

From: [William Clague](#)
To: [Joy LeggettMurphy](#)
Cc: [Mitchell Palmer](#); [Alex Nicodemi](#); [Charlie Bishop](#); [Charlie Hunsicker](#); [Charles Meador](#); [Todd Boyle](#); [Juliet Shepard](#)
Subject: Manatee County Shore Protection Project; Certification of Lands; RLS-2019-0600
Date: Thursday, December 05, 2019 2:35:34 PM

Joy:

Pursuant to the above Request for Legal Services you have asked this Office to review proposed Certifications of Lands, Attorney's Title Certificates and Rights of Entry (Land Certifications) to authorize the U.S. Army Corps of Engineers (USACOE) to access the County's properties for Coquina Beach Park and Manatee Beach Park, in order to carry out a shore protection (beach renourishment) project. The following facts are relevant to our response:

1. As noted in the RLS, the County serves as the project's local sponsor pursuant to a Project Partnership Agreement (PPA) with the USACOE, which this Office reviewed pursuant to RLS-2019-0485. Together with the USACOE, the County is (i) a permittee under a permit issued by the Florida Department of Environmental Protect, and (ii) the permittee under a permit issued by the USACOE. The County has not previously been required to provide Land Certifications for shore projection projects. The USACOE now requires the Land Certifications as part of its standard practices for such projects.
2. The history of the two properties is complex. You have provided two separate title commitments for the properties, upon which this Office relies for purposes of responding to this RLS.

We provide the following legal advice in response to the RLS:

1. The Land Certifications follow standard USACOE forms that we have accepted in other transactions, on the understanding that USACOE is extremely reluctant to depart from its forms. Accordingly, I have no suggested changes to the forms.
2. Both title commitments require that the County execute a warranty deed to itself to vest title. Per our email discussion today, this reflects a misunderstanding on the part of the title company, and should be removed from both commitments.
3. The title commitment for Manatee Beach Park includes exceptions for two notices of commencement. Per our email discussion today, these exceptions should also be removed from both commitments.
4. Based on my email exchange with the County Surveyor, Todd Boyle, I understand that the property description in the title commitment for Manatee Beach Park includes lands that are controlled by the Florida Department of Transportation (FDOT). The commitment should be revised to exclude those lands, to be consistent with the legal description that will be attached to the Land Certifications for the property.

5. The title commitment for Coquina Beach Park includes an exception for a Lease with FDOT (exception #5) and an exception for a conservation easement (exception #8) which, if they applied to the subject property, would conflict with the Lands Certifications. Mr. Boyle has verified that neither of these instruments applies to the subject property.
6. Though our Office as a matter of course does not issue title opinions, we are prepared to execute the Attorney's Title Certificates in reliance on the title reports, provided that the title reports are updated as described above.

Subject the submission to this Office of satisfactory updated title reports as described above, I have no objection from a legal standpoint to this matter being scheduled for consideration by the Board.

This concludes my response to the RLS. Please contact me if you have any questions or concerns.

William Clague, Chief Assistant County Attorney
Manatee County Attorney's Office
1112 Manatee Avenue West
Bradenton, FL 34205
(941)745-3750
william.clague@mymanatee.org