

MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *ML*

FROM: Henry M. Brown, Assistant County Attorney *HMB*

DATE: February 6, 2004

RE: Easement Holder: City of Sanford  
 Airport Boulevard Phase III - Parcel No. 107A

*Seminole County v. 7-Eleven, Inc., et al.*  
 Case No. 02-CA-1200-13-K  
 Parcel No. 106

*Seminole County v. Lewis E. White, et al.*  
 Case No. 02-CA-2679-13-W  
 Parcel Nos. 108 and 109

---

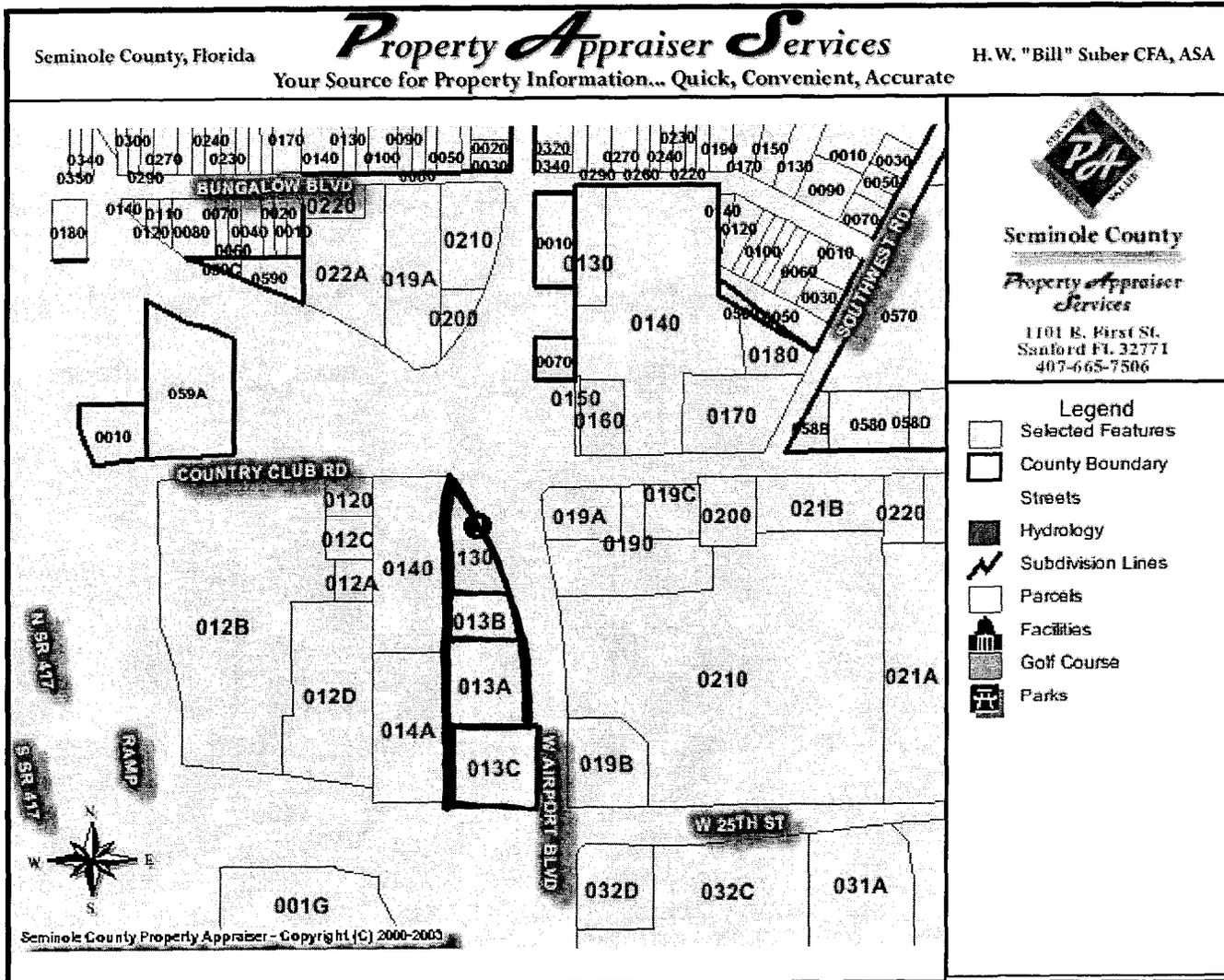
This Memorandum requests approval by the Board of County Commissioners (BCC) and execution by the Chairman of a Subordination Of Utility Interests agreement with respect to the easement interests of the City of Sanford ("the CITY") in property that was previously acquired or will be acquired in fee by Seminole County. The County acquired Parcel Nos. 107A, 108 and 109 and will acquire Parcel No. 106, all partial acquisitions in fee, from the frontage of Airport Boulevard in which the CITY has a easement for water lines. Please see location map attached as Exhibit A.

The BCC adopted Resolution Nos. 01-R-30 (CR 46A Phase III), and 01-R-108 (Airport Blvd. Phase III), on February 13, 2001, and June 26, 2001, respectively, authorizing the acquisition of parcels involved with CR 46A Phase III and Airport Blvd., Phase III, and finding that these projects are necessary and serve a public purpose and are in the best interests of the citizens of Seminole County.

The CITY has signed and tendered a recordable instrument, entitled Subordination of Utility Interests, prepared by the County Attorney's Office, a copy of which is attached as Exhibit B. County staff asks that the BCC accept this Subordination of Utility Interests for filing in the land records.

The easements for water lines allowed the CITY to provide water services and entry to the property for maintenance of the water lines. The CITY has agreed to provide the subordination of its easement interests without charge for the subordination itself. However, City water lines will be relocated at an estimated cost of \$59,000.00, the actual construction unit cost to be reimbursed by the County after completion and construction. This will also settle the CITY's involvement in the above-referenced litigation.

HMB\dre  
 Exhibit A - Location Map  
 Exhibit B - Copy of Subordination Agreement



**SUBORDINATION OF UTILITY INTERESTS**

**THIS AGREEMENT**, entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, by and between **THE CITY OF SANFORD**, a Florida municipal corporation, whose address is 300 North Park Avenue, Sanford, Florida 32771, hereinafter referred to as "CITY," 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 the "COUNTY."

**WITNESSETH:**

**WHEREAS**, the CITY presently has an interest in certain lands that have been determined necessary for use as right-of-way for additional traffic lanes and improved drainage facilities on Airport Boulevard, Phase III; and

**WHEREAS**, the proposed use of these lands for use as right-of-way for additional traffic lanes and improved drainage facilities purposes on Airport Boulevard, Phase III, will require subordination of the interest claimed in such lands by the CITY to the COUNTY; and

**WHEREAS**, the COUNTY is willing to pay to have the CITY's facilities relocated, if necessary, to prevent conflict between the facilities so that the benefits of each may be retained,

**NOW, THEREFORE**, in consideration of the mutual covenants and promises of the parties hereto, the CITY and the COUNTY agree as follows:

**THE CITY** subordinates any and all of its interest in the lands described as follows:

**AIRPORT BOULEVARD PHASE III**

**PARCEL NO. 106**

**FEE SIMPLE**

(See, legal description attached Composite Exhibit 1)

Parcel I.D. No. 34-19-30-300-013C-0000

**PARCEL NO. 107A**

**FEE SIMPLE**

(See, legal description attached Composite Exhibit 1)

Parcel I.D. No. 34-19-30-300-013A-0000

**PARCEL NO. 108**

**FEE SIMPLE**

See, legal description attached as Composite Exhibit 1

Parcel I.D. No 34-19-30-300-013B-0000

**and**

**PARCEL NO. 109**

**FEE SIMPLE**

See, legal description attached as Composite Exhibit 1

Parcel I.D. No. 34-19-30-300-0130-0000

to the interest of the COUNTY, its successors, or assigns, for the purpose of constructing, improving, maintaining and operating a road, including drainage facilities, over, through, upon, and/or across such lands, including, but not limited to, the claim of interest based on the following:

NATURE OF ENCUMBRANCE	DATE	FROM OR AGAINST	IN FAVOR OF	RECORDED BOOK/PAGE
Easement For Water Lines	July 20, 1984	Thomas F. Yandell and Bee Jay Yandell	City of Sanford	Book 1571, Page 1669, Parcel Nos. 106, and 107A,
Easement for Water Lines	July 20, 1984	Johnny Walker as Trustee	City of Sanford	Book 1571, Page 1568, Parcel Nos. 108, and 109

**PROVIDED** that the CITY has the following rights:

1. The CITY shall have the right to construct, operate, maintain, remove, and relocate facilities on, within, and upon the lands described herein. Any new construction or relocation of facilities within the lands will be subject to prior approval by the COUNTY's Engineer.
2. The CITY shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the COUNTY's facilities.
3. The CITY agrees to repair any damage to COUNTY facilities resulting from the CITY exercising its rights outlined in Paragraphs 1 and 2 above.
4. Should the COUNTY require the CITY to alter, adjust, or relocate its facilities located within said lands, the COUNTY hereby agrees to pay the cost of such

alteration, adjustment or relocation. The estimated cost to relocate the CITY's water lines is FIFTY-NINE THOUSAND AND NO/100 DOLLARS (\$59,000.00). The COUNTY shall, upon written notification from the CITY at the completion of construction, reimburse the CITY the actual costs for the CITY to relocate the water lines based upon unit prices and final construction quantities.

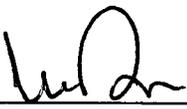
**ATTEST:**

**CITY OF SANFORD**

  
\_\_\_\_\_  
JANET R. DOUGHERTY  
City Clerk

By:   
\_\_\_\_\_  
BRADY LESSARD, MAYOR

Approved as to form and  
Legal sufficiency.

  
\_\_\_\_\_  
City Attorney

**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 of  
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

HMB\sb  
12\17\03

P:\USERS\CASB01\MY DOCUMENTS\AGT\CITY OF SANFORD SUBORDINATION OF UTILITY INTERESTS AIR III 108 109.DOC

6115 1354

000001

RIGHT-OF-WAY FEE  
PROJECT: Airport Blvd., Phase III  
OWNER: The Southland Corporation

SEMINOLE CO., FL

R/W PARCEL NO.: 106  
TAX ID. NO.: 34-19-30-300-013C-0000  
CONSULTANT: Southeastern Surveying & Mapping Corp.  
FIDELITY FILE NO.: 95.03210

A part of the property described in Official Records Book 1590, Page 1133 as recorded in the Public Records of Seminole County, Florida, being that portion of Sections 34 & 35, Township 19 South, Range 30 East

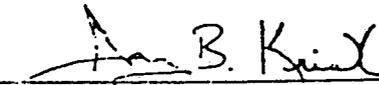
described as follows:

BEGINNING at the Southeast corner of Section 34, Township 19 South, Range 30 East, thence run North 89°59'01" West a distance of 164.31 feet along the existing North right of way line of County Road 46A; thence North 00°29'19" West a distance of 9.98 feet; thence South 89°59'18" East to the beginning of a curve, concave to the Northwest, having a radius of 50.00 feet, a central angle of 90°13'55", and a chord distance of 70.85 feet that bears North 44°53'44" East; thence East along the arc of said curve 78.74 feet to the end of said curve; thence North 00°13'13" West a distance of 139.83 feet; thence South 89°54'13" East a distance of 22.60 feet to the existing West right of way line of Airport Boulevard; thence South 00°13'13" East along said West right of way line a distance of 200.00 feet to the South line of the Southwest quarter of Section 35, Township 19 South, Range 30 East; thence South 89°54'13" West along the South line of said Section 35, a distance of 35.87 feet to the POINT OF BEGINNING.  
Containing 6,835 square feet, more or less.

Subject to a 10 foot easement in favor of City of Sanford, dated July 20, 1984 and filed August 15, 1984 in Official Records Book 1571, Page 1569 of Seminole County, Florida.

The sketch for this description is shown on sheet 5 of 28 on the right-of-way maps for Airport Blvd., Phase III.

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 Florida Administrative Code.

 2/23/01  
Date

Gary B. Krick  
Florida Registered Land Surveyor #4245  
NOT VALID WITHOUT SURVEYOR'S EMBOSSED SEAL

Southeastern Surveying & Mapping Corp.  
324 North Orlando Avenue  
Maitland, Florida 32751-4702  
407-647-8898

COMPOSITE EXHIBIT 1

EXHIBIT "A"

RIGHT-OF-WAY FEE  
PROJECT: Airport Blvd., Phase III  
OWNER: H. Richard Joyce and David Redwine

113 1366  
SEMINOLE CO., FL

000003

R/W PARCEL NO.: 107  
TAX I.D. NO.: 34-19-30-300-013A-0000  
CONSULTANT: Southeastern Surveying & Mapping Corp.  
FIDELITY FILE NO.: 95.03210

A part of the property described in Official Records Book 4596, Page 4520 as recorded in the Public Records of Seminole County, Florida, being that portion of Sections 34 and 35, Township 19 South, Range 30 East

described as follows:

Part A

Commencing at the Southwest corner of Section 35, Township 19 South, Range 30 East, Seminole County, Florida run North 89°54'13" East 35.87 feet along the South line of the Southwest 1/4 of said Section 35 to a point on the existing West Right-of-Way line of Airport Blvd.; thence North 00°13'13" West 200.00 feet along said existing Westerly Right-of-Way line to the POINT OF BEGINNING; thence South 89°54'13" West a distance of 30.59 feet; thence North 00°13'13" West a distance of 40.27 feet; to the beginning of a curve concave to the West, having a radius of 941.45 feet, a central angle of 09°55'31", and a chord of 162.88 feet that bears North 05°10'56" West; thence North along the arc of said curve 163.09 feet to the end of said curve; thence South 89°59'01" East a distance of 6.92 feet along the South line of the North 110.00 feet of the South 512.50 feet of the Southeast 1/4 of Section 34, Township 19 South, Range 30 East to a point of the East line of the Southeast 1/4 of said Section 34; thence North 89°54'13" East 23.67 feet along the North line of the South 402.50 feet of said Section 35, to a point on the existing West Right-of-Way line of Airport Blvd. and the beginning of a curve concave to the West, having a radius of 1105.92 feet, a central angle of 09°09'21", and a chord of 176.54 feet that bears South 04°47'53" East; thence South along the arc of said curve and said existing Westerly Right-of-Way line 176.72 feet to the end of said curve; thence South 00°13'13" East a distance of 26.56 feet along said existing Westerly Right-of-Way line to the POINT OF BEGINNING.  
Containing 6130 square feet, more or less.

AND

Part B

Commencing at the Southeast corner of Section 34, Township 19 South, Range 30 East; thence North 89°59'01" West along the North Right-of-Way line of County Road 46A a distance of 164.31 feet to the POINT OF BEGINNING; thence continue North 89°59'01" West along said North Right-of-Way, a distance of 198.71 feet; thence North 00°22'21" West, a distance of 13.97 feet, thence South 89°59'18" East, a distance of 198.78 feet; thence South 00°29'19" East, a distance of 13.98 feet to the POINT OF BEGINNING.  
Containing 2776 square feet, more or less.

The sketch for this description is shown on sheets 5 and 22 of 28 on the right-of-way maps for Airport Blvd., Phase III.

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 Florida Administrative Code.

Gary B. Knick 2/23/01  
Date  
Gary B. Knick  
Florida Registered Land Surveyor #4245  
NOT VALID WITHOUT SURVEYOR'S EMBOSSED SEAL

Southeastern Surveying & Mapping Corp.  
324 North Orlando Avenue  
Maitland, Florida 32751-4702  
407-647-8898

RIGHT-OF-WAY FEE  
PROJECT: Airport Phase III  
OWNER: Lewis Edward White, W. Garnett White and Paulette White

R/W PARCEL NO.: 108  
TAX I.D. NO.: 34-19-30-300-013B-0000

A part of the property described in Official Records Book 2432, Page 1478 as recorded in the Public Records of Seminole County, Florida, being that portion of Sections 34 and 35, Township 19 South, Range 30 East

described as follows:

Commencing at the Southeast corner of Section 34, Township 19 South, Range 30 East, Seminole County, Florida run North  $00^{\circ}29'19''$  West 402.52 feet along the East line of the Southeast 1/4 of said Section 34 to the POINT OF BEGINNING; thence North  $89^{\circ}59'01''$  West a distance of 6.92 feet along the South line of the North 110.00 feet of the South 512.50 feet of the Southeast 1/4 of said Section 34 to the beginning of a curve concave to the West, having a radius of 941.45 feet, a central angle of  $06^{\circ}53'31''$ , and a chord of 113.18 feet that bears North  $13^{\circ}35'27''$  West; thence North along the arc of said curve 113.24 feet to the end of said curve; thence South  $89^{\circ}59'01''$  East a distance of 12.49 feet to a point on the existing West Right-of-Way line of Airport Blvd. and the beginning of a curve concave to the East, having a radius of 1205.96 feet, a central angle of  $00^{\circ}06'26''$ , and a chord of 2.26 feet that bears South  $15^{\circ}19'26''$  East; thence South along said West Right-of-Way line and the arc of said curve 2.26 feet to the beginning of a curve, concave to the West, having a radius of 1085.92 feet, a central angle of  $05^{\circ}49'44''$ , and a chord of 110.43 feet that bears South  $12^{\circ}27'46''$  East; thence South along said West Right-of-Way line and the arc of said curve 110.47 feet; thence South  $89^{\circ}54'13''$  West 3.40 feet along the North line of the South 402.50 feet of said Section 35 to the POINT OF BEGINNING.

CONTAINING 1236 square feet, more or less.

Certification date of surveyor March 9, 1998

RIGHT-OF-WAY FEE  
PROJECT: Airport Phase III  
OWNER: Johnny Walker, As Trustee

R/W PARCEL NO.: 109  
TAX I.D. NO.: 34-19-30-300-0130-0000

A part of the property described in Official Records Book 2885, Page 934 as recorded in the Public Records of Seminole County, Florida, being that portion of Sections 34 and 35, Township 19 South, Range 30 East

described as follows:

Commencing at the Southeast corner of Section 34, Township 19 South, Range 30 East, Seminole County, Florida run North 00°29'19" West 512.52 feet along the East line of the Southeast 1/4 of said Section 34 to the POINT OF BEGINNING; thence North 89°59'01" West a distance of 32.58 feet along the South line of the North 312.50 feet of the South 825.00 feet of said Section 34 to the beginning of a curve concave to the Southwest, having a radius of 941.45 feet, a central angle of 20°01'45", and a chord of 327.44 feet that bears North 27°03'05" West; thence North along the arc of said curve 329.11 feet to the end of said curve; thence North 00°29'19" West a distance of 21.81 feet along the West line of the East 179.00 feet of said Section 34; thence South 89°25'10" East a distance of 139.03 feet along the South Right-of-Way line of Country Club Road and the North line of the North 312.50 feet of the South 825.00 feet of said Section 34, per O.R. Book 1892, Page 0625, of Seminole County, Florida to the existing West Right-of-Way line of Airport Blvd. and the beginning of a curve concave to the East, having a radius of 1185.96 feet, a central angle of 15°06'25", and a chord of 311.79 feet that bears South 07°49'26" East; thence South along said existing West Right-of-Way line and the arc of said curve 312.70 feet to the beginning of a curve concave to the West, having a radius of 1105.92 feet, a central angle of 00°10'05", and a chord of 3.25 feet that bears South 15°17'36" East; thence South along said existing West Right-of-Way line and the arc of said curve 3.25 feet; thence South 89°54'13" West 0.65 feet along the South line of the North 312.50 feet of the South 825.00 feet of said Section 35 to the POINT OF BEGINNING.

CONTAINING 0.531 acres, more or less.

Certification date of surveyor March 9, 1998

COMPOSITE EXHIBIT 1