

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Agreement for Controlled Burn of Structure Owned by Diana Villanova

DEPARTMENT: Public Safety **DIVISION:** EMS/Fire/Rescue

AUTHORIZED BY: K.M. Roberts **CONTACT:** Leeanna Raw **EXT.** 5002

Agenda Date 11/07/06 Regular <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Work Session <input type="checkbox"/> Briefing <input type="checkbox"/> Public Hearing – 1:30 <input type="checkbox"/> Public Hearing – 7:00 <input type="checkbox"/>

MOTION/RECOMMENDATION:

Approve and authorize Chairman to execute Agreement between Seminole County and Diana Villanova for the EMS/Fire/Rescue to conduct controlled burns of an abandoned structure owned by Diana Villanova.

(Leeanna Raw, Fire Chief)

DISTRICT 2 - MORRIS

BACKGROUND:

Diana Villanova owns acreage in Geneva that has a single family residence that was damaged beyond repair by Hurricane Charlie. The property presently is not occupied and is slated for demolition. The address of the structures is 2421 Bass Boulevard, Geneva, Florida. She has requested that the EMS/Fire/Rescue Division conduct controlled burns of the structure as a means of disposal. Entering into this agreement will not only be for the benefit to Mrs. Villanova, it will also provide a live fire training exercise for firefighters.

Reviewed by:
Co Atty: <u>[Signature]</u>
DFS: _____
Other: <u>KAS</u>
DCM: _____
CM: <u>[Signature]</u>
File No. <u>CPSF01</u>

AGREEMENT

THIS AGREEMENT is made and entered into this 17 day of OCTOBER 2006, by and between **Diana Villanova**, hereinafter referred to as the "OWNER" and **SEMINOLE COUNTY**, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY".

WITNESSETH:

WHEREAS, the COUNTY desires to further the training of its firefighters by conducting training exercises involving the controlled burning of appropriate structures; and

WHEREAS, the OWNER acknowledges the benefits of the controlled burning of an abandoned structures on its property for the enhancement of fire protection services; and

WHEREAS, the OWNER, has requested and the COUNTY has agreed to the controlled burning of the structures located at 2421 Bass Boulevard, Geneva, Seminole County, Florida, hereinafter referred to as the "Structure".

NOW, THEREFORE, in consideration of the mutual promises and covenants contained below, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties do hereby agree as follows:

1. Subject to weather conditions, the COUNTY proposes to conduct a controlled burning of the Structure during the month of November.

2. The OWNER agrees to indemnify the COUNTY from any liability arising out of the lack of the OWNER's authority to have the Structure destroyed and/or the OWNER's lack of clear title to the Structure.

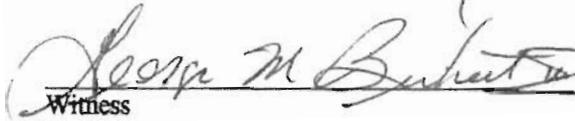
3. Subject to the limitations and allowances of Florida law pertaining to governmental agencies and subdivisions, the COUNTY agrees to hold harmless, defend, and indemnify the OWNER and its affiliates, officers, directors, shareholders, employees, attorneys, and agents from and against any and all claims, demands, actions, liabilities, causes of action, injuries, lawsuits, settlements, judgments, costs and expenses arising out of the burning of the Structure by the COUNTY or any of its employees or agents.

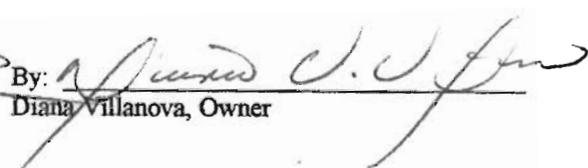
4. The OWNER agrees to comply with all applicable regulations of Seminole County with respect to the removal of debris after the controlled burning of the Structure.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first above written.

(NW)


Witness


Witness

By: 
Diana Villanova, Owner

10/17/2006

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
CARLTON HENLEY, Chairman

Date: _____

For the use and reliance
Of Seminole County only.

Approved as to form and
Legal sufficiency.

As authorized for execution
By the Board of County Commissioners
at their _____, 20__
regular meeting.

County Attorney

controlled burn agt