

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Resolution – Quit Claim Deed and Drainage Easement for the Church
Street Paving Project.

DEPARTMENT: Public Works **DIVISION:** Engineering

AUTHORIZED BY: W. Gary Johnson, P.E., Director **CONTACT:** Jerry McCollum, P.E. EXT. 5651

Agenda Date 02/27/07 **Regular** ☐ **Consent** ☒ **Work Session** ☐ **Briefing** ☐
Public Hearing – 1:30 ☐ **Public Hearing – 7:00** ☐

MOTION/RECOMMENDATION:

Approve and authorize the Chairman to execute the Resolution accepting a Quit Claim Deed and a Drainage Easement for property necessary for the Church Street Paving Project (See attached Location Map).

District 1 ~ Commissioner Dallari

(Jerry McCollum, P.E.)

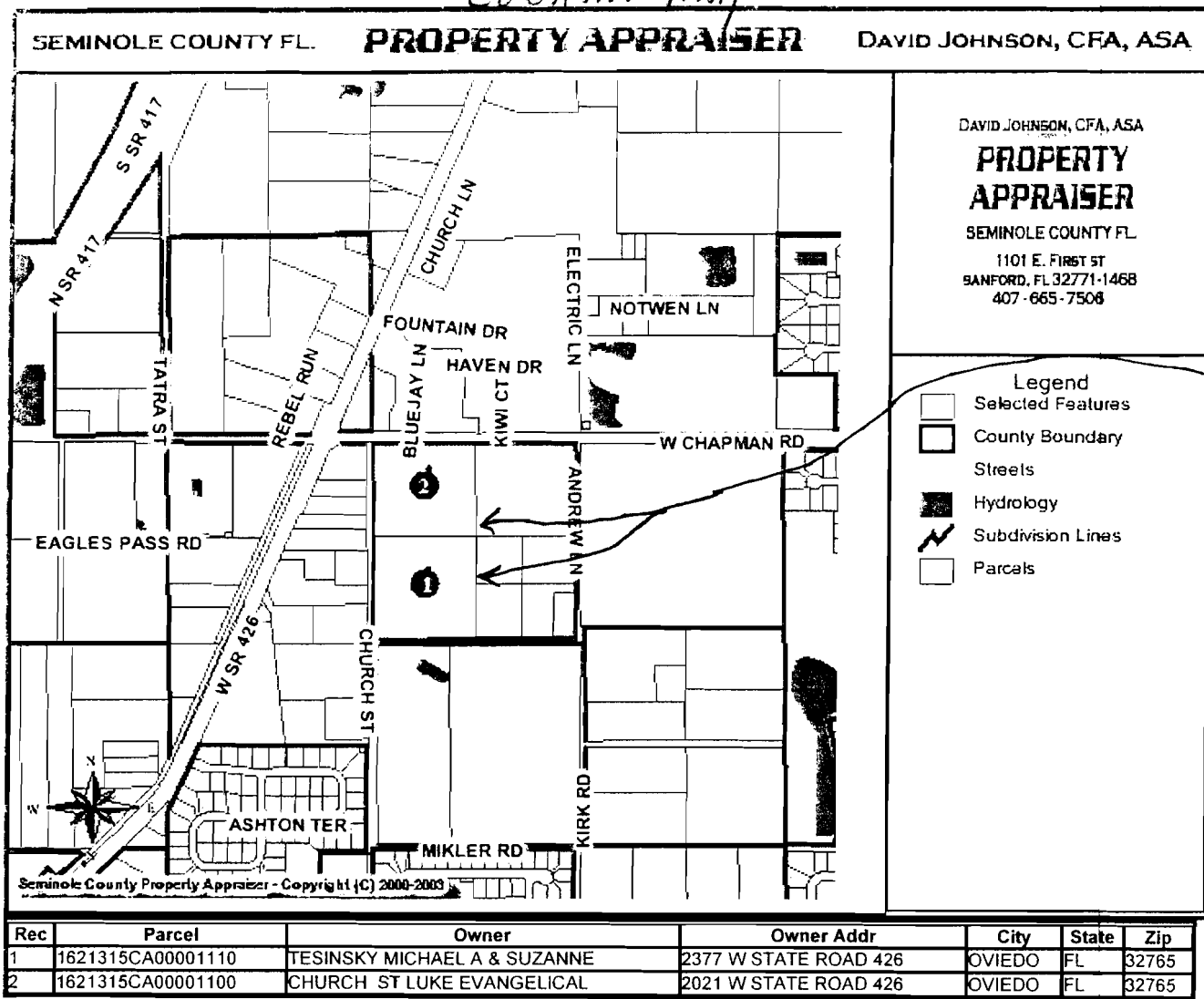
BACKGROUND:

The construction of roadway and drainage improvements to Church Street will require property not currently owned by Seminole County. Michael A. Tesinsky and Suzanne P. Tesinsky, husband and wife; John P. Tesinsky and Marlene E. Tesinsky, husband and wife; and Mary Ann Weisenbarger, as Trustee of the Weisenbarger Family Trust have indicated their willingness to convey to Seminole County, at no cost, the necessary right-of-way and St. Luke's Evangelical Lutheran Church, Inc. of Slavia, Florida has indicated its willingness to convey to Seminole County, at no cost, the necessary drainage easement as evidenced by the attached documents.

Attachments: Location Map
Resolution
Quit Claim Deed
Drainage Easement

2-1-07

Reviewed by:	<u>[Signature]</u>
Co Atty:	<u>[Signature]</u>
DFS:	
Other:	<u>[Signature]</u>
DCM:	<u>[Signature]</u>
CM:	<u>[Signature]</u>
File No.	CPWE01

Location Map

RESOLUTION NO. 2007-R- _____

RESOLUTION

**THE FOLLOWING RESOLUTION WAS ADOPTED AT THE
REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON
THE _____ DAY OF _____, 2007.**

WHEREAS, it has been determined by the Board of County Commissioners of Seminole County that a necessity exists for roadway improvements and drainage protection to Church Street located in Section 29, Township 21 South, Range 31 East, in Seminole County, Florida; and

WHEREAS, the implementation of the needed roadway improvements and drainage protection will require right-of-way and a drainage easement that is not currently owned by the County of Seminole; and

WHEREAS, the Board of County Commissioners of Seminole County authorized a road improvement program to pave certain roads; and

WHEREAS, Michael A. Tesinsky and Suzanne P. Tesinsky, his wife, John P. Tesinsky and Marlene E. Tesinsky, his wife; and Mary Ann Weisenbarger, as Trustee of the Weisenbarger Family Trust dated May 28, 1986, have indicated their willingness to donate to Seminole County the required right-of-way as evidenced by the executed Quit Claim Deed accompanying this resolution; and

WHEREAS, St. Lukes Evangelical Lutheran Church, Inc., of Slavia, Florida has indicated its willingness to donate to Seminole County the required drainage easement as evidenced by the executed Drainage Easement accompanying this resolution; and

WHEREAS, *Section 196.28, Florida Statutes*, provides for and authorizes the Board of County Commissioners to cancel and discharge any and all liens for taxes, delinquent or current, held or owned by the County or State upon lands conveyed to or acquired by the County for road or other public purposes.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Seminole County, Florida, hereby accepts the accompanying Quit Claim Deed and Drainage Easement, by the aforementioned property owners, conveying to Seminole County the land described therein; and

BE IT FURTHER RESOLVED that all ad valorem taxes, either current or delinquent, owed upon and liens upon said lands resulting from said taxes and relating to the lands described in the above referenced Quit Claim Deed are hereby canceled and discharged; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided by the Clerk to the Board of County Commissioners to the Tax Collector for Seminole County and the Property Appraiser for Seminole County; and

BE IT FURTHER RESOLVED that the aforementioned Quit Claim Deed and Drainage Easement be recorded in the Public Records of Seminole County, Florida.

ADOPTED THIS _____ DAY OF _____, 2007.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

Carlton Henley, Chairman

**MARYANNE MORSE, Clerk to the
Board of County Commissioners in
and for Seminole County, Florida.**

Prepared under the direction of:
Charles F. Barcus
Program Manager/Right-of-Way
01-17-2007

This document prepared by:
Neil Newton, R/W-NAC, Senior Coordinator
Seminole County Engineering
520 W. Lake Mary Boulevard, Suite 200
Sanford, Florida 32773

Legal Description Prepared Under
the Direction of:
Steve L. Wessels, P.L.S., County Surveyor
520 W. Lake Mary Boulevard, Suite 200
Sanford, Florida 32773

QUIT CLAIM DEED

THIS QUIT CLAIM DEED is made this 6TH day of AUGUST, 2006, between MICHAEL A. TESINSKY and SUZANNE P. TESINSKY, husband and wife; JOHN P. TESINSKY and MARLENE E. TESINSKY, husband and wife; MARY ANN WEISENBARGER, as Trustee of the WEISENBARGER FAMILY TRUST, dated May 28, 1986, whose address is 2377 West State Road 426, Oviedo, Florida, 32765, hereinafter called the 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 called the GRANTEE.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) and other valuable considerations, to GRANTOR in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the GRANTEE forever, all the right, title, interest, claim and demand which the GRANTOR has in and to the following described lot, piece or parcel of land, situated, lying and being in the County of Seminole, State of Florida, to-wit:

The west 25 feet of the following described property:

Lot 111 of SLAVIA COLONY COMPANY'S SUBDIVISION,
according to the Plat thereof, as recorded in Plat Book 2, page 71,
Public Records of Seminole County, Florida.

Property Appraiser's Parent Parcel Identification No.:
16-21-31-5CA-0000-1110

NOTE: The property described herein is not the homestead of the GRANTOR

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the GRANTOR, either in law or equity, to the proper use, benefit and behoof of the GRANTEE forever.

IN WITNESS WHEREOF, the GRANTOR has hereunto signed and sealed these presents the day and year first above written.

Signed, sealed and delivered
in our presence:

(Sign) *A. M. Romero*
Print Name: ANNA M. ROMERO

Michael A. Tesinsky
Michael A. Tesinsky, GRANTOR

(Sign) *Rafael Romero*
Print Name: RAFAEL ROMERO

(Sign) *A. M. Romero*
Print Name: ANNA M. ROMERO

Suzanne P. Tesinsky
Suzanne P. Tesinsky, GRANTOR

(Sign) *Rafael Romero*
Print Name: RAFAEL ROMERO

STATE OF FLORIDA)
) SS
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 6th day of August, 2006, by MICHAEL A. TESINSKY and SUZANNE P. TESINSKY, husband and wife, who is personally known to me or who has produced _____ as identification and did/did not take an oath.



Anna M Romero
My Commission DD171064
Expires December 11 2006

A. M. Romero
Print Name ANNA M. ROMERO
Notary Public in and for the County
and State Aforementioned
My commission expires December 11, 2006

(Sign) [Signature]
Print Name: ANNA M. ROMERO

[Signature]
John P. Tesinsky, GRANTOR

(Sign) Rafael Romero
Print Name: RAFAEL ROMERO

(Sign) [Signature]
Print Name: ANNA M. ROMERO

[Signature]
Marlene E. Tesinsky, GRANTOR

(Sign) Rafael Romero
Print Name: RAFAEL ROMERO

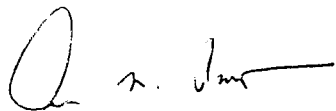
STATE OF FLORIDA)
COUNTY OF SEMINOLE) SS

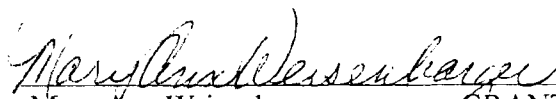
The foregoing instrument was acknowledged before me this 8th day of August, 2006, by JOHN P. TESINSKY and MARLENE E. TESINSKY, husband and wife, who is personally known to me or who has produced _____ as identification and did/did not take an oath.

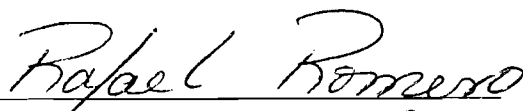


Anna M. Romero
My Commission DD171084
Expires December 11, 2008

[Signature]
Print Name ANNA M. ROMERO
Notary Public in and for the County
and State Aforementioned
My commission expires December 11, 2008

(Sign) 
Print Name: ANNA M. ROMERO


Mary Ann Weisenbarger, GRANTOR
As Trustee

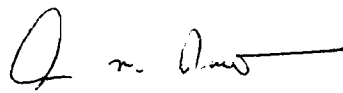
(Sign) 
Print Name: RAFAEL ROMERO

STATE OF FLORIDA)
) SS
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 8th day of August, 2006,
by MARY ANN WEISENBARGER, as Trustee, who is personally known to me or who has
produced _____ as identification and did/did not take an oath.



Anna M Romero
My Commission DD171064
Expires December 11 2006


Print Name ANNA M. ROMERO
Notary Public in and for the County
and State Aforementioned
My commission expires December 11, 2006

This document prepared by:
Neil Newton, R/W-NAC, Project Manager
Seminole County Engineering
520 W. Lake Mary Boulevard, Suite 200
Sanford, Florida 32773

Legal Description Prepared Under
the Direction of:
Steve L. Wessels, P.L.S., County Surveyor
520 W. Lake Mary Boulevard, Suite 200
Sanford, Florida 32773

DRAINAGE EASEMENT

THIS DRAINAGE EASEMENT is made this 4th day of JANUARY, 2007, between ST. LUKE'S EVANGELICAL LUTHERAN CHURCH, INC OF SLAVIA, FLORIDA, a Florida not-for-profit corporation, whose address is 2021 West State Road 426, Oviedo, Florida, 32765, hereinafter referred to as the 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 the GRANTEE. JTN

FOR AND IN CONSIDERATION OF the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, GRANTORS do hereby grant and convey to the GRANTEE, a non-exclusive, perpetual and permanent easement for drainage purposes, with full authority to enter upon, desiltrate, sump, excavate, construct and maintain as the GRANTEE may deem necessary, a drainage system consisting of a shallow swale facility, over, under, upon, and through the following described lands situated in the County of Seminole, State of Florida, to-wit (hereinafter referred to as "Easement Area"):

The west 25 feet of the following described property:

Lot 110 of SLAVIA COLONY COMPANY'S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 2, page 71, Public Records of Seminole County, Florida., LESS the North 10 feet thereof.

Property Appraiser's Parent Parcel Identification No.:
16-21-31-5CA-0000-1100

TO HAVE AND TO HOLD said easement unto said GRANTEE forever.

THE GRANTEE herein and its agents shall have the right to clear, keep clear and remove from said easement area all trees, undergrowth, and other obstructions that may interfere with location, excavation, operation or maintenance of the drainage or any structures installed thereon by the GRANTEE and its agents, and the GRANTORS, their successors and assigns, agree not to build, construct or create, or permit others to build, construct or create any buildings or other structures on said easement area that may interfere with the location, excavation, operation or maintenance of the easement area.

THIS DRAINAGE EASEMENT may be assigned, but only with the advance written consent of the GRANTOR. Any attempt to make an assignment in violation of this provision shall be null and void.

GRANTORS do hereby covenant with the GRANTEE, that they are lawfully seized and possessed of the real estate above described, that they have a good and lawful right to convey the said easement and that it is free from all encumbrances.

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals, the day and year first above written.

WITNESSES:

Signed, Sealed & Delivered in the Presence of:

ST. LUKE'S EVANGELICAL LUTHERAN
CHURCH, INC OF SLAVIA, FLORIDA

(Sign) Patricia Sidlik
Print Name: PATRICIA SIDLIK

By: Jay D. Mack
Jay Mack
President

(Sign) Judith A Cooper
Print Name: JUDITH A COOPER

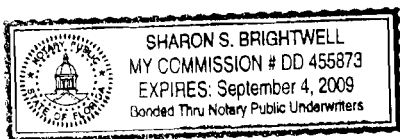
Attested by: Michael P. Mueller
Print Name: MICHAEL P. MUELLER

Print Name: _____

(CORPORATE SEAL)

State of FLORIDA
County of SEMINOLE

The foregoing instrument was acknowledged before me this 4 day of January, 2007, by ST. LUKE'S EVANGELICAL LUTHERAN CHURCH, INC OF SLAVIA, FLORIDA, a Florida not-for-profit corporation, who is personally known to me or who has produced as identification and did/did not take an oath.



Sharon S. Brightwell
Notary Public in and for the County
and State Aforementioned
My commission expires 9/4/09

For the use and reliance of
Seminole County only.
Approved as to form and
Legal Sufficiency.

ALB
County Attorney