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**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

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

FROM: Lynn Vouis, Assistant County Attorney *[Signature]*

CONCUR: Jeff Thompson, Senior Engineer
Environmental Services *[Signature]*

DATE: April 1, 2004

SUBJECT: First Amended Resolution
Consumers/Lake Hayes Water Transmission Main Project

Due to the revision of the legal description for parcels identified as 28-21-31-302-002G-0000 (Jakubcin) and 27-21-31-513-0A00-0000 (Easton Park HOA), a First Amended Resolution of Necessity is submitted for approval by the Board of County Commissioners in order to acquire all property necessary for the above-referenced project.

RESOLUTION NO. 2004-R-____

SEMINOLE COUNTY, FLORIDA

**FIRST AMENDED RESOLUTION
CONSUMERS/LAKE HAYES WATER TRANSMISSION MAIN PROJECT**

**THE FOLLOWING RESOLUTION WAS ADOPTED BY THE
BOARD OF COUNTY COMMISSIONERS OF SEMINOLE
COUNTY, FLORIDA, AT ITS REGULARLY SCHEDULED
MEETING OF _____, 2004.**

WHEREAS, Seminole County (hereinafter referred to as "County") has the authority to design, construct, own, maintain and operate water treatment plants in accordance with the constitutional home rule powers of Seminole County, *Chapter 125, Florida Statutes, Chapter 127, Florida Statutes, Chapter 153, Florida Statutes*, and other applicable law; and

WHEREAS, the County provides water services to approximately 33,600 residential and commercial customers through its nine water treatment plants, which produce a maximum capacity of 37 million gallons of drinking water a day; and

WHEREAS, as part of its function as a water services provider for Seminole County residents, the County desires to construct a water transmission main to connect the Southeast Regional Consumers Water Treatment Plant and the Lake Hayes Water Treatment Plant. This transmission main is critical to provide potable water to the Lake Hayes area and to maintain adequate pressures for domestic use and fire flow. This hydraulic connection will convey water at adequate pressures from the newly expanded Southeast Regional Water Treatment Plant to the area currently served by the small Lake Hayes Water Treatment Plant. The well field currently serving the Lake Hayes Water

Treatment Plant will be affected by elevated chloride levels within the next few years, and the plant will be retrofitted to serve as a repumping station for the area; and

WHEREAS, the County is authorized under *Chapters 73, 74, 125, 127, and 153*, and *Florida Statutes (2002)*, to acquire the necessary property for the construction, operation and maintenance of the Lake Hayes project by eminent domain proceedings and to take title in advance of final judgment; and

WHEREAS, in order to achieve the public purpose served by the Lake Hayes project, the County has determined that it is necessary to acquire easements between State Road 426 and State Road 434 in order to complete this final section of the water transmission main. The easements to be acquired are already in an existing Florida Power & Light easement in order to lessen the impact to the owners of the property to be acquired; and

WHEREAS, this First Amended Resolution of Necessity is necessary to amend Resolution of Necessity Number 2003-R-118 that was approved and adopted by the Board of County Commissioners of Seminole County on July 22, 2003, and pertains to certain parcels to be acquired for the Consumers/Lake Hayes Water Transmission Main Project; and

WHEREAS, the County has heretofore caused the area of construction to be located and surveyed and has caused a map to be prepared, based upon and incorporating the survey and location data; and

WHEREAS, the modified, or revised legal descriptions of the properties needed for the construction of the water main connection have been prepared based upon the aforementioned survey and location data; and

WHEREAS, the Board of County Commissioners of Seminole County desires to adopt a First Amended Resolution for the Consumers/Lake Hayes Water Transmission Main Project, hereinabove described and to modify or revise the parcels needed for the construction of the water main connection; and

WHEREAS, the Board of County Commissioners of Seminole County desires to utilize the provisions of Florida law to the fullest extent possible in order to accomplish the public purpose of acquiring necessary permanent easements at prices that are both fair to property owners and prudent in terms of spending the tax revenues and other public funds; and

WHEREAS, the Board of County Commissioners of Seminole County hereby determines that the actions taken herein are consistent with the goals, policies and objectives of the Seminole County Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. The above recitals are adopted as findings and incorporated into the text of this Resolution.

Section 2. That it is necessary, serves a County and public purpose, and is in the best interests of the citizens of Seminole County to obtain permanent easements over property between State Road 426 and State Road 434 in order to construct a water transmission main to connect the Southeast Regional Water Treatment Plant and the Lake Hayes Water Treatment Plant.

Section 3. That the acquisition of the property described in Exhibit "A" attached hereto consisting of 4 pages and identified as Exhibit Number 000001-000004, be and the same is hereby ratified and confirmed and found to be necessary for said

improvements as permanent easements. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of the parcels is necessary and serves a County and public purpose.

Section 4. That the County Attorney's Office is hereby authorized and directed to institute a suit or suits in the name of Seminole County and fully exercise Seminole County's power of eminent domain for the purpose of acquiring the parcels described in Exhibit "A" attached hereto to the extent of the estate or interest set forth as a part of each parcel's description and is further authorized and directed to do all things necessary to prosecute such suit or suits to final judgment by settlement or adjudication. In pursuit of such authorization and direction, the County Attorney's Office is specifically authorized to sign and file a Declaration of Taking so that Seminole County may avail itself of the provisions of *Chapter 74, Florida Statutes*, and is further authorized to accomplish the acquisition of each parcel by settlement and compromise at such terms that it may deem advisable under the circumstances of the litigation in those instances where same can be effected in accordance with the terms, conditions and limitations as established from time to time by the Board of County Commissioners of Seminole County. The County Attorney's Office is authorized and directed to utilize and assert any and all constitutional and statutory authority of Seminole County and the Board of County Commissioners of Seminole County relative to the acquisition of the subject parcels including, but not limited to, the provisions of *Chapters 73, 74, 125, 127 and 153, Florida Statutes*.

Section 5. Prior to the institution of any suits filed by the County Attorney's Office, the County Attorney or his designee is authorized to negotiate for the purchase and sale of any of the property described in Exhibit "A" at a value consistent with the

authority granted by the Board of County Commissioners of Seminole County and to bring back for execution by the Chairman or, in his absence, the Vice Chairman, without further Board action, the Agreement to consummate the sale to Seminole County.

Section 6. This Resolution amends Resolution of Necessity Number 2003-R-118 to delete legal descriptions depicted in Schedule "A" 000017 and 000020 and substituting therefore the legal descriptions attached hereto as Exhibit "A". The remaining provisions of Resolution of Necessity Number 2003-R-118 are hereby ratified and affirmed.

ADOPTED this ___ day of _____, 2004.

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: _____

LMV/dre
03/30/04

Attachment

Schedule A - Legal Descriptions 000001-000004

P:\USERS\DEJEMMY\DOCUMENTS\RESOLAKE HAYES FIRST AMENDED RON.DOC

DESCRIPTION

George Jakubcin, Jr., Trustee
Parcel ID 28-21-31-302-002G-0000

EXHIBIT A - 000001

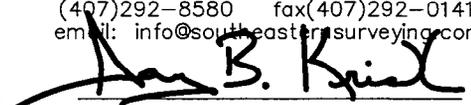
A portion of the S 1/2 of the SW 1/4 of the NE 1/4 of the NE 1/4 of Section 28, Township 21 South, Range 31 East, Seminole County, Florida, being more particularly described as follows :

Commence at the Southwest corner of the NE 1/4 of the NE 1/4 of said Section 28; thence N 00°41'34" W along the West line of said S 1/2 of the SW 1/4 of the NE 1/4 of the NE 1/4 a distance of 79.72 feet to the Point of Beginning; thence continue N 00°41'34" W along said West line a distance of 31.13 feet to a point on the Northerly right-of-way line of a 110 foot right-of-way agreement as described in Official Records Book 134, Pages 46 and 47 and Official Records Book 154, Pages 227 and 228, Public Records of Seminole County, Florida; thence N 73°47'50" E along said Northerly right-of-way line a distance of 150.00 feet; thence S 16°12'10" E a distance of 80.00 feet; thence N 73°47'50" E along a line that is 80.00 feet Southerly of and parallel with said Northerly right-of-way line a distance of 517.34 feet to a point on the East line of said S 1/2 of the SW 1/4 of the NE 1/4 of the NE 1/4; thence S 00°41'02" E along said East line a distance of 31.14 feet to a point on the Southerly right-of-way line of said 110 foot right-of-way agreement; thence S 73°47'50" W along said Southerly right-of-way line a distance of 539.01 feet; thence N 16°12'10" W a distance of 80.00 feet; thence S 73°47'50" W along a line that is 30.00 feet Southerly of and parallel with said Northerly right-of-way line a distance of 128.33 feet to the Point of Beginning.

Containing 22,420 square feet or 0.51 acres more or less.

SURVEYORS NOTES:

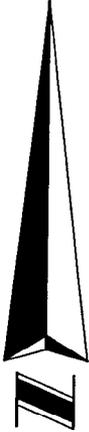
1. Bearings shown hereon are based on the Florida State plane Coordinate System, NAD 83/90.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Minimum Technical Standards for Land Surveying CH. 61G17-6 requirements.
3. Not valid without the original signature and raised seal of a Florida licensed surveyor and mapper.

DESCRIPTION	Date: February 27, 2004 KR		CERT. NO. LB2108 46593055
	FOR Inwood Consulting Engineers	Job No.: 46593	
CH. 61G17-6, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.			 SOUTHEASTERN SURVEYING & MAPPING CORP. 6500 All American Boulevard Orlando, Florida 32810-4350 (407)292-8580 fax(407)292-0141 email: info@southeasternsurveying.com  GARY B. KRICK REGISTERED LAND SURVEYOR NO. 4245
SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH			

SKETCH OF DESCRIPTION

EXHIBIT A - 000002

LINE TABLE		
LINE	LENGTH	BEARING
L1	79.72'	N 00°41'34" W
L2	31.13'	N 00°41'34" W
L3	80.00'	S 16°12'10" E
L4	31.14'	S 00°41'02" E
L5	80.00'	N 16°12'10" W



WEST LINE OF THE S 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 28-21-31

EAST LINE OF THE S 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 28-21-31

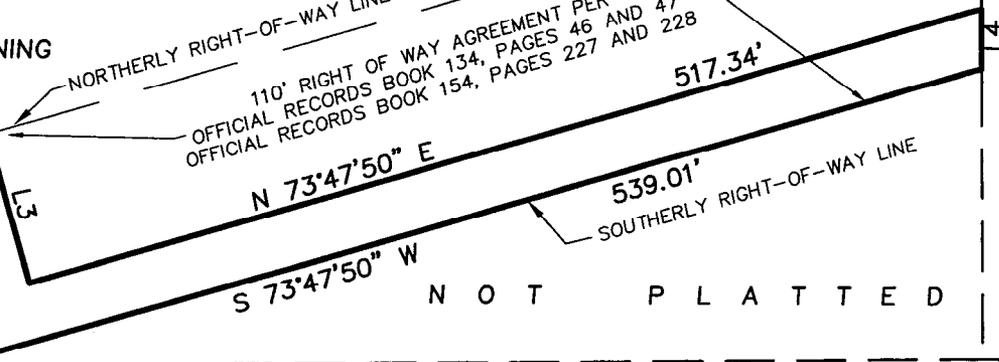
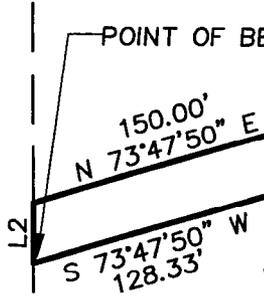
NORTH LINE OF THE S 1/2 OF THE SW 1/4 OF THE NE 1/4 OF SECTION 28-21-31

NOT PLATTED

GEORGE JAKUBCIN, JR. TRUSTEE
OFFICIAL RECORDS BOOK 2086, PAGE 1900
PARCEL ID 28-21-31-302-002G-0000

POINT OF BEGINNING

NORTHERLY RIGHT-OF-WAY LINE
110' RIGHT OF WAY AGREEMENT PER
OFFICIAL RECORDS BOOK 134, PAGES 46 AND 47
OFFICIAL RECORDS BOOK 154, PAGES 227 AND 228



33' RIGHT OF WAY PER OFFICIAL RECORD BOOK 1733, PAGE 1631

NOT PLATTED

TRACT "C"
HUNTINGTON
PLAT BOOK 37
PAGES 94 THRU 96

SOUTH LINE OF THE NE 1/4 OF THE NE 1/4 OF SECTION 28-21-31

NOT PLATTED

POINT OF COMMENCEMENT
SW CORNER OF THE NE 1/4 OF
THE NE 1/4 OF SECTION 28-21-31

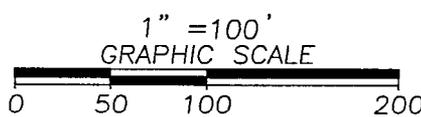
TOTAL PARENT TRACT =
198,367 SQUARE FEET
OR 4.55 ACRES ±

TAKE TRACT =
22,420 SQUARE FEET
OR 0.51 ACRES ±

REMAINING TRACT =
175,947 SQUARE FEET
4.04 ACRES ±



Drawing No. 46593055A
Job No. 46593
Date: 02/27/2004
SHEET 2 OF 2
See Sheet 1 for Description



SOUTHEASTERN SURVEYING & MAPPING CORP.
6500 All American Boulevard
Orlando, Florida 32810-4350
(407)292-8580 fax(407)292-0141
Cert. No. LB-2108
email:info@southeasternsurveying.com

EXHIBIT A - 000003

DESCRIPTION:

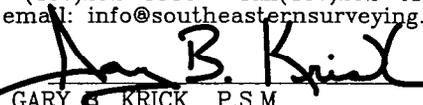
That portion of Tract "A", EASTON PARK as recorded in Plat Book 48, Pages 80 and 81 of the Public Records of Seminole County, Florida, being more particularly described as follows;

Beginning at the intersection of the West Right of Way line of State Road 434, a 100 foot right of way and the North Right of Way line of Faulk Road, a 30.00 foot right of way vacated per Official Records Book 490, page 333 of the Public Records of Seminole County, Florida; thence South 89°45'10" West 315.01 feet along said North Right of Way line and the South line of the NW 1/4 of the NW 1/4 of Section 27, Township 21 South, Range 31 East; thence North 00°39'20" West, 30.00 feet to a point on a line being 30.00 feet north of and parallel with the South line of the NW 1/4 of the NW 1/4 of said Section 27; thence North 89°45'10" East, 264.87 feet along said parallel line; thence North 00°14'50" West, 20.00 feet; thence North 89°45'10" East 50.00 feet to a point on aforesaid West Right of Way line; thence South 00°39'20" East, 50.00 feet along said West Right of Way line to the Point of Beginning.

Containing 10,452 square feet, more or less.

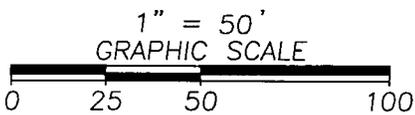
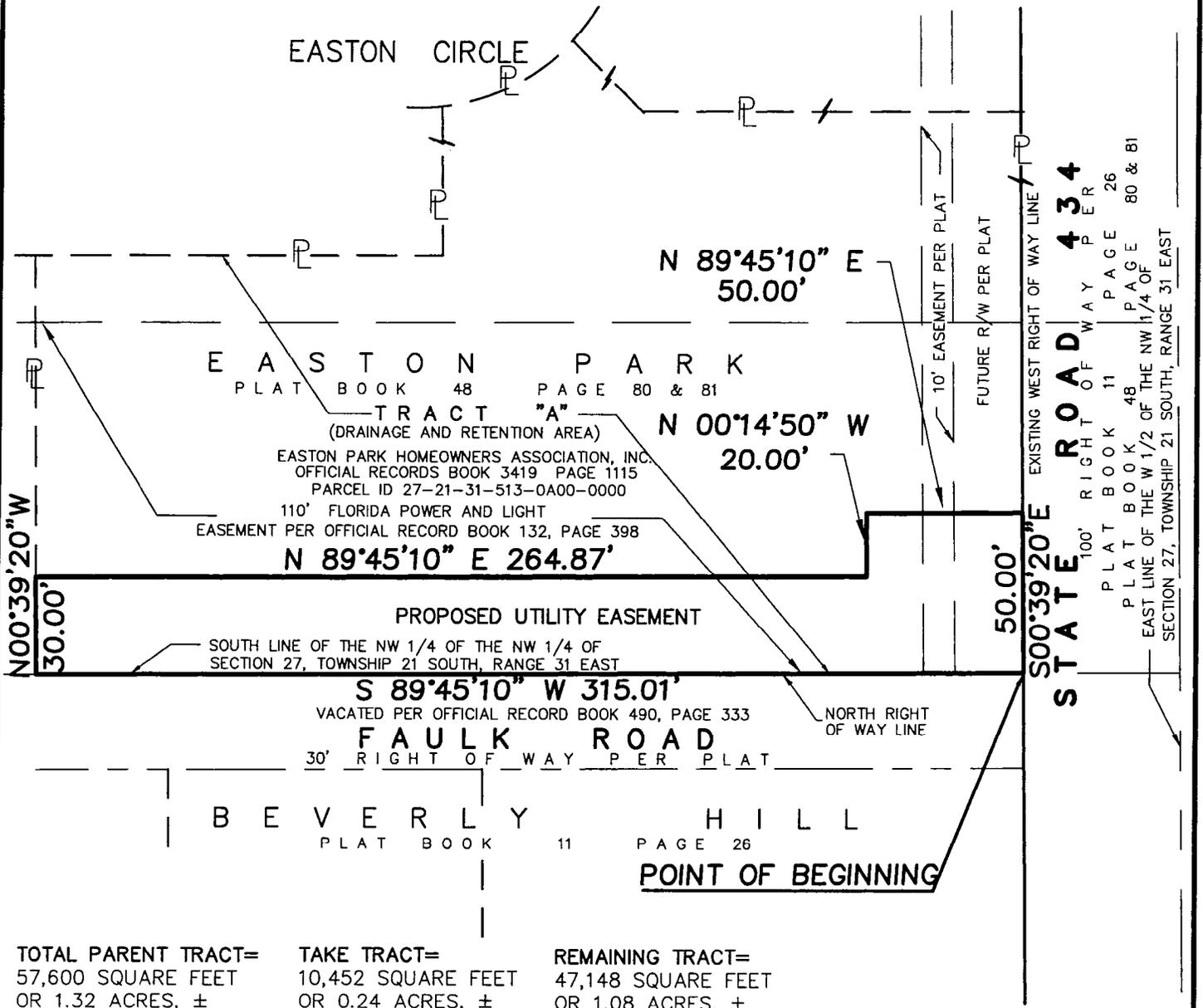
SURVEYORS REPORT

1. The bearings shown hereon are based on the Florida State Plane Coordinate System NAD83/90.
2. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
3. This Survey was performed without benefit of a Title search. A Title search may reveal additional information affecting the Parcel as shown.
4. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Minimum Technical Standards for Land Surveying CH. 61G17-6 requirements.
5. Dimensions and area shown are based on record information.
6. There are no gaps or overlaps between adjoining properties according to their recorded descriptions as shown hereon.

Description FOR Inwood Consulting Engineers	Date: June 10, 2003 MR		CERT. NO. LB2108	46593050
	Job No.:	Scale:	 SOUTHEASTERN SURVEYING & MAPPING CORP. 6500 All American Boulevard Orlando, Florida 32810-4350 (407)292-8580 fax(407)292-0141 email: info@southeasternsurveying.com  GARY C. KRICK P.S.M. REGISTERED LAND SURVEYOR NO. 4245	
	46593050	1"=50'		
	CH. 61G17-6, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY. REVISED : FEBRUARY 27, 2004 SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH			

SKETCH OF DESCRIPTION

EXHIBIT A - 000004



SOUTHEASTERN SURVEYING & MAPPING CORP.
 6500 All American Boulevard
 Orlando, Florida 32810-4350
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 email: info@southeasternsurveying.com