



COUNTY ATTORNEY'S OFFICE
MEMORANDUM

To: Board of County Commissioners

Through: Stephen P. Lee, Deputy County Attorney *[Signature]*

From: Lynn Vouis, Assistant County Attorney *[Signature]*
Ext. 5736

Concur: Pam Hastings *[Signature]* Administrative Manager/Public Works Department
David V. Nichols, P.E., Engineering Division *[Signature]*

Date: June 8, 2005

Subject: Third Amended Resolution of Necessity
Bunnell Road

Due to the revision of two legal descriptions for Parcel Nos. 109 and 709 needed for the above-referenced road project, this Third Amended Resolution of Necessity is submitted for approval by the Board of County Commissioners.

LV/sb

Attachment
Third Amended Resolution of Necessity

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RESOLUTION NO. 2005-R-____

SEMINOLE COUNTY, FLORIDA

**THIRD AMENDED RESOLUTION
(Bunnell Road)**

THE FOLLOWING RESOLUTION WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AT ITS REGULARLY SCHEDULED MEETING OF _____, 2005.

WHEREAS, the safe, efficient and uninterrupted transportation of people and property from place to place on the County Road System of Seminole County is a matter of great concern to the people of the County and is necessary to ensure the smooth operation of commerce and other activities within Seminole County; and

WHEREAS, the constitutional home rule powers of Seminole County, 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 including, but not limited to, *Chapter 125, Florida Statutes*, invests authority over the County road system of Seminole County in the County; and

WHEREAS, the elimination of safety hazards in existing and future transportation facilities within Seminole County is of utmost concern and encourages the full utilization of such facilities by the traveling public; and

WHEREAS, it is necessary, beneficial and desirable that vehicular traffic within any transportation facility in developed or developing areas of the County has an adequate right-of-way in order to accommodate the roadway and its appurtenant facilities to decrease the likelihood of accidents and to increase the safety of travel within and upon such facilities; and

WHEREAS, Bunnell Road (from west of Bunnell Road to West Towne Parkway) is an existing roadway through a developing area with a high volume of traffic; and

WHEREAS, this Third Amended Resolution of Necessity is necessary to amend Resolution of Necessity Numbers 2004-R-72, 2005-R-5, and 2005-R-70, that were approved and adopted by the Board of County Commissioners of Seminole County on April 13, 2004, January 11, 2005, and April 12, 2005 respectively; and pertains to certain parcels to be acquired for Bunnell Road improvements; and

WHEREAS, the existing right-of-way along Bunnell Road is inadequate for proper utilization as required by vehicular traffic volumes. Additional traffic lanes and improved drainage facilities are necessary to reduce safety hazards and improve traffic flow. The properties hereinafter described is being acquired for use as right-of-way for new sections of roadway, additional traffic lanes and for improved drainage facilities on Bunnell Road to be used by the public in general. Said properties hereinafter described is necessary for roadways, rights-of-way, drainage facilities, and related facilities for the use of the general public including, but not limited to, rights-of-way, drainage facilities and other roadway improvements; and

WHEREAS, Seminole County has heretofore caused the roadway's area of construction to be located and surveyed and has caused a right-of-way map for Bunnell Road to be prepared based upon and incorporating survey and location data; and

WHEREAS, the revised legal descriptions of the property needed for the improvements to the roadway and the improvements of its drainage system have been prepared based upon the aforementioned survey and location data and right-of-way map; and

WHEREAS, the Board of County Commissioners of Seminole County desires to adopt a Third Amended Resolution for the section of Bunnell Road hereinabove described and to modify Parcel Nos. 109 and 709 which are needed for improvements to the roadway and improvements of the drainage system on Bunnell Road.

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 parcels of real property at prices that are both fair to property owners and prudent in terms of spending the tax revenues and other public funds which fund the transportation projects of the County; and

WHEREAS, the Board of County Commissioners of Seminole County hereby determines that the actions taken herein are consistent with the goals, policies and objectives of the Seminole County Comprehensive Plan;

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. It is necessary, serves a County and public purpose, and is in the best interests of the citizens of Seminole County and the traveling public to widen the road and improve the appurtenant drainage facilities on or relating to Bunnell Road (from west of Eden Park Avenue to West Towne Parkway) in order to enhance public transportation within Seminole County, to alleviate traffic congestion and to increase the safety of travel along said road.

Section 3. The acquisition of the property described in Exhibit "A" attached hereto consisting of 4 pages and identified as Exhibit "A", 000001 – 000004, is hereby

ratified and confirmed and found to be necessary for said improvements to the extent of the estates or interests set forth as a part of the parcel's descriptions. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of these parcels are necessary and serves a County and public purpose.

Section 4. The interest sought to be condemned by these proceedings designated as Bunnell Road Parcel No. 109 is to be acquired in fee simple for road construction and related purposes all being associated with the roadway improvements for the Bunnell Road Improvement Project.

Section 5. The interest sought to be condemned by these proceedings designated as Bunnell Road Parcel No. 709 is to be utilized as a temporary construction easement. The County's use of this parcel is for the purposes of (1) constructing roadway and drainage improvements within public rights-of-way; (2) constructing or modifying driveways, walls, and other structures affected by the roadway construction but which are not within the public rights-of-way; (3) storage and marshalling of equipment and materials during the roadway construction project, and (4) demolishing or clearing any structures, improvements or other features required to be removed in order to construct the roadway and drainage improvements, with full authority to enter upon, grade, regrade, excavate or otherwise construct such improvements as may be agreed upon by County and the property owner, provided however, that County shall, at the end of the term of this easement, return the premises to the condition existing immediately before County began use of the premises, any improvements or alterations agreed to by the property owner and ordinary wear and tear excepted. County's rights under this easement shall commence on

the day the easement rights are vested in the County through agreement or court order, and end five (5) years after that date.

Section 6. This Resolution amends Resolution of Necessity Number 2004-R-72 by deleting the legal description for Parcel Nos. 109 and substituting therefore the legal description for Parcel Number 109 attached hereto as part of Exhibit "A".

Section 7. This Resolution amends Resolution of Necessity Number 2004-R-72 by deleting the legal description for Parcel Number 709, and substituting therefore the legal description for Parcel Number 709 attached hereto as part of Exhibit "A". The acquisition of the property described in Exhibit "A" (Parcel Numbers 109 and 709) attached hereto consisting of 4 pages and identified as Exhibit "A", 000001 - 000004, is hereby found to be necessary for said improvements to the extent of the estates or interests set forth as a part of the parcel's descriptions. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of these parcels are necessary and serves a County and public purpose. The remaining provisions of Resolution of Necessity Numbers 2004-R-72, 2005-R-5 and 2005-R-70 are hereby ratified and affirmed.

ADOPTED this _____ day of _____, 2005.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**

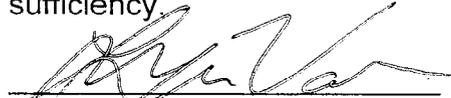
MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

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

LV/krc

RIGHT-OF-WAY FEE
PROJECT: Bunnell Road
R/W PARCEL NO.: 109

A part of the property described in Official Records Book 1900, Page 468 as recorded in Public Records of Seminole County, Florida, being that portion of Section 20, Township 21 South, Range 29 East.

described as follows:

COMMENCING at the Northeast corner of the Northeast $\frac{1}{4}$ of said Section 20; thence South $00^{\circ}29'10''$ West, a distance of 84.69 feet along the East line of said Section 20; thence South $47^{\circ}11'25''$ West, a distance of 6.93 feet along the Southeasterly Right-of-Way line of Bunnell Road to the POINT OF BEGINNING; thence South $00^{\circ}28'57''$ West, a distance of 20.47 feet; thence South $47^{\circ}13'48''$ West, a distance of 551.76 feet to the point on the arc of a non-tangent curve concave Northwesterly having a radius of 756.00 feet, a central angle of $05^{\circ}04'44''$ and a chord of 66.99 feet that bears South $49^{\circ}40'14''$ West; thence southwesterly along the arc of said curve, a distance of 67.01 feet; thence South $09^{\circ}08'13''$ West, a distance of 20.90 feet; thence South $34^{\circ}36'14''$ East, a distance of 62.03 feet to a point of curvature of a curve concave Southwesterly having a radius of 231.50 feet, a central angle of $11^{\circ}04'35''$, and a chord of 44.68 feet that bears South $29^{\circ}03'57''$ East; thence Southeasterly along the arc of said curve, a distance of 44.75 feet; thence North $89^{\circ}34'30''$ West, a distance of 64.54 feet to the point on the arc of a non-tangent curve concave Southwesterly having a radius of 174.50 feet, a central angle of $02^{\circ}26'28''$ and a chord of 7.43 feet that bears North $33^{\circ}23'00''$ West; thence Northwesterly along the arc of said curve, a distance of 7.43 feet; thence North $34^{\circ}36'14''$ West a distance of 55.94 feet; thence North $77^{\circ}42'54''$ West, a distance of 9.67 to the Southeasterly Right of Way line of Bunnell Road; thence North $43^{\circ}24'23''$ East, a distance of 212.41 feet; thence North $47^{\circ}08'22''$ East along said Southeasterly Right of Way line a distance of 500.06 feet to the POINT OF BEGINNING.

Containing 14,042 square feet, more or less.

1. Subject to an easement in favor of Florida Power Corporation dated March 1, 1979 and filed March 23, 1979 in Official Records Book 1215, Page 999, Public Records of Seminole County, Florida.

The sketch for this description is shown on sheets 8, 9 and 14 of 17 on the right-of-way maps for Bunnell Road.

I hereby certify that this description is true, accurate and complete to the best of my knowledge and is in compliance with the Minimum Technical Standards as set forth in Chapter 61G17-6 Florida Administrative Code.



James L. Petersen Date 04/06/2005

Florida Registered Land Surveyor #4791

NOT VALID WITHOUT SURVEYOR'S EMBOSSED SEAL

Southeastern Surveying & Mapping Corp.

6500 All American Boulevard

Orlando, Florida 32810-4350

407-292-8580

000002

TEMPORARY CONSTRUCTION EASEMENT

PROJECT: Bunnell Road

R/W PARCEL NO.: 709

A part of the property described in Official Records Book 1900, Page 468 as recorded in Public Records of Seminole County, Florida, being that portion of Section 20, Township 21 South, Range 29 East.

described as follows:

Part A:

COMMENCE at the Northeast corner of the Northeast $\frac{1}{4}$ of said Section 20; thence South $00^{\circ}29'10''$ West, a distance of 84.69 feet along the East line of said Section 20; thence South $47^{\circ}11'25''$ West, a distance of 6.93 feet along the Southeasterly Right-of-Way line of Bunnell Road; thence South $47^{\circ}08'22''$ West, a distance of 500.06 feet along said Southeasterly Right-of-Way line; thence South $43^{\circ}24'23''$ West, a distance of 212.41 feet along said Southeasterly Right-of-Way line to the POINT OF BEGINNING; thence run South $77^{\circ}42'54''$ East, a distance of 9.67 feet; thence South $34^{\circ}36'14''$ East, a distance of 3.87 feet; thence South $45^{\circ}24'26''$ West, a distance of 14.72 feet; thence North $46^{\circ}35'40''$ West, a distance of 11.55 feet to said Southeasterly Right-of-Way line; thence North $43^{\circ}24'23''$ East, a distance of 10.52 feet along said Southeasterly Right-of-Way line to the POINT OF BEGINNING.

Containing 161 square feet, more or less.

Part C:

COMMENCE at the Southeast corner of Lot 60, McNeils Orange Villa according to the plat thereof as recorded in Plat Book 2, Pages 99-101, Public Records of Seminole County, Florida; thence South $00^{\circ}29'10''$ West, a distance of 20.00 feet to the South Right of Way line of Bunnell Road, said Right of Way line according to the Plat of McNeil's Orange Villa as recorded in Plat Book 2, Pages 99 through 101, Public Records of Seminole County, Florida; thence North $89^{\circ}34'30''$ West, a distance of 348.48 feet; thence continue North $89^{\circ}34'30''$ West, a distance of 40.96 feet to the POINT OF BEGINNING; thence South $16^{\circ}13'03''$ East, a distance of 83.35 feet to the point on the arc of curve concave Northeasterly having a radius of 226.46 feet, a central angle of $15^{\circ}00'25''$ and a chord of 59.14 feet that bears South $08^{\circ}15'04''$ East; thence Southeasterly along the arc of said

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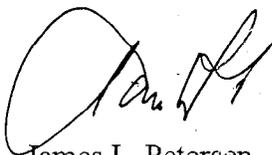
curve 59.31 feet; thence South 73°03'47" West, a distance of 69.17 feet to the point on a non-tangent curve concave Easterly having a radius of 373.52, a central angle of 14°37'47" and a chord of 95.11 feet that bears North 09°53'26" West; thence Northwesterly along the arc of said curve 95.37 feet to a point of a reverse curvature of a curve concave Westerly having a radius of 210.50, a central angle of 10°32'30" and a chord of 38.67 feet that bears North 03°16'00" West; thence Northwesterly along the arc of said curve 38.73 feet to a point of compound curvature of a curve concave Westerly having a radius of 174.50 feet, a central angle of 09°03'30" and a chord of 27.56 feet that bears North 13°04'00" West; thence Northwesterly along the arc of said curve 27.59 feet to the South Right of Way line of Bunnell Road according to said Plat of McNeil's Orange Villa; thence along said Right of Way line South 89°34'30" East, a distance of 59.18 feet to the POINT OF BEGINNING.

Containing 10,082 square feet, more or less.

Total containing 10,243 square feet, more or less.

The sketch for this description is shown on sheets 8, 9 and 14 of 17 on the right-of-way maps for Bunnell Road.

I hereby certify that this description is true, accurate and complete to the best of my knowledge and is in compliance with the Minimum Technical Standards as set forth in Chapter 61G17-6 Florida Administrative Code.



James L. Petersen Date 04/06/2005
Florida Registered Land Surveyor #4791
NOT VALID WITHOUT SURVEYOR'S EMBOSSED SEAL

Southeastern Surveying & Mapping Corp.
6500 All American Boulevard
Orlando, Florida 32810-4350
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000004