



City of North Port

RESOLUTION NO. 2022-R-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, GRANTING A TEMPORARY CONSTRUCTION EASEMENT ON A PORTION OF CITY-OWNED PROPERTY IN SECTION 33, TOWNSHIP 39 SOUTH, RANGE 20 EAST, SARASOTA COUNTY PROPERTY APPRAISER PARCEL IDENTIFICATION NUMBER 0785002110; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR FILING OF DOCUMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Manasota Beach Ranchlands, LLLP and the City entered into the *Access Easements Agreement* ("the Agreement") approved on February 15, 2022, via Resolution No. 2022-R-10; and

WHEREAS, in part, the Agreement requires Manasota Beach Ranchlands, LLLP to construct a driveway across two parcels, including City-owned Parcel Identification Number 0785002110; and

WHEREAS, this temporary construction easement allows Manasota Beach Ranchlands, LLLP ingress and egress and access for the construction activity; and

WHEREAS, the City Commission of the City of North Port, Florida finds that the temporary construction easement satisfies an immediate or future need of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – INCORPORATION OF RECITALS

1.01 The above recitals are true and correct and are incorporated in this resolution by reference.

SECTION 2 – RESOLUTION

2.01 The City Commission approves the *Temporary Construction Easement* attached as Exhibit A, incorporated in this resolution by reference, granting Manasota Beach Ranchlands, LLLP

temporary access on a portion of the real property below for the construction of a connecting driveway pursuant to the *Access Easements Agreement*:

Section 33, Township 39 South, Range 20 East, Sarasota County Property
Appraiser Parcel Identification Number 0785002100.

SECTION 3 – AUTHORIZATION

- 3.01 The City Commission authorizes the City Manager or designee to execute the documents referenced in this resolution and to perform all other actions delegable by law that are necessary to effectuate the transactions approved in this resolution.

SECTION 4 – FILING OF DOCUMENTS

- 4.01 The City Clerk is directed to file a certified copy of this resolution with the Clerk of the Sarasota County Circuit Court to be duly recorded in the official records of the county.
- 4.02 The City Clerk is directed to record the fully executed *Temporary Construction Easement* with the Sarasota County Clerk of the Circuit Court to be duly recorded in the official records of the county, concurrent with the recording of this resolution.
- 4.03 Wellen Park, LLLP will reimburse the City for applicable recording fees.

SECTION 5 – CONFLICTS

- 5.01 In the event of any conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of the conflict.

SECTION 6 – SEVERABILITY

- 6.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the resolution.

SECTION 7 – EFFECTIVE DATE

- 7.01 This resolution takes effect immediately.

ADOPTED by the City Commission of the City of North Port, Florida, in public session on March 8, 2022.

CITY OF NORTH PORT, FLORIDA

PETE EMRICH
MAYOR

ATTEST

HEATHER TAYLOR, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY

This instrument prepared by:
Amber L. Slayton, City Attorney
City of North Port
4970 City Hall Blvd.
North Port, FL 34286

Return to:
City Clerk
City of North Port
4970 City Hall Blvd.
North Port, FL 34286

PID 0785002100

TEMPORARY CONSTRUCTION EASEMENT

This Temporary Construction Easement is made by and between the City of North Port, Florida, a municipal corporation of the State of Florida, ("Grantor"), whose mailing address is 4970 City Hall Boulevard, North Port, Florida 34286, and Manasota Beach Ranchlands, LLLP, a Florida limited liability limited partnership ("Grantee"), whose mailing address is 4901 Vineland Road, Suite 450, Orlando, Florida 32811.

WITNESSETH

Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration paid, the receipt of which is hereby acknowledged, hereby grants unto the Grantee, its employees, contractors, agents, licensee, permittees, successors and assigns, a temporary, non-exclusive construction easement for the purpose of clearing and grubbing including but not limited to removal and disposal of trees, stumps, brush, roots, and other such protruding objects or obstructions, to add or remove fill, stabilization materials, to add asphalt surface to the property as necessary for construction of a connecting driveway to the adjoining Sarasota County Appraiser Parcel Identification Number 07850001010 pursuant to the *Access Easements Agreement* approved via City of North Port Resolution No. 2022-R-10, and for ingress/egress within the easement area in, over and upon the portion of Grantor's property described below:

See attached Exhibit "1," incorporated as part of this instrument.

Grantor covenants with Grantee that it is lawfully seized of the property; that it has good, right, and lawful authority to grant this easement and shall take no action to interfere with Grantee's lawful use of said easement; and that Grantor will defend the same against the lawful claims of all persons whomsoever.

Grantee bears responsibility to obtain all permits and/or permissions from the appropriate regulatory agencies including but not limited to the City of North Port and shall adhere to all applicable local, state, and federal rules and regulations including but not limited to the City of North Port's Unified Land Development Code, as amended from time to time. Grantee agrees that all improvements shall be at the sole cost and expense of Grantee.

This temporary construction easement is temporary in nature. The temporary construction easement shall terminate in its entirety upon the completion of the asphalt connecting driveway. The termination shall be automatic upon the occurrence of the foregoing event, without further act by, joinder or consent of, or instrument from Grantee.

IN WITNESS WHEREOF, Grantor has executed this instrument on the date set forth below.

Approved by the City Commission of the City of North Port, Florida on March 8, 2022.

GRANTOR
CITY OF NORTH PORT, FLORIDA

A. JEROME FLETCHER II
CITY MANAGER

ATTEST

HEATHER TAYLOR, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY

EXHIBIT "1"

PROPERTY SKETCH & DESCRIPTION

That certain portion lying west of the existing circular driveway and within the parcel, as follows:

DESCRIPTION:

A parcel of land being in Section 33, Township 39 South, Range 20 East, Sarasota County, Florida, more particularly described as follows:

COMMENCE at the Northwest corner of Section 33, Township 39 South, Range 20 East, Sarasota County, Florida; thence S.00°30'20"W. along the West line of said Section 33, a distance of 1477.68 feet to a point on the North line of Manatee Community College as described in Official Records Book 1571 at page 2172 of the Public Records of Sarasota County, Florida; thence S.89°29'35"E., along said North line of Manatee Community college a distance of 809.96 feet to a point of curvature of a curve to the right having a radius of 4,577.37 feet, a central angle of a central angle of 04°03'20", a chord bearing of S.65°51'54"E. and a chord length of 323.93 feet; thence along the arc of said curve, an arc length of 324.00 feet to the POINT OF BEGINNING, same being a point on the most southeasterly corner of Land described in Official Records Book 2389 at page 528 of the Public Records of described in Official Records Book 2389 at Page 528 of the Public Records of Sarasota County, Florida; thence N.65°18'18"E., along the Easterly line of said described lands described in Official Records Book 2389 at Page 528, a distance of 188.09 feet; thence continue along said Easterly line of said lands described in Official Records Book 2389 of page 528, N.00°00'15"W. a distance of 100.19 feet to the thence n.73°01'52"E. a distance of 155.06 feet; thence S.61°17'24"E., a distance of 250.00 feet; thence S.31°15'27" W., a distance of 250.00 feet; thence N.59°05'38"W., a distance of 31.13 feet; thence S.30°54'22"W., a distance of 99.91 feet; to a point on said North line of said Manatee Community college, same being a point on a nontangent curve to the left, having a radius of 4577.37 feet, a central angle of 04°42'45", a central angle of 04°42'45", a chord bearing of N.61°28'51"W., and a chord length of 376.38 feet; thence northwesterly along said North line of Manatee Community College, same being the arc of said curve, on arc length of 376.49 feet to the POINT OF BEGINNING.

Containing 111363 square feet or 2.5566 acres, more or less.

POINT OF COMMENCEMENT
 Northwest Corner of Section
 33, Township J9 South, Range
 20 East

SKETCH OF DESCRIPTION

SHEET 2 OF 2

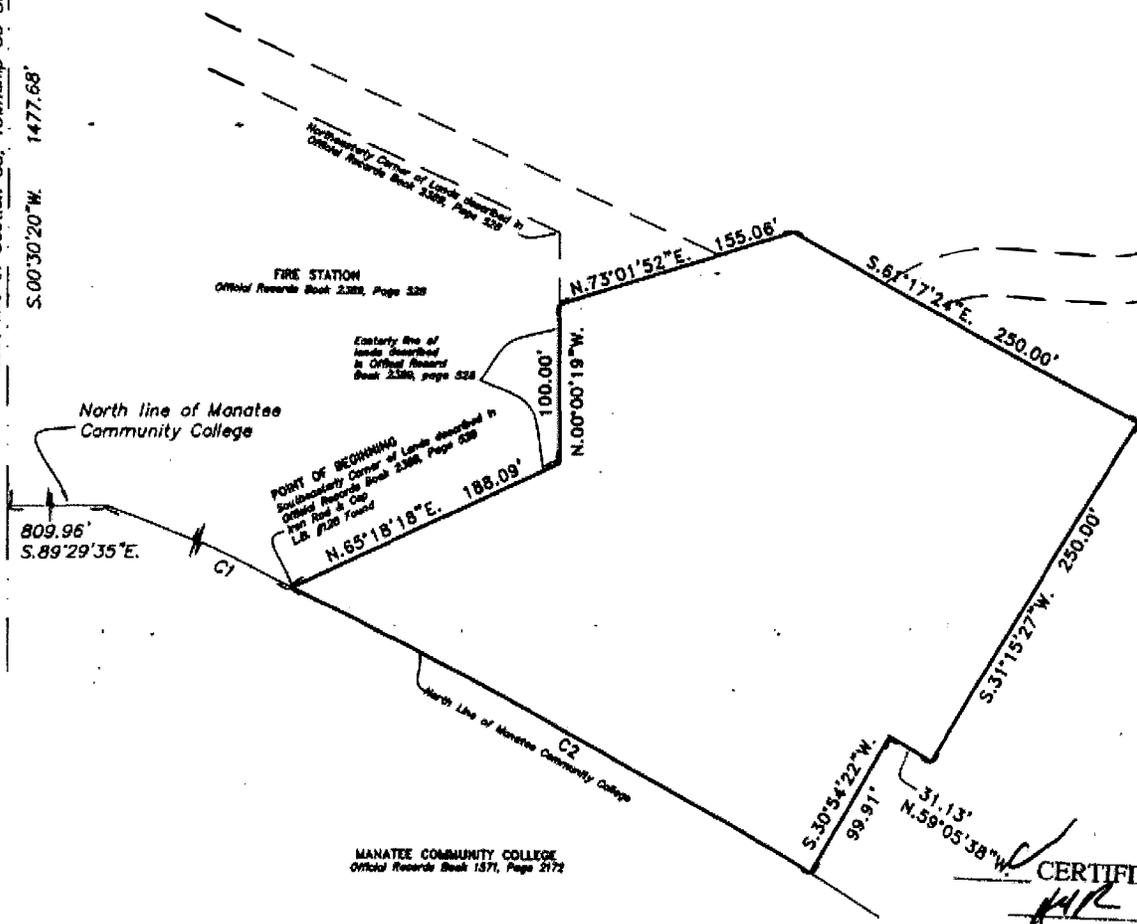
CURVE TABLE

| CURVE | RADIUS | DELTA ANGLE | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|----------|-------------|------------|--------------|---------------|
| C1 | 4577.37' | 04°03'20" | 324.00' | 323.93' | S 85°51'54" E |
| C2 | 4577.37' | 04°42'45" | 378.48' | 376.38' | N 61°28'51" W |



West line of Section 33, Township J9 South, Range 20 East

S.00°30'20"W. 1477.68'



FIRE STATION
 Official Records Book 2386, Page 528

Eastern line of
 lands described in
 Official Records
 Book 2386, page 528

North line of Manatee
 Community College

POINT OF BEGINNING
 Southwest Corner of Lot 15, described in
 Official Records Book 2386, Page 528
 Iron nail & Cap
 L.S. #128 Found

MANATEE COMMUNITY COLLEGE
 Official Records Book 1571, Page 2172

CERTIFIED
 [Signature]
 DATE 10-5-05