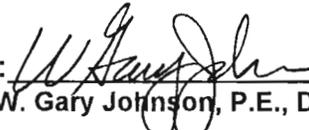


**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Resolution – Release and Cancellation of Flood Prone Area
Release of Liability and Indemnification of Seminole County Against
Damages Arising From Surface Water Flooding or Soil Erosion

DEPARTMENT: PUBLIC WORKS **DIVISION:** ENGINEERING

AUTHORIZED BY:  **CONTACT:** Jerry McCollum, P.E. EXT. 5651
W. Gary Johnson, P.E., Director

Agenda Date 08/08/06 **Regular** **Consent** **Work Session** **Briefing**
Public Hearing – 1:30 **Public Hearing – 7:00**

MOTION/RECOMMENDATION:

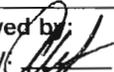
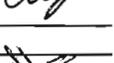
Adopt Resolution authorizing the Chairman to execute the Release and Cancellation of Flood Prone Area Release of Liability and Indemnification of Seminole County Against Damages Arising from Surface Water Flooding or Soil Erosion in conjunction with the Florida National Scenic Trail.

District 1 – Commissioner Dallari

(Jerry McCollum, P.E.)

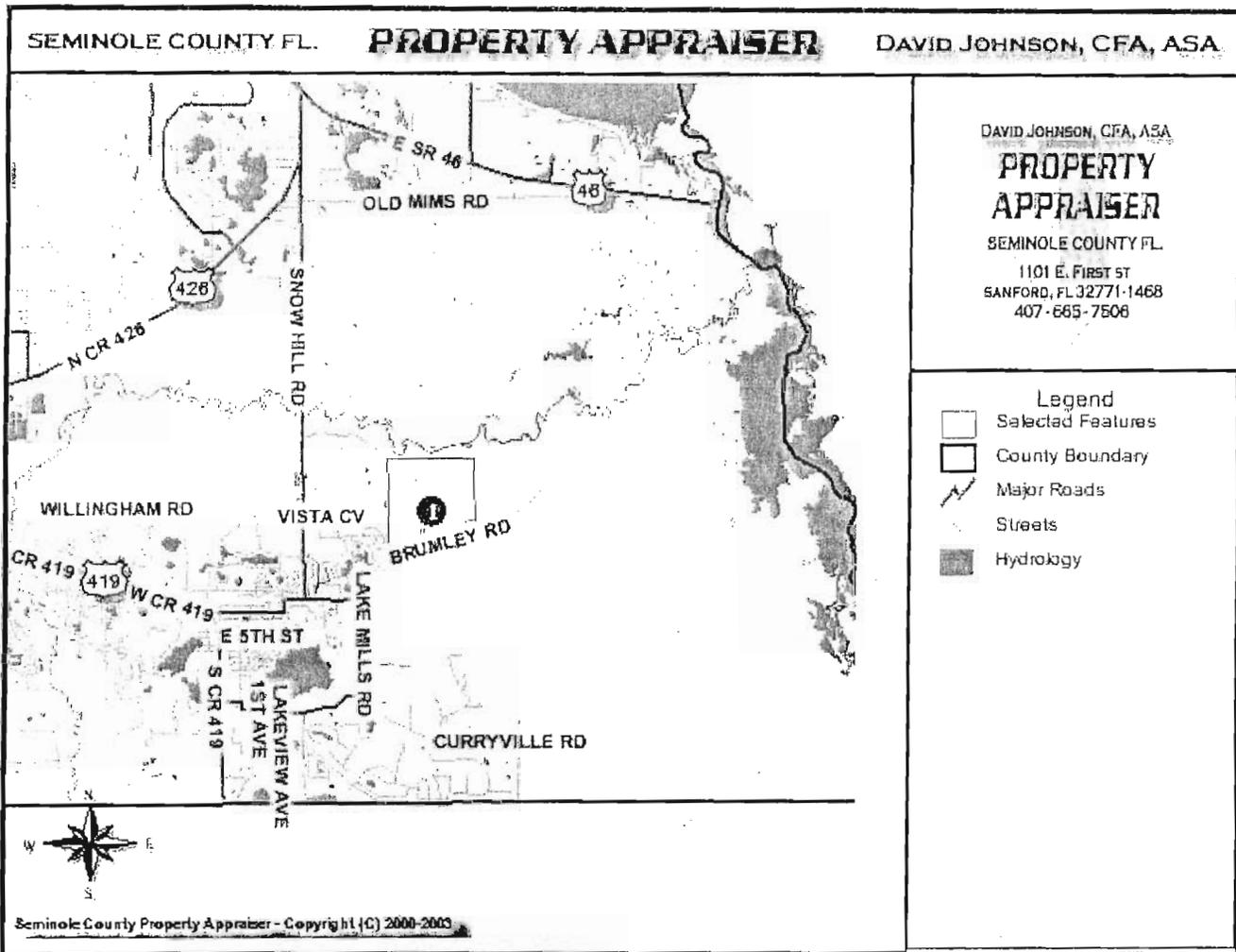
BACKGROUND:

On May 23, 1988, Quentin Green and Lloyd F. Oakes executed and delivered to Seminole County an instrument entitled "Flood Prone Area Release of Liability", as recorded in Official Records Book 1970, Page 0016, of the Public Records of Seminole County. This release provided that Seminole County, as a condition of the issuance of a building permit in a flood prone area, would be indemnified and held harmless against all claims, demands, causes of action of every kind by any persons, including neighboring property owners, for damages to persons or property arising out of surface water, drainage problems, flooding or soil erosion flowing or resulting from the property for which such building permit was issued.

Reviewed by: 
Co Atty: 
DFS: _____
Other: _____
DCM: 
CM: 
File No. CPWE02

The United States Department of the Interior, National Park Service, has negotiated the acquisition of a portion of the parcel encumbered by said release for inclusion into the Florida National Scenic Trail and has formally requested that Seminole County release the recorded encumbrance on the property they are acquiring. It has been determined that the completion of this link to the Florida National Scenic Trail is a valuable addition to the recreational and scenic amenities to the general public along with being complementary to the County's ongoing programs for preservation of environmentally sensitive and aesthetic areas.

Attachments: Location Map
Resolution
Release and Cancellation of Flood Prone Area Release of Liability and
Indemnification of Seminole County Against Damages Arising from
Surface Water Flooding or Soil Erosion



Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	142132300001A0000	BIG OAKS RANCH LP	615 GRAND CHENIER CV	CHULUOTA	FL	32766

THE FOLLOWING RESOLUTION WAS ADOPTED BY THE BOARD
OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY,
FLORIDA AT THEIR REGULARLY SCHEDULED MEETING OF
_____, 2006.

WHEREAS, Quentin Green and Lloyd F. Oakes, on May 23, 1988, executed and delivered to Seminole County that certain instrument entitled "Flood Prone Area Release of Liability" (hereinafter referred to as the "Release") recorded in Official Records Book 1970, Page 0016, Public Records of Seminole County, Florida; and

WHEREAS, the Release provided that Seminole County, as a condition of issuance of a building permit in a flood prone area, would be indemnified and held harmless against all claims, demands, causes of action of every kind by any persons, including neighboring property owners, for damages to persons or property arising out of surface water, drainage problems, flooding or soil erosion flowing or resulting from the property for which such building permit was issued; and

WHEREAS, the United States Department of the Interior, National Park Service, has negotiated acquisition of a portion of the parcel encumbered by said Release for inclusion into the Florida National Scenic Trail, contingent upon clearing the title of encumbrances and covenants on the parcel, including the Release, in order to satisfy the procurement requirements of Federal law; and

WHEREAS, the National Park Service has formally requested that Seminole County release its newly acquired parcel from the recorded Release; and

WHEREAS, the Board of County Commissioners of Seminole County, Florida finds and determines that completion of the subject link to the Florida National Scenic Trail is a valuable addition to the recreational and scenic amenities to the general public as well as being complimentary to the County's ongoing programs for preservation of environmentally sensitive and aesthetic areas,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, THAT:

(1) The above recitals are true and correct and form a material part of this Resolution.

(2) The Board hereby approves the Release and Cancellation of Flood Prone Area Release of Liability and Indemnification of Seminole County Against Damages Arising From Surface Water Flooding or Soil Erosion, attached as Exhibit "A" to this Resolution and incorporated herein by reference.

(3) The Chairman is authorized to execute and deliver said instrument to the United States Department of the Interior.

ADOPTED this _____ day of _____, 2006.

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

EXHIBIT "A"

This Instrument prepared by
And please return to:
Arnold W. Schneider, Esq.
County Attorney's Office
1101 East First Street
Sanford, Florida 32771

RELEASE AND CANCELLATION OF FLOOD PRONE AREA RELEASE OF
LIABILITY AND INDEMNIFICATION OF SEMINOLE COUNTY AGAINST DAMAGES
ARISING FROM SURFACE WATER FLOODING OR SOIL EROSION

Know All Persons By These Presents:

WHEREAS, Quentin Green, an individual, and Lloyd F. Oakes, an individual, on May 23, 1988, executed and delivered to Seminole County, a political subdivision of the State of Florida, that certain instrument entitled "Flood Prone Area Release of Liability" (hereinafter referred to as the "Release") recorded in Official Records Book 1970, Page 0016, Public Records of Seminole County, Florida; and

WHEREAS, the Release is a covenant running with the land affecting that tract of real property in Seminole County whose address is stated therein to be 1930 Brumley Road, Geneva Florida and described in the Release as follows:

PARCEL 1A, SECTION 23, TOWNSHIP 21 SOUTH, RANGE 32
EAST, SAID LAND LYING SITUATE IN SEMINOLE COUNTY,
FLORIDA.

Said land being more accurately described as follows:

ALL OF SECTION 11 LYING SOUTH OF ECONLOCKHATCHEE CREEK; ALL OF SECTION 14 LYING NORTH OF BRUMLEY ROAD; ALL OF THE NORTH 1/4 SECTION 23 LYING NORTH OF BRUMLEY ROAD; AND ALL OF THE NW 1/4 OF THE SW 1/4 OF THE NW 1/4 LYING NORTH OF BRUMLEY ROAD, SECTION 23; ALL IN TOWNSHIP 21 SOUTH, RANGE 32 EAST, SEMINOLE COUNTY, FLORIDA; LESS THE WEST 200.00 FEET OF THE SOUTH 914.00 FEET OF THE EAST 1/2 OF THE SE 1/4 OF THE SW 1/4 OF SECTION 14, TOWNSHIP 21 SOUTH, RANGE 32 EAST. ALSO LESS THE WEST 200.00 FEET OF THE NE 1/4 OF THE NE 1/4 OF THE NW 1/4 LYING NORTH OF BRUMLEY ROAD IN SECTION 23, TOWNSHIP

21 SOUTH, RANGE 32 EAST, ALL OF SAID LANDS LYING SITUATE IN SEMINOLE COUNTY, FLORIDA.

WHEREAS, the Release provided that Seminole County, as a condition of issuance of a building permit in a flood prone area, would be indemnified and held harmless against all claims, demands, causes of action of every kind by any persons, including neighboring property owners, for damages to persons or property arising out of surface water, drainage problems, flooding or soil erosion flowing or resulting from the property for which such building permit was issued; and

WHEREAS, the United States Department of the Interior, National Park Service, has negotiated acquisition of a portion of the above described parcel for inclusion into the Florida National Scenic Trail, the consummation of which is contingent upon clearing the title of encumbrances and covenants on the parcel, including the Release, in order to satisfy the procurement requirements of Federal law; and

WHEREAS, the National Park Service has formally requested that Seminole County release the parcel as described below from the recorded Release; and

WHEREAS, the Board of County Commissioners of Seminole County, Florida finds and determines that completion of the subject link to the Florida National Scenic Trail is a valuable addition to the recreational, scenic amenities to the general public and complimentary to the County's ongoing programs for preservation of environmentally sensitive and aesthetic areas,

NOW, THEREFORE, in consideration of the foregoing recitals, the County does hereby release, exonerate, vacate and discharge from any effect, restriction or encumbrance of the Release on that parcel of real property being acquired by the United States and described as follows:

ALL OF THAT CERTAIN TRACT OF LAND LYING IN TOWNSHIP 21 SOUTH, RANGE 32 EAST, SEMINOLE COUNTY, FLORIDA, AND MORE PARTICULARLY DESCRIBED AS THE WEST 200 FEET OF THE SOUTHWEST 1/4 OF SECTION 14 AND THE WEST 200 FEET OF THE NORTHWEST 1/4 OF SECTION 23, LYING NORTH OF THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BRUMLEY ROAD, SAID LAND LYING CONTIGUOUS TO, RUNNING PARALLEL WITH AND ALONG THE WEST LINES OF SECTIONS 14 AND 23, CONTAINING 17.78 ACRES MORE OR LESS.

(the "Property").

The Property, the United States, its heirs and assigns are forever freed, exonerated, discharged, and released of and from all terms, conditions and covenants of record resulting from the Release; provided, however, that the Release shall remain in full force and effect for all other tracts or parcels not expressly included within

the legal description of the Property and with respect to all other third parties and neighboring property owners with respect thereto.

IN WITNESS WHEREOF, Seminole County has caused these presents to be executed this ___ day of _____, 20__.

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
of Seminole County only.

As authorized for execution
by the Board of County Commissioners
at their _____, 20____
regular meeting.

Approved as to form and
legal sufficiency.

County Attorney

This Instrument prepared by
And please return to:
Arnold W. Schneider, Esq.
County Attorney's Office
1101 East First Street
Sanford, Florida 32771

RELEASE AND CANCELLATION OF FLOOD PRONE AREA RELEASE OF
LIABILITY AND INDEMNIFICATION OF SEMINOLE COUNTY AGAINST DAMAGES
ARISING FROM SURFACE WATER FLOODING OR SOIL EROSION

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WHEREAS, the United States Department of the Interior, National Park Service, has negotiated acquisition of a portion of the above described parcel for inclusion into the Florida National Scenic Trail, the consummation of which is contingent upon clearing the title of encumbrances and covenants on the parcel, including the Release, in order to satisfy the procurement requirements of Federal law; and

WHEREAS, the National Park Service has formally requested that Seminole County release the parcel as described below from the recorded Release; and

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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
of Seminole County only.

As authorized for execution
by the Board of County Commissioners
at their _____, 20____
regular meeting.

Approved as to form and
legal sufficiency.

County Attorney

EXHIBIT "A"

This Instrument prepared by
And please return to:
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By: _____
CARLTON D. HENLEY, Chairman

Date: _____

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County Attorney