

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

**FINDING A NECESSITY AND PUBLIC PURPOSE FOR THE ACQUISITION OF PARCEL 800 FOR THE NEBRASKA BRIDGE SAFETY IMPROVEMENT PROJECT, WHICH INCLUDES THE STABILIZATION OF THE LOCKHART-SMITH CANAL IN THE VICINITY OF THIS BRIDGE; PROVIDING AUTHORIZATION TO NEGOTIATE WITH THE OWNERS OF THE PARCEL; 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 and drainage planning and provide sound transportation and flood control systems 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 and drainage facilities to control flooding are matters of great concern to the people of Seminole County and are 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 (2024), as this statute may be amended from time to time, and other applicable law including, but not limited to, Chapter 125, Florida Statutes (2024), as this statute may be amended from time to time, invest authority over the road system and drainage structures of Seminole County in the County; and

**WHEREAS**, the elimination of safety hazards in existing and future transportation facilities and drainage 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**, Nebraska Avenue, in the vicinity of its intersection with Missouri Avenue in Sanford, Florida, is an existing private road that traverses over a vehicular bridge that is located near Missouri Avenue, which is in the County Road System, and that lies over the Lockhart-Smith Canal; and

**WHEREAS**, the condition of the existing bridge is inadequate for safe travel over Nebraska Avenue and needs to be replaced to promote safety and improve access throughout the project corridor; and

**WHEREAS**, clearing and maintain the 8.5-mile-long Lockhart Smith Canal is essential to preventing and controlling potential flooding in the area; and

**WHEREAS**, the Lockhart-Smith Canal under and in the vicinity of the bridge also needs restoration work to ensure the smooth flow of drainage over this canal, under the Nebraska Avenue Bridge, and north to the St. Johns River; and

**WHEREAS**, the property described in this Resolution is being acquired for use as drainage facilities in the area of the bridge; and

**WHEREAS**, the property described in this Resolution is necessary for roadways, rights-of-way, drainage facilities, a drainage easement, and related facilities; and

**WHEREAS**, Seminole County has caused the drainage facilities and the bridge's area of construction to be located and surveyed and has caused right-of-way maps for the section of the Lockhart-Smith Canal, 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 property needed for the bridge and canal restoration work 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 vehicular bridge for Nebraska Avenue where the road is over the Lockhart-Smith Canal and to perform restoration work to the canal in the vicinity of this bridge in order to enhance public transportation within Seminole County, to increase the safety of travel along the road, and to improve the drainage flow under the bridge.

**Section 3.** The acquisition of the property described in Exhibit A attached to this Resolution, consisting of 2 pages, is found to be necessary for the improvements to the extent of the estate or interest set forth as a part of the parcel's description. The Board of County Commissioners of Seminole County hereby finds and determines that the acquisition of this parcel 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 estate or interest sought to be condemned by these proceedings designated as Parcel 800 is for a permanent, perpetual, exclusive easement on the property for construction and maintenance of the vehicular bridge and the Lockhart-Smith Canal under and in the vicinity of the bridge. The County's use will include the right to construct, operate, secure, maintain, repair, and replace the bridge and perform restoration of and maintenance for the canal under and in the vicinity of the bridge, together with the appurtenances that are reasonably necessary for function of the facility

including, but not limited to 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 7.** The County Engineer or his designee is hereby delegated the authority to amend the construction plans for the Nebraska Avenue Bridge 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 8.** 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 parcel described in Exhibit "A" attached to this Resolution to the extent of the estate or interest set forth as a part of the parcel's description and is 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 (2024). 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 (2024), 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 the property described in 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:

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

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
JAY ZEMBOWER, Chairman

Date: \_\_\_\_\_

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

DGS\sfa

Attachment: Exhibit “A” – Sketch of Description

Authority: Chapter 73, Florida Statutes (2024)  
Chapter 74, Florida Statutes (2024)  
Chapter 125, Florida Statutes (2024)  
Chapter 127, Florida Statutes (2024)  
Section 334.01, Florida Statutes (2024), et seq.

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# SKETCH OF DESCRIPTION

SHEET 1 OF 2

DESCRIPTION: A PORTION OF LOT 1, BLOCK 7, SANFORD FARMS SUBDNISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGES 127 THROUGH 128j, OF THE PUBUC RECORDS OF SEMINOLE COUNTY, FLORIDA, ALL LYING IN SECTION 17, TOWNSHIP 19 SOUTH, RANGE 30 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF LOT 1, BLOCK 7, SANFORD FARMS SUBDNISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGES 127 THROUGH 128j, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA; THENCE S 89°50'43" W, ALONG THE NORTH LINE OF SAID LOT 1, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING; THENCE S 0°15'29" E, ALONG A UNE 40.00 FEET WEST OF AND PARALLEL TO THE EAST UNE OF SAID LOT 1, A DISTANCE OF 106.00 FEET; THENCE DEPARTING SAID PARALLEL LINE RUNS 89°50'43" W, A DISTANCE OF 50.00 FEET; THENCE N 0°15'29" W, A DISTANCE OF 96.00 FEET; THENCE S 89°50'43" W, A DISTANCE OF 53.00 FEET; THENCE N 0°15'29" W, A DISTANCE OF 10.00 FEET TO THE NORTH LINE OF SAID LOT 1; THENCE N 89°50'43" E, ALONG SAID NORTH LINE OF LOT 1, A DISTANCE OF 103.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,829.95 SQUARE FEET OR 0.13 ACRES MORE OR LESS.

## SEMINOLE COUNTY

SURVEY SECTION  
OF THE  
ROADS-STORMWATER DMSION  
OF THE  
PUBLIC WORKS DEPARTMENT  
149 BUSH LOOP BLVD.  
SANFORD, FLORIDA 32773  
407-665-5647

## SURVEYOR'S NOTES

BEARINGS BASED ON: ASSUMED DATUM, HOWING THE NORTH LINE OF LOT 1, BLOCK 7, SANFORD FARMS, AS BEING N 89°50'43" E

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.

NOT VALID WITHOUT SIGNATURE AND THE ORIGINAL SEAL OF THE REGISTERED SURVEYOR AND MAPPING ENGINEER.



BY:

*Raymond F. Phillips*

RAYMOND F. PHILLIPS, LICENSE # 7015

FIELD DATE: "N/A" \_\_\_\_\_  
DATE: 6/22/2022  
JOB NAME: 22-062 SHEET 1 OF 2

SCALE: 1" = 40'  
DRAWN BY: T.E.  
CHECKED BY: R.F.P.

# SKETCH OF DESCRIPTION

SHEET 2 OF 2

LOT B  
BLOCK 7

NEBRASKA AVENUE  
(A PRIVATE ROAD)

50' EASEMENT  
FOR INGRESS/EGRESS  
AND PUBLIC UTILITIES

POC  
NORNER OF  
LOT 1, BLOCK 7,  
SANFORD FARMS  
PLAT BOOK 1, PAGE  
127-1281

POB

NORTH LINE OF  
LOT 1, BLOCK 7

N 0° 15' 29" W  
10.00'

N 89° 50' 43" E 103.00'

S 89° 50' 43" W  
40.00'

S 89° 50' 43" W  
53.00'

LOT 1  
BLOCK 7

N 0° 15' 29" W 96.00'

S 0° 15' 29" E 106.00'

40' R/W PER  
O.R.B. 1186,  
PG. 1492

EAST LINE OF  
LOT 1, BLOCK 7

MISSOURI AVENUE

70' R/W PER  
O.R.B. 275, PAGE 98.

S 89° 50' 43" W  
50.00'

40.00'



Scale 1" = 40'

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## LEGEND

P.S.M - PROFESSIONAL SURVEYOR AND MAPPER  
O.R.B. - OFFICIAL RECORDS BOOK  
R/W - RIGHT OF WAY  
POB - POINT OF BEGINNING  
POC - POINT OF COMMENCEMENT  
FL - FLORIDA  
N OR S - NORTH OR SOUTH  
E OR W - EAST OR WEST

## SEMINOLE COUNTY

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OF THE  
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1 - - - - - 1 3 -  
REVISIONS

	DATE	DESCRIPTION	BY
1			
2			
3			
4			

FIELD DATE: N/A  
DATE: 6/22/2022  
JOB NAME: 22-062 SHEET 2 OF 2

SCALE: 1" = 40'  
DRAWN BY: TE  
CHECKED BY: R.F.P.