

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Resolution of Necessity – Cross Seminole Trail

DEPARTMENT: PUBLIC WORKS **DIVISION:** ENGINEERING

AUTHORIZED BY: *W. Gary Johnson* **CONTACT:** Lenor Bromberg, P.E. EXT. 5768
W. Gary Johnson, P.E., Director *mb* Jerry McCollum, P.E., County Engineer

Agenda Date <u>06-14-05</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 and authorize the Chairman to execute the Resolution of Necessity relating to the Cross Seminole Trail Project, Phase I (from Big Tree Park to just north of Old Sanford Oviedo Road, for a distance of approximately 2.6 miles). This Resolution is necessary to acquire the easements needed to complete acquisition and begin construction of the trail.

District 2 – Commissioner Randy Morris
District 4 – Commissioner Henley

(Jerry McCollum, P.E., County Engineer)

BACKGROUND:

This Cross Seminole Trail Project is a 5.3 mile long multi-use recreational trail which will complete the west to east link between the Seminole Wekiva Trail and the Cross Seminole Trail. The project will tie into the existing Crossings/Rinehart Road Trail at Greenway Boulevard and continue south and east crossing County Road 427, U.S. Highway 17/92 and State Road 419 to connect into the northern terminus of the Cross Seminole Trail at Layer Elementary School. This proposed trail project will provide public access to Greenwood Lakes Middle School, Lake Mary High School, Layer Elementary School, Greenwood Lakes Park, Big Tree Park, the Spring Hammock area, Soldier's Creek Park and the Environmental Studies Center, while completing the cross county trail network.

Reviewed by:
Co Atty: <u><i>[Signature]</i></u>
DFS: _____
Other: _____
DCM: _____
CM: <u><i>[Signature]</i></u>
File No. <u>CPWE02</u>

Phase I of this project extends from Big Tree Park east and south to just north of Old Sanford Oviedo Road. There are currently two (2) project parcels identified requiring appraisal and acquisition services prior to constructing this portion of the cross county trail network. These parcels are to be acquired as Permanent Recreational Trail Easements. Additionally, one of the project's identified Recreational Trail Easements is within a power utility easement. A subordination agreement of utility interests will be required.

Attachments:

Cross Seminole Trail Project Location Map
Resolution of Necessity

RESOLUTION NO. 2005-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 _____, 2005.

WHEREAS, the Board of County Commissioners of Seminole County has actively supported the construction of a greenway and trail 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 overwhelmingly 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. The Cross Seminole Trail Project was specifically named in the referendum that was approved; and

WHEREAS, Seminole County plans to construct Phase I of the Cross Seminole Trail, from Big Tree Park to just north of Old Sanford Oviedo Road. This portion of the trail will cross U.S. Highway 17/92, and State Road 419. The Cross Seminole Trail Project will eventually provide connectivity between Greenwood Lakes Middle School, Lake Mary High School, Layer Elementary School, Greenwood Lakes Park, Big Tree Park, the Spring Hammock area, Soldier's Creek Park, and the Environmental Studies Center and will complete the cross county trail network.

WHEREAS, the placement of the trail in this area is a critical transportation improvement, and the Cross Seminole Trail Project 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 Cross Seminole Trail Project will improve the health and safety of school children 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 Cross Seminole Trail Project Phase I, 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 properties described in Exhibit "A" attached hereto consisting of 6 pages and identified as Schedule "A", Number 000001-000006, 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 are 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 interests 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 by the Board of County Commissioners of Seminole County.

Section 5. The interests sought to be condemned designated as Parcel Nos. 104 and 136, are permanent perpetual access, utility and drainage easements for recreational trail use. The County's exclusive easements are for the primary purpose of providing permanent and perpetual public recreational use, specifically used by the general public for walking, bicycling, in-line skating, horseback riding and related activities. The County's use of these parcels shall include the right to construct, operate, secure, maintain, repair, and replace the trail and related drainage, utility, rest station and similar structures, together with appurtenances that are reasonably necessary to construct, operate, secure, maintain, repair and replace the trail and

related structures. The County acquires the right to enter upon, over, under and across these parcels with all such roads, structures, fills, cuts, drains, ditches, and other facilities, which may be deemed necessary for the Cross Seminole Trail. The owner's privileges in the use of these parcels include all uses and purposes not inconsistent with County uses. The owner retains all rights to include these parcels to meet applicable land development code regulations including: greenspace and landscape buffer regulations, buildable acreage calculations, and other land development code regulations.

Section 6. The County Engineer or his designee is hereby delegated the authority to amend the construction plans for the Cross Seminole Trail Project and is authorized to bind the County to construct the Cross Seminole Trail Project 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 _____, 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

Attachment
Exhibit A - Legal Descriptions 000001-000006

P:\USERS\LVOUIS\RESOLUTIONS\CROSS SEMINOLE TRAIL EASEMENTS RESO.DOC

DESCRIPTION

PARCEL 104

000001

PURPOSE : RECREATIONAL TRAIL

Description :

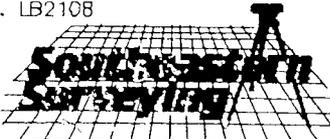
A portion of Lot 36, Spring Hammock as recorded in Plat Book 2, Pages 2 -- 5, Public Records of Seminole County, Florida, being more particularly described as follows :

The South 26.00 feet of the North 34.00 feet of the East 1/2 of Lot 36, Spring Hammock as recorded in Plat Book 2, Pages 2 - 5, Public Records of Seminole County, Florida.

Containing 8,580 square feet more or less.

SURVEYORS NOTES:

1. Bearings as shown hereon are based on the East line of Lot 36, Plan of Spring Hammock, Plat Book 2, Pages 2-5, Public Records of Seminole County, Florida, being S 00°24'00" E, assumed.
2. I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Minimum Technical Standards for Land Surveying CH. 61G17-6 requirements.
3. Not valid without the original signature and raised seal of a Florida licensed surveyor and mapper.

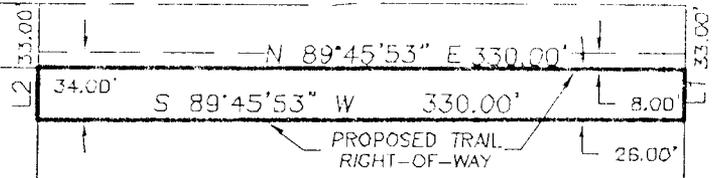
DESCRIPTION	Date: 02/20/2004 KR		CERT. NO. LB210B 48869001
FOR Vanasse, Hagen & Brustlin, Inc.	Job No.: 48869	Scale: 1" = 100'	 <p>SOUTHEASTERN SURVEYING & MAPPING CORP. 6500 All American Boulevard Orlando, Florida 32810-4350 (407)292-8580 fax(407)292-0141 email: info@southeasternsurveying.com</p> <p><i>Gary B. Krick</i> GARY B. KRICK REGISTERED LAND SURVEYOR NO. 4245</p>
	<p>CH. 61G17-6, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.</p>		
	<p>REVISED : 10/25/2004 SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH</p>		

SKETCH OF DESCRIPTION
PARCEL 104

000002

GENERAL J. C. HUTCHISON PARKWAY
 (RIGHT-OF-WAY VARIES)

LINE TABLE		
LINE	LENGTH	BEARING
L1	26.00'	S 00°22'57" E
L2	26.00'	N 00°22'57" W



KATHLEEN K. & JOHN M. CHENET
 OFFICIAL RECORDS BOOK 2397, PAGES 1971-1972 &
 OFFICIAL RECORDS BOOK 2397, PAGES 1973,
 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

EAST 1/2 OF LOT 36
 SPRING HAMMOCK, PLAT BOOK 2, PAGES 2-5,
 PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA

WEST 1/2 OF LOT 36

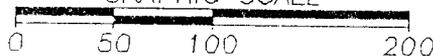
LOT 68

LOT 37

EAST LINE OF LOT 36



1" = 100'
 GRAPHIC SCALE



Drawing No. 48869002
 Job No. 48869
 Date: 02/20/2004
 SHEET 2 OF 2
 See Sheet 1 for Description

SOUTHEASTERN SURVEYING & MAPPING CORP.
 6500 All American Boulevard
 Orlando, Florida 32810-4350
 (407)292-8580 fax(407)292-0141
 Cert. No. LB-210B
 email:info@southeasternsurveying.com

SCHEDULE "A"
PARCEL 136

000003

PURPOSE : RECREATIONAL TRAIL

Description :

A portion of Tracts 1 through 17, Oviedo Farms, Plat Book 6, Page 86, Public Records of Seminole County, Florida, being more particularly described as follows :

Begin at the Southeast corner of said Tract 1; thence N 36°09'19" W a distance of 13.24 feet; thence N 43°24'23" W a distance of 15.67 feet; thence N 56°17'32" W a distance of 16.64 feet; thence S 86°46'47" W a distance of 37.26 feet; thence N 83°19'50" W a distance of 30.15 feet; thence N 64°48'07" W a distance of 40.32 feet; thence N 40°37'16" W a distance of 24.75 feet; thence N 27°17'19" W a distance of 35.48 feet; thence N 12°55'27" W a distance of 41.13 feet; thence N 16°00'33" W a distance of 99.76 feet; thence N 12°37'36" W a distance of 100.36 feet; thence N 12°33'33" W a distance of 100.02 feet; thence N 14°24'43" W a distance of 99.82 feet; thence N 14°31'46" W a distance of 100.01 feet; thence N 11°21'50" W a distance of 100.39 feet; thence N 14°43'04" W a distance of 99.68 feet; thence N 10°48'16" W a distance of 100.51 feet; thence N 14°08'47" W a distance of 99.65 feet; thence N 17°48'31" W a distance of 99.91 feet; thence N 11°59'27" W a distance of 100.64 feet; thence N 12°37'49" W a distance of 99.94 feet; thence N 13°22'15" W a distance of 99.92 feet; thence N 12°45'12" W a distance of 100.07 feet; thence N 12°35'56" W a distance of 100.14 feet; thence N 13°27'55" W a distance of 99.91 feet; thence N 12°45'45" W a distance of 100.07 feet; thence N 13°26'20" W a distance of 99.93 feet; thence N 13°32'56" W a distance of 99.71 feet; thence N 14°44'17" W a distance of 99.88 feet; thence N 12°48'40" W a distance of 100.37 feet; thence N 11°00'30" W a distance of 84.35 feet to a point on the North line of said Tract 17; thence N 85°56'33" E along said North line distance of 33.58 feet; thence S 14°41'06" E a distance of 78.78 feet; thence S 14°30'56" E a distance of 99.89 feet; thence S 14°38'38" E a distance of 99.99 feet; thence S 14°18'43" E a distance of 100.33 feet; thence S 13°21'32" E a distance of 100.10 feet; thence S 12°48'36" E a distance of 100.06 feet; thence S 09°12'21" E a distance of 100.59 feet; thence S 13°07'25" E a distance of 99.50 feet; thence S 13°24'09" E a distance of 99.97 feet; thence S 17°16'47" E a distance of 99.82 feet; thence S 14°22'21" E a distance of 100.32 feet; thence S 13°40'04" E a distance of 100.07 feet; thence S 11°40'27" E a distance of 100.25 feet; thence S 11°08'26" E a distance of 100.14 feet; thence S 12°15'24" E a distance of 99.90 feet; thence S 13°22'42" E a distance of 99.88 feet; thence S 15°41'27" E a distance of 99.84 feet; thence S 12°18'50" E a distance of 100.37 feet; thence S 12°08'08" E a distance of 100.04 feet; thence S 14°03'49" E a distance of 99.81 feet; thence S 15°16'21" E a distance of 99.93 feet; thence S 10°46'58" E a distance of 100.57 feet; thence S 14°18'45" E a distance of 41.50 feet; thence S 32°15'24" E a distance of 21.37 feet; thence S 50°24'56" E a distance of 22.19 feet; thence S 66°52'26" E a distance of 25.86 feet; thence N 86°50'15" E a distance of 21.67 feet; thence N 87°34'39" E a distance of 24.50 feet; thence S 82°20'53" E a distance of 16.13 feet; thence S 66°04'29" E a distance of 14.71 feet to a point on the East line of said Tract 1; thence S 08°03'27" E along said East line a distance of 59.53 feet to the Point of Beginning.

Containing 2.14 acres more or less.

SURVEYORS NOTES:

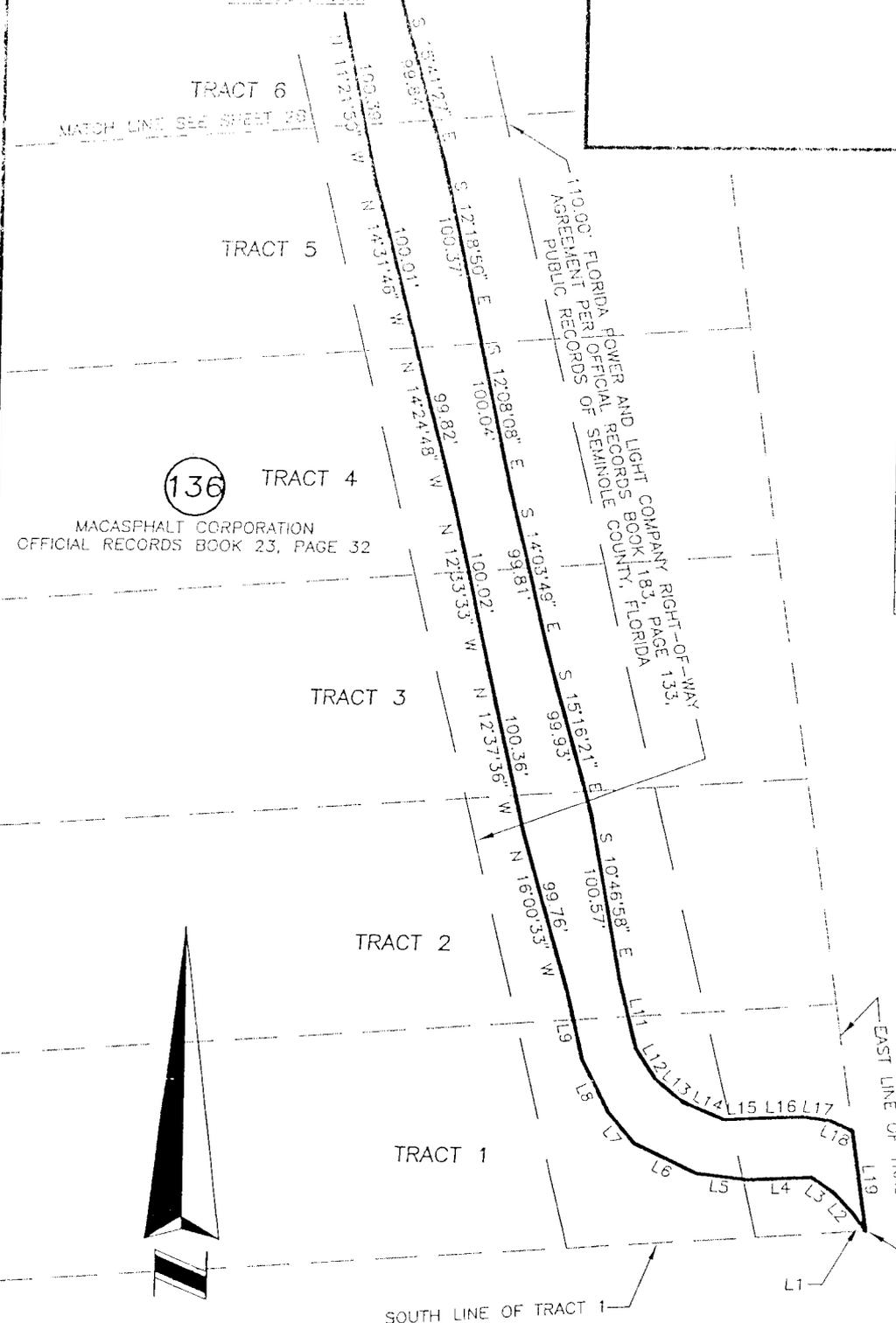
- Bearings as shown hereon are based on the South line of Tract 1, Oviedo Farms, Plat Book 6, Page 86, Public Records of Seminole County, Florida, being S 85°56'33" W, assumed.
- I hereby certify that the "Sketch of Description" of the above described property is true and correct to the best of my knowledge and belief as recently drawn under my direction and that it meets the Minimum Technical Standards for Land Surveying CH. 61G17-6 requirements.
- Not valid without the original signature and raised seal of a Florida licensed surveyor and mapper.

DESCRIPTION	Date: 08/10/2004 KR		CERT. NO. LB2108 48869075
	Job No.: 48869	Scale: 1"=100'	
FOR Vanasse, Hangen, Brustlin, Inc.	CH. 61G17-6, Florida Administrative Code requires that a legal description drawing bear the notation that THIS IS NOT A SURVEY.		 SOUTHEASTERN SURVEYING & MAPPING CORP. 6500 All American Boulevard Orlando, Florida 32810-4350 (407)292-8580 fax(407)292-0141 mail: info@southesternsurveying.com  GARY B. KRICK REGISTERED LAND SURVEYOR NO. 4245
	SHEET 1 OF 2 SEE SHEET 2 FOR SKETCH		

SKETCH OF DESCRIPTION

PARCEL 136

000004



LINE	LENGTH	BEARING
L1	13.24'	N 36°09'11" W
L2	15.87'	N 43°23'23" W
L3	16.64'	N 56°17'32" W
L4	37.26'	S 86°46'47" W
L5	30.15'	N 53°19'50" W
L6	40.32'	N 64°48'07" W
L7	24.76'	N 40°37'16" W
L8	35.46'	N 27°17'19" W
L9	41.18'	N 12°55'27" W
L11	41.50'	S 14°18'45" E
L12	21.37'	S 32°15'24" E
L13	22.19'	S 50°24'56" E
L14	25.86'	S 66°52'26" E
L15	21.67'	N 66°50'15" E
L16	24.50'	N 87°34'39" E
L17	16.13'	S 82°20'53" E
L18	14.71'	S 68°04'29" E
L19	59.53'	S 08°03'27" E

LEGEND :
L1 = LINE NUMBER

POINT OF BEGINNING
SE CORNER OF TRACT 1, OVIEDO
FARMS, PLAT BOOK 6, PAGE 86,
PUBLIC RECORDS OF SEMINOLE
COUNTY, FLORIDA



SOUTHEASTERN SURVEYING & MAPPING CORP.
6500 All American Boulevard
Orlando, Florida 32810-4350
(407)292-8580 fax(407)292-0141
Cert. No. LB-2108
email:info@southeasternsurveying.com

Drawing No. 48869076
Job No. 48869
Date: 08/09/2004
SHEET 2A OF 2
See Sheet 1 for Description

SKETCH OF DESCRIPTION
PARCEL 136

000005

TRACT 12

TRACT 11

TRACT 10

TRACT 9

TRACT 8

136 TRACT 7

MACASPALT CORPORATION
OFFICIAL RECORDS BOOK 23, PAGE 32

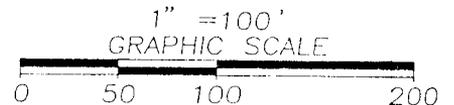
TRACT 6

MATCH LINE SEE SHEET 2A

TRACT 5

MATCH LINE
SEE SHEET 2B

110.00' FLORIDA POWER AND LIGHT COMPANY RIGHT-OF-WAY
AGREEMENT PER OFFICIAL RECORDS BOOK 183, PAGE 133,
FLORIDA PUBLIC RECORDS



Drawing No. 48869077
Job No. 48869
Date: 08/09/2004
SHEET 2B OF 2
See Sheet 1 for Description

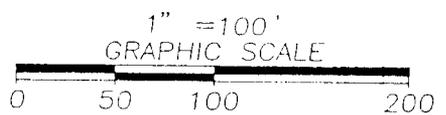
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SKETCH OF DESCRIPTION
PARCEL 136

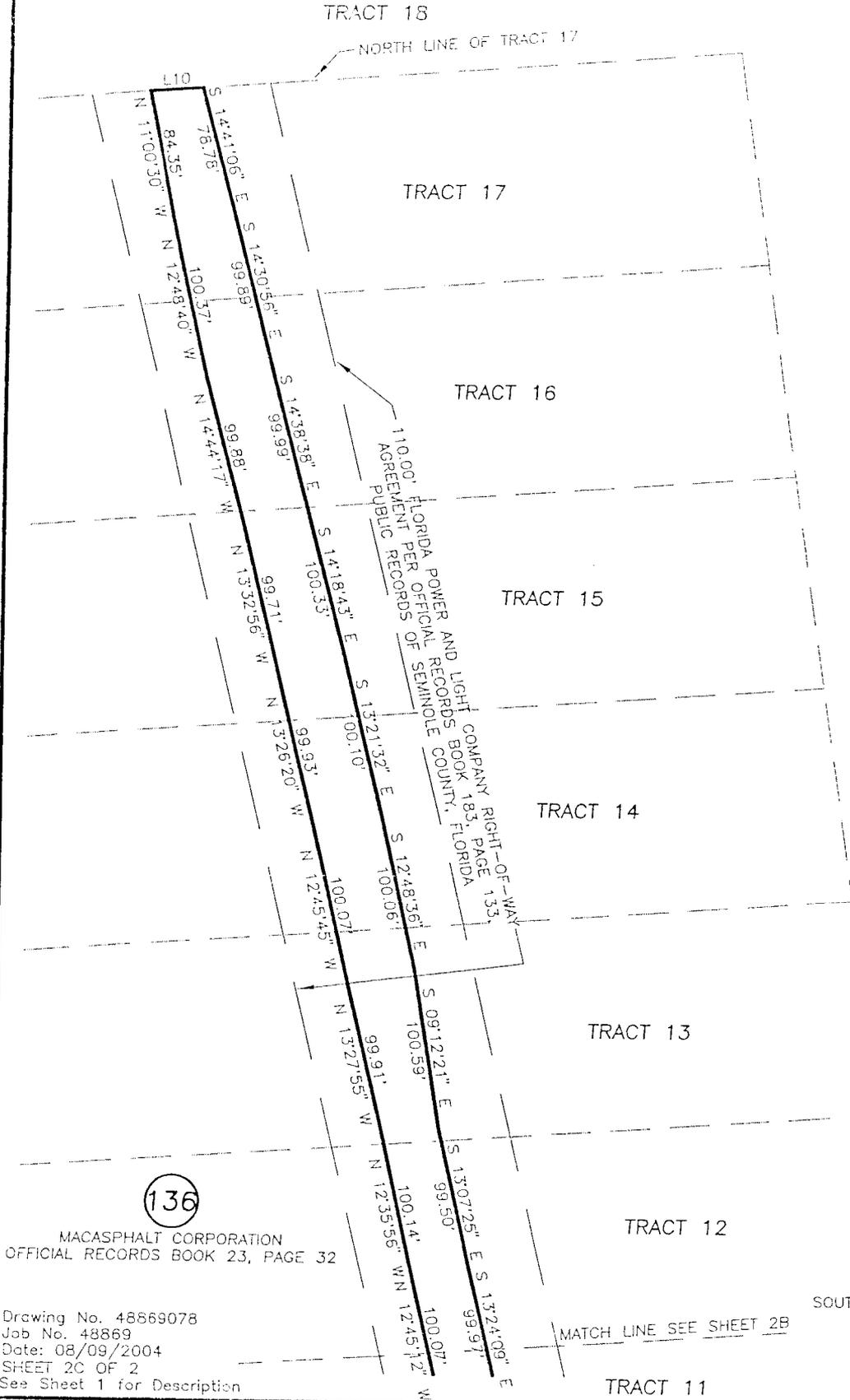
000006

LINE TABLE		
LINE	LENGTH	BEARING
L10	33.58'	N 85°56'33" E

LEGEND :
L1 = LINE NUMBER



SOUTHEASTERN SURVEYING & MAPPING CORP.
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Orlando, Florida 32810-4350
(407)292-8580 fax(407)292-0141
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email:info@southeasternsurveying.com



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Drawing No. 48869078
Job No. 48869
Date: 08/09/2004
SHEET 2C OF 2
See Sheet 1 for Description

TRACT 11