


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 23, 2014
RE: SR 429 Wekiva Parkway
Project 429-204: Parcel 279 - Resolution

Winderweedle, Haines, Ward & Woodman, P.A. ("WHWW"), right of way counsel, submits the attached Resolution and requests that the Board consider the adoption of the Resolution for the acquisition of Parcel 279 (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 279 is a 10.312 acre parcel of land located on Boch Road in Orange County, Florida. The acquisition of Parcel 279 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 279.

ATTACHMENT:

Resolution for Parcel 279

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 279

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE

THAT PART OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4732, PAGE 3670 AND OFFICIAL RECORDS BOOK 10434, PAGE 985, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 28 EAST; THENCE, SOUTH 03°43'34" EAST ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 6, A DISTANCE OF 719.76 FEET TO A POINT ON THE EXISTING SOUTH RIGHT OF WAY OF BOCH ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 893, PAGE 25, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, DEPARTING SAID EAST LINE, SOUTH 89°59'44" WEST ALONG SAID EXISTING SOUTH LINE, A DISTANCE OF 671.76 FEET; THENCE DEPARTING SAID EXISTING SOUTH RIGHT OF WAY LINE, SOUTH 03°39'34" EAST, A DISTANCE OF 269.62 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 03°39'34" EAST, A DISTANCE OF 718.92 FEET; THENCE SOUTH 87°57'23" WEST, A DISTANCE OF 669.37 FEET; THENCE NORTH 03°20'08" EAST, A DISTANCE OF 711.11 FEET; THENCE NORTH 88°17'46" WEST, A DISTANCE OF 24.95 FEET; THENCE NORTH 86°27'30" EAST, A DISTANCE OF 115.98 FEET; TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 4650.00 FEET; THENCE, FROM A TANGENT BEARING OF NORTH 84°22'57" EAST, NORTHEASTERLY ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 380.97 FEET, THROUGH A CENTRAL ANGLE OF 04°41'39" AND A CHORD BEARING OF NORTH 86°43'47" EAST TO A POINT OF TANGENCY; THENCE, NORTH 89°04'36" EAST A DISTANCE OF 110.64 FEET TO THE POINT OF BEGINNING.

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 10.312 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 5J-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

3/25/14
DATE

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL

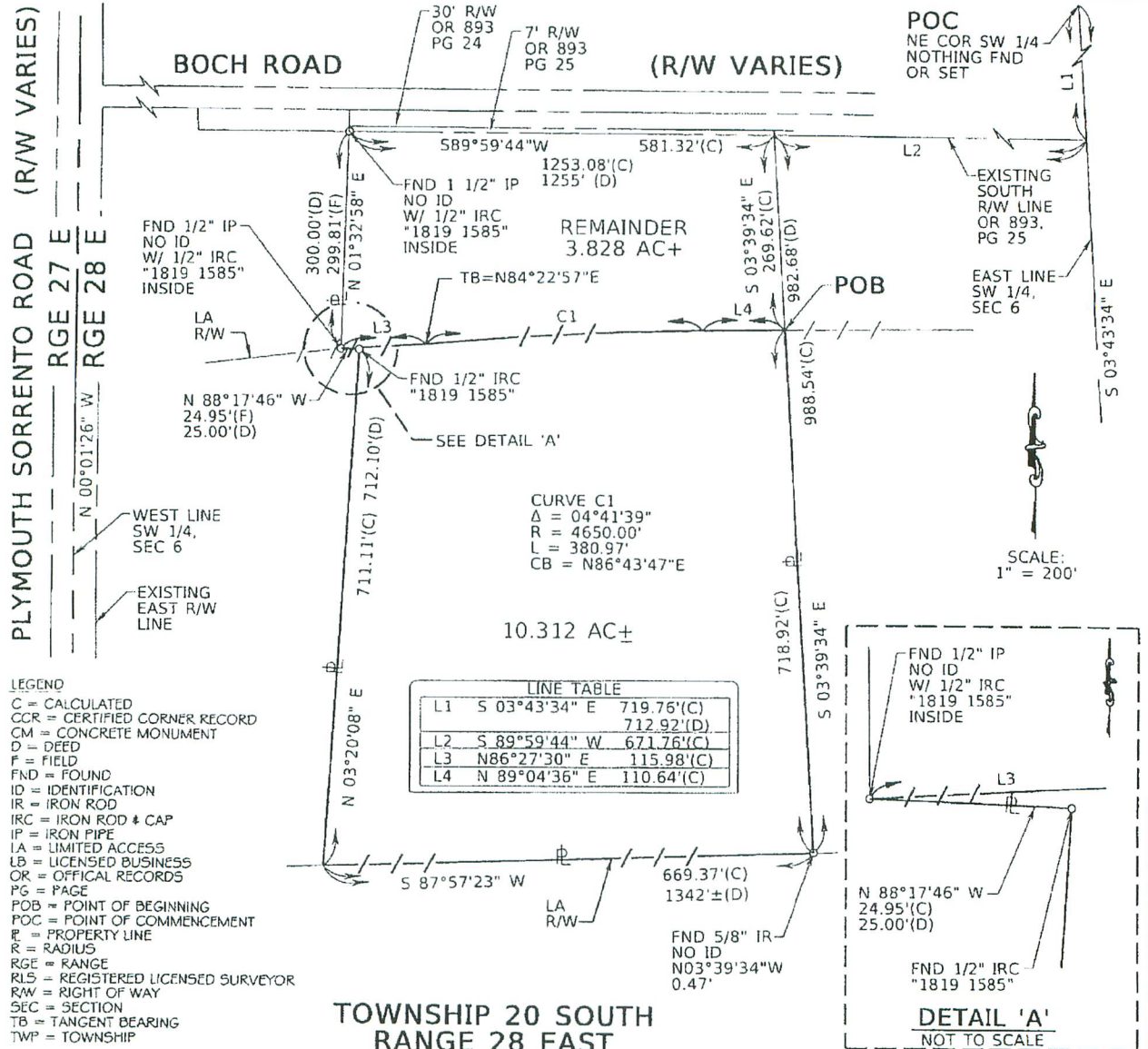
FOR: ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY			STATE ROAD 429	
DESIGNED BY: RJM	DATE: 3/18/14		URS URS CORPORATION 315 E. ROBINSON STREET SUITE 245 ORLANDO, FL 32801-1949 PH (407) 422-0353 LICENSED BUSINESS NO. 6839	REVISIONS:
DRAWN BY: DJK	JOB NO:			
APPROVED BY: RJM	OOCEA PROJECT NO: 429-204			SHEET: 1 OF 2

SKETCH OF DESCRIPTION

PARCEL 279

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE



GENERAL NOTES:

1. THE BEARINGS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, 1983 NORTH AMERICAN DATUM, 2007 ADJUSTMENT, WITH THE WEST LINE OF THE SOUTHWEST 1/4 OF SECTION 6, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, HAVING A BEARING OF NORTH 00°01'26" WEST.
2. THERE MAY BE OTHER RECORDED DOCUMENTS FOUND IN ORANGE COUNTY RECORDS AFFECTING THIS PROPERTY THAT ARE NOT SHOWN ON THIS SKETCH OF DESCRIPTION.
3. ATTENTION IS DIRECTED TO THE FACT THESE MAPS MAY HAVE BEEN ALTERED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALE DATA.
4. A CERTIFICATE OF TITLE INFORMATION PREPARED BY "FIRST AMERICAN TITLE INSURANCE COMPANY" DATED OCTOBER 18, 2012, FILE NO. 2037-2840301 WAS REVIEWED BY THE SURVEYOR AND EXCEPTIONS (IF ANY) NOTED ON SAID CERTIFICATE ARE SHOWN HEREON.

FOR: ORLANDO ORANGE COUNTY EXPRESSWAY AUTHORITY		STATE ROAD 429	
DESIGNED BY: RJM	DATE: 3/18/14	URS URS CORPORATION 315 E. ROBINSON STREET SUITE 245 ORLANDO, FL 32801-1949 PH (407) 422-0353 LICENSED BUSINESS NO. 6839	REVISIONS:
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