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**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]*

CONCUR: David Gregory, Acting Director of Environmental Services *[Signature]*  
 Bob Briggs, Finance Manager, Environmental Services *[Signature]*

DATE: June 16, 2005

SUBJECT: First Supplemental Resolution of Necessity  
 Consumers/Lake Hayes Water Transmission Main project

It is necessary to supplement Resolution of Necessity Number 2003-R-118 of the Consumers/Lake Hayes Water Transmission Main project which was approved and adopted by the Board of County Commissioners on July 22, 2003.

This supplement will add language as a new Section 5 to the Resolution that will describe the permanent perpetual easements to be acquired by the County, including the acceptable uses of the easements.

LV:krc

Attachment  
 First Supplemental Resolution of Necessity

**FIRST SUPPLEMENTAL RESOLUTION  
(Consumers/Lake Hayes Water Transmission Main Project)**

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

**WHEREAS**, Seminole County (hereinafter referred to as "County") has the authority to design, construct, own, maintain and operate water treatment plants in accordance with the constitutional home rule powers of Seminole County, *Chapter 125, Florida Statutes, Chapter 127, Florida Statutes, Chapter 153, Florida Statutes*, and other applicable law; and

**WHEREAS**, the County provides water services to approximately 33,600 residential and commercial customers through its nine water treatment plants, which produce a maximum capacity of 37 million gallons of drinking water a day; and

**WHEREAS**, the Board of County Commissioners of Seminole County approved Resolution Of Necessity Number 2003-R-118 on July 22, 2003, approving the construction of a water transmission main to connect the Southeast Regional Consumers Water Treatment Plan and the Lake Hayes Water treatment plant and describing the property needed to complete the project, and First Amended Resolution of Necessity Number 2004-R-74, on April 13, 2004, amending the previous Resolution to substitute the legal descriptions for parcel I.D. Numbers 28-21-31-302-002G-0000 and 27-21-31-513-0A00-0000; and

**WHEREAS**, this First Supplemental Resolution of Necessity is necessary to supplement Resolution of Necessity Number 2003-R-118, which was approved and adopted by the Board of County Commissioners of Seminole County; and

**WHEREAS**, the Board of County Commissioners of Seminole County desires to adopt a First Supplemental Resolution of Necessity in order to further describe the specific interests in the properties the County has found necessary to acquire to construct the Consumers/Lake Hayes Water Transmission Main Project; and

**WHEREAS**, as established in Resolution of Necessity Numbers 2003-R-118 and 2004-R-74, it is necessary, serves a County and public purpose, and is in the best interests of the citizens of Seminole County to obtain permanent easements over property between State Road 426 and State Road 434 in order to construct a water transmission main to connect the Southeast Regional Water Treatment Plant and the Lake Hayes Water Treatment Plant.

**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 following language shall be added as a new Section 5 in Resolution Of Necessity Number 2003-R-118:

***Section 5.** The interests sought to be condemned described in Exhibit "A" attached to Resolution Number 2003-R-118, are identified as permanent perpetual easements for the purpose of constructing and maintaining a drainage structure and related appurtenances. The*

*County's non-exclusive use shall include the right to construct, operate, secure, maintain, repair, and replace fill slopes, underground pipes, surface drainage facilities including retention ponds, and public utility facilities and structures, together with appurtenances that are reasonably necessary to construct, operate, secure, maintain, repair and replace the fill slopes, underground pipes, surface drainage facilities and public utility facilities and structures. The County acquires the right to enter upon, over, under and across the Parcel with all such fills, cuts, drains, ditches, and other facilities, which may be deemed necessary for making the drainage improvements. The owner's privileges in the use of the Parcel include all uses and purposes not specifically acquired by the County or inconsistent with County uses.*

*The owner's privileges and uses include access to the remaining property, the right to construct underground and surface facilities that are not in conflict with County installed underground and surface facilities, and maintenance and repair rights of owner installed underground and surface facilities. The owner retains all rights to use the Parcel to satisfy applicable land development code regulations including, but not limited to: greenspace and landscape buffer requirements and buildable acreage calculations.*

**Section 3.** This Resolution supplements Resolution of Necessity Number 2003-R-118 by specifying the interests to be acquired as to the property described in Resolution Number 2003-R-118. The remaining provisions of Resolution of Necessity Number 2003-R-118 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  
LMV:krc

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