



54

**COUNTY ATTORNEY'S OFFICE
MEMORANDUM**

To: Board of County Commissioners

Through: Matthew G. Minter, Deputy County Attorney *MGM*

From: Al Schwarz, Assistant County Attorney *AHS*
Ext. 5736

Concur: Pam Hastings, Administrative Manager/Public Works Department
David V. Nichols, Principal Engineer/Engineering Division *DVN 11-21-06*

Date: November 21, 2006

Subject: First Supplemental and First Amended Resolution of Necessity
County Road 15

Due to the revision of the legal description for Parcel Nos. 117/717 and the addition of the legal description for Parcel Nos. 118/718 needed for the above-referenced road project, this First Supplemental and First Amended Resolution of Necessity is submitted for approval by the Board of County Commissioners.

AHS/lpk

Attachment

First Supplemental and First Amended Resolution of Necessity

RESOLUTION NO. ____R-__

SEMINOLE COUNTY, FLORIDA

**FIRST SUPPLEMENTAL AND FIRST AMENDED RESOLUTION
(COUNTY ROAD 15 ROAD IMPROVEMENT PROJECT)**

**THE FOLLOWING RESOLUTION WAS ADOPTED BY THE
BOARD OF COUNTY COMMISSIONERS OF SEMINOLE
COUNTY, FLORIDA, AT ITS REGULARLY SCHEDULED
MEETING OF _____, 2006.**

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 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 as listed 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 elimination of safety hazards in existing and future transportation facilities within Seminole County is of utmost concern and permits the full utilization of such facilities by the traveling public; and

WHEREAS, it is necessary, beneficial and desirable that 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, County Road 15 from S.R. 46 to Orange Boulevard (1.15 miles), hereinafter "C-15 project," is an existing roadway in the County road system that traverses a developing area with a high volume of traffic; and

WHEREAS, this First Supplemental And First Amended Resolution of Necessity is necessary to supplement and amend Resolution of Necessity Number 2006-R-114, that was approved and adopted by the Board of County Commissioners of Seminole County on May 9, 2006, and pertains to certain parcels to be acquired for C-15 road improvements; and

WHEREAS, the existing right-of-way along the proposed roadway is inadequate for proper utilization by current and projected vehicular traffic volumes. Additional traffic lanes and improved drainage facilities are necessary to reduce safety hazards and improve traffic flow. The property hereinafter described is being acquired for use as right-of-way for new sections of roadway, additional traffic lanes and improved drainage facilities on C-15 to be used by the public in general. Said property hereinafter described is necessary for roadways, rights-of-way, drainage facilities, construction

easements and related facilities for the use of the general public including, but not limited to, rights-of-way, drainage facilities and other roadway improvements; 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 of the C-15 project hereinabove described to be prepared, based upon and incorporating the survey and location data; and

WHEREAS, additional legal descriptions of parcels needed for the said C-15 project 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 C-15 project 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 First Supplemental And First Amended Resolution for the C-15 project and to add, modify or revise the parcels needed for the C-15 project; 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. The above recitals are adopted as findings and incorporated into the text of this Resolution.

Section 2. 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 widen the road and improve the appurtenant drainage facilities on or relating to the C-15 project in order to enhance public transportation within Seminole County, to alleviate traffic congestion and to increase the safety of travel along said road.

Section 3. That the acquisition of the property described in Exhibit "A" attached hereto consisting of 6 pages and identified as Exhibit "A", 000001-000006, is hereby ratified and confirmed and found to be necessary for said improvements to the extent of the estate or interest set forth as a part of each parcel's description. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of these parcels serves a County and public purpose.

Section 4. The estates or interests sought to be condemned by these proceedings designated as Parcel Nos. 117 and 118 are to be acquired in fee simple for road construction and related purposes all being associated with roadway improvements for the C-15 project.

Section 5. The interests sought to be condemned designated as Parcel Nos. 717 and 718 are temporary construction easements. The County's use of these parcels is for the purposes of (1) constructing roadway and drainage improvements within public rights-of-way; (2) constructing or modifying driveways, walls, and other structures affected by the roadway construction but which are not within the public rights-of-way;

(3) storage and marshalling of equipment and materials during the roadway construction project, and (4) demolishing or clearing any structures, improvements or other features required to be removed in order to construct the roadway and drainage improvements, with full authority to enter upon, grade, regrade, excavate or otherwise construct such improvements as may agreed upon by County and the property owner, provided however, that County shall, at the end of the term of this easement, return the premises to the condition existing immediately before County began use of the premises, any improvements or alterations agreed to by the property owner and ordinary wear and tear excepted. County's rights under this easement shall commence on the day the easement rights are vested in the County through agreement or court order, and end five (5) years after that date.

Section 6. The County Engineer or his designee is hereby delegated the authority to amend the construction plans for the C-15 project and is authorized to bind the County to construct the C-15 project in accordance with the construction plans as amended from time to time. This authority shall encompass any change considered necessary in the discretion of the County Engineer or his designee, with the exception of changes in the typical section or alignment approved by the Board of County Commissioners of Seminole County.

Section 7. 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 description and is further 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 as 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, and 332, Florida Statutes, as well as the provisions of the Florida Transportation Code referred to in the recitals to this First Supplemental And First Amended Resolution.

Section 8. 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.

Section 9. This Resolution supplements and amends Resolution of Necessity Numbers 2006-R-114 by amending the legal descriptions for Parcel Nos. 117 and 717 (Part A and Part B), and by adding new Parcel Nos. 118 and 718. All legal descriptions

being attached hereto as Exhibit "A". The remaining provisions of Resolution of Necessity Numbers 2006-R-114 are hereby ratified and affirmed.

ADOPTED this _____ day of _____, 200__.

ATTEST:

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

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

By: _____, Chairman

Date: _____

AHS/lpk
11/14/06
Attachment
Exhibit A – legal descriptions 000001-000006
P:\Users\lkennedy\RON\Amended and C-15 1st Supplemental.doc

R/W Project: County Road 15
R/W Parcel: 117
Title Search #: 128
Fee Simple

EXHIBIT A

That portion of Lot 82, W. Beardall's Map of St. Joseph's, according to the Plat Book 1, Page 114, Public Records of Seminole County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 82, W. Beardall's Map of St. Joseph's, said point being on the Northerly right-of-way line of Narcissus Avenue; thence South $89^{\circ}58'24''$ West, along said Northerly right-of-way line and the South line of said Lot 82, a distance of 569.70 feet for a **POINT OF BEGINNING**; thence continue South $89^{\circ}58'24''$ West, along said Northerly right-of-way line and said South lot line, a distance of 75.81 feet to the Easterly existing right of way line of County Road 15 and the Southwest corner of said Lot 82; thence departing said Northerly right-of-way line and said South lot line, North $00^{\circ}09'48''$ West, along said Easterly existing right-of-way line and the West line of Lot 82, of said W. Beardall's Map of St. Joseph's, a distance of 644.64 feet to the Northwest corner of said Lot 82; thence departing said Easterly existing right-of-way line and said West lot line, North $89^{\circ}58'09''$ East, along the North line of said Lot 82, a distance of 48.42 feet; thence departing said North lot line, South $00^{\circ}10'14''$ East, a distance of 401.84 feet to the point of curvature of a curve, concave Westerly, having a radius of 2135.48 feet and a central angle of $03^{\circ}33'03''$; thence Southwesterly along the arc of said curve, a distance of 132.35 feet, through a chord bearing of South $01^{\circ}36'17''$ West to the point of reverse curvature of a curve, concave Easterly, having a radius of 2031.48 feet and a central angle of $02^{\circ}24'51''$; thence Southwesterly along the arc of said curve, a distance of 85.60 feet, through a chord bearing of South $02^{\circ}10'23''$ West; thence departing said curve, South $44^{\circ}01'58''$ East, a distance of 26.99 feet; thence North $89^{\circ}58'24''$ East, a distance of 16.26 feet; thence South $00^{\circ}20'46''$ West, a distance of 5.59 feet to the **POINT OF BEGINNING**.

Containing 0.705 acres, more or less.

Subject to N/A

For Sketch of Description see Sheet 5 of 13 of Right-of-Way map.

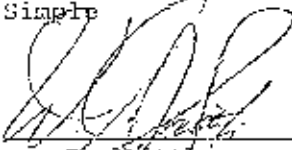
I hereby certify that, to the best of my knowledge and belief, the attached legal description of Parcel 117 as shown on the Right of Way Maps for County Road 15 are true, accurate, and were prepared under my direction.

I further certify that this legal description is in accordance with the Technical Standards adopted by the Florida Board of Surveyors and Mappers under Chapter 61g17-6, F.A.C.

000001

Sheet 2 of 2

R/W Project: County Road 15
R/W Parcel: 117
Title Search #: 128
Fee Simple



Walter J. Smith
Florida Professional Land Surveyor No. 4807
520 S. Magnolia Avenue, Orlando, Florida 32801

Date: 8/22/06

Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

LEGAL DESCRIPTION IS NOT A SURVEY

000002

Sheet 1 of 1

R/W Project: County Road 15
R/W Parcel: 717
Title Search #: 128
Temporary Construction Easement

That portion of Lot 82, W. Beardall's Map of St. Joseph's, according to the Plat Book 1, Page 114, Public Records of Seminole County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 82, W. Beardall's Map of St. Joseph's, said point being on the Northerly right-of-way line of Narcissus Avenue; thence South $89^{\circ}58'24''$ West, along said Northerly right-of-way line, a distance of 569.70 feet; thence departing said Northerly right-of-way line, run North $00^{\circ}20'46''$ East, a distance of 5.59 feet; thence run South $89^{\circ}58'24''$ West, a distance of 16.26 feet; thence run North $44^{\circ}01'58''$ West, a distance of 26.99 feet to a point on a curve, concave Easterly, having a radius of 2031.48 feet and a central angle of $01^{\circ}18'10''$; thence run Northeasterly along the arc of said curve, through a chord bearing of North $01^{\circ}37'03''$ East, a distance of 46.20 feet for a **POINT OF BEGINNING**; thence continue Northeasterly along said curve, through a central angle of $00^{\circ}23'41''$, a distance of 14.00 feet; thence departing said curve, run South $87^{\circ}31'07''$ East, a distance of 7.60 feet; thence run South $02^{\circ}27'59''$ West, a distance of 14.00 feet; thence run North $87^{\circ}31'07''$ West, a distance of 7.60 feet to the **POINT OF BEGINNING**.

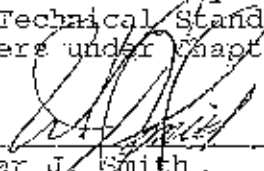
Containing 107 square feet, more or less.

Subject to N/A

For Sketch of Description see Sheet 5 of 13 of Right-of-Way map.

I hereby certify that, to the best of my knowledge and belief, the attached legal description of Parcel 717 as shown on the Right of Way Maps for County Road 15 are true, accurate, and were prepared under my direction.

I further certify that this legal description is in accordance with the Technical Standards adopted by the Florida Board of Surveyors and Mappers under Chapter 61g17-6, F.A.C.



Walter J. Smith,
Florida Professional Land Surveyor No. 4807
520 S. Magnolia Avenue, Orlando, Florida 32801

Date: 8/22/06

Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

LEGAL DESCRIPTION IS NOT A SURVEY

000003

Sheet 1 of 2

R/W Project: County Road 15
R/W Parcel: 118
Title Search #: 128 & 129
Fee Simple

That portion of Lot 72, W. Beardall's Map of St. Joseph's, according to the Plat Book 1, Page 114, Public Records of Seminole County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 82, W. Beardall's Map of St. Joseph's, said point being on the Northerly right-of-way line of Narcissus Avenue; thence South $89^{\circ}58'24''$ West, along said Northerly right-of-way line and the South line of said Lot 82, a distance of 645.51 feet to the Easterly existing right of way line of County Road 15 and the Southwest corner of said Lot 82; thence departing said Northerly right-of-way line and said South lot line, North $00^{\circ}09'48''$ West, along said Easterly existing right-of-way line and the West line of Lot 82, said W. Beardall's Map of St. Joseph's, a distance of 644.64 feet to the Southwest corner of Lot 72, said W. Beardall's Map of St. Joseph's, and the **POINT OF BEGINNING**; thence continue North $00^{\circ}09'48''$ West along said Easterly existing right-of-way line and the West line of said Lot 72, a distance of 644.64 feet to the Southerly right-of-way line of Iowa Street and the Northwest corner of said Lot 72; thence departing said Easterly existing right-of-way line and said West lot lines, North $89^{\circ}57'55''$ East, along said Southerly right-of-way line and the North line of said Lot 72, a distance of 88.94 feet; thence departing said Southerly right-of-way line and said North lot line, South $00^{\circ}10'14''$ East, a distance of 5.35 feet; thence South $89^{\circ}51'51''$ West, a distance of 21.03 feet; thence South $44^{\circ}49'49''$ West, a distance of 27.67 feet; thence South $00^{\circ}10'14''$ East, a distance of 619.65 feet to a point of the South line of said Lot 72; thence South $89^{\circ}58'09''$ West along said South line, a distance of 48.42 feet to the **POINT OF BEGINNING**.

Containing 0.725 acres, more or less.

Subject to N/A

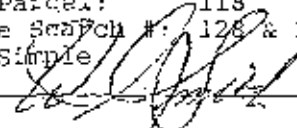
For Sketch of Description see Sheets 5 & 6 of 13 of Right-of-Way map.

I hereby certify that, to the best of my knowledge and belief, the attached legal description of Parcel 118 as shown on the Right of Way Maps for County Road 15 are true, accurate, and were prepared under my direction.

I further certify that this legal description is in accordance with the Technical Standards adopted by the Florida Board of Surveyors and Mappers under Chapter 61g17-6, F.A.C.

000004

R/W Project: County Road 15
R/W Parcel: 118
Title Search #: 128 & 129
Fee Simple



Walter J. Smith
Florida Professional Land Surveyor No. 4807
520 S. Magnolia Avenue, Orlando, Florida 32801

Date: 8/22/06

Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

LEGAL DESCRIPTION IS NOT A SURVEY

R/W Project: County Road 15
R/W Parcel: 718
Title Search #: 128 & 129
Temporary Construction Easement

That portion of Lot 72, W. Beardall's Map of St. Joseph's, according to the Plat Book 1, Page 114, Public Records of Seminole County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Lot 82, W. Beardall's Map of St. Joseph's, said point being on the Northerly right-of-way line of Narcissus Avenue; thence South $89^{\circ}58'24''$ West, along said Northerly right-of-way line, a distance of 569.70 feet; thence departing said Northerly right-of-way line, run North $00^{\circ}20'46''$ East, a distance of 5.59 feet; thence run South $89^{\circ}58'24''$ West, a distance of 16.26 feet; thence run North $44^{\circ}01'58''$ West, a distance of 26.99 feet to a point on a curve, concave Easterly, having a radius of 2031.48 feet and a central angle of $02^{\circ}24'51''$; thence run Northeasterly along the arc of said curve, through a chord bearing of North $02^{\circ}10'23''$ East, a distance of 85.60 feet to the point of reverse curvature of a curve, concave Westerly, having a radius of 2135.48 feet and a central angle of $03^{\circ}33'03''$; thence run Northeasterly along the arc of said curve, a distance of 132.35 feet to the point of tangency; thence run North $00^{\circ}10'14''$ West, a distance of 404.14 feet for a **POINT OF BEGINNING**; thence continue North $00^{\circ}10'14''$ West, a distance of 28.00 feet; thence run North $89^{\circ}49'46''$ East, a distance of 8.90 feet; thence run South $00^{\circ}10'14''$ East, a distance of 28.00 feet; thence run South $89^{\circ}49'46''$ West, a distance of 8.90 feet to the **POINT OF BEGINNING**.

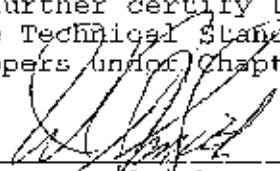
Containing 249 square feet, more or less.

Subject to N/A

For Sketch of Description see Sheet 5 of 13 of Right-of-Way map.

I hereby certify that, to the best of my knowledge and belief, the attached legal description of Parcel 718 as shown on the Right of Way Maps for County Road 15 are true, accurate, and were prepared under my direction.

I further certify that this legal description is in accordance with the Technical Standards adopted by the Florida Board of Surveyors and Mappers under Chapter 61G17-6, F.A.C.



Walter J. Smith
Florida Professional Land Surveyor No. 4807
520 S. Magnolia Avenue, Orlando, Florida 32801

Date: 8/22/06

Not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper.

LEGAL DESCRIPTION IS NOT A SURVEY