

RESOLUTION 21-159

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, APPROVING A MAINTENANCE AND RIGHT OF WAY MAP VESTING ALL RIGHT, TITLE, EASEMENT AND APPURTENANCES IN AND TO A PORTION OF THE ROAD KNOWN AS EAGLE DRIVE; AND AUTHORIZING THE APPROPRIATE OFFICERS OF THE CITY TO CERTIFY AND RECORD SUCH MAP IN THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA.

WHEREAS, the plat of Colony Subdivision, Phase 1, recorded in the Official Records of Bay County Florida at Plat Book 13, Pages 19 and 20 (the "Plat"), dedicated a 60" right of way named Eagle Drive to the City of Panama City Beach; and

WHEREAS, the City has been maintaining that road on behalf of the public since its dedication in 1979; and

WHEREAS, a recent survey of adjacent lands has revealed that a portion of Eagle Drive, as paved and maintained by the City, presently lies outside of the boundaries of the platted right of way shown on the Plat; and

WHEREAS, that portion of Eagle Drive lying outside of the platted right of way has been maintained by the City for at least 7 years or more, and possibly since the road was originally constructed; and

WHEREAS, given the City's continuous maintenance of the road in its current location, and pursuant to state law, section 95.361, Florida Statutes, the City finds and determines that that portion of the road lying outside the boundaries of the platted right of way, as presently located and as continuously maintained by the City, shall be deemed to be dedicated to the public and the dedication shall vest all right, title, easement and appurtenances in and to the road to the City of Panama City Beach, by the filing and recording of a maintenance or right of way map in the public records.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PANAMA CITY BEACH, THAT:

1. The City Council hereby approves a maintenance or right-of-way map vesting all right, title, easement and appurtenances in and to the road known as Eagle Drive, as illustrated and as more particularly described in the map attached hereto as Exhibit A.
2. The City Manager and City Clerk are authorized and directed to certify the map on behalf of the City, and the City Clerk is directed to record the map in the Public Records of Bay County, Florida.

3. The City Manager is authorized to execute and deliver encroachment agreements, in substantially the form attached and presented to the Council as Exhibit B, with adjacent property owners who have made and maintained improvements on and within that certain unpaved, northern, portion of the platted right of way also shown on the map attached as Exhibit A.

THIS RESOLUTION shall be effective immediately upon passage.

PASSED in regular session this 13 day of May, 2021.

CITY OF PANAMA CITY BEACH

By: 
Mark Sheldon, Mayor

ATTEST:


Lynne Fasone, City Clerk

ENCROACHMENT AGREEMENT

THIS AGREEMENT made this ____ day of _____, 2021, between the City of Panama City Beach, Florida, a municipal corporation, whose address is 17007 Front Beach Road, Panama City Beach, FL, 32413, and [].

WITNESSETH

The City is the owner of real property commonly known as [], a []' right of way, as recorded in the official records of Bay County, Florida, in []Book [], page [], and as more particularly described in the attached Exhibit A; and

[] is the owner of real property adjoining [] on the [] side of the ROW, and more particularly described in the attached Exhibit B; and

A survey of the ROW prepared by [], dated [], has disclosed that a portion of [] as currently paved and maintained lies adjacent and south of the location indicated on the plat, and that improvements owned and operated by private parties currently exist within the [] ROW as shown on the plat; and

City grants to [adjacent lot owner] a license in the platted ROW for the existing improvements to remain situate for as long as they are used and maintained in good condition, reserving for itself always the right to access, operate, repair and maintain its public utilities in that same area. If the [adjacent lot owner's] improvements cease to be used or fall into disrepair, City reserves the right to revoke this license.

[Owner] expressly understands and agrees that its improvements encroach upon the platted ROW, and that the existing improvements may remain in the ROW so long as they are used and maintained in good condition.

The parties agree to the recording of this Agreement in the public records in and for Bay County, Florida in order to memorialize the understanding between the parties. Upon removal or relocation of Owner's improvements, the City will record a Termination of Encroachment Agreement to memorialize that change in circumstance.

IN WITNESS WHEREOF, the Parties have duly executed this agreement the day and year first above written.

CITY OF PANAMA CITY BEACH, FLORIDA

Drew Whitman, City Manager

ATTEST:

Lynne Fasone, City Clerk

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me by Drew Whitman as City Manager of the City of Panama City Beach, Florida. He is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal, this ____ day of _____, 2021.

Notary Public
State of Florida
My commission expires _____

[OWNER]

BY: _____

ITS:

WITNESS:

Signature

Print Name:

Signature

Print Name:

STATE OF FLORIDA
COUNTY OF BAY

The foregoing instrument was acknowledged before me by []. He/She is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal, this ____ day of _____, 2021.

Notary Public _____

State of Florida

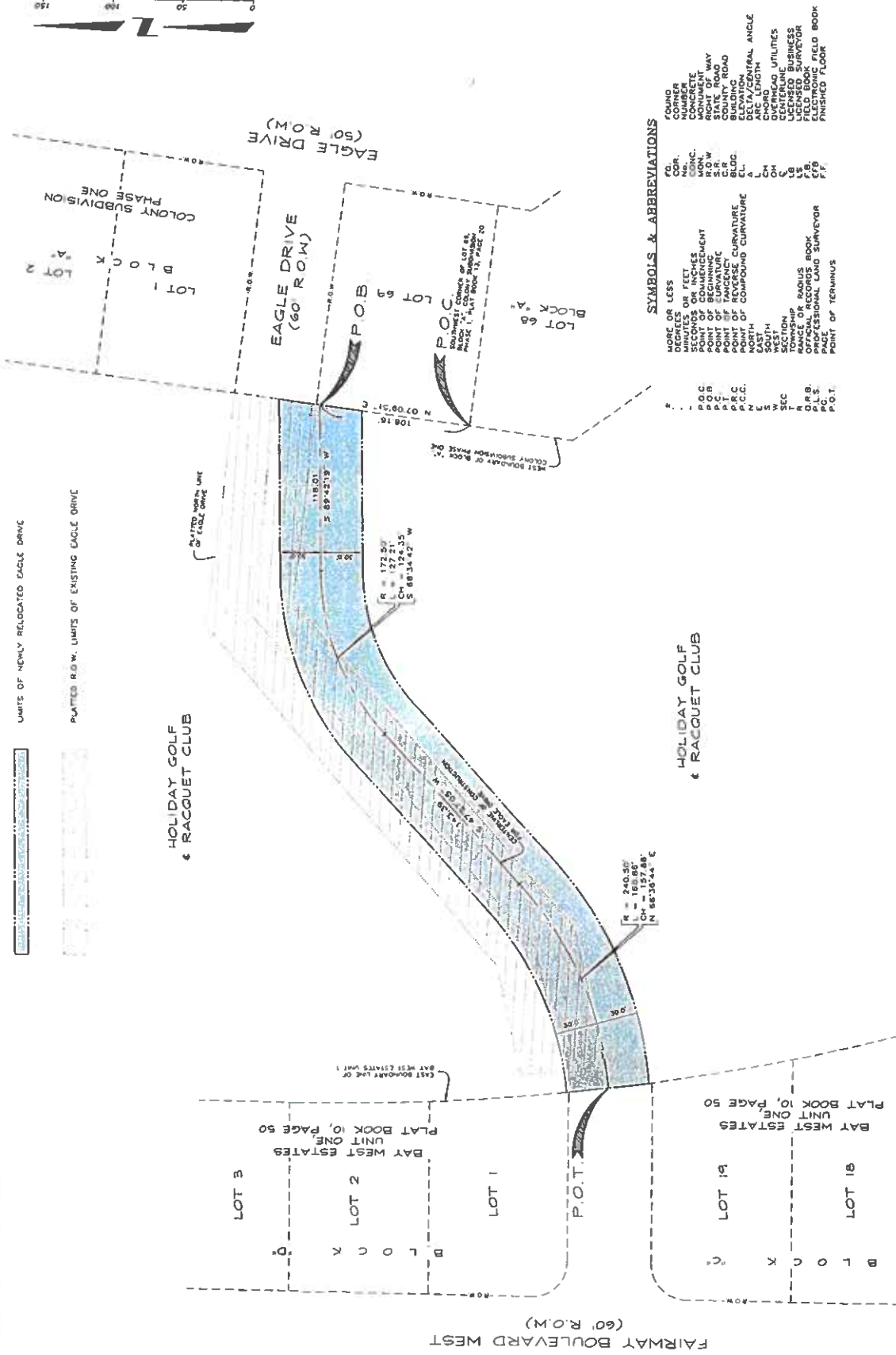
My commission expires _____

**SKETCH OF LEGAL DESCRIPTION
PORTION OF EAGLE DRIVE THRU HOLIDAY GOLF & RACQUET CLUB
SECTION 22, 19, 18W - PANAMA CITY BEACH, BAY COUNTY - FLORIDA**

SCR & ASSOCIATES MWFL, INC.
3445 HWY 399 PANAMA CITY, FLORIDA 32405
PHONE (904) 255-6979 - FAX (904) 255-6942
WWW.SCR-ASSOCIATES.COM
LICENSE NO. LB 7755

ENGINEERING - SURVEYING
Associates

JOB No.
11873
DATE
11/21/05



SYMBOLS & ABBREVIATIONS

MO. OR LESS	FO. NO.	FOUND NUMBER
MINUTES	CONC.	CONCRETE
SECONDS OR FEET	CONC.	CONCRETE
POINT OF BEGINNING	R.O.W.	RIGHT OF WAY
POINT OF CURVATURE	S.R.	STATE ROAD
POINT OF REVERSE CURVATURE	BLDG.	BUILDING
POINT OF COMPOUND CURVATURE	CLL	CELESTIAL ANGLE
EAST	L	LENGTH
SOUTH	DM	DIMENSION
DOWNROAD UTILITIES	DL	DOWNROAD UTILITIES
CENTERLINE	LS	LICENSED SURVEYOR
OFFICIAL RECORDS BOOK	F.B.	FIELD BOOK
PLAT	P.F.	PLAT
POINT OF TERMINUS	P.O.T.	POINT OF TERMINUS

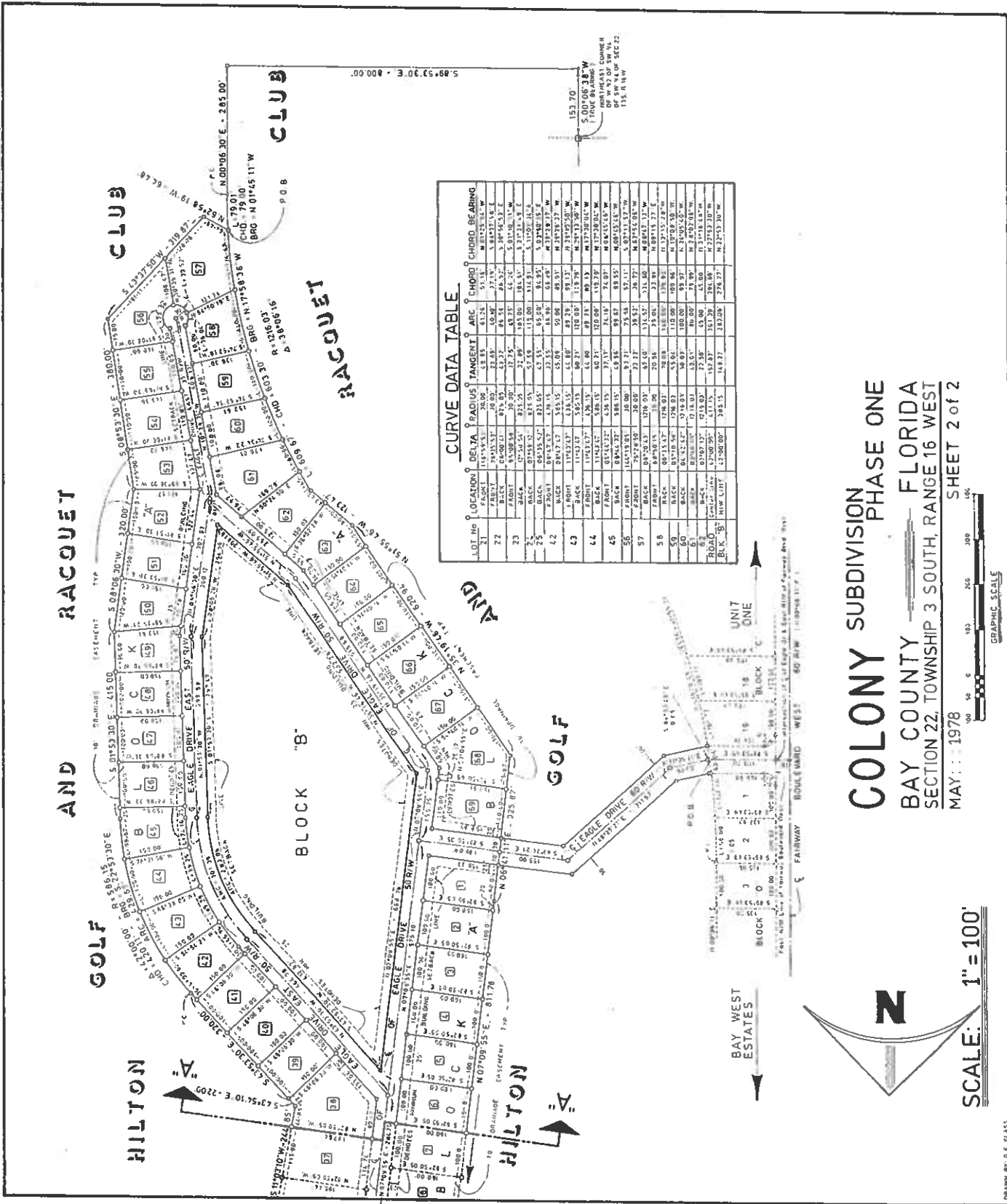
THIS SKETCH IS FOR DESCRIPTIVE PURPOSES ONLY AND WAS THE RESULT OF AN ACTUAL FIELD SURVEY BUT IS NOT A BOUNDARY SURVEY.

CERTIFICATE:
 I HEREBY CERTIFY THE SKETCH HEREON TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS OF THE DATE SKETCHED.

DATE OF SKETCH
 11-21-05
 SURVEYOR: C. RUTHERFORD, P.L.S.
 PROFESSIONAL SURVEYOR & MAPPER
 FLORIDA LICENSE NO. LS 3981

DESCRIPTION:
 RELOCATED EAGLE DRIVE, BEING 60 FT. RIGHT OF WAY, BEING 30 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
 COMMENCE AT THE SOUTHWEST CORNER OF LOT 69, BLOCK A, COLONY SUBDIVISION PHASE ONE, AS PER PLAT RECORDED IN PLAT BOOK 10, PAGE 50, AND PROCEED N 09°09'51" E FOR A DISTANCE OF 108.16 FEET TO THE POINT OF BEGINNING; THENCE S 89°42'19" W FOR A DISTANCE OF 118.01 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH AND HAVING A RADIUS OF 172.50 FEET; THENCE WESTERLY, ALONG SAID CURVE FOR AN ARC DISTANCE OF 127.21 FEET, SAID ARC HAVING A CHORD OF 124.35 FEET BEARING SOUTH 88°34'42" WEST TO THE POINT OF TANGENCY OF SAID CURVE; THENCE SOUTH 47°27'05" WEST, FOR A DISTANCE OF 43.39 FEET TO THE POINT OF BEGINNING OF A SECOND CURVE, SAID CURVE HAVING A RADIUS OF 240.45 FEET; THENCE WESTERLY, ALONG SAID CURVE FOR AN ARC DISTANCE OF 157.80 FEET, SAID ARC HAVING A CHORD OF 157.80 FEET BEARING SOUTH 55°36'44" WEST TO THE EAST BOUNDARY OF BAY WEST ESTATES UNIT ONE, AS PER PLAT RECORDED IN PLAT BOOK 10, PAGE 50 OF SAID PUBLIC RECORDS AND THE POINT OF TERMINUS, SAID LANDS LYING IN AND BEING A PORTION OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 16, WEST, BAY COUNTY, FLORIDA.

A PORTION OF EAGLE DRIVE TO BE VACATED:
 THAT PORTION OF EAGLE DRIVE (HAVING A 60 FT. RIGHT OF WAY) LYING WEST OF COLONY SUBDIVISION PHASE ONE, AS PER PLAT RECORDED IN PLAT BOOK 13, PAGES 19 AND 20 OF THE PUBLIC RECORDS OF BAY COUNTY, FLORIDA, AND EAST OF BAY WEST ESTATES UNIT ONE, AS PER PLAT RECORDED IN PLAT BOOK 10, PAGE 50 OF SAID PUBLIC RECORDS, SAID RIGHT OF WAY LYING IN AND BEING A PORTION OF SECTION 22, TOWNSHIP 3 SOUTH, RANGE 16, WEST, BAY COUNTY, FLORIDA.



COLONY SUBDIVISION PHASE ONE
 BAY COUNTY — FLORIDA
 SECTION 22, TOWNSHIP 3 SOUTH, RANGE 16 WEST
 MAY: 1978



SCALE: 1" = 100'



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CONTINUOUS MAINTENANCE AND REPAIR LOGS FOR EAGLE DRIVE

Roadway Platted: May 24, 1979 Colony Subdivision Phase One Dedicated to the City the 60' ROW for Eagle Drive as shown on the Plat by Colony Club Developers, LTD signed by Harry Huggins General Partner.

Sanitary sewer construction plans were submitted for a development called Bay West Estates by Wainwright Engineering Company Consulting Engineers 7/23/1969.

Potable Water and revised sanitary sewer construction plans were submitted for a development called Colony Subdivision – Phase 1 by David Hicks and Associates, P.C. Engineers and Surveyors 8/1978.

A lot layout for Colony Club Harbour Estates by Bay Engineering Services, Inc. was submitted 8/1984.

Mowing: Mowing of Eagle Drive rights of way is performed by the City monthly during growing season March – October since the road was constructed.

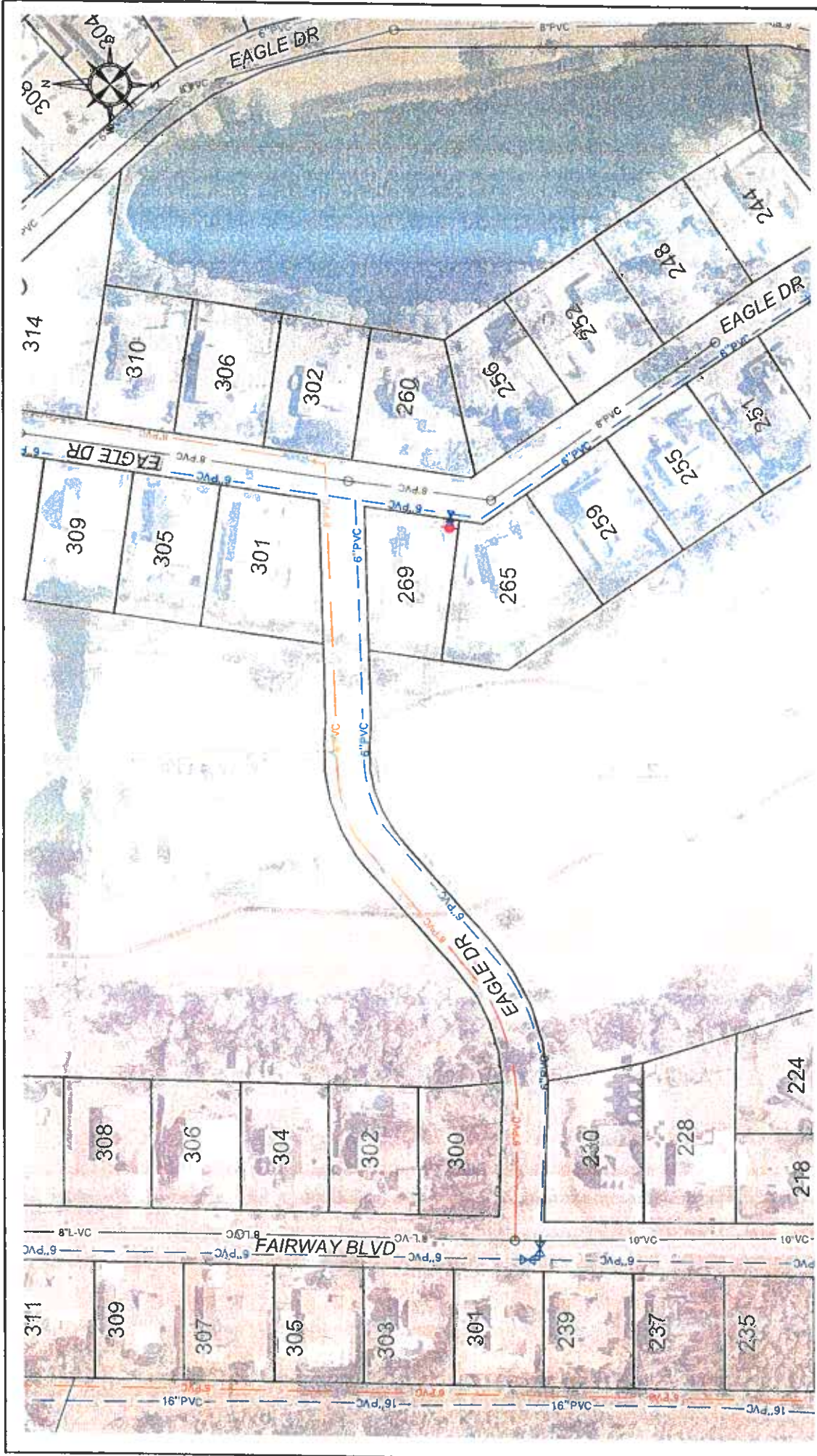
Boom Axing the ROW: Clearing brush and vegetation is performed on the rights of way at vacant lots and for trees that overhang the roadway along Eagle Drive since the road was constructed.

Re-establishing roadside swales: The City's stormwater department regrades existing swales, replaces culverts when damages. As well as has been replacing the metal pipe in drainage easement within Eagle Drive right of way.

Drainage Projects: Numerous drainage projects have been performed along Eagle Drive to help alleviate localized flooding. Inlets between 302 and 260 with an adjoining drainage pipe crossing the road along 301 to have a positive discharge to the ditch was designed 2019 and construction was completed 2020. Inlet and drainage pipe installation within a drainage easement between 264 and 258 was completed in 2018. A concrete flume was added to an inlet box near 301 in 2021. We have a new construction project under design to re-establish a drainage easement swale from 322 to 226 in 2021 and construction completed the same year. We are proceeding to acquire a drainage easement at 373 to replace a metal pipe that is collapsing.

Utilities: Water and sewer (gravity, forcemain, potable water, lift station # 15, etc.) are all owned and maintained by the City and have been since the utilities were installed.

Road Resurfacing: Eagle Drive from Fairway Boulevard to the Eagle Drive Intersection was resurfaced 3/2017. The remainder of Eagle Drive was resurfaced 4/2018.



DATE: 4-19-2021		SHEET NUMBER: 1 OF 1	
SCALE: 1"=100'		EAGLE DRIVE ROW MAINTENANCE EXHIBIT	
DESIGNED BY: K.L.Y.		CITY OF PANAMA CITY BEACH	
DRAWN BY: J.S.S.		PANAMA CITY BEACH, FLORIDA 32413	
CHECKED BY: K.L.Y.		116 SOUTH ARNOLD ROAD	
FILE NO.:			