

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Sidewalk Easements - Midway CDBG Sidewalk Installation Project

DEPARTMENT: Planning & Development **DIVISION:** Community Resources

AUTHORIZED BY: Don Fisher **CONTACT:** Robert Heenan **EXT.** 7380

Agenda Date: 07/22/2003 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

Approve and execute three sidewalk easements granted to Seminole County from owners of property located at: 1) the corner of Broadway Street and Midway Avenue (vacant residential); 2) 3150 Midway Avenue and; 3) 2251 Jitway Avenue (Midway Elementary School).

(District 5-McLain)

(Robert Heenan, HUD Grants Manager)

BACKGROUND:

During the design phase of the Midway sidewalk project, it was evident that the proposed sidewalk installation would encroach upon two privately owned real estate parcels and one publicly owned real estate parcel (Midway Elementary School). In order to maintain the County sidewalk standard design and installation throughout the project, staff has acquired executed sidewalk easements from all three property owners.

The CD Office recommends that the Board approve and execute the three sidewalk easements already executed by the property owners.

Reviewed by:
Co Atty: _____
DFS: _____
Other: CR
DCM: _____
CM: _____

File No. -cpdc02

Ⓜ Cindy Jordan
Educational Support Ctr
400 E. Lk. Mary Blvd
Sanford, FL
32773

This document prepared by:
Karen Consalo, Assistant County Attorney
1101 E. First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT SEMINOLE COUNTY, CFN 2003099253 BK 04860 PG 1664 RECD 06/11/2003 03:06:38 PM RECD BY M NoIden
RECORDING FEES 24.00 DEED DOC TAX 0.70

SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT is made and entered into this 13th day of May, 2003, by and between SEMINOLE COUNTY SCHOOL BOARD, a Florida corporation existing under the laws of the State of Florida, and having its principal place of business at 400 East Lake Mary Boulevard, Sanford, Florida 32773-7127, hereinafter referred to as the GRANTOR, 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 GRANTEE:

JUN 11 2003

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA

DEPUTY CLERK

W I T N E S S E T H:

FOR AND IN CONSIDERATION OF the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, GRANTOR does hereby grant and convey to the GRANTEE, its assigns and the public, an easement and right-of-way for the construction and maintenance of a sidewalk, with full authority to enter upon, construct, reconstruct, maintain and use a sidewalk over, under, upon, and through the following-described lands situate in the County of Seminole, State of Florida, to-wit:

See Exhibit "A" attached hereto and incorporated herein.

TO HAVE AND TO HOLD said easement and right-of-way unto said GRANTEE and its assigns forever.

THE GRANTEE herein and its assigns shall have the right to clear, keep clear, remove from said easement all trees, undergrowth and other obstructions that may interfere with location, excavation, operation or maintenance of the sidewalk, and the GRANTOR, its successors and assigns agree not to build, construct or create, or permit others to build, construct or create any buildings or other structures on said easement that may interfere with the location, excavation, operation or maintenance of the sidewalk.

GRANTEE, as part of the consideration for this grant, agree to hold harmless, indemnify and defend the GRANTOR, its successors and assigns against any and all claims, losses, damages or lawsuits for damages, arising from, allegedly arising from or related to the construction or maintenance of the sidewalk within said easement.

GRANTOR does hereby covenant with the GRANTEE, that it is lawfully seized and possessed of the real estate above described, that it has a good and lawful right to convey the said easement.

IN WITNESS WHEREOF, the GRANTOR has hereunto set its hand and seal.

ATTEST:

THE SCHOOL BOARD OF
SEMINOLE COUNTY FLORIDA

Paul Hagerty
PAUL HAGERTY, Superintendent

By: Sandra Robinson
SANDRA ROBINSON, Chairman

Date: 5/13/03

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that, on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Paul Hagerty, and Sandra Robinson who (are known to me/proved to my satisfaction that they are) the ~~Deputy~~ Superintendent ~~of Operations~~ and Chairman, respectively, of the SEMINOLE COUNTY SCHOOL BOARD. They acknowledged before me that they executed the foregoing instrument as such officers in the name and on behalf of the corporation, and that they also affixed thereto the official seal of the corporation.

WITNESS my hand and official seal in the County and State aforesaid this 13 day of May, 2003.

Karen Ponder
Notary Public, in and for
the County and
State Aforementioned

My Commission Expires:

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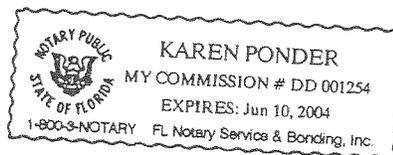


EXHIBIT "A"
DESCRIPTION

LOT 1220
MIDWAY SIDEWALK PROJECT
SIDEWALK EASEMENT

NOT A SURVEY

A SIDEWALK EASEMENT OVER, UNDER AND UPON THE WEST PORTION OF THE NORTH HALF OF THE EAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 19S, RANGE 31E, SEMINOLE COUNTY, FLORIDA, ACCORDING TO THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

MORE PARTICULARLY DESCRIBED AS, COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE EAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 19S, RANGE 31E, SEMINOLE COUNTY, FLORIDA, THENCE RUN N0°32'37"W ALONG THE EAST RIGHT-OF-WAY LINE OF JITWAY, A DISTANCE OF 65.44 TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF JITWAY AND THE POINT OF BEGINNING, THENCE RUN S51°32'13"E A DISTANCE OF 7.21 FEET, THENCE RUN N0°32'37"W A DISTANCE OF 246.94 FEET, THENCE RUN N89°27'23"W A DISTANCE OF 5.60 FEET, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF JITWAY, THENCE RUN SOUTHERLY ALONG THE EAST RIGHT-OF-WAY LINE OF JITWAY A DISTANCE OF 242.51 FEET, TO THE POINT OF BEGINNING.
CONTAINING 1370 ± SQ.FT.

NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION
3. BEARING STRUCTURE SHOWN HEREON IS BASED ON A GENERAL WARRANTY DEED DATED JANUARY 23, 1937, BETWEEN F.A. CHAMBERLIN AND THE SEMINOLE COUNTY BOARD OF PUBLIC INSTRUCTION.
4. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS STAMPED WITH SURVEYOR'S EMBOSSED SEAL.

PREPARED FOR:
SEMINOLE COUNTY

PREPARED BY:
IVEY, HARRIS & WALLS, INC

This description and the accompanying sketch or sketches has been prepared in accordance with the Standards set forth in Chapter 61G17, F.A.C., pursuant to Chapter 177 and 472, Florida Statutes. Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper this drawing, sketch, plan or map is for informational purposes only and is not valid and is subject to all notes and notations contained herein.

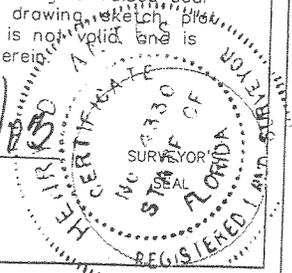


Ivey, Harris & Walls, Inc.

631 South Orlando Avenue Suite 200
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www.ihw-usa.com LB 7057

Henry D. Antes
Henry D. Antes, PSM No. 4330

3/19/05
Date

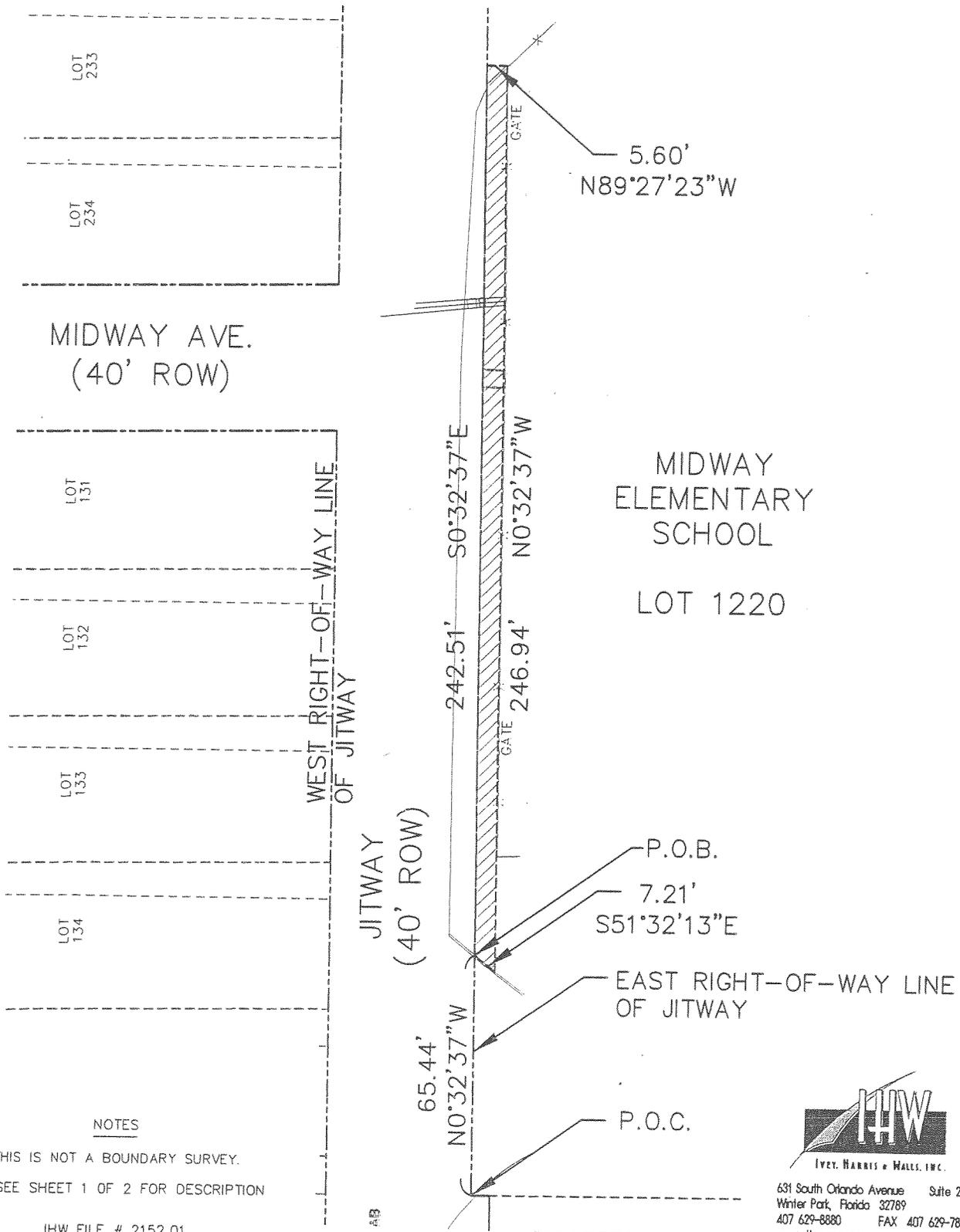


SKETCH OF DESCRIPTION

LOT 1220

MIDWAY SIDEWALK PROJECT

SIDEWALK EASEMENT



NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. SEE SHEET 1 OF 2 FOR DESCRIPTION

IHW FILE # 2152.01

IHW
 IVEY, HARRIS & WALLS, INC.

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 Winter Park, Florida 32789
 407 629-8880 FAX 407 629-7883
 www.ihw-usa.com LB 7057

SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT, is made and entered into this 11th day of April 2003, by and between Willie and Vera Gilchrist, whose address is 1179 Bay Street, Rochester, NY 14609, hereinafter referred to as the GRANTOR, 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 GRANTEE:

W I T N E S S E T H:

FOR AND IN CONSIDERATION OF the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, GRANTOR does hereby grant and convey to the GRANTEE and its assigns, an easement and right-of-way for the construction and maintenance of a sidewalk with full authority to enter upon, construct, reconstruct and maintain, as the GRANTEE and its assigns may deem necessary, a sidewalk over, under, upon, and through the following-described lands situate in the County of Seminole, State of Florida, to-wit:

Lot 20, Midway Sidewalk Project, Sidewalk Easement as shown on attached Exhibits entitled "Description" and "Sketch of Description."

TO HAVE AND TO HOLD said easement and right-of-way unto said GRANTEE and its assigns forever.

THE GRANTEE herein and its assigns shall have the right to clear, keep clear, remove from said easement all trees, undergrowth and other obstructions that may interfere with location, excavation, operation or maintenance of the sidewalk, and the GRANTOR, their successors and assigns agree not to build, construct or create, or permit others to build, construct or create any buildings or other structures on said easement that may interfere with the location, excavation, operation or maintenance of the sidewalks

This document prepared by: **Ivey, Harris & Walls, Inc.**
Address: **631 South Orlando Ave.**
Suite 200
Winter Park, FL 32789

THE GRANTEE, as part of the consideration for this grant, agrees to hold harmless, indemnify and defend the GRANTOR, her successors and assigns against any and all claims, losses, damages or lawsuits for damages, arising from, allegedly arising from or related to the construction or maintenance of the sidewalk within said easement.

GRANTOR does hereby covenant with the GRANTEE, that they are lawfully seized and possessed of the real estate above described and that they have a good and lawful right to convey the said easement.

IN WITNESS WHEREOF, the GRANTOR has hereunto set their hand and seal the day and year first above written.

WITNESSES:

Peter Soloman
Vera Gulchrist

+ William Milchrist (SEAL)
GRANTOR

+ Vera M. Gulchrist (SEAL)
GRANTOR

STATE OF New York)

COUNTY OF Monroe)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Vera M. Gulchrist, to me known to be the person described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 11th day of April, 2003.

Margaret L. Moses
Notary Public, in and for the County and State Aforementioned

My Commission Expires: 3-10-07

MARGARET L. MOSES
Notary Public in the State of New York
Monroe County, NY
My Commission Expires 3/10/07

DESCRIPTION

LOT 20 MIDWAY SIDEWALK PROJECT SIDEWALK EASEMENT

NOT A SURVEY

A SIDEWALK EASEMENT OVER, UNDER AND UPON LOT 20, J.O. PACKARD'S 1ST ADDITION TO MIDWAY, AS RECORDED IN PLAT BOOK 2, PAGE 104, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 20, J. O. PACKARDS 1ST ADDITION TO MIDWAY, RUN THENCE WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF MIDWAY AVENUE, A DISTANCE OF 7.00 FEET, THENCE N44°19'37"E A DISTANCE OF 9.92 FEET TO THE WEST RIGHT OF WAY LINE OF BROADWAY; THENCE SOUTH ALONG THE WEST RIGHT OF WAY LINE OF BROADWAY, A DISTANCE OF 7.00 FEET TO THE POINT OF BEGINNING. CONTAINING 25.0 SQUARE FEET OR 0.00057 ACRES, MORE OR LESS.

NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION
3. BEARING STRUCTURE SHOWN HEREON IS BASED ON PLAT BOOK 2 PAGE 104 OF J.O. PACKARDS 1ST ADDITION TO MIDWAY SUBDIVISION.
4. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS STAMPED WITH SURVEYOR'S EMBOSSED SEAL.

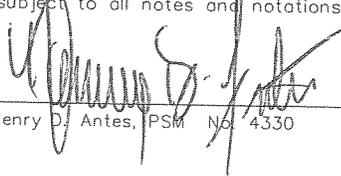
PREPARED FOR:
SEMINOLE COUNTY

PREPARED BY:
IVEY, HARRIS & WALLS, INC

This description and the accompanying sketch or sketches has been prepared in accordance with the Standards set forth in Chapter 61G17, F.A.C., pursuant to Chapter 177 and 472, Florida Statutes. Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper this drawing, sketch, plat or map is for informational purposes only and is not valid, and is subject to all notes and notations contained herein.



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Henry D. Antes, PSM No. 4330

Date



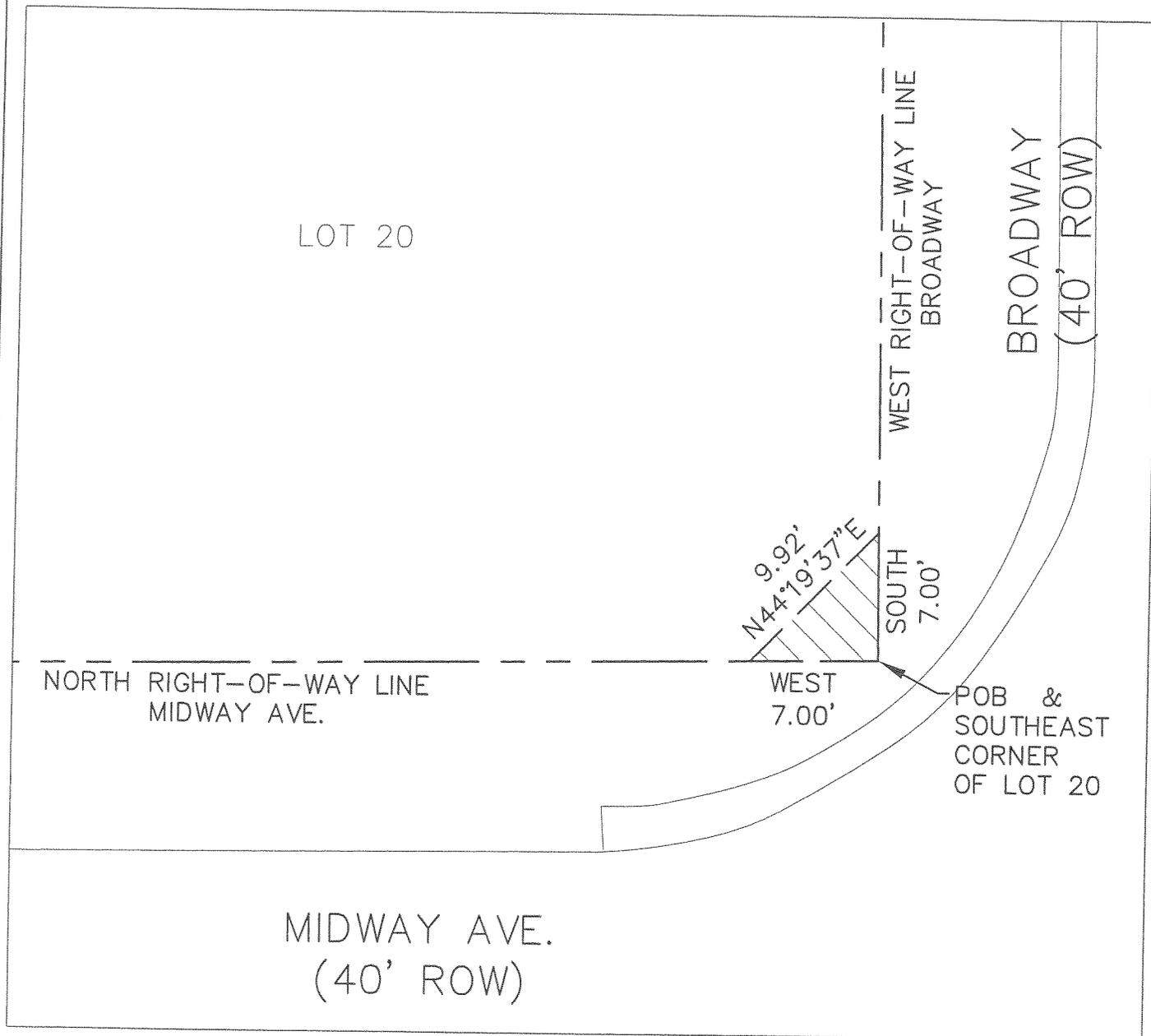
SURVEYOR'S
SEAL

SKETCH OF DESCRIPTION

LOT 20 MIDWAY SIDEWALK PROJECT SIDEWALK EASEMENT



NOT TO SCALE



NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. SEE SHEET 1 OF 2 FOR DESCRIPTION

IHW FILE # 2152.01



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SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT, is made and entered into this 17th day of October 2002, by and between Gladys G. Williams, whose address is 3150 Midway Ave., Sanford, FL, hereinafter referred to as the GRANTOR, 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 GRANTEE:

W I T N E S S E T H:

FOR AND IN CONSIDERATION OF the sum of ONE AND NO/100 DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, GRANTOR does hereby grant and convey to the GRANTEE and its assigns, an easement and right-of-way for the construction and maintenance of a sidewalk with full authority to enter upon, construct, reconstruct and maintain, as the GRANTEE and its assigns may deem necessary, a sidewalk over, under, upon, and through the following-described lands situate in the County of Seminole, State of Florida, to-wit:

Lot 71, Midway Sidewalk Project, Sidewalk Easement as shown on attached Exhibits.

TO HAVE AND TO HOLD said easement and right-of-way unto said GRANTEE and its assigns forever.

THE GRANTEE herein and its assigns shall have the right to clear, keep clear, remove from said easement all trees, undergrowth and other obstructions that may interfere with location, excavation, operation or maintenance of the sidewalk, and the GRANTOR, her successors and assigns agree not to build, construct or create, or permit others to build, construct or create any buildings or other structures on said easement that may interfere with the location, excavation, operation or maintenance of the sidewalks

This document prepared by: **Ivey, Harris & Walls, Inc.**
Address: **631 South Orlando Ave.**
Suite 200
Winter Park, FL 32789

DESCRIPTION

LOT 71 MIDWAY SIDEWALK PROJECT SIDEWALK EASEMENT

NOT A SURVEY

A SIDEWALK EASEMENT OVER, UNDER AND UPON LOT 71, J. O. PACKARDS 1ST ADDITION TO MIDWAY, AS RECORDED IN PLAT BOOK 2, PAGE 104 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 71, J. O. PACKARDS 1ST ADDITION TO MIDWAY, RUN THENCE SOUTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF BROADWAY, A DISTANCE OF 7.00 FEET, THENCE, N45°40'23"W A DISTANCE OF 9.98 FEET, TO THE SOUTH RIGHT-OF-WAY LINE OF MIDWAY AVENUE; THENCE EAST 7.00 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF MIDWAY AVENUE TO THE POINT OF BEGINNING. CONTAINING 25.00 SQUARE FEET OR 0.00057 ACRES, MORE OR LESS.

NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. SEE SHEET 2 OF 2 FOR SKETCH OF DESCRIPTION
3. BEARING STRUCTURE SHOWN HEREON IS BASED ON PLAT BOOK 2 PAGE 104 OF J.O. PACKARDS 1ST ADDITION TO MIDWAY SUBDIVISION.
4. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS STAMPED WITH SURVEYOR'S EMBOSSED SEAL.

PREPARED FOR:
SEMINOLE COUNTY

PREPARED BY:
IVEY, HARRIS & WALLS, INC

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Henry B. Antes PSM No. 4330

Date

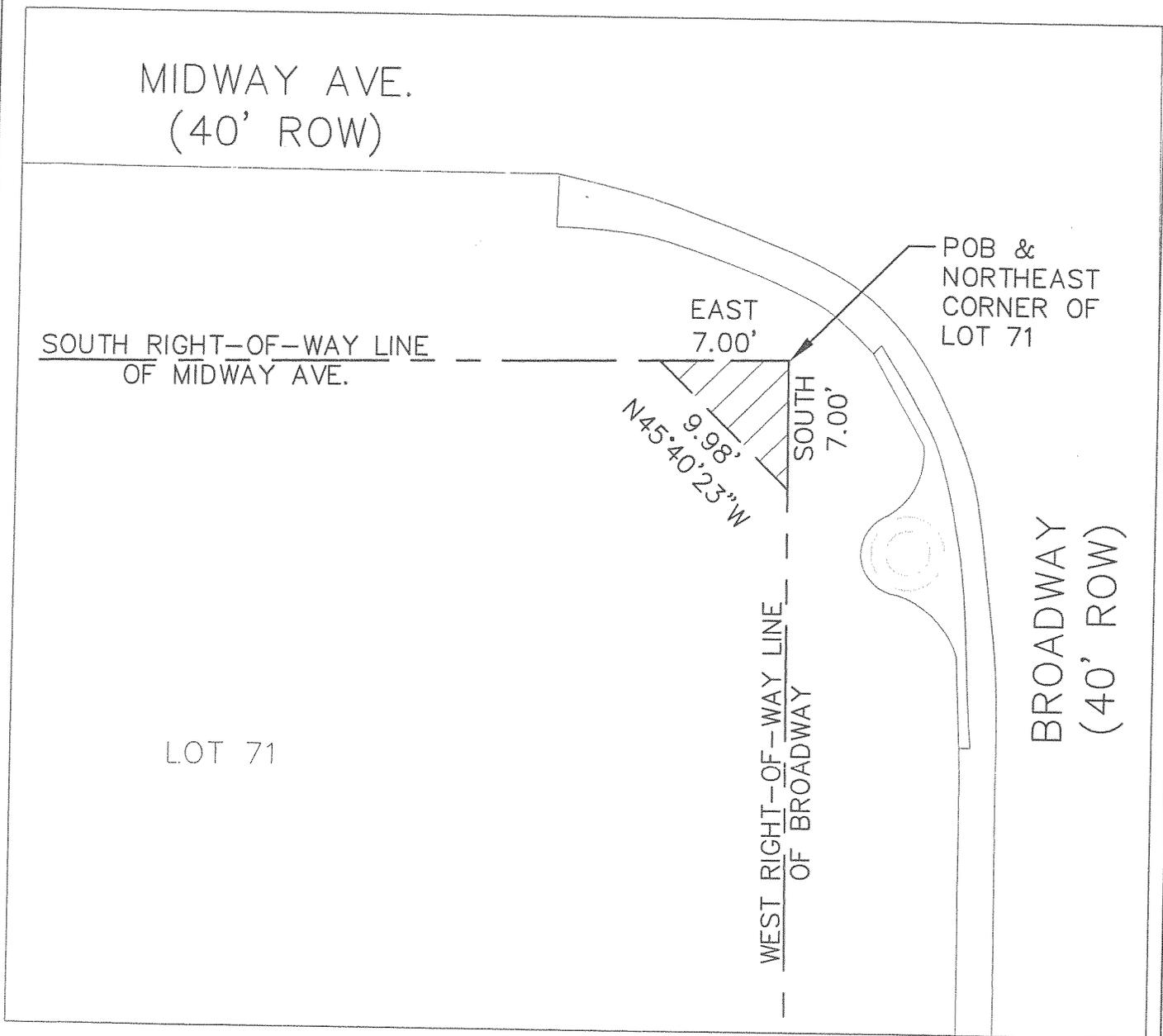
SURVEYOR'S
SEAL

SKETCH OF DESCRIPTION

LOT 71 MIDWAY SIDEWALK PROJECT SIDEWALK EASEMENT



NOT TO SCALE



NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. SEE SHEET 1 OF 2 FOR DESCRIPTION

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