SEMINOLE COUNTY
FLORIDA'S NATURAL CHOICE

COUNTY ATTORNEY'S OFFICE
MEMORANDUM

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney

FROM: Lynn Vouis, Assistant County Attorney

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

DATE: August 17, 2005

SUBJECT: Fifth Amended Resolution of Necessity
Bunnell Road improvement project

Due to the revision of the legal description for Parcel No. 151 needed for the Bunnell Road improvement project, this Fifth Amended Resolution of Necessity is submitted for approval by the Board of County Commissioners.

LV:krc

Attachment:
Fifth Amended Resolution of Necessity

P:\USERS\LVOUIS\MEMOS\BCC BUNNELL ROAD 5TH AMENDED RESO.DOC

RESOLUTION NO. 2005-R-_____ **SEMINOLE COUNTY, FLORIDA**

FIFTH AMENDED RESOLUTION
(BUNNELL ROAD)

THE FOLLOWING RESOLUTION WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AT ITS REGULARLY SCHEDULED MEETING OF _____, 2005.

WHEREAS, the safe, efficient and uninterrupted transportation of people and property from place to place on the County Road System of Seminole County is a matter of great concern to the people of the County and is necessary to ensure the smooth operation of commerce and other activities within Seminole County; and

WHEREAS, the constitutional home rule powers of Seminole County, the *Florida Transportation Code* (*Chapters 334-339* and other provisions of the Florida Statutes as established in *Section 334.01, Florida Statutes*) and other applicable law including, but not limited to, *Chapter 125, Florida Statutes*, invests authority over the County road system of Seminole County in the County; and

WHEREAS, the elimination of safety hazards in existing and future transportation facilities within Seminole County is of utmost concern and encourages the full utilization of such facilities by the traveling public; and

WHEREAS, it is necessary, beneficial and desirable that vehicular traffic within any transportation facility in developed or developing areas of the County has an adequate right-of-way in order to accommodate the roadway and its appurtenant facilities to decrease the likelihood of accidents and to increase the safety of travel within and upon such facilities; and

WHEREAS, Bunnell Road (from west of Eden Park Road to West Towne Parkway) is an existing roadway through a developing area with a high volume of traffic; and

WHEREAS, this Fifth Amended Resolution of Necessity is necessary to amend Resolution of Necessity Number 2004-R-72 and Fourth Amended Resolution of Necessity Number 2005-R-124, that were approved and adopted by the Board of County Commissioners of Seminole County on April 13, 2004 and July 26, 2005, respectively, and pertain to a certain parcel to be acquired for Bunnell Road improvements; and

WHEREAS, the existing right-of-way along the proposed roadway is inadequate for proper utilization as required by vehicular traffic volumes. Additional traffic lanes and improved drainage facilities are necessary to reduce safety hazards and improve traffic flow. The property hereinafter described is being acquired for use as right-of-way for new sections of roadway, additional traffic lanes and improved drainage facility on Bunnell Road to be used by the public in general. Said property hereinafter described is necessary for roadways, rights-of-way, drainage facilities, and related facilities for the use of the general public including, but not limited to, rights-of-way, drainage facilities and other roadway improvements; and

WHEREAS, Seminole County has heretofore caused the roadway's area of construction to be located and surveyed and has caused a right-of-way map for the section of Bunnell Road hereinabove described to be prepared, based upon and incorporating the survey and location data; and

WHEREAS, the revised legal description of the property needed for the improvements to the roadway and the improvement of its drainage system have been

prepared based upon the aforementioned survey and location data and the right-of-way map; and

WHEREAS, the Board of County Commissioners of Seminole County desires to adopt a Fifth Amended Resolution for the section of Bunnell Road hereinabove described to revise Parcel No. 151 which is needed for improvements to the roadway and improvements of its drainage system on this section of Bunnell Road; and

WHEREAS, the Board of County Commissioners of Seminole County desires to utilize the provisions of Florida law to the fullest extent possible in order to accomplish the public purpose of acquiring necessary parcels of real property at prices that are both fair to property owners and prudent in terms of spending the tax revenues and other public funds which fund the transportation projects of the County; and

WHEREAS, the Board of County Commissioners of Seminole County hereby determines that the actions taken herein are consistent with the goals, policies and objectives of the Seminole County Comprehensive Plan;

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

Section 1. The above recitals are adopted as findings and incorporated into the text of this Resolution.

Section 2. It is necessary, serves a County and public purpose, and is in the best interests of the citizens of Seminole County and the traveling public to widen the road and improve the appurtenant drainage facilities on or relating to Bunnell Road (from west of Eden Park Avenue to West Towne Parkway) in order to enhance public transportation within Seminole County, to alleviate traffic congestion and to increase the safety of travel along said road.

Section 3. The acquisition of the property described in Exhibit "A" attached hereto consisting of 1 page and identified as Exhibit "A", 000001, is hereby ratified and confirmed and found to be necessary for said improvements. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of this parcel in fee simple is necessary and serves a County and public purpose.

Section 4. The County Engineer or his designee is hereby delegated the authority to amend the construction plans for Bunnell Road and is authorized to bind the County to construct Bunnell Road in accordance with the construction plans as amended from time to time. This authority shall encompass any change considered necessary in the discretion of the County Engineer or his designee, but shall not include changes in the typical section or alignment approved by the Board of County Commissioners of Seminole County.

Section 5. The County Attorney's Office is hereby authorized and directed to institute a suit or suits in the name of Seminole County and fully exercise Seminole County's power of eminent domain for the purpose of acquiring the parcel described in Exhibit "A" attached hereto to the extent of the estate or interest set forth as a part of the parcel's description and is further authorized and directed to do all things necessary to prosecute such suit or suits to final judgment by settlement or adjudication. In pursuit of such authorization and direction, the County Attorney's Office is specifically authorized to sign and file a Declaration of Taking so that Seminole County may avail itself of the provisions of *Chapter 74, Florida Statutes*, and is further authorized to accomplish the acquisition of each parcel by settlement and compromise at such terms that it may deem advisable under the circumstances of the litigation in those instances where same can be

effected in accordance with any terms, conditions and limitations as established from time to time by the Board of County Commissioners of Seminole County. The County Attorney's Office is authorized and directed to utilize and assert any and all constitutional and statutory authority of Seminole County and the Board of County Commissioners of Seminole County relative to the acquisition of the subject parcel including, but not limited to, the provisions of *Chapters 73, 74, 127, 332, Florida Statutes*, as well as the provisions of the *Florida Transportation Code* referred to in the recitals to this First Amended Resolution.

Section 6. Prior to the institution of any suits filed by the County Attorney's Office, the County Attorney or his designee is authorized to negotiate for the purchase and sale of any of the property described in Exhibit "A" at a value consistent with the authority granted by the Board of County Commissioners of Seminole County and to bring back for execution by the Chairman or, in his absence, the Vice Chairman, without further Board action, the Agreement to consummate the sale to Seminole County.

Section 7. This Resolution amends Resolution of Necessity Numbers 2004-R-72 and 2005-R-124, by deleting the legal description for Parcel No. 151 and substituting therefore the legal description for Parcel Number 151 attached hereto as part of Exhibit "A". The remaining provisions of Resolution of Necessity Numbers 2004-R-72; 2005-R-5; 2005-R-70; 2005-R-1116 and 2005-R-124 are hereby ratified and affirmed.

ADOPTED this _____ day of_____, 2005.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

_____ By:_____
MARYANNE MORSE CARLTON D. HENLEY, Chairman
Clerk to the Board of
County Commissioners of Date:_____
Seminole County, Florida.

_____
County Attorney

LV/krc
08/11/05

Attachment:
Exhibit A – legal description 000001

P:\USERS\LVOUIS\RESOLUTIONS\BUNNELL ROAD FIFTH AMENDED RON.DOC

RETENTION POND
PROJECT: Bunnell Road
R/W PARCEL NO.: 151

A part of the property described in Official Records Book 3948, Page 604 as recorded in Public Records of Seminole County, Florida, being that portion of Section 20, Township 21 South, Range 29 East.

described as follows:

COMMENCE at the Northwest corner of Lot 61, McNeil's Orange Villa according to the plat thereof as recorded in Plat Book 2, Pages 99 and 100, Public Records of Seminole County, Florida; thence South 00°16'10" West, a distance of 296.82 feet along the West line of said Lot 61 to a point 338.00 feet North of the Southwest corner of the Northeast ¼ of the Northeast ¼ of Section 20, Township 21 South, range 29 East and the POINT OF BEGINNING; thence South 89°30'55" East, a distance of 308.56 feet along the North Line of the South 338.00 feet of the Northeast ¼ of the Northeast ¼ of said Section 20 to the West Right-of-Way line of the Seaboard Coastline Railroad and a point on a non-tangent curve concave Northwesterly having a radius of 5880.35 feet, a central angle of 03°41'18" and a chord of 378.48 feet that bears South 45°13'50" West; thence Southwesterly along the arc of said curve, a distance of 378.54 feet to the point of tangency; thence continuing along said Right-of-Way line South 47°04'30" West, a distance of 56.40 feet to the West line said Northeast ¼ of the Northeast ¼ of Section 20; thence North 00°16'10" East along said West line, a distance of 307.57 feet to the POINT OF BEGINNING.

Containing 48,563 square feet (1.11 Acres), more or less.

The sketch for this description is shown on sheets 14 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 8/4/2005
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

EXHIBIT A
000001