

RESOLUTION NO. R15-___

(Parcel 702)

RESOLUTION AUTHORIZING LEON COUNTY, FLORIDA TO EXERCISE EMINENT DOMAIN POWER TO ACQUIRE CERTAIN PROPERTY INTERESTS IN LEON COUNTY, FLORIDA, TO CONSTRUCT, OPERATE, AND MAINTAIN EXPANSIONS, IMPROVEMENTS AND/OR OTHER ALTERATIONS CONCERNING THE OLD BAINBRIDGE AT PULLEN ROAD INTERSECTION IMPROVEMENT PROJECT, WITH RESPECT TO PARCEL 702.

WHEREAS, Leon County, Florida (the “County”) is a charter county and political subdivision of the State of Florida; and

WHEREAS, pursuant to Chapter 127, Florida Statutes, the Board of County Commissioners (the “Board”) is authorized to exercise the power of eminent domain, including the eminent domain power granted to the Department of Transportation by Section 337.27(1), Florida Statutes, the transportation corridor protection provisions of Section 337.273, Florida Statutes, and the right of entry onto property pursuant to Section 337.274, Florida Statutes; and

WHEREAS, in order to reduce the number of traffic crashes in and around the intersection of Old Bainbridge Road at Pullen Road, and to otherwise address the safe and efficient movement of vehicular and pedestrian traffic through the area, the Board approved the Old Bainbridge at Pullen Road Intersection Improvement Project (the “Project”); and

WHEREAS, the Project will improve all traffic movements through the Old Bainbridge at Pullen Road intersection and will enhance the safety for vehicles and pedestrians by calming the traffic through the intersection and reducing congestion during peak traffic hours; and

WHEREAS, it is in the public interest and for the public benefit to provide safe and efficient roadways and intersections which protect the health, welfare, and safety of the general public by reducing the number of traffic crashes and the congestion of traffic during peak hours; and

WHEREAS, the County and its consultants have considered and weighed many factors, including but not limited to the availability of an alternate alignments, long-range planning, safety considerations, environmental factors, and costs; and

WHEREAS, the County has insufficient interests in real property in the Old Bainbridge at Pullen Road area to construct the Project; and

WHEREAS, the estates and interests in the real property described herein are reasonably necessary to adequately accommodate the planned improvements, expansions, and/or alterations concerning the Project; and

WHEREAS, the County and its consultants have prepared property descriptions and surveys which sufficiently describe and identify the property and interests reasonably necessary to be acquired from the property owner for the public purpose of constructing the Project; and

WHEREAS, a non-exclusive temporary construction easement interest in the portion of the real property, which portion is identified in the map of description attached hereto as “Exhibit A,” hereinafter referred to as Parcel 702, is reasonably necessary to construct the Project; and

WHEREAS, the County’s consultants indicate it is reasonably probable that the County will obtain all necessary approvals for the Project from the appropriate governmental entities, including those charged with protecting the natural resources; and

WHEREAS, the County’s consultants indicate that condemnation of a non-exclusive temporary construction easement interest in Parcel 702 will not result in irreparable harm to natural resources or the environment in the unlikely event that such approvals for this Project are not obtained from the appropriate governmental entities charged with protecting the natural resources; and

WHEREAS, the County has otherwise satisfied all applicable conditions precedent; and

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Leon County, Florida, as follows:

1. The Board hereby determines that the construction of the Old Bainbridge at Pullen Road Intersection Improvement Project represents a valid County public purpose.
2. Acquiring a non-exclusive temporary construction easement interest in the real property identified as Parcel 702 as depicted in “Composite Exhibit A” is reasonably necessary for the County public purpose of constructing the Old Bainbridge at Pullen Road Intersection Improvement Project.
3. The County Attorney, in cooperation with the County Administrator and his designated staff, is authorized and directed to institute such negotiations, eminent domain proceedings pursuant to Chapters 73 and/or 74, Florida Statutes, and other collateral proceedings, so as to allow the County to take title and possession of a non-exclusive temporary construction easement interest in Parcel 702 as depicted in “Composite Exhibit A.”

4. This Resolution shall become effective upon being adopted and executed.

DONE AND ADOPTED by the Board of County Commissioners of Leon County, Florida, on this the 8th day of December, 2015.

LEON COUNTY, FLORIDA

By: _____
Bill Proctor, Chairman
Board of County Commissioners

ATTEST:

Bob Inzer, Clerk of the Circuit Court
and Comptroller, Leon County, Florida

By: _____

Approved as to Form:

Office of the County Attorney
Leon County, Florida

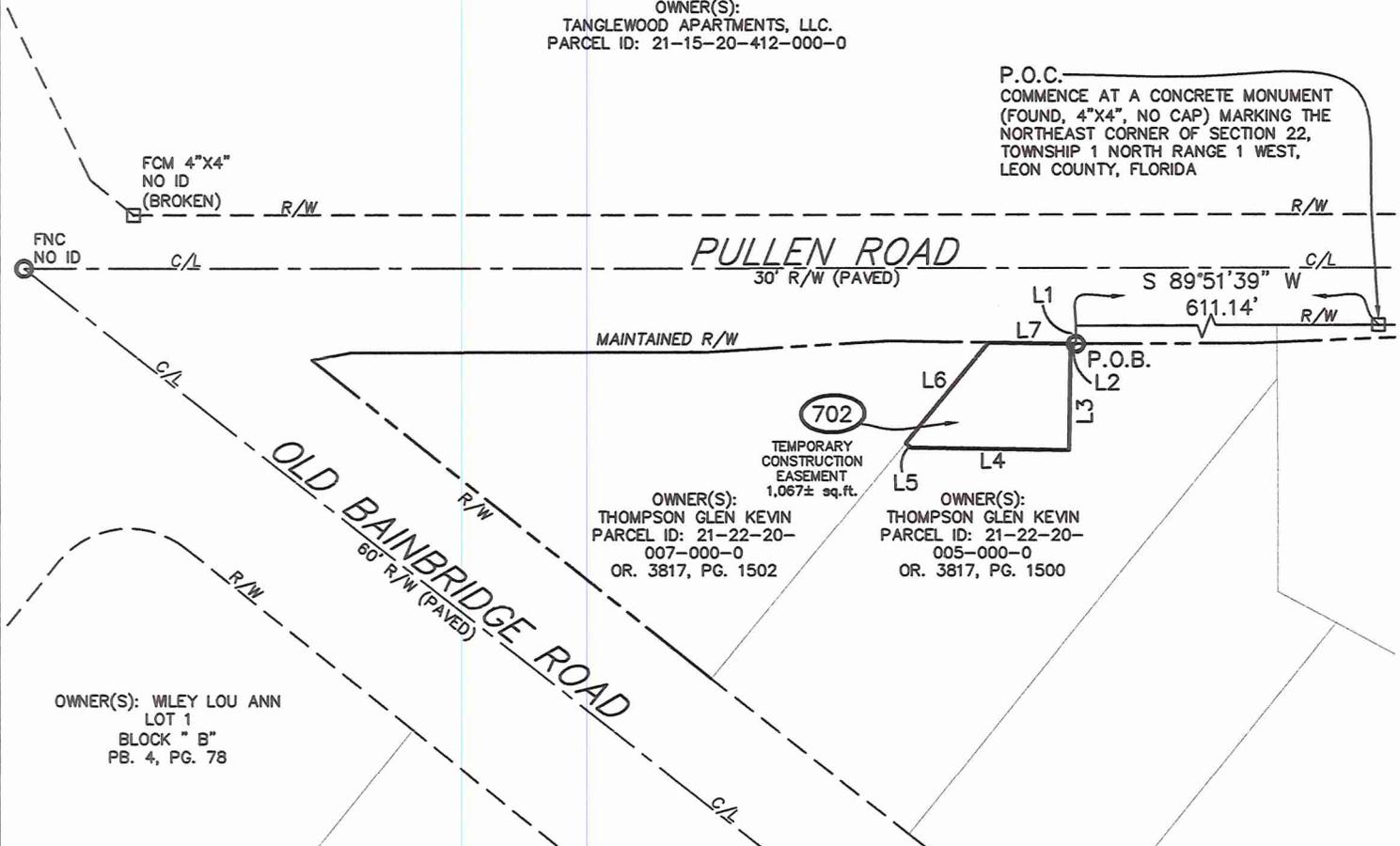
By: _____
Herbert W. A. Thiele
County Attorney

SKETCH OF DESCRIPTION

Temporary Construction Easement (Parcel 702)

OWNER(S):
TANGLEWOOD APARTMENTS, LLC.
PARCEL ID: 21-15-20-412-000-0

P.O.C.
COMMENCE AT A CONCRETE MONUMENT
(FOUND, 4"X4", NO CAP) MARKING THE
NORTHEAST CORNER OF SECTION 22,
TOWNSHIP 1 NORTH RANGE 1 WEST,
LEON COUNTY, FLORIDA

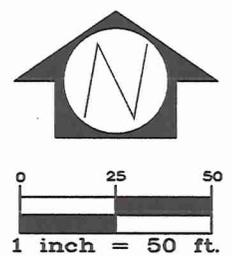


LINE TABLE		
LINE	BEARING	LENGTH
L1	S00°08'25"E	5.06'
L2	S89°52'18"W	1.48'
L3	S01°01'03"W	29.65'
L4	N88°58'57"W	43.93'
L5	N49°38'51"W	1.90'
L6	N39°22'34"E	36.26'
L7	S88°59'58"E	22.90'

PROPERTY DESCRIPTION:

(Temporary Construction Easement) Parcel 702

COMMENCE AT A CONCRETE MONUMENT (FOUND, 4"X4", NO CAP) MARKING THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 1 NORTH RANGE 1 WEST, LEON COUNTY, FLORIDA, AND RUN THENCE SOUTH 89 DEGREES 51 MINUTES 39 SECONDS WEST 611.14 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY BOUNDARY OF PULLEN ROAD; THENCE RUN SOUTH 00 DEGREES 08 MINUTES 25 SECONDS EAST, A DISTANCE OF 5.06' TO A POINT ON THE MAINTAINED RIGHT OF WAY OF PULLEN ROAD; THENCE RUN SOUTH 89 DEGREES 52 MINUTES 18 SECONDS WEST, A DISTANCE OF 1.48 FEET TO THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING AND LEAVING SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY RUN SOUTH 01 DEGREES 01 MINUTES 03 SECONDS WEST A DISTANCE OF 29.65 FEET; THENCE NORTH 88 DEGREES 58 MINUTES 57 SECONDS WEST A DISTANCE OF 43.93 FEET; THENCE NORTH 49 DEGREES 38 MINUTES 51 SECONDS WEST A DISTANCE OF 1.90 FEET; THENCE NORTH 39 DEGREES 22 MINUTES 34 SECONDS EAST, A DISTANCE OF 36.26 FEET TO THE SOUTHERLY MAINTAINED RIGHT-OF-WAY BOUNDARY OF PULLEN ROAD; THENCE ALONG SAID SOUTHERLY MAINTAINED RIGHT-OF-WAY BOUNDARY SOUTH 88 DEGREES 59 MINUTES 58 SECONDS EAST A DISTANCE OF 22.90 FEET TO THE POINT OF BEGINNING. CONTAINING 1,067± SQ. FT.



LEGEND

<p>AC. - ACRES ASPH. - ASPHALT AVE. - AVENUE BLDG. - BUILDING BLVD. - BOULEVARD B.M. - BENCHMARK BRG. - BEARING C.G. - CURB and GUTTER C.M. - CONCRETE MONUMENT CD. - COUNTY CDNC. - CONCRETE (D) - DEED / DESIGN INFORMATION E - EAST ELEC. - ELECTRIC ELEV. - ELEVATION F.F.E. - FINISHED FLOOR ELEVATION F.HYD. - FIRE HYDRANT Fnd. - FOUND FT. - FEET</p>	<p>HWY. - HIGHWAY I.P. - IRON PIPE I.R. - IRON ROD M.H. - MANHOLE MON. - MONUMENT N - NORTH NE - NORTHEAST NGS - NATIONAL GEODETIC SURVEY NGVD - NATIONAL GEODETIC VERTICAL DATUM NO. - NUMBER N&C - NAIL and CAP NW - NORTHWEST OHU - OVERHEAD UTILITY LINE (P) - PLAT INFORMATION P.C. - POINT OF CURVATURE P.C.C. - POINT OF COMPOUND CURVATURE P.C.P. - PERMANENT CONTROL POINT P.I. - POINT OF INTERSECTION P.O.B. - POINT OF BEGINNING PRM - PERMANENT REFERENCE MONUMENT</p>	<p>P.O.C. - POINT OF COMMENCEMENT P.T. - POINT OF TANGENCY R - RADIUS RNG. - RANGE RD. - ROAD REF. - REFERENCE R/R - RAILROAD R/W - RIGHT OF WAY (S) - SURVEY INFORMATION SEC. - SECTION S.R. - STATE ROAD S.S. - SANITARY SEWER ST. - STREET STA. - STATION TWN. - TOWNSHIP TBM - TEMPORARY BENCHMARK T.C. - TERRA COTTA TELE. - TELEPHONE USGS - U. S. GEOLOGICAL SURVEY W - WEST</p>
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CERTIFY TO:
CITY OF TALLAHASSEE
GENESIS GROUP

I hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Surveyors and Mappers in Chapter 5J-17.050 Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

[Signature] 3/27/15

STEVEN W. STINSON DATE
FLORIDA PROFESSIONAL LAND SURVEYOR No. 5457
FLORIDA LICENSED BUSINESS No. 7834

NOTES

1. THIS IS NOT A BOUNDARY SURVEY.
2. NO TITLE OPINION OR ABSTRACT OF MATTERS CONCERNING THIS PROPERTY WAS FURNISHED AT THE TIME OF THIS SURVEY.
3. THE BOUNDARIES SHOWN HEREIN ARE BASED ON LEGAL DESCRIPTIONS.
4. NO UNDERGROUND UTILITIES WERE LOCATED EXCEPT AS SHOWN.
5. NO OTHER IMPROVEMENTS WERE LOCATED EXCEPT AS SHOWN.
6. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



3201 Shamrock Street South, Suite #101
Tallahassee, Florida 32309
Office: (850) 668-7641 Fax: (850) 668-7648

DRAWN BY : K.SPELL
CHECKED BY : S.STINSON
DATE : FEBRUARY 11, 2014
REVISED: MARCH 4, 2015
SCALE 1" = 50'
FIELD BOOK N/A PAGE N/A
DATE OF SURVEY: N/A

SHEET NO.
1
OF 1
JOB NO.
20833.07

(PARCEL 702)

TEMPORARY CONSTRUCTION EASEMENT – TERM SHEET

A Temporary Construction Easement (“TCE”) over the parcel of land described herein for the purpose of facilitating the harmonization of the subject property’s driveway connection(s) to Pullen Road as a part of Leon County’s Old Bainbridge at Pullen Road Intersection Improvement Project (“Project”), limited to the uses as follows, to wit:

- (a) Leon County and its contractors shall have the right to ingress, egress and use the above described lands to perform all work necessary for the purpose of tying in and harmonizing the remainder property and the improvements thereon to the improvements to be constructed in connection with the Project, including without limitation sloping, grading, clearing, grubbing, storage of materials and equipment, excavation, and restoration, subject to subparagraph (d), below;
- (b) Following completion of construction, Leon County and/or its contractors shall remove its materials and equipment associated with said activities, and shall restore, repair or replace any pre-existing asphalt, curbing, and/or sod within the TCE area disturbed by such activities. Pre-existing sod or landscaping, if any, within the TCE disturbed by the construction shall be replaced with sod or plants of such comparable species and size, as are readily available;
- (c) Leon County and/or its contractors shall have the right to operate vehicles and equipment within the TCE area and to use said easement to park said vehicles and equipment and store materials, subject to subparagraph (d), below;
- (d) The TCE shall be non-exclusive and Leon County and/or its contractor’s use and enjoyment of the rights granted herein shall not interfere with reasonable vehicular or pedestrian access to the remaining property over the TCE area;
- (e) The TCE shall expire upon the final completion of the construction of the Project, but in no event later than three years from the date on which Leon County acquires title to the TCE.