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RESOLUTION NO. 2002-R-_____

SEMINOLE COUNTY, FLORIDA

**FOURTH AMENDED RESOLUTION
(LAKE EMMA ROAD)**

**THE FOLLOWING RESOLUTION WAS ADOPTED BY THE
BOARD OF COUNTY COMMISSIONERS OF SEMINOLE
COUNTY, FLORIDA, AT ITS REGULARLY SCHEDULED
MEETING OF _____, 2002.**

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 insure 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 Board of County Commissioners of Seminole County desires to accomplish and implement sound transportation planning and provide a sound transportation system in Seminole County for the benefit of the citizens of Seminole 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, Lake Emma Road (from Longwood Hills Road to Sand Pond Road) is an existing roadway realigned in part to avoid residential impacts in the County road system through a developing area with a high volume of traffic on the section of **Lake Emma Road**, as described; and

WHEREAS, this Fourth Amended Resolution of Necessity is necessary to amend Resolution of Necessity Number 2002-R-56 that was approved and adopted by the Board of County Commissioners of Seminole County on April 9, 2002, and pertains to a certain parcel to be acquired for **Lake Emma Road** road improvements; and

WHEREAS, the existing right-of-way along the proposed roadway is inadequate for proper utilization as required by vehicular traffic volumes and additional traffic lanes and improved drainage facilities are necessary to reduce safety hazards and improve traffic flow; 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 **Lake Emma Road** hereinabove described to be prepared, based upon and incorporating the survey and location data; and

WHEREAS, the modified, or revised legal description of the property needed for the said improvements to the roadway and the improvement of its drainage system has 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 Fourth Amended Resolution for the section of **Lake Emma Road** hereinabove described and to modify or revise the parcel needed for improvements to the roadway and improvements of its drainage system on the section of **Lake Emma 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. That 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 improve the road and improve the appurtenant drainage facilities on or relating to **Lake Emma Road** (from Longwood Hills Road to Sand Pond Road) in order to enhance public transportation within Seminole County, to alleviate traffic congestion and to increase the

safety of travel along said road. The above recitals set forth in the whereas clauses are adopted as findings and incorporated into the text of this Resolution.

Section 2. That the acquisition of the property described in Exhibit "A" attached hereto consisting of 1 page and identified as Exhibit "A", be and the same is hereby ratified and confirmed and found to be necessary and serves a public purpose for said improvements to the extent of the estate or interest set forth as a part of the parcel's legal description. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of said parcel is necessary and serves a County and public purpose or that it serves a public purpose to acquire an entire lot, block or tract of land.

Section 3. That 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 legal description. The County Attorney's Office is 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 the 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, if

any, are 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 Fourth Amended Resolution. As to any parcel which is a total acquisition, if any, it is hereby found that such action is for a public purpose and is necessary and desirable in order to accomplish the prudent expenditure of public funds.

Section 4. 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 or to bring offers from owners in excess of the authority granted to the Board of County Commissioners of Seminole County.

Section 5. This Resolution amends Resolution Number 2002-R-56 to delete the legal description for Parcel Number 126 and substitutes therefore the legal description for Parcel Number 126, the legal description for Parcel Number 126 being attached hereto as Exhibit "A". The remaining provisions of Resolution of Necessity Number 2002-R-56 are hereby ratified and affirmed.

ADOPTED this ____ day of _____, 2002.

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: _____

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09/23/02

Attachment

Exhibit A – legal description

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Sheet 1 of 2

R/W Project: Lake Emma Road
R/W Parcel: 126
Title Search #:
Tax I.D. #:
Owners Name: Huntington Pointe Homeowners Association
Fee Simple

That portion of Tract "F", Huntington Pointe Phase 1, as recorded in Plat Book 49, Page 35, of the Public Records, Seminole County, Florida, being more particularly described as follows:

Begin at the Northeast corner of said plat of Huntington Pointe, said point being the intersection of the South existing right of way line of Emma Oaks Trail (a 50' right of way) and the West existing right of way line of Lake Emma Road (right of way width varies); thence run South 00°13'51" East, along said West existing right of way line, a distance of 38.00 feet; thence departing said West existing right of way line, run North 45°12'24" West, a distance of 35.37 feet; thence run South 89°46'09" West, a distance of 497.89 feet; thence run North 00°13'56" West, a distance of 12.77 feet to said South existing right of way line of Emma Oaks Trail; thence run North 89°44'46" East, along said South existing right of way line, a distance of 522.89 feet to the POINT OF BEGINNING.

Containing 7046 square feet, more or less.

Subject to:
Utility Easement as recorded in the Plat of Huntington Pointe Phase I, as recorded in Plat Book 49, Page 35, Public Records of Seminole County, Florida.

For Sketch of Description see Sheets 18 of 32 of Right-of-Way map.

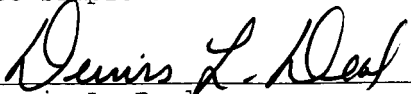
I hereby certify that, to the best of my knowledge and belief, the attached legal description of Parcel 126 as shown on the Right-of-Way Maps for Lake Emma Road are true, accurate, and were prepared under my direction.

I further certify that this legal description is in accordance with the Technical Standards adopted by the Florida Board of Surveyors and Mappers under Chapter 61g17-6, F.A.C.

EXHIBIT A

Sheet 2 of 2

R/W Project: Lake Emma Road
R/W Parcel: 126
Title Search #:
Tax I.D. #:
Owners Name: Huntington Pointe Homeowners Association
Fee Simple



Dennis L. Deal
Florida Professional Land Surveyor No. 3421
520 South Magnolia Avenue, Orlando, Florida 32801

Date: 9-3-02

Not valid without the signature and the original raised seal of a Florida
Licensed Surveyor and Mapper.

LEGAL DESCRIPTION IS NOT A SURVEY