
**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Resolution and County Deed for Ingress and Egress Access over County-Owned Property North of County Road 427 (Ronald Reagan Boulevard).

DEPARTMENT: Public Works

DIVISION: Engineering

AUTHORIZED BY: Gary Johnson

CONTACT: Chuck Barcus

EXT: 5661

MOTION/RECOMMENDATION:

Adopt a Resolution authorizing the Chairman to execute a County Deed conveying the Westerly ten (10) feet of County-owned property North of Ronald Reagan Boulevard (County Road 427) to Timothy K. McLaughlin for access to County Road 427.

District 5 Brenda Carey

Jerry McCollum

BACKGROUND:

As part of the right-of-way acquisition for the County Road 427, Phase IV Project, Parcel Number 133 was purchased along with the entire parent tract as a whole take. A remainder of this acquisition exists lying outside of the right-of-way limits of County Road 427, Phase VI.

The property owner of the tract of land, otherwise known as Seminole County Tax ID Parcel Number 13-20-30-300-020A-0000, which is located to the north of the above-mentioned property acquired by Seminole County, enjoyed an access easement to County Road 427 by operation of law through the remainder of the parent tract including Parcel Number 133 prior to Seminole County's County Road 427, Phase VI Project. Due to the fact that the County purchased the property directly between County Road 427 and the tract of land to the north, said tract of land to the north would be landlocked. Thereby, the property owner, Mr. Timothy K. McLaughlin, has a claim to a right of ingress and egress by way of necessity over an unspecified portion of the County's property in order to access County Road 427.

Mr. Timothy K. McLaughlin has made a request to Seminole County to grant a formal right of access over a specified portion of said remainder property to County Road 427 by the delivery of a County Deed in exchange for his release of any and all claims to a right of access over an unspecified portion of the County's remainder property. Mr. McLaughlin has provided the County with said release in exchange for the County's remainder property.

This Resolution and County Deed conveys the Westerly ten (10) feet of the County property to Timothy K. McLaughlin and this action defines that certain "way of necessity" and will avert any and all potential claims regarding an easement of necessity over an unspecified portion of the County's remainder property.

STAFF RECOMMENDATION:

Staff recommends the Board adopt the Resolution authorizing the Chairman to execute a County Deed conveying the Westerly ten (10) feet of County-owned property North of Ronald Reagan Boulevard (County Road 427) to Timothy K. McLaughlin for access to County Road 427.

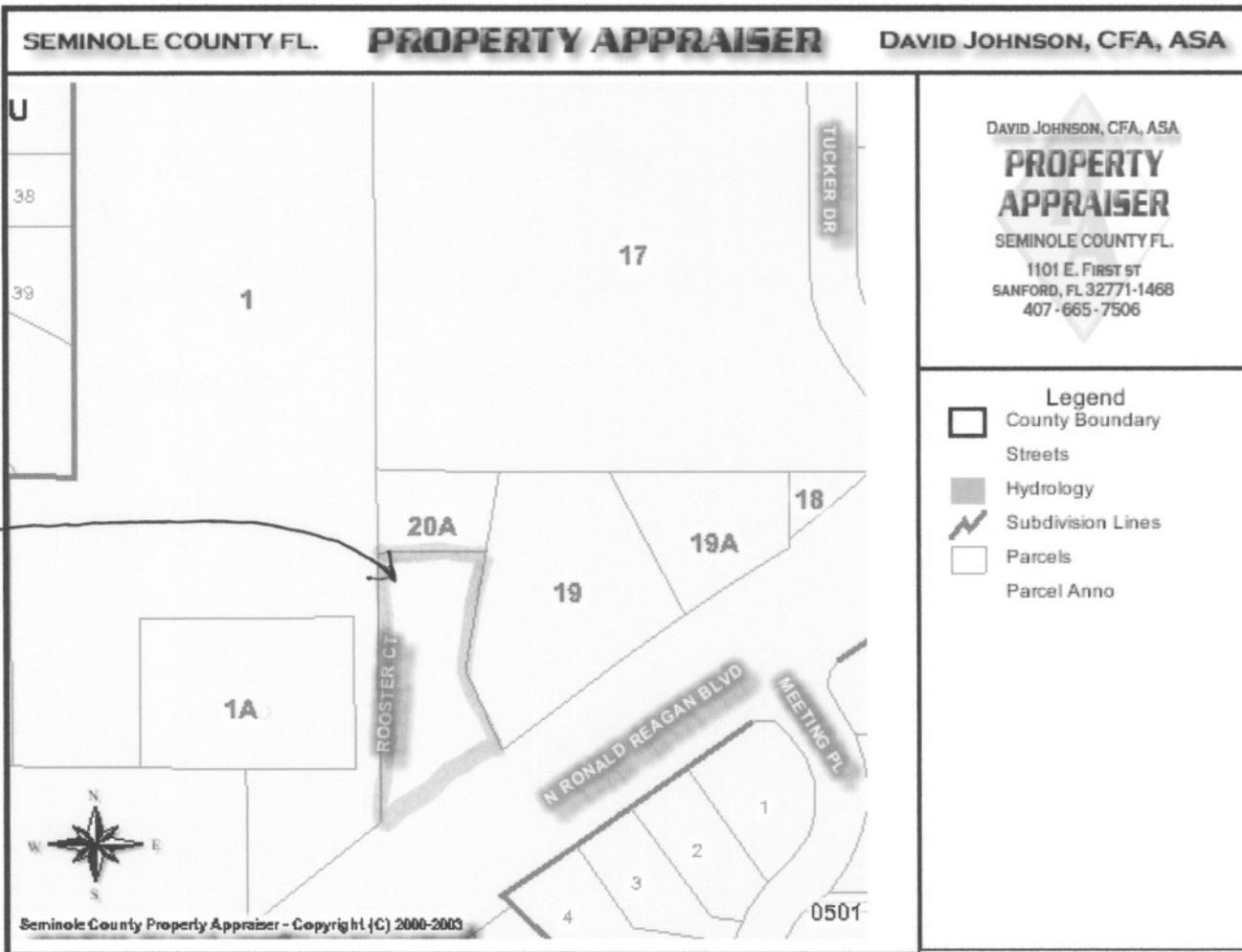
ATTACHMENTS:

1. Location Map
2. Resolution
3. County Deed

Additionally Reviewed By:

County Attorney Review (Matthew Minter)

Location Map



RESOLUTION

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON THE _____ DAY OF _____, 2007.

WHEREAS, Seminole County completed a road project known as CR 427, Phase VI and;

WHEREAS, Seminole County acquired a tract of land including Parcel No.133 located in Section 13, Township 20 South, Range 30 East, in Seminole County, Florida as part of the CR 427, Phase VI project; and

WHEREAS, a remainder of the parent tract of land containing Parcel No 133 exists lying outside of the right-of-way limits of the CR 427, Phase VI project; and

WHEREAS, the tract of land directly to the north of the aforementioned property acquired by Seminole County, otherwise known as Parcel Tax I.D. No. 13-20-30-300-020A-0000, enjoyed an access easement to CR 427 by operation of law through the remainder of the parent tract including Parcel No. 133 prior to Seminole County's CR 427, Phase VI project; and

WHEREAS, the tract of land to the north continues to be landlocked by the County's acquisition of the remainder of the parent tract of land which included Parcel No. 133 as part of the CR 427, Phase VI project; and

WHEREAS, the owner of the tract of land to the north, Timothy K. McLaughlin, would have a claim of a right of access by necessity over a portion of said remainder property to CR 427 as his property continues to be landlocked as a result of County's acquisition; and

WHEREAS, Timothy K. McLaughlin, has made a request to Seminole County to grant a formal right of access over a specified portion of said remainder property to CR 427 by the delivery of a County Deed in exchange for his release of any and all claims to a right of access over an unspecified portion of the abovementioned remainder property; and

WHEREAS, conveyance of the County Deed to Mr. McLaughlin will satisfy his existing right to a "way of necessity" over the county owned property; and

WHEREAS, Mr. McLaughlin has released any future claim to additional access rights over this county owned property; and

WHEREAS, this request has been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that a County Deed be issued to Mr. Timothy K. McLaughlin conveying the Westerly 10 feet of the remainder property South of and contiguous to Seminole County Tax ID Parcel No. 13-20-30-300-020A-0000; and

BE IT FURTHER RESOLVED that the aforementioned County Deed be recorded in the Public Records of Seminole County, Florida.

ADOPTED THIS _____ DAY OF _____, 2007.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY**

Carlton Henley, Chairman

**MARYANNE MORSE, Clerk to the
Board of County Commissioners in
and for Seminole County, Florida.**

Prepared under the direction of:
Charles F. Barcus
Program Manager/Right-of-Way
05-08-2007

Document Prepared By:
Warren Lewis, R/W-NAC, Right-of-Way Agent
Right-of-Way Section
Seminole County Engineering Division
520 W. Lake Mary Blvd., Suite 200
Sanford, Florida 32773

Legal Description Approved By:
Steve Wessels, P.L.S.
County Surveyor
Seminole County Engineering Division
520 W. Lake Mary Blvd. Suite 200
Sanford, Florida 32773

COUNTY DEED
County of Seminole, Florida

THIS DEED is made this _____ day of _____ 2007, by **SEMINOLE COUNTY**, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida, 32771, hereinafter referred to as the **GRANTOR**, and **Timothy K. McLaughlin, a single man**, whose address is 180 Pinecrest Drive Sanford, Florida, 32773, hereinafter referred to as the **GRANTEE**

WITNESSETH:

THAT GRANTOR, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) in hand paid by the **GRANTEE**, the receipt whereof is hereby acknowledged, does hereby grant, bargain, and convey to **GRANTEE**, his heirs and assigns forever, the following described land lying and being in the County of Seminole, State of Florida, to-wit:

See Sketch of Description and Legal Description attached hereto as Exhibits "A-1" and "A-2" respectively.

GRANTOR, in accordance with Section 270.11, Florida Statutes, retains and reserves an undivided three-fourths interest in, and title in and to an undivided three-fourths interest in and all the phosphate, minerals and metals that are or may be in, on, or under the above described land and an undivided one-half interest in all the petroleum that is or may be in, on, or under the above described land with the privilege to mine and develop the same.

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

MARYANNE MORSE
Clerk to the Board of County Commissioners
of Seminole County, Florida

By: _____
Carlton Henley, Chairman

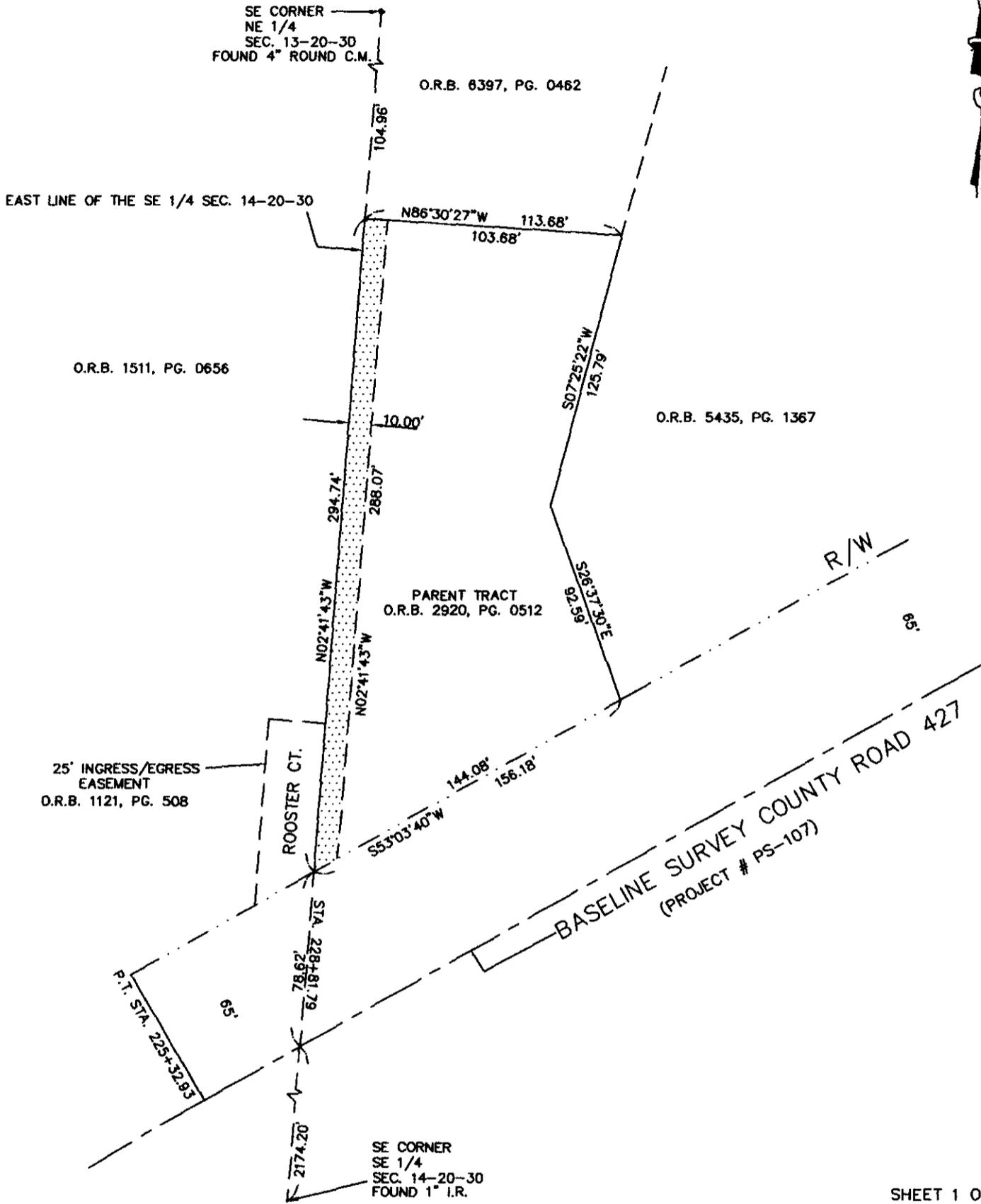
Date: _____

For the use and reliance
of Seminole County only.
Approved as to form and
legal sufficiency

As authorized for execution
by the Board of County Commissioners
at their _____, 2007 regular meeting

County Attorney

SKETCH OF DESCRIPTION



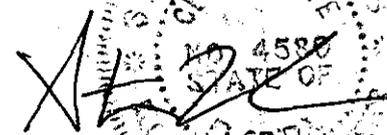
SHEET 1 OF 2

SEMINOLE COUNTY
 ENGINEERING DEPARTMENT
 SURVEY SECTION
 520 W. LAKE MARY BLVD.
 SANFORD, FLORIDA 32773
 (407)665-5656

LEGEND

- | | |
|---|--|
| <ul style="list-style-type: none"> △ CENTRAL ANGLE (DELTA) R - RADIUS CB - CHORD BEARING L - ARC LENGTH C - CHORD ○ SET IRON PIN OR PIPE ● FOUND IRON PIN OR PIPE □ SET CONCRETE MONUMENT ■ FOUND CONCRETE MONUMENT P.O.B. - POINT OF BEGINNING P.O.C. - POINT OF COMMENCEMENT P.O.T - POINT OF TERMINATION R/W - RIGHT OF WAY D - DEED C/L - CENTERLINE UTIL - UTILITY | <ul style="list-style-type: none"> PB - PLAT BOOK PG - PAGE (S) ORB - OFFICIAL RECORDS BOOK SEC - SECTION - TOWNSHIP - RANGE PCL - PARCEL PC - POINT OF CURVATURE PT - POINT OF TANGENCY PI - POINT OF INTERSECTION PCC - POINT OF COMPOUND CURVE PRC - POINT OF REVERSE CURVE M - MAP P - PLAT F - FIELD C - CALCULATED P/L - PROPERTY LINE ESMT - EASEMENT |
|---|--|

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BY: 
 STEVE L. WESSELS P.L.S. FLA. CERT.# 4589

FIELD DATE: 03/15/07
 DATE: 04/12/07
 JOB NAME: 07-010

SCALE: 1"=60'
 DRAWN BY: L.W.
 CHECKED BY: S.L.W.

Exhibit "A-1"

LEGAL DESCRIPTION

The Westerly 10.00 feet of the following described parcel:

"All West 1/2 of Southwest 1/4 North of Brick Road (Less church lot and lot described in Deed Book 160, Page 471, Public Records of Seminole County, Florida) Section 13, Township 20 South, Range 30 East." as recorded in Official Records Book 2920, Page 0512, of the Public Records, Seminole County, Florida.

Containing 2914 square feet (0.07 acres) more or less.

SHEET 2 OF 2

SURVEYOR'S NOTES

1. THIS IS NOT A SURVEY.
2. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS NOT LOCATED.
3. SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON, THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD, IF ANY.
4. THE GEOMETRY SHOWN HEREON IS BASED ON THE RIGHT-OF-WAY MAP PREPARED FOR SEMINOLE COUNTY BY DYER, RIDDLE, MILLS & PRECOURT ON 01/06/94.

LEGEND

BEARINGS BASED ON :

THE EAST LINE OF THE SE 1/4 SEC. 14-20-30

AS BEING N02°41'43"W

REVISIONS

	DATE	BY	REVISIONS	REQUESTED BY:
1				
2				
3				
4				

JOB NAME: 07-010	FIELD DATE: 03/15/07	DATE: 04/12/07	SCALE: 1"=60'	DRAWN BY: L.W.	CHECKED BY: S.L.W.
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EXHIBIT "A-2"