

Item # 24

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Resolution to accept land for public purposes

DEPARTMENT: Planning & Development **DIVISION:** Development Review

AUTHORIZED BY: Donald S. Fisher **CONTACT:** Cynthia Sweet **EXT.** 7443

Agenda Date 5/27/03 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

Adopt the Resolution to accept the Warranty Deed and cancel property taxes for land donated for public lands from Commercial Realty Group, Inc., Neill O'Brien, III, President

District 1 – Maloy (Cynthia Sweet, Planner) *[Signature]*

BACKGROUND:

The owners, Commercial Realty Group, Inc., Neil O'Brien, III, President, is donating land to Seminole County for public purposes. Adoption of the Resolution accepts that property and cancels the ad valorem taxes on the property.

On February 8, 2002, the Board approved the Final Master Plan and Developer's Commitment Agreement for The Trails Planned Unit Development. As a condition of the approval, the developer voluntarily agreed to donate 2.36 acres to the county for a proposed Trail Head within Phase 1 of The Trails Subdivision. The site is located at the northeast corner of the Chuluota By-pass (Snowhill Road) and Jacobs Trail (SR 13) in Sections 20 and 21, Township 21 S, Range 32 E.

STAFF RECOMMENDATION:

Staff recommends adoption of the Special Warranty Deed from Commercial Realty Group, Inc. to Seminole County.

District 1 - Maloy

Attachments:

- Resolution – Exhibit A
- Warranty deed – Exhibit B
- Location map – Exhibit C

Reviewed by:	<u>KEC</u>
Co Atty:	<u>KEC</u>
DFS:	_____
Other:	_____
DCM:	<u>SS</u>
CM:	<u>KB</u>
File No.	<u>cpdd02</u>

RESOLUTION NO. 2003 - R - _____

SEMINOLE COUNTY, FLORIDA

RESOLUTION

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON 27th DAY OF May, 2003.

WHEREAS, it has been determined by the Board of County Commissioners of Seminole County that there is a necessity for public land improvements to property, located in Sections 20 and 21, Township 21 South, Range 32 East, Seminole County, Florida; and

WHEREAS, the implementation of the future public land improvements will require property not now owned by the County of Seminole; and

WHEREAS, COMMERCIAL REALTY GROUP, INC., has indicated its willingness to donate to Seminole County the required property, as evidenced by an executed Warranty Deed for PUBLIC LAND, attached hereto; and

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 purposes.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Seminole County hereby accepts that Warranty Deed for Public Lands executed May January 10th, 2003, conveying to Seminole County the land described in EXHIBITS "A" and "B", attached hereto.

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 EXHIBITS "A" and "B" are hereby cancelled and discharged.

Prepared by: Cynthia Sweet
Seminole County Development Review Division
1101 E. First Street
Sanford, Florida 32771

EXHIBIT A

BE IT FURTHER RESOLVED that said Warranty Deed be recorded in the Official Records of Seminole County, Florida.

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

ADOPTED THIS 27th DAY OF May, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

DARYL G. MCLAIN, CHAIRMAN

ATTEST:

MARYANNE MORSE, Clerk to the Board of
County Commissioners in and for Seminole
County, Florida

TAX PARCELS ID # 20-21-32-300-0030-0000 and 21-21-32-300-0050-0000

Prepared by and return to:
Vernon Swartzel
Carlton Fields
P.O. Box 1171
Orlando, FL 32802

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, executed this 10th day of January, 2003, by COMMERCIAL REALTY GROUP, INC., a Florida corporation, whose address is 140 N. Orlando Avenue, Suite 150, Winter Park, Florida 32789 ("Grantor") to SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is 1101 E. First Street, Sanford, Florida 32771 ("Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Seminole County, Florida, described on Exhibit "A" which is attached hereto and by this reference made a part hereof, SUBJECT to ad valorem taxes for the year 2003 and subsequent years and easements and restrictions of record, if any, this reference to which shall not reimpose the same.

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

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor.

IN WITNESS WHEREOF the Grantor has caused these presents to be signed and sealed on its behalf on the day and year first above written.

Signed, sealed and delivered in the presence of:

Jennie Conley
Name Printed: Jennie Conley
Vernon Swartzel
Name Printed: Vernon Swartzel

COMMERCIAL REALTY GROUP, INC.

By: Neill O'Brien III
President

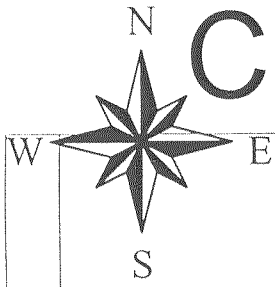
STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 10th day of January, 2003, by Neill O'Brien III, as President of Commercial Realty Group, Inc., a Florida corporation, on behalf of said corporation. He is personally known to me or has produced _____ as identification.

Vernon Swartzel
Name: Vernon Swartzel
Notary Public



COMMERCIAL REALTY GROUP



Special Warranty Deed
from Commercial Realty Group, Inc., to
Seminole County

Exhibit "A"

COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 32 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN N.01°53'35"W. ALONG THE EAST LINE OF SAID NORTHEAST $\frac{1}{4}$, A DISTANCE OF 1330.34 FEET TO THE NORTH LINE OF THE SOUTH $\frac{1}{2}$ OF THE NORTH $\frac{1}{2}$ OF SAID SECTION 21; THENCE RUN S.89°10'39"W. ALONG SAID NORTH LINE 40.79 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE CHULUOTA BYPASS; THENCE RUN SOUTHERLY AND WESTERLY ALONG THE WESTERLY AND NORTHERLY RIGHT-OF-WAY LINES OF THE CHULUOTA BYPASS THE FOLLOWING COURSES: THENCE RUN S.01°55'40"E. 261.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1049.35 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 1230.53 FEET, THROUGH A CENTRAL ANGLE OF 67°11'19" TO A POINT; THENCE RUN N.24°44'48"W. 6.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1043.35 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 433.37 FEET, THROUGH A CENTRAL ANGLE OF 23°47'54", A CHORD BEARING OF S.77°09'36"W. AND A CHORD DISTANCE OF 430.26 FEET TO THE POINT OF TANGENCY; THENCE RUN S.89°03'33"W. 417.45 FEET; THENCE RUN S.88°18'43"W. 460.04 FEET; THENCE RUN S.89°03'33"W. 3080.40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°03'33"W. 252.50 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 32 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN S.88°21'02"W. ALONG THE SOUTH LINE OF SAID NORTHEAST $\frac{1}{4}$ OF SECTION 20, A DISTANCE OF 47.50 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 13 (100 FOOT RIGHT-OF-WAY); THENCE LEAVING SAID CHULUOTA BYPASS, RUN N.09°22'24"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE 343.20 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF LAKE CRESCENT DRIVE, PER PLAT OF LAKE CRESCENT SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 85 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN N.88°57'39"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE 94.51 FEET TO THE AFORESAID EAST LINE OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 20; THENCE RUN N.88°57'08"E. ALONG SAID SOUTH RIGHT-OF-WAY LINE 210.47 FEET; THENCE RUN S.08°32'48"E. 342.47 FEET TO THE POINT OF BEGINNING.

BOUNDARY SURVEY FOR: COMMERCIAL REALTY GROUP, INC.

DESCRIPTION: TRAIL HEAD PROPERTY

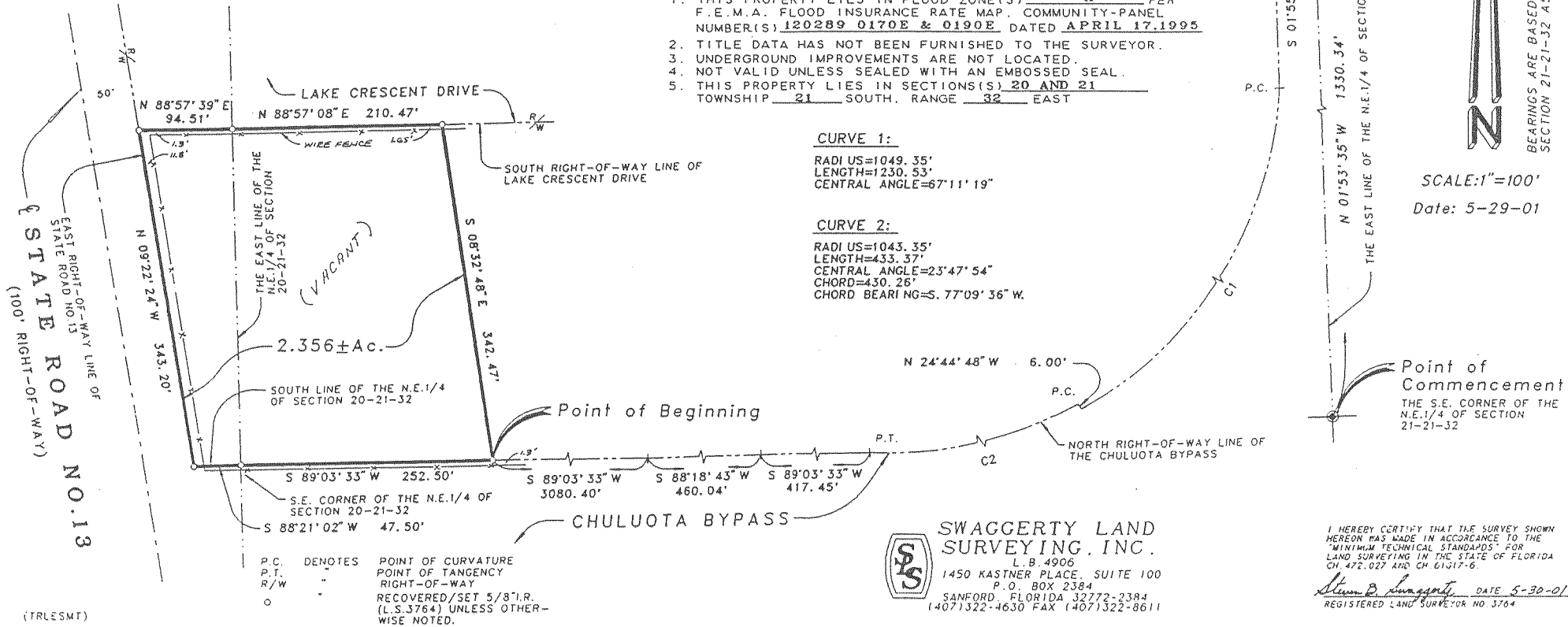
COMMENCE AT THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 21 SOUTH, RANGE 32 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN N.01°53'35"W. ALONG THE EAST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 1330.34 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE NORTH 1/2 OF SAID SECTION 21; THENCE RUN S.89°10'39"W. ALONG SAID NORTH LINE 40.79 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE CHULUOTA BYPASS; THENCE RUN SOUTHERLY AND WESTERLY ALONG THE WESTERLY AND NORTHERLY RIGHT-OF-WAY LINES OF THE CHULUOTA BYPASS THE FOLLOWING COURSES: THENCE RUN S.01°55'40"E, 261.21 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1049.35 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 1230.53 FEET, THROUGH A CENTRAL ANGLE OF 67°11'19" TO A POINT; THENCE RUN N.24°44'48"W, 6.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 1043.35 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE 433.37 FEET, THROUGH A CENTRAL ANGLE OF 23°47'54", A CHORD BEARING OF S.77°09'36"W, AND A CHORD DISTANCE OF 430.26 FEET TO THE POINT OF TANGENCY; THENCE RUN S.89°03'33"W, 417.45 FEET; THENCE RUN S.88°18'43"W, 460.04 FEET; THENCE RUN S.89°03'33"W, 3080.40 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°03'33"W, 252.50 FEET TO THE SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SECTION 20, TOWNSHIP 21 SOUTH, RANGE 32 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN S.88°21'02"W, ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF SECTION 20, A DISTANCE OF 47.50 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO.13 (100 FOOT RIGHT-OF-WAY); THENCE LEAVING SAID CHULUOTA BYPASS, RUN N.09°22'24"W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE 343.20 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF LAKE CRESCENT DRIVE, PER PLAT OF LAKE CRESCENT SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 85 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE RUN N.88°57'39"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE 94.51 FEET TO THE AFORESAID EAST LINE OF THE NORTHEAST 1/4 OF SECTION 20; THENCE RUN N.88°57'08"E, ALONG SAID SOUTH RIGHT-OF-WAY LINE 210.47 FEET; THENCE RUN S.08°32'48"E, 342.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.356 ACRES MORE OR LESS.

1. THIS PROPERTY LIES IN FLOOD ZONE(S) "X" PER F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL NUMBER(S) 120289 0170E & 0190E, DATED APRIL 17, 1995
2. TITLE DATA HAS NOT BEEN FURNISHED TO THE SURVEYOR.
3. UNDERGROUND IMPROVEMENTS ARE NOT LOCATED.
4. NOT VALID UNLESS SEALED WITH AN EMBOSSED SEAL.
5. THIS PROPERTY LIES IN SECTIONS(S) 20 AND 21 TOWNSHIP 21 SOUTH, RANGE 32 EAST

CURVE 1:
 RADIUS=1049.35'
 LENGTH=1230.53'
 CENTRAL ANGLE=67°11'19"

CURVE 2:
 RADIUS=1043.35'
 LENGTH=433.37'
 CENTRAL ANGLE=23°47'54"
 CHORD=430.26'
 CHORD BEARING=S. 77°09'36" W.



SCALE: 1"=100'
 Date: 5-29-01

Point of Commencement
 THE S.E. CORNER OF THE N.E. 1/4 OF SECTION 21-21-32

SWAGGERTY LAND SURVEYING, INC.
 L.B. 4906
 1450 KASTNER PLACE, SUITE 100
 P.O. BOX 2384
 SANFORD, FLORIDA 32772-2384
 (407)322-4630 FAX (407)322-8611

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE TO THE "MINIMUM TECHNICAL STANDARDS" FOR LAND SURVEYING IN THE STATE OF FLORIDA CH. 472.027 AND CH. 61017-6.
Stuart B. Swaggerty, DATE 5-30-01
 REGISTERED LAND SURVEYOR NO. 3764

BEARINGS ARE BASED ON THE EAST LINE OF THE N.E. 1/4 OF SECTION 21-21-32 AS BEING N.01°53'35" W., ASSUMED.

FILE NO. 35-01-1A

(TRLESMT)