



CCAO 6

**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *[Signature]*

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

DATE: February 17, 2003

RE: Easement Holder:
City of Altamonte Springs, Florida
Wymore Road; Parcel Nos. 103, 109, 111, 123, and 127

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 interest of the City of Altamonte Springs relating to Wymore Road, particularly Parcel Nos. 103, 109, 111, 123, and 127. The above referenced property has been or will be acquired by Seminole County.

The BCC adopted Resolution No. 2002-R-134, on August 27, 2002, authorizing the acquisition of parcels involved with Wymore Road, and finding that the Wymore Road road improvement project was necessary and serves a public purpose and is in the best interest of the citizens of Seminole County.

The City of Altamonte Springs has signed and tendered a recordable instrument, entitled Subordination of Utility Interests. County staff asks that the BCC accept and execute this Subordination of Utility Interests for filing in the land records. Please see Location Map attached as Exhibits A and a copy of Subordination Agreement attached as Exhibit B.

The City of Altamonte's interests in the referenced property are easements for construction operation and maintenance of systems of utilities. The City of Altamonte has agreed to provide the subordination of its easement interests without charge.

HMB/lpk

Attachments:

Exhibit A - Location Map, Wymore Road, Parcel Nos.103, 109, 111, 123, and 127

Exhibit B - Subordination Agreement

SUBORDINATION OF CITY UTILITY INTERESTS

THIS AGREEMENT, entered into this 6th day of February, 2003, by and between the COUNTY OF SEMINOLE, FLORIDA, hereinafter called the County, and CITY OF ALTAMONTE SPRINGS, FLORIDA, hereinafter called City.

W I T N E S S E T H:

WHEREAS, the City presently has an interest in certain lands that have been determined necessary for purposes of road improvements; and

WHEREAS, the proposed use of these lands for road improvements will require subordination of the interest claimed in such lands by City to 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, City and County agree as follows:

City hereby subordinates any and all of its interest in the lands described as follows:

(See, attached Composite Exhibit A)

to the interest of County, its successors, or assigns, for the purpose of constructing, improving, maintaining and operating a road, 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
Quit Claim Deed (for water/sewer etc., located in Spring Lake Hills per the Plat thereof PB 15, Pages 73 and 74, Seminole County Public Records)	October 5, 1970	From Maitland Woods, Inc.	City of Altamonte Springs, Florida	882/110
Easement	December 6, 1972	W.A. Knox, Jr., Shell H. Knox, his wife, and Mrs. Harriet Fleming, d/b/a, Know Properties	City of Altamonte Springs	963/0554
Easement	April 15, 1981		City of Altamonte Springs	Plat Book 25 Page 70

PROVIDED that the City has the following rights:

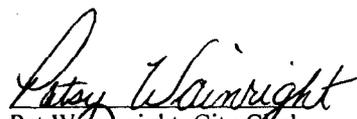
1. The City shall have the right to construct, operate, maintain, improve, add to, upgrade, remove and relocate facilities on, within, and upon the lands described herein. Any new construction or relocation of facilities within the lands will be subject to prior approval by the County's Engineer. Should the County fail to approve any new construction or

relocation of facilities by the City or 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, including, but not limited to all costs to City in acquiring appropriate replacement easements.

- 2. Notwithstanding the provisions set forth herein, the terms of the utility permits shall supercede any contrary provisions, with the exception of the provision herein with reimbursement rights.
- 3. 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.
- 4. The City agrees to repair any damage to County facilities and to indemnify the County against any loss or damage resulting from the City exercising its rights outlined in Paragraphs 1 and 3 above.

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

ATTEST:

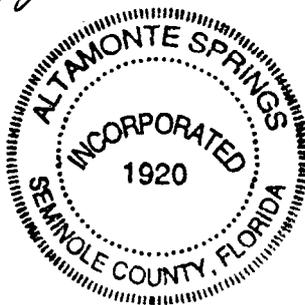

Pat Weinwright, City Clerk

BOARD OF CITY COMMISSIONERS, CITY OF
ALTAMONTE SPRINGS, FLORIDA

By: 
Russel Hauck, Mayor
Its Chairperson

Date: February 6, 2003

As authorized for execution by the Board of City Commissioners at its February 4, 2003, Regular meeting.



ATTEST:

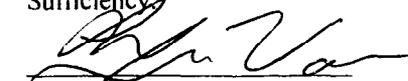
Maryanne Morse
Clerk to the Board of
County Commissioners of
Seminole County, Florida

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain, Chairman

Date: _____

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



County Attorney

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

000003

RIGHT-OF-WAY DESCRIPTION

PROJECT: Wymore Road
OWNER(S): Celia M. Mendez
R/W PARCEL NO.: 123
TAX I.D. NUMBER: 14-21-29-516-0000-0010-0-1
CONSULTANT: Glace & Radcliffe, Inc.
CERTIFICATE NO.: 94.06210

That part of Lot 1, Spring Valley Village, as recorded in Plat Book 25, Page 70 of the Public Records of Seminole County, Florida; as conveyed by Warranty Deed as recorded in Official Records Book 2156, Page 35 of the Public Records of Seminole County, Florida. Being more particularly described as follows:

Description

Begin at the Northeast corner of Lot 1, Spring Valley Village, as recorded in Plat Book 25, Page 70 of the Public Records of Seminole County, Florida; thence run South 00°18'15" West along the East line of said Lot 1, a distance of 57.23 feet to the Point of Curvature of a curve concave Northwesterly, having a radius of 25.00 feet, a central angle of 40°55'40", and a chord bearing of South 20°22'29" West; thence Southwesterly along the arc of said curve a distance of 17.86 feet to a point on a curve: thence North 00°18'15" East a distance of 73.67 feet to the North line of the aforesaid Lot 1; thence South 89°28'11" East along said North line a distance of 6.00 feet to the Point of Beginning.

Containing 411 square feet, more or less.

Subject to a 15 foot platted easement per Spring Valley Village as recorded in Plat Book 25, Page 70 of the Public Records of Seminole County, Florida and any other easements of record.

The sketch for this description is shown on Sheets 12 & 13 of 17 of the right-of-way map for Wymore Road.

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 for Surveying as set forth in Chapter 61G17-6 Florida Administrative Code.

Ronald B. Kesselring 3-17-97

Ronald B. Kesselring
 Florida Registered Land Surveyor No. 2556
 NOT VALID WITHOUT SURVEYOR'S EMBOSSED SEAL

Glace & Radcliffe, Inc.
 800 South Orlando Avenue
 Maitland, Florida 32751
 (407)647-6623

14010 1012
 SEMINOLE CO. FL

EXHIBIT "A"

000019

RIGHT-OF-WAY DESCRIPTION

PROJECT: Wymore Road
OWNER(S): Arnold A. Abramson and Diane W. Abramson, his wife
R/W PARCEL NO.: 111
TAX I.D. NUMBER: 23-21-29-508-0A00-0050-0-2
CONSULTANT: Glace & Radcliffe, Inc.
CERTIFICATE NO.: 94.06210

That part of Lot 5, Block A, Spring Lake Hills, as recorded in Plat Book 15, Pages 73 and 74 of the Public Records of Seminole County, Florida, lying between the existing westerly right-of-way line of Wymore Road and the easterly face of the existing masonry privacy wall, located on the easterly portion of said Lot 5 and being more particularly described as follows:

Description

The easterly 2.00 feet, as measured perpendicular to the westerly right-of-way line for Wymore Road, of Lot 5, Block A, Spring Lake Hills, as recorded in Plat Book 15, Pages 73 and 74 of the Public Records of Seminole County, Florida.

Containing 184 square feet, more or less.

Subject to a 14 foot platted easement per Spring Lake Hills as recorded in Plat Book 15, Pages 73 & 74 of the Public Records of Seminole County, Florida and any other easements of record.

The sketch for this description is shown on Sheet 6 of 17 of the right-of-way map for Wymore Road.

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 for Surveying as set forth in Chapter 61G17-6 Florida Administrative Code.

Ronald B. Kesselring 3-17-97

 Ronald B. Kesselring
 Florida Registered Land Surveyor No. 2556
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 800 South Orlando Avenue
 Maitland, Florida 32751
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RIGHT-OF-WAY DESCRIPTION

000005

PROJECT: Wymore Road
OWNER(S): Winfield S. Adams, a married person and Jeanne M. Adams, his spouse
R/W PARCEL NO.: 103
TAX I.D. NUMBER: 23-21-29-508-0C00-0040-0-3
CONSULTANT: Glace & Radcliffe, Inc.
CERTIFICATE NO.: 94.06210

That part of Lot 4, Block C, Spring Lake Hills, as recorded in Plat Book 15, Pages 73 and 74 of the Public Records of Seminole County, Florida, lying between the existing Westerly right-of-way line of Wymore Road and the Easterly face of the existing masonry privacy wall, located on the Easterly portion of said Lot 4 and being more particularly described as follows:

Description

Begin at the Northeast corner of Lot 4, Block C, Spring Lake Hills, as recorded in Plat Book 15, Pages 73 and 74 of the Public Records of Seminole County, Florida; thence run South 00°13'03" West along the East line of said Lot 4 a distance of 96.24 feet to a point, said point being the Point of Curvature of a curve concave easterly, having a radius of 352.77 feet, a central angle of 01°24'01" and a chord bearing of South 00°29'05" East; thence Southeasterly along the arc of said curve and aforesaid East line of Lot 4 a distance of 8.62 feet to a point on curve; thence South 59°17'07" West (non-radial) a distance of 1.72 feet to a point on a curve concave easterly, having a radius of 354.27 feet, a central angle of 01°32'15" and a chord bearing of North 00°33'05" West; thence Northeasterly along the arc of said curve a distance of 9.51 feet to a point on curve; thence North 89°46'57" West (radial), a distance of 0.50 feet to a point; thence North 00°13'03" East a distance of 95.04 feet to a point on the North line of aforesaid Lot 4; thence North 59°17'07" East along said North line a distance of 2.33 feet to the Point of Beginning.

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 SEMINOLE CO., FL

Containing 205 square feet, more or less.

Subject to a 14 foot platted easement per Spring Lake Hills as recorded in Plat Book 15, Pages 73 & 74 of the Public Records of Seminole County, Florida and any other easements of record.

The sketch for this description is shown on Sheet 5 of 17 of the right-of-way map for Wymore Road.

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 for Surveying as set forth in Chapter 61G17-6 Florida Administrative Code.

Ronald B. Kesselring 3-17-97

 Ronald B. Kesselring
 Florida Registered Land Surveyor No. 2556
 NOT VALID WITHOUT SURVEYOR'S EMBOSSED SEAL

Glace & Radcliffe, Inc.
 800 South Orlando Avenue
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RIGHT-OF-WAY DESCRIPTION

000010

PROJECT: Wymore Road
OWNER(S): ENRIQUE SERNIK AND SHARON SERNIK

R/W PARCEL NO.: 109
TAX I.D. NUMBER: 23-21-29-508-0A00-0030-0-7
CONSULTANT: Glace & Radcliffe, Inc.
CERTIFICATE NO.: 94.06210

That part of Lot 3, Block A, Spring Lake Hills, as recorded in Plat Book 15, Pages 73 and 74 of the Public Records of Seminole County, Florida, lying between the existing westerly right-of-way line of Wymore Road and the easterly face of the existing masonry privacy wall, located on the easterly portion of said Lot 3 and being more particularly described as follows:

Description

The easterly 2.00 feet, as measured perpendicular to the westerly right-of-way line for Wymore Road, of Lot 3, Block A, Spring Lake Hills, as recorded in Plat Book 15, Pages 73 and 74 of the Public Records of Seminole County, Florida.

Containing 190 square feet, more or less.

Subject to a 14 foot platted easement per Spring Lake Hills as recorded in Plat Book 15, Pages 73 & 74 of the Public Records of Seminole County, Florida and any other easements of record.

The sketch for this description is shown on Sheet 6 of 17 of the right-of-way map for Wymore Road.

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 for Surveying as set forth in Chapter 61G17-6 Florida Administrative Code.

Ronald B. Kesseling 3-17-97

Ronald B. Kesseling
Florida Registered Land Surveyor No. 2556
NOT VALID WITHOUT SURVEYOR'S EMBOSSED SEAL

Glace & Radcliffe, Inc.
800 South Orlando Avenue
Maitland, Florida 32751
(407)647-6623

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SEMINOLE CO., FL

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RIGHT-OF-WAY DESCRIPTION

PROJECT: Wymore Road
 OWNER(S): Handi-Chek, Inc., a Florida Corporation
 R/W PARCEL NO.: 127
 TAX I.D. NUMBER: 14-21-29-300-014L-000-0-1
 CONSULTANT: Glace & Radcliffe, Inc.
 CERTIFICATE NO.: 94.06210

That part of the northwest 1/4 of the southwest 1/4 of Section 14, Township 21 South, Range 29 East, Seminole County, Florida, being more particularly described as follows:

Description

Commence at an iron rod marking the northeast corner of the northwest 1/4 of the southwest 1/4 of Section 14, Township 21 South, Range 29 East, Seminole County, Florida; thence run South 00°18'15" West along the east line of said northwest 1/4 of the southwest 1/4, a distance of 1127.80 feet to a point; thence North 89°43'07" West, a distance of 25.00 feet to the intersection of the easterly right-of-way line of Wymore Road and the southerly right-of-way line of Westmonte Drive, and the Point of Beginning; thence South 00°18'15" West along said easterly right-of-way line, a distance of 23.50 feet to a point on a curve concave southwesterly, having a radius of 30.00 feet, a central angle of 51°33'11" and a chord bearing of North 25°28'20" West; thence northwesterly along the arc of said curve, a distance of 26.99 feet to the intersection with the aforesaid southerly right-of-way line of Westmonte Drive; thence South 89°43'07" East along said southerly right-of-way line, a distance of 11.35 feet to the Point of Beginning.

Containing 81 square feet, more or less.

Subject to a 10' Florida Power Corp. easement Official Records Book 1375, Page 535-537 and any other easements of record.

The sketch for this description is shown on Sheet 14 of 17 of the right-of-way map for Wymore Road.

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 for Surveying as set forth in Chapter 61G17-6 Florida Administrative Code.

Ronald B. Kesselring 3-12-97
 Ronald B. Kesselring
 Florida Registered Land Surveyor No. 2556
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