



**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]*
Ext. 5736

DATE: April 30, 2003

SUBJECT: First Supplemental Resolution
East Lake Mary Boulevard Segment II

This Memorandum requests adoption of a First Supplemental Resolution by the Seminole County Board of County Commissioners (BCC) relating to East Lake Mary Boulevard Segment II.

Resolution No. 2003-R-47 was adopted by the BCC on February 11, 2003, due to a redesign of the above-referenced road project. After review of the redesigned plans, it was determined that Parcel Nos. 200C/800 still need to be acquired necessitating their inclusion in a resolution of necessity.

LMVdre

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RESOLUTION NO. 2003-R-_____

SEMINOLE COUNTY, FLORIDA

**FIRST SUPPLEMENTAL RESOLUTION
(EAST LAKE MARY BOULEVARD SEGMENT II formerly known
Silver Lake Drive Segment II)**

**THE FOLLOWING RESOLUTION WAS ADOPTED BY THE
BOARD OF COUNTY COMMISSIONERS OF SEMINOLE
COUNTY, FLORIDA, AT ITS REGULARLY SCHEDULED
MEETING OF _____, 2003.**

WHEREAS, the safe, efficient and uninterrupted transportation of people and property from place to place on the County road system of Seminole County is a matter of great concern to the people of the County and is necessary to insure the smooth operation of commerce and other activities within Seminole County; and

WHEREAS, the constitutional home rule powers of Seminole County, the *Florida Transportation Code (Chapters 334-339 and other provisions of the Florida Statutes as established in Section 334.01, Florida Statutes)* and other applicable law including, but not limited to, *Chapter 125, Florida Statutes*, invests authority over the County road system of Seminole County in the County; and

WHEREAS, the Board of County Commissioners of Seminole County desires to accomplish and implement sound transportation planning and provide a sound transportation system in Seminole County for the benefit of the citizens of Seminole County; and

WHEREAS, the elimination of safety hazards in existing and future transportation facilities within Seminole County is of utmost concern and encourages the full utilization of such facilities by the traveling public; and

WHEREAS, it is necessary, beneficial and desirable that vehicular traffic within any transportation facility in developed or developing areas of the County have an adequate right-of-way to accommodate the roadway and its appurtenant facilities to decrease the likelihood of accidents and to increase the safety of travel within and upon such facilities; and

WHEREAS, East Lake Mary Boulevard Phase II-B (from the Airport entrance to S.R. 46/S.R. 415) is a new proposed arterial roadway, which is an extension of the existing East Lake Mary Boulevard in the County Road System through a rapidly developing area; and

WHEREAS, this Supplemental Resolution of Necessity is necessary to supplement Resolution of Necessity Number 2003-R-47 that was approved and adopted by the Board of County Commissioners of Seminole County on February 11, 2003, and pertains to certain parcels to be acquired for East Lake Mary Boulevard Phase II-B road improvements; and

WHEREAS, the elimination of safety hazards in existing and future transportation facilities within Seminole County is of utmost concern and encourages the full utilization of such facilities by the traveling public; and

WHEREAS, Seminole County has heretofore caused the new roadway's area of construction to be located and surveyed and has caused a right-of-way map for the

section of East Lake Mary Boulevard hereinabove described to be prepared, based upon and incorporating the survey and location data; and

WHEREAS, additional legal descriptions of the property needed for the construction of the new roadway and the improvement of its drainage system and other appurtenant systems has been prepared based upon the aforementioned survey and location data and the right-of-way map; and

WHEREAS, the Board of County Commissioners of Seminole County desires to adopt a First Supplemental Resolution for the section of East Lake Mary Boulevard, hereinabove described and to add the parcels needed for construction of the new roadway and improvements of its drainage system on the section of East Lake Mary Boulevard; 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 parcels of real property at prices that are both fair to property owners and prudent in terms of spending the tax revenues and other public funds which fund the transportation projects of the County; 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. That 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 construct the new road and appurtenant drainage facilities on or relating to East Lake Mary Boulevard

(From the Airport entrance to S.R. 46A/S.R. 415), in order to enhance public transportation within Seminole County, to alleviate traffic congestion and to increase the safety of travel along said extension. The above recitals set forth in the whereas clauses are adopted as findings and incorporated into the text of this Resolution.

Section 2. That the acquisition of the property described in Exhibit "A" attached hereto consisting of 3 pages and identified as Exhibit "A", 00001-00003, be and the same is hereby ratified and confirmed and found to be necessary and serves a public purpose for the construction to the extent of the estate or interest set forth as a part of each parcel's legal descriptions. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of said parcels are necessary and serves a County and public purpose or that it serves a public purpose to acquire an entire lot, block or tract of land.

Section 3. 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 parcel described in Exhibit "A" attached hereto to the extent of the estate or interest set forth as a part of said parcels legal description. The County Attorney's Office is 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 said parcels 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 any terms, conditions and limitations if any are 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, 127, 332, and Section 337.27, Florida Statutes*, as well as the provisions of the *Florida Transportation Code* referred to in the recitals to this First Supplemental Resolution. As to any parcel which is a total acquisition pursuant to *Section 337.27, Florida Statutes*, if any, it is hereby found that such action is for a public purpose and is necessary and desirable in order to accomplish the prudent expenditure of public funds. The County Attorney's Office is authorized to acquire a portion of the property necessary for the improvement or, alternatively, acquire an entire lot, block or tract of land, if by doing so, the acquisition cost will be equal to or less than the cost of acquiring a portion of the property.

Section 4. 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 or to bring offers from owners in excess of the authority granted to the Board of County Commissioners of Seminole County, Florida.

Section 5. The provisions of Resolution of Necessity Number 2003-R-47 are hereby ratified and affirmed.

ADOPTED this ___ day of _____, 2003.

ATTEST: BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

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

By: _____
DARYL McLAIN, 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 _____,
2003, regular meeting

County Attorney

LMV\dre
04/21/03
Attachment
Exhibit A - Legal Descriptions 00001-00003
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EXHIBIT A

Right-Of-Way Fee Simple

PROJECT: East Lake Mary Boulevard Extension

OWNER: Helen Howland Holdings, Inc.

TITLE SEARCH NO.: 200C

R/W PARCEL NO.: 200

TAX I.D. NO.: 08-20-31-300-0380-0000

(PART C)

THAT PORTION OF THE PROPERTY DESCRIBED IN OFFICIAL RECORD BOOK 3805, PAGE 1666 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 31 EAST; ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 31 EAST, AS SHOWN ON THE FLORIDA DEPARTMENT OF NATURAL RESOURCES CERTIFIED CORNER RECORDS DOCUMENT NO. 0055988; THENCE RUN N89°42'17"E ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 8 A DISTANCE OF 1798.12 FEET TO A POINT ON THE CENTERLINE OF SURVEY OF EAST LAKE MARY BOULEVARD ACCORDING TO SEMINOLE COUNTY RIGHT-OF-WAY MAP, PROJECT NUMBER PS-0137; SAID POINT BEING A POINT ON A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 2864.79 FEET AND A CHORD BEARING OF N74°02'58"E; THENCE FROM A RADIAL BEARING OF S13°52'03"E, RUN ALONG THE ARC OF SAID CURVE AND SAID CENTERLINE OF SURVEY A DISTANCE OF 208.30 FEET THROUGH A CENTRAL ANGLE OF 04°09'57" TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8 FOR A POINT OF BEGINNING; THENCE DEPARTING SAID CURVE AND SAID CENTERLINE OF SURVEY RUN N00°09'29"W ALONG SAID WEST LINE A DISTANCE OF 68.38 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 2799.79 FEET AND A CHORD BEARING OF N64°21'59"E; THENCE FROM A RADIAL BEARING OF S18°27'47"E, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 700.79 FEET THROUGH A CENTRAL ANGLE OF 14°20'28" TO A POINT ON A LINE 35.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 8; THENCE DEPARTING SAID CURVE FROM A RADIAL BEARING OF S32°48'15"E, RUN N00°10'49"W ALONG SAID PARALLEL LINE A DISTANCE OF 90.48 FEET; THENCE RUN N89°49'11"E A DISTANCE OF 10.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF SIPES AVENUE BEING A LINE 25.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 8; THENCE RUN S00°10'49"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 278.27 FEET; THENCE RUN N60°28'56"W A DISTANCE OF 34.52 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 2934.79 FEET AND A CHORD BEARING OF S63°44'31"W; THENCE FROM A RADIAL BEARING OF N30°40'43"W, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 452.87 FEET THROUGH A CENTRAL ANGLE OF 08°50'29" TO A POINT ON A LINE 55.00 FEET NORTH OF AND PARALLEL TO THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION


EXHIBIT A

8; THENCE DEPARTING SAID CURVE FROM A RADIAL BEARING OF N21°50'14"W, RUN S89°42'17"W A DISTANCE OF 204.80 FEET TO A POINT ON THE WEST LINE THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8; THENCE RUN N00°09'29"W ALONG SAID WEST LINE A DISTANCE OF 1.20 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 2.052 ACRES, MORE OR LESS.

THE SKETCH FOR THIS DESCRIPTION IS SHOWN ON SHEETS 2, 4, 5, 6, 8, AND 9 OF THE RIGHT OF WAY MAPS FOR EAST LAKE MARY BOULEVARD EXTENSION, SEMINOLE COUNTY PROJECT NO. PS-0137.

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 SET FORTH IN CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

 9-24-02
Michael J. Cavalese DATE
Florida Registered Land Surveyor #3701
NOT VALID WITHOUT SURVEYOR'S EMBOSSED SEAL

Lochrane Engineering
201 South Bumby Avenue
Orlando, Florida 32803
407-896-3317

EXHIBIT A

PERMANENT DRAINAGE EASEMENT

PROJECT: East Lake Mary Boulevard Extension

OWNER: Helen Howland Holdings, Inc.

TITLE SEARCH NO.: 200C

R/W PARCEL NO.: 800

TAX I.D. NO.: 08-20-31-300-0380-0000

CONSULTANT: Lochrane Engineering, Inc.

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CONTAINING THEREIN 7,372 SQUARE FEET, MORE OR LESS.

THE SKETCH FOR THIS DESCRIPTION IS SHOWN ON SHEETS 2, 8, AND 9 OF THE RIGHT OF WAY MAPS FOR EAST LAKE MARY BOULEVARD EXTENSION, SEMINOLE COUNTY PROJECT NO. PS-0137.

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00003