

**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>12/12/06</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 Sabal Palm Drive.

District 4 – Commissioner Henley (Jerry McCollum, P.E.)

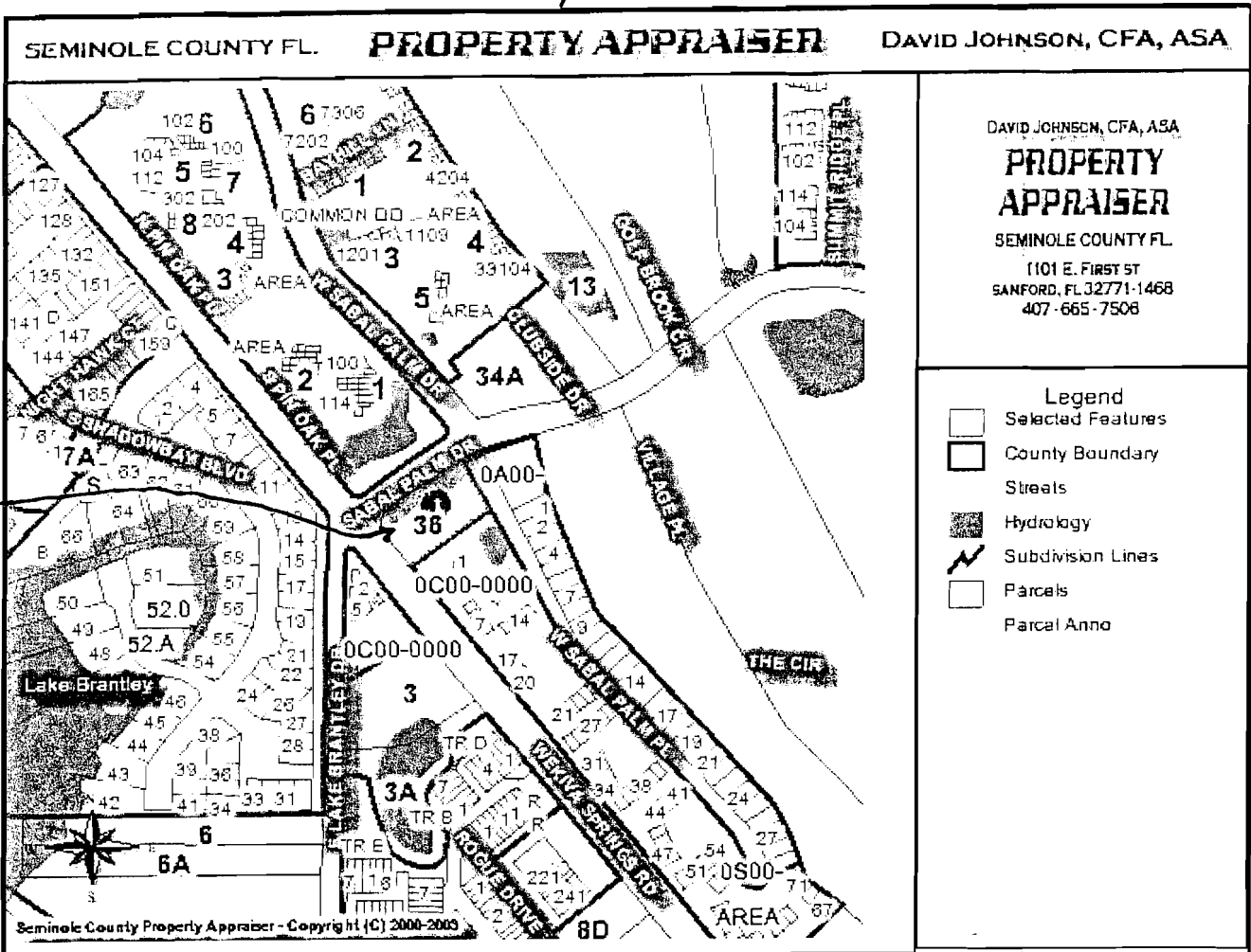
**BACKGROUND:**

The construction of a sidewalk adjacent to Sabal Palm Drive (see attached location map) will require property not currently owned by Seminole County. Sabal Palm Properties, Inc., a Florida 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>11/9/06</i></u> |
| Co Atty: <u><i>A. Dietrich</i></u> |
| DFS: _____                         |
| Other: <u><i>[Signature]</i></u>   |
| DCM: <u><i>[Signature]</i></u>     |
| CM: <u><i>[Signature]</i></u>      |
| File No. <u>CPWE03</u>             |

# Location Map



| Rec | Parcel            | Owner                     | Owner Addr                  | City     | State | Zip   |
|-----|-------------------|---------------------------|-----------------------------|----------|-------|-------|
| 1   | 04212930003600000 | SABAL PALM PROPERTIES INC | 320 W SABAL PALM PL STE 300 | LONGWOOD | FL    | 32779 |

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 Sabal Palm Drive located in Section 04, 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**, Sabal Palm Properties, Inc., a Florida Corporation, has indicated its willingness to donate to Seminole County the required Sidewalk Easement 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  
11-03-2006

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

## SIDEWALK EASEMENT

**THIS SIDEWALK EASEMENT** is made and entered into this 13<sup>th</sup> day of October, 2006, by and between SABAL PALM PROPERTIES, INC., a Florida Corporation, whose address is 320 W. Sabal Palm Place, Ste 300, Longwood, Florida 32779, 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,

### W I T N E S S E T H:

**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 do hereby grant and convey to the GRANTEE and its assigns, an exclusive, perpetual, permanent easement and right-of-way for the construction and maintenance of a sidewalk, with full authority to enter upon (by means of abutting property reasonably required to attain such access), construct, reconstruct and maintain, as the GRANTEE and its assigns may deem necessary, a 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:

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

Property Appraiser's Parent Parcel Identification No.:  
04-21-29-300-0360-0000

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

**THE GRANTEE** herein and its assigns shall have the right to clear, keep clear, remove from said easement all trees, undergrowth and other obstructions that may interfere with location, excavation, operation or maintenance of the sidewalk, and the GRANTOR, their successors and assigns agree not to 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.

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 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 this easement is being conveyed to GRANTEE in an AS IS, WHERE IS condition without any representations or warranties other than those specifically set forth in this sidewalk easement.

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

WITNESSES:

(Sign) [Signature]  
Print Name: Tamarah R. Chiriani

(Sign) [Signature]  
Print Name: KATHLEEN V. BERRY

SABAL PALM PROPERTIES, INC., A  
FLORIDA CORPORATION

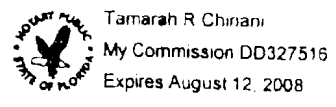
By [Signature]  
Suryakant Vyas, President

STATE OF FLORIDA            )  
  ) SS  
COUNTY OF Seminole        )

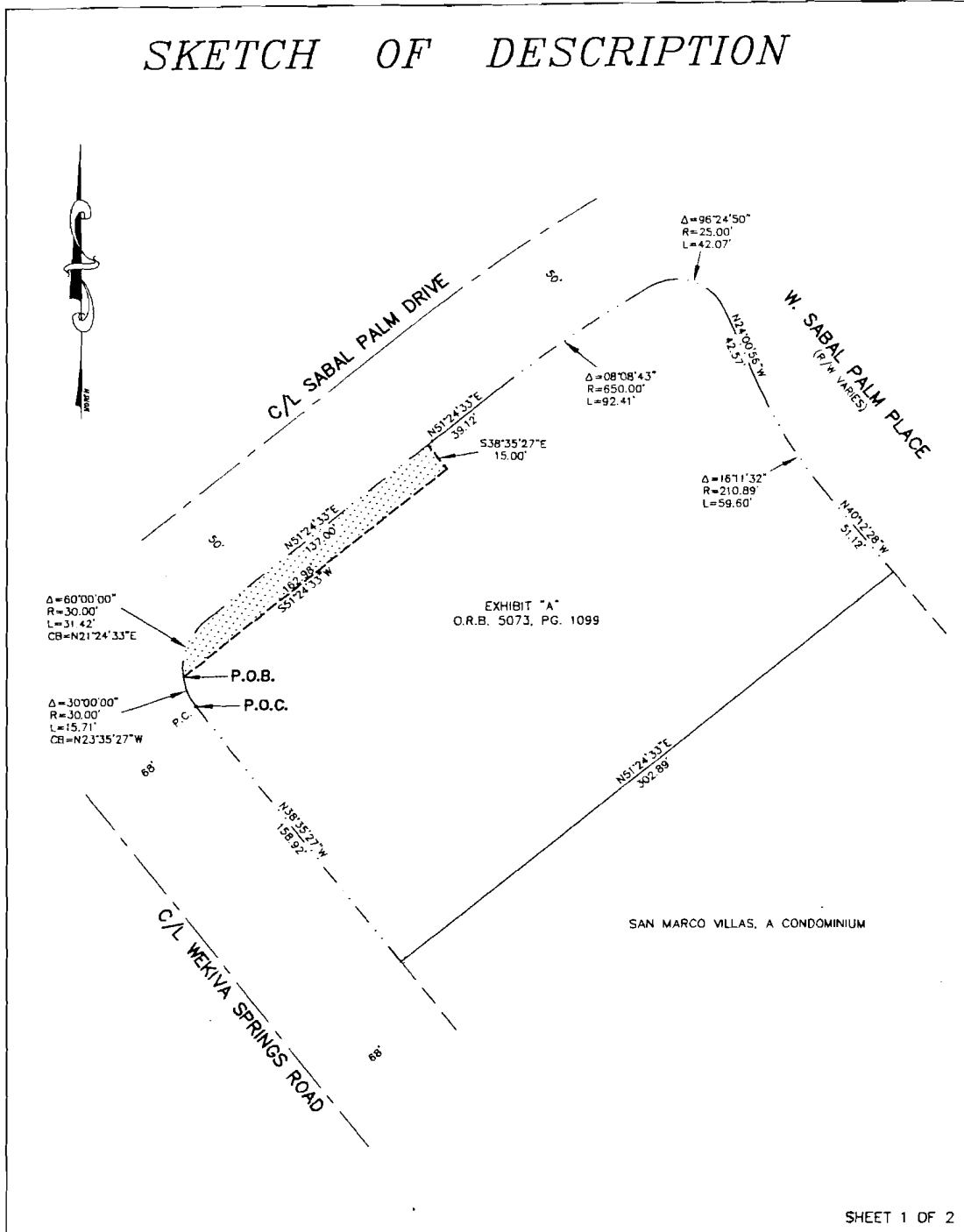
CORPORATE SEAL

The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of October, 2006, by Suryakant Vyas, President of SABAL PALM PROPERTIES, INC., a Florida Corporation, who is personally known to me or has produced \_\_\_\_\_ as identification and who did/did not take an oath.

[Signature]  
Print Name: Tamarah R. Chiriani  
Notary Public in and for the County and State Aforementioned



# SKETCH OF DESCRIPTION



SHEET 1 OF 2

**SEMINOLE COUNTY**  
 ENGINEERING DEPARTMENT  
 SURVEY SECTION  
 520 W. LAKE MARY BLVD.  
 SANFORD, FLORIDA 32773  
 (407)665-5647

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

BY: *[Signature]*  
 GARY A. LEISE, P.L.S., FLA. CERT. # 4723

## LEGEND

- |                                  |                                  |
|----------------------------------|----------------------------------|
| $\Delta$ - 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                     |
| O - SET IRON PIN OR PIPE         | PC - POINT OF CURVATURE          |
| o - 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                 | P/L - PROPERTY LINE              |
| UTIL - UTILITY                   | ESMT - EASEMENT                  |

FIELD DATE: N/A  
 DATE: 09/22/06  
 JOB NAME: 06-071

SCALE: 1" = 60'  
 DRAWN BY: L.W.  
 CHECKED BY:

EXHIBIT "A-1"

# LEGAL DESCRIPTION

THAT PORTION OF EXHIBIT "A" AS RECORDED IN OFFICIAL RECORDS BOOK 5073, PAGE 1099, OF THE PUBLIC RECORDS, SEMINOLE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A PERMANENT REFERENCE MONUMENT ON THE SOUTHERLY RIGHT OF WAY LINE OF SABAL PALM DRIVE AT SABAL POINT, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 27, PAGES 12 AND 13, OF THE PUBLIC RECORDS, SEMINOLE COUNTY, FLORIDA, AT THE NORTHEASTERLY RIGHT OF WAY LINE WEKIVA SPRINGS ROAD, BEING 68.00 FEET NORTHEASTERLY OF THE CENTERLINE THEREOF, SAID MONUMENT BEING THE P.C. OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 30.00 FEET; THENCE FROM A CHORD BEARING OF N23°35'27"W RUN ALONG THE ARC OF SAID CURVE AND SOUTHERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 30°00'00" A DISTANCE OF 15.71 FEET TO THE POINT OF BEGINNING; THENCE FROM A CHORD BEARING OF N21°24'33"E, CONTINUE ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT OF WAY LINE THROUGH A CENTRAL ANGLE OF 60°00'00" A DISTANCE OF 31.42 FEET; THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT OF WAY LINE N51°24'33"E A DISTANCE OF 137.00 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE RUN S38°35'27"E A DISTANCE OF 15.00 FEET; THENCE RUN S51°24'33"W A DISTANCE OF 162.98 FEET TO THE POINT OF BEGINNING.

CONTAINING 2331 SQUARE FEET MORE OR LESS.

SHEET 2 OF 2

## SURVEYOR'S NOTES

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.

## LEGEND

BEARINGS BASED ON :

EASTERLY RIGHT OF WAY LINE OF WEKIVA SPRINGS ROAD

AS BEING N38°35'27"W

### REVISIONS

| DATE | BY | REVISIONS | REQUESTED BY: |
|------|----|-----------|---------------|
| 1    |    |           |               |
| 2    |    |           |               |
| 3    |    |           |               |
| 4    |    |           |               |

|                  |                 |                |               |                |             |
|------------------|-----------------|----------------|---------------|----------------|-------------|
| JOB NAME: 06-071 | FIELD DATE: N/A | DATE: 09/22/06 | SCALE: 1"=60' | DRAWN BY: L.W. | CHECKED BY: |
|------------------|-----------------|----------------|---------------|----------------|-------------|

**EXHIBIT "A-2"**