

RESOLUTION NO. 2004-R-___

SEMINOLE COUNTY, FLORIDA

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

WHEREAS, the Board of County Commissioners of Seminole County has actively supported the construction of a greenways and trails system in Seminole County and is committed to providing a wide array of recreational and alternative transportation uses which will allow the County's citizens and visitors to enjoy the natural beauty of Seminole County; and

WHEREAS, the Citizens of Seminole County overwhelming approved a bond referendum in 2000 to provide funding for the purchase of natural lands and the design and construction of neighborhood and arterial trails. Kewannee Trail was specifically named in the referendum that was approved; and

WHEREAS, Seminole County plans to construct the Kewannee Trail from the southeast intersection Oxford and Fern Park Boulevard through Kewannee Park to Cassel Creek Boulevard, approximately 1.7 miles. Specifically, this portion of the trail provides connectivity between English Estates Elementary School, Kewannee Park and the sidewalk system on State Road 436.

WHEREAS, the placement of the trail in this area is a critical transportation improvement, and the Kewannee Trail in this corridor will provide viable bicycle, and pedestrian transportation alternatives in accordance with the public policy of the State of Florida and the Seminole County Comprehensive Plan; and

WHEREAS, the Kewannee Trail will improve the health and safety of schoolchildren in the area by providing a safe area for walking, bicycle riding and skating, thus encouraging the use of non-motorized transportation; and

WHEREAS, Constitutional home rule powers, Chapter 125, Florida Statutes, Chapter 127, Florida Statutes, 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 gives the County the authority to acquire property for public purposes; and

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

WHEREAS, descriptions of the properties needed for the construction of the Kewannee Trail have been prepared based upon the aforementioned survey and location data; 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 trail easements at prices that are both fair to property owners and prudent in terms of spending public funds.

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 acquisition of the property described in Exhibit "A" attached hereto consisting of 6 pages and identified as Exhibit Number 000001-00003A, be and the same is hereby ratified and confirmed and found to be necessary for said improvements as permanent trail 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 3. 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 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, 125, 127 and 332, Florida Statutes*, as well as the provisions of the *Florida Transportation Code* referred to in the recitals to this Resolution.

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.

Section 5. The interests sought to be condemned designated as Parcel Nos. A, B and C are permanent perpetual access easements for recreational trail use. The County's occupation and uses of these parcels are detailed in the Kewannee Trail construction plans. The County's exclusive easement is for the primary purpose of providing permanent and perpetual public, recreational use, specifically for use by the general public for walking, bicycling, in-line skating, horseback riding and related activities. The property owner's privileges in the use of the parcels 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, and maintenance and repair rights of owner-

installed underground and surface facilities. The owner retains all rights to satisfy and include the parcels in applicable land development code requirements, including: greenspace and landscape buffer requirements, buildable acreage calculations, and other land development code satisfactions and requirements consistent with the requirements of the applicable land development codes.

Section 6. The County Engineer or his designee is hereby delegated the authority to amend the construction plans for the Kewannee Trail and is authorized to bind the County to construct the Kewannee Trail in accordance with the construction plans as amended from time to time. This authority shall encompass any change considered necessary in the discretion of the County Engineer or his designee, but shall not include changes in the typical section or alignment approved by the Board of County Commissioners of Seminole County.

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
04/27/04
Attachment
Exhibit A - Legal Descriptions 000001-000003A
P:\USERS\LVouis\RESOLUTIONS\KEWANNEE TRAIL PROJECT.DOC

LEGAL DESCRIPTION

RECREATIONAL TRAIL EASEMENT

THE NORTH 50.00 FEET OF LOT 5, NEWPORT COLONY APARTMENTS, AS RECORDED IN PLAT BOOK 43, PAGES 45-47, OF THE PUBLIC RECORDS, SEMINOLE COUNTY, FLORIDA.

CONTAINING 43,507 SQUARE FEET MORE OR LESS.

000001

43,500 ±
@H

SHEET 2 OF 2

SEMINOLE COUNTY

ENGINEERING DEPARTMENT
SURVEY SECTION
520 W. LAKE MARY BLVD.
SANFORD, FLORIDA 32773
(407)665-5647

LEGEND

BEARINGS BASED ON : WEST LINE OF LOT 5 NEWPORT COLONY

APARTMENTS AS BEING N00°30'05"E

SURVEYOR'S NOTES

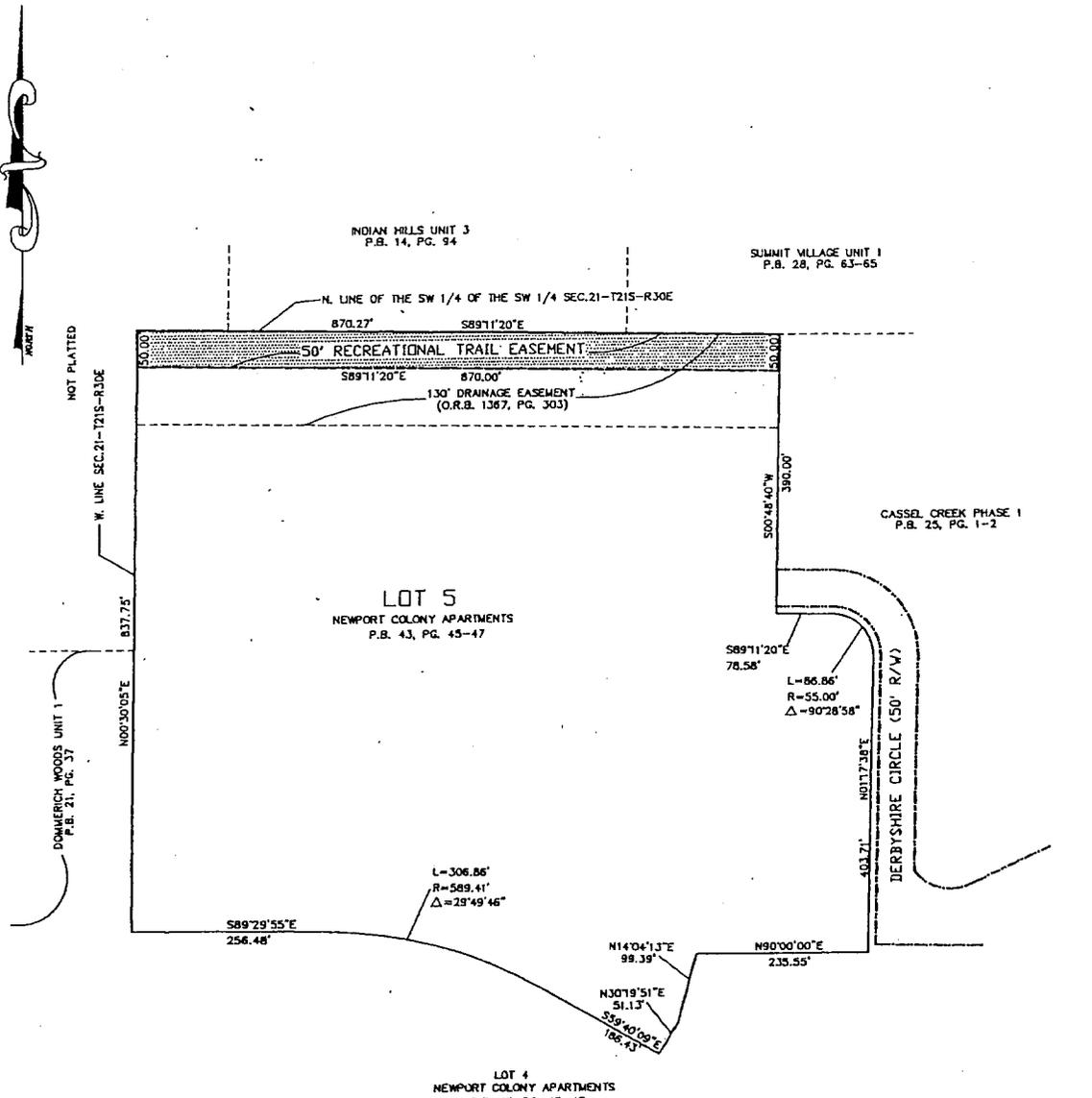
1. THIS IS NOT A SURVEY.
2. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS NOT LOCATED.
3. SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

REVISIONS			
	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			

FIELD DATE: _____
DATE: 3-27-02
JOB NAME: 02-007C

SCALE: 1"=200'
DRAWN BY: L.W.
CHECKED BY: _____

SKETCH OF DESCRIPTION



000001A

SHEET 1 OF 2

SEMINOLE COUNTY
 ENGINEERING DEPARTMENT
 SURVEY SECTION
 520 W. LAKE MARY BLVD.
 SANFORD, FLORIDA 32773
 (407)665-5647

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BY: *Gary A. Leise*
 GARY A. LEISE P.L.S. FLA. CERT.# 4723

LEGEND

- | | |
|--------------------------------|----------------------------------|
| Δ - CENTRAL ANGLE (DELTA) | PB - PLAT BOOK |
| R - RADIUS | PG - PAGE (S) |
| CB - CHORD BEARING | ORB - OFFICIAL RECORDS BOOK |
| L - ARC LENGTH | SEC - SECTION - TOWNSHIP - RANGE |
| C - CHORD | PCL - PARCEL |
| ○ - SET IRON PIN OR PIPE | PC - POINT OF CURVATURE |
| ● - FOUND IRON PIN OR PIPE | PT - POINT OF TANGENCY |
| □ - SET CONCRETE MONUMENT | P1 - POINT OF INTERSECTION |
| ■ - FOUND CONCRETE MONUMENT | PCC - POINT OF COMPOUND CURVE |
| P.O.B. - POINT OF BEGINNING | PRC - POINT OF REVERSE CURVE |
| P.O.C. - POINT OF COMMENCEMENT | M - MEASURED |
| P.O.T. - POINT OF TERMINATION | P - PLAT |
| R/W - RIGHT OF WAY | F - FIELD |
| D - DEED | C - CALCULATED |
| C/L - CENTERLINE | P/L - PROPERTY LINE |
| UTIL - UTILITY | ESMT - EASEMENT |

FIELD DATE: _____
 DATE: 3-27-02
 JOB NAME: 02-007C

SCALE: 1"=200'
 DRAWN BY: L.W.
 CHECKED BY: _____

LEGAL DESCRIPTION

RECREATIONAL TRAIL EASEMENT

THE NORTH 60.00 FEET OF THE FOLLOWING DESCRIBED PARCEL:

"BEGIN AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 30 EAST; THENCE RUN S00°17'38"W A DISTANCE OF 803.10 FEET ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 21; THENCE RUN S74°04'18"W A DISTANCE OF 165.00 FEET; THENCE RUN N88°42'22"W A DISTANCE OF 169.07 FEET; THENCE RUN N01°17'38"E A DISTANCE OF 403.71 FEET TO A POINT ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 55.00 FEET; THENCE RUN NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°28'58" A DISTANCE OF 86.86 FEET; THENCE RUN N89°11'20"W A DISTANCE OF 78.58 FEET; THENCE RUN N00°48'40"E A DISTANCE OF 390.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 21; THENCE RUN S89°11'20"E A DISTANCE OF 450.00 FEET TO THE POINT OF BEGINNING." AS RECORDED IN PLAT BOOK 25, PAGE 1-2, OF THE PUBLIC RECORDS, SEMINOLE COUNTY, FLORIDA.

CONTAINING 0.62 ACRES MORE OR LESS.

000002

27,000 sq ft
OK

SHEET 2 OF 2

SEMINOLE COUNTY

ENGINEERING DEPARTMENT
SURVEY SECTION
520 W. LAKE MARY BLVD.
SANFORD, FLORIDA 32773
(407)665-5647

LEGEND

BEARINGS BASED ON : N. LINE CASSEL CREEK UNIT ONE

AS BEING S89°11'20"E

SURVEYOR'S NOTES

1. THIS IS NOT A SURVEY.
2. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS NOT LOCATED.
3. SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

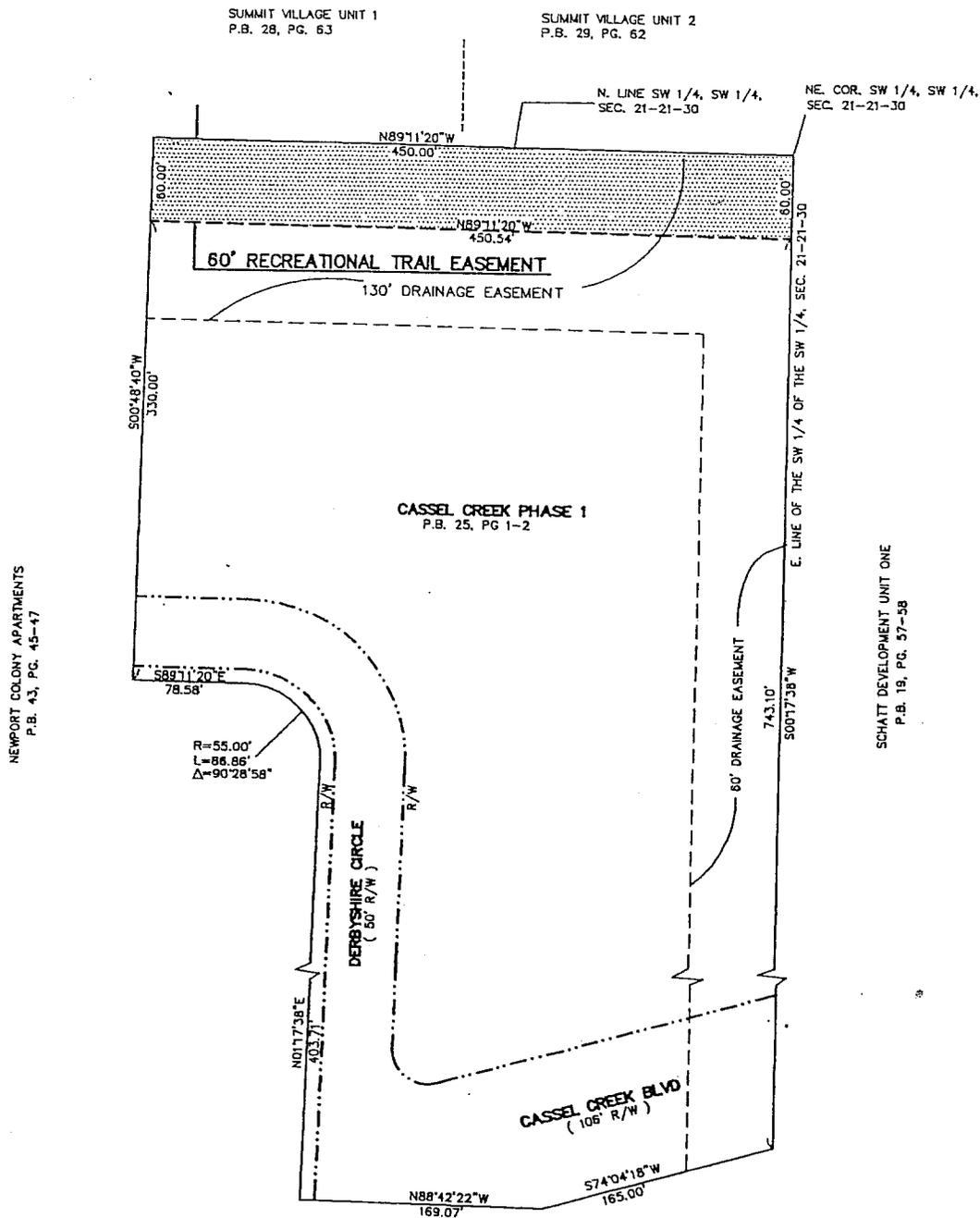
REVISIONS

	DATE	DESCRIPTION	BY
1	09-03-03	30' ESMT. TO 60' ESMT.	L.W.
2			
3			
4			
5			

FIELD DATE: N/A
DATE: 03-06-02
JOB NAME: 02-007

SCALE: 1"=100'
DRAWN BY: L.W.
CHECKED BY:

SKETCH OF DESCRIPTION



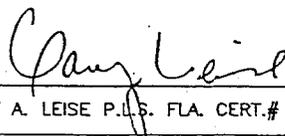
NOT PLATTED

SHEET 1 OF 2

SEMINOLE COUNTY

ENGINEERING DEPARTMENT
SURVEY SECTION
520 W. LAKE MARY BLVD.
SANFORD, FLORIDA 32773
(407)665-5647

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BY: 
GARY A. LEISE P.L.S. FLA. CERT.# 4723

LEGEND

- | | |
|--------------------------------|----------------------------------|
| Δ - CENTRAL ANGLE (DELTA) | PB - PLAT BOOK |
| R - RADIUS | PG - PAGE (S) |
| CB - CHORD BEARING | ORB - OFFICIAL RECORDS BOOK |
| L - ARC LENGTH | SEC - SECTION - TOWNSHIP - RANGE |
| C - CHORD | PCL - PARCEL |
| ○ - SET IRON PIN OR PIPE | PC - POINT OF CURVATURE |
| ● - FOUND IRON PIN OR PIPE | PT - POINT OF TANGENCY |
| □ - SET CONCRETE MONUMENT | P1 - POINT OF INTERSECTION |
| ■ - FOUND CONCRETE MONUMENT | PCC - POINT OF COMPOUND CURVE |
| P.O.B. - POINT OF BEGINNING | PRC - POINT OF REVERSE CURVE |
| P.O.C. - POINT OF COMMENCEMENT | M - MEASURED |
| P.O.T. - POINT OF TERMINATION | P - PLAT |
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| D - DEED | C - CALCULATED |
| C/L - CENTERLINE | P/L - PROPERTY LINE |
| UTIL - UTILITY | ESMT - EASEMENT |

FIELD DATE: N/A

DATE: 03-06-02

JOB NAME: 02-007

SCALE: 1"=100'

DRAWN BY: L.W.

CHECKED BY:

000002A

LEGAL DESCRIPTION

RECREATIONAL TRAIL EASEMENT

THE WEST 60.00 FEET OF LOT 8 AS AS RECORDED IN PLAT BOOK 22, PAGE 64, OF THE PUBLIC RECORDS, SEMINOLE COUNTY, FLORIDA.
 (A REPLAT OF LOT 1, UNIT 1, AND LOT 7, UNIT 2 OF SCHATT DEVELOPMENT.)

CONTAINING 8701 SQUARE FEET MORE OR LESS.

000003

8700 sq ft
 @ #2

SHEET 2 OF 2

EMINOLE COUNTY

ENGINEERING DEPARTMENT
 SURVEY SECTION
 520 W. LAKE MARY BLVD.
 SANFORD, FLORIDA 32773
 (407)665-5647

LEGEND

BEARINGS BASED ON : NORTH LINE OF SCHATT DEVELOPMENT

UNIT ONE AS BEING N88°06'55"E

SURVEYOR'S NOTES

1. THIS IS NOT A SURVEY.
2. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS NOT LOCATED.
3. SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.

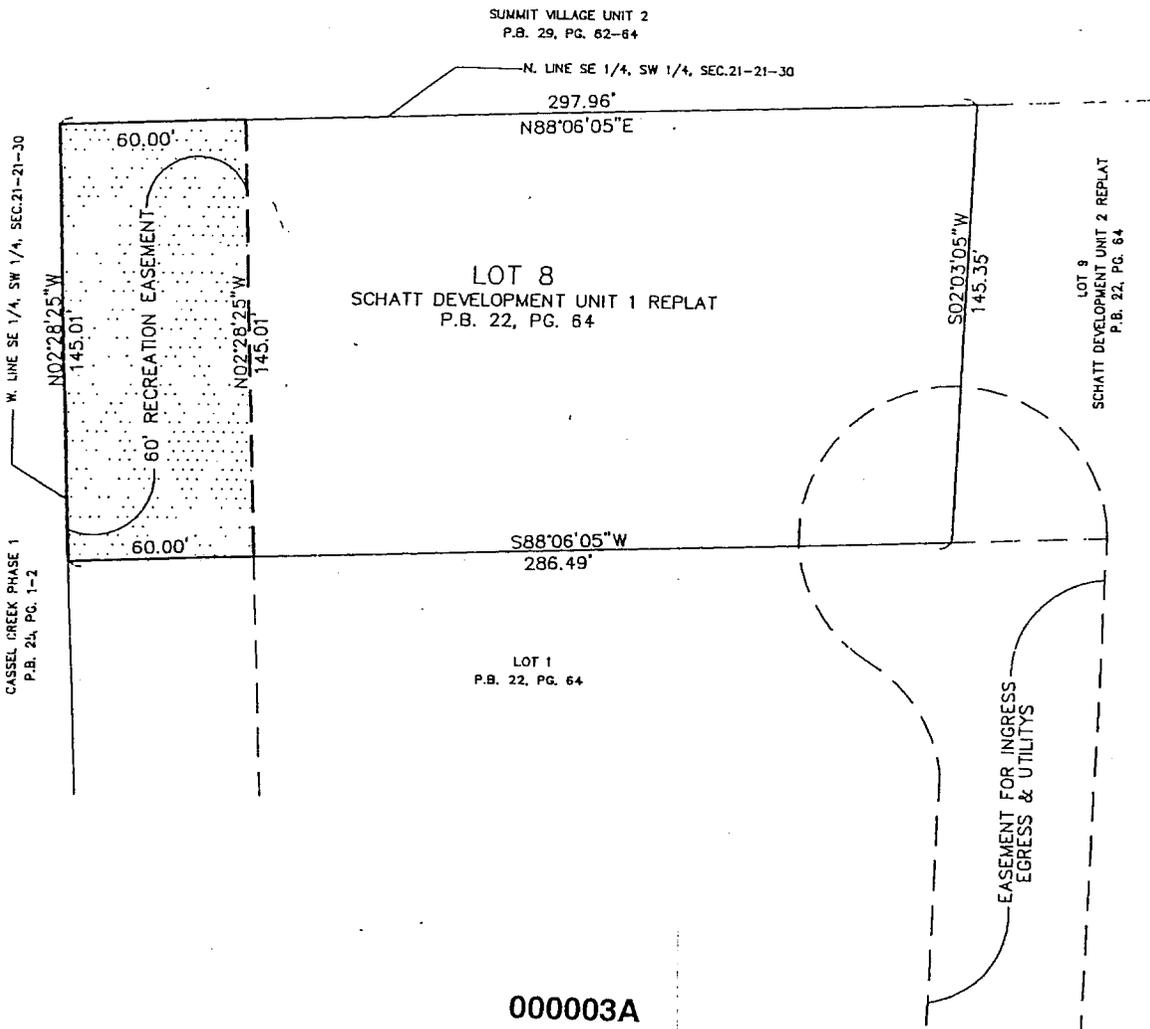
REVISIONS

DATE	DESCRIPTION	BY

FIELD DATE: N/A
 DATE: 03-21-02
 JOB NAME: 02-007A

SCALE: 1"=50'
 DRAWN BY: L.W.
 CHECKED BY:

SKETCH OF DESCRIPTION



SHEET 1 OF 2

SEMINOLE COUNTY
ENGINEERING DEPARTMENT
SURVEY SECTION
520 W. LAKE MARY BLVD.
SANFORD, FLORIDA 32773
(407)665-5647

LEGEND

- | | |
|--------------------------------|----------------------------------|
| △ CENTRAL ANGLE (DELTA) | PB - PLAT BOOK |
| R - RADIUS | PG - PAGE (S) |
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Gary A. Leise

GARY A. LEISE P.L.S. FLA. CERT.# 4723

FIELD DATE: N/A
DATE: 03-21-02
JOB NAME: 02-007A

SCALE: 1" = 50'
DRAWN BY: L.W.
CHECKED BY: