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**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *[Signature]*

FROM: Lynn Vous, Assistant County Attorney *[Signature]*

CONCUR: Pam Hastings *[Signature]*, Administrative Manager/Public Works Department
 David V. Nichols, P.E., Principal Engineer/Engineering *[Signature]*

DATE: August 1, 2005

SUBJECT: Right Of Entry Agreement Authorization
 Owner: Brantley Terrace Condominium Association, Inc.
 Bunnell Road improvement project

This memorandum requests authorization by the Board of County Commissioners (BCC) and execution by the Chairman of a right of entry agreement from the Brantley Terrace Condominium Association. The agreement is necessary to connect the entrance road into the Brantley Terrace Condominiums to the newly improved Bunnell Road.

I THE PROPERTY

A. Location Data

The subject property is located along the east side of Bunnell Road just to the northeast of its intersection with Pearl Lake Causeway in Altamonte Springs, Seminole County, Florida.

1. Location Map (Exhibit A);
2. Sketch (Exhibit B); and
3. Right Of Entry Agreement (Exhibit C)

B. Address

N/A

C. Description

The total condominium association common area is 11± acres. The property is improved with private streets, storm water control features, swimming pool and clubhouse, and a landscaped entry feature.

II AUTHORITY TO ACQUIRE

The BCC adopted Resolution No. 2004-R-72 on April 13, 2004, First Amended Resolution No. 2005-R-5 on January 11, 2005 and Second Amended Resolution No. 2005-R-70 on April 12, 2005, finding that construction of the Bunnell Road improvement project is necessary and serves a county and public purpose and is in the best interests of the citizens of Seminole County.

III ACQUISITION/REMAINDER

The County originally planned on acquiring a temporary construction easement over the property that was described as Parcel No. 707, consisting of 3,425 square feet. Due to title issues, the County preferred to obtain a right of entry over the property rather than a temporary construction easement. The Brantley Terrace Condominium Association agreed to give the County a right of entry over the property at no cost. The right of entry will be used to harmonize the transition between the improved roadway and the Condominium Association's entrance road.

IV APPRAISED VALUE

The County's appraised value for the acquisition is \$20,600.00. The appraisal was prepared by Clayton, Roper & Marshall, and approved by the County's staff appraiser.

V BINDING OFFER/NEGOTIATIONS

The County did not tender a binding written offer because the property owner agreed to sign a right of entry so that the County could complete the construction.

VI SETTLEMENT ANALYSIS/COST AVOIDANCE

The County decided to pursue a right-of-entry in order to harmonize the entrance road because of the many potential ownerships encumbering the required property. The entrance road serves numerous condominiums and apartment complexes, all having an interest in the entrance. The property owner was informed about the existence of the appraisal, but agreed to sign the right-of-entry, saving the County \$20,600.00.

VII RECOMMENDATION

County staff recommends that the BCC approve and execute the right of entry agreement relating to Brantley Terrace Condominium Association, Inc.

LV/krc

Attachments:

Location Map (Exhibit A)

Sketch (Exhibit B)

Right of Entry Agreement (Exhibit C)

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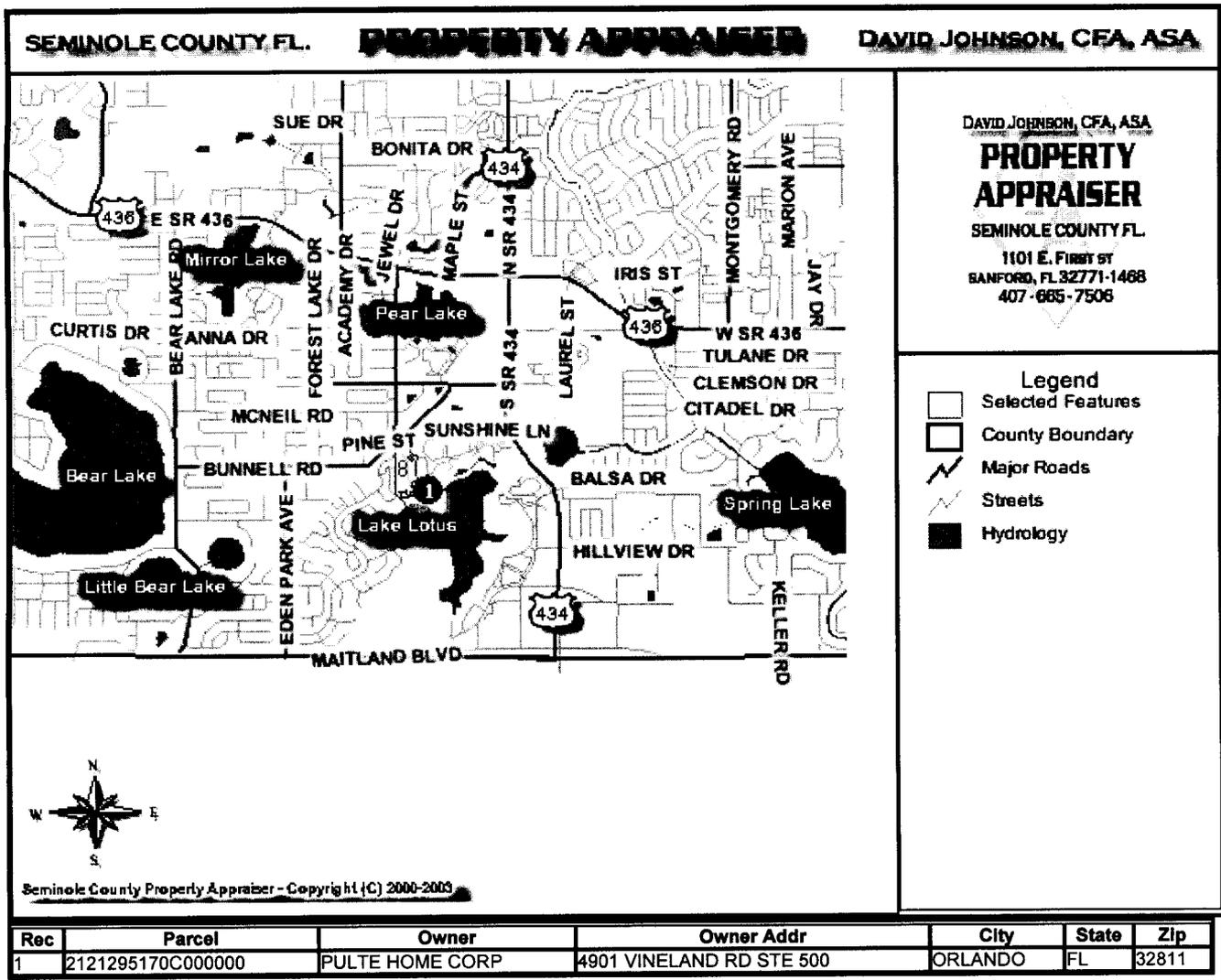
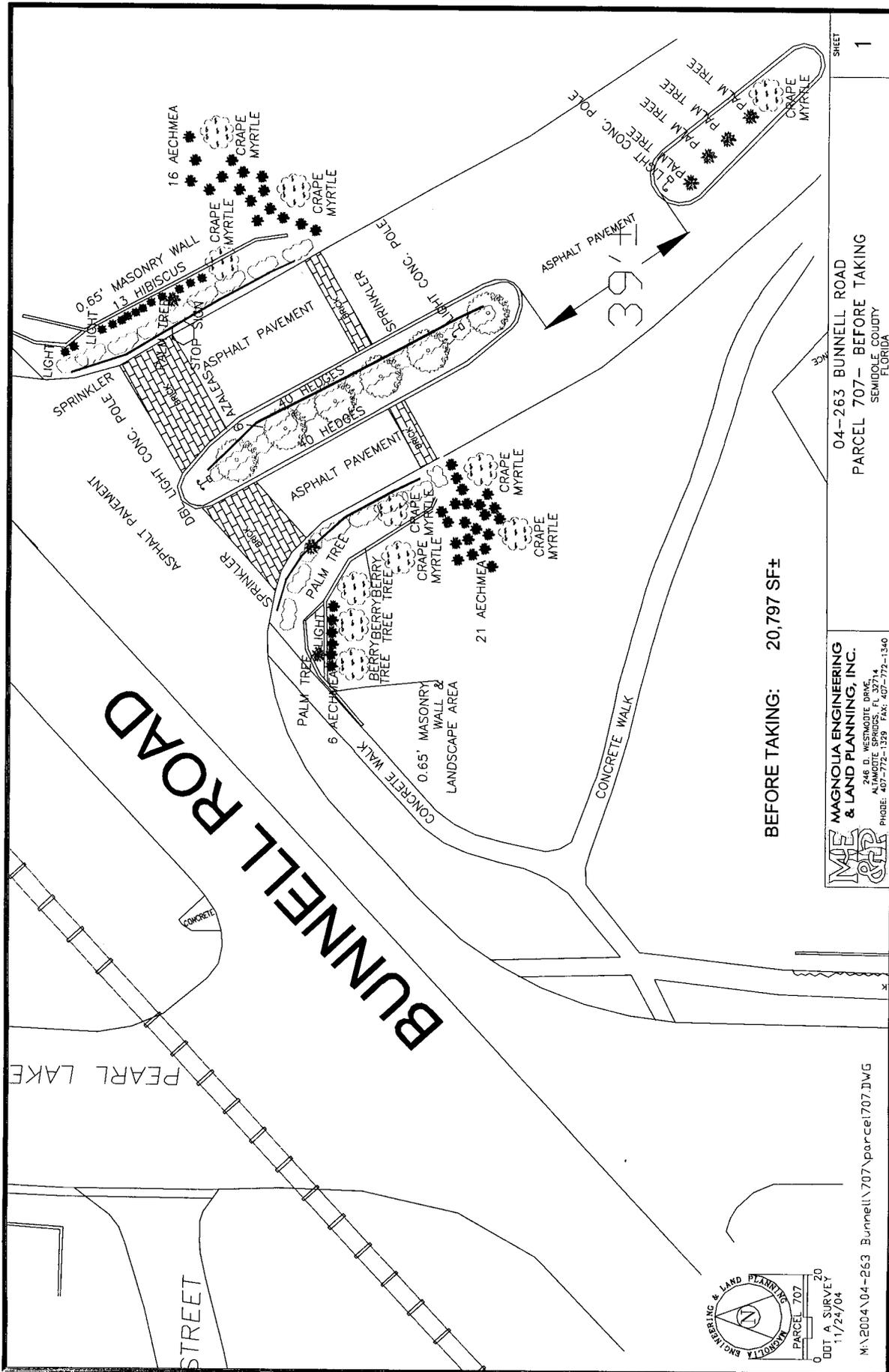


EXHIBIT A



MAGNOLIA ENGINEERING & LAND PLANNING, INC.
 246 D. WESTMORDE DRIVE, #14
 WESTMORDE, FLORIDA 32093
 PHONE: 407-772-1359 FAX: 407-772-1340

04-263 BUNNELL ROAD
 PARCEL 707 - BEFORE TAKING
 SEMINOLE COUNTY
 FLORIDA

SHEET
 1



PARCEL 707
 DOT A SURVEY
 11/24/04

M:\2004\04-263 Bunnell\707\parcel707.DWG

EXHIBIT B

RIGHT OF ENTRY AGREEMENT

Parcel No. 707
Brantley Terrace Condominium Association, Inc.
Bunnell Road Project

THIS AGREEMENT is made and entered into this 15 day of June, 2005, by and between BRANTLEY TERRACE CONDOMINIUM ASSOCIATION, INC., whose address is c/o Sentry Management, Inc., 2180 West SR 434, Suite 5000, Longwood, Florida 32779, hereinafter referred to as OWNER, 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.

WITNESSETH:

IN CONSIDERATION of the mutual promises contained herein and the payment of ONE DOLLAR (\$ 1.00), as good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the OWNER, the OWNER and COUNTY agree as follows:

1. OWNER hereby grants to COUNTY, its employees, agents, consulting engineers, contractors and other representatives the right to enter upon and to have exclusive possession of the property described in Exhibit "A" upon execution of this Agreement for the purpose of the construction, installation, alteration, restoration, and maintenance of the Bunnell Road Project which will be constructed by COUNTY

EXHIBIT C

2. OWNER hereby covenants with COUNTY that it is the true and lawful owner of the above-described real estate and is lawfully seized of the same in fee simple and has good right and full power to grant this right of entry for the purposes stated herein.

3. OWNER will not receive from COUNTY any additional compensation beyond that set forth above during the period of time the COUNTY occupies the property described in Exhibit A for the purposes set forth above for the right to enter and possess the property.

4. OWNER by granting this right to enter is not relinquishing any rights whatsoever for title, use, and possession of the described property, except that OWNER shall not interfere with the COUNTY'S use, possession and occupation of the described property for the purposes to match the new construction of Bunnell Road with the conditions found on the described property.

5. The COUNTY will use every precaution to limit the disturbance' of the existing ground within the right of entry area. The COUNTY assures the OWNER that the natural ground, and all improvements, including landscaping, irrigation systems, lighting, signage and other improvements within the described area will be restored as close as possible to the prior existing condition.

The County will replace brick pavers in entrance feature if they are disturbed.

*Initials
MAD
OWNER EM*

COUNTY AW

6. This right of entry granted by the OWNER to the COUNTY shall expire at the completion of construction of Bunnell Road by the COUNTY, or five (5) years from the date of execution of this instrument, whichever shall occur first.

IN WITNESS WHEREOF, the parties hereto have made and executed this instrument for the purposes herein expressed.

WITNESSES:

BRANTLEY TERRACE CONDOMINIUM ASSOCIATION, INC.

[Signature] 7/25/05
SIGNATURE
HARRIET LOFTON
PRINT NAME

[Signature] 7/25/05
Matthew A. Doan, President/Director

[Signature] 7/25/05
SIGNATURE
Michelle Vineratas
PRINT NAME

ADDRESS: c/o Sentry Management, Inc.
2180 West SR 434, Suite # 5000,
Longwood, Florida 32779

DATE: June 15, 2005.

ATTEST:

[Signature] 7-25-05
Earlene Mohr, Secretary/Director

(Official Seal of the Corporation)

STATE OF FLORIDA
COUNTY OF SEMINOLE

Matthew A. Doan ^{mad} 25th day of July, 2005, by Earlene Mohr and [Signature], the Secretary/Director and President Director, respectively, of the BRANTLEY TERRACE CONDOMINIUM ASSOCIATION, INC., and they are personally known to me or they have produced _____ as identification.



[Signature]
NOTARY PUBLIC
Print Name Susan L. Moore
Notary Public in and for the County and State Aforementioned
My commission expires: November 1, 2009

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. Ap-
proved as to form and legal
sufficiency.

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



County Attorney

TTC/03/17/2005

EXHIBIT A

TEMPORARY CONSTRUCTION EASEMENT

PROJECT: Bunnell Road

R/W PARCEL NO.: 707

A part of the property described in Official Records Book 3627, Page 424 and a portion of Tract A-1, Lake Lotus Club Replat as recorded in Plat Book 55, Pages 61 through 64 in Public Records of Seminole County, Florida, being that portion of Sections 16 and 21, Township 21 South, Range 29 East.

described as follows:

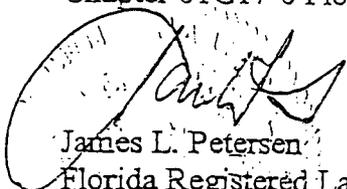
COMMENCING at the Northwest corner of the Northwest $\frac{1}{4}$ of said Section 21; thence South $00^{\circ}29'10''$ West, a distance of 105.17 feet along the West line of said Section 21; thence North $47^{\circ}14'01''$ East, a distance of 112.40 feet along the Southeasterly Right-of-Way of Bunnell Road to the POINT OF BEGINNING; thence continue North $47^{\circ}14'01''$ East, a distance of 75.76 feet along said Right-of-Way line; thence South $29^{\circ}52'41''$ East, a distance of 57.47 feet; thence South $60^{\circ}19'01''$ West, a distance of 68.26 feet; thence North $29^{\circ}52'41''$ West, a distance of 26.40 feet; thence North $51^{\circ}43'55''$ West, a distance of 15.02 feet to the POINT OF BEGINNING.

Containing 3,425 square feet, more or less.

1. Subject to an easement in favor of Florida Power Corporation dated November 29, 1978 and filed December 20, 1978 in Official Records Book 1201, Page 1484, Public Records of Seminole County, Florida.
2. Subject to a 20 foot Utility Easement, Lake Lotus Club Replat, as recorded in Plat Book 55, pages 61 through 64, Public Records of Seminole County, Florida.

The sketch for this description is shown on sheets 9 and 10 of 17 on the right-of-way maps for Bunnell Road.

I hereby certify that this 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.


James L. Petersen

Date 10/26/04

Florida Registered Land Surveyor #4791

NOT VALID WITHOUT SURVEYOR'S EMBOSSED SEAL

Southeastern Surveying & Mapping Corp.
6500 All American Boulevard
Orlando, Florida 32810
407-292-8580

BRANTLEY TERRACE CONDOMINIUM ASSOCIATION, INC.

May 10, 2005

REGULAR MEETING OF THE BOARD OF DIRECTORS

DATE: May 10, 2005

PLACE: WORKOUT ROOM
BRANTLEY TERRACE CONDOMINIUM COMPLEX.
BRANTLEY TERRACE WAY
ALTAMONTE SPRINGS, FL 32714

TIME: Meeting called to order at 6:40 P.M.

Pursuant to due notice, a regular meeting of the Board of Directors of Brantley Terrace Condominium Association, Inc., was held at the above place and time.

PRESENT: Directors: Matt Doan, President, Michele Vinieratos, Vice-President, Harriet Lofton, Earl Miller, and Earlene Mohr

Motion: Motion made by Earlene Mohr that Seminole County, FL be given Right of Entry for widening of Bunnell Road only in as far as the Right of Entry Agreement pertains only to areas controlled by Brantley Terrace Condominium Association, Inc. and provided that the brick pavers in the entrance be replaced.
Seconded by Earl Miller.
Approved unanimously.

Motion: Motion made by Matt Doan that gates be opened for the Community Garage Sale on May 21, 2005, at 7:45 A.M. and closed at 2:00 P.M.
Seconded by Harriet Lofton.
Doan – Yes; Vinieratos – Yes; Lofton – Yes; Mohr – Yes; Miller – No.
Approved.

Motion: Motion made by Matt Doan that the five-thousand (\$5000.00) bid from Landscape Design Solutions, Inc. for improving the finger beds and entrance median inside the front gate be accepted, contingent upon receiving a bid for completion of the improvement of the remainder of the finger beds on the Brantley Terrace property.
Seconded by Harriet Lofton.
Approved unanimously.

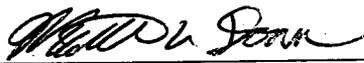
Additional
Items:

1. A resident contacted Matt Doan about the temperature of the spa. Matt checked the temperature on the spa, and it seemed to be working just fine. Board will check again if more complaints are received.
2. Earl Miller agreed to be the coordinator with Lake Lotus on issues that are of interest to both Lake Lotus and Brantley Terrace.
3. A resident reported that the walk gate at the entranceway does not always shut completely. Larry Koster of St. Lawrence Company will be asked to check it out to see if spring hinge needs to be replaced.

Motion: Motion made by Earl Miller to adjourn the meeting at 8:58 P.M.
Seconded by Earlene Mohr.
Approved unanimously.

Meeting adjourned at 8:58 P.M.

Earlene P. Mohr, Secretary June 14th, 2005

 6/15/05
Matt Doan, President June 14th, 2005