

### SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

**SUBJECT:** Resolution / Warranty Deed

**DEPARTMENT:** Public Works      **DIVISION:** Engineering

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

<b>Agenda Date</b> <u>04/13/04</u>	<b>Regular</b> <input type="checkbox"/>	<b>Consent</b> <input checked="" type="checkbox"/>	<b>Work Session</b> <input type="checkbox"/>	<b>Briefing</b> <input type="checkbox"/>
	<b>Public Hearing – 1:30</b> <input type="checkbox"/>		<b>Public Hearing – 7:00</b> <input type="checkbox"/>	

**MOTION/RECOMMENDATION:**

Adopt Resolution accepting a Warranty Deed (Westlake Apartments, Ltd., to Seminole County) for property necessary for roadway improvements to Upsala Road. Property is located approximately 1/4 mile south of State Road 46.

District 5 – Commissioner McLain (Jerry McCollum)

**BACKGROUND:**

Implementation of the needed roadway improvements will require right-of-way that is not currently owned by Seminole County. Westlake Apartments, Ltd., a Florida Limited Partnership has indicated it's willingness to donate the required right-of-way as evidenced by the executed Warranty Deed accompanying the Resolution.

Attachments: Resolution  
Warranty Deed

Reviewed by:	<u><i>SM</i></u>
Co Atty:	<u><i>SM</i></u>
DFS:	<u>N/A</u>
Other:	<u>          </u>
DCM:	<u><i>ALB</i></u>
CM:	<u><i>VB</i></u>
File No.:	<u>CPWE01</u>

RESOLUTION NO. 2004 - 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 \_\_\_\_\_ A.D., 2004.**

**WHEREAS**, it has been determined by the Board of County Commissioners of Seminole County that a necessity exists for roadway improvements to Upsala Road, located in Section 28, Township 19 South, Range 30 East, in Seminole County, Florida; and

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

**WHEREAS**, Westlake Apartments, LTD., a Florida Limited Partnership has indicated it's willingness to donate to Seminole County the required right-of-way as evidenced by the executed Warranty Deed accompanying this resolution.

**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 Warranty Deed executed by the aforementioned property owner, conveying to Seminole County the land described therein.

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

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

**BE IT FURTHER RESOLVED** that the aforementioned deed be recorded in the Official Records of Seminole County, Florida.

**ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ A.D., 2004.**

**BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY**

**ATTEST:**

\_\_\_\_\_  
**Daryl G. McLain, 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  
3-5-2004

Document Prepared By:  
Neil Newton, Senior Coordinator  
Right-of-Way Section  
Seminole County Engineering Division  
520 W. Lake Mary Blvd., Suite 200  
Sanford, Florida 32773

## WARRANTY DEED

**THIS WARRANTY DEED** is made this 25<sup>th</sup> day of February, 2004, between WESTLAKE APARTMENTS, LTD., A Florida Limited Partnership, whose address is 1025 South Semoran Boulevard, Suite 1083, Winter Park, Florida, 32792, 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 GRANTEE in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged by these presents, does grant, bargain, sell, release, convey and confirm unto the GRANTEE, its heirs and assigns forever, all that certain land lying and being in the County of Seminole, State of Florida, more particularly described as follows:

See Attached Exhibit "A" for Legal Description.

Property Appraiser's Parent Parcel Identification No.:  
28-19-30-506-0000-0210

NOTE: The purpose of this deed is establish a 50 ft half right-of-way off the entire easterly side of said Lot 22, M.M. Smith's 3<sup>rd</sup> Subdivision as referenced in Exhibit "A".

**TOGETHER** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**AND** the GRANTOR hereby covenants with said GRANTEE that GRANTOR is lawfully seized of said land in fee simple; that GRANTOR has good right and lawful authority to sell and convey said land; that GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances. Together with all other common law covenants of title, this conveyance includes the covenant of further assurances.

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

WITNESSES:

Signed, Sealed & Delivered in the Presence of:

(Sign) Mary R. Milam  
Print Name: Mary R. Milam

(Sign) Tracy Silver  
Print Name: Tracy Silver

GRANTOR:

WESTLAKE APARTMENTS, LTD.,  
a Florida Limited Partnership

By: Westlake Apartments, Inc.,  
a Florida Corporation  
it's General Partner

Michael P. Murray  
By: \_\_\_\_\_  
M. ~~Shane~~ Murray  
Vice-President

Attested by: \_\_\_\_\_  
Print Name:

(CORPORATE SEAL)

State of FLORIDA )  
County of ORANGE )

I HEREBY CERTIFY, that on this 25 day of February, 2007, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared M. Shane Murray, Vice-President of Westlake Apartments, Inc., a Florida Corporation, as General Partner of WESTLAKE APARTMENTS, LTD., a Florida Limited Partnership, and who is personally known to me or has produced Driver's license as identification and did/did not take an oath.



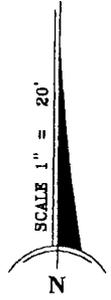
ALICIA B. WALMER  
MY COMMISSION # DD 262218  
EXPIRES: November 16, 2007  
Bonded Thru Budget Notary Services

Alicia B. Walmer  
Print Name ALICIA B. WALMER  
Notary Public in and for the County  
and State Aforementioned

My commission expires \_\_\_\_\_

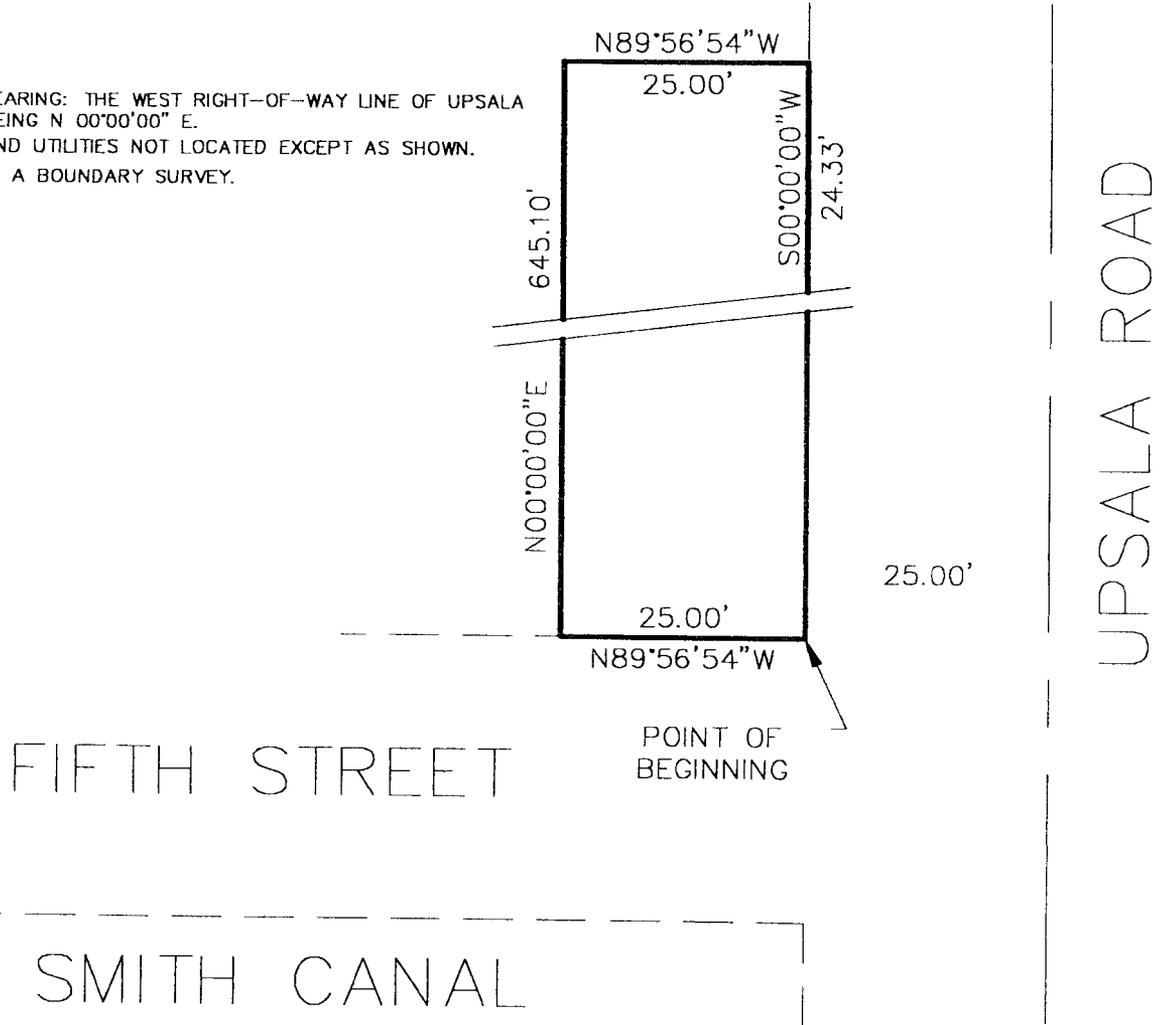
# SKETCH OF DESCRIPTION

Beginning at the Southeast corner of Lot 22, M.M. SMITHS 3RD SUBDIVISION, according to the Plat thereof as recorded in Plat Book 1, Page 86, Public Records of Seminole County, Florida, also being the point of intersection of the West right of way line of Upsala Road and the North right of way line of Fifth Street; thence run N 89°56'54" W along the South line of said Lot 22 a distance of 25.00 feet; thence run N 00°00'00" E a distance of 645.10 feet; thence run S 89°56'54" E a distance of 25.00 feet; thence run S 00°00'00" W along said West right of way line of Upsala Road a distance of 645.10 feet to the Point of Beginning. Containing 16,128.5 square feet more or less.



**NOTES:**

- 1) BASIS OF BEARING: THE WEST RIGHT-OF-WAY LINE OF UPSALA ROAD AS BEING N 00°00'00" E.
- 2) UNDERGROUND UTILITIES NOT LOCATED EXCEPT AS SHOWN.
- 3) THIS IS NOT A BOUNDARY SURVEY.



JAMES R. SHANNON, JR., P.L.S. #4671  
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPING ENGINEER

SHANNON SURVEYING INC.  
 499 NORTH S.R. 434, SUITE 2155  
 ALTAMONTE SPRINGS, FLORIDA, 32714  
 (407) 774-8372

DATE OF SURVEY: NOVEMBER 16, 2000  
 FIELD BY: N/A SCALE: 1" = 20'  
 FILE NUMBER: UPSALA-ADDITIONAL R/W