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MEMORANDUM

TO: The Board of the Central Florida Expressway Authority

FROM: Jay W. Small, Right of Way Counsel
Mateer Harbert, P.A.

DATE: July 28, 2015

RE: S.R. 528 Multimodal Corridor in Orange County
Project 528-1240; Parcels 108/808 (Neo Land, LLC)
Resolution

Mateer Harbert, P.A., right of way counsel, submits the attached Resolution and requests that the Board of the Central Florida Expressway Authority ("CFX") consider the adoption of the Resolution for the acquisition of Parcels 108/808 (the "Property") for the construction of the S.R. 528 Multimodal Corridor in Orange County, Project 528-1240.

Description and Background

The Resolution is being sought in accordance with applicable Florida law governing eminent domain and property acquisition procedures. In addition, the Resolution is being sought as a step in the process of property acquisition consistent with the Central Florida Expressway Authority Property Acquisition & Disposition Procedures Manual.

Parcel 108 is a 2.56 acre fee simple parcel of land, and Parcel 808 is a 0.81 acre permanent slope easement parcel of land located in the southeast quadrant of International Corporate Park Blvd interchange with S.R. 528, in Orange County, Florida.

The acquisition of the parcels is necessary for the construction of the S.R. 528 Multimodal Corridor in Orange County, Project 528-1240.

Requested Action

Right of way counsel respectfully requests that the Board adopt the attached Resolution for the acquisition of Parcels 108/808.

Attachment

Resolution for Parcels 108/808

RESOLUTION OF NECESSITY

WHEREAS, the CENTRAL FLORIDA EXPRESSWAY AUTHORITY (the "AUTHORITY") pursuant to Chapter 348, Part III, Florida Statutes, and Chapters 73 and 74, Florida Statutes, 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 transportation facilities, including all necessary approaches, roads, bridges and avenues of access, rapid transit, trams, fixed guideways, thoroughfares, and boulevards 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, facilities, rapid transit, trams, or fixed guideway facilities, located within the right of way of an expressway; and

WHEREAS, under Section 348.754(6), Florida Statutes, the AUTHORITY may, within the right of way of the SYSTEM, finance or refinance the planning, design, acquisition, construction, extension, rehabilitation, equipping, presentation, maintenance, or improvement of an intermodal facility or facilities, a multimodal corridor or corridors, or any programs or projects that will impair the levels of service on the SYSTEM; and

WHEREAS, 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 which are deemed desirable and proper; and

WHEREAS, pursuant to Section 348.754(2)(c), Florida Statutes, the Authority has the power to acquire by donation or otherwise, purchase, hold, lease as lessee, and use any franchise or any property, real, personal, mixed, or tangible or intangible, or any options in its own name or in conjunction with others, or interest in those options, necessary or desirable to carry out the purposes of the authority, and to sell, lease as lessor, transfer, and dispose of any property or interest in the property at any time acquired by it; and

WHEREAS, pursuant to Section 348.754(2)(j), Florida Statutes, the AUTHORITY may exercise and has the power of eminent domain, including the procedural powers granted under both Chapters 73 and 74, Florida Statutes; and

WHEREAS, transportation facilities are defined under, Section 348.752(14), Florida Statutes, as the mobile and fixed assets, and the associated real or personal property or rights, used in the transportation of persons or property by any means of conveyance, and all appurtenances, such as, but not limited to, highways; limited or controlled access lanes, avenues of access, and facilities; vehicles; fixed guideway facilities, including maintenance facilities; and

administrative and other office space for the exercise by the authority of the powers and obligations granted in Chapter 348, Part III; and

WHEREAS, Section 348.759(1), Florida Statutes, and Chapters 73 and 74, Florida Statutes, empower the AUTHORITY 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 but not limited to, any lands reasonably necessary for securing applicable permits, areas necessary for management of access, borrow pits, drainage ditches, water retention areas, rest areas, replacement access for landowners whose access is impaired due to the construction of a facility, and replacement rights-of-way for relocated rail and utility facilities; for existing, proposed, or anticipated transportation facilities on the SYSTEM or in a transportation corridor designed by the AUTHORITY; or for the purposes of screening, relocation, removal, or disposal of junkyards and scrap metal processing facilities; 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, Chapter 348, Part III, was adopted by Chapter 2014-171, Laws of Florida, which was a general law that was passed by a three-fifths vote of the membership of each house of the Legislature; 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, 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, and water retention areas, the legal descriptions with the property interests sought being attached hereto as Schedule "A" for the public purposes aforesaid herein;

THEREFORE, BE IT RESOLVED BY THE CENTRAL FLORIDA EXPRESSWAY AUTHORITY, IN A REGULAR PUBLIC MEETING THAT HAS BEEN DULY NOTICED AND CONVENED, AS FOLLOWS:

RESOLVED, that this Resolution is adopted pursuant to the Constitution of the State of Florida, Chapters 73 and 74, and 348, Part III, Florida Statutes, as well as other applicable, revisions of law set forth herein; and, be it further

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, the AUTHORITY has determined that it is necessary and in the public interest to acquire the following parcels and property interested therein for the purposes aforesaid herein:

<u>Parcel No.</u>	<u>Interest</u>	<u>Size</u>
108	Fee Simple	2.56 acres, more or less
808	Permanent Easement	0.81 acres, more or less

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 _____, 2015.

**CENTRAL FLORIDA EXPRESSWAY
AUTHORITY**

By: _____
Welton Cadwell
Chairman

ATTEST: _____
Darleen Mazzillo, Executive Assistant

Approved as to form and legality:

Joseph L. Passiatore, General Counsel

**CENTRAL FLORIDA
EXPRESSWAY AUTHORITY
STATE ROAD 528
PROJECT No. 528-1240
PARCEL No. 108
PURPOSE: LIMITED ACCESS RIGHT-OF-WAY
ESTATE: FEE SIMPLE**

A parcel of land lying in Section 31 Township 23 South, Range 32 East, Orange County, Florida, being a portion of Lot 3 INTERNATIONAL CORPORATE PARK - PARCEL 10 according to the plat thereof as recorded in Plat Book 67 at Page 56 of the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at a 4"x4" concrete monument (PRM LB7153) marking the Northeast Corner of Tract 3 of said plat, lying on the existing south Limited Access Right of Way line of State Road 528 per Orlando Orange County Expressway Authority Right-of-Way Map, International Corporate Park Interchange; thence run North 89°33'17" West, along said existing south Limited Access Right of Way line and north line of said plat, a distance of 121.75 feet, to the northeast corner of Lot 3, for the Point of Beginning; thence run South 00°26'43" West, along the east line of said Lot 3, a distance of 27.77 feet; thence run South 82°58'53" West, along the east line of said Lot 3, a distance of 15.13 feet; thence run South 09°08'54" East, along the east line of said Lot 3, a distance of 167.55 feet; thence run South 09°06'44" East, along the east line of said Lot 3, a distance of 37.30 feet; thence run South 16°31'17" East, along the east line of said Lot 3, a distance of 16.30 feet; thence departing said east line, run North 89°33'17" West, a distance of 596.23 feet to the west line of said plat and said existing south Limited Access Right of Way line; thence run North 52°04'38" West, along said west line and said existing south Limited Access Right of Way line, a distance of 13.96 feet to a non-tangent curve concave to the southeast; thence run northeasterly along the arc of said curve, along said west line and said existing south Limited Access Right of Way line, having a radius of 639.49 feet, a central angle of 41°36'10", a chord length of 454.20 feet bearing North 58°43'23" East, an arc distance of 464.34 feet; thence run South 89°33'17" East, non-tangent to said curve and along the north line of said plat and said existing south Limited Access Right of Way line, a distance of 197.09 feet to the Point of Beginning.

Together with all rights of ingress, egress, light, air and view to, from or across any of the above described right-of-way property which may otherwise accrue to any property adjoining said right-of-way.

Containing 2.56 acres, more or less.

LEGEND:

(C) = Calculated
(D) = Deed
(M) = Measured
(P) = Plat
O.R.B. = Official Records Book
Pg. = Page
R = Radius
L = Length of curve (arc distance)
C = Chord distance
Delta = central angle
CB = Chord Bearing
ID = Identification
✓ = Line Not To Scale
PID = Parcel Identification Number
S.R. = State Road
CFX = Central Florida Expressway Authority
R/W = Right-of-Way
CL = Centerline
--- = Limited Access Right-of-way line
PC = Point of Curvature
PT = Point of Tangency
PCC = Point of Compound Curvature
PRC = Point of Reverse Curvature
(NT) = Non Tangent
CM = Concrete Monument
--- = section line
--- = 1/4 section line

Surveyors Notes

1. Bearings and distances depicted hereon are relative to the North American Datum of 1983/ Adjustment of 2011 (NAD83/11) and are expressed in the Florida State Plane Coordinate System (FSPCS), Florida East Zone (901), US Survey Foot, based on the north line of Lot 3, International Corporate Park, according to the plat thereof recorded in Plat Book 67 at Page 56 of the Public Records of Orange County, Florida as being North 89° 33' 17" West. The average combined scale factor is 0.999939
2. The lands described and depicted hereon were not abstracted by this firm for rights-of-way, easements, ownership or other instruments of record.
3. This legal description and sketch is not valid without the signature and original raised seal of the signing Florida registered surveyor and mapper.
4. The location and configuration of the lands described and depicted hereon were provided by the client.
5. This legal description and sketch may have been reduced in size by reproduction.
6. A Commitment for Title Insurance prepared by First American Title Insurance Company, Dated November 24, 2014, file number NCS-586539BML-ORL was reviewed by this firm. Schedule B-11 exceptions, if any, that can be plotted are shown hereon.

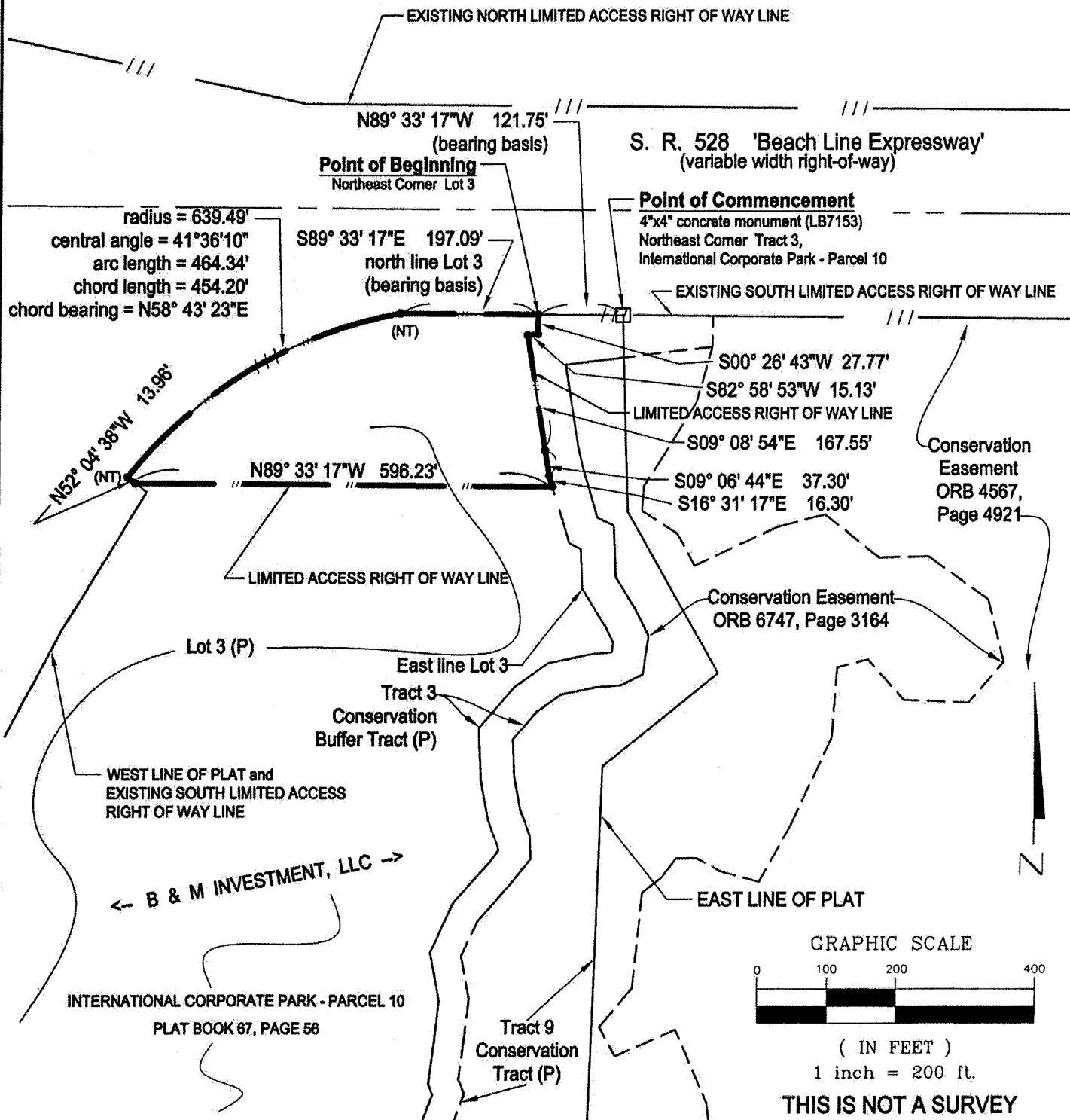
I, Robert M. Jones, PLS, certify that this legal description and sketch is correct to the best of my knowledge and belief. I further certify that this legal description and sketch meets the Standards of Practice as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Chapter 472, Florida Statutes. Subject to notes and notations shown hereon.

Robert M. Jones, PLS
Florida Surveyor and Mapper, License No. LS-0004201

THIS IS NOT A SURVEY

FOR: CENTRAL FLORIDA EXPRESSWAY AUTHORITY		LEGAL DESCRIPTION and SKETCH		SHEET 1 OF 2	
DESIGNED BY: HNTB	DATE: 03/16/2015	amec AMEC Environment & Infrastructure, Inc. 75 East Amelia Street, Suite 200 Orlando, FL 32801 USA Phone: (407) 522-7570 Certificate of Authorization Number LB-0007932		REVISIONS	
DRAWN BY: PEW	AMEC JOB No.: 6374130684			DATE	BY
APPROVED BY: RMJ	CFX PROJECT No.: 528-1240			DRAWING NAME: CFX - BML - 8x11.dwg	

**CENTRAL FLORIDA
EXPRESSWAY AUTHORITY**
STATE ROAD 528
PROJECT No. 528-1240
PARCEL No. 108
PURPOSE: LIMITED ACCESS RIGHT-OF-WAY
ESTATE: FEE SIMPLE



FOR: CENTRAL FLORIDA EXPRESSWAY AUTHORITY
 DESIGNED BY: HNTB DATE: 03/16/2015
 DRAWN BY: PEW AMEC JOB No.: 6374130684
 APPROVED BY: RMJ CFX PROJECT No.: 528-1240

LEGAL DESCRIPTION and SKETCH
AMEC Environment & Infrastructure, Inc.
 75 East Amelia Street, Suite 200
 Orlando, FL 32801 USA
 Phone: (407) 522-7570
 Certificate of Authorization Number LB-0007932

SHEET 2 OF 2	
REVISIONS	
DATE	BY
DRAWING NAME: CFX - BMI - 8x11.dwg	

**CENTRAL FLORIDA
EXPRESSWAY AUTHORITY
STATE ROAD 528
PROJECT No. 528-1240
PARCEL No. 808
PURPOSE: SLOPE EASEMENT
ESTATE: PERMANENT EASEMENT**

A parcel of land lying in Section 31 Township 23 South, Range 32 East, Orange County, Florida, being a portion of Lot 3 INTERNATIONAL CORPORATE PARK - PARCEL 10 according to the plat thereof as recorded in Plat Book 67 at Page 56 of the Public Records of Orange County, Florida, being more particularly described as follows:

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Containing 0.81 acres, more or less.

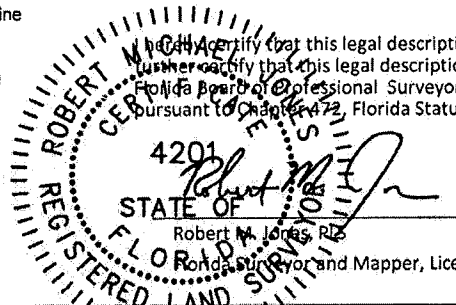
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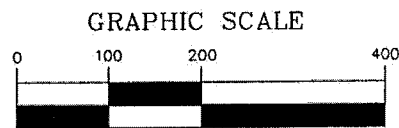
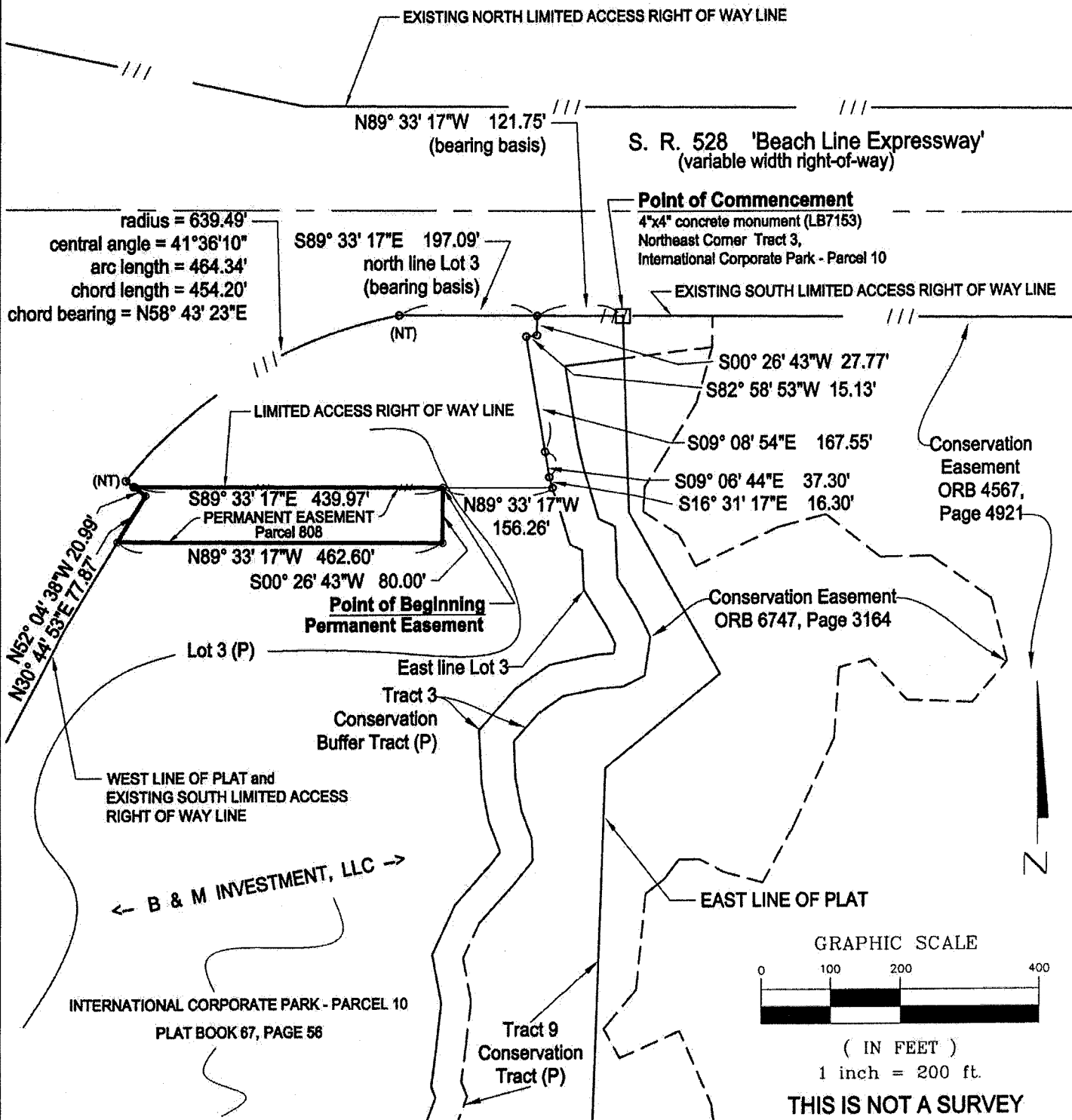
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**CENTRAL FLORIDA
EXPRESSWAY AUTHORITY**
STATE ROAD 528
PROJECT No. 528-1240
PARCEL No. 808
PURPOSE: SLOPE EASEMENT
ESTATE: PERMANENT EASEMENT



(IN FEET)
 1 inch = 200 ft.

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 DESIGNED BY: HNTB DATE: 03/16/2015
 DRAWN BY: PEW AMEC JOB No.: 6374130684
 APPROVED BY: RMJ CFX PROJECT No.: 528-1240

LEGAL DESCRIPTION and SKETCH
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 75 East Amelia Street, Suite 200
 Orlando, FL 32801 USA
 Phone: (407) 522-7570
 Certificate of Authorization Number LB-0007932

SHEET 2 OF 2	
REVISIONS	
DATE	BY

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