

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: MAIN STREET PROPERTY EXCHANGE

DEPARTMENT: Planning & Development DIVISION: Development Review

AUTHORIZED BY: Donald S. Fisher CONTACT: Denny Gibbs EXT. 7359

| | | | | | | | | | |
|-------------|----------------|-----------------------|-------------------------------------|-----------------------|--------------------------|--------------|--------------------------|----------|--------------------------|
| Agenda Date | <u>7/22/03</u> | Regular | <input checked="" type="checkbox"/> | Consent | <input type="checkbox"/> | Work Session | <input type="checkbox"/> | Briefing | <input type="checkbox"/> |
| | | Public Hearing – 1:30 | <input type="checkbox"/> | Public Hearing – 7:00 | <input type="checkbox"/> | | | | |

MOTION/RECOMMENDATION:

Adopt and approve the resolution to exchange the 15' x 35' southerly portion of the vacated right-of-way of Main Street adjacent to Lots 4 & 5, Block 41 for the 15' x 35' northerly portion of the vacated right-of-way of Main Street adjacent to Lots 4 & 5, Block 41, Sanford Farms (Plat Book 1, Pages 127 – 128) Section 16, Township 19S, Range 30E.

District 5 – McLain (Denny Gibbs, Planner)

BACKGROUND:

The applicants, Ebrahim & Tammy Hamzehlou, are proposing to exchange the 15' x 35' northerly portion of the vacated right-of-way of Main Street adjacent to Lots 4 & 5, Block 41, Sanford Farms (Plat Book 1, Pages 127 – 128) vacated May 13th, 2003 for the 15' x 35' southerly portion of the vacated right-of-way of Main Street adjacent to Lots 4 & 5, Block 41, Sanford Farms (Plat Book 1, Pages 127 – 128), a county owned parcel.

The request is being made in order to cure the encroachment of an existing house into the portion of the right-of-way vacated to the county. This right-of-way was vacated May 13th, 2003, 1/2 to the applicants and 1/2 to the County. The county parcel is part of the Seminole County Natural Lands Black Bear Wilderness Area. The Seminole County Natural Lands Program staff has stated they have no objection to the land exchange.

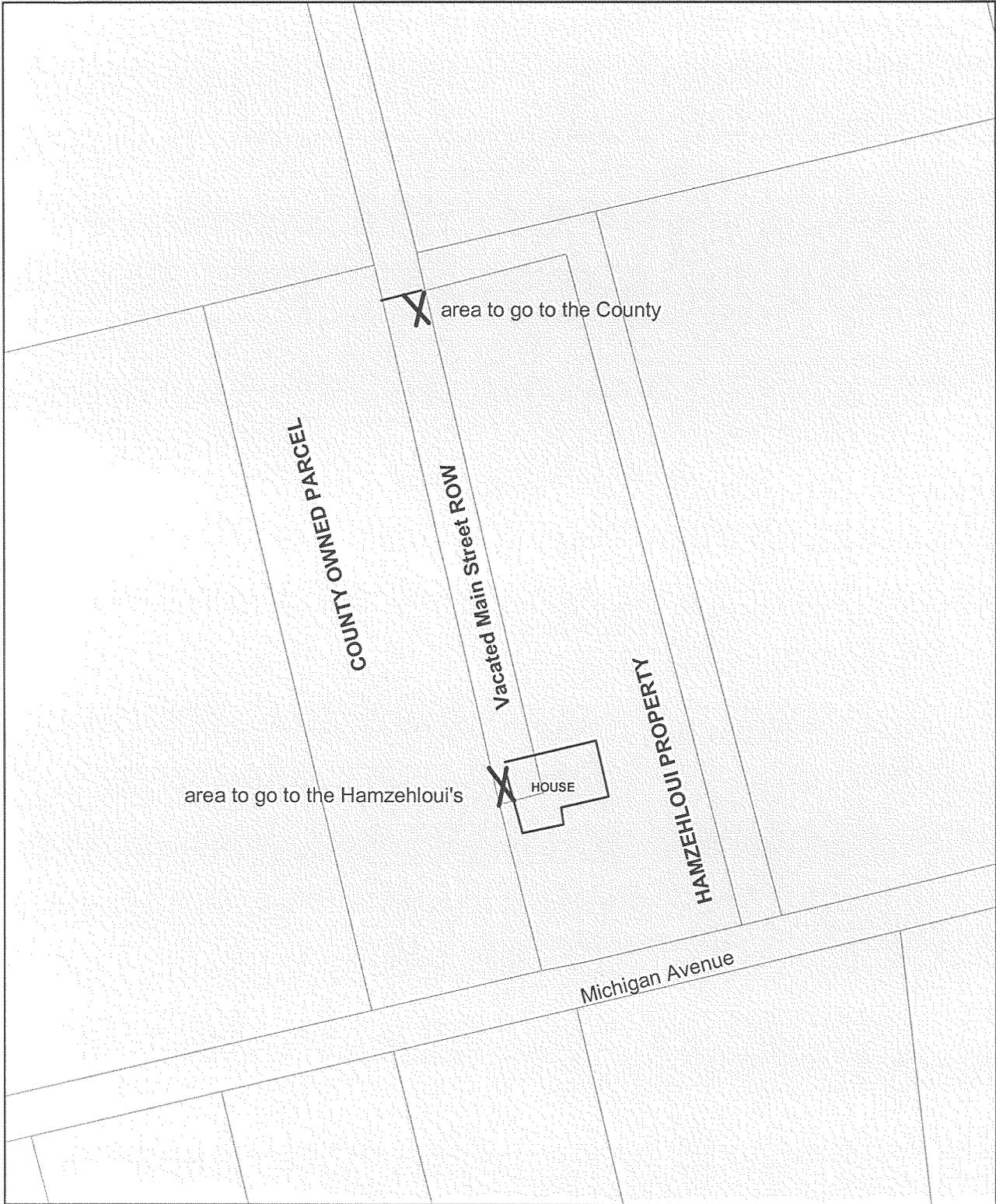
STAFF RECOMMENDATION:

Staff recommends approval of the resolution to exchange property.

District 5 – McLain

- Attachments: Resolution
- Location map
- Exchange of Property Agreement
- County Deed
- Warranty Deed

| | |
|--------------|-----------------------------|
| Reviewed by: | <u>KCC</u> |
| Co Atty: | <u> </u> |
| DFS: | <u> </u> |
| Other: | <u> </u> |
| DCM: | <u> </u> |
| CM: | <u> </u> |
| File No. | <u>rpdd01</u> |



LOCATION MAP

MAIN STREET PROPERTY EXCHANGE

X = areas of property exchange

R E S O L U T I O N

THE FOLLOWING RESOLUTION WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AT THEIR REGULARLY SCHEDULED MEETING OF JULY 22, 2003.

WHEREAS, SEMINOLE COUNTY owns the western portion of the vacated thirty foot (30') wide right-of-way of Main Street (more specifically described in Exhibit "A" attached hereto); and

WHEREAS, the owners of property abutting and lying east of the above-described County-owned parcel, TAMMY and EBRAHIM HAMZEHLLOUI desire to exchange a portion of their property (more specifically described in Exhibit "B" attached hereto) for SEMINOLE COUNTY's property; and

WHEREAS, the terms and conditions of the exchange of property have been published once a week for at least two (2) weeks in a newspaper of general circulation in Seminole County, as required by Section 125.37, Florida Statutes; and

WHEREAS, TAMMY and EBRAHIM HAMZEHLLOUI and SEMINOLE COUNTY have agreed to pay for respective title insurance in regard to this property exchange; and

WHEREAS, TAMMY and EBRAHIM HAMZEHLLOUI and SEMINOLE COUNTY have agreed to pay for the recording of the instruments necessary to convey the parties' interests in the hereinafter described property and any documentary stamps necessary on such instruments.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the Board of County Commissioners does hereby authorize the exchange of the parcel described in Exhibit "A" by County Deed to TAMMY and EBRAHIM HAMZEHLLOUI in exchange for the parcel described in Exhibit "B" to be conveyed to SEMINOLE COUNTY by Warranty Deed.

ADOPTED this _____ day of _____, 2003.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

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

By: _____
Daryl McLain, Chairman

Date: _____

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

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

County Attorney

Attachments:

Exhibit "A" - Legal description of Seminole County property

Exhibit "B" - Legal description of Hamzehloui property

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SKETCH AND DESCRIPTION OF A PORTION OF THE RIGHT-OF-WAY OF MAIN STREET, "SANFORD FARMS",

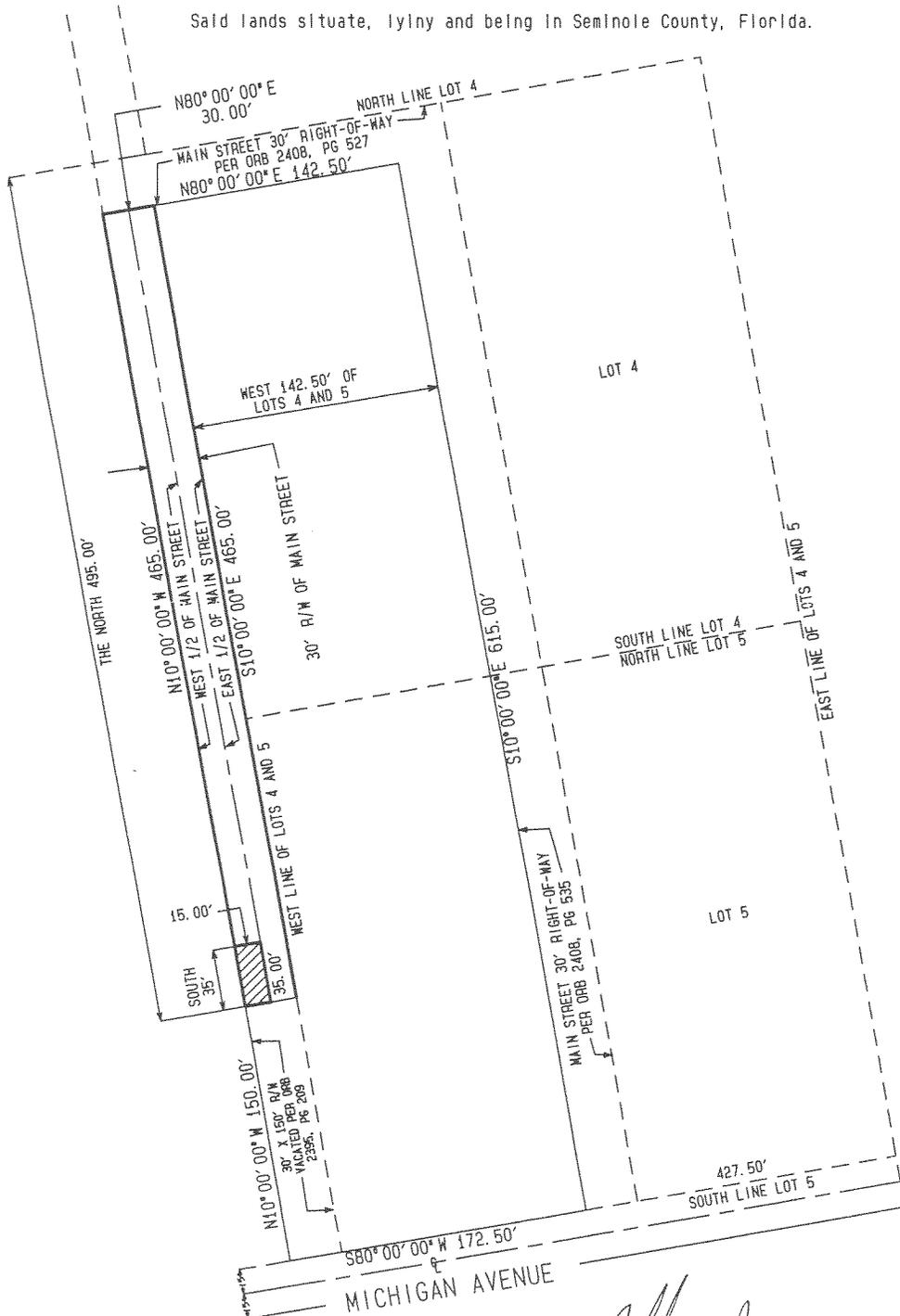


LEGAL DESCRIPTION:

A portion of the 30 foot right-of-way of Main Street, as shown on the Plat of "SANFORD FARMS", as recorded in Plat 1, Pages 127 - 128 1/2 of the Public Records of Seminole County, Florida, being more fully described as follows:

The West 1/2 (one-half of the South 35.00 feet of the North 495.00 feet lying Westerly of Lot 4 and Lot 5, Block 41 of said Plat of "SANFORD FARMS". Containing 0.012 acres of land, more or less.

Said lands situate, lying and being in Seminole County, Florida.



FOR: HAMZEHLUJI
NO.: 0301002
DATE: 1/15/03
REVISED ORB: 1/22/03
FILENAME: SF4-41
SCALE: 1" = 80'

THIS SKETCH DOES NOT CONSTITUTE
A FIELD SURVEY


 1-22-03
 JEFFREY J. HITT PROFESSIONAL SURVEYOR & MAPPER NO. 4717 STATE OF FLORIDA



HITT LAND SURVEYORS, INC.

318 SWEETWATER CREEK DR. WEST, LONGWOOD FL. 32779, 407-772-0248 FAX 407-772-0248

LAND SURVEYS ◦ SUBDIVISIONS ◦ CONSTRUCTION SURVEYS

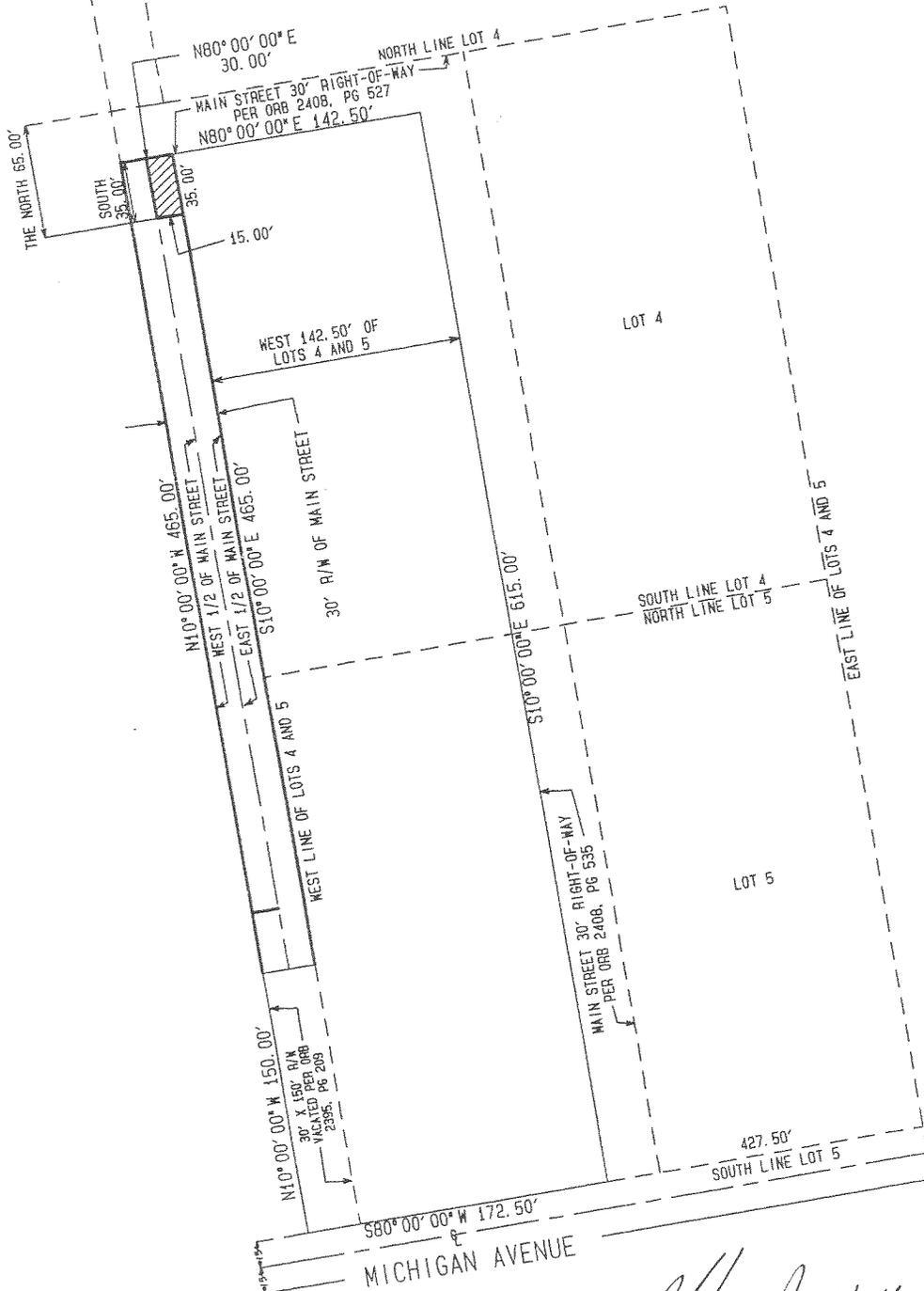
SKETCH AND DESCRIPTION OF A PORTION OF THE RIGHT-OF-WAY OF MAIN STREET, "SANFORD FARMS".

LEGAL DESCRIPTION:

A portion of the 30 foot right-of-way of Main Street, as shown on the Plat of "SANFORD FARMS", as recorded in Plat 1, Pages 127 - 128 1/2 of the Public Records of Seminole County, Florida, being more fully described as follows:

The East 1/2 (one-half) of the South 35.00 feet of the North 65.00 feet lying Westerly of Lot 4 and Lot 5, Block 41 of said Plat of "SANFORD FARMS". Containing 0.012 acres of land, more or less.

Said lands situate, lying and being in Seminole County, Florida.



FOR: HANZEHLLOU
NO.: 0305010
DATE: 5/28/03
FILENAME: SF4-41
SCALE: 1" = 80'

THIS SKETCH DOES NOT CONSTITUTE
A FIELD SURVEY

Jeffrey D. Hitt 5-29-03
JEFFREY D. HITT PROFESSIONAL SURVEYOR & MAPPER NO. 4717 STATE OF FLORIDA



HITT LAND SURVEYORS, INC.

318 SWEETWATER CREEK DR. WEST, LONGWOOD FL. 32779, 407-772-0248 FAX 407-772-0248

LAND SURVEYS ◦ SUBDIVISIONS ◦ CONSTRUCTION SURVEYS

SEMINOLE COUNTY/HAMZEHLLOUI
EXCHANGE OF PROPERTY AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _____, 2003, by and between EBRAHIM and TAMMY HAMZEHLLOUI, whose address is 4755 Ohio Avenue, Sanford, FL, 32771, hereinafter referred to as OWNERS, 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 COUNTY.

W I T N E S S E T H:

WHEREAS, Section 125.37, Florida Statutes, authorizes the exchange of real property owned by the COUNTY when it is not needed for county purposes for other real property which the COUNTY may desire to acquire for county purposes; and

WHEREAS, COUNTY owns in fee simple the property hereinafter described; and

WHEREAS, OWNERS own in fee simple the property hereinafter described; and

WHEREAS, COUNTY desires to exchange its interest in its property which is no longer needed for county purposes for the below described interest in OWNERS' property,

NOW, THEREFORE, in consideration of the mutual covenants contained herein and for other good and valuable consideration provided by each party hereto, the parties agree as follows:

1. COUNTY intends to exchange by County Deed to OWNERS its interest in the property described in attached Exhibit "A".

2. OWNERS agree to convey by general Warranty Deed to COUNTY in exchange for the property described in attached Exhibit "B".

3. The COUNTY, as required by Section 125.37, Florida Statutes, shall publish the terms and conditions of this exchange of property once a week for at least two weeks, in a newspaper of general circulation published in the County.

4. To effect the exchange of these properties the Board of County Commissioners of Seminole County, Florida, shall adopt a Resolution authorizing the exchange of properties. This Agreement shall not be binding upon the COUNTY until and unless said authorizing Resolution is adopted by the Board of County Commissioners and all other legal prerequisites for the exchange are accomplished.

5. COUNTY hereby agrees to pay for the publication of notice of the terms and conditions of the exchange of properties in the Orlando Sentinel.

6. OWNERS and COUNTY hereby agree to pay for respective title insurance to be issued on the properties being conveyed.

7. OWNERS and COUNTY hereby agree to pay for the recording of the instruments necessary to convey the parties'

interests in the above described property and any documentary stamps necessary on such instruments.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their respective names on the date first above written.

WITNESSES:

OWNERS:

Print Name_____

EBRAHIM HAMZEHLLOUI

Print Name_____

Print Name_____

TAMMY HAMZEHLLOUI

Print Name_____

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 _____ and _____, to me known to be the persons described in or who have produced _____ and _____ as identification and who executed the foregoing instrument and they acknowledged before me that they executed the same.

EXECUTED and sealed by me in the County and State last aforesaid this ____ day of _____, 2003.

Print Name_____
Notary Public in and for the
County and State Aforementioned
My Commission Expires:

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: _____

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 regular
Meeting of _____, 20__.

County Attorney

7/7/03

KC

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SKETCH AND DESCRIPTION OF A PORTION OF THE RIGHT-OF-WAY OF MAIN STREET, "SANFORD FARMS".

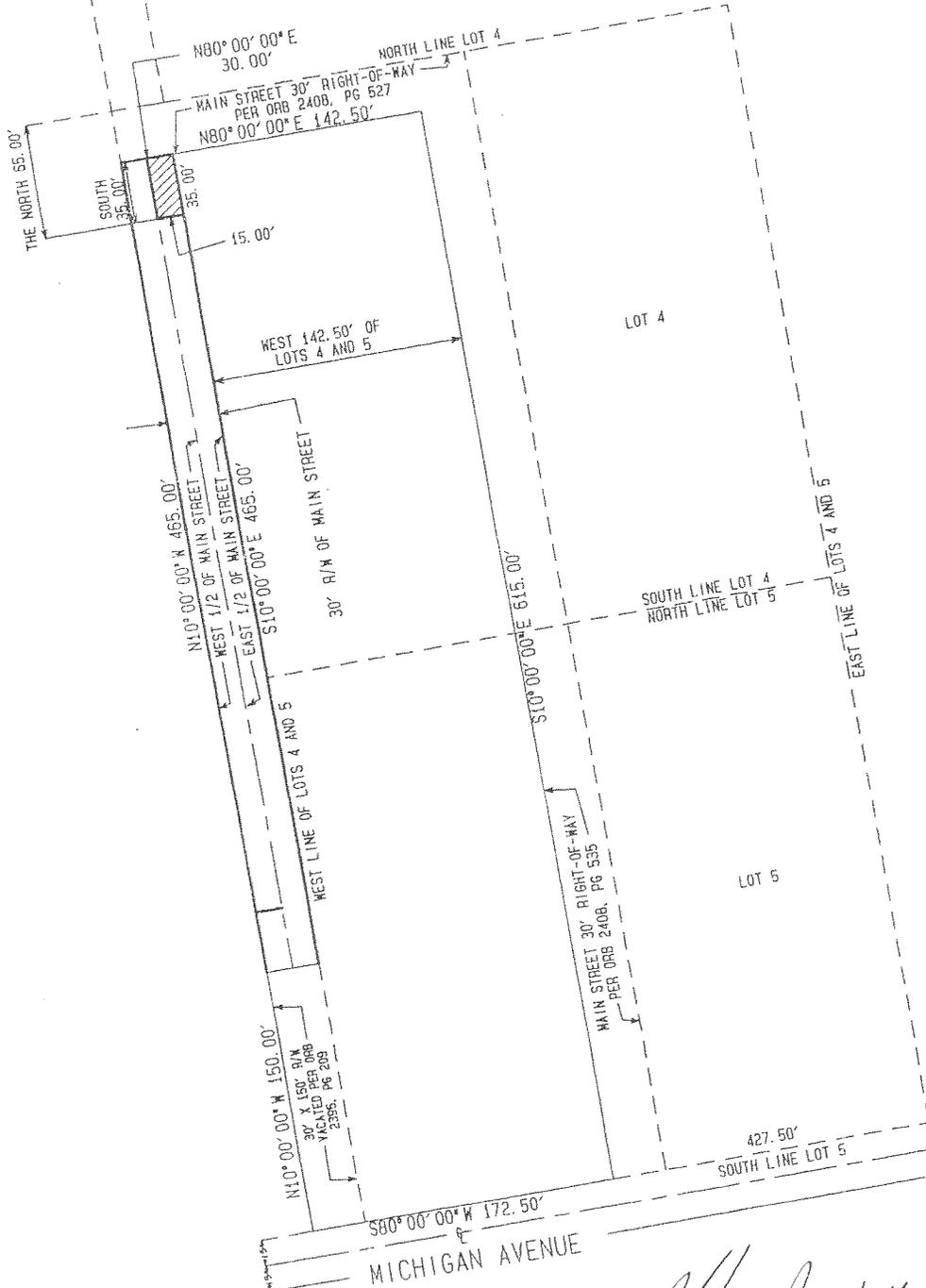
II
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LEGAL DESCRIPTION:

A portion of the 30 foot right-of-way of Main Street, as shown on the Plat of "SANFORD FARMS", as recorded in Plat 1, Pages 127 - 128 1/2 of the Public Records of Seminole County, Florida, being more fully described as follows:

The East 1/2 (one-half) of the South 35.00 feet of the North 65.00 feet lying Westerly of Lot 4 and Lot 5, Block 41 of said Plat of "SANFORD FARMS". Containing 0.012 acres of land, more or less.

Said lands situate, lying and being in Seminole County, Florida.



FOR: HAMZEHLLOUI
NO.: 0305010
DATE: 5/28/03
FILENAME: SF4-41
SCALE: 1" = 80'

THIS SKETCH DOES NOT CONSTITUTE
A FIELD SURVEY

Jeffrey W. Hitt 5-29-03
JEFFREY W. HITT PROFESSIONAL SURVEYOR & MAPPER NO. 4717 STATE OF FLORIDA



HITT LAND SURVEYORS, INC.

318 SWEETWATER CREEK DR. WEST, LONGWOOD FL. 32779, 407-772-0248 FAX 407-772-0248

LAND SURVEYS ◦ SUBDIVISIONS ◦ CONSTRUCTION SURVEYS

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

COUNTY DEED

COUNTY OF SEMINOLE, FLORIDA

THIS DEED is made this ____ day of _____, 2003, by 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 called the GRANTOR, and EBRAHIM AND TAMMY HAMZEHLLOUI, whose address is 4755 Ohio Avenue, Sanford, FL, 32771, hereinafter called the GRANTEES.

W I T N E S S E T H:

That GRANTOR for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) in hand paid by GRANTEES, and conveyance of certain other property, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell to GRANTEES, their heirs and assigns forever, the following described land lying and being in Seminole County, Florida, to-wit:

See attached description "Exhibit "A".

GRANTOR, in accordance with Section 270.11, Florida Statutes, retains and reserves an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on or under the above described land and an undivided one-half interest in all the petroleum that is or may be in, on or under the above described land with the privilege to mine and develop the same.

IN WITNESS WHEREOF the GRANTOR has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman of said Board, the day and year aforesaid.

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: _____

KC
CAKC01\MYDOCS\Deeds\Hamzehloui cnty deed.doc

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

WARRANTY DEED

THIS WARRANTY DEED is made this ___ day of _____, 2003, between EBRAHIM HAMZEHLOUI and TAMMY HAMZEHLOUI, whose address is 4755 Ohio Avenue, Sanford, FL, 32771, hereinafter called the GRANTORS, 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 called the GRANTEE.

W I T N E S S E T H:

That the GRANTORS, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) and conveyance of certain other property do grant, bargain, sell, release, convey and confirm unto the GRANTEE, its heirs and assigns forever, all that certain land lying and being in the County of Seminole, State of Florida, more particularly described as follows:

See Exhibit "A"

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the GRANTORS hereby covenant with said GRANTEE that they are lawfully seized of said land in fee simple; that they have good right and lawful authority to sell and convey said land; that they hereby fully warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

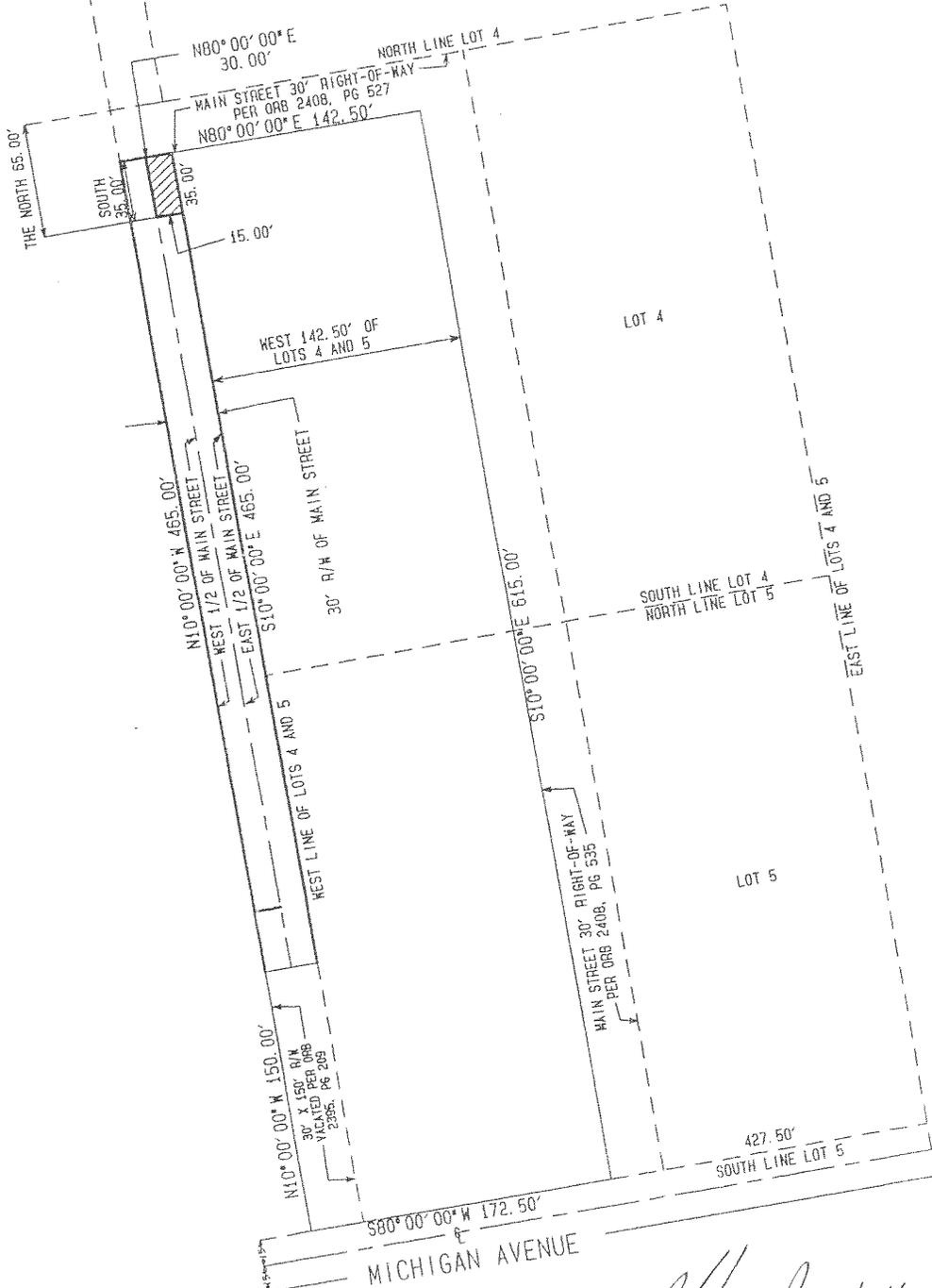
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FOR: HANZEHLLOU
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