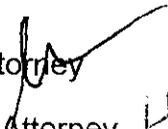


CCA02

MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney 

FROM: Henry M. Brown, Assistant County Attorney 

DATE: June 20, 2003

RE: Easement Holder: City of Sanford
Owner: Seminole County
East Lake Mary Boulevard Segment I
Parcel Nos. 102, 111 and 112
Seminole County v. American Bronze Fine Art Foundry, Inc., et al.
Case No. 00-CA-1910-13-L

This Memorandum requests approval by the Board of County Commissioners (BCC) and execution by the Chairman of a Subordination Of Utility Interests agreement with respect to the easement interests of the City of Sanford ("the CITY") in property that was previously acquired in fee by Seminole County as Parcel Nos. 102, 111 and 112. The County acquired Parcel Nos. 102, 111 and 112, partial acquisitions in fee, from the frontage of East Lake Mary Boulevard in which the CITY has a water service agreement and/or easement. Please see location map attached as Exhibit A.

The BCC adopted Resolution Nos. 96-R-187 (Parcel Nos. 102 and 111) and 99-R-158-R-108 (Parcel No. 112), on September 10, 1996 and December 14, 1999, respectively, authorizing the acquisition of parcels involved with East Lake Mary Boulevard Segment I, and finding that the East Lake Mary Boulevard Segment I road improvement project is necessary and serves a public purpose and is in the best interests of the citizens of Seminole County.

The CITY has signed and tendered a recordable instrument, entitled Subordination of Utility Interests, prepared by the County Attorney's Office, a copy of which is attached as Exhibit B. County staff asks that the BCC accept this Subordination of Utility Interests for filing in the land records.

The land area of the fees acquired are: 6,020 SF was acquired from Parcel No. 102 and 1.016 acres was acquired from Parcel Nos. 111 and 112. The water service agreements and easements allowed the CITY to provide water services and entry to the property for maintenance of the water mains. The CITY has agreed to provide the subordination of its easement interests without charge. This will also settle the CITY's involvement in the above-referenced litigation.

HMB\dre
Exhibit A - Location Map
Exhibit B - Copy of Subordination Agreement

Seminole County, Florida

Property Appraiser Services

Your Source for Property Information... Quick, Convenient, Accurate

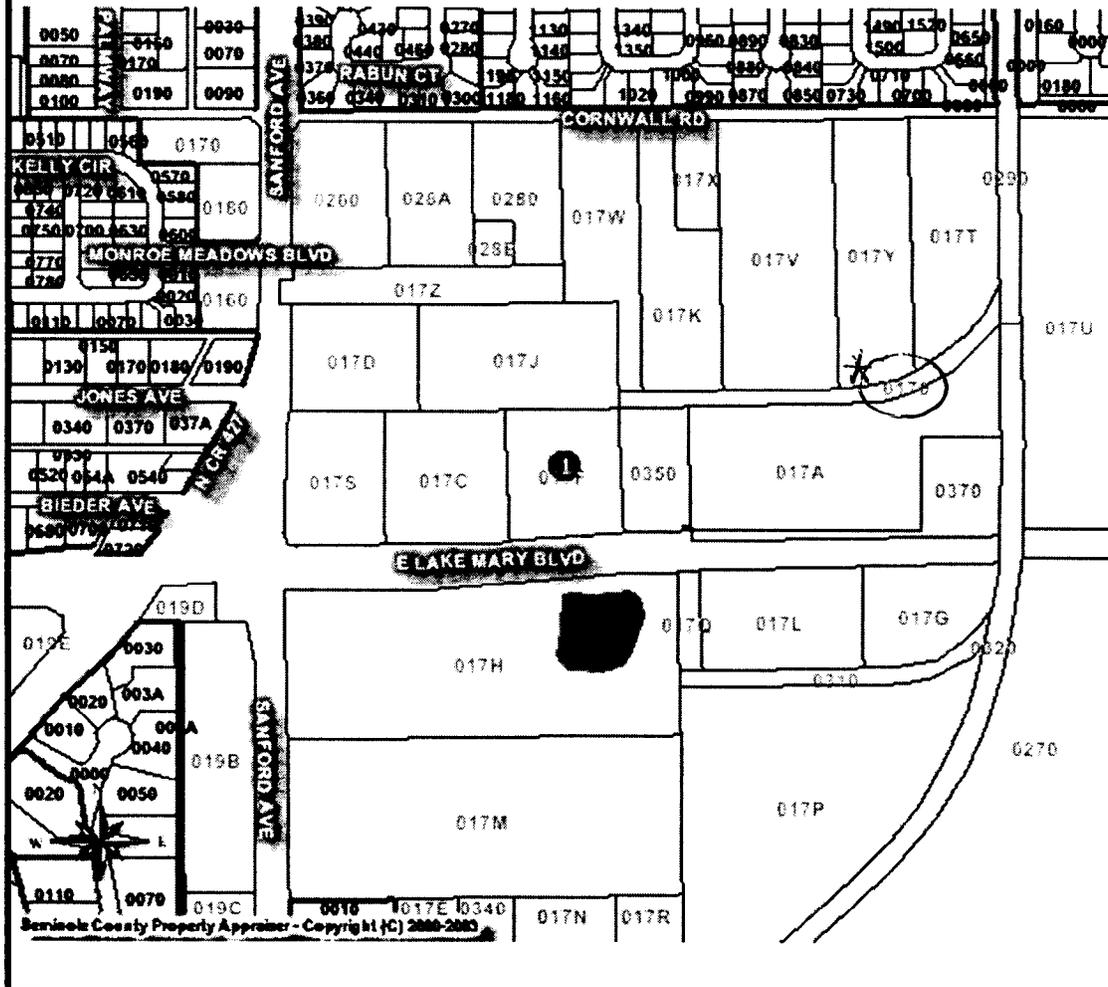
H. W. "Bill" Suber CFA, /



Seminole Cou

Property Appr Services

1101 E. First St
Sanford FL 327
407-665-7500



- Legend**
- Selected Feat
 - County Bound
 - Streets
 - Hydrology
 - Subdivision Lir
 - Parcels
 - Govt. Facilities
 - Golf Course
 - Parks
 - Shelters

Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	072031300017F0000	AMERICAN BRONZE FINE ART	1650 E LAKE MARY BLVD	SANFORD	FL	32773

* Road built on Parcel Nos. 111 and 112.

SUBORDINATION OF UTILITY INTERESTS

THIS AGREEMENT, entered into this _____ day of _____, 2003, by and between **THE CITY OF SANFORD**, whose address is 300 North Park Avenue, Sanford, Florida 32771, hereinafter referred to as "CITY," and **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 "COUNTY."

W I T N E S S E T H:

WHEREAS, the CITY presently has an interest in certain lands that have been determined necessary for use as right-of-way for additional traffic lanes and improved drainage facilities on East Lake Mary Boulevard, Segment I; and

WHEREAS, the proposed use of these lands for use as right-of-way for additional traffic lanes and improved drainage facilities purposes on East Lake Mary Boulevard, Segment I, will require subordination of the interest claimed in such lands by the CITY to the COUNTY; and

WHEREAS, the COUNTY is willing to pay to have the CITY's facilities relocated, if necessary, to prevent conflict between the facilities so that the benefits of each may be retained,

NOW, THEREFORE, in consideration of the mutual covenants and promises of the parties hereto, the CITY and the COUNTY agree as follows:

THE CITY subordinates any and all of its interest in the lands described as follows:

PARCEL NO. 102

**EAST LAKE MARY BOULEVARD SEGMENT I
FEE SIMPLE**

A part of the property described in Official Record Book 1062, page 454, Official Record Book 1062, page 455 and Official Records Book 1200, page 1516 as recorded in the Public Records of Seminole County, Florida being that portion of Section 7, Township 20 South, Range 31 East of Seminole County, Florida,

described as follows:

Commencing at the Southwest corner of Section 7, Township 20 South, Range 31 East as shown on the Florida Department of Natural Resources Certified Corner Records Documents No. 0034544; thence run N00°17'43"W along the West line of said Section 7 a distance of 1324.27 feet to the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of said Section 7; thence run N89°46'28"E along the South line of said Northwest 1/4 of the Southwest 1/4 a

distance of 713.30 feet; thence departing said South line of said Northwest 1/4 of the Southwest 1/4 run N00°13'32"W a distance of 40.00 feet to a point on the North right of way line of East Lake Mary Boulevard (formerly Silver Lake Drive) as recorded in Official Record Book 424, page 531 of the Public Records of Seminole County, Florida, said point also being the Point of Beginning; thence run N00°13'32"W a distance of 5.00 feet; thence run N85°37'04"E a distance of 344.91 feet; thence run S00°13'32"E a distance of 30.00 feet to a point on said North right of way line; thence run S89°46'28"W a distance of 344.00 feet to the Point of Beginning.

Containing 6020 square feet, more or less.

Parcel I.D. No. 07-20-31-300-017F-0000

AND

PARCEL NO. 111

**EAST LAKE MARY BOULEVARD SEGMENT I
FEE SIMPLE**

A part of the property described in Official Record Book 1031, page 753 as recorded in the Public Records of Seminole County, Florida being that portion of Section 7, Township 20 South, Range 31 East of Seminole County, Florida,

described as follows:

Commencing at the Southwest corner of Section 7, Township 20 South, Range 31 East, as shown on the Florida Department of Natural Resources Certified Corner Records Document No. 0034544; thence run N00°17'43"W along the West line of said Section 7 a distance of 1324.27 feet to the Southwest corner of the Northwest ¼ of the Southwest ¼ of said Section 7; thence run N89°46'28"E along the South line of said Northwest ¼ of the Southwest ¼ a distance of 50.00 feet; thence departing said South line of said Northwest ¼ of the Southwest ¼ run S00°17'43"E a distance of 40.00 feet to a point on the South right of way line of East Lake Mary Boulevard (formerly Silver Lake Drive) as recorded in Official Record Book 424, page 531 of the Public Records of Seminole County, Florida said point also being on the East right of way line of Sanford Avenue as recorded in Official Record Book 1031, page 754 of the Public Records of Seminole County, Florida for the Point of Beginning; thence run N89°46'28"E along said South right of way line of East Lake Mary Boulevard (formerly Silver Lake Drive) a distance of 1171.20 feet; thence departing said South right of way line run S00°17'43"E a

distance of 6.00 feet; thence run S89°46'28"W a distance of 181.82 feet; thence run S84°45'07"W a distance of 616.81 feet; thence run S89°46'28"W a distance of 374.88 feet to a point on said East right of way line of Sanford Avenue; thence run N00°17'43"W a distance of 60.00 feet to the Point of Beginning.

Containing 1.01 acres, more or less.

Parcel I.D. No. 07-20-30-300-017H-0000-01

AND

PARCEL NO. 112

**EAST LAKE MARY BOULEVARD SEGMENT I
FEE SIMPLE**

A part of the property described in Official Record Book 1678, page 1533 as recorded in the Public Records of Seminole County, Florida being that portion of Section 7, Township 20 South, Range 31 East of Seminole County, Florida,

described as follows:

Commencing at the Southwest corner of Section 7, Township 20 South, Range 31 East, as shown on the Florida Department of Natural Resources Certified Corner Records Document No. 0034544; thence run N00°17'43"W along the West line of said Section 7 a distance of 1324.27 feet to the Southwest corner of the Northwest ¼ of the Southwest ¼ of said Section 7; thence run N89°46'28"E along the South line of said Northwest ¼ of the Southwest ¼ a distance of 1221.20 feet; thence departing said South line of said Northwest ¼ of the Southwest ¼ run S00°17'43"E a distance of 40.00 feet to a point on the South right-of-way line of East Lake Mary Boulevard (formerly Silver Lake Drive) as recorded in Official Record Book 424, page 531 of the Public Records of Seminole County, Florida said point being the Point of Beginning; thence run N89°46'28"E along said South right-of-way line a distance of 66.00 feet; thence departing said South right-of-way line run S00°17'43"E a distance of 6.00 feet; thence run S89°46'28"W a distance of 66.00 feet; thence run N00°17'43"W a distance of 6.00 feet to the Point of Beginning.

Containing 395 square feet, more or less.

Parcel I.D. No. 07-21-30-300-017P-0000

To the interest of the COUNTY, its successors, or assigns, for the purpose of constructing, improving, maintaining and operating a road, including drainage facilities, over, through, upon, and/or

across such lands, including, but not limited to, the claim of interest based on the following:

NATURE OF ENCUMBRANCE	DATE	FROM OR AGAINST	IN FAVOR OF	RECORDED BOOK/PAGE
Water Service Agreement and Easement	August 2, 1974	Cardinal Industries, Inc.	City of Sanford	Book 1030 Page 1217 Parcel Nos. 111 and 112

NATURE OF ENCUMBRANCE	DATE	FROM OR AGAINST	IN FAVOR OF	RECORDED BOOK/PAGE
Water Service Agreement and Easement	July 5, 1973	Lake Monroe Industries, Inc.	City of Sanford	Book 0994 Page 0546 Parcel No. 102

PROVIDED that the CITY has the following rights:

1. The CITY shall have the right to construct, operate, maintain, remove, and relocate facilities on, within, and upon the lands described herein. Any new construction or relocation of facilities within the lands will be subject to prior approval by the COUNTY's Engineer.

2. The CITY shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush, and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the COUNTY's facilities.

3. The CITY agrees to repair any damage to COUNTY facilities resulting from the CITY exercising its rights outlined in Paragraphs 1 and 2 above.

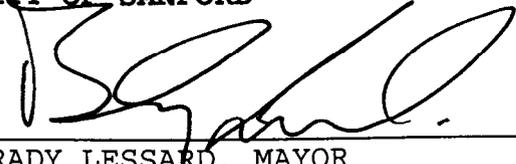
4. Should the COUNTY require the CITY to alter, adjust, or relocate its facilities located within said lands, the COUNTY hereby agrees to pay the cost of such alteration, adjustment or relocation.

SIGNATURES CONTINUING ON PAGE 4

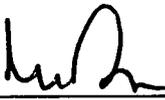
ATTEST:

Janet R. Dougherty
JANET R. DOUGHERTY
City Clerk

CITY OF SANFORD

By: 
BRADY LESSARD, MAYOR

Approved as to form and
Legal sufficiency.


City Attorney

ATTEST:

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

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
DARYL G. McLAIN, Chairman
Date: _____

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

As authorized for execution by
the Board of County Commis-
sioners at their _____,
2003, regular meeting.

Henry M Brewer
HMB/sb
02/26/03

P:\USERS\CA\B01\MY DOCUMENTS\AGT\CITY OF SANFORD SUBORDINATION OF UTILITY INTERESTS 2ND.DOC