

WINDERWEEDLE, HAINES, WARD & WOODMAN, P.A.

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M E M O R A N D U M

TO: Central Florida Expressway Authority Board Members
FROM: Robert L. Simon, Jr., Right of Way Counsel 
Winderweedle, Haines, Ward & Woodman, P.A.
DATE: June 25, 2014
RE: SR 429 Wekiva Parkway
Project 429-204: Parcel 256 - Resolution

Winderweedle, Haines, Ward & Woodman, P.A. ("WHIWW"), right of way counsel, submits the attached Resolution and requests that the Board consider the adoption of the Resolution for the acquisition of Parcel 256 (the "Property") for the construction of the SR 429 Wekiva Parkway, Project 429-204.

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 256 is a 4.912 acre parcel of land located on Ondich Road in Orange County, Florida. The acquisition of Parcel 256 is necessary for the construction of the SR 429 Wekiva Parkway, Project 429-204.

REQUESTED ACTION:

Right of way counsel respectfully requests that the Board adopt the attached Resolution for the acquisition of Parcel 256.

ATTACHMENT:

Resolution for Parcel 256

RESOLUTION

WHEREAS, the CENTRAL FLORIDA EXPRESSWAY AUTHORITY (the "AUTHORITY") is empowered by Chapter 348, Part III, Florida Statutes to acquire, hold, construct, improve, maintain and operate the CENTRAL FLORIDA EXPRESSWAY SYSTEM (the "SYSTEM"), and is further authorized to construct any extension, additions or improvements to the SYSTEM or pertinent facilities including all necessary approaches, roads 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(13), 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, which 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, light and view by gift, devise, purchase or condemnation by eminent 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 S.R.429 Wekiva Parkway Project #429-204, 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, it is 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 eminent domain over and upon those certain parcels 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 lands by eminent domain proceedings and 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 _____, 2014.

CENTRAL FLORIDA
EXPRESSWAY AUTHORITY

By: _____
Chairman

ATTEST: _____

Executive Assistant

Approved as to form and legality

Joseph L. Passiatore
General Counsel

LEGAL DESCRIPTION

PARCEL 256

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE

THAT PART OF THE SOUTH 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3525, PAGE 994, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

"THE WEST 1/2 OF THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST;

AND

THE EAST 165 FEET OF THE WEST 330 FEET OF THE SOUTH 1/2 OF THE SE 1/4 OF THE SE 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, (LESS THE SOUTH 30 FEET FOR ROAD) ORANGE COUNTY, FLORIDA."

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW TO, FROM OR ACROSS ANY STATE ROAD 429 RIGHT OF WAY PROPERTY WHICH MAY OTHERWISE ACCRUE TO ANY PROPERTY ADJOINING SAID RIGHT OF WAY.

CONTAINING 4.912 ACRES, MORE OR LESS.

I HEREBY 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 MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 51-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472 OF THE FLORIDA STATUTES. SUBJECT TO NOTES AND NOTATIONS SHOWN HEREON.


RUSSELL J. MARKS, PSM NO. 5623

12/18/13
DATE

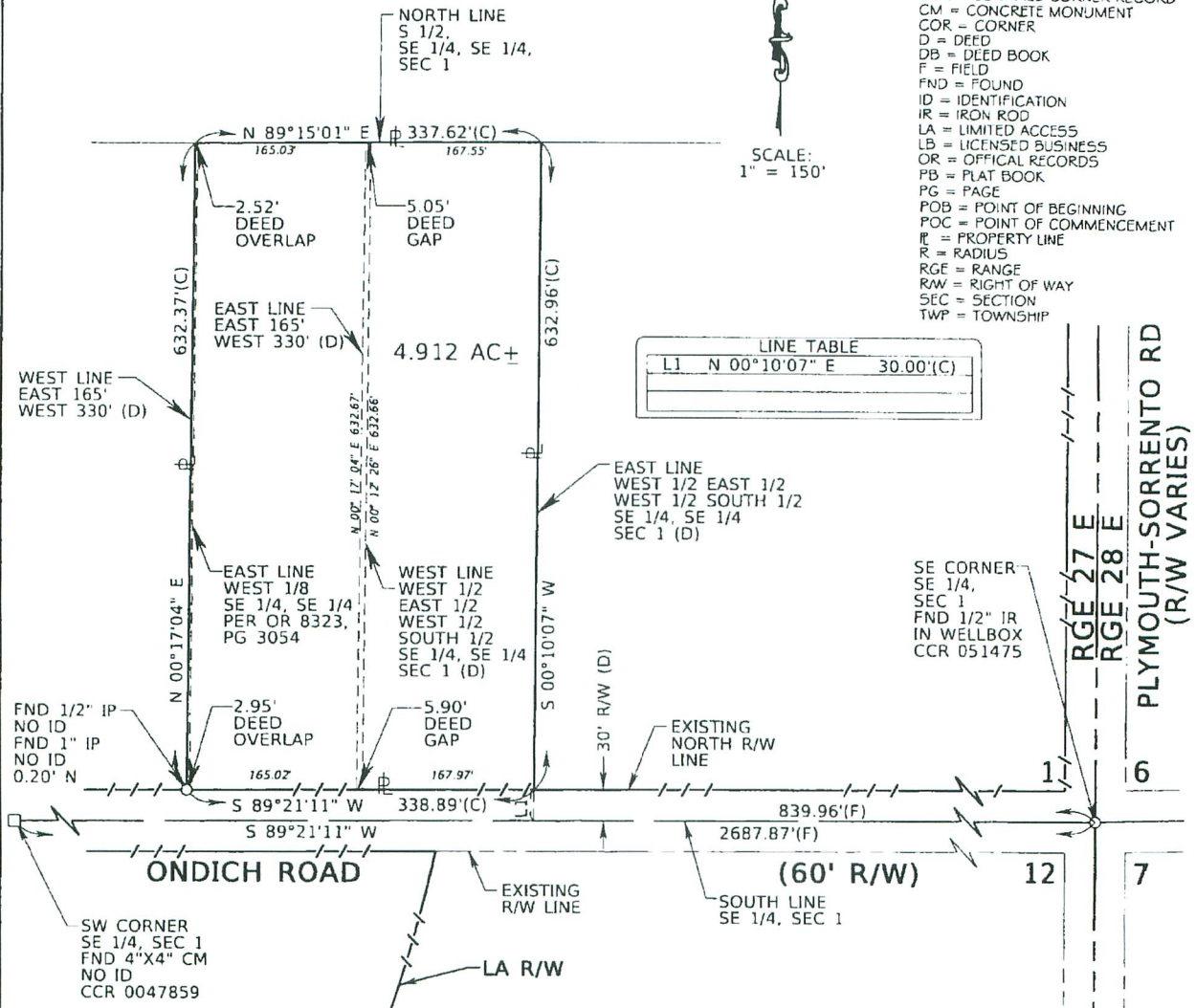
NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL

FOR: ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY		STATE ROAD 429	
DESIGNED BY: RJM	DATE: 12/18/13	URS URS CORPORATION 315 E. ROBINSON STREET SUITE 245 ORLANDO, FL 32801-1949 PH (407) 422-0353 LICENSED BUSINESS NO. 6839	REVISIONS:
DRAWN BY: DJK	JOB NO:		
APPROVED BY: RJM	OOCEA PROJECT NO: 429-204		SHEET: 1 OF 2

SKETCH OF DESCRIPTION

PARCEL 256
PURPOSE: LIMITED ACCESS RIGHT OF WAY
ESTATE: FEE SIMPLE

TOWNSHIP 20 SOUTH RANGE 27 EAST



FOR: ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY

STATE ROAD 429

DESIGNED BY: RJM

DATE: 12/18/13

URS

URS CORPORATION
315 E. ROBINSON STREET
SUITE 245
ORLANDO, FL 32801-1949
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SHEET: 2 OF 2