



**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

To: Board of County Commissioners

From: Robert A. McMillan, County Attorney

Date: December 23, 2005

Subject: Termination of Easement Authorization
Owners: ARCO International, Inc., a Florida Corporation
Parcel No. 714, (Temporary Construction Easement)
Eden Park Avenue Improvement Project

This memorandum requests authorization by the Board of County Commissioners (BCC), for the Chairman to execute a Termination of Easement for Parcel No. 714, a Temporary Construction Easement (TCE). The TCE was only required to demolish and remove an abandoned residential structure for the Eden Park Avenue Improvement Project located on the remainder. The property is located along the east side of Eden Park Avenue, at the intersection of Cub Lake Drive, within unincorporated Seminole County, Florida.

As part of the settlement, the property owner and their attorney requested that the County complete the demolition and removal of the abandoned residential structure before the end of 2005 and terminate the Temporary Construction Easement (TCE) immediately afterwards. The owner believes the continued encumbrance of temporary easement rights on the remainder property will negatively affect the marketability of the remainder. The easement is not required to construct the remaining improvements associated with the project.

County staff recommends that the BCC authorize approval and execution of the Termination of Easement instrument.

RAM/ss

Attachments:
Termination of Easement Instrument (Exhibit A)

THIS INSTRUMENT PREPARED BY:
A. HERBERT SCHWARZ
ASSISTANT COUNTY ATTORNEY
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-5736

ROAD PROJECT: EDEN PARK AVENUE
PARCEL NO: 714
OWNER'S NAME: ARCO INTERNATIONAL, INC, A FLORIDA CORPORATION
PROPERTY APPRAISER'S PARCEL # 17-21-29-5BG-0000-0720

EXHIBIT A

TERMINATION OF EASEMENT

WHEREAS, Arco International, Inc., a Florida Corporation, granted to Seminole County, a political subdivision of the State of Florida, a Temporary Construction Easement for Parcel No. 714 of the Eden Park Avenue road project, dated July 26, 2005, and recorded on August 4, 2005, in Book 5841, Pages 1393-1395, of Seminole County, Florida, which said easement contains the following provisions and legal description:

See Attached Exhibit "A".

WHEREAS, the easement is no longer needed for the purposes set forth in said Temporary Construction Easement as said purposes have been completed.

NOW, THEREFORE, this is to certify that the easement granted in the July 26, 2005, Temporary Construction Easement instrument is no longer needed, is not intended to be used by Seminole County in the future, and that the easement has ceased and terminated.

IN WITNESS WHEREOF, Seminole County, by the Chairman of its Board of County Commissioners, has executed this instrument on this ____ day of ____, 20__.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**

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

By: _____
CARLTON D. HENLEY, CHAIRMAN

Date: _____

For the use and reliance of
Seminole County only. Ap-
proved as to form and legal
sufficiency.

As authorized for execution by the Board
of County Commissioners at its _____,
200__, regular meeting.

County Attorney
AS/dre
12/15/05

EXHIBIT A

MARYAN JORSE, CLERK OF CIRCUIT COURT
SEMINOLE COUNTY Parcel No(s): 1714
Owner(s) Name: ARCO INTERNATIONAL, INC. File No: 17-21-29-5BG-0000-0720
CLERK'S # 2005132003
RECORDED 08/04/2005 10:40:04 AM
RECORDING FEES 27.00
RECORDED BY L Woodley

Eden Park Avenue Project
Seminole County, Florida

This Document Prepared By:
Denee T. VanDyke
American Acquisition Title, Inc.
5600 W. Mariner St., Ste. 104
Tampa, FL 33609

TEMPORARY CONSTRUCTION EASEMENT

THIS AGREEMENT is made and entered into this 26th day of July, 2005, between ARCO INTERNATIONAL, INC., a Florida corporation, whose address is 5401 South Kirkman Road, Suite 310, Orlando, FL 32819, hereinafter referred to as GRANTOR, and SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as GRANTEE.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00), and other valuable considerations paid, receipt of which is hereby acknowledged, does hereby grant unto the GRANTEE permission, to be exercised during the period of construction, to enter upon the following described lands:

Property Appraiser's Parcel # 17-21-29-5BG-0000-0720

Further Described in the Attached Exhibit " A " .

for the purpose of tying in and harmonizing said property thereon with the construction to be undertaken by the County on the Bunnell Road/Eden Park Avenue Road Projects, and for the purposes of utilizing said property for all other purposes that the GRANTEE deems or may subsequently deem necessary or desirable during the course of the road construction project.

THIS EASEMENT is granted upon the condition that the sloping and/or grading upon the above land shall not extend beyond the limits outlined above, and that all grading or sloping shall conform to all existing structural improvements within the limits designated. Additionally, as to tying in, harmonizing, construction and all other uses to which the property is put by the COUNTY, as the completion of work provided herein, the easement area will be restored by the GRANTEE, to the conditions prior to this easement, except for any improvements that may be constructed by the COUNTY in connection with the use of this easement.

THIS EASEMENT shall expire upon completion of this transportation project, but not later than five (5) years from the execution by the GRANTOR; provided, however, that the GRANTEE covenants that existing structures and drainage flow ways and patterns will not be altered or impeded by the GRANTEE in any way.

GRANTOR covenants that GRANTOR is lawfully seized and possessed of the real estate above described and has the right to convey this easement. GRANTOR agrees to further assure the COUNTY if necessary.

IN WITNESS WHEREOF, the GRANTOR has hereunto set GRANTOR'S hand and seal the day and year first above written.

WITNESSES:

ARCO INTERNATIONAL, INC.,
as GRANTOR:

Shirley Berrie
Signature

SHIRLEY BERRIE
Print Name

[Signature]

By: Gustavo Cartagena, as President
Address: 5401 S. Kirkman Rd, Ste. 310
Orlando, FL 32819

[Signature]
Signature

Deneé T. VanDyke
Print Name

Name: _____
Address: _____

STATE OF Florida)
COUNTY OF Seminole)

The foregoing instrument was acknowledged before me this 26th day of July, 2005, by Gustavo Cartagena the President, of ARCO International, Inc. who is personally known to me or who has produced passport as identification.



DENEÉ T. VAN DYKE
MY COMMISSION # DD 104641
EXPIRES April 20, 2008
Reduced Third Budget Notary Services

[Signature]
NOTARY PUBLIC

Print Name: Deneé T. VanDyke
Notary Public in and for the County and State
Aforementioned
My Commission Expires:

EXHIBIT A

Eden Park Avenue
Right of Way Parcel number 714
Temporary Construction Easement

ID# 17-21-29-5BG-0000-075C
-0720

That portion of:

the following described parcel as recorded in Official Records Book 3188, page 471, subject to Right of Way deeds and agreements as shown in the plat of MCNEIL'S ORANGE VILLA as recorded in Plat Book 2, Pages 99 through 101 and Quit Claim deed as recorded in Deed Book 46, Page 192 of the Public Records of Seminole County, Florida,

A tract of land in that part of Lots 72 and 75 West of the A.C.L. Railroad, according to the plat of MCNEIL'S ORANGE VILLA, as recorded in Plat Book 2, Pages 99 through 101, Public Records of Seminole County, Florida, and being more specifically described as follows: Commence at the Southwest corner of Lot 40 of ORANGE VILLA HEIGHTS as recorded in Plat Book 12, page 22, Public Records of Seminole County, Florida, thence run West, along the Westerly extension of the south boundary of the said ORANGE VILLA HEIGHTS a distance of 8.00 feet to an intersection with the Easterly Right of Way of Eden Park Avenue; thence run S 00°28'47" E along the said Easterly Right of Way of Eden Park Avenue, a distance of 185.00 feet to the Point of Beginning, thence continuing S 00°28'47" E along said Easterly Right of Way of Eden Park Avenue, a distance of 413.38 feet; thence run East parallel with the South line of ORANGE VILLA HEIGHTS a distance of 305.71 feet to an intersection with the Northwesterly Right of Way of the A.C.L. Railroad; thence run N 46°45'00" E along the said Northwesterly Right of Way of the A.C.L. Railroad a distance of 587.46 feet; thence run N 00°28'47" W parallel with said Eden Park Avenue a distance of 10.85 feet; thence run West, parallel with the said South boundary of ORANGE VILLA HEIGHTS a distance of 736.97 feet to the Point of Beginning, said tract lying in Section 20, Township 21 South, Range 29 East, Seminole County, Florida. (Bearings based on an assumed bearing of West on the South line of ORANGE VILLA HEIGHTS).

Being more particularly described as follows:

Commence at the Southwest corner of Lot 40 of ORANGE VILLA HEIGHTS as recorded in Plat Book 12, page 22, Public Records of Seminole County, Florida, thence run N 89°33'50" W, along the Westerly extension of the south boundary of the said ORANGE VILLA HEIGHTS a distance of 8.05 feet to an intersection with the Easterly Right of Way of Eden Park Avenue; thence run S 00°00'26" E along the said Easterly Right of Way of Eden Park Avenue, a distance of 185.00 feet; thence continue S 00°00'26" E along the said Easterly Right of Way of Eden Park Avenue, a distance of 174.16 feet to the intersection with the North line of Lot 75, MCNEIL'S ORANGE VILLA, according to the plat thereof as recorded in Plat Book 2, Pages 99 through 101, Public Records of Seminole County, Florida; thence run S 89°34'48" E along said North line of Lot 75, a distance of 68.20 feet to the Point of Beginning; thence leaving said North line of Lot 75 run N 00°13'10" E, a distance of 60.56 feet; thence run S 87°56'56" E, a distance of 100.05 feet; thence run S 00°09'46" W, a distance of 57.71 feet to said North line of Lot 75; thence run N 89°34'48" W along said North line of Lot 75, a distance of 100.05 feet to the Point of Beginning. Containing 5915 square feet more or less.

The sketch for this description is shown on sheets 7 of 10 of the Seminole County, Eden Park Avenue Right of Way Map, work project number PS-569-30/BTC
THIS SKETCH IS NOT A SURVEY.

I hereby certify that this legal description is true, accurate and complete to the best of my knowledge and is in compliance with the minimum technical standards as set forth in chapter 61g17-6 of the Florida Administrative code.

Daniel A. Groves

7-14-03

Daniel A. Groves

signature date

Florida Professional Surveyor and Mapper no. 4625

METRIC ENGINEERING INC. 2269 Lee Road, Suite 101, Winter Park, Florida 32789

EXHIBIT NUMBER