

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Resolution Authorizing Conveyance of Property to the City of Casselberry

DEPARTMENT: PUBLIC WORKS **DIVISION:** ENGINEERING

AUTHORIZED BY: *W. Gary Johnson* **CONTACT:** *Kathleen Myer*, P.E. EXT. 5664
W. Gary Johnson, P.E., Director *Kathleen Myer*, P.E., County Engineer

Agenda Date <u>11/18/03</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 the attached resolution to authorize the conveyance of excess County right-of-way property at the intersection of Seminola Boulevard and Winter Park Drive to the City of Casselberry.

BACKGROUND:

The City of Casselberry is seeking title to excess right-of-way property on Seminola Boulevard at Winter Park Drive. The City is requesting parcel 09-21-30-5BM-0B00-001A (15,911 SF) and 09-21-30-513-0X00-0010 (12,210 SF) where a 7-11 and a Cumberland Farms formerly existed (both properties were acquired by the County as part of the Seminole Boulevard roadway widening project constructed in 1996-1998). The Cumberland Farms site has been undergoing monitoring for petroleum contamination and, as yet, has not been cleaned up. The County is working with DEP to complete the monitoring and determine the level of clean up required.

The City is requesting conveyance of the 7-11 Parcel at this time for two reasons: a donation of a number of large trees is being made to the City and they would like to temporarily plant them on this parcel; and this property is currently being used as an illegal dumping site and has become unsightly. The City is interested in obtaining title to the uneconomical remainder of the acquired parcel for use as open space and passive recreation.

City officials have been cooperating with County staff in various beautification projects on Seminola Boulevard including:

Reviewed by:	<i>[Signature]</i>
Co Atty:	<i>[Signature]</i>
DFS:	_____
Other:	_____
DCM:	<i>[Signature]</i>
CM:	<i>[Signature]</i>
File No.	CPWE03

As part of the original discussions regarding this land swap, the City committed to undertake the following:

- Design and install landscaping on Seminola Boulevard
- Provide reclaimed irrigation water on Seminola Boulevard
- Provide reclaimed irrigation water on the County's Lake Drive project
- Relocate a fence at the County's retention pond on Winter Park Drive

These actions have been completed and the commitment for providing irrigation water is shown on the City's proposed utility work on Lake Drive.

The conveyance is at no cost to the City in exchange for the commitments listed above. This resolution addresses the conveyance of the 7-11 property. Action to convey the Cumberland Farms property will occur when cleanup is completed.

District 2-- Commissioner Morris

Attachment: Resolution
County Deed

RESOLUTION NO. 2003-R-_____

SEMINOLE COUNTY, FLORIDA

THE FOLLOWING RESOLUTION WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, AT THEIR REGULARLY SCHEDULED MEETING OF NOVEMBER 18, 2003.

WHEREAS, the County acquired certain parcels as part of the Seminola Road improvement project, one of which is identified by tax parcel #90-21-30-5BM-0B00-001A (the "Subject Property"); and

WHEREAS, the City of Casselberry (the "City") has applied to the County for a conveyance of the Subject Property; and

WHEREAS, the City proposes to use the Subject Property for open space and passive recreational uses;

WHEREAS, the County has no need for the Subject Property and wishes to convey same to the City.

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

1. The Board of County Commissioners (BCC) hereby declares the Subject Property to be surplus and not needed for any County purpose.

2. The BCC hereby authorizes the conveyance of the Subject Property to the City for no consideration for use by the City for use as open space, passive recreation and any other public purpose.

3. The Chairman is authorized to execute a County Deed conveying the Subject Property to the City

ADOPTED this 18th day of November, 2003.

ATTEST:

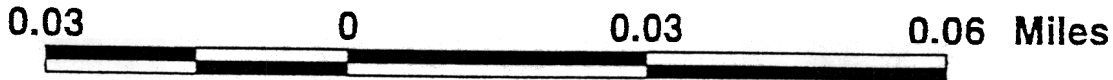
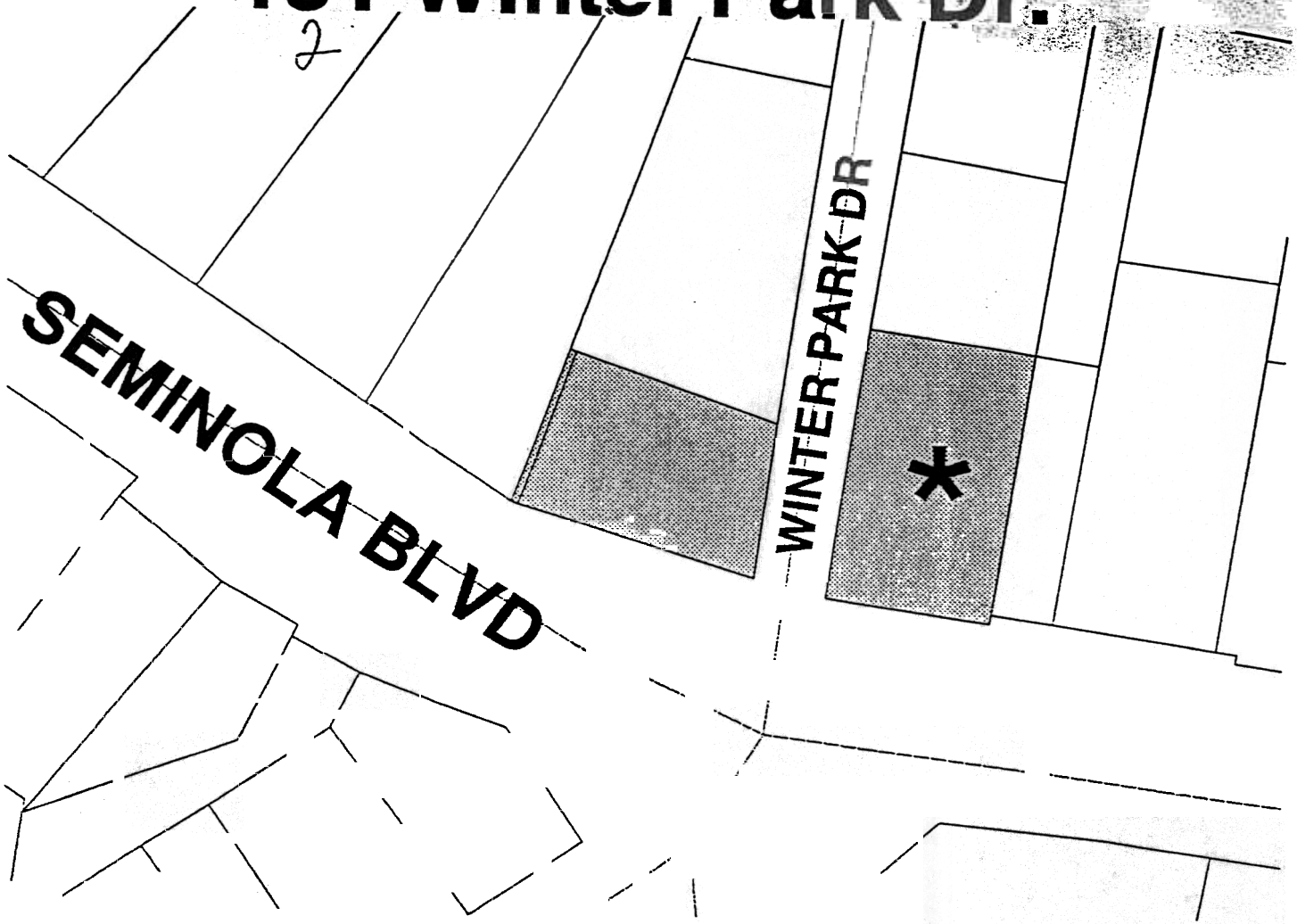
BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

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

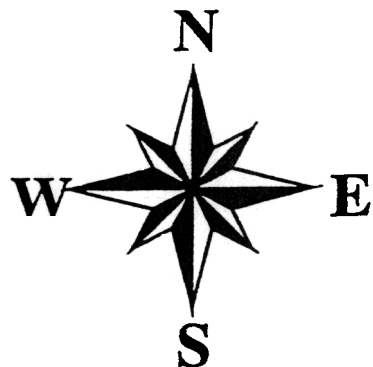
By: _____
DARYL G. MCLAIN, Chairman

spl
10/29/03
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7-11
**Seminola Blvd
ROW Parcel # 190
131 Winter Park Dr.**



Parcel # 09-21-30-5BM-0B00-001A



COUNTY DEED

COUNTY OF SEMINOLE, FLORIDA

THIS DEED is made this _____ day of _____, 20____, by **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 "GRANTOR," and **CITY OF CASSELBERRY**, whose address is 95 Lake Triplett Drive, Casselberry, Florida 32707, , hereinafter referred to as the "GRANTEE".

W I T N E S S E T H:

THAT GRANTOR for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) in hand paid by GRANTEE, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell to GRANTEE, its heirs and assigns forever, the following described land lying and being in Seminole County, Florida, to-wit:

PARCEL I.D. #09-21-30-5BM-0B00-001A

THAT PORTION OF: "THE SOUTHERLY 175.00 FEET OF LOT 1, AND THE SOUTHERLY 175.00 FEET OF THE WESTERLY 1/2 OF LOT 2, BLOCK B, SPORTSMAN'S PARADISE, CASSELBERRY, SEMINOLE COUNTY, FLORIDA. ACCORDING TO PLAT IN PLAT BOOK 8, PAGES 12 AND 13 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA. LESS THE WEST 11.60 FEET OF LOT 1, WHICH IS RESERVED FOR ROAD RIGHT-OF-WAY". AS RECORDED ON OR BOOK 2858, PAGE 0071 OF SAID SEMINOLE COUNTY PUBLIC RECORDS.

THE FOLLOWING LEGAL DESCRIPTION IS BASED ON THE SEMINOLA BOULEVARD RIGHT-OF-WAY MAPS AS RECORDED IN RIGHT-OF-WAY MAP BOOK 4, PAGE 88, AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 175.00 FEET OF LOT 1 AND THE WEST 1/2 OF LOT 2, BLOCK B OF SAID SPORTSMAN'S PARADISE.

LESS: THE WEST 11.60 FEET OF SAID LOT 1, BLOCK B (FOR ROAD RIGHT-OF-WAY)

ALSO LESS (FOR ROAD RIGHT-OF-WAY): BEGIN AT THE SOUTHEAST CORNER OF THE WEST 1/2 OF SAID LOT 2 BLOCK B, SAID POINT LYING ON THEN NORTHERLY RIGHT-OF-WAY LINE OF SEMINOLA BOULEVARD, AS RECORDED IN PLAT BOOK 5, PAGE 90, OF SAID SEMINOLE COUNTY PUBLIC RECORDS; THENCE RUN N80°54'39"W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 100.07 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF WINTER PARK DRIVE, AS RECORDED IN PLAT BOOK 16, PAGES 5 AND 6 OF SAID SEMINOLE COUNTY PUBLIC RECORDS; THENCE RUN N09°05'21"E ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 175.00 FEET; THENCE RUN S80°54'39"E ALONG THE NORTH LINE OF THE SOUTHERLY

THIS INSTRUMENT PREPARED BY ANN E. COLBY
ASSISTANT COUNTY ATTORNEY
SEMINOLE COUNTY SERVICES BUILDING
1101 EAST FIRST STREET
SANFORD, FLORIDA 32771

175.00 FEET; OF SAID LOT 1, A DISTANCE OF 0.90 FEET; THENCE RUN S09°05'21"W ALONG A LINE 0.90 FEET EAST OF AND PARALLEL TO SAID EASTERLY RIGHT-OF-WAY LINE OF WINTER PARK DRIVE, A DISTANCE OF 129.37 FEET; THENCE RUN S38°26'22"E, A DISTANCE OF 58.27 FEET TO A POINT ON A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 1083.92 FEET; THENCE FROM A CHORD BEARING OF S79°58'37"E, RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°52'59", A DISTANCE OF 35.62 FEET TO THE POINT TO TANGENCY; THENCE RUN S80°55'07"E A DISTANCE OF 20.57 FEET TO A POINT ON THE EAST LINE OF THE WEST 1/2 OF SAID LOT 2, BLOCK B; THENCE RUN S09 05'21"W ALONG SAID EAST LINE, A DISTANCE OF 5.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 15,911 SQUARE FEET MORE OR LESS.

GRANTOR, in accordance with *Section 270.11, Florida Statutes*, retains and reserves an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in, all the phosphate, minerals, and metals that are or may be in, on or under the above described land and an undivided one-half interest in all the petroleum that is or may be in, on or under the above described land with the privilege to mine and develop the same.

IN WITNESS WHEREOF the GRANTOR has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice-Chairman of said Board, the day and year aforesaid.

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

County Attorney
AEC/lpk
10/30/03
Casselberry-cd