

RESOLUTION: 10-___

RESOLUTION OF INTENT, PURSUANT TO FLA. STAT. §125.38, TO CONVEY TO THE CITY OF TALLAHASSEE COUNTY-OWNED REAL PROPERTY LOCATED ALONG, AND ADJACENT TO, THE POLK DRIVE RIGHT-OF-WAY

WHEREAS, Leon County, Florida (the "County") acquired property described in Exhibit "A" attached hereto and incorporated herein (the "Property") within the City limits of the City of Tallahassee, a Florida municipal corporation (the "City") for use in the County's realignment of a City street and for the construction of adjacent stormwater improvements as part of the County's Orange Avenue Widening Capital Improvement Project (the "Project"); and

WHEREAS, during the County's design phase of the Project, the City agreed to the acceptance of title and maintenance responsibility of the Property at the completion of the Project; and

WHEREAS, it will be necessary for the County to reserve a perpetual easement, as an appurtenance to the Property or to any part thereof, to clear, excavate, construct, and maintain drainage facilities in, upon, over and through the portion of the Property described in Exhibit "B" attached hereto and incorporated herein (the "Easement"), which will allow for the County's maintenance of, and any future modification to, the outfall of the East Branch Ditch Box Culvert as an integral part of the Project; and

WHEREAS, this Resolution is adopted pursuant to the provisions of Section 125.38, Florida Statutes, which allows the County to convey its real property to a municipality of the State of Florida if the Board of County Commissioners is satisfied that such real property is not needed for County purposes, is used for a public purpose or to promote community interest and welfare, and is needed for such use, which findings and price for such conveyance are to be recited in a resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida (the "Board"), assembled in regular session this 14th day of September, 2010, as follows:

1. That the City is a municipality under the laws of the State of Florida within the meaning of Section 125.38, Florida Statutes.
2. That the City, by virtue of its agreement to accept title and maintenance responsibility for the Property, has requested that the County convey the Property to the City.

3. That the City's use of the Property will be for a public use within the meaning of Section 125.38, Florida Statutes, as a road right-of-way and stormwater management facility.

4. That the conveyance of the Property to the City is required for such public use by the City, and that the Property, with the exception of the reserved Easement, is not needed for any County purpose.

5. That the consideration paid to the County for conveyance of the Property shall be ZERO AND 00/100 DOLLARS (\$0.00).

6. That, in accordance with the terms and conditions set forth herein, the County-owned Property, as described in Exhibit "A," may be conveyed to the City subject to a reservation of a perpetual easement in, upon, over and through the portion of the Property described in Exhibit "B," as an appurtenance to the Property or to any part thereof, for the purpose of clearing, excavating, constructing, and maintaining drainage facilities thereon.

7. To the extent this Resolution may conflict with any provisions of prior Board Resolutions regarding the use of the Property, this Resolution shall supersede such conflicting provisions.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this the 14th day of September, 2010.

LEON COUNTY, FLORIDA

BY: _____
Bob Rackleff, Chairman
Board of County Commissioners

ATTEST:
Bob Inzer, Clerk of the Court
Leon County, Florida

BY: _____

Approved as to Form:
Leon County Attorney's Office

BY: _____
Herbert W.A. Thiele, Esq.
County Attorney

Exhibit "A"
 Polk Drive Realignment
 and Stormwater Management Facility

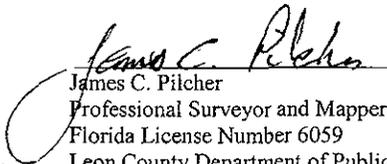
Description
 Page 1 of 2

Commence at a 1 inch diameter iron pipe marking the Southwest corner of Section 7, Township 1 South, Range 1 East, Leon County, Florida. Thence North 00 degrees 06 minutes 43 seconds East along the West boundary of said Section 7 a distance of 2661.53 feet to the Northwest corner of the Southwest Quarter of said Section 7; thence continuing along the west boundary of said Section 7, North 00 degrees 01 minutes 59 seconds East 17.59 feet to an intersection with the Baseline of Survey of Orange Avenue; thence along said Baseline of Survey for the following described courses; thence along the arc of a non-tangent circular curve to the right, having a radius of 7639.44 feet, for an arc distance of 166.61 feet, through a central angle of 01 degrees 14 minutes 59 seconds, a chord which bears North 89 degrees 04 minutes 18 seconds East 166.61 feet to a point of tangency; thence North 89 degrees 41 minutes 48 seconds East 961.81 feet; thence South 89 degrees 38 minutes 12 seconds East 130.61 feet; thence leaving said Baseline of Survey North 00 degrees 12 minutes 52 seconds West 175.39 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING, thence continue North 00 degrees 12 minutes 52 seconds West 458.85 feet; thence North 89 degrees 57 minutes 11 seconds East 210.06 feet; thence South 00 degrees 11 minutes 15 seconds East 299.70 feet; thence North 89 degrees 45 minutes 55 seconds East 98.41 feet; thence North 00 degrees 28 minutes 45 seconds East 149.95 feet; thence North 89 degrees 49 minutes 28 seconds East 21.00 feet; thence South 00 degrees 28 minutes 45 seconds West 187.91 feet; thence North 89 degrees 44 minutes 55 seconds East 96.72 feet; thence North 00 degrees 10 minutes 47 seconds West 38.01 feet; thence South 89 degrees 48 minutes 11 seconds East 103.14 feet; thence South 00 degrees 07 minutes 09 seconds East 292.14 feet; thence North 89 degrees 38 minutes 12 seconds West 252.38 feet; thence North 44 degrees 38 minutes 12 seconds West 21.21 feet; thence North 89 degrees 38 minutes 48 seconds West 51.35 feet; thence North 00 degrees 11 minutes 15 seconds West 41.29 feet to a point marking a point of curve to the left, thence continue along said curve with a radius of 73.30 feet, through a central angle of 89 degrees 26 minutes 57 seconds, for an arc distance of 114.43 feet, chord of said curve being North 44 degrees 54 minutes 44 seconds West 103.16 feet to a point of tangency; thence North 89 degrees 38 minutes 12 seconds West 137.26 feet to the POINT OF BEGINNING.

No abstract of title or title opinion provided. It is possible that there are recorded or unrecorded deeds, easements, agreements or other instruments which could affect the boundaries herein above described.

A Sketch of Description attached as Exhibit "A", Page 2 of 2 and by reference incorporated herein. This description is not complete without the attached sketch and the attached sketch is not complete without the description.

This description meets all applicable requirements of the Florida Minimum Technical Standards as contained in Chapter 61G17-6 Florida Administrative Code pursuant to Section 472.027 Florida Statutes.

 2/12/09
 James C. Pilcher Date
 Professional Surveyor and Mapper
 Florida License Number 6059
 Leon County Department of Public Works
 2280 Miccosukee Road
 Tallahassee, FL 32308

Not valid without the signature and original raised seal of the above signing surveyor.

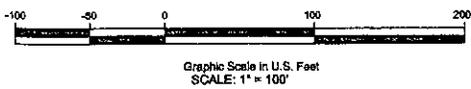


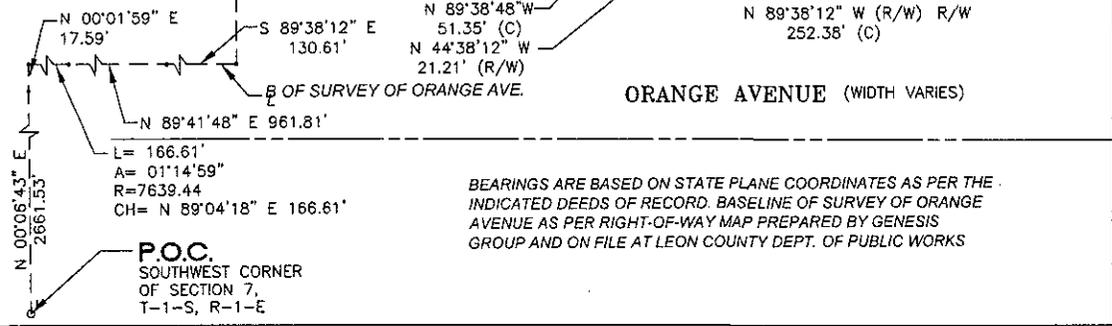
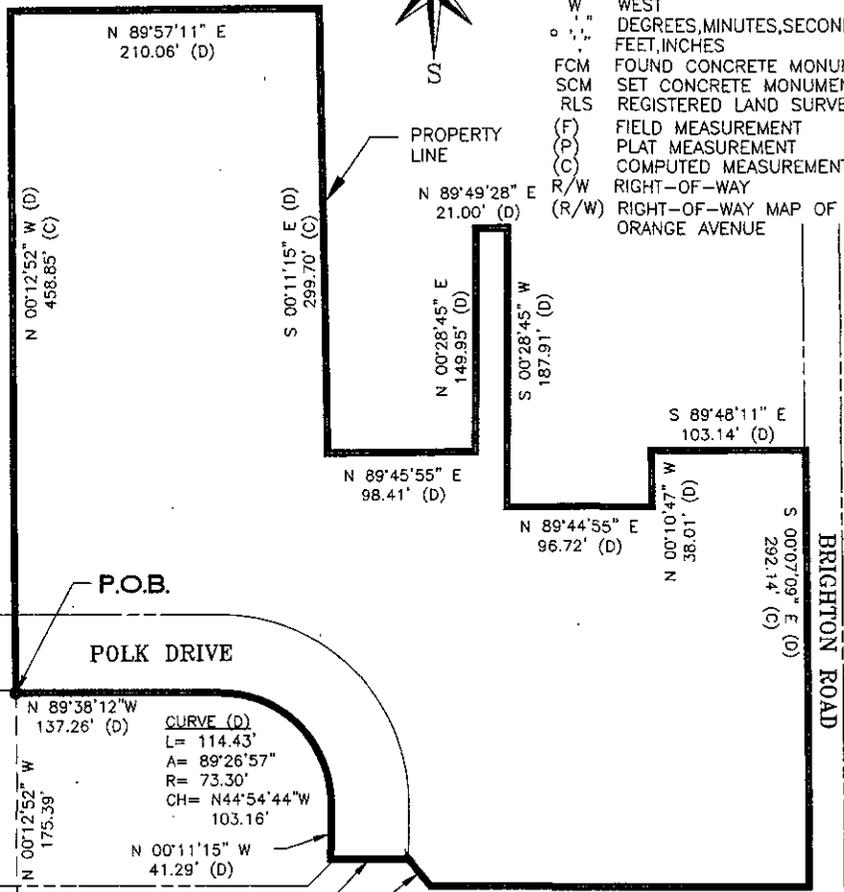
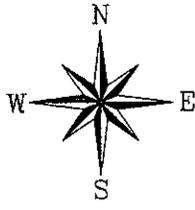
EXHIBIT
"A"
PAGE
2 of 2

The following description based on the Deeds Recorded in Official Records, Book 2202 Page 2336; Book 2578 Page 1941; Book 2658 Page 0283; Book 2585 Page 0697; Book 2661 Page 0079; of the Public Records of Leon County, Florida, and the Right-of-Way Map of Orange Avenue prepared by Genesis Group for Leon County (Project No. 4302-001)

LEGEND

- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- N NORTH
- S SOUTH
- E EAST
- W WEST
- ° ' " DEGREES, MINUTES, SECONDS
- FEET, INCHES
- FCM FOUND CONCRETE MONUMENT
- SCM SET CONCRETE MONUMENT
- RLS REGISTERED LAND SURVEYOR
- (F) FIELD MEASUREMENT
- (P) PLAT MEASUREMENT
- (C) COMPUTED MEASUREMENT
- R/W RIGHT-OF-WAY
- (R/W) RIGHT-OF-WAY MAP OF ORANGE AVENUE

ATTACHMENT # 1
PAGE 4 OF 6



BEARINGS ARE BASED ON STATE PLANE COORDINATES AS PER THE INDICATED DEEDS OF RECORD. BASELINE OF SURVEY OF ORANGE AVENUE AS PER RIGHT-OF-WAY MAP PREPARED BY GENESIS GROUP AND ON FILE AT LEON COUNTY DEPT. OF PUBLIC WORKS

SEE ATTACHED SHEETS FOR LEGAL DESCRIPTIONS
SKETCH OF DESCRIPTION

NOT A SURVEY
NO ABSTRACT OR TITLE OPINION FURNISHED. IT IS POSSIBLE THERE ARE RECORDED OR UNRECORDED DEEDS, EASEMENTS, AGREEMENTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES HEREINABOVE DESCRIBED.

Prepared for LEON COUNTY BOARD OF COUNTY COMMISSIONERS

DATE OF FIELDWORK:	DATE OF DRAFTING: 05/15/2008	DRAWN BY: GPB	REVISION:
FIELDBOOK No.	FILE: City_Transfer_Legal	CHECKED BY: JCP	REVISION:



PREPARED BY:
LEON COUNTY PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING SERVICES
SURVEY AND RIGHT-OF-WAY SECTION
2280 MICCOSUKEE ROAD
TALLAHASSEE, FL 32308
Phone (850) 606-1500
Fax (850) 606-1501

Exhibit "B"
Polk Drive Realignment
and Stormwater Management Facility

Description
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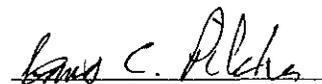
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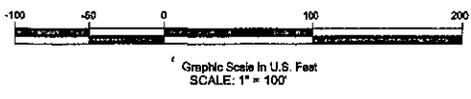
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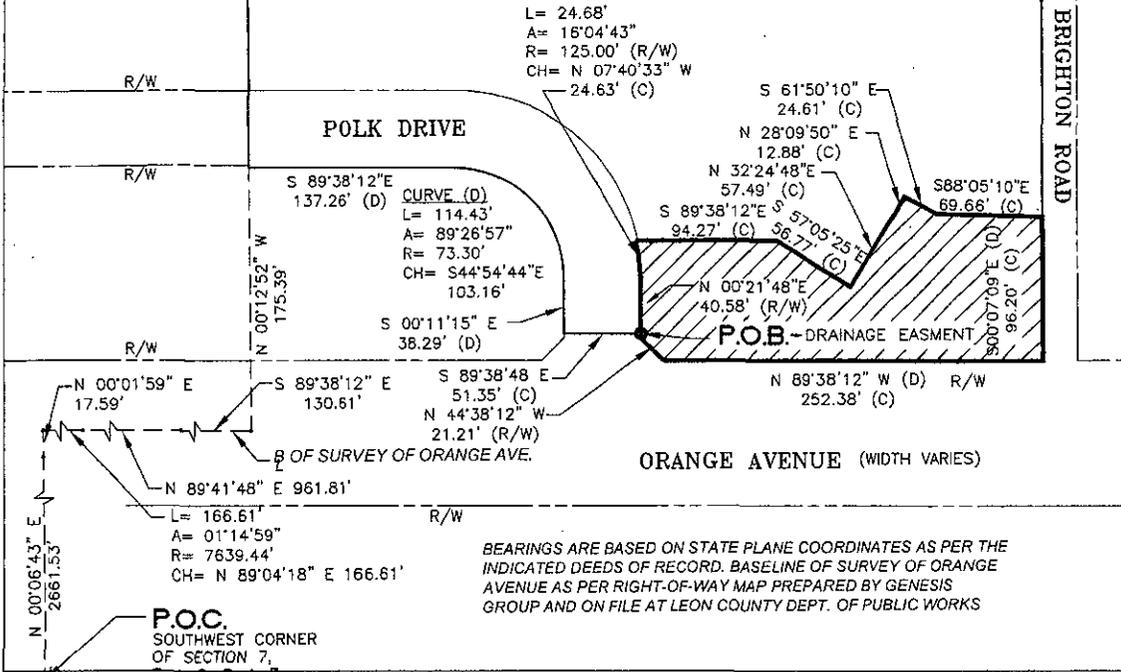
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