

Item # 38

**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>11/07/06</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 McNeil Road.

District 3 – Commissioner Van Der Weide

(Jerry McCollum, P.E.)

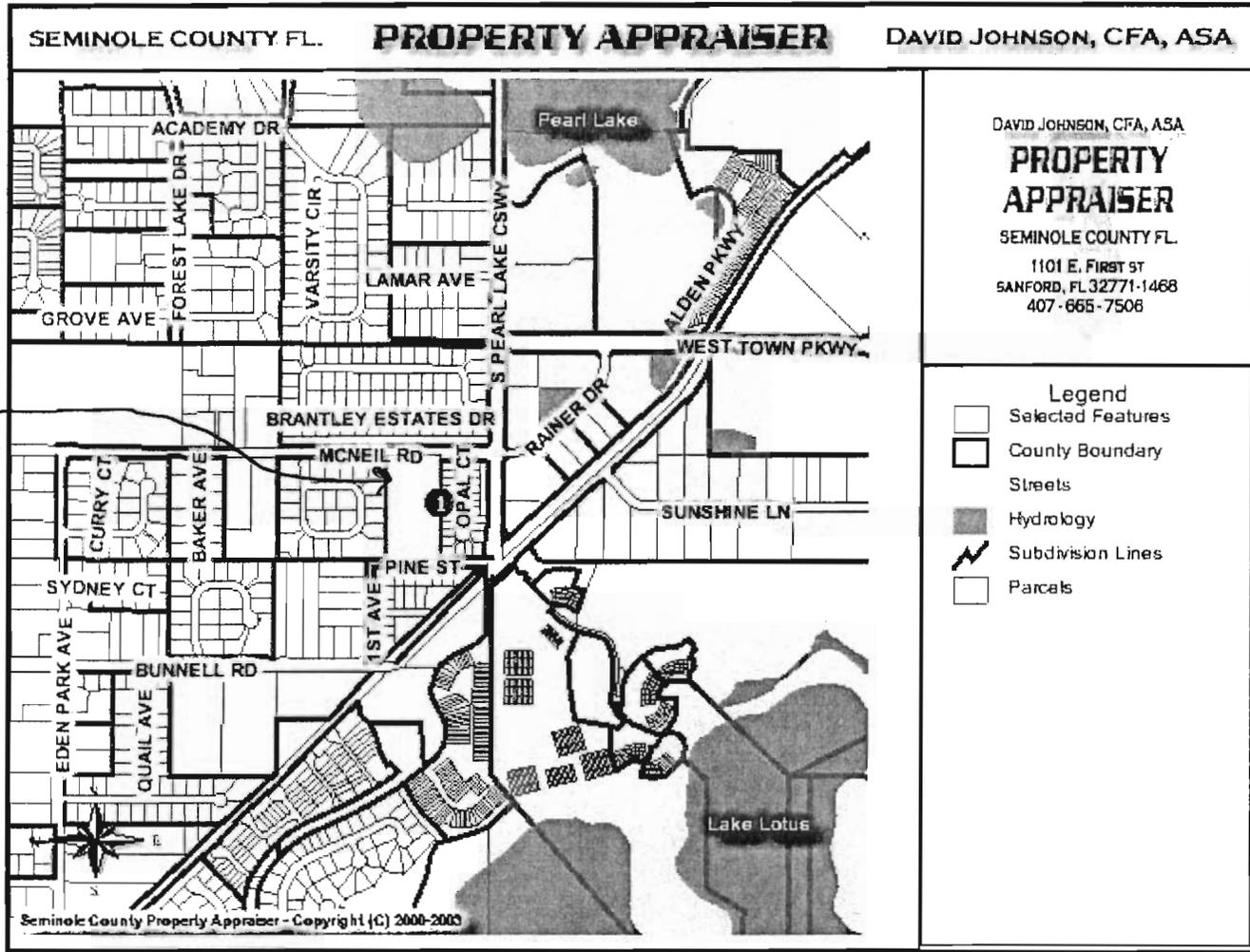
BACKGROUND:

The construction of a sidewalk adjacent to McNeil Road (see attached location map) will require an easement not currently owned by Seminole County. The City of Altamonte Springs, a Florida Municipal Corporation, has indicated its willingness to convey said easement, at no cost, as evidenced by the attached Sidewalk Easement.

Attachments: Location Map / Resolution / Sidewalk Easement

Reviewed by: <u><i>10-29-06</i></u>
Co Atty: <u><i>Boetrich</i></u>
DFS: _____
Other: _____
DCM: _____
CM: <u><i>Co</i></u>
File No. <u>CPWE01</u>

Location Map



Subject Parcel

Rec	Parcel	Owner	Owner Addr	City	State	Zip
1	1721295BG000045A	ALTAMONTE SPRINGS CITY OF	225 NEWBURYPORT AVE	ALTAMONTE SPRINGS	FL	32701

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 _____, 2006.**

WHEREAS, the Board of County Commissioners of Seminole County has determined that a necessity exists for protecting pedestrians along a portion of McNeil Road located in Section 17, Township 21 South, Range 29 East, in Seminole County, Florida; and

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

WHEREAS, the City of Altamonte Springs, a Florida Municipal Corporation, has indicated its willingness to donate to Seminole County the required Sidewalk Easement subject to certain conditions 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 _____, 2006.

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

ATTEST:

Carlton Henley, Chairman

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

Prepared under the direction of:
Charles F. Barcus
Program Manager/Right-of-Way
10-12-2006

Document prepared by:
Warren Lewis, R/W-NAC, Senior Coordinator
Right-of-Way Section
Seminole County Engineering Division
520 W. Lake Mary Boulevard, Suite 200
Sanford, Florida 32773

Legal Description Approved by:
Steve L. Wessels, P.L.S.
County Surveyor
Seminole County Engineering Division
520 W. Lake Mary Blvd., Suite 200
Sanford, Florida 32773

SIDEWALK EASEMENT

THIS SIDEWALK EASEMENT is made and entered this Friday of October, 2006, by and between the CITY OF ALTAMONTE SPRINGS, a Florida Municipal Corporation, whose address is 225 Newburyport Avenue, Altamonte Springs, Florida, 32701, hereinafter referred to as the GRANTOR 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 GRANTOR does hereby grant and convey to the GRANTEE and its assigns, a perpetual, permanent easement and right-of-way for the construction and maintenance of a five foot (5') wide sidewalk, over, under, upon and through (as the grantee deems appropriate) the following described lands situate in the County of Seminole, State of Florida, to-wit:

The North 25 feet of the West 330.0 feet of Lot 45, McNeil's Orange Villa, as recorded in Plat Book 2, Page 99, of the Public Records of Seminole County, Florida, and being more particularly described as follows:

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

Property Appraiser's Parent Parcel Identification No: 17-21-29-5BG-0000-045A

TO HAVE AND TO HOLD said easement and right-of-way unto said GRANTEE and its assigns forever.

THE GRANTEE herein and its assigns hereby acknowledges that said five foot (5') wide sidewalk shall be located within said easement on property known as City Water Plant No. 5 and that the sidewalk will meander within the easement to accommodate existing trees that were installed under City Code landscaping requirements for Water Plant No. 5 site development. GRANTEE shall have the right to remove one tree during sidewalk construction that has been identified as a conflict, as located and depicted on Exhibit "A-1", attached hereto. The GRANTEE shall also have the right to clear, keep clear, remove from said easement all undergrowth and other obstructions that may interfere with location, excavation, operation or maintenance of the sidewalk. The removal of any additional trees by the GRANTEE, for any reason, shall require prior written approval of the GRANTOR and any such tree removal shall be mitigated on the property by the GRANTEE for City site development compliance. The GRANTEE shall maintain the sidewalk within the easement area in good condition and repair and shall restore the easement site to its original or better condition, after installation, repair or maintenance of any sidewalk improvements. The GRANTEE, its successors or assigns agree not to build, construct or create any improvements other than a five foot (5') wide sidewalk that could interfere with the security of City water plant operations.

THE GRANTOR, their successors and assigns agree not 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. However, the GRANTOR shall have the right to relocate, at its expense, the five foot (5') sidewalk and reduce the easement area to accommodate the relocated five foot (5') sidewalk across the property and along McNeil Road, in the event that the site is redeveloped or improved by the City and the relocation of the sidewalk and easement is required to facilitate such redevelopment. The GRANTOR further grants the reasonable right to enter upon the non-secured adjoining lands of the GRANTOR for the purpose of exercising the rights herein granted.

THE GRANTOR currently utilizes the property, including said easement area, as part of its water treatment plant and water well operations. The GRANTEE agrees to subordinate any interest in said sidewalk easement that may impair water plant and/or water well operations as determined by the Florida State Department of Environmental Protection and will subordinate same upon written notification by the Florida State Department of Environmental Protection, or appropriate review regulatory authority.

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 GRANTOR, 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.

GRANTOR does hereby warrant and 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.

THIS SIDEWALK EASEMENT, and all covenants, terms, provisions, and conditions contained herein, shall inure and extend to and be obligatory and binding upon the successors and assigns, personal representatives, executors, lessees, and administrators of the parties hereto.

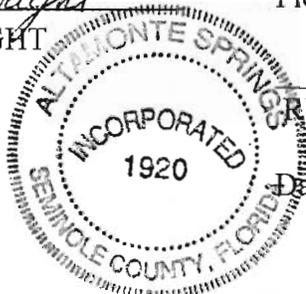
IN WITNESS WHEREOF, the GRANTOR has hereunto set their hand and seal, the day and year first above written.

ATTEST:

Patsy Wainright
PATSY WAINRIGHT
City Clerk

"GRANTOR"
CITY OF ALTAMONTE SPRINGS, a
Florida Municipal Corporation

Russell E. Hauck
RUSSELL E. HAUCK, Mayor



Date: October 3, 2004

STATE OF FLORIDA

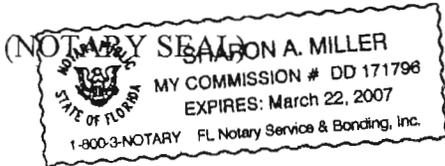
COUNTY OF SEMINOLE

)
) SS
)

The foregoing instrument was acknowledged before me this 3rd day of October, 2006, by RUSSELL E. HAUCK, Mayor, and PATSY WAINRIGHT, City Clerk, of the CITY OF ALTAMONTE SPRINGS, a Florida Municipal Corporation, who are personally known to me and they acknowledged executing the same freely and voluntarily under authority vested in them and that the seal affixed thereto is the true corporate seal of the City of Altamonte Springs, Florida.

Sharon A. Miller

Signature
Print Name: SHARON A. MILLER
Notary Public in and for the County and State
Aforementioned



As authorized for execution by the City Commission at their October 3, 2006 regular meeting.

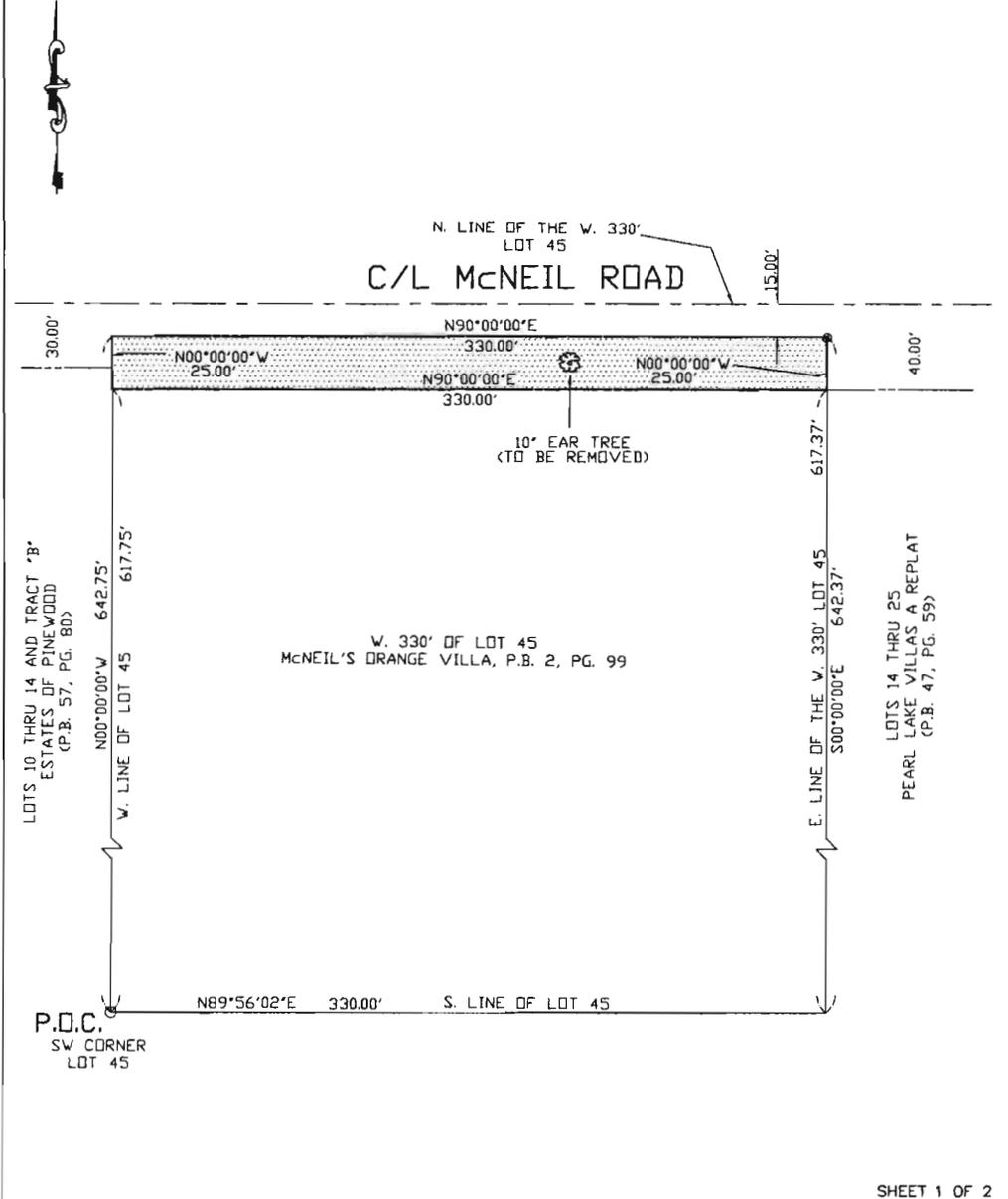
For the use and reliance of Altamonte Springs and Seminole County only.

Approved as to form and Legal Sufficiency.

Walter S. Dost. C. Galt
City Attorney

C. M. Galt
County Attorney

SKETCH OF DESCRIPTION



SHEET 1 OF 2

SEMINOLE COUNTY
ENGINEERING DEPARTMENT
SURVEY SECTION
520 W. LAKE MARY BLVD.
SANFORD, FLORIDA 32773
(407)323-2500 FAX 5647

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

BY: *[Signature]*
STEVE L. WESSLEY, P.L.S., FLA. CERT # 4589

LEGEND	
Δ - CENTRAL ANGLE (DELTA)	PB - PLAT BOOK
R - RADIUS	PG - PAGE (S)
CB - CHORD BEARING	ORB - OFFICIAL RECORDS BOOK
L - ARC LENGTH	SEC - SECTION - TOWNSHIP - RANGE
C - CHORD	PCL - PARCEL
○ SET IRON PIN OR PIPE	PC - POINT OF CURVATURE
◦ FOUND IRON PIN OR PIPE	PT - POINT OF TANGENCY
□ SET CONCRETE MONUMENT	PI - POINT OF INTERSECTION
■ FOUND CONCRETE MONUMENT	PCC - POINT OF COMPOUND CURVE
P.O.B. - POINT OF BEGINNING	PRC - POINT OF REVERSE CURVE
P.O.C. - POINT OF COMMENCEMENT	M - MEASURED
P.O.T - POINT OF TERMINATION	P - PLAT
R/W - RIGHT OF WAY	F - FIELD
D - DEED	C - CALCULATED
C/L - CENTERLINE	F/L - PROPERTY LINE
UTIL - UTILITY	ESMT - EASEMENT
FIELD DATE: <u>N/A</u>	SCALE: <u>1"=60'</u>
DATE: <u>02/22/06</u>	DRAWN BY: <u>L.W.</u>
JOB NAME: <u>06-015</u>	CHECKED BY:

EXHIBIT "A-1"

LEGAL DESCRIPTION

LEGAL DESCRIPTION

SIDEWALK EASEMENT:

THE NORTH 25.00 FEET OF THE FOLLOWING DESCRIBED PARCEL.

THE WEST 330.00 FEET OF LOT 45, McNEIL'S ORANGE VILLA, AS RECORDED IN PLAT BOOK 2, PAGE 99, OF THE PUBLIC RECORDS, SEMINOLE COUNTY, FLORIDA.

CONTAINING 8,250 SQUARE FEET MORE OR LESS.

SHEET 2 OF 2

<h3 style="text-align: center;">SURVEYOR'S NOTES</h3> <ol style="list-style-type: none"> 1. THIS IS NOT A SURVEY. 2. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS NOT LOCATED. 3. SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY. 4. THE CHAINLINK FENCE ON THIS PROPERTY LIES OUTSIDE THE EASEMENT HEREON SHOWN. 				<h3 style="text-align: center;">LEGEND</h3> <p>BEARINGS BASED ON :</p> <p>N. LINE OF THE W. 330' OF LOT 45,</p> <hr/> <p>McNEIL'S ORANGE VILLA, P.B. 2, PG. 99</p> <hr/> <p>AS BEING N90°00'00"E</p>		
REVISIONS						
	DATE	BY	REVISIONS	REQUESTED BY:		
1	3/06	L.W.	CHANGE EASEMENT LINE	E. ERICKSON		
2	6/06	L.W.	CHANGE EASEMENT LINE	C. BARCUS		
3						
4						
JOB NAME: 06-015		FIELD DATE: N/A	DATE: 06/27/06	SCALE: 1"=60'	DRAWN BY: L.W.	CHECKED BY:

EXHIBIT "A-2"