



COUNTY ATTORNEY'S OFFICE  
MEMORANDUM

00405

TO: Board of County Commissioners

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

FROM: Lynn Vouis, Assistant County Attorney *LV*

CONCUR: Pam Hastings, Administrative Manager/Public Works Department *PH*  
 Kathleen Myer, Principal Engineer/Major Projects

DATE: February 18, 2003

RE: Property Release and Indemnification Agreement Authorization  
 Lake Emma Road  
 Parcel No.128  
 Owners: Technology Park at Lake Mary Owner's Association, Inc.

This memorandum requests authorization by the Board of County Commissioners (BCC) and execution by the Chairman of a Property Release and Indemnification Agreement and a Subordination Of Utility Interests for Parcel No. 128 on the Lake Emma Road improvement project. The Release is in the amount of \$17,978.00, inclusive of all fees, costs and expenses.

**I THE PROPERTY**

**A. Location Data**

The parent tract was 3.393 acres, the County acquired a 145 square foot corner clip. The property is located at the southwest corner of Lake Emma Road and Technology Park.

- (1) Location Map (Exhibit A);
- (2) Sketch (Exhibit B); and,
- (3) Property Release And Indemnification Agreement (Exhibit C).
- (4) Subordination Of Utility Interests (Exhibit D)

**B. Address**

125 Technology Park, Lake Mary, Florida 32746

**II AUTHORITY TO ACQUIRE**

The BCC adopted First Supplemental and Second Amended Resolution No. 2002-R-56 on April 9, 2002, for the Lake Emma Road improvement project, authorizing the acquisition of the above referenced property, and finding that the construction of the Lake Emma Road improvement project is necessary and serves a county and public purpose and is in the best interest of the citizens of Seminole County.

### **III ACQUISITION/REMAINDER**

The parent tract was 3.393 acres being utilized as an industrial/office park. The property acquisition was a corner clip off the northeast corner with extensive landscaping and the identification sign for the business, in the amount of 145 square feet.

### **IV APPRAISED VALUES**

The County's appraised value for the improvements acquired and the cost to cure to relocate the business identification sign is \$17,978.00.

### **V BINDING OFFERS/NEGOTIATIONS**

N/A

### **VI SETTLEMENT ANALYSIS/COST AVOIDANCE**

This settlement is for the County's appraised value for the improvements to be acquired, and cure costs to relocate the business identification sign.

### **VII RECOMMENDATION**

County staff recommends that the BCC authorize settlement in the amount of \$17,978.00, inclusive of all costs and expenses.

LV/sb

Attachments: (4)

Location Map (Exhibit A)

Sketch (Exhibit B)

Property Release And Indemnification Agreement (Exhibit C).

Subordination Of Utility Interests (Exhibit D)

\\CA\_CSBI\SYS\CA\USERS\CALV01\SETTLEMENT MEMOS\TECH PARK 128 LAKE EMMA PURCHASE AGREEMENT SETTLEMENT MEMO.DOC

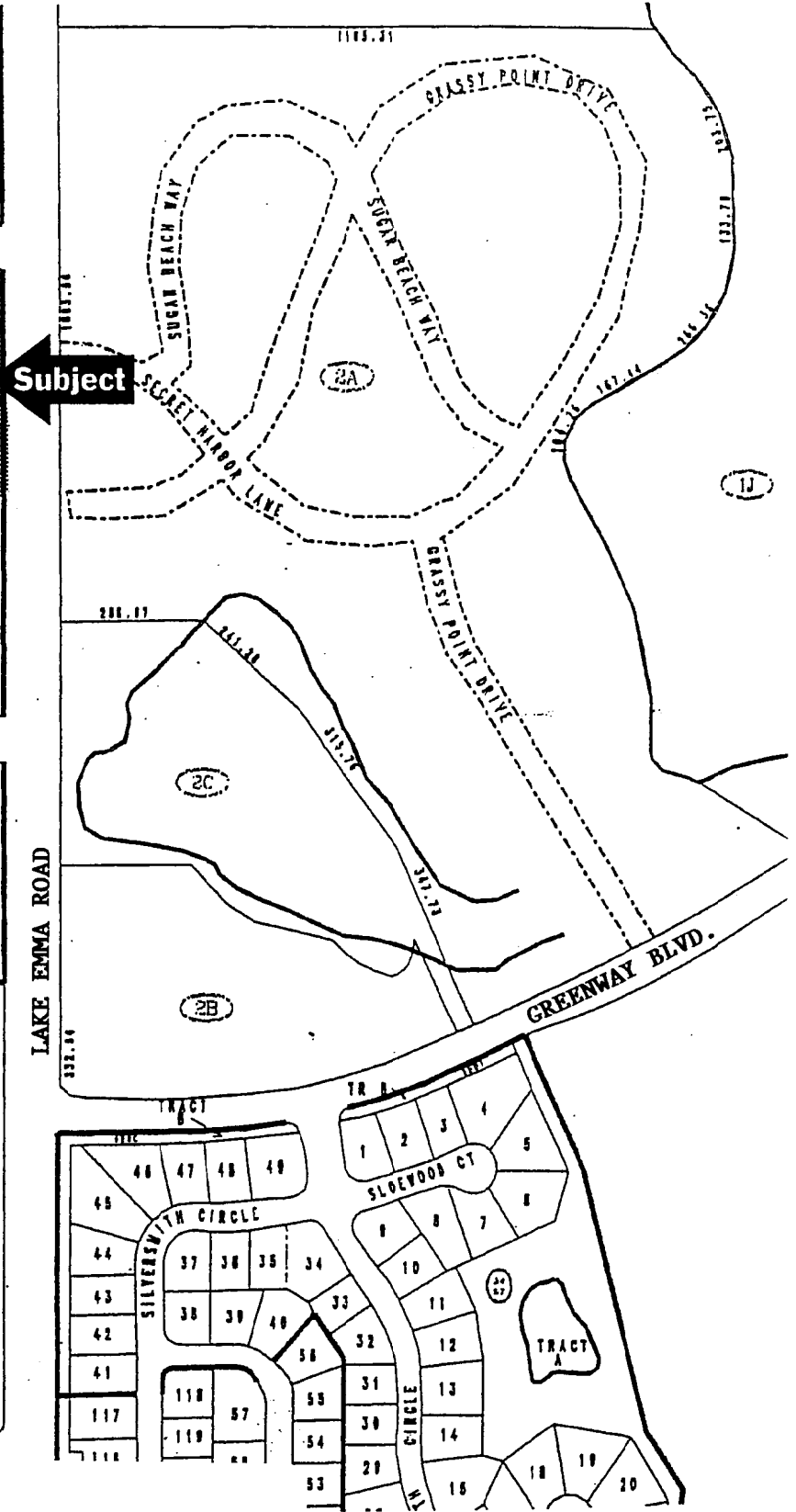
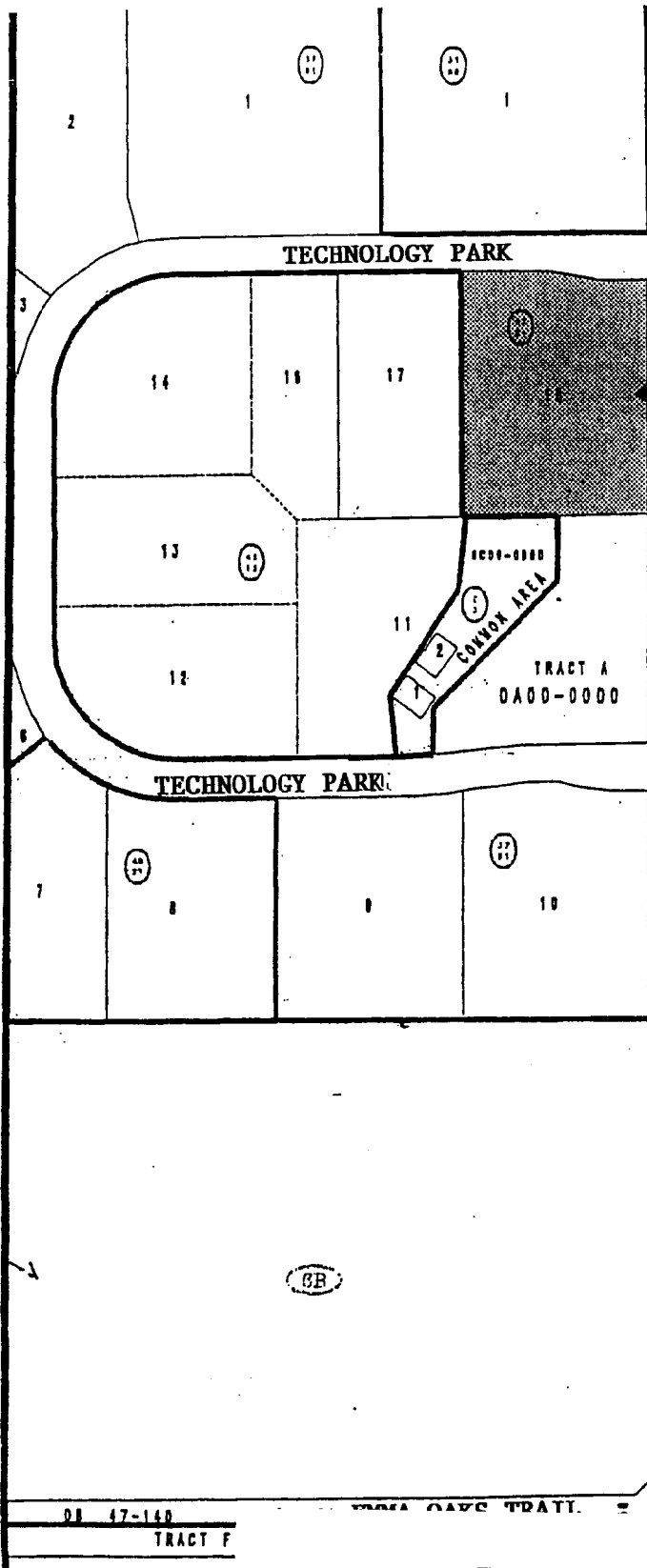
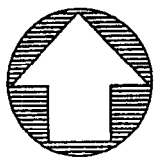


EXHIBIT A

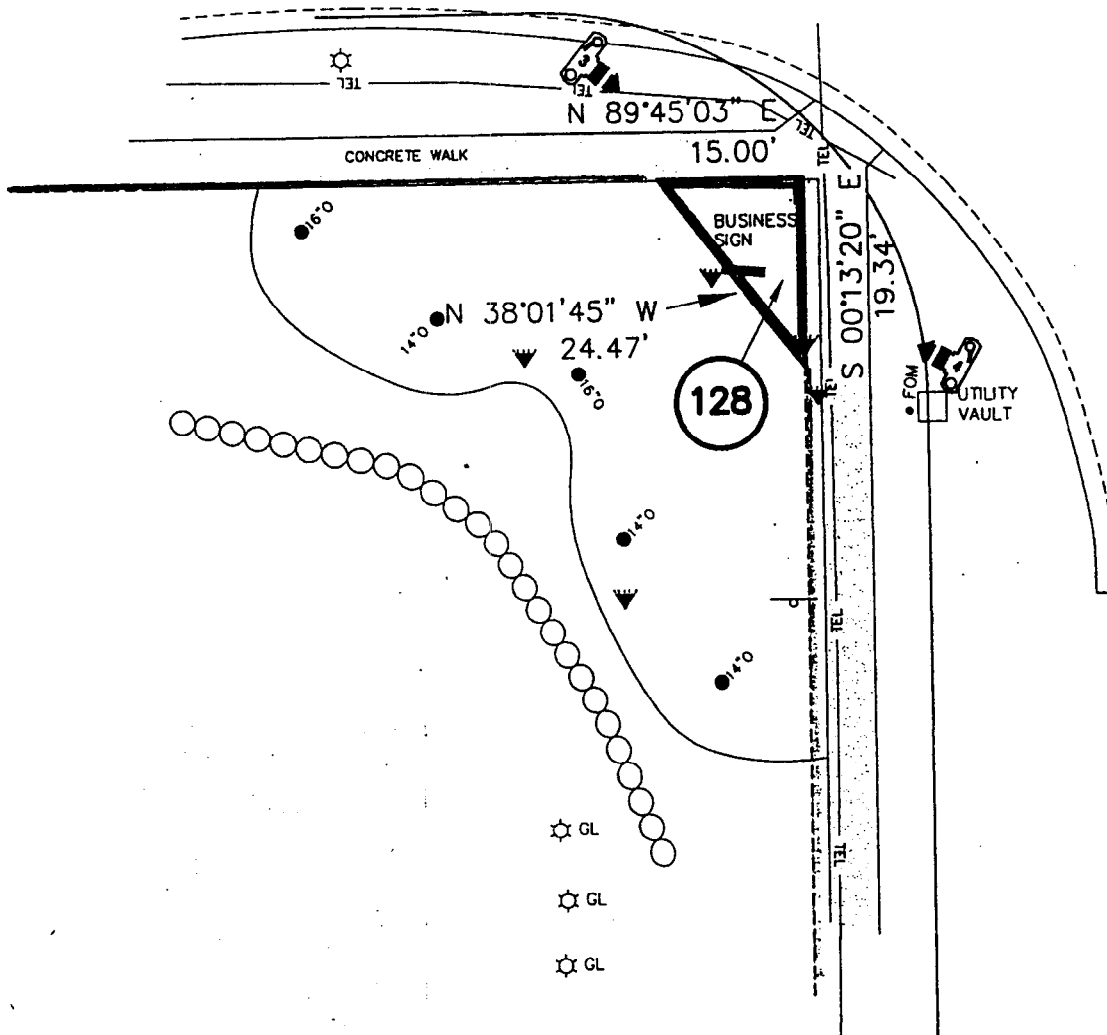


SCALE: 1" = 20'

# APPRAISAL SKETCH

FOR  
**HASTINGS & SPIVEY, INC.**  
 PARCEL 128 - RIGHT OF WAY  
 TAKING PARCEL  
 145 SQUARE FEET

## TECHNOLOGY PARK



LAKE EMMA ROAD

### LEGEND

- |        |                    |       |                              |
|--------|--------------------|-------|------------------------------|
| • BFP  | BACKFLOW PREVENTOR | • MB  | MAILBOX                      |
| • CATV | CABLE TV RISER     | • RWV | RECLAIMED WATER VALVE        |
| ⊙      | STORM MANHOLE      | ▽     | SPRINKLER HEAD               |
| ⊙      | SANITARY MANHOLE   | ⊙     | SIGN                         |
| ⊙      | FIRE HYDRANT       | • TR  | TELEPHONE RISER              |
| • EM   | ELECTRIC METER     | • TSB | TRAFFIC SIGNAL BOX           |
| • ER   | ELECTRIC RISER     | ⊙     | UTILITY POLE                 |
| • FOM  | FIBER OPTIC MARKER | • UR  | UTILITY RISER                |
| ☆ GL   | GROUND LIGHT       | • UTM | UNDERGROUND TELEPHONE MARKER |
| ←      | GUY ANCHOR         | • WM  | WATER METER                  |
| • IV   | IRRIGATION VALVE   | • WV  | WATER VALVE                  |
| ☆      | LIGHT POLE         | R/W   | RIGHT-OF-WAY                 |

TH'

## EXHIBIT B

DATE:

SCALE:

APPROVED BY: SAM

AMERICAN SURVEYING & MAPPING

**TECHNOLOGY PARK AT LAKE MARY OWNERS ASSOCIATION, INC.  
PROPERTY RELEASE AND INDEMNIFICATION AGREEMENT**

**STATE OF FLORIDA  
COUNTY OF SEMINOLE**

**THIS AGREEMENT** is made and entered into this 19<sup>th</sup> day of September, 2002, by and between TECHNOLOGY PARK AT LAKE MARY OWNERS ASSOCIATION, INC., hereinafter referred to as "ASSOCIATION", whose address is 125 Greenwood Blvd., Lake Mary, Florida 32746, 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 "COUNTY".

**WITNESSETH**

**WHEREAS**, the COUNTY requires the removal of the ASSOCIATION's personal property for construction of the Lake Emma Road project in Seminole County, located within the hereinafter described property:

That portion of Lot 15, according to the Plat of Technology Park at Lake Mary as recorded in Plat Book 37, Pages 61 and 62, Public Records of Seminole County, Florida, being more particularly described as follows:

*Begin at the Northeast corner of said Lot 15, said point lying on the Westerly right-of-way line of Lake Emma Road, thence S00 °13'20"E, along the Easterly line of said Lot 15 and said Westerly right-of-way line, a distance of 19.34 feet; thence departing said Easterly line and said Westerly right-of-way line, N38 °01'45"W, 24.47 feet to the Northerly line of said Lot 15, and the Southerly right-of-way line of Technology Park, thence N89 °45'03"E, along said Northerly line and Southerly right-of-way line, 15.00 feet to the POINT OF BEGINNING.*

Containing 145 square feet more or less.  
Tax I.D. # 19-20-30-5JW-0000-0150

**NOW, THEREFORE**, for and in consideration of the mutual covenants and conditions herein contained, the ASSOCIATION hereby agrees to remove the following association's property upon the following terms and conditions:

**I. LIST OF ASSOCIATION's IMPROVEMENTS**

Landscaping, plants, shrubs, irrigation piping and sign.

**EXHIBIT C**

II PURCHASE PRICE

The ASSOCIATION agrees to remove, within thirty (30) days of notification by County, the property described in Section I of the Agreement relative to Lake Emma Road project for the sum of SEVENTEEN THOUSAND NINE HUNDRED SEVENTY-EIGHT DOLLARS (\$17,978.00). The above amount includes all compensation due as a result of the removal of the above property to the association for any reason and for any account whatsoever.

III. CONDITIONS

- (a) The ASSOCIATION agrees that if it fails to so remove its personal property, that the property described in Section I of this Agreement, will become the property of the COUNTY within thirty (30) days after written notification to ASSOCIATION to remove same.
- (b) The ASSOCIATION further agrees to release and indemnify the COUNTY from any and all damages as a result of COUNTY removal of the property described in Section I of this Agreement as a result of roadway construction activities relative to the Lake Emma Road project. The ASSOCIATION also agrees to release any claim based on any ownership interest relating to this parcel in any eminent domain action.
- (c) In the event that the COUNTY subsequently abandons this project after execution of this Agreement, but before closing, this Agreement shall become null and void.

WITNESSES:

TECHNOLOGY PARK AT LAKE  
MARY OWNERS ASSOCIATION, INC.

Kelly Perez  
SIGNATURE

J. Brent Alexander  
VICE PRESIDENT

Kelly Perez  
PRINT NAME

[Signature]  
SECRETARY

[Signature]  
SIGNATURE

ADDRESS: c/o Duke Realty Corporation  
3950 Shackleford Rd., Ste. 300  
Duluth, GA 30096-8268  
Attn: Legal Dept. - FL Market

PAUL C. DOUGHERTY  
PRINT NAME

STATE Florida )  
COUNTY OF Seminole )

I HEREBY CERTIFY that, on this 19<sup>th</sup> day of September <sup>Vice</sup>  
2002, before me, an officer duly authorized in the State and County aforesaid to take  
acknowledgments, personally appeared Brent Albertson, as President of  
Technology Park at Lake Mary \*, a corporation organized under the laws of the State of Florida,  
who is personally known to me or who has produced as  
identification. He acknowledged before me that he executed the foregoing instrument as such officer  
in the name and on behalf of the corporation.

\*Owners Association, Inc.

Nancy J. Elam

Print Name Nancy J. Elam  
Notary Public in and for the County and  
State Aforementioned

My Commission  
Expires:



Nancy J. Elam  
Commission # DD 047336  
Expires Sep. 1, 2005  
Bonded Thru  
Atlantic Bonding Co., Inc.

ATTEST

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
MARYANNE MORSE  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida  
For the use and reliance  
of Seminole County only.  
Approved as to form and  
legal sufficiency.

By: \_\_\_\_\_

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

As authorized for execution by  
the Board of County Commissioners  
at their \_\_\_\_\_, 2002,  
regular meeting.

[Signature]  
County Attorney

HKR/la  
091202

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Parcel No(s): 128  
Road: Lake Emma Road  
Seminole County, Florida

**SUBORDINATION OF UTILITY INTERESTS**

**THIS AGREEMENT**, entered into this 19<sup>th</sup> day of September, 2002, by and between TECHNOLOGY PARK AT LAKE MARY OWNERS ASSOCIATION INC., whose address is 1025 Greenwood Blvd., Suite 174, Lake Mary, Florida 32746, hereinafter referred to as the "ASSOCIATION", 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 ASSOCIATION 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 **Lake Emma Road**; and

**WHEREAS**, the proposed use of these lands for use as right-of-way for additional traffic lanes and improved drainage facilities purposes on **Lake Emma Road** will require subordination of the interest claimed in such lands by the ASSOCIATION to the COUNTY; and

**WHEREAS**, the COUNTY is willing to pay to have the ASSOCIATION'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 ASSOCIATION and the COUNTY agree as follows:

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

**(See Exhibit "A" attached hereto)**

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:

**EXHIBIT D**



Parcel No(s): 128  
 Road: Lake Emma Road  
 Seminole County, Florida

NATURE OF ENCUMBRANCE	DATE	FROM OR AGAINST	IN FAVOR OF	RECORDED BOOK/PAGE
Utility Easement	10-20-86	Jordan Properties, Inc.	Technology Park at Lake Mary Owners Association, Inc.	PB37/61 & 62

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

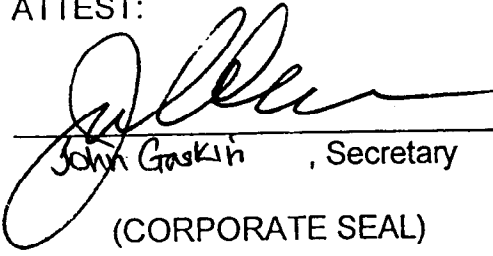
1. The ASSOCIATION shall have the right to construct, operate, maintain, remove, and relocate facilities on, within, and upon the lands described herein. Any new construction or relocation of facilities within the lands will be subject to prior approval by the COUNTY's Engineer which approval shall not be unreasonably withheld, conditioned or delayed.
2. The ASSOCIATION 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. Each party agrees to repair damages caused to the other through the exercise of their rights in connection with the land described in Exhibit "A".
4. Should the COUNTY require the ASSOCIATION 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.

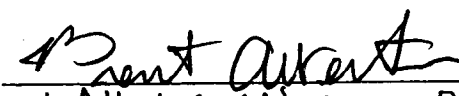
Parcel No(s): 128  
Road: Lake Emma Road  
Seminole County, Florida

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first above written.

TECHNOLOGY PARK AT LAKE  
MARY OWNERS ASSOCIATION, INC.

ATTEST:

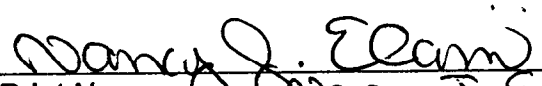
  
\_\_\_\_\_  
John Gaskin, Secretary  
(CORPORATE SEAL)

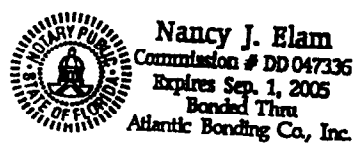
By:   
\_\_\_\_\_  
Brent Albertson, Vice President  
Date: 9/17/02

STATE OF Florida  
COUNTY OF Seminole

I HEREBY CERTIFY that, on this 19<sup>th</sup> day of Sept., 2002, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Brent Albertson, and as President and John Gaskin Secretary, respectively, of Technology Park at Lake Mary Owners Association, Inc., corporation organized under the laws of the State of Florida, who are personally known to me ~~or who have produced~~ as identification. They acknowledged before me that they executed the foregoing instrument as such officers in the name and on behalf of the corporation, and that they also affixed thereto the official seal of the corporation.

Via

  
\_\_\_\_\_  
Print Name Nancy J. Elam  
Notary Public in and for the County  
and State Aforementioned  
My commission expires: \_\_\_\_\_



Parcel No(s): 128  
Road: Lake Emma Road  
Seminole County, Florida

ATTEST:

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

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

By: \_\_\_\_\_  
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 \_\_\_\_\_,  
2002, regular meeting.

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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R/W Project: Lake Emma Road  
R/W Parcel: 128  
Title Search #: 134  
Tax I.D. #: 19-20-30-5JW-0000-0150  
Owners Name: Xenon Research, Inc.  
Fee Simple

That portion of Lot 15, according to the Plat of Technology Park at Lake Mary, as recorded in Plat Book 37, Pages 61 and 62, Public Records of Seminole County, Florida, being more particularly described as follows:

Begin at the Northeast corner of said Lot 15, said point lying on the Westerly right-of-way line of Lake Emma Road, thence  $S00^{\circ}13'20''E$ , along the Easterly line of said Lot 15 and said Westerly right-of-way line, a distance of 19.34 feet thence departing said Easterly line and said Westerly right-of-way line,  $N38^{\circ}01'45''W$ , 24.47 feet; to the Northerly line of said Lot 15 and the Southerly right-of-way line of Technology Park, thence  $N89^{\circ}45'03''E$ , along said Northerly line and Southerly right-of-way line, 15.00 feet to the POINT OF BEGINNING.

Containing 145 square feet more or less.

Subject to:

Utility Easements as recorded in the Plat of Technology Park at Lake Mary, as recorded in Plat Book 37, Pages 61 and 62, Public Records of Seminole County, Florida.

For Sketch of Description see Sheet 20 of 31 of Right-of-Way map.

I hereby certify that, to the best of my knowledge and belief, the attached legal description of Parcel 128 as shown on the Right-of-Way Maps for Lake Emma Road are true, accurate, and were prepared under my direction.

I further certify that this legal description is in accordance with the Technical Standards adopted by the Florida Board of Surveyors and Mappers under Chapter 61g17-6, F.A.C.

  
Dennis L. Deal

Florida Professional Land Surveyor No. 3421  
520 South Magnolia Avenue, Orlando, Florida 32801