

TAB 5



City of Palmetto Agenda Item

Meeting Date

1/25/10

Presenter: Allen R. Tusing, Director

Department: Public Works

Title:
Holy Cross Manor II- Utility Easement

Background:

At the May 4, 2009 Commission approved the General Development Plan for the Holy Cross Manor Project which consists of a developing a multi- unit assisted living facility. The project is currently under construction and will contain 68 units within the new building. A ten (10 ft) utility easement was requested and granted to the City for the purpose of operating and maintaining city facilities within the Holy Cross Manor property.

Budgeted Amount: \$0.00 **Budget Page No(s):** **Available Amount:** \$0.00 **Expenditure Amount:** \$0.00

Additional Budgetary Information:

Funding Source(s): **Sufficient Funds Available:** Yes No **Budget Amendment Required:** Yes No **Source:**

City Attorney Reviewed: Yes No N/A **Advisory Board Recommendation:** For Against N/A **Consistent With:** Yes No N/A

Potential Motion/ Direction Requested: Accept the utility easement as recorded in the Clerk records.

Staff Contact: Allen R. Tusing, Director

Attachments: Record utility easement with legal description and sketch.

This Instrument Prepared by
and return to:
DiVito & Higham, P.A.
4514 Central Avenue
St. Petersburg, FL 33711

OR BOOK 02322 PAGES 5187 - 5189
MANATEE COUNTY CLERK COURT
3 PAGES(S)
RECORDED; 12/13/2009 10:15:46



Parcel #:24219.0030/9

UTILITY EASEMENT

THIS EASEMENT made this 18th day of December, 2009 between HOLY CROSS MANOR, INC., a Florida non-profit corporation (hereinafter referred to as "Grantor"), whose post office address is 1000 Pinebrook Avenue, Venice, FL 34285, and the CITY OF PALMETTO, FLORIDA, a Florida municipal corporation (hereinafter referred to as "Grantee"), whose post office address is 516 8th Avenue West, Palmetto, FL 34221.

WITNESSETH:

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt and sufficiency whereof is hereby acknowledged, hereby conveys, grants, bargains and sells unto the Grantee, its successors and assigns, a perpetual, non-exclusive, unobstructed easement, free and clear of all encumbrances, and privilege to enter upon and to install, operate and maintain utility facilities, on the lands being located in Manatee County, Florida, which is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD the same unto the Grantee and its assigns, together with the right to enter upon said land, excavate, and take materials for the purpose of constructing, operating, and maintaining utility facilities thereon.

Grantor hereby warrants to the Grantee that it is lawfully seized and in possession of the real property herein described and that it has good and lawful right to grant the aforesaid easement.

Grantor and Grantee are used for singular or plural, as the context requires.

All covenants, terms, provisions and conditions herein contained shall inure and extend to and be obligatory upon the successors, lessees and assigns of the respective parties hereto.

IN WITNESS WHEREOF, Grantor has caused these presents to be signed in its name as of the day and year first written above.

GRANTOR:

Signed, sealed and delivered
in the presence of:

**HOLY CROSS MANOR, INC.,
a Florida non-profit corporation**


Print Name: s/ Joseph A. DiVito

By: 
Volodymyr Smeryk, President

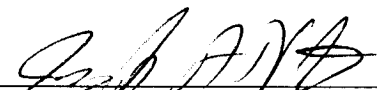

Print Name: s/ Robin Lynch

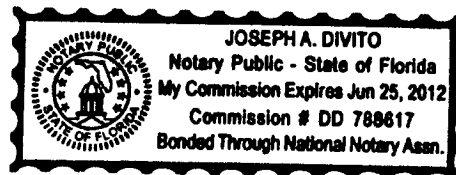
(Corporate Seal)

STATE OF FLORIDA)
COUNTY OF SARASOTA)

The foregoing instrument was acknowledged before me this 3rd day of December, 2009, by Volodymyr Smeryk, President, on behalf of HOLY CROSS MANOR, INC., a Florida non-profit corporation. They are personally know to me or have produced _____ (type of identification) as identification and appeared before me at the time of notarization.

(Notary Seal)

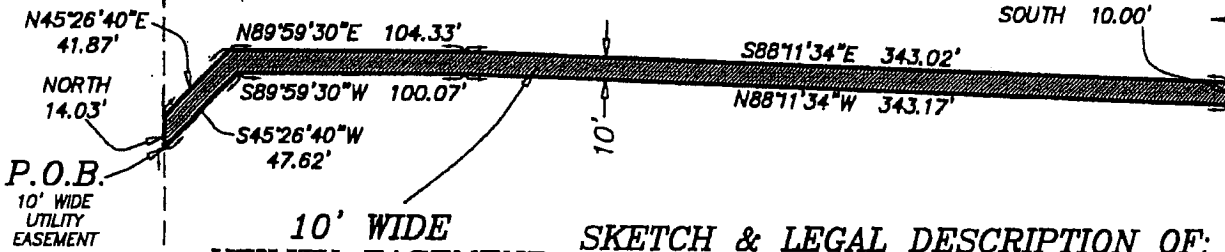

Notary Public
Print Name: _____
My commission expires: _____



ABBREVIATION LEGEND

- R/W = RIGHT -OF-WAY
- R.P.B. = ROAD PLAT BOOK
- P.B. = PLAT BOOK
- PG. = PAGE
- SEC. = SECTION
- TWP. = TOWNSHIP
- RNG. = RANGE
- P.O.T. = POINT OF TERMINUS
- C/L = CENTERLINE
- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- O.R.B. = OFFICIAL RECORDS BOOK
- O.R.I. = OFFICIAL RECORDS INSTRUMENT
- B.B. = BEARING BASIS
- P.I.D. = PROPERTY IDENTIFICATION
- N.T.S. = NOT TO SCALE
- NO. = NUMBER

EXHIBIT "A"
"NOT A SURVEY"



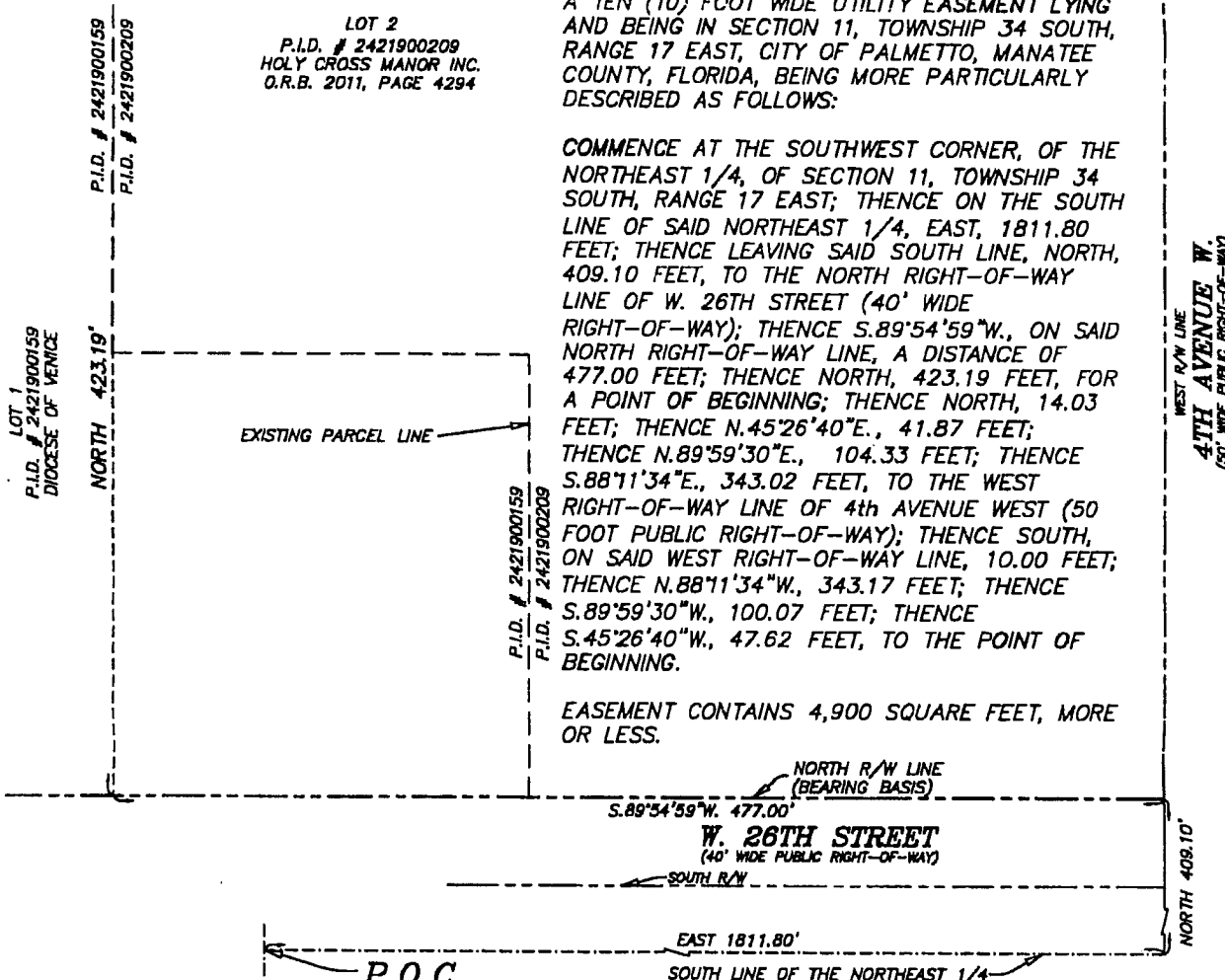
**10' WIDE
UTILITY EASEMENT**

SKETCH & LEGAL DESCRIPTION OF:

A TEN (10) FOOT WIDE UTILITY EASEMENT LYING AND BEING IN SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST, CITY OF PALMETTO, MANATEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER, OF THE NORTHEAST 1/4, OF SECTION 11, TOWNSHIP 34 SOUTH, RANGE 17 EAST; THENCE ON THE SOUTH LINE OF SAID NORTHEAST 1/4, EAST, 1811.80 FEET; THENCE LEAVING SAID SOUTH LINE, NORTH, 409.10 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF W. 26TH STREET (40' WIDE RIGHT-OF-WAY); THENCE S.89°54'59"W., ON SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 477.00 FEET; THENCE NORTH, 423.19 FEET, FOR A POINT OF BEGINNING; THENCE NORTH, 14.03 FEET; THENCE N.45°26'40"E., 41.87 FEET; THENCE N.89°59'30"E., 104.33 FEET; THENCE S.88°11'34"E., 343.02 FEET, TO THE WEST RIGHT-OF-WAY LINE OF 4th AVENUE WEST (50 FOOT PUBLIC RIGHT-OF-WAY); THENCE SOUTH, ON SAID WEST RIGHT-OF-WAY LINE, 10.00 FEET; THENCE N.88°11'34"W., 343.17 FEET; THENCE S.89°59'30"W., 100.07 FEET; THENCE S.45°26'40"W., 47.62 FEET, TO THE POINT OF BEGINNING.

EASEMENT CONTAINS 4,900 SQUARE FEET, MORE OR LESS.



P.O.C.
S.W. CORNER OF THE N.E. 1/4
OF SECTION 11, TOWNSHIP 34
SOUTH, RANGE 17 EAST
742 Shamrock Boulevard
Venice, Florida 34293
(941) 495-8488
Fax (941) 497-6186
335 Tamiami Trail
Port Charlotte, Florida 33953
(941) 624-4900
Fax (941) 497-6186
www.strayerurveying.com

NOTES:
BEARINGS SHOWN HEREON ARE BASED ON OFFICIAL RECORDS BOOK 2011, PAGE 4294, THE NORTH R/W LINE OF W. 26TH STREET, BEING S.89°54'59"W.
THE SKETCH & DESCRIPTION SHOWN HEREON DOES NOT REPRESENT A BOUNDARY SURVEY.

EST. 1987
STRAYER
SURVEYING & MAPPING, INC.

ROBERT B. STRAYER, JR.
FLORIDA SURVEYOR & MAPPER REGN NO. 5027
DATE: 7/7/09 PREPARED FOR: HOLY CROSS MANOR INC.

| | | | | | |
|---------------------|---------|--------|------|----------|--------------------|
| P.I.D. = 2421900209 | DRAWN | R.G.D. | DATE | 05/19/09 | SCALE N.T.S. |
| 4,900 SQUARE FEET± | CHECKED | B.G.R. | DATE | 05/19/09 | FILE NO. 090248 |

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