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COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *NDG For SL*

FROM: Lynn Vouis, Assistant County Attorney *LV*

CONCUR: Pam Hastings, *PH* Administrative Manager/Public Works Department
 Kathleen Myer, Principal Engineer/Engineering Division *KM*

DATE: June 22, 2004

SUBJECT: Fourth Supplement and Fourth Amended Resolution of Necessity
 Lake Drive

Due to adding one (1) new legal description and the revision of four (4) legal descriptions for parcels needed for the above road project, this Fourth Supplemental and Fourth Amended Resolution of Necessity is submitted for approval by the Board of County Commissioners.

RESOLUTION NO. 2004-R-_____

SEMINOLE COUNTY, FLORIDA

**FOURTH SUPPLEMENTAL AND FOURTH AMENDED RESOLUTION
(LAKE DRIVE)**

**THE FOLLOWING RESOLUTION WAS ADOPTED BY THE
BOARD OF COUNTY COMMISSIONERS OF SEMINOLE
COUNTY, FLORIDA, AT ITS REGULARLY SCHEDULED
MEETING OF _____, 2004.**

WHEREAS, the Board of County Commissioners of Seminole County desires to accomplish and implement sound transportation planning and provide a sound transportation system in Seminole County for the benefit of the citizens of Seminole County; and

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, Lake Drive (from Seminola Boulevard to Tuskawilla Road) is an existing roadway realigned in part to avoid residential impacts in the County road system through a developing area with a high volume of traffic; and

WHEREAS, this Fourth Supplemental And Fourth Amended Resolution of Necessity is necessary to supplement and amend Resolution of Necessity Numbers 2002-R-70, and 2003-R-133, that were approved and adopted by the Board of County Commissioners of Seminole County on April 23, 2002, and August 26, 2003, respectively and pertains to certain parcels to be acquired for **Lake Drive** road improvements; and

WHEREAS, the existing right-of-way along the proposed roadway 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 property hereinafter described is being acquired for use as right-of-way for new sections of roadway, additional traffic lanes and improved drainage facility on Lake Drive to be used by the public in general. Said property 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 the section **Lake Drive** hereinabove described to be prepared, based upon and incorporating the survey and location data; and

WHEREAS, additional legal descriptions of parcels needed for the said widening of the roadway and improvement of its drainage system have and other appurtenant systems have been prepared based upon aforementioned survey and location data and the right-of-way map; and

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

WHEREAS, the Board of County Commissioners of Seminole County desires to adopt a Fourth Supplemental And Fourth Amended Resolution for the section of **Lake Drive** hereinabove described and to add, modify or revise the parcels needed for improvements to the roadway and improvements of its drainage system on this section of **Lake Drive**; 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 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 **Lake Drive** (from Seminola Boulevard to Tuskawilla Road) 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. That the acquisition of the property described in Exhibit "A" attached hereto consisting of 5 pages and identified as Exhibit "A", 000001-000005, is hereby ratified and confirmed and found to be necessary for said improvements to the extent of the estate or interest set forth as a part of each parcel's description. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of these parcels is necessary and serves a County and public purpose

Section 4. The estates or interests sought to be condemned by these proceedings designated as Parcel Nos. 110, 116, and 132 are to be acquired in fee simple for road construction and related purposes all being associated with roadway improvements for the **Lake Drive** road Improvement Project.

Section 5. The interests sought to be condemned designated as Parcel Nos. 705 and 775 are temporary construction easements. The County's use of these parcels 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 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 upon issuance of a notice to proceed to a construction contractor for the construction of the roadway project and end on the earlier of five (5) years after issuance of the notice to proceed or ten (10) years after the date this instrument is recorded in the public records of Seminole County.

Section 6. The County Engineer or his designee is hereby delegated the authority to amend the construction plans for Lake Drive and is authorized to bind the County to construct Lake Drive 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.

Section 7. That 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 interest 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 any terms, conditions and limitations as 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, 127, 332, Florida Statutes*, as well as the provisions of the *Florida Transportation Code* referred to in the recitals to this Fourth Supplemental And Fourth Amended Resolution.

Section 8. 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.

Section 9. This Resolution supplements and amends Resolution of Necessity Numbers 2002-R-70, and 2003-R-133 by amending the legal descriptions for Parcel Nos. 110, 116, 132, and 775 and by adding new Parcel No. 705. All legal descriptions being attached hereto as Exhibit "A". The remaining provisions of Resolution of Necessity Numbers 2002-R-70, and 2003-R-133 are hereby ratified and affirmed.

ADOPTED this _____ day of _____, 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: _____

LV/dre

06/21/04

Attachment

Exhibit A – legal descriptions 000001-000005

P:\USERS\DEGEMWY\DOCUMENTS\RESOLLAKE DRIVE FOURTH AMENDMENT AND FOURTH SUPPLEMENTAL RESOLUTION.DOC

RIGHT-OF-WAY FEE SIMPLE

PROJECT: Lake Drive

OWNER: Willow Creek Presbyterian Church, Inc.

EXHIBIT A

000001

R/W PARCEL NO.: 110

TAX I.D. NO.: 14-21-30-300-007A-0000

CONSULTANT: Lochrane Engineering, Inc.

A part of that parcel of land described in Official Record Book 2121, page 1053 as recorded in the Public Records of Seminole County, Florida being that portion of Section 14, Township 21 South, Range 30 East of Seminole County, Florida,

described as follows:

Commence at the Northwest corner of Government Lot 4, Section 13, Township 21 South, Range 30 East, said corner being the intersection of the West line of said Section 13 and the Southerly Grant line of the Philip R. Young Grant; thence N84°55'54"W along said Southerly Grant line a distance of 967.22 feet; thence N84°55'33"W a distance of 707.88 feet to a point on the East line of that parcel of land described in Official Record Book 2120, page 449, Public Records of Seminole County, Florida; thence N25°53'57"E along said East parcel line a distance of 804.01 feet for a Point of Beginning; thence continue N25°53'57"E along said East parcel line a distance of 26.88 feet to a point on the existing right of way line of Lake Drive as recorded in Official Records Book 2384, page 376, Public Records of Seminole County, Florida; thence S51°03'37"E along said existing right of way line a distance of 212.66 feet; thence departing said right of way line run N58°17'00"W a distance of 208.25 feet to the Point of Beginning.

Containing 2,784 square feet, more or less.

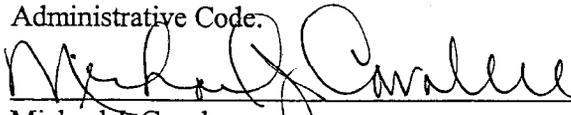
Subject to an 8 foot Distribution Easement executed by Ann M. Koch in favor of Florida Power Corporation as recorded in Official Record Book 1284, page 27.

Subject to a Utility Agreement for Water Service executed by Willow Creek Presbyterian Church in favor of Seminole County as recorded in Official Record Book 2376, page 381.

Subject to a Utility Easement executed by Willow Creek Presbyterian Church in favor of Seminole County as recorded in Official Record Book 2455, page 472, all of the Public Records of Seminole County, Florida.

The sketch for this description is shown on sheets 3 and 24 of the right-of-way maps of Lake Drive.

I hereby certify that this legal 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.



Michael J. Cavalere

Florida Registered Land Surveyor #3701

5-4-2004

DATE

- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER -

Lochrane Engineering, Inc.
201 South Bumby Avenue
Orlando, Florida 32803
407-896-3317

RIGHT-OF-WAY FEE SIMPLE

EXHIBIT A

PROJECT: Lake Drive

000002

OWNER: William G. Jenkins and Patricia L. Jenkins, Husband and Wife

R/W PARCEL NO.: 116

TAX I.D. NO.: 14-21-30-300-0060-0000

CONSULTANT: Lochrane Engineering, Inc.

A part of that parcel of land described in Official Record Book 1486, page 1509 and Official Record Book 2121, page 1144 as recorded in the Public Records of Seminole County, Florida being that portion of Section 14, Township 21 South, Range 30 East of Seminole County, Florida,

described as follows:

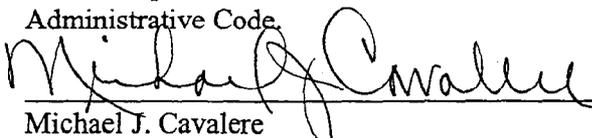
Commence at the Northwest corner of Government Lot 4, Section 13, Township 21 South, Range 30 East, said corner being the intersection of the West line of said Section 13 and the Southerly Grant line of the Philip R. Young Grant; thence N84°55'54"W along said Southerly Grant line a distance of 967.22 feet; thence N84°55'33"W a distance of 44.56 feet to the Southeast corner of that parcel of land described in Official Record Book 2331, page 575, Public Records of Seminole County, Florida; thence N14°31'45"E departing said Southerly Grant line a distance of 641.36 feet to the Southwest corner of that parcel of land described in Official Record Book 1486, page 1509, Public Records of Seminole County, Florida, for a Point of Beginning, said point is also on the Right of Way line of Lake Drive as recorded in Deed Book 196, page 327, Public Records of Seminole County, Florida; thence continue N14°31'45"E along the West parcel line a distance of 19.55 feet to a point on a non-tangent curve concave Northeasterly, having a radius of 898.93 feet; thence, from a chord bearing of S76°53'55"E, run along said curve an arc length of 273.99 feet through a central angle of 17°27'49" to a point on the West line of that parcel of land described in Official Record Book 2783, page 316, Public Records of Seminole County, Florida; thence S11°42'09"W along said West parcel line a distance of 9.94 feet to a point on the aforesaid Right of Way line of Lake Drive, said point a being on a non-tangent curve concave Northeasterly, having a radius of 924.93 feet; thence, from a chord bearing of N78°54'32"W, run along said curve an arc length of 274.84 feet through a central angle of 17°01'31" to the Point of Beginning.

Containing 3,992 square feet, more or less.

Subject to an 8 foot Distribution Easement executed by Charles D. Price and Frances T. Price in favor of Florida Power Corporation as recorded in Official Record Book 896, page 384 of the Public Records of Seminole County, Florida.

The sketch for this description is shown on sheets 3 and 25 of the right-of-way maps of Lake Drive.

I hereby certify that this legal 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.



5-4-2004

Michael J. Cavalere
Florida Registered Land Surveyor #3701

DATE

- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER -

Lochrane Engineering, Inc.
201 South Bumby Avenue
Orlando, Florida 32803
407-896-3317

RIGHT-OF-WAY FEE SIMPLE

PROJECT: Lake Drive
OWNER: Michael R. Kendrick

EXHIBIT A
000003

R/W PARCEL NO.: 132
TAX I.D. NO.: 10-21-30-5BQ-0000-017B
CONSULTANT: Lochrane Engineering, Inc.

The North 43.00 feet of the following described property:

“The North 200 feet of the West 90 feet, less the North 8 feet for road, of Lot 17, Watts’ Farms, according to the Plat thereof as recorded in Plat Book 6, page 80, of the Public Records of Seminole County, Florida”

as recorded in Official Record Book 3267, page 1956, Seminole County, Florida.

Containing 3,870 square feet, more or less.

The sketch for this description is shown on sheets 3 and 17 of the right-of-way maps of Lake Drive.

I hereby certify that this legal 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.


Michael J. Cavallere

5-4-2004
DATE

Florida Registered Land Surveyor #3701

- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER -

Lochrane Engineering, Inc.
201 South Bumby Avenue
Orlando, Florida 32803
407-896-3317

TEMPORARY CONSTRUCTION EASEMENT

PROJECT: Lake Drive

OWNER: Wilfredo Rios and Maria S. Rios, Husband and Wife

TEMPORARY CONSTRUCTION EASEMENT NO.: 705

TAX I.D. NO.: 14-21-30-300-005C-0000

CONSULTANT: Lochrane Engineering, Inc.

A part of that parcel of land described in Official Record Book 2121, page 1140 as recorded in the Public Records of Seminole County, Florida being that portion of Section 14, Township 21 South, Range 30 East of Seminole County, Florida,

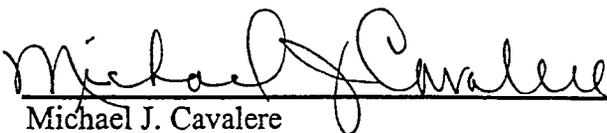
described as follows:

Commence at the Northwest corner of Government Lot 4, Section 13, Township 21 South, Range 30 East said corner being the intersection of the West line of said Section 13 and the Southerly Grant line of the Philip R. Young Grant; thence N84°55'54"W along said Southerly Grant line a distance of 366.00 feet to a point on the East line of that parcel of land described in Official Record Book 2823, page 50, Public Records of Seminole County, Florida; thence N06°00'02"E along said East line a distance of 541.20 feet for a Point of Beginning; said point being on a non-tangent curve concave Northwest, having a radius of 1012.93 feet; thence, from a chord bearing of N78°10'22"E, run along the arc of said curve an arc length of 16.14 feet through a central angle of 00°54'46" to a point on the West line of that parcel of land described in Official Record Book 1745, page 365, Public Records of Seminole County, Florida; thence departing said curve, run S06°00'56"W along said West parcel line a distance of 22.95 feet; thence departing said West parcel line, run N86°50'59"W, a distance of 15.37 feet to a point on the aforesaid East line of that parcel of land described in Official Record Book 2823, page 50, Public Records of Seminole County, Florida; thence run N06°00'02"E along said East line, a distance of 18.77 feet to the Point of Beginning;

Containing 320 square feet, more or less.

The sketch for this description is shown on sheets 3 and 26 of the right-of-way maps of Lake Drive.

I hereby certify that this legal 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.


Michael J. Cavaliere

2-13-2003

DATE

Florida Registered Land Surveyor #5062

- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER -

Lochrane Engineering, Inc.
201 South Bumby Avenue
Orlando, Florida 32803
407-896-3317

TEMPORARY CONSTRUCTION EASEMENT

PROJECT: Lake Drive

OWNER: Carlos M. Rodriguez and Brunilda Rodriguez, his wife

TEMPORARY CONSTRUCTION EASEMENT NO.: 775

TAX I.D. NO.: 09-21-30-5BM-0B00-0420

CONSULTANT: Lochrane Engineering, Inc.

A part of Lot 42, Block "B" of Sportsman's Paradise, according to the plat thereof as recorded in Plat Book 8, Pages 12 and 13 of the Public Records of Seminole County, Florida, lying in Section 9, Township 21 South, Range 30 East, Seminole County, Florida,

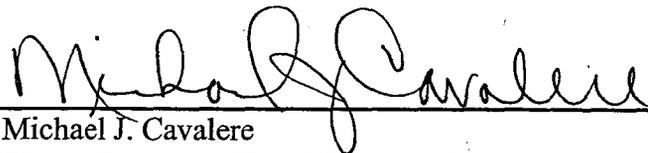
described as follows:

Commence at the Northwest corner of said Lot 42, Block "B", said point also being on the existing Southerly Right of way line of Seminola Boulevard according to said plat of Sportsman's Paradise and shown on Seminole County Right of Way Maps for Lake Drive, County Project No. PS-331; thence run N52°35'02"E along said Southerly right of way line a distance of 10.22 feet for a Point of Beginning; thence continue N52°35'02"E along said Southerly right of way line a distance of 63.07 feet; thence departing said Southerly right of way line run S37°30'34"E a distance of 25.95 feet ; thence run S52°29'26"W a distance of 13.63 feet; thence run S37°30'34"E a distance of 4.82 feet; thence run S52°29'26"W a distance of 49.44 feet; thence run N37°30'34"W a distance of 30.87 feet to the Point of Beginning.

Containing 1,878 square feet, more or less.

The sketch for this description is shown on sheet 5 of the right-of-way maps of Lake Drive.

I hereby certify that this legal 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.



Michael J. Cavaliere

Florida Registered Land Surveyor #3701

4-7-2004

DATE

- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER -

Lochrane Engineering, Inc.
201 South Bumby Avenue
Orlando, Florida. 32803
407-896-3317