



**COUNTY ATTORNEY'S OFFICE  
MEMORANDUM**

To: Board of County Commissioners

Through: Stephen P. Lee, Deputy County Attorney *SL*

From: Lynn Vouis, Assistant County Attorney *LV*  
Ext. 5736

Date: November 6, 2003

Subject: Second Supplemental and Amended Resolution for Lake Drive

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Due to the addition of new parcels necessary for the Lake Drive project, and the revision of the legal descriptions for parcels previously found to be necessary for Lake Drive, a Supplemental and Amended Resolution of Necessity is submitted for approval by the Board of County Commissioners in order to acquire all property necessary for the improvements to Lake Drive.

**SECOND SUPPLEMENTAL AND SECOND AMENDED RESOLUTION  
(LAKE DRIVE)**

**THE FOLLOWING RESOLUTION WAS ADOPTED BY THE  
BOARD OF COUNTY COMMISSIONERS OF SEMINOLE  
COUNTY, FLORIDA, AT ITS REGULARLY SCHEDULED  
MEETING OF \_\_\_\_\_, 2003.**

**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 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 Drive** (from Seminola Boulevard to Tuskawilla 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; and

**WHEREAS,** this Second Supplemental And Second Amended Resolution of Necessity is necessary to supplement and amend both Resolution of Necessity Number 2002-R-70 and First Supplemental And First Amended Resolution of Necessity Number 2003-R-133, that was approved and adopted by the Board of County Commissioners of Seminole County on August 26, 2003, and pertains to certain parcels to be acquired for **Lake Drive** 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 Drive** hereinabove described to be prepared, based upon and incorporating the survey and location data; and

**WHEREAS,** additional legal descriptions of parcels needed for the improvements to the roadway and the improvement of its drainage system have been prepared based upon aforementioned survey and location data and the right-of-way map; and

**WHEREAS**, the modified, or revised legal descriptions of the property needed for the said 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 Second Supplemental And Second Amended Resolution for the section of **Lake Drive** hereinabove described and to add, modify or revise the parcels needed for improvements to the roadway and improvements of its drainage system on this section of **Lake Drive**; 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 Drive** (from Seminola Boulevard to Tuskawilla 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 5 pages and identified as Exhibit "A", 000001-000005, 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 each parcel's legal description. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of said parcels are 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 parcels described in Exhibit "A" attached hereto to the extent of the estate or interest set forth as a part of each 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 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, 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 parcels 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 Second Supplemental And Second 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 supplements and amends Resolution 2002-R-70 and Resolution 2003-R-1333 by amending the legal descriptions for Parcel Nos. 123, 147 and 152, and by adding new Parcel Nos. 174 and 771. All legal descriptions being attached hereto as Exhibit "A". The remaining provisions of Resolution 2002-R-70 and Resolution 2003-R-1333 are hereby ratified and affirmed.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 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

Date: \_\_\_\_\_

For the use and reliance  
Seminole County only. Ap-  
proved as to form and legal  
sufficiency.

As authorized for execution by the Board  
of County Commissioners at its \_\_\_\_\_,  
2003, regular meeting

\_\_\_\_\_  
County Attorney

LV/la

10/27/03

Attachment

Exhibit A – legal descriptions 000001-000005

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**RIGHT-OF-WAY FEE SIMPLE**

**PROJECT:** Lake Drive  
**OWNER:** Sturbridge Oaks Community Association

**R/W PARCEL NO.:** 123  
**TAX I.D. NO.:** 11-21-30-5QR-0A00-0000  
**CONSULTANT:** Lochrane Engineering, Inc.

All of Tract "A" of Sturbridge Oaks, according to the plat thereof as recorded in Plat Book 61, pages 49 through 51 of the Public Records of Seminole County, Florida, lying in Sections 11 and 14, Township 21 South, Range 30 East of Seminole County, Florida.

Containing 0.691 acres, more or less.

The sketches for these descriptions are shown on sheets 19, 20 and 31 of the right of way maps of Lake Drive.

I hereby certify that this legal 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.

  
Michael J. Cavaliere  
Florida Registered Land Surveyor #3701  
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER -

4-29-03  
DATE

Lochrane Engineering, Inc.  
201 South Bumby Avenue  
Orlando, Florida 32803  
407-896-3317

**RIGHT-OF-WAY FEE SIMPLE**

**PROJECT:** Lake Drive

**OWNER:** Gay Lynne Rotunno

**R/W PARCEL NO.:** 147

**TAX I.D. NO.:** 10-21-30-5BQ-0000-0030

**CONSULTANT:** Lochrane Engineering, Inc.

A part of Lot 1, Block 3, Button's Subdivision, according to the plat thereof recorded in Plat Book 8, page 44 and a part of that parcel of land described in Official Records Book 2756, page 1220 as recorded in the Public Records of Seminole County, Florida being that portion of Section 10, Township 21 South, Range 30 East of Seminole County, Florida,

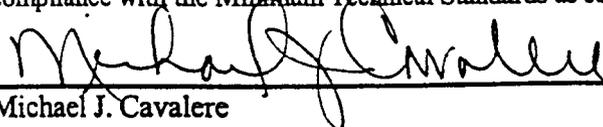
described as follows:

Commence at the Southwest corner of Lot 1, Block 3, Buttons' Subdivision, according to the Plat thereof, as recorded in Plat Book 8, page 44, Public Records of Seminole County, Florida; thence run N05°04'20"E along the West line of said Lot 1, a distance of 9.31 feet to the Right of Way line of Lake Drive as described in Official Records Book 186, page 490, Public Records of Seminole County, Florida, for a Point of Beginning; thence continue N05°04'20"W along said West line a distance of 44.37 feet; thence departing said West line run S40°44'03"E a distance of 39.22 feet to the beginning of a non-tangent curve concave Northwesterly having a radius of 270.00 feet and a chord bearing of N62°26'18"E; thence run Northeasterly along the arc of said curve through a central angle of 22°13'51" a distance of 104.76 feet to the end of said curve; thence run N06°27'13"E a distance of 38.84 feet to the beginning of a non-tangent curve concave Northeasterly having a radius of 1008.93 feet and a chord bearing of N41°08'30"W; thence run Northwesterly along the arc of said curve through a central angle of 09°11'17" a distance of 161.79 feet to a point on the aforesaid West line of Lot 1, Block 3; thence departing said curve run N05°04'20"E along said West line a distance 102.97 feet to the Northwest corner of said Lot 1, Block 3; thence run S84°37'41"E along the North line of said Lot 1, Block 3 a distance of 62.24 feet to a point on a non-tangent curve concave Northeasterly having a radius of 894.93 feet and a chord bearing of S39°06'00"E; thence departing said North line run Southeasterly along the arc of said curve through a central angle of 09°38'16" a distance of 150.54 feet to a point on the East line of said Lot 1, Block 3; thence departing said curve run S05°04'12"W along said East line a distance of 219.77 feet to the aforesaid existing Right of Way line of Lake Drive; thence run N84°33'46"W along said Right of Way line a distance of 167.03 feet to the Point of Beginning.

Containing 0.780 acres, more or less.

This description is shown on sheets 2, 12, 13 and 32 of the right-of-way-maps of Lake Drive.

I hereby certify that this legal 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.

  
Michael J. Cavallere

9/23/03  
DATE

Florida Registered Land Surveyor #3701

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

Lochrane Engineering, Inc.  
201 South Bumby Avenue  
Orlando, Florida 32803  
407-896-3317

**EXHIBIT A**  
**000002**

**RIGHT-OF-WAY FEE SIMPLE**

**PROJECT:** Lake Drive  
**OWNER:** Sally Dietrick, A Single Person

**R/W PARCEL NO.:** 152  
**TAX I.D. NO.:** 10-21-30-5BR-0A00-0080  
**CONSULTANT:** Lochrane Engineering, Inc.

A portion of Lot 10 and a portion of the North 25.00 feet of Lot 8, Block "A", Amended Plat of Button's Subdivision, according to the plat thereof recorded in Plat Book 9, page 25, being a portion of that parcel of land described in Official Record Book 1961, page 272 as recorded in the Public Records of Seminole County, Florida being that portion of Section 10, Township 21 South, Range 30 East of Seminole County, Florida,

described as follows:

Commence at the Southeast corner of Lot 6, Block "A", Amended Plat of Button's Subdivision, according to the Plat thereof, as recorded in Plat Book 9, Page 25, Public Records of Seminole County, Florida; thence N05°04'02"E along the existing Westerly Right of Way line of Azalea Avenue as shown and recorded on said Amended Plat of Button's Subdivision a distance of 74.97 feet to the North line of the South 25 feet of Lot 8, for a Point of Beginning; thence departing said existing Westerly Right of Way line, run N84°28'06"W along said North line a distance of 114.78 feet; thence run N32°45'27"W, a distance of 86.48 feet to the West line of Lot 10, Block "A" of aforesaid Plat; thence run N04°58'48"E along said West line a distance of 7.14 feet to the North line of said Lot 10; thence departing said West line run S84°27'10"E along said North line a distance of 167.83 feet to the aforementioned existing Westerly Right of Way line of Azalea Avenue, said point also being on the East line of aforesaid Lot 10; thence run S05°04'02"W along said existing Westerly right of way line and said East line, a distance of 74.97 feet to the Point of Beginning.

Containing 10,785 square feet, more or less.

I hereby certify that this legal 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.



Michael J. Cavallere  
Florida registered Land Surveyor # 3701

9/23/2003  
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**RIGHT-OF-WAY FEE SIMPLE**

**PROJECT:** Lake Drive  
**OWNER:** Resource Alliance Inc.

**R/W PARCEL NO.:** 174  
**TAX I.D. NO.:** 11-21-30-5QR-0B00-0000  
**CONSULTANT:** Lochrane Engineering, Inc.

A part of Tract "B" of Sturbridge Oaks, according to the plat thereof as recorded in Plat Book 61, pages 49 through 51 of the Public Records of Seminole County, Florida, lying in Section 14, Township 21 South, Range 30 East, Seminole County, Florida,

described as follows:

Begin at the Southwest corner of said Tract "B", Sturbridge Oaks, being a point on the existing Easterly right of way line of Lake Drive as shown on Seminole County Right of Way Maps for Lake Drive, County Project No. PS-331; thence run N05°01'23"E along said Easterly right of way line a distance of 245.57 feet to the Southernmost corner of Tract "A" of said Sturbridge Oaks; thence departing said Easterly right of way line run N21°50'52"E along the Easterly line of said Tract "A" a distance of 105.55 feet; thence departing said Easterly line run S01°48'17"E a distance of 158.00 feet; thence S15°56'46"W a distance of 92.73 feet; thence S36°24'19"W a distance of 49.34 feet to a point on a non-tangent curve concave Westerly, having a radius of 1025.93 feet and a chord bearing of S06°48'07"E; thence run Southerly along the arc of said curve through a central angle of 03°09'06" a distance of 56.43 feet to the South line of said Tract "B"; thence N89°16'37"W along said South line a distance of 17.68 feet to the Point of Beginning.

Containing 9,892 square feet, more or less.

The sketches for these descriptions are shown on sheets 20 and 31 of the right of way maps of Lake Drive.

I hereby certify that this legal 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.

 4-29-03  
DATE

Michael J. Cavalere  
Florida Registered Land Surveyor #3701

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**TEMPORARY CONSTRUCTION EASEMENT**

**PROJECT:** Lake Drive

**OWNER:** Judy Ann Beilke

**TEMPORARY CONSTRUCTION EASEMENT NO.:** 771

**TAX I.D. NO.:** 10-21-30-506-0000-0630

**CONSULTANT:** Lochrane Engineering, Inc.

A part of Lot 63, A Replat of a part of Lots 1 and 2, Watts' Farms, according to the plat thereof recorded in Plat Book 15, page 22, being a part of that parcel of land described in Official Record Book 1626, page 1689 as recorded in the Public Records of Seminole County, Florida, being that portion of Section 10, Township 21 South, Range 30 East of Seminole County, Florida,

described as follows:

Commence at the Northeast corner of Lot 63, A Replat of a part of Lots 1 and 2, Watts' Farms, according to the plat thereof, as recorded in Plat Book 15, page 22, Public Records of Seminole County, Florida; thence run S04°58'48"W along the East line of said Lot 63 a distance of 33.98 feet to a point on the New Right of Way line of Lake Drive as shown on Seminole County Right of Way Maps for Lake Drive, County Project No. PS-331; thence departing said East line run N32°45'27"W along said New Right of Way line a distance of 14.94 feet for a Point of Beginning; thence departing said New Right-of-Way line, run N86°33'40"W a distance of 15.02 feet; thence run N02°39'50"E a distance of 20.91 feet to the aforesaid New Right of Way line of Lake Drive; thence run S32°45'27"E along said New Right of Way line a distance of 25.91 feet to the Point of Beginning.

Containing 157 square feet, more or less.

I hereby certify that this legal 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.

 9-23-03  
Michael J. Cavalee DATE

Florida Registered Land Surveyor # 3701

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