

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** SECOND AMENDED AND RESTATED RESOLUTION OF NECESSITY  
RELATING TO EAST LAKE MARY BOULEVARD, SEGMENT II  
(from Airport Entrance Road to State Road 46 / State Road 415)

**DEPARTMENT:** PUBLIC WORKS      **DIVISION:** ENGINEERING

**AUTHORIZED BY:** *W. Gary Johnson*      **CONTACT:** Kathleen Myer, P.E.      **EXT.** 5664  
*W. Gary Johnson, P.E., Director*      Jerry McCollum, P.E.

**Agenda Date** 02-11-03    **Regular**     **Consent**     **Work Session**     **Briefing**   
**Public Hearing – 1:30**       **Public Hearing – 7:00**

**MOTION/RECOMMENDATION:**

Adopt and authorize the Chairman to execute the Second Amended and Restated Resolution of Necessity relating to East Lake Mary Boulevard, Segment II, Road Improvement Project (from Airport Entrance Road to State Road 46 / State Road 415).

**BACKGROUND**

On September 10, 1996, the Board of County Commissioners approved and adopted Resolution Number 96-R188 relating to the East Lake Mary Boulevard, Segment II, road improvement project. Several design modifications have occurred causing changes in the legal descriptions contained in Resolution Number 96-R188. To update all necessary legal descriptions for the East Lake Mary Boulevard, Segment II road improvement project acquisition, all legal descriptions contained in Resolution Number 96-R-188 are deleted (except for Parcel No. 123, currently in litigation, and Parcel Nos. 200A-C-800, which have already been acquired through early acquisition) and substituted with the legal descriptions contained in this resolution.

(District 5 - Commissioner McLain)

**Attachment:** Resolution  
Exhibit "A" consists of 135 legal descriptions of property. These documents are available for review in the County Manager's Office.

**Reviewed by:**  
**Co Atty:** *EW*  
**DFS:** \_\_\_\_\_  
**Other:** \_\_\_\_\_  
**DCM:** *[Signature]*  
**CM:** *[Signature]*  
**File No.** CPWE01

**SECOND AMENDED AND RESTATED RESOLUTION  
(EAST LAKE MARY BOULEVARD SEGMENT II formerly known  
Silver Lake Drive Segment II)**

**THE FOLLOWING RESOLUTION WAS ADOPTED BY THE  
BOARD OF COUNTY COMMISSIONERS OF SEMINOLE  
COUNTY, FLORIDA, AT ITS REGULARLY SCHEDULED  
MEETING OF \_\_\_\_\_, 2003.**

**WHEREAS**, on September 10, 1996, the Board of County Commissioners approved and adopted Resolution Number 96-R-188 relating to the East Lake Mary Boulevard Segment II road improvement project; and

**WHEREAS**, since that Resolution was adopted the project has been substantially redesigned, causing many of the legal descriptions contained in Resolution Number 96-R-188 to change; and

**WHEREAS**, so that all correct legal descriptions necessary to be acquired for the East Lake Mary Boulevard, Segment II, road improvement project are contained in one resolution, all legal descriptions contained in Resolution Number 96-R-188 are deleted (except for Parcel No. 123, currently in litigation, and Parcel Nos. 200A-C/800 which have already been acquired through early acquisition) and the legal descriptions contained in this resolution are substituted therefore; and

**WHEREAS**, East Lake Mary Boulevard Phase II-B (from Airport Entrance to S.R. 46/S.R. 415) is a new proposed arterial roadway, which is an extension of the existing East Lake Mary Boulevard, in the County Road System through a rapidly developing area; and

**WHEREAS**, Seminole County has heretofore caused the new roadway's area of construction to be located and surveyed and has caused a right-of-way map for the

section of **East Lake Mary Boulevard** hereinabove described to be prepared, based upon and incorporating the survey and location data; and

**WHEREAS**, descriptions of the properties needed for the new roadway and improvement of its drainage system and other appurtenant systems have been prepared based upon the aforementioned survey and location data and the right-of-way map; and

**WHEREAS**, the construction of East Lake Mary Boulevard, Segment II B is in accordance with the goals, policies and objectives of the Seminole County comprehensive plan, as well as the comprehensive plan for the City of Sanford, and is necessary to support the future land uses planned for this area.

**WHEREAS**, it is necessary, beneficial and desirable that vehicular traffic within any transportation facility in developed or developing areas of the County have an adequate right-of-way to accommodate the roadway and its appurtenant facilities to decrease the likelihood of accidents and to increase the safety of travel within and upon such facilities; and

**WHEREAS**, the elimination of safety hazards in existing and future transportation facilities within Seminole County is of utmost concern and encourages the full utilization of such facilities by the traveling public; and

**WHEREAS**, the Board of County Commissioners of Seminole County desires to utilize the provisions of Florida law to the fullest extent possible in order to accomplish the public purpose of acquiring necessary parcels of real property at prices that are both fair to property owners and prudent in terms of spending the tax revenues and other public funds which fund the transportation projects of the County.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

**Section 1.** That the above recitals are adopted as findings and incorporated into the text of this Resolution.

**Section 2.** The constitutional home rule powers of Seminole County, the *Florida Transportation Code (Chapters 334-339* and other provisions of the Florida Statutes as established in *Section 334.01, Florida Statutes*) and other applicable law including, but not limited to, *Chapter 125, Florida Statutes*, invests authority over the County road system of Seminole County in the County; and

**Section 3.** The Board of County Commissioners of Seminole County desires to accomplish and implement sound transportation planning and provide a sound transportation system in Seminole County for the benefit of the citizens of Seminole County.

**Section 4.** That the proposed new roadway extension has undergone a substantial redesign and the legal descriptions attached as Exhibit "A" represent all property necessary to construct this project in accordance with the redesign.

**Section 5.** That it is necessary, serves a County and public purpose, and is in the best interest of the citizens of Seminole County and the traveling public to construct the road and appurtenant drainage facilities on or relating to East Lake Mary Boulevard Segment II in order to enhance public transportation within Seminole County, to alleviate traffic congestion and to increase the safety of travel along said extension.

**Section 6.** That the acquisition of the property described in Exhibit "A" attached hereto consisting of East Lake Mary Boulevard Segment II pages and identified as Exhibit Number 000001-000135, be and the same is hereby ratified and confirmed and found to be necessary for said improvements to the extent of the estate or interest set forth as a part of each parcel's description. The Board of County Commissioners of Seminole

County hereby finds and determines that the acquisition of the parcels contained in Exhibit "A" is necessary and serves a County and public purpose.

**Section 7.** That the County Attorney's Office is hereby authorized and directed to institute a suit or suits in the name of Seminole County and fully exercise Seminole County's power of eminent domain for the purpose of acquiring the parcels described in Exhibit "A" attached hereto to the extent of the estate or interest set forth as a part of each parcel's description and is further authorized and directed to do all things necessary to prosecute such suit or suits to final judgment by settlement or adjudication. In pursuit of such authorization and direction, the County Attorney's Office is specifically authorized to sign and file a Declaration of Taking so that Seminole County may avail itself of the provisions of *Chapter 74, Florida Statutes*, and is further authorized to accomplish the acquisition of each parcel by settlement and compromise at such terms that it may deem advisable under the circumstances of the litigation in those instances where same can be effected in accordance with the terms, conditions and limitations if any are established from time to time by the Board of County Commissioners of Seminole County. The County Attorney's Office is authorized and directed to utilize and assert any and all constitutional and statutory authority of Seminole County and the Board of County Commissioners of Seminole County relative to the acquisition of the subject parcels including, but not limited to, the provisions of *Chapters 73, 74, 127 and 332, Florida Statutes*, as well as the provisions of the *Florida Transportation Code* referred to in the recitals to this Resolution. As to any parcel which is a total taking, if any, it is hereby found that such actions are for a public purpose and are necessary and desirable in order to accomplish the prudent expenditure of public funds.

**Section 8.** Prior to the institution of any suits filed by the County Attorney's Office, the County Attorney or his designee is authorized to negotiate for the purchase and sale of any of the property described in Exhibit "A" at a value consistent with the authority granted by the Board of County Commissioners of Seminole County and to bring back for execution by the Chairman or, in his absence, the Vice Chairman, without further Board action, the Agreement to consummate the sale to Seminole County or to bring offers from owners in excess of the authority granted to the Board of County Commissioners of Seminole County.

**ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2003.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

By: \_\_\_\_\_  
DARYL G. McLAIN, Chairman

Date: \_\_\_\_\_

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

As authorized for execution by the Board  
of County Commissioners at its \_\_\_\_\_,  
2003, regular meeting

\_\_\_\_\_  
County Attorney

LMV/sb  
01/10/03  
Attachment  
Exhibit "A" - Property Descriptions 000001-000135

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