

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Resolution – Sidewalk Easement

DEPARTMENT: PUBLIC WORKS **DIVISION:** ENGINEERING

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

Agenda Date <u>09/12/06</u>	Regular <input type="checkbox"/>	Consent <input checked="" 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 Resolution accepting a Sidewalk Easement for the construction of a sidewalk along a portion of Palm Springs Drive.

District 4 – Commissioner Henley (Jerry McCollum, P.E.)

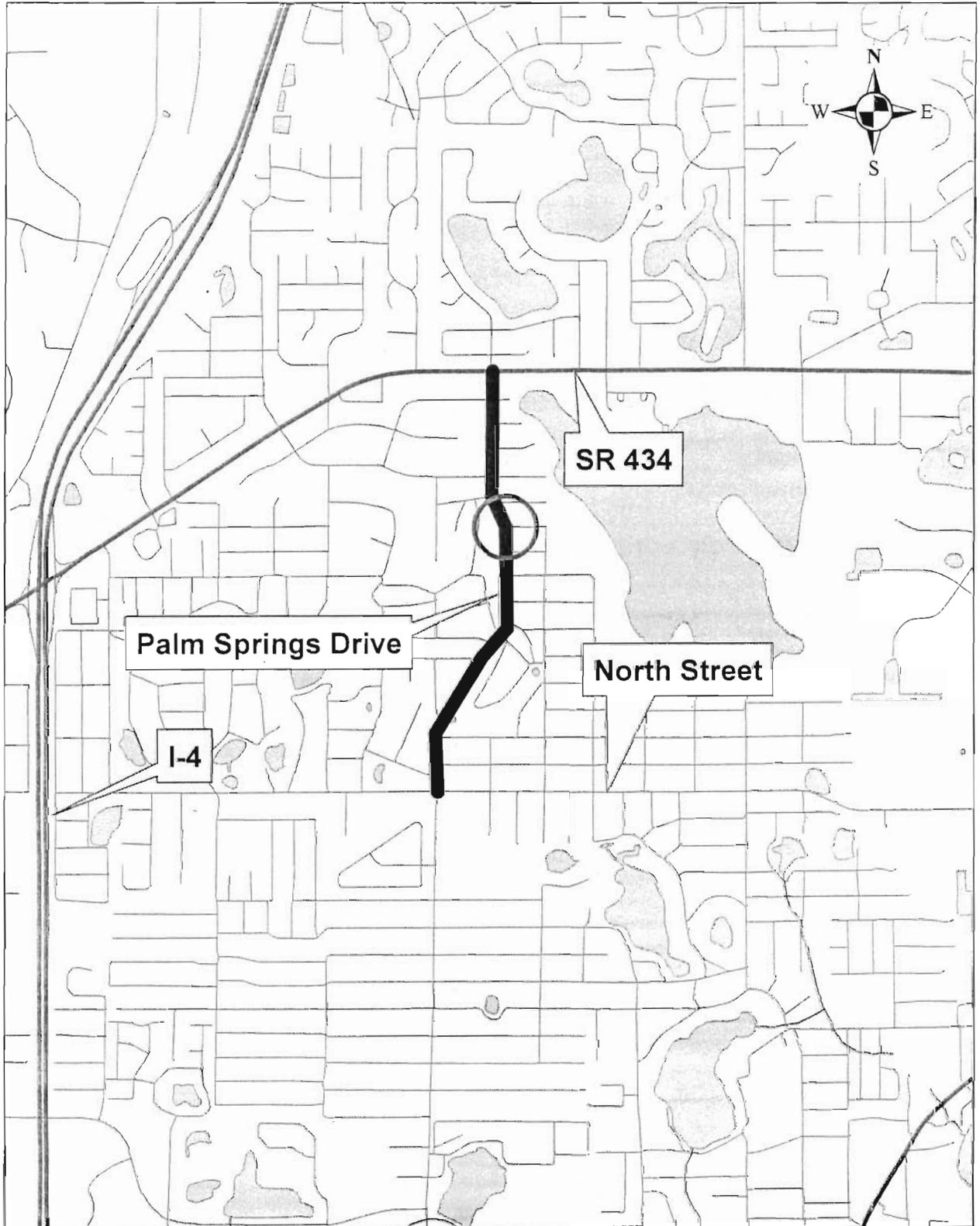
BACKGROUND:

The construction of a sidewalk adjacent to Palm Springs Drive (see attached location map) will require property not currently owned by Seminole County. Lola M. Beard, as Trustee, has indicated her willingness to convey said easement, at no cost, as evidenced by the attached Sidewalk Easement.

Attachments: Location Map / Resolution / Sidewalk Easement

Reviewed by: <u>8-206</u>
Co Atty: <u>1 District</u>
DFS: _____
Other: _____
DCM: <u>[Signature]</u>
CM: <u>[Signature]</u>
File No. <u>CPWE01</u>

Palm Springs Drive Sidewalk Project



RESOLUTION NO. 2006 - R - _____

RESOLUTION

**THE FOLLOWING RESOLUTION WAS ADOPTED AT THE
REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON
THE _____ DAY OF _____ A.D., 2006.**

WHEREAS, it has been determined by the Board of County Commissioners of Seminole County that a necessity exists for protection of pedestrians along a portion of Palm Springs Drive, located in Section 1, Township 21 South, Range 29 East, in Seminole County, Florida; and

WHEREAS, the protection of pedestrians will require an easement that is not currently owned by the County of Seminole; and

WHEREAS, Lola M. Beard, as Trustee, has indicated her willingness to donate to Seminole County the required Sidewalk Easement as evidenced by the executed Sidewalk Easement accompanying this resolution.

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners of Seminole County, Florida, hereby accepts the accompanying Sidewalk Easement conveying to Seminole County an easement over the land described within the Sidewalk Easement attached hereto.

BE IT FURTHER RESOLVED that the aforementioned Sidewalk Easement be recorded in the Official Records of Seminole County, Florida.

ADOPTED THIS _____ DAY OF _____ A.D., 2006.

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

ATTEST:

**MARYANNE MORSE, Clerk to the
Board of County Commissioners in
and for Seminole County, Florida.**

Carlton Henley, Chairman

Prepared under the direction of:
Charles F. Barcus
Program Manager/Right-of-Way
8-1-2006

This document prepared by:
Neil Newton, R/W-NAC, Senior Coordinator
Seminole County Engineering
520 W. Lake Mary Boulevard, Suite 200
Sanford, Florida 32773

Legal Description Prepared Under
the Direction of:
Steve L. Wessels, P.L.S., County Surveyor
520 W. Lake Mary Boulevard, Suite 200
Sanford, Florida 32773

SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT is made and entered into this 13th day of June, 2006, by and between Lola M. Beard, as Trustee of the Lola M. Beard Revocable Trust dated October 6, 2000, whose address is 301 Palm Springs Drive, Longwood, Florida 32750, hereinafter referred to as 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 referred to as the GRANTEE;

WHEREAS, the purpose of this grant of easement is to facilitate the GRANTEE'S establishment of continuous sidewalks along its roads and streets for the benefit of the public,

WITNESSETH:

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

See Legal Description and Sketch of Description attached hereto as Exhibits "A-1" and "A-2."

Property Appraiser's Parent Parcel Identification No.:
01-21-29-5CK-060D-0110

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 GRANTORS, 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 sidewalk.

THE GRANTEE, as part of the consideration for this grant, agrees, to the extent and limits permitted by law, to hold harmless, indemnify and defend the GRANTORS, their 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 by the GRANTEE.

GRANTORS do hereby covenant with the GRANTEE, that they are lawfully seized and possessed of the real estate above described, that they have a good and lawful right to convey the said easement and that it is free from all encumbrances.

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

WITNESSES:

(Sign) Macie Vreus
Print Name: MACIE VREUS

Lola M. Beard
Lola M. Beard as Trustee, GRANTOR

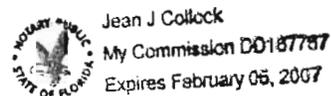
(Sign) Jean J Collock
Print Name: JEAN J. COLLOCK

STATE OF FLORIDA)
) ss
COUNTY OF SEMINOLE)

The foregoing instrument was acknowledged before me this 13 day of June, 2006, by Lola M. Beard, as Trustee, who is personally known to me or who has produced FL License #630-52315, 661 as identification and who did/did not take an oath.
Exp 5/07

Jean J Collock
Print Name: JEAN J. COLLOCK
Notary Public in and for the County and State Aforementioned

My commission expires:



LEGAL DESCRIPTION

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOTS 11 AND 12, BLOCK "D", SANLANDO SPRINGS TRACT NO. 6, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 53, PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA, SAID PARCEL BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT 12, BLOCK "D" FOR THE POINT OF BEGINNING; THENCE RUN NORTH 23°14'19" WEST, ALONG THE WESTERLY LINE OF SAID LOTS 11 AND 12, BLOCK "D", AND THE EASTERLY RIGHT-OF-WAY LINE OF PALM SPRINGS DRIVE, 108.90 FEET TO THE NORTHWEST CORNER OF AFORESAID LOT 11, BLOCK "D"; THENCE RUN NORTH 89°49'44" EAST, ALONG THE NORTH LINE OF SAID LOT 11, BLOCK "D", A DISTANCE OF 5.45 FEET; THENCE, PARALLEL WITH AND 5.00 FEET EAST OF, BY PERPENDICULAR MEASURE, THE AFORESAID WESTERLY LINE OF LOTS 11 AND 12, BLOCK "D" AND THE AFORESAID EASTERLY RIGHT-OF-WAY LINE, RUN SOUTH 23°14'19" EAST, 108.92 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF MARVIN STREET AND THE SOUTH LINE OF AFORESAID LOT 12, BLOCK "D"; THENCE RUN NORTH 89°40'07" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND SAID SOUTH LOT LINE, 5.46 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN SEMINOLE COUNTY, FLORIDA AND CONTAINS 545 SQUARE FEET, MORE OR LESS.

SURVEYOR'S NOTES:

- (1) THIS LEGAL DESCRIPTION IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER IDENTIFIED BELOW.
- (2) NO ABSTRACT FOR RIGHTS-OF-WAY, EASEMENTS, OWNERSHIP OR OTHER INSTRUMENTS OF RECORD HAVE BEEN PROVIDED TO THIS FIRM.
- (3) BEARINGS SHOWN HEREON ARE ASSUMED RELATIVE TO THE EASTERLY RIGHT-OF-WAY LINE OF PALM SPRINGS DRIVE, BEING NORTH 23°14'19" WEST.
- (4) THE "LEGAL DESCRIPTION" HEREON HAS BEEN PREPARED BY THE SURVEYOR AT THE CLIENT'S REQUEST.
- (5) THIS SKETCH DOES NOT REPRESENT A FIELD SURVEY, AS SUCH.
- (6) THIS LEGAL DESCRIPTION IS CERTIFIED TRUE AND CORRECT TO SEMINOLE COUNTY.
- (7) THE DELINEATION OF LANDS SHOWN HEREON IS AS PER THE CLIENT'S INSTRUCTIONS.

DAVID A. WHITE, P.S.M.
FLORIDA REGISTRATION NO. 40484
PROFESSIONAL ENGINEERING CONSULTANTS, INC.
CERTIFICATE OF AUTHORIZATION NO. EB-3556
DATE OF SIGNATURE: DECEMBER 12, 2005



SHEET 1 OF 2

PEC | PROFESSIONAL ENGINEERING CONSULTANTS, INC.
engineers planners surveyors

Suite 1560 Eola Park Centre 200 East Robinson Street Orlando, Florida 32801 407/422-8062

SECTIONS 1, TOWNSHIP 21 SOUTH, RANGE 29 EAST

DATE: DECEMBER 12, 2005

PREP BY: P.S.

DRAWN BY: M.T.

SC-107

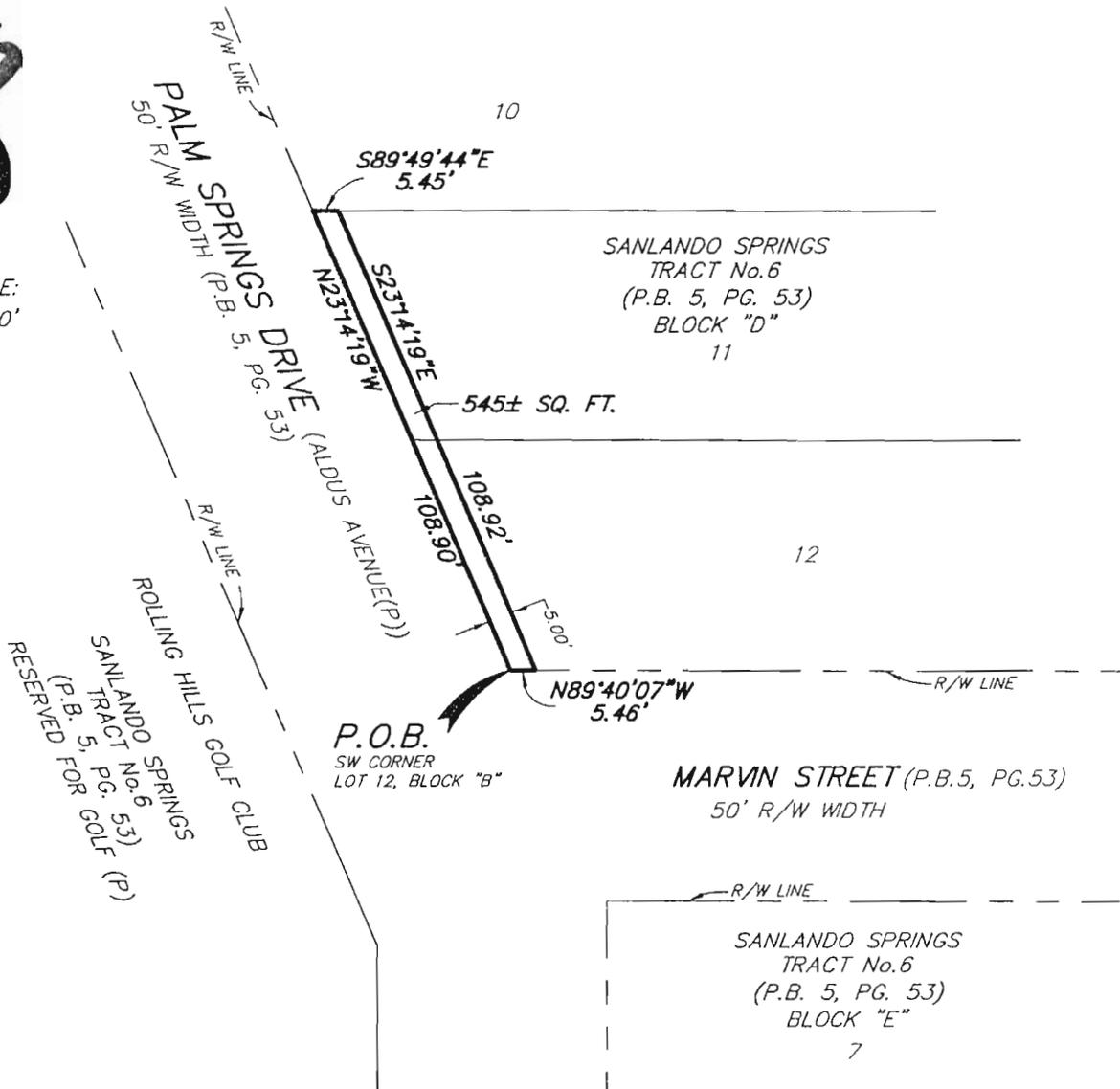
Exhibit "A-1"

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SKETCH OF DESCRIPTION



SCALE:
1"=40'



LEGEND
 P.O.B.....POINT OF BEGINNING
 R/W.....RIGHT-OF-WAY
 P.B.....PLAT BOOK
 PG.....PAGE
 SQ.FT.....SQUARE FEET

SHEET 2 OF 2

(THIS IS NOT A SURVEY)

PEC | PROFESSIONAL ENGINEERING CONSULTANTS, INC.
 engineers planners surveyors

Suite 1560 Eola Park Centre 200 East Robinson Street Orlando, Florida 32801 407/422-8062

SECTIONS 1, TOWNSHIP 21 SOUTH, RANGE 29 EAST

DATE: DECEMBER 12, 2005

PREP BY: P.S.

DRAWN BY: M.T.

SC-107

Exhibit "A-2"

O:\SC-107\EAS-6.dwg Dec 16, 2005 - 3:21pm