

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Resolution – Sidewalk Easement

DEPARTMENT: PUBLIC WORKS **DIVISION:** ENGINEERING

AUTHORIZED BY: *W. Gary Johnson* **CONTACT:** Jerry McCollum, P.E. EXT. 5651
W. Gary Johnson, P.E., Director

Agenda Date <u>06/13/06</u>	Regular <input type="checkbox"/>	Consent <input checked="" type="checkbox"/>	Work Session <input type="checkbox"/>	Briefing <input type="checkbox"/>
	Public Hearing – 1:30 <input type="checkbox"/>	Public Hearing – 7:00 <input type="checkbox"/>		

MOTION/RECOMMENDATION:

Adopt Resolution accepting a Sidewalk Easement for the construction of a sidewalk along a portion of Country Club Road.

District 2 – Commissioner Morris (Jerry McCollum, P.E.)

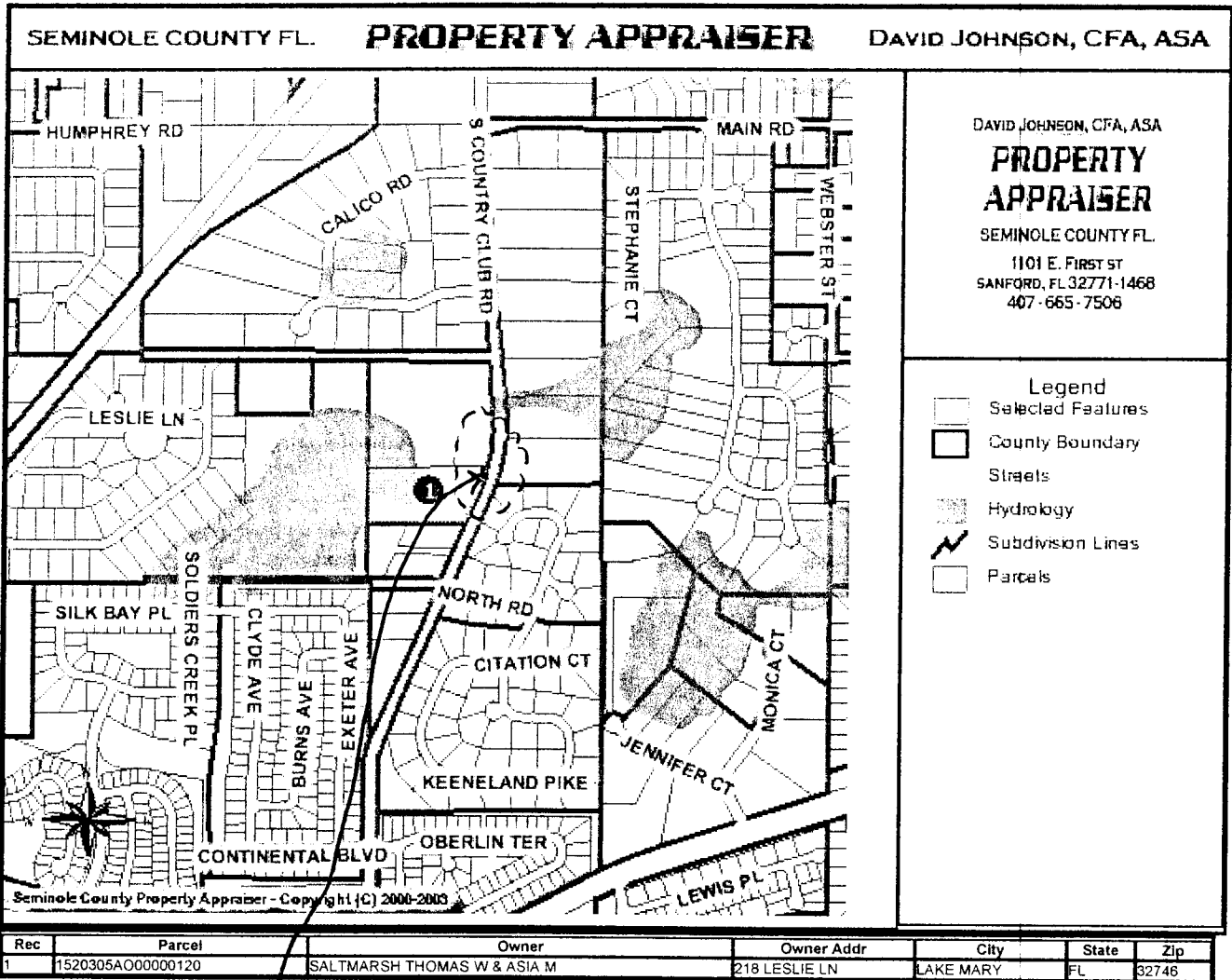
BACKGROUND:

The construction of a sidewalk adjacent to Country Club Road (see attached location map) will require property not currently owned by Seminole County. Thomas W. Saltmarsh and Asia M. Saltmarsh, his wife, have indicated their willingness to donate said easement, at no cost, to the County as evidenced by the attached Sidewalk Easement.

Attachments: Location Map / Resolution / Sidewalk Easement

Reviewed by:	<u><i>J. J.</i></u>
Co Atty:	<u><i>J. J.</i></u>
DFS:	_____
Other:	_____
DCM:	<u><i>J. J.</i></u>
CM:	<u><i>J. J.</i></u>
File No.	<u>CPWE2</u>

Location Map



Subject parcel

RESOLUTION NO. 2006-R-_____

RESOLUTION

**THE FOLLOWING RESOLUTION WAS ADOPTED AT THE
REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON
THE _____ DAY OF _____ A.D., 2006.**

WHEREAS, it has been determined by the Board of County Commissioners of Seminole County that a necessity exists for protection of pedestrians along a portion of Country Club Road located in Section 15, Township 20 South, Range 30 East, in Seminole County, Florida; and

WHEREAS, the protection of pedestrians will require an easement that is not owned by the County of Seminole; and

WHEREAS, Thomas W. Saltmarsh and Asia M. Saltmarsh, his wife, have indicated their willingness to donate to Seminole County the required Sidewalk Easement as evidenced by the executed Sidewalk Easement accompanying this resolution.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Seminole County, Florida, hereby accepts the accompanying Sidewalk Easement conveying to Seminole County an easement over the land described within the Sidewalk Easement attached hereto.

BE IT FURTHER RESOLVED that the aforementioned Sidewalk Easement be recorded in the Official Records of Seminole County, Florida.

ADOPTED THIS _____ DAY OF _____ A.D., 2006.

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

ATTEST:

Carlton Henley, Chairman

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

Prepared under the direction of:
Charles F. Barcus
Program Manager/Right-of-Way
05-12-2006

Document prepared by:
Warren Lewis, Senior Coordinator
Right-of-Way Section
Seminole County Engineering
520 W. Lake Mary Boulevard, Suite 200
Sanford, Florida 32773

Legal Description Approved by:
Steve L. Wessels, P.L.S.
County Surveyor
Seminole County Engineering
520 W. Lake Mary Blvd., Suite 200
Sanford, Florida 32773

SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT is made and entered into this 8TH day of May, 2006, by and between THOMAS W. SALTMARSH and ASIA M. SALTMARSH, his wife, whose address is 218 Leslie Lane, Lake Mary, Florida 32746, hereinafter referred to as the GRANTOR and SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as the GRANTEE;

WHEREAS, the purpose of this grant of easement is to facilitate the GRANTEE'S establishment of continuous sidewalks along its roads and streets for the benefit of the public,

W I T N E S S E T H:

FOR AND IN CONSIDERATION OF the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the GRANTOR do hereby grant and convey to the GRANTEE and its assigns, an exclusive, perpetual, permanent easement and right-of-way for the construction and maintenance of a sidewalk, with full authority to enter upon (by means of abutting property reasonably required to attain such access), construct, reconstruct and maintain, as the GRANTEE and its assigns may deem necessary, a sidewalk over, under, upon, and through (as the GRANTEE deems appropriate) the following described lands situate in the County of Seminole, State of Florida, to-wit:

See Sketch of Description and Legal Description attached hereto as Exhibits "A-1" and "A-2."

Property Appraiser's Parent Parcel Identification No.:
15-20-30-5AO-0000-0120

TO HAVE AND TO HOLD said easement and right-of-way unto said GRANTEE and its assigns forever.

THE GRANTEE herein and its assigns shall have the right to clear, keep clear, remove from said easement all trees, undergrowth and other obstructions that may interfere with location, excavation, operation or maintenance of the sidewalk, and the GRANTOR, their successors and assigns agree not to build, construct or create, or permit others to build, construct or create any buildings or other structures on said easement that may interfere with the location, excavation, operation or maintenance of the sidewalk.

A circular stamp with the word "INITIALS" inside, containing a handwritten signature and the date "5/8/06".

THE GRANTEE, as part of the consideration for this grant, agrees, to the extent and limits permitted by law, to hold harmless, indemnify and defend the GRANTOR, their successors and assigns against any and all claims, losses, damages or lawsuits for damages, arising from, allegedly arising from or related to the construction or maintenance of the sidewalk within said easement by the GRANTEE.

GRANTOR does hereby covenant with the GRANTEE, that they are lawfully seized and possessed of the real estate above described, that they have a good and lawful right to convey the said easement and that this easement is being conveyed to GRANTEE in an AS IS, WHERE IS condition without any representations or warranties other than those specifically set forth in this sidewalk easement.

IN WITNESS WHEREOF, the GRANTOR has hereunto set their hand the day and year first above written.

WITNESSES:

(Sign) [Signature]
Print Name: Anne M Stose

(Sign) [Signature]
Print Name: Kan M Rice

(Sign) [Signature]
Print Name: Anne M Stose

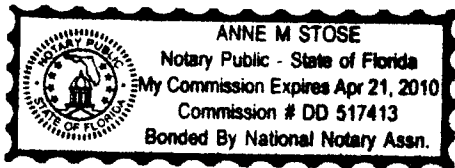
(Sign) [Signature]
Print Name: Kan M Rice

[Signature]
THOMAS W. SALTMARSH

[Signature]
ASIA M. SALTMARSH

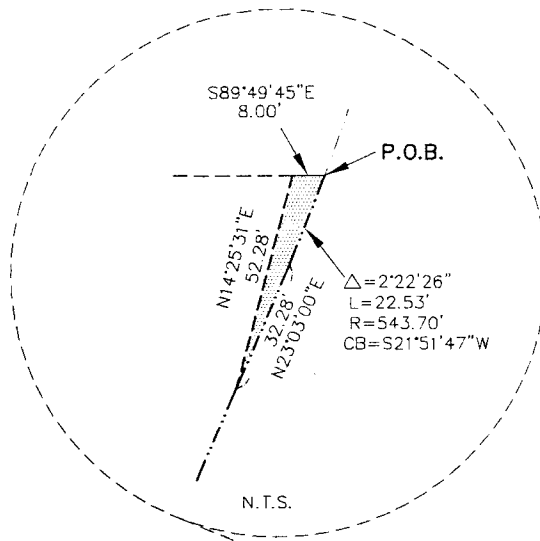
STATE OF FLORIDA)
COUNTY OF Seminole) SS

The foregoing instrument was acknowledged before me this 8th day of May, 2006, by THOMAS W. SALTMARSH and ASIA M. SALTMARSH, his wife, who are personally known to me or has produced Pk as identification and who did/did not take an oath.

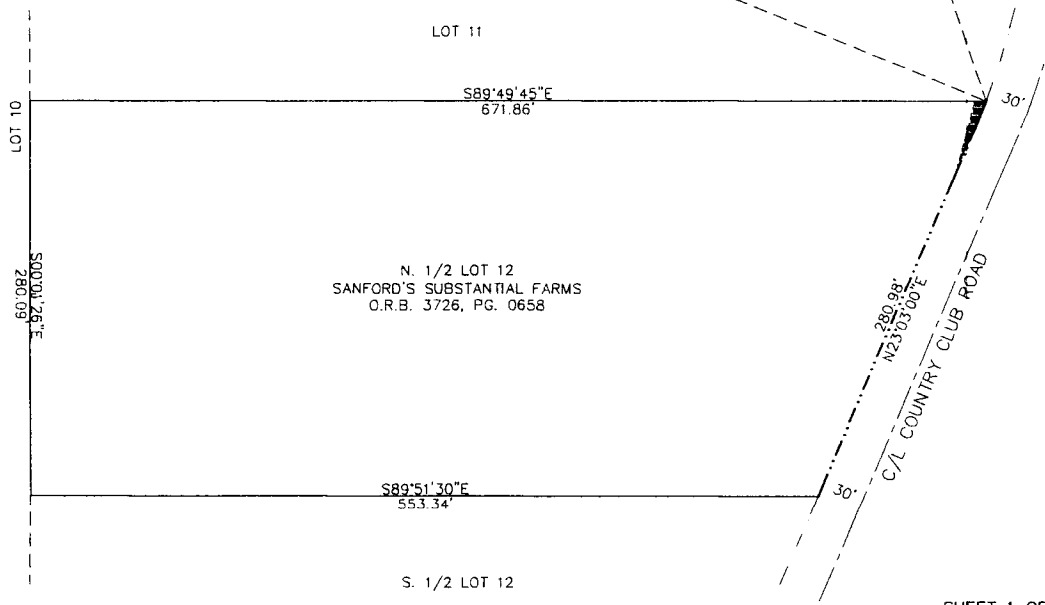


Print Name: Anne M Stose
Notary Public in and for the County and State Aforementioned

SKETCH OF DESCRIPTION



SANFORD'S SUBSTANTIAL FARMS
P.B. 5, PGS. 83-84



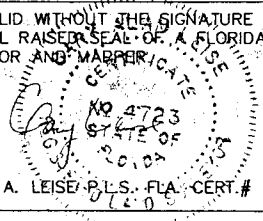
SHEET 1 OF 2

SEMINOLE COUNTY

ENGINEERING DEPARTMENT
SURVEY SECTION
520 W. LAKE MARY BLVD.
SANFORD, FLORIDA 32773
(407)323-2500 EXT.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

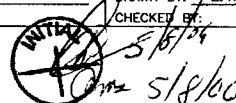
LEGEND

- | | |
|--------------------------------|----------------------------------|
| 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 | PI - 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: N/A
DATE: 03/14/06
JOB NAME: 06-031

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

EXHIBIT "A-1"



LEGAL DESCRIPTION

THAT PORTION OF THE NORTH 1/2 OF LOT 12, SANFORD'S SUBSTANTIAL FARMS, AS RECORDED IN PLAT BOOK 5, PAGES 83 AND 84, AND ALSO RECORDED IN OFFICIAL RECORDS BOOK 3726, PAGE 0658, ALL OF THE PUBLIC RECORDS, SEMINOLE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID NORTH 1/2 OF LOT 12, SAID CORNER BEING ON THE WESTERLY RIGHT-OF-WAY LINE OF COUNTRY CLUB ROAD AND A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 543.70 FEET; THENCE FROM A CHORD BEARING OF S21°51'47"W, RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 2°22'26" A DISTANCE OF 22.53 FEET TO A POINT OF TANGENCY; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY S23°03'00"W A DISTANCE OF 32.28 FEET; THENCE DEPARTING SAID RIGHT-OF-WAY, RUN N14°25'31"E A DISTANCE OF 52.28 FEET TO A POINT ON THE NORTH LINE SAID NORTH 1/2 OF LOT 12; THENCE RUN S89°49'45"E ALONG SAID NORTH LINE A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 212 SQUARE FEET MORE OR LESS.

SHEET 2 OF 2

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.

LEGEND

BEARINGS BASED ON :

THE WESTERLY RIGHT-OF-WAY LINE OF COUNTRY CLUB
ROAD AS BEING S23°03'00"W

REVISIONS

DATE	BY	REVISIONS	REQUESTED BY:
1			
2			
3			
4			

JOB NAME: 06-031	FIELD DATE: N/A	DATE: 03/14/06	SCALE: 1"=100'	DRAWN BY:	CHECKED BY:
------------------	-----------------	----------------	----------------	-----------	-------------

EXHIBIT "A-2"

5/5/06
DKS sk/06