TEMPORARY NONEXCLUSIVE CONSTRUCTION EASEMENT

This temporary nonexclusive construction easement (Easement) is made this __________ day of __________, 2019, (Effective Date) by FLAMINGO BY THE BAY ASSOCIATION, INC., a Florida not for profit corporation, as owner of the following described property, whose mailing address is 1877 Northgate Boulevard #4, Sarasota, Florida 34243, (Grantor) and MANATEE COUNTY, a political subdivision of the State of Florida, whose mailing address is Post Office Box 1000, Bradenton, Florida 34206, (Grantee). As used herein, the term “Grantor” shall include any and all heirs, legal representatives, successors, or assigns of Grantor, and all subsequent owners of the Property as hereinafter below and the term “Grantee” shall include any successor or assignee of Grantee.

Grantor, for and in consideration of the sum of ONE DOLLAR ($1.00) and other valuable consideration paid, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, and transfer unto Grantee a temporary nonexclusive construction easement across, in, over, under, and upon the real property of the Grantor situated, lying and being in the County of Manatee, State of Florida (Property), particularly described as:

See legal description identified in Exhibit A attached hereto.

This Easement shall be for the purpose of constructing a potable water main to serve the Property and for all other construction purposes reasonably related to the construction to be undertaken by Grantee. This Easement is granted upon the condition that the sloping and/or grading upon the Property shall not extend beyond the limits outlined above and that all grading and/or sloping shall conform to all existing improvements on the Property and all work shall be performed in such a manner that existing improvements will be left in same or like condition.

Grantor reserves the right to the continued free use and enjoyment of the Property for any purposes which are not inconsistent with the rights granted herein unto Grantee provided that Grantor does not obstruct, or permit others to obstruct, the Property at any time without first obtaining express written consent of Grantee.

Grantor covenants with Grantee that Grantor is lawfully seized of said lands, and that Grantor has good, right, and lawful authority to grant this Easement and shall take no action to interfere with Grantee’s lawful use of the Property. Grantor hereby fully warrants the Easement being granted and will defend the same against the lawful claims of all persons whomsoever.

This Easement shall be for a term of THREE (3) YEARS from the Effective Date, as defined above.
IN WITNESS WHEREOF Grantor has caused this Easement to be executed in its name, by its Board of Directors acting by the Vice President of said Board, on the day, month, and year written above.

Signed, sealed and delivered in the presence of two (2) witnesses as required by law.

First Witness Signature
Charles Meador
First Witness Printed Name

Second Witness Signature
Tim Cristello
Second Witness Printed Name

STATE OF Florida
COUNTY OF Manatee

The foregoing instrument was acknowledged before me this 16th day of April, 2019, by Nancy K. Green as Vice President of the Board of Directors of FLAMINGO BY THE BAY ASSOCIATION, INC., a Florida not for profit corporation, on behalf of said corporation, who ___ is personally known to me or ___ has produced Florida Drivers License as identification.

Affix seal below:

[Notary Public Seal]

Notary Public Signature

Charles Meador
Printed Name

Commission Number

Expiration Date

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NOTES
1. This sketch is not a BOUNDARY SURVEY.
2. This sketch is a graphic illustration for informational purposes only and is not intended to represent a field survey.
3. Bearings are based on the South right-of-way of State Road 64 being South 89°24'20" East, (assumed).
4. This sketch is not valid without the original signature and seal of a Florida Professional Surveyor 
   & Mapper.
5. This Sketch was prepared without the benefit of a title report or commitment for title insurance.
6. Additions or deletions to survey maps or reports by other than the signing party or parties are prohibited without written consent of the signing party or parties.
7. Parcel contains 23,058 square feet, 0.53 acres more or less.

DESCRIPTION
A Temporary Construction Easement for the purpose of installation of water lines and equipment, locating within the common areas of the Flamingo by the Bay Condominium as recorded in Condominium Book 10 Page 38, of the Public Records of Manatee County, Florida, more particularly described as follows:

Commencing at the Northwest corner Flamingo Cay Subdivision First Addition recorded in Plat Book 13 Pages 34 of the Public Records of Manatee County Florida, said point being the intersection of the South right-of-way line of State Road 64 as shown on the aforementioned Plat Book 13, Page 34 and the West right-of-way line of Flamingo Drive per said Plat Book 13, Page 34; thence along the South right-of-way of State Road 64 South 89°24'20" East, 422.00 feet to the Northwest corner of aforementioned Flamingo by the Bay Condominium for a POINT OF BEGINNING; thence South 00°35'40" West, along the West line of the said Flamingo by the Bay Condominium 177.50 feet to the face of an existing seawall; thence along said seawall North 71°37'44" East, 78.67 feet to a point on a curve, having a radius of 375.00 feet; a central angle of 13°22'08"; thence along said curve to the LEFT, and whose chord bears North 79°16'37" East, 87.30 feet; thence leaving aforementioned seawall North 00°35'40" East along the East line of said Flamingo by the Bay Condominium, 34.80 feet to the aforementioned south right-of-way; thence along south right-of-way North 89°24'20" West, 160.00 feet to the point of beginning.

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