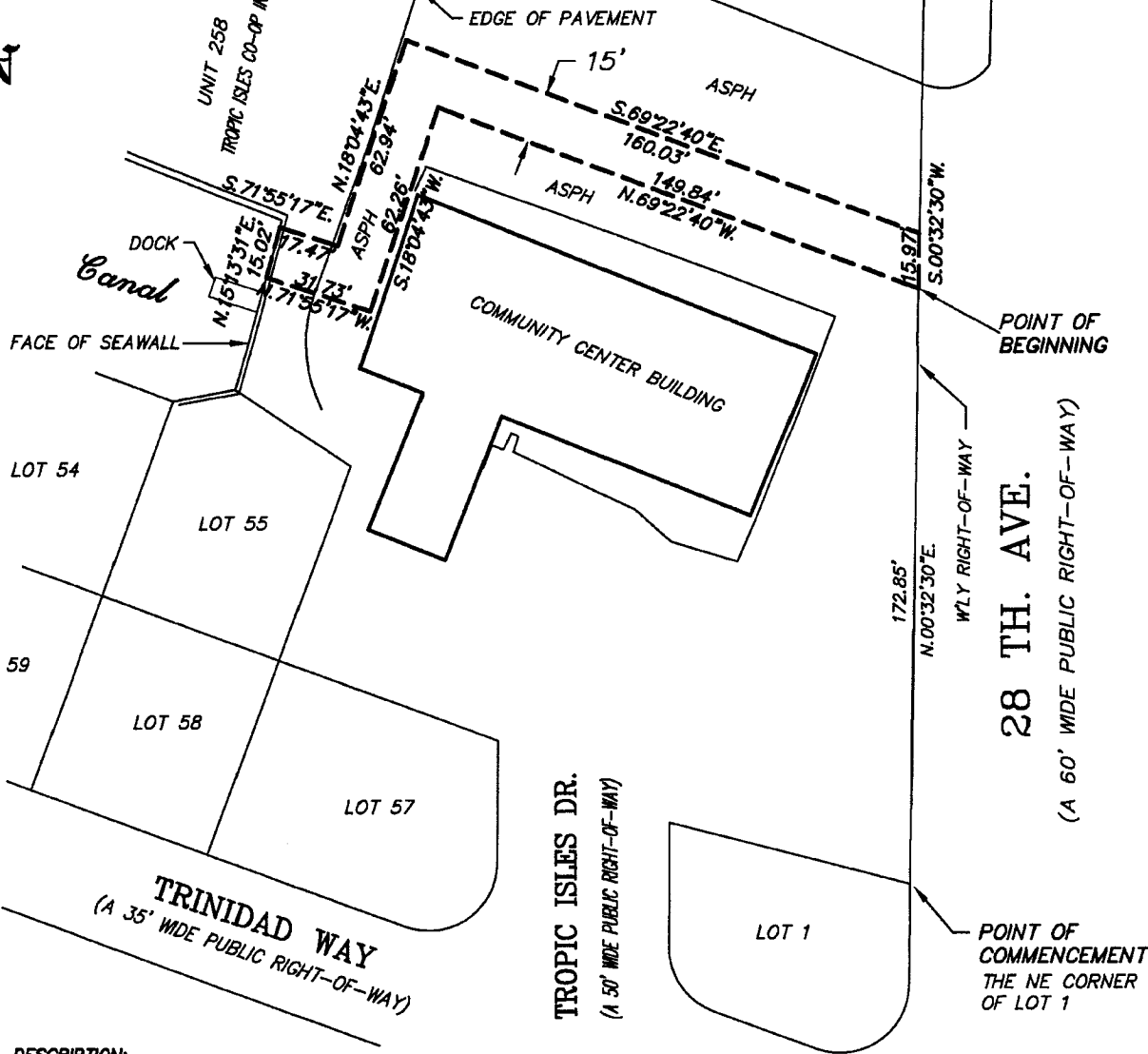
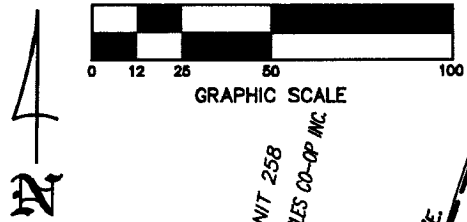
The foregoing instrument was acknowledged before me this 10 day of MARCH, 2009, by Barry Zask in his/her capacity as President of Tropic Isles Co-op, Inc., a Florida Non Profit Corporation, who is personally known to me or has produced \_\_\_\_\_ as identification.

(SEAL)

Elizabeth A. Grayson  
Notary Public



NOT A SURVEY



**DESCRIPTION:**

COMMENCE AT THE NORTHEAST CORNER OF LOT 1, TROPIC ISLES MOBILE HOME ESTATES, UNIT 1, AS PER THE PLAT THEREOF RECORDED IN PLAT BOOK 13, PAGE 72 OF THE PUBLIC RECORDS OF MANATEE COUNTY; THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF 28TH AVE., N.00°32'30"E., 172.85 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY, N.89°22'40"W., 149.84 FEET; THENCE S.18°04'43"W., 62.26 FEET; THENCE N.71°55'17"W., 31.73 FEET TO THE WATERWARD FACE OF A SEAWALL ON A CANAL SHOWN ON SAID PLAT; THENCE ALONG SAID FACE N.15°13'31"E., 15.02 FEET; THENCE LEAVING SAID FACE S.71°55'17"E., 17.47 FEET; THENCE N.18°04'43"E., 62.94 FEET; THENCE S.69°22'40"E., 160.03 FEET TO SAID WESTERLY RIGHT-OF-WAY OF SAID 28TH AVE.; THENCE ALONG SAID RIGHT-OF-WAY S.00°32'30"W., 15.97 FEET, TO THE POINT OF BEGINNING, CONTAINING 3632 SQUARE FEET, MORE OR LESS.

**NOTES:**

1. THIS SKETCH IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY AND IS ONLY INTENDED TO REPRESENT A GRAPHIC DEPICTION OF THE DESCRIPTION SHOWN HEREON.
2. THIS DESCRIPTION AND SKETCH WERE PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND THEREFORE DO NOT NECESSARILY INDICATE ALL THE ENCUMBRANCES ON THE PROPERTY.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

DATE	REVISION	BY	DATE: 10/06/08	CKD. BY	DATE	SKETCH OF DESCRIPTION				
						DRAWN: TLG				
						SCALE	JOB NO.	DWG. NO.	SHT. 1	
			SECTION: 16	T.34S. R.17E.		1"=50'	5856	5856EASE2	OF 1	

**GWE**

**GIFFELS-WEBSTER  
ENGINEERS, INC.**

900 Pine Street, Suite 225  
Englewood, Florida 34223  
Phone (941)475-7981  
Fax (941)474-4285

IN WITNESS WHEREOF, the said GRANTOR sets its hand and seal the day and year first above written.

Witnesses:

James Mitchell  
JAMES MITCHELL

Print name

Allan Hale  
ALLAN HALE

Print name

GRANTOR

TROPIC ISLES CO-OP, INC.

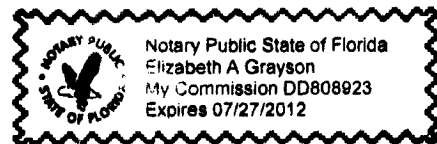
By: Barry Zacle  
Its President

STATE OF FLORIDA  
COUNTY OF MANATEE

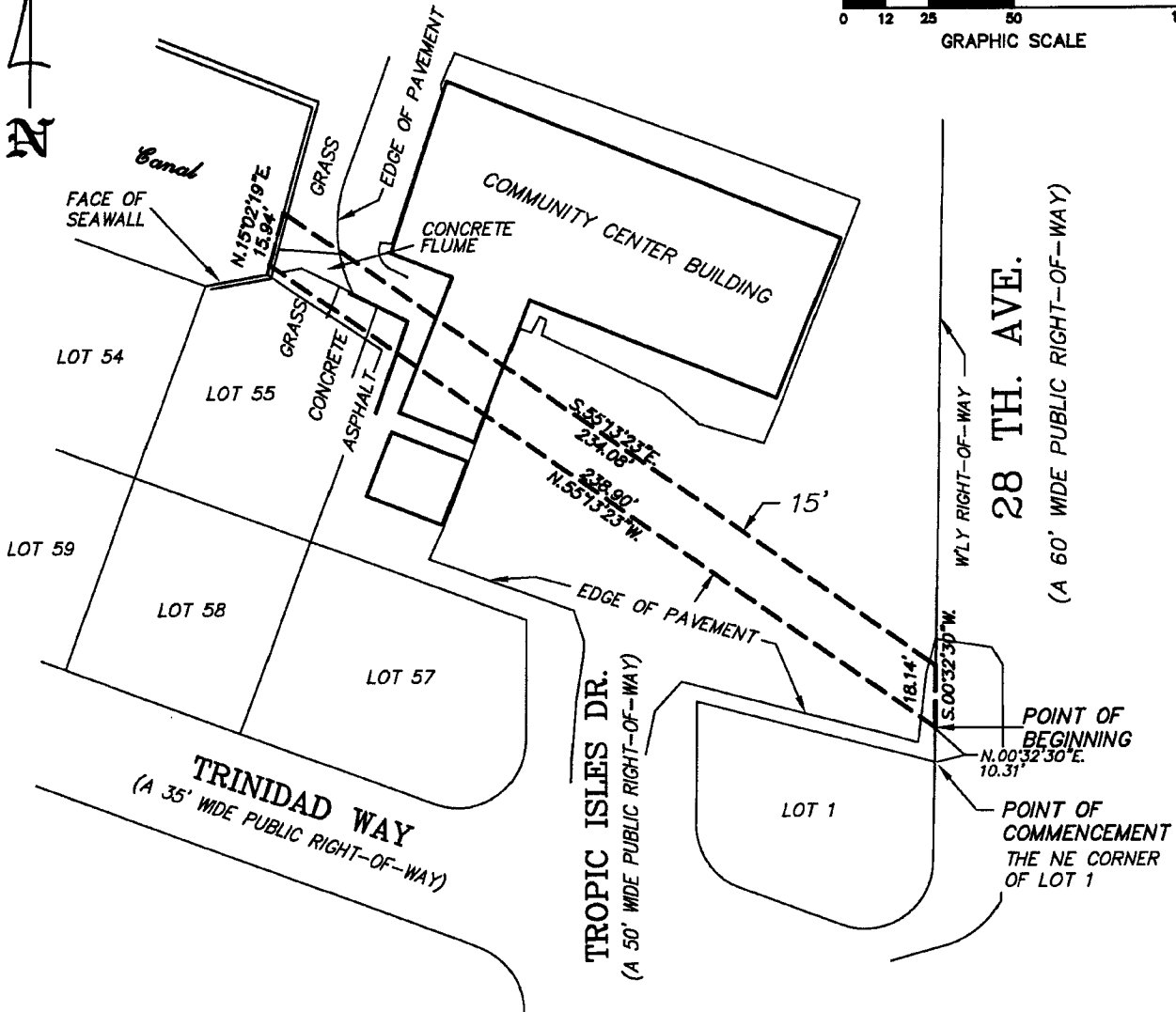
The foregoing instrument was acknowledged before me this 10 day of MARCH, 2009, by Barry ZACLE in his/her capacity as President of Tropic Isles Co-op, Inc., a Florida Non Profit Corporation, who is personally known to me or has produced \_\_\_\_\_ as identification.

(SEAL)

Elizabeth A. Grayson  
Notary Public



NOT A SURVEY



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NOTES:

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DATE	REVISION	BY	DATE: 10/20/08	CKD. BY	DATE	SKETCH OF DESCRIPTION				
						SCALE	JOB NO.	DWG. NO.	SHT. 1	
						1"=50'	5856	5856EASE1	OF 1	

**GWE** **GIFFELS-WEBSTER**  
**ENGINEERS, INC.**

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