

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Access Easement Agreement

**DEPARTMENT:** Public Works      **DIVISION:** Road Operations & Stormwater

**AUTHORIZED BY:** *W. Gary Johnson*      **CONTACT:** *Mark E. Flomenfelt*      **EXT.** 5710

W. Gary Johnson, P.E., Dir.  
Public Works

Mark E. Flomenfelt, P.E., Mgr.  
Road Operations & Stormwater

**Agenda Date** 06/24/03    **Regular**     **Consent**     **Work Session**     **Briefing**   
**Public Hearing – 1:30**       **Public Hearing – 7:00**

**MOTION/RECOMMENDATION:**

Approve acceptance of the Drainage Conservation Easement Agreement from Howard J. Phillips and Helen B. Phillips.

**BACKGROUND:**

The Navy Canal Regional Stormwater Facility is a joint project between Seminole County and St. Johns River Water Management District that addresses water quality improvements to Lake Jesup. Initially there were 15 property owners targeted within the project area to discuss possible acquisition of land needed for the project. Mr. and Mrs. Phillips offer to donate an easement has provided substantial savings to this project.

The enclosed agreement reflects an Access Easement donated to the County by Howard J. Phillips and Helen B. Phillips, over a portion of property located off S. Sipes Avenue, Sanford, Florida, (Parcel Tax I.D. #17-20-31-501-0000-0220) for the Navy Canal Regional Stormwater Facility Project.

District 5 – Commissioner McLain

Attachment: Access Easement

Reviewed by: *SA*  
Co Atty: *SA*  
DFS: \_\_\_\_\_  
Other: \_\_\_\_\_  
DCM: *MR*  
CM: *MR*  
  
File No. CPWS01

PREPARED BY AND RETURN TO:  
Michael F. Garcia, P.S.M., Principal Coordinator  
Seminole County Government  
Public Works Department/Stormwater Division  
520 West Lake Mary Blvd., Suite 200  
Sanford, FL 32773

## ACCESS EASEMENT

Parcel Tax I.D. # 17-20-31-501-00000-0220

**THIS ACCESS EASEMENT** signed and given on 6<sup>TH</sup> day of JUNE, 2003, by the GRANTOR, who is: Howard J. Phillips and Helen B. Phillips, his wife, and the Grantor's address is: 391 Tulip Trail, Casselberry, Florida 32707, to the Grantee, who is: 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.

**THE GRANTOR**, in consideration of the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration, which the Grantor has received, grants and conveys to the Grantee and its assigns, a perpetual and non-exclusive access easement and right-of-way for ingress and egress purposes, with full authority to enter upon, over and through, as the GRANTEE and its assigns may deem necessary, the following described Lands situated in Seminole County, State of Florida, to wit:

**AS DESCRIBED IN THE ATTACHED EXHIBIT "A".**

**TO HAVE AND TO HOLD**, said non-exclusive easement unto said Grantee and its assigns forever.

**THE GRANTOR** conveys this access easement, for the purpose of permitting travel and to providing ingress and egress upon, over and through that portion of the Grantor's lands as described in Exhibit "A", attached hereto and incorporated herein by this reference. The Grantee and its assigns shall have the right to access to and to clear, keep clear and remove from said easement all obstructions, including trees and structures that may interfere with the location, operation and/or maintenance of the access easement. The Grantor, and its successors and assigns, covenant not to build, construct or create, or permit others to build, construct or create any buildings or other structures on said easement that do not enhance or that may interfere in any way with ingress and egress over the easement area. Notwithstanding the issuance of any permit to construct a fence, or other structure, the Grantor recognizes and consents to the right of the Grantee or its assigns, if applicable, to remove the fence or other structure from the easement area without compensation or reimbursement to the Grantor if the fence or other structure is deemed to impede the purpose or utility of the drainage conservation easement.

**THE GRANTEE** recognizes and consents that it is not the intention of the Grantor, through the dedication and grant of this easement, to create or convey a public right-of-way. Further, that the access and use of this easement shall be limited to Seminole County, its employees, agents and assigns for the expressed purposes described herein. The Grantee agrees to maintain a passable access road to permit travel along the easement area for the use and mutual benefit of both, the Grantee and the Grantor.

**The Grantor contracts with the Grantee that:** the Grantor lawfully owns the Land in fee simple; the Grantor has good, right, and lawful authority to sell and convey the easement and right-of-way; the Grantor fully warrants the title to the Land and will defend the Land against the lawful claims of all persons; and further agrees to provide further assurances as to title to the property.

**The Grantor has signed and sealed this Easement** on the date written above in the presence of the witnesses signing below:

**WITNESSES:**

Gail Blackwelder  
Print Name: Gail Blackwelder  
ETC

Print Name: Christopher Carson

Gail Blackwelder  
Print Name: Gail Blackwelder  
ETC

Print Name: Christopher Carson

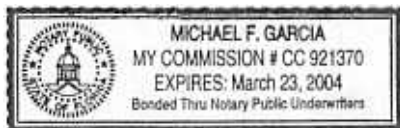
**GRANTOR:**

Howard J. Phillips  
Howard J. Phillips  
S.S.# \_\_\_\_\_

Helen B. Phillips  
Helen B. Phillips  
S.S.# \_\_\_\_\_

STATE OF FLORIDA)  
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 6<sup>TH</sup> day of JUNE, 2003, by HOWARD J. PHILLIPS AND HELEN B. PHILLIPS, who is ( ) personally known to me or (X) who has produced FLORIDA DRIVERS LICENSE as identification and who did take an oath.



Michael F. Garcia  
Notary Signature  
Print Name: MICHAEL F. GARCIA  
Commission # CC 921370  
My Commission Expires: 03/23/2004

**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: \_\_\_\_\_

As authorized for execution by the Board of  
County Commissioners at their  
\_\_\_\_\_, 200\_\_\_, regular  
meeting

For the use and reliance of Seminole County  
only. Approved as to form and legal sufficiency.

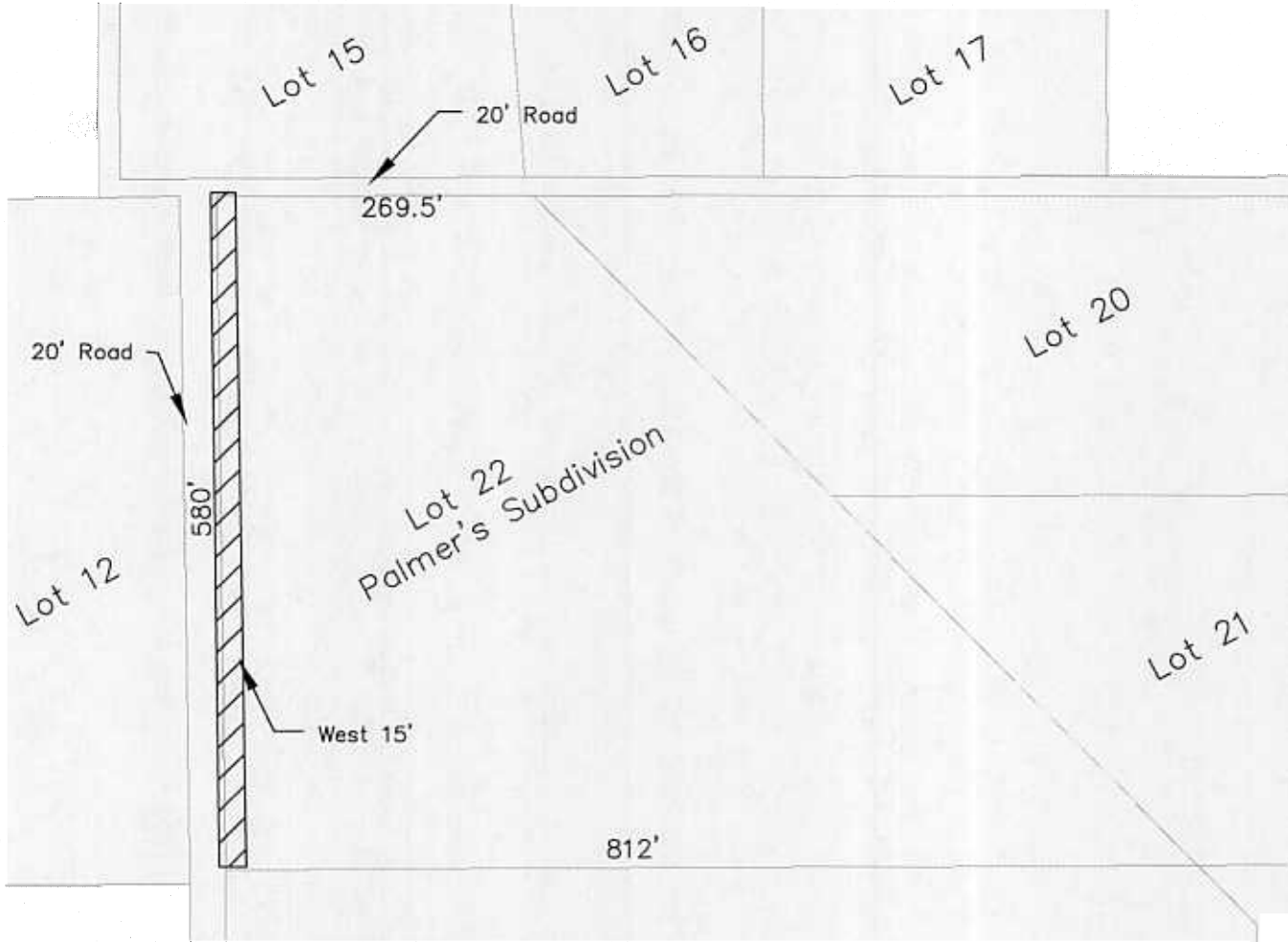
  
\_\_\_\_\_  
Assistant County Attorney

# SKETCH OF DESCRIPTION

**LEGAL DESCRIPTION:**

The West 15 feet of the following described parcel of land:

Lot 22, (less right-of-way for canal) of Palmers Subdivision, as recorded in Plat Book 2, Page 41, Public Records of Seminole County, Florida. Subject to an easement for ingress and egress over the West 15 feet thereof, together with a right of ingress and egress over the West 15 feet of Lot 15 Palmers Subdivision.



Road Operations and Stormwater Division  
 520 W. Lake Mary Blvd., Suite 200  
 Sanford, Florida 32773  
 (407) 665-5673

EXHIBIT "A"

## SURVEYOR'S NOTES

1. THIS IS NOT A SURVEY.
2. Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.
3. Basis of bearings: Not Applicable
4. This drawing is not to scale.

BY: 

MICHAEL F. GARCIA P.S.M. FLA. CERT #5904

FILE NAME: Navy Canal - Phillips Sketch of Desc.dwg  
 DATE: April 24, 2003

SCALE: NOT TO SCALE  
 DRAWN BY: MFG