

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Amendment to the Conditional Utility Agreements for Water and Sewer for Gassy Jacks

DEPARTMENT: Environmental Services **DIVISION:** Business Office

AUTHORIZED BY:  **CONTACT:**  **EXT.** 2143
Robert G. Adolph, P.E., Director Becky Noggle, Sr. Coordinator

Agenda Date 10/26/04 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

Approve and Authorize Chairman to execute the Amendment to the Conditional Utility Agreement for Water and Sewer services.

BACKGROUND:

Amendment to the Conditional Utility Agreements for water and sewer service between Seminole County and **Michael B and Jacqueline Myers** for the project known as **Gassy Jacks** replacing Exhibit A - Legal Description and Exhibit B –Survey.

The original Agreement was submitted by the owner with the incorrect Legal Description and Survey attached.

District 5

Reviewed by: _____
Co Atty: N/A _____
DFS: _____
Other: _____
DCM: 
CM: 
File No. CESA02

AMENDMENT TO CONDITIONAL UTILITY AGREEMENT FOR WATER SERVICE

THIS AMENDMENT is made and entered into this _____ day of _____, 2004, and is to that certain Agreement made and entered into on the 25th day of April 2003, between **MICHAEL B. AND JACQUELINE MYERS**, whose address is 1100 Fieldwood Boulevard, Lake Mary, Florida 32746, hereinafter referred to as "DEVELOPER," 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".

W I T N E S S E T H:

WHEREAS, the DEVELOPER and COUNTY entered into the above-referenced Agreement on April 25, 2003 for the COUNTY to provide central water service to the property pursuant to certain terms and conditions; and

WHEREAS, the parties desire to amend the Agreement so as to enable both parties to continue to enjoy the mutual benefits it provides; and

WHEREAS, Section 27 of the Agreement provides that any amendments shall be valid only when expressed in writing and duly signed by the parties,

NOW, THEREFORE, in consideration of the mutual understandings and agreements contained herein, the parties agree to amend the Agreement as follows:

1. Exhibit A of the Agreement is deleted and Exhibit A-1 attached hereto is substituted therefor.

2. Exhibit B of the Agreement is deleted and Exhibit B-1 attached hereto is substituted therefor.

3. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect for the term of the Agreement, as originally set forth in said Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this instrument for the purpose herein expressed.

MICHAEL B. MYERS

JACQUELINE MYERS

By: *Michael B. Myers*

By: *Jacqueline Myers*

Date: 9/14/04

Date: 9/14/04

STATE OF FLORIDA)
COUNTY OF Seminole)

I HEREBY CERTIFY that, on this 14th day of September, 2004, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Michael B. Myers and Jacqueline Myers [] who are personally known to me or [] who have produced _____ as identification and that they did take an oath.

[NOTARY SEAL]

Melissa Leigh Harley
Notary Public signature



Melissa Leigh Harley
My Commission DD139530
Expires September 29, 2006

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

ATTEST:

By: _____
DARYL G. MCLAIN, Chairman

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

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.

Susan E. Dietrich 9.20.04
County Attorney
SED/lpk
8/31/04
am water agt-myers

Attachments:
Exhibit A-1 - Legal Description
Exhibit B-1 - Survey

PLAT OF "BOUNDARY and TOPOGRAPHIC" SURVEY
for

MIKE MYERS & ASSOCIATES, INC.

Legal Description

PARCEL 1: The East 220 feet of the East ½ of Lot 99, LESS the North 132 feet, FLORIDA LAND AND COLONIZATION CO. LIMITED W. BEARDALL'S MAP OF ST. JOSEPHS, according to the plat thereof as recorded in Plat Book 1, Page 14, Public Records of Seminole County, Florida, less and except any portion of the subject premises lying within the Road Right-of-way for State Road 46.

Also less and except that portion of the above lands conveyed to Seminole County, a political subdivision of the State of Florida, by virtue of Warranty Deed recorded September 29, 1989, in Official Records Book 2110, Page 1814, and Warranty Deed recorded April 1, 1991 in Official Records Book 2279, Page 81, all being of the Public Records of Seminole County, Florida, being more particularly described as follows:

The West 15.00 feet of the East 40.00 feet of Lot 99, Less the North 132.00 feet and less Right-of-way for State Road No. 46 (the South 142 feet of Lot 99), FLORIDA LAND AND COLONIZATION CO. LIMITED W. BEARDALL'S MAP OF ST. JOSEPHS, according to the plat thereof as recorded in Plat Book 1, Page 114, Public Records of Seminole County, Florida; and the external area of a curve concave Northwestery, having a radius of 25.00 feet, said curve being tangent to the Northerly Right-of-way Line of State Road No. 46 and the West Line of the East 40.00 feet of said Lot 99.

PARCEL 2: The West 95 feet of the East ½ of Lot 99, LESS AND EXCEPT the North 132 feet thereof, FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPHS, according to the plat thereof as recorded in Plat Book 1, Page 114, Public Records of Seminole County, Florida, less and except any portion of the subject premises lying within the Road Right-of-way for State Road 46.

PARCEL 3: One acre of the North end of the East ½ of Lot 99 (being the North 132 feet of said Lot 99), FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPHS, according to the plat thereof as recorded in Plat Book 1, Page 114, Public Records of Seminole County, Florida.

SURVEY NOTES:

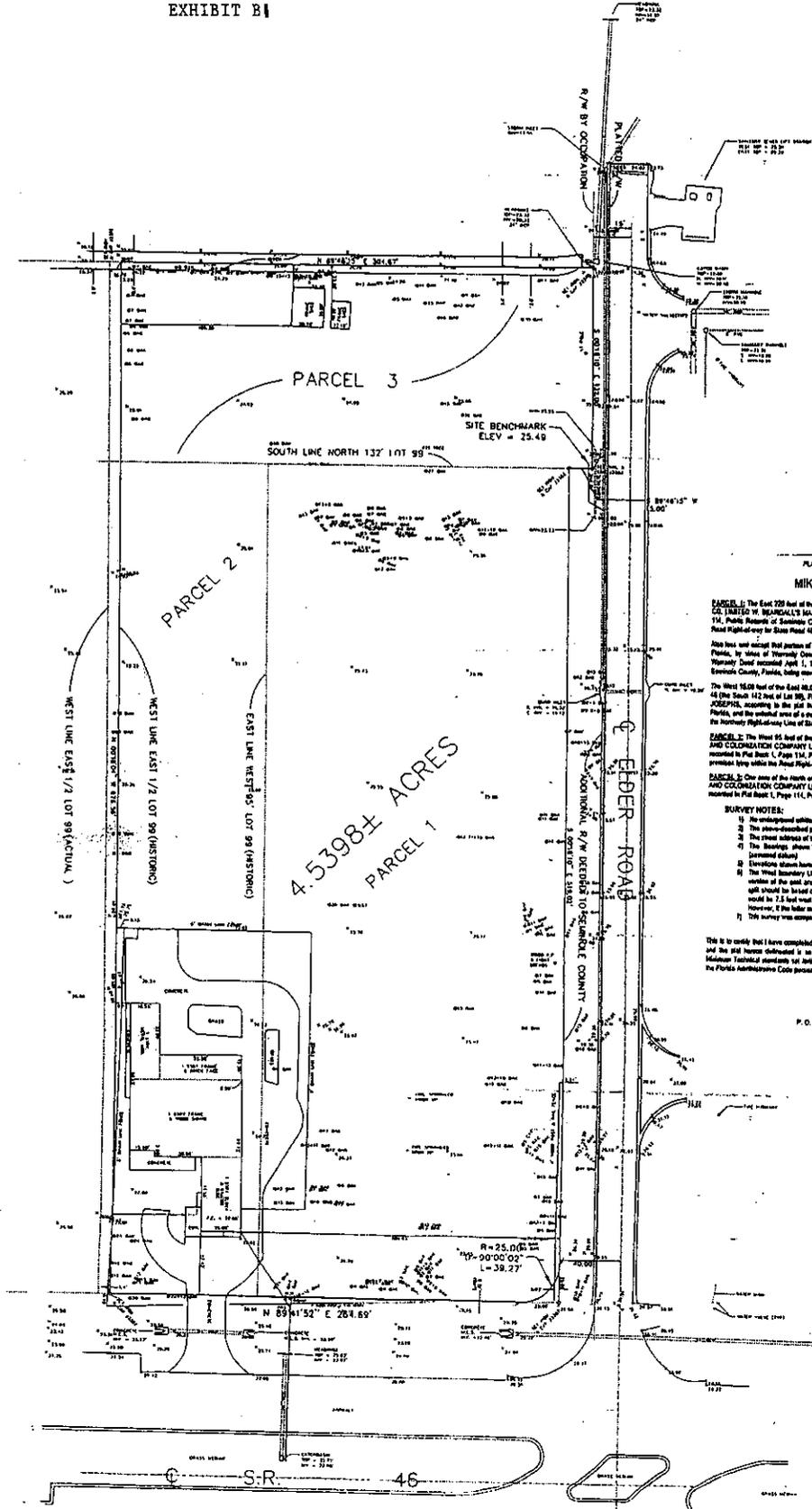
- 1) No underground utilities or improvements were located by this survey, except as shown.
- 2) The above-described property lies in a Flood Zone X.
- 3) The street address of the above-described property is State Road 46.
- 4) The Bearings shown hereon are based on the Centerline Line of Elder Road being N.00°18'10"W. (assumed datum)
- 5) Elevations shown hereon are based on Seminole County Vertical Datum.
- 6) The West boundary Line of the above-described property shown on this survey is based on the historic version of the east and west ½ lot splits in the area. Recent court cases have determined that the actual split should be based on the lot dimensions after the platted right-of-way has been subtracted. The lot line would be 7.5 feet west of the lot line shown if this approach was used to determine the west property line. However, if the latter method is utilized, there would be a 7.5 foot gap between parcels 1 and 2.
- 7) This survey was completed on the ground on 25 Octoberber 2002.

SURVEYOR'S CERTIFICATE

This is to certify that I have completed this "BOUNDARY and TOPOGRAPHIC" SURVEY of the above-described property and the plat hereon delineated is an accurate representation of the same. I further certify that this survey meets the minimum Technical standards set forth by the Florida Board of Surveyors and Mappers pursuant to Chapter 61G17-06 of the Florida Administrative Code pursuant to Section 472.027 of the Florida Statutes.


KITNER SURVEYING

EXHIBIT B1



SCALE: 1"=30'

PLAT OF BOUNDARY and TOPOGRAPHIC SURVEY
BY
MIKE MYERS & ASSOCIATES, INC.

Legal Descriptions
PARCEL 1: The East 700 feet of the East 1/4 of Lot 89, LESS the North 132 feet, FLORIDA LAND AND COLONIA CO. TRACTS W. BEARDALL'S MAP OF ST. JOSEPH, according to the plat thereof as recorded in Plat Book 114, Public Records of Seminole County, Florida, here and except any portion of the subject premises lying within Road Right-of-way for State Road 46.

Also here we accept that portion of the above lands conveyed to Seminole County, a political subdivision of the State of Florida, by sales of Homestead Good recorded September 28, 1982, in Official Records, Book 2714, Page 1814, Warranty Deed recorded April 1, 1981 in Official Records Book 2076, Page 81, all being of the Public Record Seminole County, Florida, being more particularly described as follows:

The West 1620 feet of the East 4820 feet of Lot 99, Less the North 132.00 feet and less Right-of-way for State Road 46 (the South 112 feet of Lot 99, FLORIDA LAND AND COLONIZATION CO. LIMITED W. BEARDALL'S MAP OF ST. JOSEPH, according to the plat thereof as recorded in Plat Book 114, Page 114, Public Records of Seminole County, Florida, and the unshaded area of a curve traverse Metrovisually, having a radius of 25.00 feet, said curve being along the boundary Right-of-way Line of State Road No. 46 and the West Line of the East 4820 feet of said Lot 99.

PARCEL 2: The West 65 feet of the East 1/4 of Lot 99, LESS and EXCEPT the North 132 feet thereof, FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH, according to the plat thereof as recorded in Plat Book 114, Page 114, Public Records of Seminole County, Florida, here and except any portion of the subject premises lying within the Road Right-of-way for State Road 46.

PARCEL 3: One acre of the North end of the East 1/4 of Lot 89 (being the North 132 feet of said Lot 89, FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH, according to the plat thereof as recorded in Plat Book 114, Page 114, Public Records of Seminole County, Florida.

SURVEY NOTES:

- 1) No underground utilities or improvements were located by this survey, except as shown.
- 2) The above-described property lies in a Flood Zone X.
- 3) The street address of the above-described property is State Road 46.
- 4) The bearings shown herein are based on the Contiguous Line of Eder Road being N 02°18'11" (rounded down).
- 5) Elevation shown herein are based on Seminole County Vertical Datum.
- 6) The West Boundary Line of the above-described property shown on this survey is based on the Adjacent end of the east and west 1/2 of 1/4 of the East 1/4 of Lot 89, which have been determined that the 1/2 of 1/4 of Lot 89 should be based on the lot line shown on the plat thereof. The 1/2 of 1/4 of Lot 89 should be 7.5 feet west of the lot line shown on the plat thereof. However, if the latter method is utilized, there would be a 7.5 foot gap between parcels 1 and 2.
- 7) This survey was completed on the ground on 28 October 2002.

SURVEYOR'S CERTIFICATE

This is to certify that I have completed this BOUNDARY and TOPOGRAPHIC SURVEY of the above described plat and the plat herein delineated is an accurate representation of the same. I further certify that this survey meets Minimum Technical Standards set forth by the Florida Board of Surveyors and I accept payment for Chapter 46(17), Florida Administrative Code pursuant to Section 46(207) of the Florida Statutes.

R. Blair Rither
 R. BLAIR RITHER
 P. O. Box 422 - Sanford, Florida 32757 (407) 327-0020
 Not valid without record book of Surveyor



AMENDMENT TO CONDITIONAL UTILITY AGREEMENT FOR SEWER SERVICE

THIS AMENDMENT is made and entered into this _____ day of _____, 2004, and is to that certain Agreement made and entered into on the 25th day of April 2003, between **MICHAEL B. AND JACQUELINE MYERS**, whose address is 1100 Fieldwood Boulevard, Lake Mary, Florida 32746, hereinafter referred to as "DEVELOPER," 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".

W I T N E S S E T H:

WHEREAS, the DEVELOPER and COUNTY entered into the above-referenced Agreement on April 25, 2003 for the COUNTY to provide central water service to the property pursuant to certain terms and conditions; and

WHEREAS, the parties desire to amend the Agreement so as to enable both parties to continue to enjoy the mutual benefits it provides; and

WHEREAS, Section 31 of the Agreement provides that any amendments shall be valid only when expressed in writing and duly signed by the parties,

NOW, THEREFORE, in consideration of the mutual understandings and agreements contained herein, the parties agree to amend the Agreement as follows:

1. Exhibit A of the Agreement is deleted and Exhibit A-1 attached hereto is substituted therefor.

2. Exhibit B of the Agreement is deleted and Exhibit B-1 attached hereto is substituted therefor.

3. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect for the term of the Agreement, as originally set forth in said Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this instrument for the purpose herein expressed.

MICHAEL B. MYERS

JACQUELINE MYERS

By: [Signature]

By: [Signature]

Date: 9/14/04

Date: 9/14/04

STATE OF FLORIDA)
COUNTY OF Seminole)

I HEREBY CERTIFY that, on this 14th day of September, 2004, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Michael B. Myers and Jacqueline Myers [] who are personally known to me or [] who have produced _____ as identification and that they did take an oath.

[NOTARY SEAL]

[Signature]
Notary Public signature



Melissa Leigh Harley
My Commission DD139530
Expires September 29, 2006

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
DARYL G. MCLAIN, 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.

[Signature] 9-20-04
County Attorney
SED/lpk
8/31/04
am sewer agt-myers

Attachments:
Exhibit A-1 - Legal Description
Exhibit B-1 - Survey

PLAT OF "BOUNDARY and TOPOGRAPHIC" SURVEY
for
MIKE MYERS & ASSOCIATES, INC.

Legal Description

PARCEL 1: The East 220 feet of the East ½ of Lot 99, LESS the North 132 feet, FLORIDA LAND AND COLONIZATION CO. LIMITED W. BEARDALL'S MAP OF ST. JOSEPHS, according to the plat thereof as recorded in Plat Book 1, Page 114, Public Records of Seminole County, Florida, less and except any portion of the subject premises lying within the Road Right-of-way for State Road 46.

Also less and except that portion of the above lands conveyed to Seminole County, a political subdivision of the State of Florida, by virtue of Warranty Deed recorded September 29, 1989, in Official Records Book 2110, Page 1814, and Warranty Deed recorded April 1, 1991 in Official Records Book 2279, Page 81, all being of the Public Records of Seminole County, Florida, being more particularly described as follows:

The West 15.00 feet of the East 40.00 feet of Lot 99, Less the North 132.00 feet and less Right-of-way for State Road No. 46 (the South 142 feet of Lot 99), FLORIDA LAND AND COLONIZATION CO. LIMITED W. BEARDALL'S MAP OF ST. JOSEPHS, according to the plat thereof as recorded in Plat Book 1, Page 114, Public Records of Seminole County, Florida, and the external area of a curve concave Northwesterly, having a radius of 25.00 feet, said curve being tangent to the Northerly Right-of-way Line of State Road No. 46 and the West Line of the East 40.00 feet of said Lot 99.

PARCEL 2: The West 95 feet of the East ½ of Lot 99, LESS AND EXCEPT the North 132 feet thereof, FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPHS, according to the plat thereof as recorded in Plat Book 1, Page 114, Public Records of Seminole County, Florida, less and except any portion of the subject premises lying within the Road Right-of-way for State Road 46.

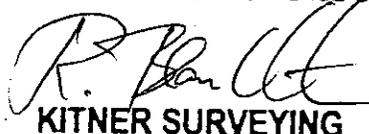
PARCEL 3: One acre of the North end of the East ½ of Lot 99 (being the North 132 feet of said Lot 99), FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPHS, according to the plat thereof as recorded in Plat Book 1, Page 114, Public Records of Seminole County, Florida.

SURVEY NOTES:

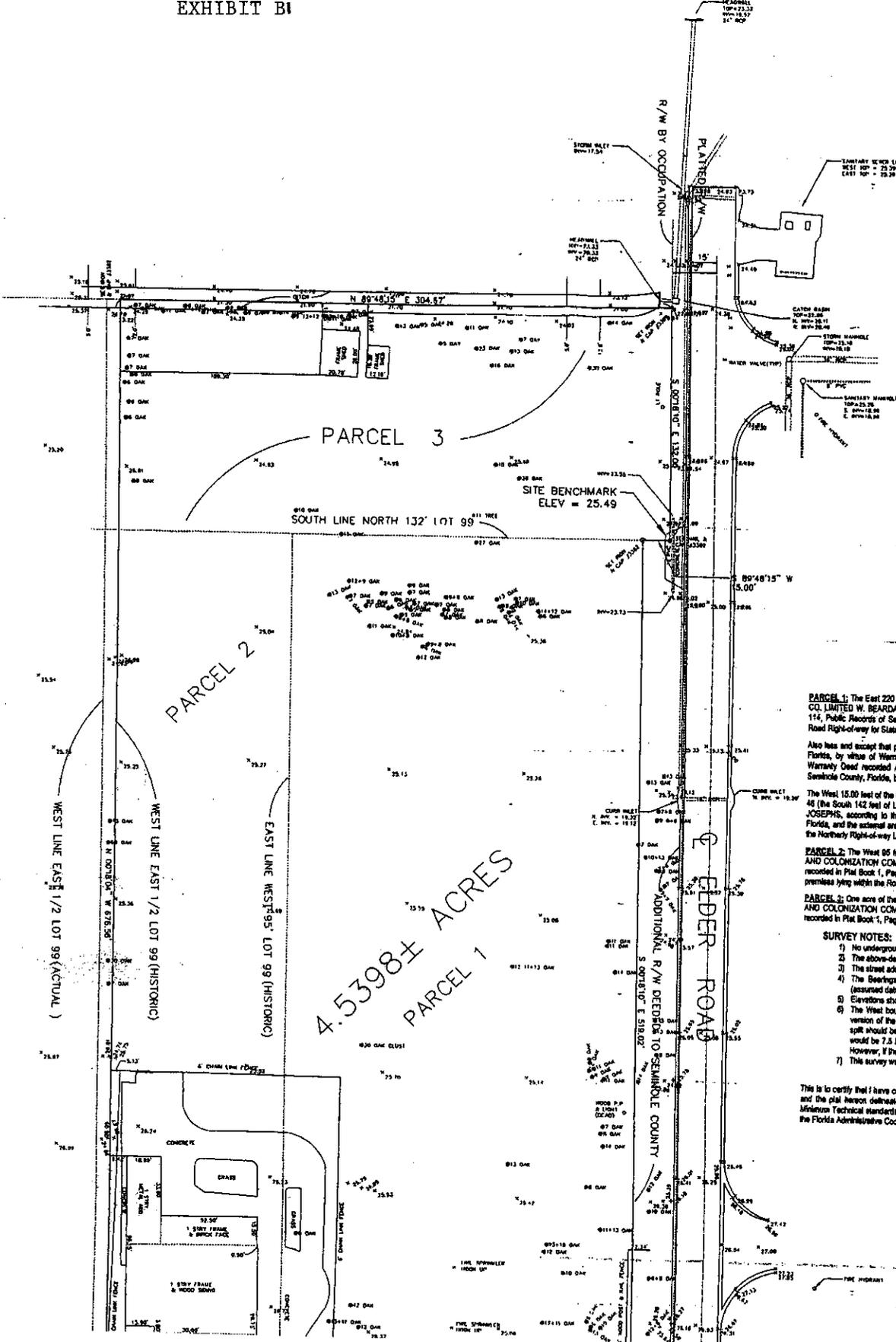
- 1) No underground utilities or improvements were located by this survey, except as shown.
- 2) The above-described property lies in a Flood Zone X.
- 3) The street address of the above-described property is State Road 46.
- 4) The Bearings shown hereon are based on the Centerline Line of Elder Road being N.00°18'10"W. (assumed datum)
- 5) Elevations shown hereon are based on Seminole County Vertical Datum.
- 6) The West boundary Line of the above-described property shown on this survey is based on the historic version of the east and west ½ lot splits in the area. Recent court cases have determined that the actual split should be based on the lot dimensions after the platted right-of-way has been subtracted. The lot line would be 7.5 feet west of the lot line shown if this approach was used to determine the west property line. However, if the latter method is utilized, there would be a 7.5 foot gap between parcels 1 and 2.
- 7) This survey was completed on the ground on 25 October 2002.

SURVEYOR'S CERTIFICATE

This is to certify that I have completed this "BOUNDARY and TOPOGRAPHIC" SURVEY of the above-described property and the plat hereon delineated is an accurate representation of the same. I further certify that this survey meets the Minimum Technical standards set forth by the Florida Board of Surveyors and Mappers pursuant to Chapter 61G17-06 of the Florida Administrative Code pursuant to Section 472.027 of the Florida Statutes.


KITNER SURVEYING

R. BLAIR KITNER - P.S.M. No. 3382



PLAT OF "BOUNDARY and TOPOGRAPHIC" SURVEY
for
MIKE MYERS & ASSOCIATES, INC.

Legal Description
PARCEL 1: The East 2/3 of the East 1/2 of Lot 99, LESS the North 132 feet, FLORIDA LAND AND COLONIZATION CO. LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S, according to the plat thereof as recorded in Plat Book 1, 114, Public Records of Seminole County, Florida, less and except any portion of the subject premises lying within the Road Right-of-way for State Road 46.

Also less and except that portion of the above lands conveyed to Seminole County, a political subdivision of the State of Florida, by virtue of Warranty Deed recorded September 29, 1998, in Official Records Book 2110, Page 161; Warranty Deed recorded April 1, 1991 in Official Records Book 2278, Page 81, all being of the Public Records of Seminole County, Florida, being more particularly described as follows:

The West 15.00 feet of the East 40.00 feet of Lot 99, Less the North 132.00 feet and less Right-of-way for State Road 46 (the South 142 feet of Lot 99, FLORIDA LAND AND COLONIZATION CO. LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S, according to the plat thereof as recorded in Plat Book 1, Page 114, Public Records of Seminole County, Florida, less and except any portion of the premises lying within the Road Right-of-way for State Road 46.

PARCEL 2: The West 85 feet of the East 1/2 of Lot 99 LESS AND EXCEPT the North 132 feet thereof, FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S, according to the plat thereof as recorded in Plat Book 1, Page 114, Public Records of Seminole County, Florida, less and except any portion of the premises lying within the Road Right-of-way for State Road 46.

PARCEL 3: One acre of the North end of the East 1/2 of Lot 99 (being the North 132 feet of said Lot 99), FLORIDA LAND AND COLONIZATION COMPANY LIMITED W. BEARDALL'S MAP OF ST. JOSEPH'S, according to the plat thereof as recorded in Plat Book 1, Page 114, Public Records of Seminole County, Florida.

- SURVEY NOTES:**
- 1) No underground utilities or improvements were located by this survey, except as shown.
 - 2) The above-described property lies in a Flood Zone X.
 - 3) The street address of the above-described property is State Road 46.
 - 4) The Bearings shown hereon are based on the Centerline Line of Eder Road being N.00°16' (assumed datum).
 - 5) Elevations shown hereon are based on Seminole County Vertical Datum.
 - 6) The West boundary Line of the above-described property shown on this survey is based on the version of the east and west 1/2 splits in the area. Recent court cases have determined that the split should be based on the lot dimensions after the platted right-of-way has been subtracted. The split would be 7.5 feet west of the lot line shown if this approach was used to determine the west property line. However, if the latter method is utilized, there would be a 7.5 foot gap between parcels 1 and 2.
 - 7) This survey was completed on the ground on 25 October 2002.

SURVEYOR'S CERTIFICATE
This is to certify that I have completed this "BOUNDARY and TOPOGRAPHIC" SURVEY of the above-described property and the plat hereon delineated is an accurate representation of the same. I further certify that this survey meets Minimum Technical Standards set forth by the Florida Board of Surveyors and Mappers pursuant to Chapter 51G17 of the Florida Administrative Code pursuant to Section 407.027 of the Florida Statutes.

R. Blum Rither
R. BLUM RITHER SURVEYING
R. BLUM RITHER - P.S.M. No. 3382
P. O. Box 923 - Sanford, Florida 32772 (407) 322-2000
Not valid without raised seal of Surveyor

