

**RESOLUTION
of the
SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS:**

**THE FOLLOWING RESOLUTION WAS ADOPTED AT THE
REGULAR MEETING OF THE BOARD OF COUNTY
COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the State of Florida Department of Transportation proposes to construct or improve State Road No. 434, Section No. 77120 in Seminole County, Florida; and

WHEREAS, it is necessary that certain land now owned by Seminole County be acquired by the State of Florida Department of Transportation; and

WHEREAS, the land identified by the Florida Department of Transportation is Parcel Numbers 100.1 and 110.1 (Attachments 1 and 2, respectively); and

WHEREAS, the property will no longer be needed for County purposes; and

WHEREAS, the State of Florida Department of Transportation has made application to Seminole County to execute and deliver to the State of Florida Department of Transportation for a County Deed in favor of the State of Florida Department of Transportation, conveying all right, title and interests that the County has in and to the land required for transportation purposes, and the request having been duly considered.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the application of the State of Florida Department of Transportation for a County Deed is for transportation purposes which is in the public or community interest and for public welfare; and the land needed for transportation purposes will no longer be needed for County purposes; that the deed in favor of the Florida Department of Transportation conveying all right, title and interests of Seminole County in and to the land identified as Parcels 100.1 and 110.1 has been drawn and executed by this Board of County Commissioners.

ADOPTED THIS 28th DAY OF MARCH, 2023

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA**

**GRANT MALOY, Clerk to the
Board of County Commissioners in
and for Seminole County, Florida.**

AMY LOCKHART, Chairman

Attachment 1

SEMCO-EXISTING R/W-MAY2017

March 2, 2023

This instrument prepared by

Meg Hardy

Under the direction of

DANIEL L. MCDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 100.1

SECTION 77120

F.P. NO. 439040 1

STATE ROAD 434

COUNTY SEMINOLE

COUNTY DEED

THIS DEED is made this ____ day of _____, 20__, 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, in this instrument referred to as the GRANTOR, and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, whose address is 719 South Woodland Boulevard, DeLand, Florida, 32720, in this instrument referred to as the GRANTEE or F.D.O.T.

W I T N E S S E T H:

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 of which is hereby acknowledged, does hereby grant, bargain, and sell to GRANTEE, its heirs and assigns forever, the following described land lying and being in the County of Seminole, State of Florida, to-wit:

See Legal Description attached as Exhibit "A"

(the "Property")

GRANTOR, in accordance with Section 270.11, Florida Statutes, releases its interest in, and title in and to all the phosphate, minerals and metals that are or may be in, on, or under the Property and all the petroleum that is or may be in, on, or under the Property with the privilege to mine and develop the Property, the GRANTEE having petitioned for this release. The reason justifying such release is that GRANTEE is an agency of the State of Florida, which state therefore loses no rights by such release.

TOGETHER with all tenements, hereditaments and appurtenances belonging or in anywise appertaining to the Property.

PARCEL NO. 100.1
SECTION 77120
F.P. NO. 439040 1
PAGE 2

TO HAVE AND TO HOLD, the Property together with the appurtenances belonging or in anywise appertaining to it, and all the estate, right, title, interest, lien, equity and claim whatever of GRANTOR, either in law or equity, to GRANTEE forever.

PROVIDED that the following rights are reserved to Grantor:

1. GRANTOR has the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate facilities on, within, and upon the Property in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time this instrument is executed. Any new construction or relocation of facilities within the Property will be subject to prior approval by the F.D.O.T. If the F.D.O.T. fails to approve any new construction or relocation of facilities by GRANTOR or requires GRANTOR to alter, adjust, or relocate its facilities located within the Property, then the F.D.O.T. shall pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.
2. Notwithstanding any provisions set forth in this instrument, the terms of the utility permits, if any, will supersede any contrary provisions in this instrument, with the exception of the provision in Paragraph 1 above for reimbursement rights.
3. GRANTOR has a reasonable right to enter upon the Property for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush and growth that might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities.
4. GRANTOR shall repair any damage caused by GRANTOR to F.D.O.T.'s facilities. Subject to the monetary and other limitations of Section 768.28, Florida Statutes (2022), as this statute may be amended from time to time, which limitations are deemed to apply to this instrument regardless of the nature of the liability, GRANTOR shall indemnify the F.D.O.T. against any loss or damage resulting from the GRANTOR exercising its rights outlined in Paragraphs 1 and 3 above.

PARCEL NO. 100.1
SECTION 77120
F.P. NO. 439040 1
PAGE 3

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 this Board, on the day and year stated above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
GRANT MALOY
Clerk to the Board of County
Commissioners of Seminole County,
Florida

By: _____
Amy Lockhart, 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 _____, 20__ regular meeting

County Attorney

PARCEL NO. 100.1
SECTION 77120
F.P. NO. 439040 1
PAGE 4

EXHIBIT A

PARCEL NO. 100
RIGHT OF WAY

SECTION 77120
F.P. NO. 439040-1

That part of:

County Road 427 (Ronald Reagan Boulevard) as shown on Seminole County Right of Way Map by Southeastern Surveying and Mapping Corporation last revised November 9, 1998 lying in Sections 31 and 32, Township 20 South, Range 30 East, and Sections 5 and 6, Township 21 South, Range 30 East, Seminole County, Florida;

described as follows:

PART A:

Commence at a found magnetic nail and disk stamped "GPI SOUTHEAST LB 7560" marking the Southeast corner of the Northeast quarter of Section 6, Township 21 South, Range 30 East, Seminole County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 77120, Financial Project No. 439040-1; thence run North 00°25'44" West along the East line of said Northeast quarter a distance of 2659.95 feet to a point on the Centerline of Survey of State Road No. 434 as shown on said Right of Way Map; thence departing said East line run South 89°54'12" West along said Centerline of Survey a distance of 2.38 feet to a point on the Southerly extension of the West boundary of Lot 1 of 434 Retail as recorded in Plat Book 63, pages 22 & 23 of the Public Records of Seminole County, Florida, and shown on said Right of Way Map; thence departing said Centerline of Survey run North 00°34'38" West along said Southerly extension a distance of 45.00 feet to a point on the existing North right of way line of State Road No. 434 as shown on said Right of Way Map for a Point of Beginning; thence run North 89°46'40" West along said existing North right of way line a distance of 147.51 feet to a point on the existing Westerly right of way line of County Road 427 (Ronald Reagan Boulevard) as shown on said Right of Way Map, being the beginning of a non-tangent curve concave Northwesterly having a radius of 27.00 feet and a chord bearing of North 30°47'53" East; thence from a tangent bearing of North 62°53'01" East run Northeasterly along the arc of said curve and along said existing Westerly right of way line through a central angle of 64°10'17" a distance of 30.24 feet to a point of reverse curvature of a curve concave Easterly having a radius of 5787.56 feet and a chord bearing of North 01°12'29" West; thence run Northerly along the arc of said curve continuing along said existing Westerly right of way line through a central angle of 00°09'33" a distance of 16.08 feet; thence departing said curve and said existing Westerly right of way line, run North 88°52'18" East a distance of 124.84 feet to a point on the existing Easterly right of way line County Road 427 (Ronald Reagan Boulevard) as shown on said Right of Way Map, being a point on a non-tangent curve concave

PARCEL NO. 100.1
SECTION 77120
F.P. NO. 439040 1
PAGE 5

Easterly having a radius of 5662.72 feet and a chord bearing of South 01°13'58" East; thence from a tangent bearing of South 01°07'42" East run Southerly along the arc of said curve and along said existing Easterly right of way line through a central angle of 00°12'31" a distance of 20.61 feet to a point of compound curvature of a curve concave Northeasterly having a radius of 24.00 feet and a chord bearing of South 24°31'16" East; thence run Southeasterly along the arc of said curve continuing along said existing Easterly right of way line through a central angle of 46°22'06" a distance of 19.42 feet to the end of said curve; thence departing said curve, run South 00°34'38" East continuing along said existing Easterly right of way line and the aforesaid West boundary of Lot 1 of 434 Retail a distance of 5.95 feet to the Point of Beginning.

Containing 5,467 square feet, more or less.

and also:

PART B:

Commence at a found magnetic nail and disk stamped "GPI SOUTHEAST LB 7560" marking the Southeast corner of the Northeast quarter of Section 6, Township 21 South, Range 30 East, Seminole County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 77120, Financial Project No. 439040-1; thence run North 00°25'44" West along the East line of said Northeast quarter a distance of 2659.95 feet to a point on the Centerline of Survey of State Road No. 434 as shown on said Right of Way Map; thence departing said East line run North 89°54'12" East along said Centerline of Survey a distance of 250.45 feet to a point on the Northerly extension of the West boundary of Farmer's Addition as recorded in Plat Book 3, page 73 of the Public Records of Seminole County, Florida, and shown on said Right of Way Map; thence departing said Centerline of Survey run South 00°10'08" East along said Northerly extension a distance of 40.00 feet to a point on the existing South right of way line of State Road No. 434 as shown on said Right of Way Map; thence continue South 00°10'08" East along said existing South right of way line a distance of 5.00 feet; thence run South 89°54'12" West and continue along said existing South right of way line a distance of 231.28 feet for a Point of Beginning, being a point on the existing Easterly right of way line of County Road 427 (Ronald Reagan Boulevard) as shown on said Right of Way Map and the point of curvature of a curve concave Southeasterly having a radius of 25.00 feet and a chord bearing of South 43°34'40" West; thence run Southwesterly along the arc of said curve and along said existing Easterly right of way line through a central angle of 92°39'02" a distance of 40.43 feet to a point of compound curvature of a curve concave Easterly having a radius of 5662.58 feet and a chord bearing of South 02°45'54" East; thence run Southerly along the arc of said curve and along said existing Easterly right of way line through a central angle of 00°02'06" a distance of 3.46 feet; thence departing said curve and said Easterly right of way line, run South 88°10'41" West a distance of 117.02 feet to a point on the existing Westerly right of way line of County Road 427 (Ronald Reagan Boulevard) as shown on said Right of Way Map, being a point on a non-tangent curve concave Easterly having a radius of 5779.58 feet and a chord bearing of North 02°42'49" West; thence from a tangent bearing of North 02°45'47" West run

PARCEL NO. 100.1
SECTION 77120
F.P. NO. 439040 1
PAGE 6

Northerly along the arc of said curve and along said existing Westerly right of way line through a central angle of $00^{\circ}05'56''$ a distance of 9.97 feet to the beginning of a curve concave Southwesterly having a radius of 25.00 feet and a chord bearing of North $45^{\circ}58'29''$ West; thence from a tangent bearing of North $02^{\circ}28'50''$ West run Northwesterly along the arc of said curve and along said existing Westerly right of way line through a central angle of $86^{\circ}59'17''$ a distance of 37.96 feet to the end of said curve and a point on the aforesaid existing South right of way line of State Road No. 434 as shown on said Right of Way Map; thence departing said curve and existing Westerly right of way line, run South $89^{\circ}49'35''$ East along said existing South Right Way line a distance of 166.94 feet to the Point of Beginning

Containing 3,991 square feet, more or less.

Containing in the aggregate 9,458 square feet, more or less.

Attachment 2

December 22, 2022

This instrument prepared by

Tammy Mackey

Under the direction of

DANIEL L. MCDERMOTT, ATTORNEY

Department of Transportation

719 South Woodland Boulevard

DeLand, Florida 32720-6834

PARCEL NO. 110.1

SECTION 77120

F.P. NO. 439040 1

STATE ROAD 434

COUNTY SEMINOLE

COUNTY DEED

THIS DEED is made this _____ day of _____ 20__, 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, in this instrument referred to as the GRANTOR, and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, whose address is 719 South Woodland Boulevard, DeLand, Florida, 32720, in this instrument referred to as the GRANTEE or F.D.O.T.

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 of which is hereby acknowledged, does hereby grant, bargain, and sell to GRANTEE, its heirs and assigns forever, the following described land lying and being in the County of Seminole, State of Florida, to-wit:

See Legal Description attached as Exhibit "A"

(the "Property")

GRANTOR, in accordance with Section 270.11, Florida Statutes, releases its interest in, and title in and to all the phosphate, minerals and metals that are or may be in, on, or under the Property and all the petroleum that is or may be in, on, or under the Property with the privilege to mine and develop the Property, the GRANTEE having petitioned for this release. The reason justifying such release is that GRANTEE is an agency of the State of Florida, which state therefore loses no rights by such release.

TOGETHER with all tenements, hereditaments and appurtenances belonging or in anywise appertaining to the Property.

TO HAVE AND TO HOLD, the Property together with the appurtenances belonging or

PARCEL NO. 110.1
SECTION 77120
F.P. NO. 439040 1
PAGE 2

in anywise appertaining to it, and all the estate, right, title, interest, lien, equity and claim whatever of GRANTOR, either in law or equity, to GRANTEE forever.

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 this Board, on the day and year stated above.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
GRANT MALOY
Clerk to the Board of County
Commissioners of Seminole County,
Florida

By: _____
AMY LOCKHART, 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 _____, 20__ regular
meeting

County Attorney

PARCEL NO. 110.1
SECTION 77120
F.P. NO. 439040 1
PAGE 3

EXHIBIT A

PARCEL NO. 110
RIGHT OF WAY

SECTION 77120
F.P. NO. 439040-1

That part of:

"A part of the property described in Official Records Book 984, Page 1672, Official Records Book 108, Page 427 and Official Records Book 4, Page 80 Less right-of-way in Official Records Book 2066, Page 1190, less right-of-way in Official Records Book 1035, Page 476, as recorded in the Public Records of Seminole County, Florida, being that portion of Section 32, Township 20 South, Range 30 East."

(Said property being the same lands described in Official Record Book 3069, page 609 of the Public Records of Seminole County, Florida)

described as follows:

Commence at a found magnetic nail and disk stamped "GPI SOUTHEAST LB 7560" marking the Southeast corner of the Northeast quarter of Section 6, Township 21 South, Range 30 East, Seminole County, Florida, as shown on Florida Department of Transportation Right of Way Map Section 77120, Financial Project No. 439040-1; thence run North 00°25'44" West along the East line of said Northeast quarter a distance of 2659.95 feet to a point on the Centerline of Survey of State Road No. 434 as shown on said Right of Way Map; thence departing said East line run South 89°54'12" West along said Centerline of Survey a distance of 2.38 feet to a point on the Southerly extension of the West boundary of Lot 1 of 434 Retail as recorded in Plat Book 63, pages 22 & 23 of the Public Records of Seminole County, Florida, and shown on said Right of Way Map; thence departing said Centerline of Survey run North 00°34'38" West along said Southerly extension a distance of 45.00 feet to a point on the existing North right of way line of State Road No. 434 as shown on said Right of Way Map; thence continue North 00°34'38" West along said existing North right of way line a distance of 5.95 feet for a Point of Beginning, being the beginning of a non-tangent curve concave Northeasterly having a radius of 24.00 feet and a chord bearing of North 40°32'57" West; thence from a tangent bearing of North 47°42'19" West run Northwesterly along the arc of said curve and continue along said existing North right of way line through a central angle of 14°18'45" a distance of 6.00 feet; thence departing said curve and said right of way line run North 89°54'12" East a distance of 3.84 feet to a point on the aforesaid West boundary of Lot 1 of 434 Retail as shown on said Right of Way Map; thence South 00°34'38" East along said West boundary a distance of 4.55 feet to the Point of Beginning.
Containing 9 square feet, more or less.