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## MEMORANDUM

TO: Central Florida Expressway Authority Board Members  
FROM: David A. Shontz  
DATE: June 23, 2015  
RE: State Road 453 Wekiva Parkway, Project 429-206, Parcel Resolutions

CLIENT-MATTER NO.: 19125.0082



Shutts & Bowen LLP, as Right-of-Way counsel, submits the attached Resolution and requests the Board approve the adoption of this Resolution for the acquisition of Parcel 314 for the construction of State Road 453 Wekiva Parkway Project 429-206.

### DESCRIPTION AND BACKGROUND:

This Resolution is being sought in accordance with applicable Florida law governing eminent domain and property acquisition procedures. Additionally, the Resolution is being sought as a step in the process of property acquisition consistent with the requirements of the CFX Property Acquisition and Disposition Procedures Manual.

Acquisition of the following parcel is necessary for the construction of the State Road 453 Wekiva Parkway Project 429-206:

1. Parcel 314 Part A containing 5.141 acres, more or less, is a fee simple acquisition for use as limited access right-of-way, and Part B containing 0.963 acres, more or less, is a fee simple acquisition for use as right-of-way. The property is located north of the Lake/Orange County line, west of Plymouth Sorrento Road and south of Coronado Somerset Road in Lake County, Florida.

### REQUESTED ACTION:

Right-of-Way counsel respectfully requests the Board adopt the attached Resolution to allow acquisition of Parcel 314 for the construction of State Road 453 Wekiva Parkway Project 429-206.

**ATTACHMENT:**

Resolution for Parcel 314

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## **RESOLUTION**

**WHEREAS**, the CENTRAL FLORIDA EXPRESSWAY AUTHORITY (the "AUTHORITY") pursuant to Chapter 348, Part III, Florida Statutes, Chapter 369, Part III, Florida Statutes, and Florida Statutes Chapters 73 and 74, is authorized and empowered to acquire, hold, construct, improve, maintain, operate, and own the CENTRAL FLORIDA EXPRESSWAY SYSTEM (the "SYSTEM"), and is further authorized to construct any extensions, additions or improvements to the SYSTEM or appurtenant facilities, including all necessary approaches, roads, bridges and avenues of access, with such changes, modifications or revisions of the project as shall be deemed desirable and proper; and

**WHEREAS**, the SYSTEM is defined under Section 348.752(5), Florida Statutes, as any and all expressways and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges, and avenues of access for the expressway or expressways. Furthermore, Section 348.759(1), Florida Statutes, empowers the AUTHORITY to acquire private or public property and property rights as the AUTHORITY may deem necessary for any purpose, including, but not limited to, areas necessary for management of access and water retention areas. Section 348.754(1)(b), Florida Statutes, also empowers the AUTHORITY to construct any extensions, additions or improvements to the SYSTEM or appurtenant facilities, including all necessary approaches, roads, bridges and avenues of access, with such changes, modifications or revisions of the project as shall be deemed desirable and proper; and

**WHEREAS**, in furtherance of such authorization, the AUTHORITY has been granted the right to acquire private or public property and property rights, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation by eminent domain proceedings; and

**WHEREAS**, the AUTHORITY has determined that it is necessary and in the public interest to make certain additions, extensions and improvements to the SYSTEM, including the State Road 453 Wekiva Parkway Project Number 429-206, and the AUTHORITY has determined that to do so it is necessary and in the public interest that the AUTHORITY obtain certain parcels of land in Orange County, Florida, in fee simple, easement, temporary construction easement, and water retention areas, the legal descriptions with the property interest sought being attached hereto as Schedule "A," and, therefore, be it

**RESOLVED** that for the above reasons it is reasonably necessary, practical and in the best interest of the public and the AUTHORITY that the fee simple interest, easement, temporary construction easement, water retention areas and such other property interests as may be within the scope of the descriptions in Schedule "A" be acquired in the name of the AUTHORITY by gift, purchase, eminent domain proceedings, or otherwise over and upon those certain parcels or tracts of land, situated, lying and being in Orange County, Florida, heretofore as described in the attached Schedule "A;" and, be it further

**RESOLVED** that the AUTHORITY, its officers, employees, agents, and attorneys are hereby authorized and directed to proceed to take the necessary steps to institute and prosecute such necessary actions and proceedings as may be proper for the acquisition of the fee simple interest, easement, temporary construction easement, water retention areas, and such other

property interests as described in the attached Schedule "A" by gift, purchase, eminent domain proceedings or otherwise, and to prepare, sign, execute, serve, publish, and file in the name of the AUTHORITY all eminent domain papers, affidavits and pleadings, and its attorneys are authorized to have prepared such other instruments and documents as may be necessary in connection herewith; and, be it further

**RESOLVED** that this Resolution shall take effect immediately upon adoption.

**ADOPTED** this \_\_\_\_\_ day of June, 2015.

CENTRAL FLORIDA  
EXPRESSWAY AUTHORITY

By: \_\_\_\_\_  
Welton Cadwell  
Chairman

(SEAL)

ATTEST:

By: \_\_\_\_\_  
Darleen Mazzillo  
Executive Assistant

Approved as to form and legality:

\_\_\_\_\_  
Joseph L. Passiatore  
General Counsel

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**CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
STATE ROAD 453  
PROJECT No. 429-206**

**PARCEL 314  
PART A**

**PURPOSE: LIMITED ACCESS RIGHT OF WAY  
(ESTATE: FEE SIMPLE)**

A parcel of land lying in the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4, subject to the north 30 feet thereof for nonexclusive right of way easement for Coronado Somerset Drive as described in Official Records Book 431, Page 150 of the Public Records of Lake County, Florida; and also lying in the Southwest 1/4 of the Northeast 1/4 all being within Section 35, Township 19 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Northeast 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida, said point being a 4"x4" concrete monument with no identification; thence run South 89°47'59" West along the South line of said Northeast 1/4, a distance of 1330.03 feet to the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of said Section 35, said point being a 4"x4" concrete monument with disk stamped "PRM 3715 PCP"; thence run North 00°53'15" East along the East line of the said Southwest 1/4 of the Northeast 1/4, a distance of 1341.56 feet to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 35; thence run South 89°41'48" West along the South line of said Northwest 1/4 of the Northeast 1/4, a distance of 958.67 feet to the POINT OF BEGINNING, said point being the northeast corner of lands described in Official Records Book 4109, Page 1849, Public Records of Lake County, Florida; thence departing said South line, run the following 4 courses around said Official Records book 4109, Page 1849: South 00°18'12" East, a distance of 137.54 feet; thence run South 87°54'58" West, a distance of 302.52 feet to a point on a non-tangent curve, concave to the East, having a Radius of 140.00 feet and a Central Angle of 10°39'11"; thence run Northwesterly along the Arc of said curve, a distance of 26.03 feet (Chord Bearing = North 05°37'47" West, Chord Distance = 25.99 feet) to the end of said curve; thence run North 00°18'12" West, a distance of 121.06 feet to a point on the aforementioned South line of the Northwest 1/4 of the Northeast 1/4; thence run South 89°41'48" West along said South line, a distance of 16.01 feet to a point on the easterly line of a 50 foot Road and Utility Easement as described in Official Records Book 1046, Page 1890; thence departing said South line run North 00°54'46" East, along said easterly line, a distance of 639.63 feet to the South line of a 60-foot nonexclusive right of way easement for Coronado Somerset Drive; thence departing said easterly line, North 89°38'42" East, along said South line, a distance of 282.30 feet to the East line of West 1/2 of the Southwest 1/4 of said Northwest 1/4 of the Northeast 1/4; thence, departing said South line, run South 00°54'23" West along the East line of said West 1/2, a distance of 639.88 feet to the Southeast corner of said West 1/2; thence run North 89°41'48" East along the aforementioned South line of the Northwest 1/4 of the Northeast 1/4, a distance of 38.44 feet to the POINT OF BEGINNING.

Containing 5.141 acres, more or less.

**Together with all rights of ingress, egress, light, air, and view to, from or across any State Road 453 right of way property which may otherwise accrue to any property adjoining said right of way.**

**CENTRAL FLORIDA EXPRESSWAY AUTHORITY  
STATE ROAD 453  
PROJECT No. 429-206**

**PARCEL 314  
PART B**

**PURPOSE: RIGHT OF WAY  
(ESTATE: FEE SIMPLE)**

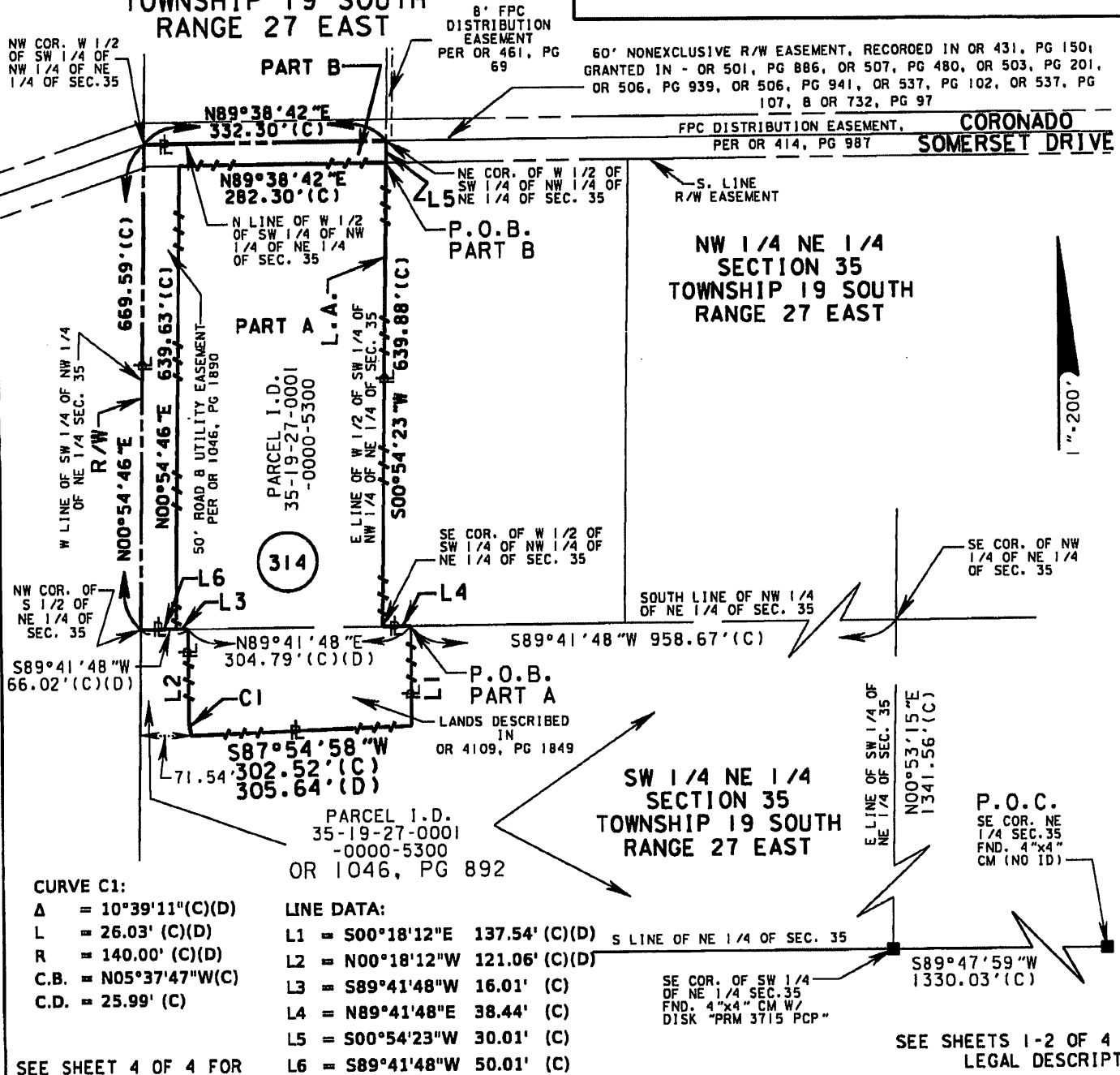
A parcel of land lying in the West 1/2 of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4, subject to the north 30 feet thereof for nonexclusive right of way easement for Coronado Somerset Drive as described in Official Records Book 431, Page 150 of the Public Records of Lake County, Florida; and also lying in the Southwest 1/4 of the Northeast 1/4 all being within Section 35, Township 19 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

Commence at the Southeast corner of the Northeast 1/4 of Section 35, Township 19 South, Range 27 East, Lake County, Florida, said point being a 4"x4" concrete monument with no identification; thence run South 89°47'59" West along the South line of said Northeast 1/4, a distance of 1330.03 feet to the Southeast corner of the Southwest 1/4 of the Northeast 1/4 of said Section 35, said point being a 4"x4" concrete monument with disk stamped "PRM 3715 PCP"; thence run North 00°53'15" East along the East line of the said Southwest 1/4 of the Northeast 1/4, a distance of 1341.56 feet to the Southeast corner of the Northwest 1/4 of the Northeast 1/4 of said Section 35; thence run South 89°41'48" West along the South line of said Northwest 1/4 of the Northeast 1/4, a distance of 997.11 feet to the East line of West 1/2 of the Southwest 1/4 of said Northwest 1/4 of the Northeast 1/4; thence run along said East line of West 1/2 North 00°54'23" East, a distance of 639.88 feet to a point on the South line of a 60-foot nonexclusive right of way easement for Coronado Somerset Drive and the POINT OF BEGINNING; thence run along said South line South 89°38'42" West, a distance of 282.30 feet to a point on the easterly line of a 50 foot Road and Utility Easement as described in Official Records Book 1046, Page 1890 of the Public Records of Lake County, Florida; thence South 00°54'46" East, along said easterly line, a distance of 639.63 feet to the aforementioned South line of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4; thence South 89°41'48" West, along said South line, a distance of 50.01 feet to the West line of the Southwest 1/4 of the Northwest 1/4 of the Northeast 1/4 of said Section 35; thence departing said South line, run North 00°54'46" East along said West line a distance of 669.59 feet to a point on the North line of the West 1/2 of the Southwest 1/4 of said Northwest 1/4 of the Northeast 1/4; thence run North 89°38'42" East along said North line, a distance of 332.30 feet to the Northeast corner of said West 1/2; thence departing said North line, run South 00°54'23" West along the East line of said West 1/2, a distance of 30.01 feet to the POINT OF BEGINNING.

Containing 0.963 acres, more or less.

PARCEL: 314

SECTION 35  
TOWNSHIP 19 SOUTH  
RANGE 27 EAST



SEE SHEET 4 OF 4 FOR  
LEGEND & NOTES

SEE SHEETS 1-2 OF 4 FOR  
LEGAL DESCRIPTION  
THIS SKETCH IS NOT A SURVEY

RIGHT OF WAY PARCEL SKETCH			STATE ROAD 453 (WEKIVA PARKWAY)			CENTRAL FLORIDA EXPRESSWAY AUTHORITY			SECTION 429-206 (2C)		
REVISE PARTS A & B			CWW	6/15	PARCEL NUMBERS	CWW	12/14	SCALE: 1" = 200'	SKETCH PREPARED BY <b>DRMP</b> ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS 941 LAKE BALDWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648		
REVISE DESCRIPTION HEADER			ALO	5/15	ADD REMAINDER	CWW	11/14	CHECKED: ALO			
TOTAL TAKE			ALO	4/15	PER COMMENTS	CWW	9/14				
REVISION			BY	DATE	REVISION	BY	DATE	DRAWN: BJP			



PARCEL: 314

LEGEND:

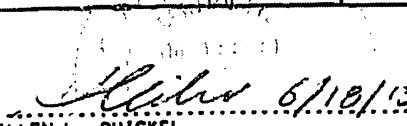

AC. = ACRES  
(C) = CALCULATED DATA  
C.B. = CHORD BEARING  
C.D. = CHORD LENGTH  
COR. = CORNER  
CM = CONCRETE MONUMENT  
(D) = DESCRIBED DATA  
EXIST. = EXISTING  
FND. = FOUND  
I.D. = IDENTIFICATION  
IP = IRON PIPE  
L = ARC LENGTH  
L.A. = LIMITED ACCESS RIGHT OF WAY  
L.B. = LICENSED BUSINESS  
OR = OFFICIAL RECORDS BOOK  
PAR. = PARCEL  
P.L. = PROPERTY LINE  
P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCEMENT  
No. = NUMBER  
PG = PAGE  
R = RADIUS  
REQ. = REQUIRED  
R/W = RIGHT-OF-WAY  
SEC. = SECTION  
T.B. = TANGENT BEARING  
Δ = CENTRAL ANGLE

NOTES:

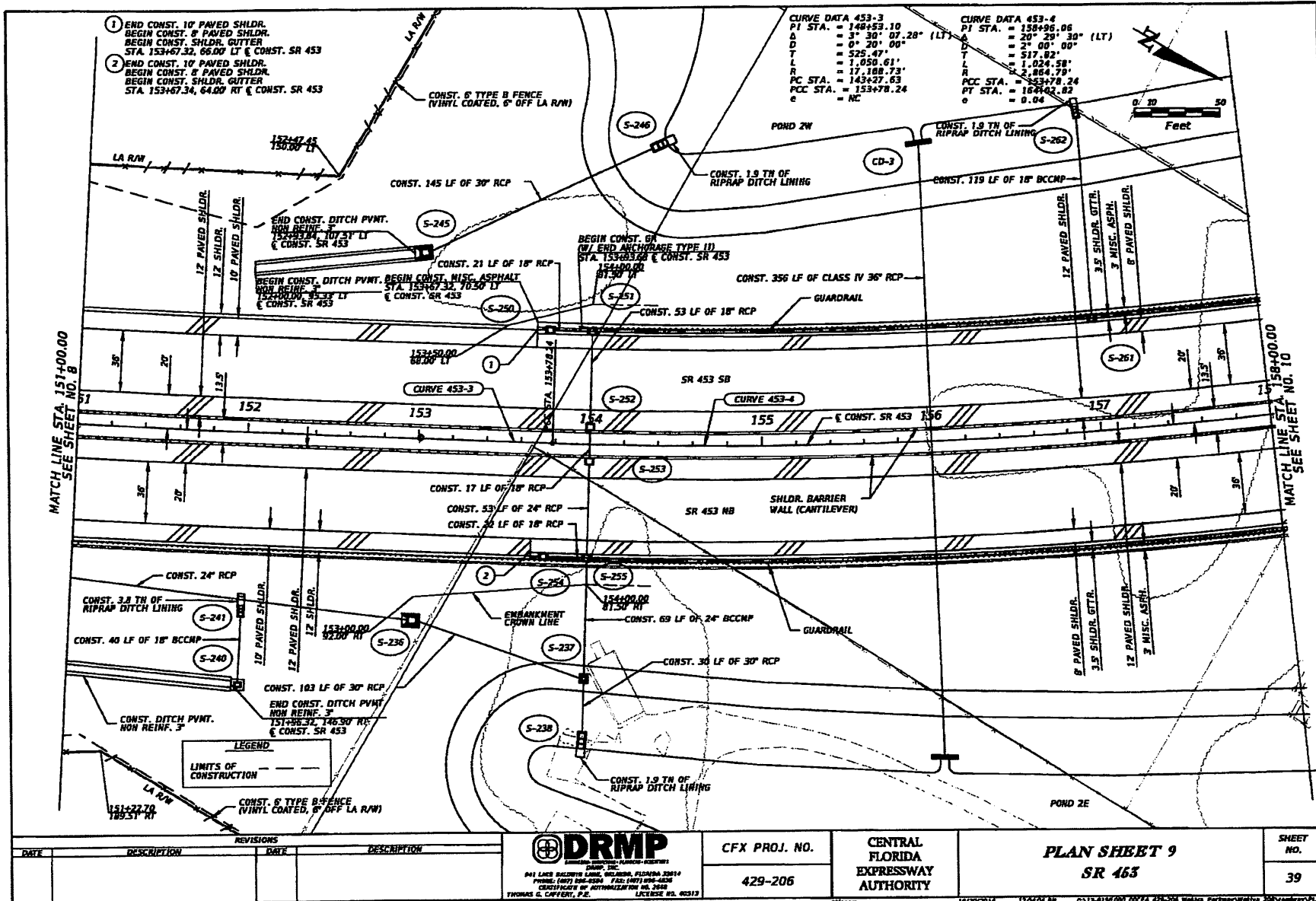
1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 19 SOUTH, RANGE 27 EAST AS BEING SOUTH 89°47'59" WEST, BASED ON NAD83, STATE PLANE COORDINATES, FLORIDA EAST ZONE.
2. THIS PARCEL SKETCH IS NOT A SURVEY. NO CORNERS WERE SET OR RECOVERED IN THE FIELD FOR THE PURPOSE OF PREPARING THIS SKETCH, EXCEPT AS SHOWN.
3. PARCEL INFORMATION SHOWN HEREON IS SUPPORTED BY COMMITMENT FOR TITLE INSURANCE, SHUTTS AND BOWEN LLP ORDER No. 4876513, DATED JULY 13, 2014.

SEE SHEET 3 OF 4 FOR  
SKETCH OF DESCRIPTION

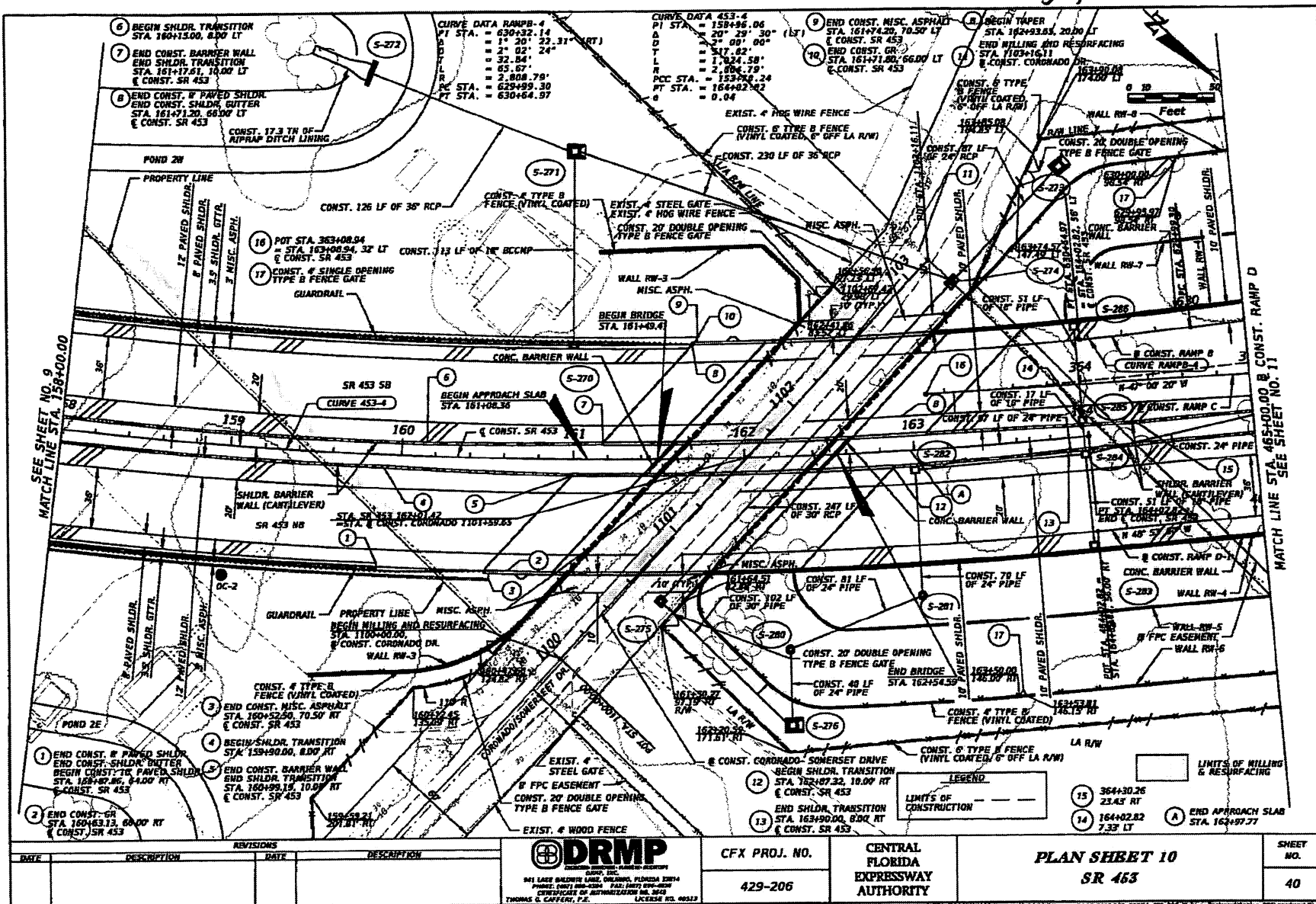
SEE SHEETS 1-2 OF 4 FOR  
LEGAL DESCRIPTION  
THIS SKETCH IS NOT A SURVEY

RIGHT OF WAY PARCEL SKETCH		STATE ROAD 453 (WEKIVA PARKWAY)		CENTRAL FLORIDA EXPRESSWAY AUTHORITY		SECTION 429-206 (2C)	
 ALLEN L. QUICKEL FLORIDA REGISTERED LAND SURVEYOR NO. 6481 (NOT VALID UNLESS SIGNED AND SEALED)		DRMP PROJECT NO. 12-0150.000		SHEET 5 OF 5		DATE: 08/07/14	
		TOTAL TAKE		ALO	4/15	SCALE: 1" = 200'	
		PARCEL NUMBERS		CWW	12/14	CHECKED: ALO	
		ADD REMAINDER		CWW	11/14	DRAWN: BJP	
		PER COMMENTS REVISION		CWW	9/14		
						SKETCH PREPARED BY  <b>DRMP</b> ENGINEERS • SURVEYORS • PLANNERS • SCIENTISTS 941 LAKE BALOWIN LANE ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648	

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CONTROL POINTS			CONTROL POINTS		
ID	STATION	OFFSET	ID	STATION	OFFSET
1	160+47.89	369.21 LT	14	152+85.42	265.73 LT
2	158+37.15	659.93 LT	15	152+91.92	214.03 LT
3	159+37.05	231.14 LT	16	157+64.80	182.52 RT
4	155+94.69	437.03 LT	17	158+39.37	242.40 RT
5	155+68.62	434.21 LT	18	159+07.64	455.77 RT
6	152+10.24	638.78 LT	19	157+00.16	266.11 RT
7	155+32.48	337.39 LT	20	157+70.58	349.59 RT
8	155+27.87	309.76 LT	21	157+56.70	379.62 RT
9	156+54.54	184.53 LT	22	153+82.12	187.53 RT
10	156+92.91	156.48 LT	23	156+58.43	402.22 RT
11	154+98.78	171.62 LT	24	156+30.75	385.19 RT
12	154+55.10	180.91 LT	25	157+29.42	519.09 RT
13	153+58.02	259.45 LT	26	152+62.54	683.98 RT

**POND NOTES:**

- INITIAL CONSTRUCTION OF THE RETENTION AREA BASIN SHALL BE TO ROUGH GRADE BY UNDER-EXCAVATING THE BASIN BOTTOM AND SIDE SLOPES BY APPROXIMATELY 12 INCHES.
- AFTER THE DRAINAGE AREA CONTRIBUTING TO THE RETENTION AREA HAS BEEN FULLY STABILIZED, THE INTERIOR SIDE SLOPES AND BASIN BOTTOM SHALL BE EXCAVATED TO FINAL DESIGN SPECIFICATIONS (LINES AND GRADES). THE EXCESS SOIL AND UNSUITABLE MATERIAL SHALL BE CAREFULLY EXCAVATED AND REMOVED FROM THE POND SO THAT ALL ACCUMULATED SILTS, CLAYS AND ORGANICS AND OTHER FINE SEDIMENT MATERIAL ARE REMOVED FROM THE RETENTION AREA. THE EXCAVATED MATERIAL SHOULD BE DISPOSED OF BEYOND THE LIMITS OF THE DRAINAGE AREA OF THE BASIN.
- ONCE THE BASIN HAS BEEN EXCAVATED TO FINAL GRADE, THE NEWLY CONSTRUCTED BASIN BOTTOM SHOULD BE DEEP RAKED AND LOOSENED FOR OPTIMAL INFILTRATION. ALL AREAS TO INCLUDE TOP SOIL AND SEED AND MULCHED UNLESS OTHERWISE STATED.
- NO FILL OR OTHER CONSTRUCTION MATERIALS SHALL BE STORED AND/OR PLACED WITHIN THE LIMITS OF THE POND.

