

RESOLUTION
of the
SEMINOLE COUNTY BOARD OF COUNTY COMMISSIONERS

FINDING A NECESSITY AND PUBLIC PURPOSE FOR THE ACQUISITION OF PARCELS 108, 109, 136, 736A AND B, 836, 145, 745, 147, 159, 171 AND 172 FOR THE ORANGE BLVD. SAFETY IMPROVEMENT PROJECT; PROVIDING AUTHORIZATION TO NEGOTIATE WITH THE OWNERS OF THE PARCELS; AND, AUTHORIZING, IF NECESSARY, THE EXERCISE OF THE POWER OF EMINENT DOMAIN.

WHEREAS, the Board of County Commissioners of Seminole County desires to accomplish and implement sound transportation planning and provide a sound transportation system in Seminole County for the benefit of the citizens of Seminole County, and

WHEREAS, the safe, efficient and uninterrupted transportation of people and property from place to place on the County road system is a matter of great concern to the people of Seminole County and is necessary to ensure the smooth operation of commerce and other activities within the County; and

WHEREAS, the County's constitutional home rule powers, the Florida Transportation Code as listed in Section 334.01, Florida Statutes (2023), as this statute may be amended from time to time, and other applicable law including, but not limited to, Chapter 125, Florida Statutes (2023), as this statute may be amended from time to time, invest authority over the road system of Seminole County in the County; and

WHEREAS, the elimination of safety hazards in existing and future transportation facilities within Seminole County is of utmost concern and permits the full utilization of such facilities by the traveling public; and

WHEREAS, it is necessary, beneficial, and desirable that any transportation facility in developed or developing areas of the County have an adequate right-of-way to accommodate the roadway and its appurtenant facilities to decrease the likelihood of accidents and to increase the safety of travel within and upon such facilities; and

WHEREAS, Orange Blvd. (C.R. 431) [from State Road 46 to its existing terminus at Monroe Road (U.S. Highway 17-92)] is an existing road in the County Road System that traverses through a developing area with a high volume of traffic; and

WHEREAS, the existing right-of-way of the road is inadequate for proper utilization by current and projected vehicular traffic volumes. Additional traffic lanes and improved drainage facilities are necessary to promote safety, address drainage deficiencies, enhance pedestrian and bicycle continuity, and improve access throughout the project corridor. The property described in this Resolution is being acquired for use as right-of-way for part of the southbound and westbound traffic lanes, a bicycle path, sidewalk, grading tie-in slopes behind the sidewalk, installing driveway aprons for driveways and grade harmonization, concrete curb and gutter, 12-inch water main, and improved drainage facilities to be used by the public in general. The property described in this Resolution is necessary for roadways, rights-of-way, drainage facilities, construction easements and related facilities for the use of the general public; and

WHEREAS, Seminole County has caused the roadway's area of construction to be located and surveyed and has caused right-of-way maps for the sections of Orange Blvd. as described above to be prepared, based upon and incorporating the survey and location data; and

WHEREAS, Seminole County has evaluated all of the following in determining the specific property to be acquired for the project: (1) availability of an alternate route; (2) costs of the project; (3) environmental factors; (4) long-range planning; and (5) safety considerations; and

WHEREAS, descriptions of the properties needed for the widening of the roadway and improvement of its drainage system and other appurtenant systems have been prepared based upon the survey and location data described above and the right-of-way map; and

WHEREAS, the Board of County Commissioners of Seminole County desires to utilize the provisions of Florida law to the fullest extent possible in order to accomplish the public purpose of acquiring necessary parcels of real property at prices that are both fair to property owners and prudent in terms of spending the tax revenues and other public funds which fund the transportation projects of the County; and

WHEREAS, the Board of County Commissioners of Seminole County hereby determines that the actions taken in this Resolution are consistent with the goals, policies and objectives of the Seminole County Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. The above recitals are adopted as findings and incorporated into the text of this Resolution.

Section 2. It is necessary, serves a County and public purpose, and is in the best interests of the citizens of Seminole County and the traveling public to improve the road and appurtenant drainage facilities on or relating to Orange Blvd. in order to enhance public transportation within Seminole County, to alleviate traffic congestion and to increase the safety of travel along the road.

Section 3. The acquisition of the properties described in Composite Exhibit A attached to this Resolution, consisting of 40 pages, is found to be necessary for the improvements to the extent

of the estate or interest set forth as a part of each parcel's description. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of these parcels serves a County and public purpose.

Section 4. Approval of this Resolution confers authority upon the County Attorney's Office to negotiate in good faith with the owners of the parcels, and to make all necessary binding offers, as determined through written authorization by the Public Works Department Director consistent with the authority granted by the Board of County Commissioners, to the owners prior to the institution of condemnation proceedings, and, if necessary, to file condemnation proceedings to exercise the power of eminent domain.

Section 5. The estates or interests sought to be condemned by these proceedings designated as Parcels 108, 109, 136, 145, 147, 159, 171 and 172 are to be acquired in fee simple for road construction and related purposes, all being associated with roadway improvements for the Orange Blvd. Safety Improvement Project, which is absolute complete ownership of all rights over property in perpetuity, without limitation or restriction, unqualified ownership and power of disposition.

Section 6. The estates or interests sought to be condemned by these proceedings designated as Parcels 736A and B and 745 are for temporary construction easements for non-exclusive use of the property for the purposes of: (1) ingress and egress over the property for access to the Orange Blvd. Safety Improvement Project where it abuts the above-described property by workers, machinery and vehicles, in order to construct roadway improvements on abutting right of way. (2) constructing or modifying driveways, walls, and other structures affected by the roadway construction, but which are not within the public rights-of-way; (3) storage and marshalling of equipment and materials during the roadway construction project, and (4) demolishing or clearing

any structures, improvements, or other features required to be removed in order to construct the roadway and drainage improvements. The County will have full authority to enter upon, grade, re-grade, excavate, and construct such improvements as may be agreed upon by County and the property owner. At the end of the term of these easements, the County shall restore the premises to the condition existing immediately before County began use of the premises, as much as reasonably possible, or shall compensate the property owner for improvements acquired. The County shall grade the lands to match and connect to the new construction at no cost to the property owner. The County's rights under the Parcels 736A and B and 745 easements will commence upon execution of an easement agreement or upon entry of an order by the Court and the duration of the easements will be three (3) years from the start of construction or until completion of construction, whichever occurs first.

Section 7. The estate or interest sought to be condemned by these proceedings designated as Parcel 836 is for permanent, perpetual, non-exclusive use of the property for construction and maintenance of a drainage structure that will convey water south to the Orange Blvd. storm drain system from the remainder tract of the property located at 5070-5100 Orange Blvd., Sanford, Florida 32771 at the northeast quadrant of Orange Blvd. and New York Street, in unincorporated Seminole County. The County's use will include the right to construct, operate, secure, maintain, repair, and replace the drainage facility together with the appurtenances that are reasonably necessary for function of the facility including, but not limited to access roads, pipes and lateral support slopes. The County may clear, grade and excavate the land, plant, cultivate, trim, or remove vegetation, connect, construct or install pipes, ponds, ditches and other drainage or retention facilities, maintain the land, vegetation, ponds, facilities, fixtures or other appurtenances, and in all other ways access, use, and protect the

easement as part of the County's drainage system. The property owner will retain all rights which do not interfere with the County's easement rights.

Section 8. The County Engineer or his designee is hereby delegated the authority to amend the construction plans for the Orange Blvd. Safety Improvement Project and is authorized to bind the County to construct the project in accordance with the construction plans as amended from time to time. This authority encompasses any change considered necessary in the discretion of the County Engineer or his designee, with the exception of changes in the typical section or alignment approved by the Board of County Commissioners of Seminole County.

Section 9. If efforts to negotiate the acquisition of the parcels are unsuccessful, the County Attorney's Office is hereby authorized and directed to institute a suit or suits in the name of Seminole County and fully exercise Seminole County's power of eminent domain for the purpose of acquiring the parcels described in Composite Exhibit "A" attached to this Resolution to the extent of the estate or interest set forth as a part of each parcel's description and are further authorized and directed to do all things necessary to prosecute such suit or suits to final judgment by settlement or adjudication. The County Attorney's Office is specifically authorized to sign and file a Declaration of Taking so that Seminole County may avail itself of the provisions of Chapter 74, Florida Statutes (2023). The County Attorney's Office is further authorized to accomplish the acquisition of each parcel by settlement and compromise at such terms that they may deem advisable under the circumstances of the litigation in those instances where such settlement and compromises can be effected in accordance with the terms, conditions, and limitations as established from time to time by the Board of County Commissioners of Seminole County. The County Attorney's Office is authorized and directed to utilize and assert any and all constitutional and statutory authority of Seminole County and the Board of County Commissioners of Seminole County relative to the

acquisition of the subject parcels including, but not limited to, the provisions of Chapters 73, 74, 127 and 332, Florida Statutes (2023), as these statutes may be amended from time to time, as well as the provisions of the Florida Transportation Code referred to in the recitals to this Resolution.

Section 10. Prior to the institution of any suits, the County Attorney’s Office is authorized to negotiate for the purchase and sale of any of the properties described in Composite Exhibit “A” at a value consistent with the authority granted by the Board of County Commissioners of Seminole County and to bring back for execution by the Chairman or, in his absence, the Vice Chairman, without further Board action, the Agreement to consummate the sale to Seminole County.

Section 11. This Resolution will become effective upon adoption by the Board of County Commissioners.

ADOPTED this ___ day of _____, 2024.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

GRANT MALOY
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

By: _____
JAY ZEMBOWER, Chairman

Date: _____

As authorized for execution by the Board of County Commissioners at its _____, 2024, regular meeting.

LP-C

Attachment: Composite Exhibit “A” – Sketches of Description

Authority: Chapter 73, Florida Statutes (2023)
Chapter 74, Florida Statutes (2023)
Chapter 125, Florida Statutes (2023)
Chapter 127, Florida Statutes (2023)
Chapter 332, Florida Statutes (2023)
Section 334.01, Florida Statutes (2023)