

**SARASOTA COUNTY**

**PRIVATE ROAD**

**RIGHT OF ENTRY/HOLD**

**HARMLESS AGREEMENT**

**FORM**

For removing debris from HOA  
private roads

<b>ROE No.</b>	<b>PRIVATE CONTRACTOR/FORCE ACCOUNT DEBRIS REMOVAL Florida 2017 Address: PID/Tax ID: Federal/Florida/Tribal Landmark {Y/N}: ____</b>
<b>Homeowner's Association (if applicable):</b>	

**RIGHT OF ENTRY ONTO PRIVATE PROPERTY FOR DEBRIS REMOVAL DISASTER ASSISTANCE (FEMA-DR-4337-FL)**

**Ownership Interest and Grant of Right of Entry for Debris Removal Activities**

The undersigned hereby certifies they/he/she are/is (check):

- \_\_\_\_\_ The owner(s) with authority to grant access to the property at (address) \_\_\_\_\_, or  
 \_\_\_\_\_ The authorized agent of the Property Owner or Homeowner's Association. (Must Provide Documentation Confirming Authorization)

The Property Owner(s)/agent authorize(s) the County of Sarasota, the State of Florida, and the United States of America, their respective agents, successors and assigns, contractors and subcontractors (collectively, the "Governments/Contractors") to have the right of access and to enter the property above specified for purposes of performing debris removal as it is a public health and safety threat to the general public resulting from the declared major disaster (FEMA-DR-4337-FL).

Governments/Contractors will perform the following work:  
 Remove debris from the private property roadway.

**Government Not Obligated; No Expense Except For Insurance Proceeds**

The Property Owner/agent understands that this Right-of-Entry does not obligate the Governments/Contractors to perform debris removal. Governments/Contractors will access the property under this ROE if the work has been determined necessary in accordance with Federal, State, or local regulations. The Property Owner(s) will not be charged for the work conducted by Governments/Contractors. However, if the Property Owner receives insurance proceeds or compensation from other sources for debris removal or demolition, the Property Owner's obligation is set out in the section below, entitled "Avoidance of Duplication of Benefits...."

**Government Indemnified and Held Harmless**

The Property Owner(s)/agent agree(s) to indemnify and hold harmless the Governments/Contractors for any damage of any type whatsoever to the above described property or to personal property and fixtures situated thereon, or for bodily injury or death to persons on the property, and hereby releases, discharges and waives any and all actions, either legal or equitable, which the Property Owner(s) has/have, or ever might or may have, by reason of any action taken by Governments/Contractors to remove debris.

**Avoidance of Duplication of Benefits: Reporting Debris Removal Money Received**

Property Owner/agent has an obligation to file an insurance claim if coverage is available. Property Owner/agent understands and acknowledges that receipt of compensation or reimbursement for performance of the aforementioned activities from any source, including Small Business Administration, private insurance, an individual and family grant program or any other public or private assistance program could constitute a duplication of benefits prohibited by federal law. If the Property Owner/agent receives any compensation from any source for debris removal on this Property, the

Property Owner/agent will report it to the Sarasota County Public Utilities Department at 4000 Knights Trail Rd, Nokomis, FL, 34275, (phone) 941-861-1573.

Release of Insurance Information

If insured, the Property Owner/agent authorizes its insurer, (Company) \_\_\_\_\_, to release information relating to coverage and payments for debris removal activities (Claim # \_\_\_\_\_, Policy # \_\_\_\_\_) to the City/County identified herein and/or to the State of Florida.

If you do not have property insurance or your insurance does not include debris removal coverage, initial here: \_\_\_\_\_

Acknowledgment of Prohibition on Fraud, Intentional Misstatements

The Property Owner/agent understands that an individual who fraudulently or willfully misstates any fact in connection with this agreement may be subject to penalties under state and federal law, including civil penalties, imprisonment for not more than five years, or both, as provided under 18 USC 1001.

Signature(s) and Witnesses Property Owner(s) or Authorized Agent

For the considerations and purposes set forth herein, I/we hereby set my/our hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Privacy Act Statement: The Property Owner/ Owner's Authorized Agent acknowledge(s) that information submitted will be shared with other government agencies, federal and non-federal, and contractors, their subcontractors and employees but solely for purposes of disaster relief management to meet the objectives of this Right-of-Entry. This form is signed to allow access to perform debris removal operations on the above-mentioned property, and to authorize the release of insurance policy/claim information.

Witness 1 (sign) \_\_\_\_\_

Witness 1 (print) \_\_\_\_\_

Witness 2 (sign) \_\_\_\_\_

Witness 2 (print) \_\_\_\_\_

**Property Owner/Authorized Agent**

**Sign** \_\_\_\_\_

**Print** \_\_\_\_\_

Current Address: \_\_\_\_\_

\_\_\_\_\_

Telephone No: \_\_\_\_\_

## How to Complete the Right of Entry Form

**ROE Number:** (Located at the top left side of the form): Leave this section blank.

**Homeowner's Association:** (Located below ROE Number): Write in the name of your HOA. If you are an individual property owner, leave this section blank.

**Address:** (located at the top right side of the form):

If you are an individual property owner on a private road, write in your address on this line.

If you are a HOA: The address needs to identify the roads that the HOA is seeking to clean up. Leaving this section blank is not sufficient. If there is only one road, right in the road name in this section and include a map highlighting the road or portion of the road seeking cleanup. If there are multiple roads, please write in See Attachment, and attach a list of all roads and a map highlighting the roads that the HOA is seeking to clean up.

**PID/Tax ID:**

To find this information I would recommend resources:

Please go to [www.sc-pa.com/propertysearch/](http://www.sc-pa.com/propertysearch/) to search for your PID or Property Record Information #.

If you are an HOA and have more than one PID or Property Record Information # listed under the HOA ownership name, please write in See Attachment, and attach a list of all PID or Property Record Information #. We are not looking for the individual PID or Property Record Information # of individual homeowners within the HOA, we are looking for the PID or Property Record Information # for the common areas that include the HOA private roadways. If this information does not exist, write N/A, and include a map of the neighborhood as an exhibit.

**Authorized Agent:**

- HOA: Generally by-laws will give the president of an HOA the authority to act on behalf of the HOAs. Please provide this section of your by-laws, the cover or first page, and the signature page along with something (example: meeting minutes) that shows that you are the elected president.

Some HOAs are registered with Sunbiz.org. If the signer is listed as the Registered Agent, a copy of this will work as well. You can search here

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

- Management Companies: Please include your management contract if it includes language that indicates that you have the authority to act on behalf of the HOA. If this is not available, a submit HOA resolution granting you authority, signed by the HOA president or board.

Some Management Companies are listed as the registered agent for the HOA with Sunbiz.org. If the signer is listed as the Registered Agent, a copy of this will work as well.

You can search here <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

- Trusts, Co-Trust, Living Trusts, etc.: Please include documentation that the signer is authorized to sign on behalf of the trust.

### **Release of Insurance**

Property owners and HOAs/private communities have an obligation to file an insurance claim if debris removal coverage is available. If your insurance covers debris removal, please include information in this section. If your insurance does not include debris removal or you do not have property insurance, leave this section blank, and initial below.

### **Signature(s) and Witnesses Property Owner(s) or Authorized Agent**

Please remember to date and sign the form, along with two witnesses. The witnesses can be anyone (i.e. neighbor, friend, family member, co-worker, etc.)

### **How to Submit the Completed Form**

**Email:** [ROE@scgov.net](mailto:ROE@scgov.net)

**Fax:** 941-486-2620

**Mail:** Sarasota County CCSWDC, Attn: Right of Entry, 4000 Knights Trail Rd, Nokomis, FL 34275

**Drop off:** Sarasota County Solid Waste, Front Desk, 4000A Knights Trail Rd, Nokomis, FL 34275

**Questions:** [ROE@scgov.net](mailto:ROE@scgov.net)