



**COUNTY ATTORNEY'S OFFICE  
MEMORANDUM**

TO: Board of County Commissioners

THROUGH: Stephen P. Lee, Deputy County Attorney *[Signature]*

FROM: Lynn Vouis, Assistant County Attorney *[Signature]*

CONCUR: Pam Hastings, Administrative Manager/Public Works Department *[Signature]*  
 Kathleen Myer, Principal Engineer/Engineering Division *[Signature]*

DATE: November 19, 2003

SUBJECT: Third Amended Resolution for East Lake Mary Boulevard, Phase IIB

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Due to the revision of the legal description for Parcel No. 203A and Parcel No. 203B, an 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 East Lake Mary Boulevard, Phase IIB.

RESOLUTION NO. 2003-R-\_\_\_\_\_

SEMINOLE COUNTY, FLORIDA

**THIRD AMENDED RESOLUTION  
(EAST LAKE MARY BOULEVARD SEGMENT II formerly known  
as Silver Lake Drive Segment II)**

**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 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*, invest 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 have an adequate right-of-way 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**, East Lake Mary Boulevard Phase II-B (from the Airport entrance to S.R. 46/S.R. 415) is a new proposed arterial roadway, which is an extension of the existing East Lake Mary Boulevard in the County Road System through a rapidly developing area; and

**WHEREAS**, this Third Amended Resolution of Necessity is necessary to amend Resolution of Necessity Number 2003-R-47, which was approved and adopted by the Board of County Commissioners of Seminole County on February 11, 2003, and pertains to certain parcels to be acquired for East Lake Mary Boulevard Phase II-B road improvements; and

**WHEREAS**, Seminole County has heretofore caused the new roadway's area of construction to be located and surveyed and has caused a right-of-way map for the section of East Lake Mary Boulevard hereinabove described to be prepared, based upon and incorporating the survey and location data; and

**WHEREAS**, an amended legal description of the property needed for the construction of the new roadway and the improvement of its drainage system and other

appurtenant systems 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 Third Amended Resolution for the section of East Lake Mary Boulevard hereinabove described, and to amend the legal description for Parcel No. 203A and Parcel No. 203B, which are needed for construction of the new roadway and improvements of its drainage system on the section of East Lake Mary Boulevard; 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 construct the new road and appurtenant drainage facilities on or relating to East Lake Mary Boulevard (From the Airport entrance to S.R. 46A/S.R. 415), in order to enhance public transportation within Seminole County, to alleviate traffic congestion and to increase the safety of travel along said extension. 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 legal description for Parcel No. 203A and Parcel No. 203B as set forth in Resolution 2003-R-47 is deleted and the legal description for Parcel No. 203A and Parcel No. 203B as set forth in this Resolution in Exhibit "A" is substituted therefore. That the acquisition of the property described in Exhibit "A" attached hereto consisting of 3 pages and identified as Exhibit "A", 000001-000003, be and the same is hereby ratified and confirmed and found to be necessary and serves a public purpose for the construction 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 parcels is necessary and serves a County and public purpose. The remaining provisions of Resolution 2003-R-47 are hereby ratified and confirmed.

**Section 3.** That the Board of County Commissioners of Seminole County finds that it is necessary to acquire the fee simple interest in Parcel No. 203A and Parcel No. 203B. It is necessary to acquire the fee simple interest to accomplish the construction uses for East Lake Mary Boulevard Phase II-B and to secure the ability to make future safety and functional roadway and drainage improvements on Parcels 203A and 203B which cannot presently be defined.

**Section 4.** 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 said 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 said parcels by settlement and compromise at such terms that it may deem advisable under the circumstances of the litigation. 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, and Section 337.27, Florida Statutes*, as well as the provisions of the *Florida Transportation Code* referred to in the recitals to this Resolution.

**Section 5.** 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, Florida.

**Section 6.** Except as herein amended, the provisions of Resolution of Necessity Number 2003-R-47 are hereby ratified and affirmed.

SIGNATORY BLOCK BEGINS ON PAGE SIX

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA**

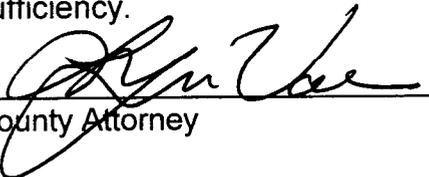
\_\_\_\_\_  
MARYANNE MORSE  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida.

By: \_\_\_\_\_  
DARYL 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

LMVla

11/18/03

Attachment

Exhibit A - Legal Description

P:\USERS\CALV011\RESOLUTIONS\ELMB IIB THIRD AMENDED RESOLUTION 203AB.DOC

**RIGHT-OF-WAY FEE SIMPLE**

**PROJECT: East Lake Mary Boulevard Extension**  
**R/W PARCEL NO.: 203**

(PART A)  
THAT PORTION OF:

"LOTS 1, 2, 13 AND 14, PALMER'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 41, SEMINOLE COUNTY PUBLIC RECORDS, (LESS A STRIP 25 FEET WIDE ACROSS THE NORTH BOUNDARY USED AS S & E BRANCH OF ACL RAILROAD RIGHT OF WAY).

AND

BEGIN AT NW CORNER OF LOT 3, PALMER'S SUBDIVISION ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 41, SEMINOLE COUNTY PUBLIC RECORDS, THENCE RUN SOUTH 580 FEET, EAST 1306 FEET TO A POINT 583 FEET SOUTH OF NE CORNER OF LOT 12 OF SAID PALMER'S SUBDIVISION, THENCE NORTH 583 FEET, THENCE WEST 1306 FEET TO BEGINNING, BEING ALL OF LOTS 3 AND 12 AND A PORTION OF LOTS 4 AND 11 OF PALMER'S SUBDIVISION."

(SAID PROPERTY BEING THE SAME AS DESCRIBED IN QUIT CLAIM DEED RECORDED IN OFFICIAL RECORD BOOK 547, PAGE 598 AS RECORDED IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA),

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 31 EAST, AS SHOWN ON THE FLORIDA DEPARTMENT OF NATURAL RESOURCES CERTIFIED CORNER RECORDS DOCUMENT NO. 0055988, THENCE RUN N89°42'17"E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 A DISTANCE OF 10.00 FEET TO THE NORTHWEST CORNER OF LOT 1 OF PALMER'S SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 41 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE DEPARTING SAID NORTH LINE, RUN S00°19'09"E A DISTANCE OF 25.00 FEET TO A POINT OF INTERSECTION OF THE WEST LINE OF LOT 1 AND THE SOUTH RIGHT-OF-WAY LINE OF KENTUCKY STREET ACCORDING TO THE WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 1416, PAGE 364 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA FOR A POINT OF BEGINNING; THENCE RUN N89°42'17"E ALONG SAID SOUTH RIGHT-OF-WAY LINE A DISTANCE OF 1200.76 FEET TO THE POINT OF INTERSECTION OF SAID SOUTH RIGHT-OF-WAY LINE AND THE EAST LINE OF LOT 14 OF SAID PLAT OF PALMER'S SUBDIVISION; THENCE RUN S00°16'57"E ALONG THE EAST LINE OF LOT 14 A DISTANCE OF 123.77 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 2934.79 FEET AND A CHORD BEARING OF S88°52'33"W; THENCE FROM A RADIAL BEARING OF N01°57'12"W, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 84.92 FEET THROUGH A CENTRAL ANGLE OF 01°39'29" TO THE POINT OF TANGENCY THEREOF; THENCE RUN S89°42'17"W A DISTANCE OF 793.29 FEET; THENCE RUN S00°17'43"E A DISTANCE OF 5.00 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 1071.45 FEET AND A CHORD BEARING OF N81°32'11"W; THENCE FROM A RADIAL BEARING OF N00°17'43"W, RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 327.58 FEET THROUGH A CENTRAL ANGLE OF 17°31'03" TO A POINT ON THE WEST LINE OF LOT 1 OF PALMER'S SUBDIVISION; THENCE DEPARTING SAID CURVE FROM A RADIAL BEARING OF N17°13'21"E RUN N00°19'09"W ALONG SAID WEST LINE A DISTANCE OF 80.32 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 3.360 ACRES, MORE OR LESS.

TOGETHER WITH:

**EXHIBIT A**  
**000001**

(PART B)  
THAT PORTION OF:

"LOTS 1, 2, 13 AND 14, PALMER'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 41, SEMINOLE COUNTY PUBLIC RECORDS, (LESS A STRIP 25 FEET WIDE ACROSS THE NORTH BOUNDARY USED AS S & E BRANCH OF ACL RAILROAD RIGHT OF WAY).

AND

BEGIN AT NW CORNER OF LOT 3, PALMER'S SUBDIVISION ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 41, SEMINOLE COUNTY PUBLIC RECORDS, THENCE RUN SOUTH 580 FEET, EAST 1306 FEET TO A POINT 583 FEET SOUTH OF NE CORNER OF LOT 12 OF SAID PALMER'S SUBDIVISION, THENCE NORTH 583 FEET, THENCE WEST 1306 FEET TO BEGINNING, BEING ALL OF LOTS 3 AND 12 AND A PORTION OF LOTS 4 AND 11 OF PALMER'S SUBDIVISION."

(SAID PROPERTY BEING THE SAME AS DESCRIBED IN QUIT CLAIM DEED RECORDED IN OFFICIAL RECORD BOOK 547, PAGE 598 AS RECORDED IN THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA),

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 20 SOUTH, RANGE 31 EAST, AS SHOWN ON THE FLORIDA DEPARTMENT OF NATURAL RESOURCES CERTIFIED CORNER RECORDS DOCUMENT NO. 0055988, THENCE RUN N89°42'17"E ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 A DISTANCE OF 10.00 FEET TO THE NORTHWEST CORNER OF LOT 1 OF PALMER'S SUBDIVISION ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 41 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE DEPARTING SAID NORTH LINE, RUN S00°19'09"E A DISTANCE OF 25.00 FEET TO A POINT OF INTERSECTION OF THE WEST LINE OF LOT 1 AND THE SOUTH RIGHT-OF-WAY LINE OF KENTUCKY STREET ACCORDING TO THE WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 1416, PAGE 364 OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE CONTINUE S00°19'09"E ALONG THE WEST LINE OF LOTS 1 AND 2 OF SAID PALMER'S SUBDIVISION A DISTANCE OF 720.80 FEET TO THE SOUTHWEST CORNER OF LOT 2; THENCE RUN N89°43'10"E ALONG THE SOUTH LINES OF LOTS 2 AND 13 OF SAID PALMER'S SUBDIVISION A DISTANCE OF 791.07 FEET FOR A POINT OF BEGINNING; THENCE DEPARTING THE SOUTH LINE OF SAID LOT 13, RUN N00°16'57"W A DISTANCE OF 305.00 FEET; THENCE RUN N89°43'10"E A DISTANCE OF 409.23 FEET TO A POINT ON THE EAST LINE OF SAID LOT 13; THENCE RUN S00°16'57"E ALONG SAID EAST LINE A DISTANCE OF 305.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 13; THENCE RUN S89°43'10"W ALONG THE SOUTH LINE OF SAID LOT 13 A DISTANCE OF 409.23 FEET TO THE POINT OF BEGINNING.

CONTAINING THEREIN 2.865 ACRES, MORE OR LESS.

CONTAINING AN AGGREGATE TOTAL OF 6.225 ACRES, MORE OR LESS.

THE SKETCH FOR THIS DESCRIPTION IS SHOWN ON SHEETS 2, 6, 7, AND 24 OF THE RIGHT OF WAY MAPS FOR EAST LAKE MARY BOULEVARD EXTENSION, SEMINOLE COUNTY PROJECT NO. PS-0137.

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 SET FORTH IN CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES.

 11/17/03

Michael J. Cavaliere DATE  
Florida Registered Land Surveyor #3701  
**NOT VALID WITHOUT SURVEYOR'S EMBOSSED SEAL**

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