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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: Pam Hastings, Administrative Manager/Public Works Department *[Signature]*  
 Ed Torres, Principal Engineer/Roads – Stormwater Division *[Signature]*

DATE: April 4, 2005

SUBJECT: First Supplemental Resolution of Necessity  
 C-15 / Elder Creek Road Improvement Project

It is necessary to supplement Resolution of Necessity Number 2003-R-121 of the C-15/Elder Creek improvement project which was approved and adopted by the Board of County Commissioners on July 22, 2003.

This supplement will add language as a new Section 5 to the Resolution that will describe the permanent perpetual easement for Parcel I.D. Number 16-19-30-5AC-0000-0980 to be acquired by the County, including the acceptable uses of the easement.

LV:krc

Attachment  
 First Supplemental Resolution of Necessity

**FIRST SUPPLEMENTAL RESOLUTION  
(C-15 Road Improvement /Elder Creek Regional Stormwater Facility Project)**

**THE FOLLOWING RESOLUTION WAS ADOPTED BY THE  
BOARD OF COUNTY COMMISSIONERS OF SEMINOLE  
COUNTY, FLORIDA, AT ITS REGULARLY SCHEDULED  
MEETING OF \_\_\_\_\_, 2005.**

**WHEREAS, C-15** (from S.R. 46 to U.S. Highway 17-92) is an existing road in the County Road System through a developing area within the Elder Creek study area with a high volume of traffic; and

**WHEREAS,** the Board of County Commissioners of Seminole County approved Resolution Of Necessity Number 2003-R-121 on July 22, 2003, approving the improvements to C-15 and the drainage systems in the area and describing the property needed to complete the project, and Resolution of Necessity Number 2004-R-80, on April 27, 2004, amending the previous Resolution to substitute the legal description for parcel I.D. Number 16-19-30-5AC-00000-00G0; and

**WHEREAS,** this First Supplemental Resolution of Necessity is necessary to supplement Resolution of Necessity Number 2003-R-121, which was approved and adopted by the Board of County Commissioners of Seminole County; and

**WHEREAS,** the Board of County Commissioners of Seminole County desires to adopt a First Supplemental Resolution of Necessity in order to further describe the specific interests in the properties the County has found necessary to acquire to construct the C-15 Road Improvement/Elder Creek Regional Stormwater Facility Project; and

**WHEREAS**, as established in Resolution of Necessity Numbers 2003-R-21 and 2004-R-80, it is necessary, serves a County and public purpose, and is in the best interests of the citizens of Seminole County and the traveling public to widen the road and improve the appurtenant drainage facilities on or relating to C-15 as well as the Elder Creek System in order to enhance public transportation within Seminole County, to alleviate traffic congestion and to increase the safety of travel along said road.

**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.** The following language shall be added as a new Section 5 in Resolution Of Necessity Number 2003-R-121:

***Section 5.** The interest sought to be condemned designated as C-15 Parcel I.D. Number 16-19-30-5AC-0000-0980 is a permanent perpetual easement for the purpose of constructing and maintaining a drainage structure and related appurtenances. The County's non-exclusive use shall include the right to construct, operate, secure, maintain, repair, and replace fill slopes, underground pipes, surface drainage facilities including retention ponds, and public utility facilities and structures, together with appurtenances that are reasonably necessary to construct, operate, secure, maintain, repair and replace the fill slopes, underground pipes, surface drainage facilities and public utility facilities and structures. The County acquires the right to enter upon, over, under and across the Parcel with all such fills, cuts, drains, ditches, and other facilities,*

*which may be deemed necessary for making the drainage improvements. The owner's privileges in the use of the Parcel include all uses and purposes not specifically acquired by the County or inconsistent with County uses.*

*The owner's privileges and uses include access to the remaining property, the right to construct underground and surface facilities that are not in conflict with County installed underground and surface facilities, and maintenance and repair rights of owner installed underground and surface facilities. The owner retains all rights to use the Parcel to satisfy applicable land development code regulations including, but not limited to: greenspace and landscape buffer requirements and buildable acreage calculations.*

**Section 3.** This Resolution supplements Resolution of Necessity Number 2003-R-121, by specifying the interest to be acquired as to Parcel I.D. Number. 16-19-30-5AC-0000-0980. The remaining provisions of Resolution of Necessity Number 2003-R-121 are hereby ratified and affirmed.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

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

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

By: \_\_\_\_\_  
CARLTON D. HENLEY, Chairman  
Date: \_\_\_\_\_

For the use and reliance  
Seminole County only. Ap-  
proved as to form and legal  
sufficiency.

As authorized for execution by the Board  
of County Commissioners at its \_\_\_\_\_,  
2005, regular meeting

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

LMV:krc

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