



## MEMORANDUM TO VENICE CITY COUNCIL

**THROUGH CHARTER OFFICER:** Edward Lavallee, City Manager

**E-SIGN:**

**FROM:** Kathleen Weeden, City Engineer *KW*

**DEPARTMENT:** Engineering

**DATE:** 03/29/2023

**MEETING DATE:** 04/11/2023

**SUBJECT / TOPIC:** Utility Easement - Watermark

### BACKGROUND INFORMATION:

**SUPPORTS STRATEGIC PLAN:** Goal Four: Upgrade and Maintain City Infrastructure and Facilities

**COUNCIL ACTION REQUESTED:** Choose an item.

Accept Utility Easement Adjacent to Curry Lane from Watermark at Venice Pinebrook FL, LLC.

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Yes    N/A

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Document(s) Reviewed for ADA compliance (required if for agenda posting) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | City Attorney Reviewed/Approval  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Risk Management Review   |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Finance Department Review/Approval                                       |
|                                     |                                     | Funds Availability (account number): N/A                                 |

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

### UTILITY EASEMENT

THIS INDENTURE, made this 16<sup>th</sup> day of March, 2023, by and between WATERMARK AT VENICE PINEBROOK FL, LLC, a Delaware limited liability company, whose mailing address is: 901 Wabash Avenue, Suite 300, Terre Haute, Indiana 47807 (hereinafter referred to as "Grantor"), and CITY OF VENICE, a Florida municipal corporation, whose mailing address is 401 W. Venice Avenue, Venice, Florida 34285 (hereinafter referred to as "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 permanent, perpetual non-exclusive easement for the provision of City services, such right to include, but not be limited to, the perpetual right for Grantee, its employees, contractors, sub-contractors, agents, successors, and assigns to enter upon said easement at all times and construct, lay, reconstruct, operate, maintain, inspect, remove, or repair all lines, mains, pipes, fixtures, ditches, accessories, and all appurtenances thereto for the purpose of providing City services through, over, under, and upon the following property situated in Sarasota County, Florida, more particularly described as follows:

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

For the full enjoyment of the rights granted herein, the Grantee shall have the further right to trim, cut, or remove trees, bushes, undergrowth, and other obstructions interfering with the location, construction, and maintenance of the lines, mains, pipes, fixtures, ditches, accessories, and appurtenances thereto. The Grantor further grants the reasonable right to enter upon adjoining lands of the Grantor for the purposes of exercising the rights herein granted.

The Grantor hereby covenants with the Grantee and warrants that it is lawfully seized of said land in fee simple; that it has good, right, and lawful authority to sell and convey the said easement, and that the real property described above is free of all liens, mortgages and encumbrances of every kind except for real property taxes not delinquent.

**ACKNOWLEDGEMENT OF LIMITED LIABILITY COMPANY**

IN WITNESS WHEREOF, the Grantor has caused this Utility Easement to be executed in Grantor's name, and official seal by the proper officer(s) or representative(s) duly authorized, as of the day and year first above written.

WITNESSES:

WATERMARK AT VENICE  
PINEBROOK FL, LLC

Jessie N. Meier  
Print Name: Jessica Meier

By: [Signature]  
Print Name: Josh Purvis  
Title: Managing Partner

Allison Zabrecky  
Print Name: Allison Zabrecky

STATE OF INDIANA  
COUNTY OF Marion

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of March, 2023, by Josh Purvis, as Managing Partner of Watermark at Venice Pinebrook FL, LLC, by means of  physical presence or  online notarization, who is personally known to me or who produced \_\_\_\_\_ as identification.



Chelsea N. Gaddis  
Notary Public  
Print Name: Chelsea N. Gaddis  
My Commission Expires: June 19, 2030

**ACCEPTANCE BY GRANTEE**

The foregoing easement is accepted and agreed to by the City of Venice, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Nick Pachota, Mayor

ATTEST:

\_\_\_\_\_  
Kelly Michaels, City Clerk

**SKETCH OF DESCRIPTION**  
**PUBLIC UTILITY EASEMENT**

SHEET 1 OF 2

**DESCRIPTION:**


*A part of Lot 12, as shown on the Plat of Woodland Acres, recorded in Plat Book 20, Page 3, Public Records of Sarasota County, Florida, described as follows:*

*Commence at the intersection of the South Right of Way Line of Curry Lane (60' Wide) and the East Right of Way Line of Pinebrook Road per Official Records Book 2877, at Page 393, Public Records of Sarasota County, Florida; thence S.89°42'48"E, along said South Right of Way Line of Curry Lane, a distance of 379.19 feet to the POINT OF BEGINNING; thence continue along said South Right of Way Line of Curry Lane, S.89°42'48"E, a distance of 10.00 feet; thence leaving said South Right of Way Line, S.00°21'23"W., a distance of 12.26 feet; thence N.89°38'37"W., a distance of 10.00 feet; thence N.00°21'23"E. a distance of 12.26 feet to the POINT OF BEGINNING.*

*Lands situated in Section 33, Township 38 South, Range 19 East, Sarasota County, Florida.*

**NOTES:**

1. *This sketch does not represent a Boundary Survey. The purpose of this sketch is to depict the description shown hereon.*
2. *Description shown hereon has been prepared for this sketch.*
3. *See Boundary Surveys of prepared by Britt Surveying, Inc of Tracts, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12.*
4. *BEARING BASIS: This sketch is based on Grid distances and bearings. This survey is based on the following Sarasota County GPS Control Monuments: 175 83 A29 and Loran. The reference bearing between said Monuments = N.60°12'41"E. Centerline of Curry Lane = S.89°42'48"E.*



*Randall E. Britt*

Randall E. Britt, Professional Land Surveyor  
Florida Certification Number 3979

Note: Not Valid Unless Imprinted With Embossed Land Surveyor's Seal

PREPARED FOR:  
KIMLEY HORN & ASSOCIATES, INC.

DATE: March 10, 2022  
JOB NUMBER: 22-03-06A



**BRITT SURVEYING, INC.**

LAND SURVEYORS AND MAPPERS  
CERTIFICATE OF AUTHORIZATION NO. L.B. 6638  
680 US 41 Bypass N., Suite #1 VENICE, FLORIDA, 34285  
Telephone: (941) 493-1396  
Email: bsi@brittsurveying.com

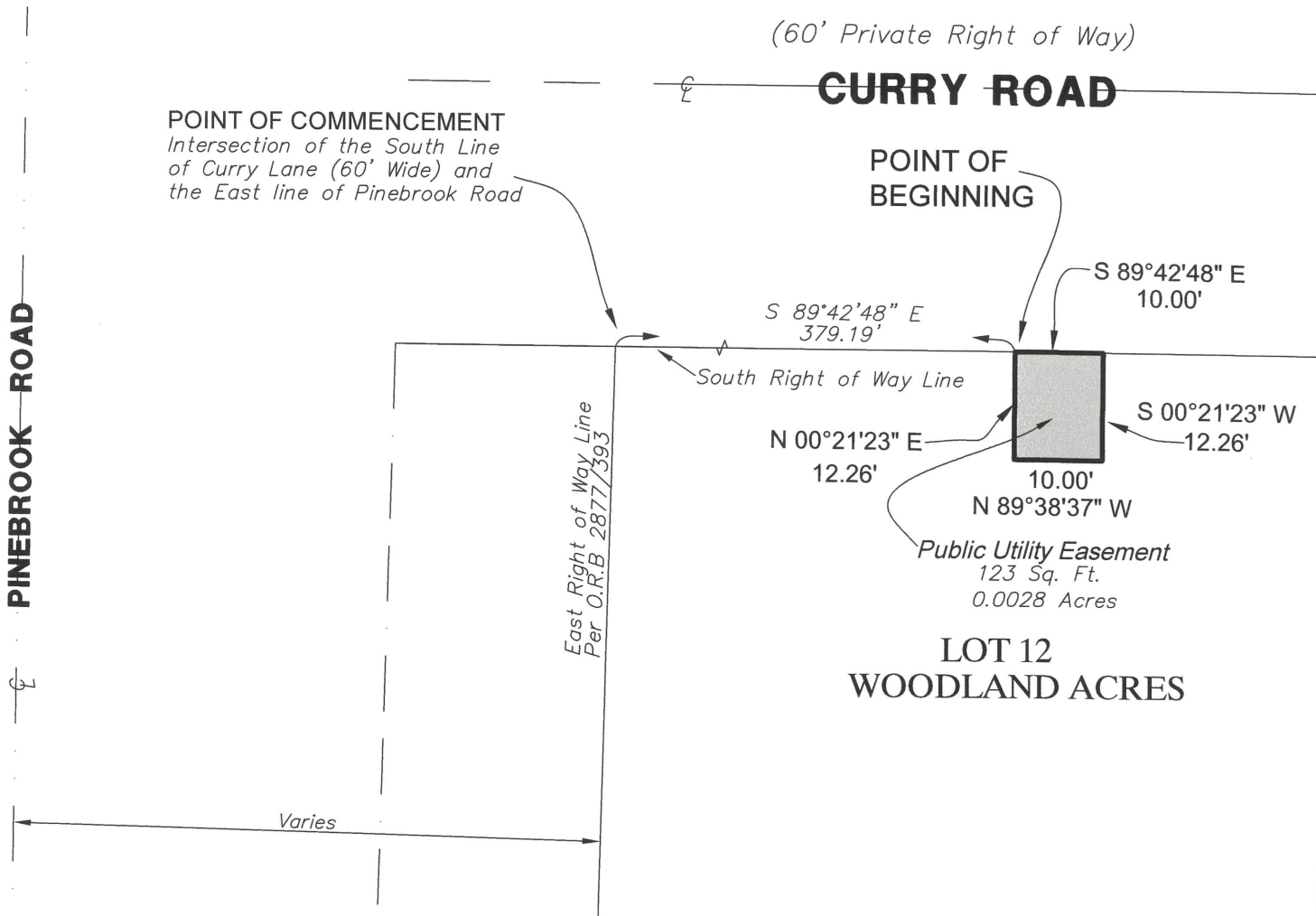


# SKETCH OF DESCRIPTION

## PUBLIC UTILITY EASEMENT

SHEET 2 OF 2

SCALE: 1" = 20'



PREPARED FOR:  
KIMLEY HORN & ASSOCIATES, INC.

DATE: March 10, 2022  
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