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MEMORANDUM

TO:

Central Florida Expressway **Authority Board Members**

CLIENT-MATTER NO.: 19125.0082

FROM:

David A. Shontz

DATE:

August 26, 2015

RE:

State Road 453 Wekiva Parkway, Project 429-206, Amended Parcel Resolution

Shutts & Bowen LLP, as Right-of-Way counsel, submits the attached Amended Resolution 2015-327 and requests the Board approve the adoption of this Amended Resolution for the acquisition of Parcel 330/730/731 for the construction of State Road 453 Wekiva Parkway Project 429-206.

DESCRIPTION AND BACKGROUND:

This Amended Resolution is being sought in accordance with applicable Florida law governing eminent domain and property acquisition procedures. Additionally, the Amended 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 parcels are necessary for the construction of the State Road 453 Wekiva Parkway Project 429-206:

> Parcel 330 consists of three (3) parts: Part A, a fee simple acquisition of 1.878 acres, more or less, for right-of-way; Part B, a fee simple acquisition of 3.060 acres, more or less, for right-of-way; and Part C, a fee simple acquisition of 26.003 acres, more or less, for use as limited access right-of-way. The remainder consists of two parcels of 28.123 acres, more or less, and 2.538 acres, more or less.

> Parcel 730 is a temporary construction easement containing 12,225 square feet, more or less, for access to demolish a building which is severed by the taking of Part A.

> Additionally, Parcel 731A, containing 2,266 square feet, more or less, and Parcel 731B, containing 3,003 square feet, more or less, were added to the acquisition for

access to install drainage pipe(s). The final sketch of legal description was signed and sealed on August 19, 2015, including the additional acquisitions to the property. Resolution 2015-327 requires amendment to include the additional areas of taking. The property is located on the north side of State Road 46 and east of Round Lake Road in Lake County, Florida.

REQUESTED ACTION:

Right-of-Way counsel respectfully requests the Board adopt the attached Amended Resolution 2015-327 to allow acquisition of Parcel 330, Parts A, B and C, Parcel 730, Parcel 731A, and Parcel 731B for the construction of State Road 453 Wekiva Parkway Project 429-206. Amended Resolution 2015-327 supersedes Resolution 2015-327, adopted on May 14, 2015.

ATTACHMENT:

Amended Resolution 2015-327 for Parcel 330/730/731

ORLDOCS 14203967 2

AMENDED 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 Lake County, Florida, in fee simple, easement, temporary construction easement, and water retention areas, the legal description 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 Lake 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 Amended Resolution supersedes Resolution 2015-327, adopted on May 14, 2015; and be it further

nber, 2015.
CENTRAL FLORIDA EXPRESSWAY AUTHORITY
By: Welton Cadwell Chairman
ATTEST:
By: Darleen Mazzillo Executive Assistant

PARCEL 330 PART A PURPOSE: RIGHT OF WAY
(ESTATE: FEE SIMPLE)

A parcel of land lying in the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, said point being a nail and disk stamped "FDOT LB 7917"; thence run North 89°36'51" East along the South line of said Southwest 1/4, a distance of 40.00 feet; thence departing said South line, run North 00°23'00" West, a distance of 60.02 feet to the intersection of the East right of way line of Round Lake Road per Florida Department of Transportation Right of Way Map, Section 11130-2521 and the North right of way line of State Road 46, per FDOT Maintenance Map recorded in Map Book 11, Page 1, Public Records of Lake County, Florida, said point being the POINT OF BEGINNING; thence continue North 00°23'00' West along said East right of way line, a distance of 1069.86 feet; thence departing said East right of way line, run North 89°56'06" East, a distance of 10.00 feet; thence run South 00°23'00" East, a distance of 100.00 feet; thence run South 03°04'36" East, a distance of 170.24 feet; thence run South 03°33'43" East, a distance of 180.35 feet; thence run South 01°29'39" East, a distance of 257.93 feet; thence run South 00°23'00" East, a distance of 257.19 feet; thence run South 36°13'11" East, a distance of 18.03 feet; thence run North 89°36'34" East, a distance of 164.50 feet; thence run South 00°23'26" East, a distance of 5.00 feet; thence run North 89°36'34" East, a distance of 400.00 feet; thence run South 00°23'36" East, a distance of 94.91 feet to a point on the aforementioned North right of way line of State Road 46; thence run along said North right of way line for the following three courses; run South 89°36'11" West, a distance of 417.71 feet; thence run North 84°41'10" West, a distance of 100.50 feet; thence run South 89°36'11" West, a distance of 90.36 feet to the POINT OF BEGINNING.

Containing 1.878 acres, more or less.

PARCEL 330 PART B

A parcel of land lying in the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

PURPOSE: RIGHT OF WAY

(ESTATE: FEE SIMPLE)

Commence at the Southwest corner of the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, said point being a nail and disk stamped "FDOT LB 7917"; thence run North 89°36′51" East along the South line of said Southwest 1/4, a distance of 998.07 feet; thence departing said South line, run North 00°23'49" West, a distance of 144.93 feet to the POINT OF BEGINNING; thence run North 89°36'24" East, a distance of 406.69 feet to a point on a non-tangent curve to the left, concave to the Northeast, having a radius of 139.50 feet and a Central Angle of 40°39'23"; thence run Southeasterly along the Arc of said curve a distance of 98.99 feet (Chord Bearing South 70°57'30" East, Chord Distance = 96.92 feet) to a point of compound curvature of a curve concave to the North having a radius of 2055.98 feet and a Central Angle of 13°40'35"; thence run Easterly along the Arc of said curve a distance of 490.76 feet (Chord Bearing = North 81°52'31" East, Chord Distance = 489.59 feet) to the end of said curve; thence North 55°03'11" East, a distance of 37.72 feet; thence North 72°38'53" East, a distance of 121.85 feet; thence North 29°24'48" East, a distance of 59.47 feet; thence North 73°10'11" East, a distance of 29.32 feet; thence South 01°18'37" East, a distance of 106.16 feet to a point on the Northerly right of way line of State Road 46, per FDOT Maintenance Map recorded in Map Book 11, Page 1, Public Records of Lake County, Florida, and a point on a non-tangent curve, concave to the Northwest, having a Radius of 2831.79 feet and a Central Angle of 06°49'35"; thence run along said Northerly right of way line for the following 8 courses: along the Arc of said curve, a distance of 337.39 feet (Chord Bearing = South 73°54'45" West, Chord Distance = 337.19 feet) to the end of said curve; thence North 12°40'27" West, a distance of 4.00 feet; thence run South 77°37'32" West, a distance of 29.60 feet; thence run South 12°04'28" East, a distance of 4.00 feet to a point on a non-tangent curve, concave to the Northwest, having a Radius of 2831.79 feet and a Central Angle of 11°40'40"; thence run along the Arc of said curve, a distance of 577.16 feet (Chord Bearing = South 83°45′52" West, Chord Distance = 576.16 feet) to the end of said curve; thence South 89°36'11" West, a distance of 491.16 feet; thence North 00°23'49" West, a distance of 17.00 feet; thence South 89°36'11" West, a distance of 122.29 feet; thence, departing said Northerly right of way line, North 00°23'36" West, a distance of 94.75 feet; thence North 89°36'24" East, a distance of 350.00 feet to the POINT OF BEGINNING.

Containing 3.060 acres, more or less.

PARCEL 330 PART C

A parcel of land lying in the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

PURPOSE: LIMITED ACCESS RIGHT OF WAY

(ESTATE: FEE SIMPLE)

Commence at the Southwest corner of the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, said point being a nail and disk stamped "FDOT LB 7917"; thence run North 89°36'51" East along the South line of said Southwest 1/4, a distance of 998.07 feet; thence departing said South line, run North 00°23'49" West, a distance of 144.93 feet to the POINT OF BEGINNING; thence run North 46°03'12" East, a distance of 225.47 feet; thence run North 20°23'36" West, a distance of 313.03 feet to a point of curvature of a curve, concave to the Southeast, having a Radius of 548.08 feet and a Central Angle of 87°50'45"; thence run Northeasterly along the Arc of said curve, a distance of 840.31 feet (Chord Bearing = North 23°31'47" East, Chord Distance = 760.39 feet) to the end of said curve; thence run North 00°10'44" East, a distance of 19.97 feet to the North line of the South 1/2 of said Southwest 1/4; thence run South 89°49'12" East along said North line, a distance of 423.45 feet; thence departing said North line, run South 00°10'44" West, a distance of 19.96 feet to a point on a non-tangent curve to the right, concave to the Southwest, having a radius of 536.08 feet and a Central Angle of 63°03'02"; thence run Southeasterly along the Arc of said curve, a distance of 589.92 feet (Chord Bearing = South 35°31'15" East, Chord Distance = 560.60 feet) to the point of tangency; thence run South 03°59'44" East, a distance of 375.70 feet to a point of curvature of a curve, concave to the East, having a Radius of 884.93 feet and a Central Angle of 10°48′54"; thence run Southeasterly along the Arc of said curve, a distance of 167.04 feet (Chord Bearing = South 09°24'11" East, Chord Distance = 166.79 feet) to the end of said curve; thence South 29°24'48" West, a distance of 59.47 feet; thence South 72°38′53" West, a distance of 121.85 feet, thence South 55°03′11" West, a distance of 37.72 feet to a point on a non-tangent curve to the right, concave to the Northwest, having a radius of 2055.98 feet and a Central Angle of 13°40'35"; thence run Southwesterly along the Arc of said curve, a distance of 490.76 feet (Chord Bearing = South 81°52'31" West, Chord Distance = 489.59 feet) to a point of compound curvature of a curve concave to the Northeast having a radius of 139.50 feet and a Central Angle of 40°39'23"; thence run Northwesterly along the Arc of said curve, a distance of 98.99 feet (Chord Bearing = North 70°57'30" West, Chord Distance = 96.92 feet) to the end of said curve; thence South 89°36'24" West, a distance of 406.69 feet to the POINT OF BEGINNING.

Containing 26.003 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.

PARCEL 730

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT (ESTATE: TEMPORARY EASEMENT)

A parcel of land lying in the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, said point being a nail and disk stamped "FDOT LB 7917"; thence run North 89°36′51" East along the South line of said Southwest 1/4, a distance of 998.07 feet; thence departing said South line, run North 00°23′49" West, a distance of 144.93 feet; thence run South 89°36′24" West, a distance of 143.22 feet to the POINT OF BEGINNING; thence continue South 89°36′24" West, a distance of 130.22 feet; thence North 00°22′03" West, a distance of 94.39 feet; thence South 89°42′21" East, a distance of 130.97 feet; thence South 00°05′29" West, a distance of 92.83 feet to the POINT OF BEGINNING.

Containing 12,225 square feet, more or less.

PARCEL 731A

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT (ESTATE: TEMPORARY EASEMENT)

A parcel of land lying in the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, said point being a nail and disk stamped "FDOT LB 7917"; thence run North 89°36′51" East along the South line of said Southwest 1/4, a distance of 998.07 feet; thence departing said South line, run North 00°23′49" West, a distance of 144.93 feet to the POINT OF BEGINNING; thence South 89°36′24" West, a distance of 143.22 feet; thence North 00°05′29" East, a distance of 15.00 feet; thence North 89°36′24" East, a distance of 158.87 feet; thence South 46°03′12" West, a distance of 21.77 feet to the POINT OF BEGINNING.

Containing 2,266 square feet, more or less.

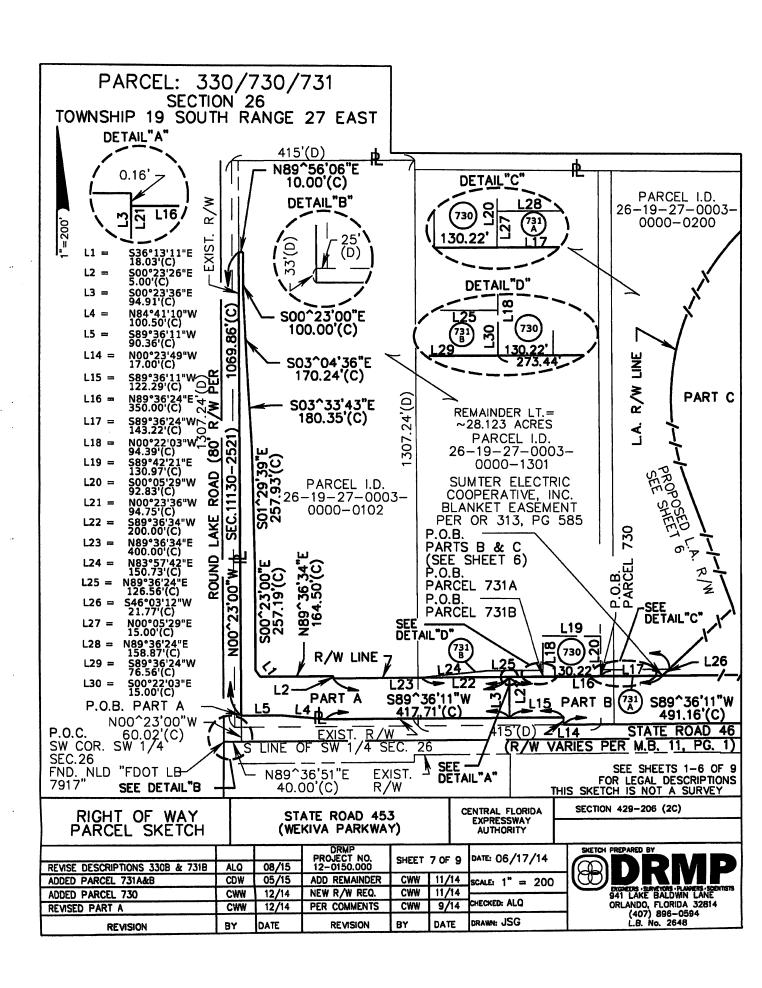
PARCEL 731B

PURPOSE: TEMPORARY CONSTRUCTION EASEMENT (ESTATE: TEMPORARY EASEMENT)

A parcel of land lying in the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the Southwest 1/4 of Section 26, Township 19 South, Range 27 East, Lake County, Florida, said point being a nail and disk stamped "FDOT LB 7917"; thence run North 89°36′51" East along the South line of said Southwest 1/4, a distance of 998.07 feet; thence departing said South line, run North 00°23′49" West, a distance of 144.93 feet; thence South 89°36′24" West, a distance of 273.44 feet to the POINT OF BEGINNING; thence continue South 89°36′24" West, a distance 76.56 feet; thence North 00°23′36" West, a distance of 0.16 feet; thence South 89°36′34" West, a distance of 200.00 feet; thence North 83°57′42" East, a distance of 150.73 feet; thence North 89°36′24" East, a distance of 150.00 feet to the POINT OF BEGINNING

Containing 3,003 square feet, more or less.



PARCEL: 330/730/731 SECTION 26 TOWNSHIP 19 SOUTH RANGE 27 EAST PARCEH I.D. 26-19-27-0003-0000-1300 PARCE I.D. 26-19-27-0002-0000-0106 N LINE OF S 1/2 SW 1/4 SEC. 26 \$89^49'12"E S00^10'44"W 1.D. -0003-301 423.45'(C) 19.96'(C) 2200 8/4 July N00^10'44"E 19.97'(C) ١ REMAINDER RT.= ~2.538 ACRES PARCEL -19-27-0000-1112.03'(D) 27-0003-0000-=200 V.P. ₫. ω 529¹24'48"W 59.47'(C) L6 \$72°38'53"W 121.85'(C) PARCEL I.D. 26-19-27-0003-\$55°03'11"W 37.72'(C) **L8** -19-N73°10'11"E 29.32'(C) S01°18'37"E 106.16'(C) 0000-0200 L9 = PART C 26 L10 =C1: C2: !=06^49'35"(C) L=337.39'(C) R=2831.79'(C) C.B.=S73^54'45' C.D.=337.19'(C) C2: !=11^40'40"(C) L=577.16'(C) R=2831.79'(C) C.B.=S83^45'52 C.D.=576.16'(C) N12°40'27"W 4.00'(C) \$77°37'32"W 29.60'(C) L11 = $\vec{\Box}$ S03^59'4 375.70'(L12 =PARCEI \$12°04'28"E 4.00'(C) L13 =©#. € N89°36'24"E 350.00'(C) S89°36'24"W 143.22'(C) L16 =L17 =!=10^48'54"(C) L=167.04'(C) R=884.93'(C) C.B.=S09^24'11"E C.D.=166.79'(C) N00°22'03"W 94.39'(C) 589°42'21"E 130.97'(C) L18 =L19 =500°05'29"W 92.83'(C) L20 =!=40^39'23"(C) L=98.99'(C) R=139.50'(C) C.B.=N70^57'30"W C.D.=96.92'(C) 546°03'12"W 21.77'(C) _26 = !=13^40'35"(C) L=490.76'(C) R=2055.98(C) C.B.=S81^52'31"W C.D.=489.59'(C) S **L19** 出 730 云 106.69'(C) (R/W VARIES PER M.B. 11, PG. 1) SEE DETAIL"C 띯 P.O.B. PART B PAR. 730 (SHEET 5 C2 **359^36** 998.07'/ 91.16'(C) - p E)
N89^36'51"E
STATE ROAD 46 EXIST. R/W 491.16 EXIST. R/W P.O.C N00^23'09"W SEE SHEETS 1-6 OF 9 -SW COR. SW 1/4 SEC.26 FND. NLD "FDOT LB 7917" S LINE SW 1/4 SEC.26 144.93'(C) FOR LEGAL DESCRIPTIONS THIS SKETCH IS NOT A SURVEY CENTRAL FLORIDA EXPRESSWAY AUTHORITY SECTION 429-206 (2C) RIGHT OF WAY STATE ROAD 453 PARCEL SKETCH (WEKIVA PARKWAY) DRMP PROJECT NO. 12-0150.000 SKETCH PREPARED BY DATE: 06/17/14 SHEET 8 OF 9 REVISE DESCRIPTIONS 330B & 731B ALQ 08/15 ADDED PARCEL A&B CDW 05/15 ADD REMAINDER CWW 11/14 SCALE: 1" = 200 ADDED PARCEL 730 CWW 12/14 NEW R/W REQ. CWW 11/14 941 LAKE BALDWIN LANE REVISED PART A 12/14 PER COMMENTS ORLANDO, FLORIDA 32814 (407) 896-0594 L.B. No. 2648 CWW CWW 9/14 DRAWN: JSG REVISION BY DATE REVISION BY DATE

PARCEL: 330/730/731

NOTES:

- 1. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 19 SOUTH, RANGE 27 EAST AS BEING NORTH 89°36'52" EAST, 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. THE RIGHT-OF-WAY SHOWN FOR STATE ROAD 46 IS BASED ON A MAINTENANCE MAP PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION RECORDED IN ROAD PLAT BOOK 11, PAGE 1 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.
- 4. THE RIGHT-OF-WAY SHOWN FOR ROUND LAKE ROAD IS BASED ON A RIGHT-OF-WAY MAP FOR STATE ROAD 46, SECTION 11130-2521, DATED NOVEMBER 22, 1993, PREPARED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.
- 5. PARCEL INFORMATION SHOWN HEREON IS SUPPORTED BY COMMITMENT FOR TITLE INSURANCE BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, ORDER No. 4699355, DATED FEBRUARY 23, 2014.

LEGEND:

A.C.L.R.R. = ATLANTIC COAST LINE RAILROAD

(C) = CALCULATED DATA

C.B. = CHORD BEARING

C.D. = CHORD DISTANCE

COR. = CORNER

CM = CONCRETE MONUMENT

(D) = DEED DATA

EXIST. = EXISTING

FND. = FOUND

I.D. = IDENTIFICATION

IP = IRON PIPE

L = ARC LENGTH

L.A. = LIMITED ACCESS

L.B. = LICENSED BUSINESS

M.B. = MAP BOOK

OR = OFFICIAL RECORDS BOOK

PAR. = PARCEL

P = 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

 $\Delta = CENTRAL ANGLE$

SEE SHEETS 1-6 OF 9 FOR LEGAL DESCRIPTIONS SEE SHEETS 7-8 OF 9 FOR SKETCH OF DESCRIPTIONS

RIGHT OF WAY CENTRAL FLORIDA SECTION 429-208 (2C) STATE ROAD 453 EXPRESSWAY AUTHORITY PARCEL SKETCH (WEKIVA PARKWAY) SKETCH PREPARED BY PROJECT NO. SHEET 9 OF 9 DATE: 06/17/14 ADD REMAINDER CWW 11/14 SCALE: 1" == 200 NEW R/W REQ. CWW 11/14 941 LAKE BALDWIN LANE ALLEN L. QUICKEL
FLORIDA REGISTERED LAND SURVEYOR NO. 6481
(NOT VALID UNLESS SIGNED AND SEALED) PER COMMENTS CHECKED: ALQ ORLANDO, FLORIDA 32814 (407) 898-0594 L.B. No. 2648 CWW 9/14 REVISION BY DATE DRAWN: JSG