


**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: James Edward Cheek, III, Right of Way Counsel**  
**Winderweedle, Haines, Ward & Woodman, P.A.**   
**DATE: November 25, 2014**  
**RE: SR 429 Wekiva Parkway**  
**Project 429-204: Parcel 249 - Resolution**

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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 249 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 249 is a 3,462 square foot parcel of land located on Ondich Road in Orange County, Florida. The acquisition of Parcel 249 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 249.

**ATTACHMENT:**

Resolution for Parcel 249

**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(5), Florida Statutes, as any expressways and appurtenant facilities thereto, including, but not limited to, all approaches, roads, bridges and avenues for the expressway and any rapid transit, trams, or fixed guideways located within the right-of-way of an expressway. 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, rapid transmit, trams, fixed guideways, thoroughfares, and boulevards with any changes, modifications or revisions of the project which are 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 249

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE

THAT PART OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST (FOUND A 1/2" IRON ROD IN WELLBOX); THENCE, SOUTH 89°21'11" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 1, A DISTANCE OF 839.96 FEET; THENCE, LEAVING SAID SOUTH LINE, NORTH 00°10'07" EAST A DISTANCE OF 30.00 FEET TO A POINT ON THE EXISTING NORTH RIGHT OF WAY LINE OF ONDICH ROAD, ALSO BEING A POINT ON THE EAST LINE OF 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 SAID SECTION 1, AS DESCRIBED IN OFFICIAL RECORDS BOOK 3525, PAGE 994, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, SOUTH 89°21'11" WEST ALONG SAID EXISTING RIGHT OF WAY LINE, A DISTANCE OF 167.97 FEET TO THE WEST LINE OF 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 SAID SECTION 1, AS DESCRIBED IN OFFICIAL RECORDS BOOK 3525, PAGE 994, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, ALSO BEING THE POINT OF BEGINNING; THENCE, CONTINUE ALONG SAID EXISTING RIGHT OF WAY LINE, SOUTH 89°21'11" WEST A DISTANCE OF 5.90 FEET TO THE EAST LINE OF THE EAST 1/2 OF THE WEST 330 FEET OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 1, AS DESCRIBED IN OFFICIAL RECORDS BOOK 3525, PAGE 994, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE, LEAVING SAID EXISTING RIGHT OF WAY LINE, NORTH 00°17'04" EAST, ALONG SAID EAST LINE, A DISTANCE OF 632.67 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 1; THENCE, LEAVING SAID EAST LINE, NORTH 89°15'01" EAST ALONG SAID NORTH LINE A DISTANCE OF 5.05 FEET TO A POINT ON SAID WEST LINE OF 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 SAID SECTION 1; THENCE, LEAVING SAID NORTH LINE, SOUTH 00°12'26" WEST, ALONG SAID WEST LINE, A DISTANCE OF 632.66 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 3462 SQUARE FEET, 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

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	<b>URS</b> 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

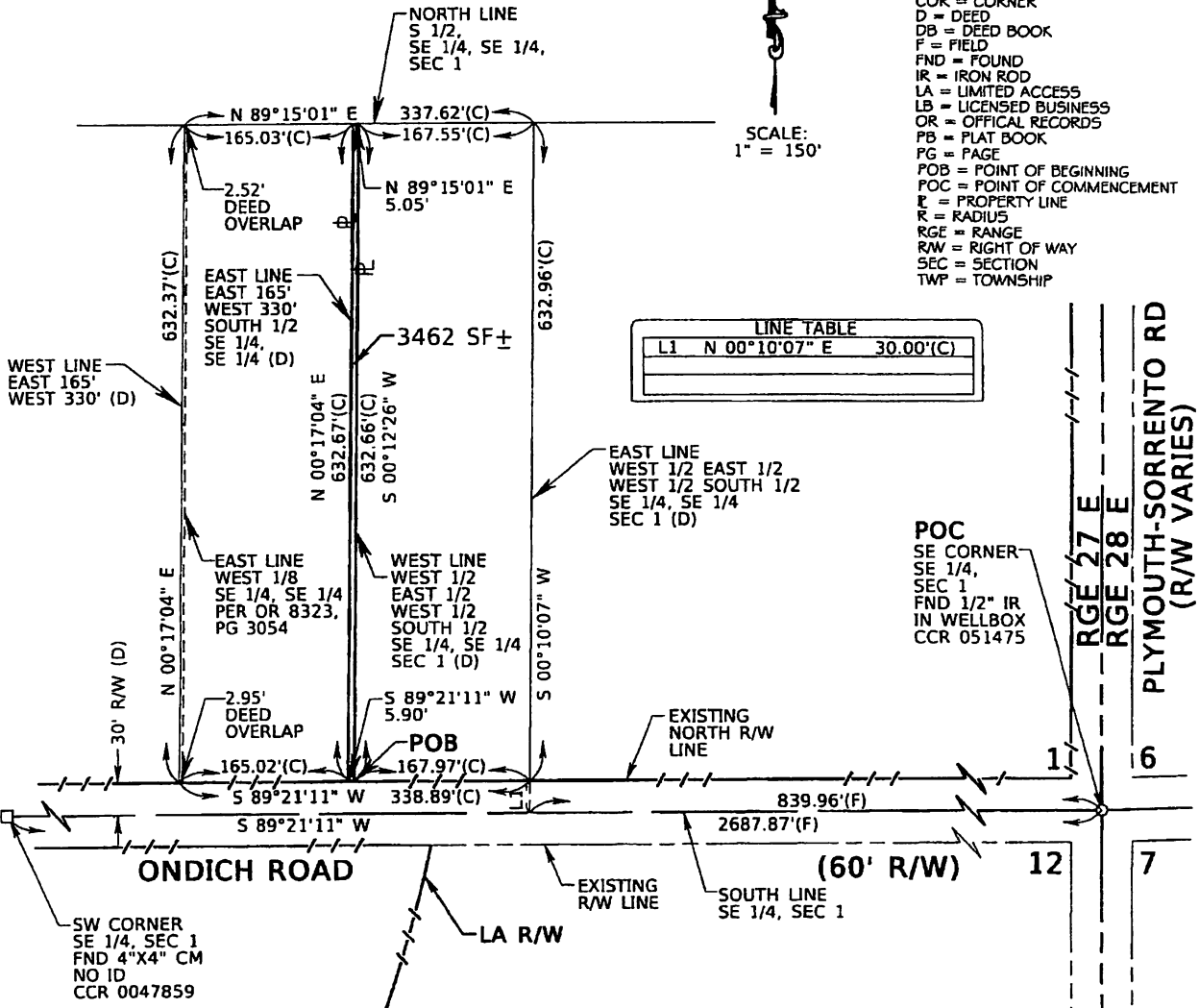
# SKETCH OF DESCRIPTION

PARCEL 249

PURPOSE: LIMITED ACCESS RIGHT OF WAY

ESTATE: FEE SIMPLE

## TOWNSHIP 20 SOUTH RANGE 27 EAST



### 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 SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 20 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, HAVING A BEARING OF SOUTH 89°21'11" 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 4, 2012, FILE NO. 2037-2831151 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	
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