

2/15/2024 12:34 PM

KAREN E. RUSHING  
CLERK OF THE CIRCUIT COURT  
SARASOTA COUNTY, FLORIDA

This instrument prepared by and return to:  
City Clerk, City of Venice  
401 W. Venice Ave., Venice, FL 34285

CSC

Receipt # 3143802

Doc Stamp-Deed: \$0.70

### TEMPORARY CONSTRUCTION EASEMENT

THIS TEMPORARY CONSTRUCTION EASEMENT is made by VENETIAN GOLF & RIVER CLUB PROPERTY OWNERS ASSOCIATION, Inc, a Florida Not-for-Profit corporation, whose mailing address is 502 Veneto Boulevard, North Venice, Florida 34275 (hereinafter referred to as the "Grantor"), to the CITY OF VENICE, a Florida municipal corporation, whose address is 401 West Venice Avenue, Venice, Florida 34285, (hereinafter referred to as the "Grantee").

#### WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration in hand paid to the Grantor by the Grantee, the receipt and sufficiency of which is hereby acknowledged, said Grantor does hereby grant and convey to the Grantee, its successors and assigns, a temporary construction easement for use during the Grantee's construction of a 16-inch potable water line as part of the new City of Venice Water Booster Station project (the "construction activities"), and the right of ingress and egress in, over, and upon the following described lands of the Grantor:

**(See Exhibit "A" attached hereto and incorporated herein by reference)**

Subject to easements of record (hereinafter, the "TCE Property").

The Grantee and Grantor understand and agree that the rights granted herein shall terminate upon the earlier of: (i) the recording of a perpetual Utility Easement from Grantor to Grantee over the TCE Property; or (ii) ninety (90) days from the date of execution of this Temporary Construction Easement unless extended by the mutual consent of the parties hereto. The Grantee agrees to promptly record, in a form acceptable to the Grantor, a Termination of Temporary Construction Easement upon termination of the Temporary Construction Easement.

The Grantor and the Grantee have negotiated a perpetual "Utility Easement" over the TCE Property and an "Agreement Regarding Utility Easement", which has been signed on behalf of the Grantor and is pending the approval of the Venice City Council. In the event this Temporary Construction Easement is terminated without the execution of the Agreement Regarding Utility Easement by the Grantee and the recording of the perpetual Utility Easement by the Grantee, then the Grantee shall, at its sole cost and expense, restore the TCE Property to its original condition at the time of the granting of this Temporary Construction Easement, including, without limitation, any and all pipes installed on the TCE Property.

The Grantor hereby covenants that it has good, right, and lawful authority to grant this Temporary Construction Easement. The Grantor further covenants that it will take no action to interfere with the Grantee's lawful use of the Temporary Construction Easement.

This Temporary Construction Easement and the covenants contained herein shall be deemed covenants running with the land and shall be binding on the parties hereto, as well as all such successors and assigns.

In any legal proceedings to interpret or enforce the terms of this Temporary Construction Easement, the prevailing party may recover from the other party, in addition to other relief, all costs and expenses, including without limitation reasonable legal fees, and court costs, incurred by the prevailing party.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Grantor has caused this Temporary Construction Easement to be executed in Grantor's name as of the day and year indicated below.

WITNESSES TO GRANTOR:

[Signature]  
(Signature)

JAVIER A. VARGA  
(Print Name)

401 VENICE AVE.  
(Address) VENICE, FL 34285

[Signature]  
(Signature)

Mercedes Barcia  
(Print Name)

401 W. Venice Ave  
(Address) VENICE, FL 34285

STATE OF Florida  
COUNTY OF Sarasota

Acknowledged before me by means of  physical presence or  online notarization this 15<sup>th</sup> day of February, 2024, by M. Marshall Happer, the President of Venetian Golf & River Club Property Owners Association, Inc., who is ( ) personally known to me or () has produced FL DL as identification.

GRANTOR:

By: M. Marshall Happer  
Venetian Golf & River Club  
Property Owners Association, Inc.

M. MARSHALL HAPPER

(Print Name)

Its: President

(Print Title)

Date: President Feb 15, 2024



[Signature]  
Notary Public, State of FL  
Print Name: Mercedes BARCIA  
Commission No.: AH 319721

My Commission Expires: 9/13/24

**EXHIBIT "A"**


DESCRIPTION:

A UTILITY EASEMENT LYING IN SECTION 27, TOWNSHIP 38 SOUTH, RANGE 19 EAST, SARASOTA COUNTY, FLORIDA WHOSE CENTERLINE IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

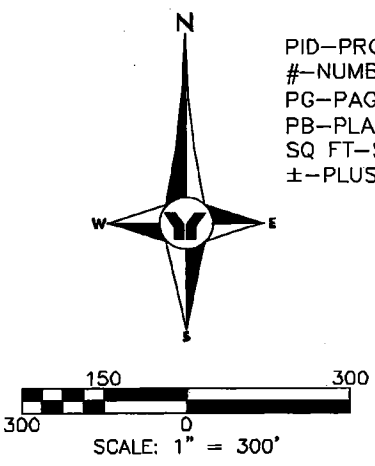
COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 27; THENCE, LEAVING SAID CORNER AND ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE NORTHEAST 1/4, S89°41'13"E, 93.34 FEET; THENCE LEAVING SAID SOUTH LINE, S00°18'47"W, 66.03 FEET TO THE POINT OF BEGINNING; THENCE N90°00'00"E, 1246.63 FEET; THENCE N45°00'00"E, 35.72 FEET; THENCE N00°20'34"E, 33.92 FEET TO THE SOUTHEAST CORNER OF TOSCANA ISLES, UNITS 1 AND 2, PHASE 4, RECORDED IN PLAT BOOK 51, PAGE 103 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA; THENCE CONTINUE N00°20'34"E ALONG THE EAST BOUNDARY LINE OF SAID TOSCANA ISLES UNITS 1 AND 2, PHASE 4, 1306.99 FEET; THENCE LEAVING SAID EAST PROPERTY LINE, N45°00'00"E, 33.96 FEET TO A POINT ON THE SOUTH PROPERTY LINE OF PARCEL IDENTIFICATION NUMBER 0365001100 (CITY OF VENICE); THENCE S89°50'03"E ALONG SAID SOUTH PROPERTY LINE, 42.30 FEET; THENCE LEAVING SAID SOUTH PROPERTY LINE, S45°00'00"W, 62.78 FEET; THENCE ALONG THE WEST PROPERTY LINE OF HGC VENETIAN LLC, RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2022023840 OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA FOR THE FOLLOWING THREE (3) CALLS: THENCE S00°19'56"E, 541.71 FEET; THENCE S01°03'02"W, 624.18 FEET; THENCE S03°32'32"E, 152.66 FEET; THENCE LEAVING SAID WEST PROPERTY LINE, S00°20'34"W, 104.74 FEET; THENCE S45°00'00"W, 60.46 FEET; THENCE N90°00'00"W, 1246.63 FEET; THENCE S45°00'00"W, 8.16 FEET; THENCE S00°00'00"E, 352.72 FEET TO A POINT ON THE NORTH LINE OF A 30 FOOT WIDE ACCESS AND UTILITY EASEMENT, RECORDED IN OFFICIAL RECORD INSTRUMENT NUMBER 2015072912 OF THE PUBLIC RECORDS OF SARASOTA, FLORIDA; THENCE N89°41'26"W ALONG SAID NORTH LINE, 30.00 FEET; THENCE LEAVING SAID NORTH LINE, N00°00'00"E, 364.98 FEET; THENCE N45°00'00"E, 33.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 84,473± SQUARE FEET OR 1.94± ACRES, MORE OR LESS.

NOTES:

1. THIS SKETCH IS NOT A BOUNDARY SURVEY.
2. THIS SKETCH IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR & MAPPER.
3. THIS MAP IS INTENDED TO BE DISPLAYED AT A SCALE OF 1"=300' OR SMALLER.
4. THIS SKETCH AND DESCRIPTION IS COMPRISED OF TWO (2) SHEETS AND IS NOT CONSIDERED FULL AND COMPLETE WITHOUT ALL SHEETS.
5. BASIS OF BEARINGS: A BEARING OF S89°32'45"E, WAS ASSUMED ALONG THE NORTH RIGHT-OF-WAY LINE OF LAUREL ROAD EAST.

PREPARED FOR: CITY OF VENICE		<b>UTILITY EASEMENT #1</b> SKETCH & DESCRIPTION		BY PVR	DATE 2/01/24	DESCRIPTION UPDATE PER CLIENT
Digitally signed by Frederick P Lutz, Jr. DN: cn=Frederick P Lutz, Jr., o=US, ou=Florida, email=lutz@georgefy.com, Date: 2024.02.02 15:15:09 -0500		SECTION 27 TOWNSHIP 38 S., RANGE 19 E.		REVISED		
CREW CHIEF	INITIALS	DATE	 <p><b>George F. Young, Inc.</b> 10540 PORTAL CROSSING, SUITE 105 LAKEWOOD RANCH, FLORIDA 34211-4913 PHONE (941) 747-2981 FAX (941) 747-7234 BUSINESS ENTITY LB21 WWW.GEORGEFYOUNG.COM CIVIL &amp; TRANSPORTATION ENGINEERING   GEOLOGY   GIS   LANDSCAPE ARCHITECTURE PLANNING   SURVEYING   SUBSURFACE UTILITY ENGINEERING GAINESVILLE • LAKEWOOD RANCH • ORLANDO • ST. PETERSBURG • TAMPA</p>			
DRAWN	PVR	01/08/20				
CHECKED	PL	01/08/20				
FIELD BOOK						
FIELD DATE						
<p><b>Frederick P. Lutz, Jr.</b> F. PETER LUTZ, JR. PSM LS 5506 DATE</p>			<p>JOB NO. 19003300LS SHEET NO. S1 S2</p>			

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**LEGEND**  
 PID—PROPERTY IDENTIFICATION  
 #—NUMBER  
 PG—PAGE  
 PB—PLAT BOOK  
 SQ FT—SQUARE FEET  
 ±—PLUS OR MINUS

PID #0365001100  
 (CITY OF VENICE)

**UTILITY EASEMENT**  
 (84,473 SQ FT)

PID #0373001040  
 VENETIAN GOLF & RIVER CLUB  
 PROPERTY OWNERS ASSOCIATION, INC  
 (ORI #2015149756)

TOSCANA ISLES  
 UNITS 1 & 2  
 PHASE 4  
 (PB 51, PG 103)

PID #0373001030  
 HGC VENETIAN LLC  
 (ORI #2022023840)

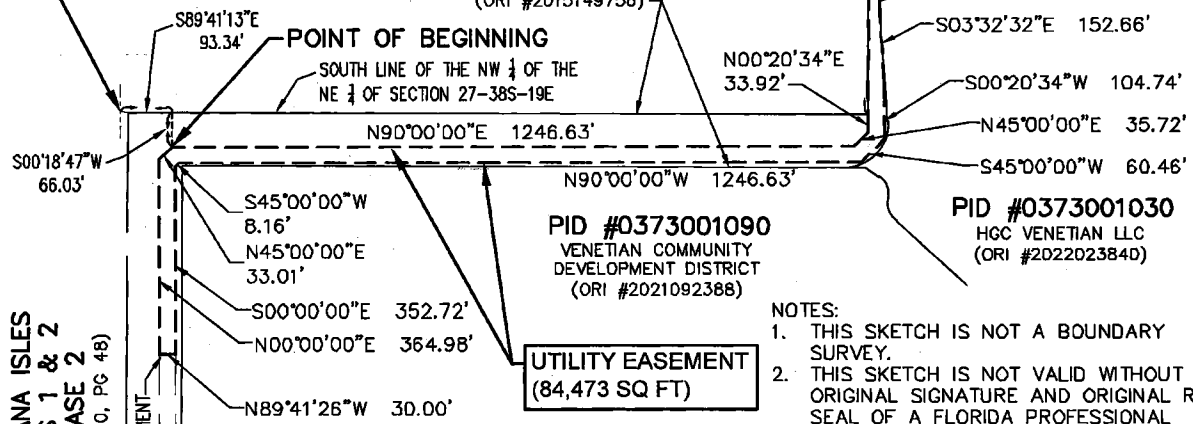
**POINT OF COMMENCEMENT**

SW CORNER OF THE NW ¼ OF THE  
 NE ¼ OF SECTION 27-38S-19E  
 VENETIAN GOLF & RIVER CLUB  
 PROPERTY OWNERS ASSOCIATION, INC  
 (ORI #2015149756)

PID #0373001040

**POINT OF BEGINNING**

SOUTH LINE OF THE NW ¼ OF THE  
 NE ¼ OF SECTION 27-38S-19E



PID #0373001090  
 VENETIAN COMMUNITY  
 DEVELOPMENT DISTRICT  
 (ORI #2021092388)

PID #0373001030  
 HGC VENETIAN LLC  
 (ORI #2022023840)

**UTILITY EASEMENT**  
 (84,473 SQ FT)

**EXISTING 30' WIDE ACCESS & UTILITY  
 EASEMENT (O.R.I. #2015072912)**

PID #0373001090  
 VENETIAN COMMUNITY  
 DEVELOPMENT DISTRICT  
 (ORI #2021092388)

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CREW CHIEF	INITIALS	DATE	<p><b>George F. Young, Inc.</b>          10540 PORTAL CROSSING, SUITE 105 LAKEWOOD RANCH, FLORIDA 34211-4913          PHONE (841) 747-2981 FAX (841) 747-7234          BUSINESS ENTITY LB21 WWW.GEORGEFYOUNG.COM          CIVIL &amp; TRANSPORTATION ENGINEERING   ECOLOGY   GIS   LANDSCAPE ARCHITECTURE          PLANNING   SURVEYING   SUBSURFACE UTILITY ENGINEERING          GAINESVILLE • LAKEWOOD RANCH • ORLANDO • ST. PETERSBURG • TAMPA</p>	JOB NO. 19003300LS		
DRAWN	PVR	01/08/20		SHEET NO.		
CHECKED	PL	01/08/20		S2 S2		
FIELD BOOK						
FIELD DATE						

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