



**Interoffice Memorandum**

May 7, 2020

**TO:** Mayor Jerry L. Demings  
and the Board of County Commissioners

**FROM:** Joseph C. Kunkel, P.E., Director, Public Works Department

Handwritten signature of Joseph C. Kunkel in black ink.

**CONTACT PERSON:** Raymond L.A. Williams, P.E., Manager  
Public Works Engineering Division

**PHONE NUMBER:** (407) 836-7909

**SUBJ:** First Amendment to Interlocal Agreement Between Osceola County and Orange County for Eminent Domain related to Boggy Creek Road Projects

A First Amendment to Interlocal Agreement ("First Amendment") has been prepared by Orange County and executed by Osceola County to amend the terms of the Interlocal Agreement between Osceola County and Orange County for Eminent Domain related to Boggy Creek Road, which was approved by the Board on May 14, 2013 and recorded as OR Book 4457/Page 0939. This First Amendment serves to replace the legal descriptions and sketches of descriptions in Exhibit "A" with updated legal descriptions and sketches of descriptions to be conveyed to Orange County.

The County Attorney's Office, Risk Management Division, Engineering Division, and Transportation Planning Division have reviewed this First Amendment and find it acceptable.

**Action Requested:** Approval and execution of First Amendment to Interlocal Agreement between Osceola County and Orange County for Eminent Domain related to the Boggy Creek Road Projects. District 4.

RLAW/ilc

Attachments

BCC Mtg. Date: June 2, 2020

**FIRST AMENDMENT TO INTERLOCAL  
AGREEMENT BETWEEN OSCEOLA COUNTY  
AND ORANGE COUNTY FOR EMINENT DOMAIN  
RELATED TO THE BOGGY CREEK ROAD PROJECTS**

THIS First Amendment to Interlocal Agreement between Osceola County and Orange County for Eminent Domain Related to the Boggy Creek Road Projects (the “First Amendment”), effective as of the latest date of execution (the “Effective Date”), is entered into by and between Osceola County, a political subdivision of the State of Florida, with a mailing address of 1 Courthouse Square, Kissimmee, FL 34741 (“Osceola”), and Orange County, a charter county and political subdivision of the State of Florida, with a mailing address of P.O. Box 1393, Orlando, Florida 32802-1393 (“Orange”).

Whereas, Osceola and Orange previously entered into that certain Interlocal Agreement between Osceola County and Orange County for Eminent Domain Related to the Boggy Creek Road Projects, recorded at Book 4457, Pages 939-970, in the Public Records of Osceola County, Florida (the “Existing Agreement”); and

Whereas, the Existing Agreement calls for acquisition by Osceola of certain rights-of-way and subsequent conveyance of such to Orange, as identified in Exhibit “C” to the Existing Agreement; and

Whereas, after the effective date of the Existing Agreement, the configuration of one of the parcels to be acquired and conveyed changed; and

Whereas, consequently, the legal description and sketch of description for the aforementioned parcel must be updated to reflect the accurate right-of-way; and

Whereas, Osceola and Orange therefore wish to amend the Existing Agreement to reflect the correct legal description for the property to be conveyed; and

Whereas, in all other respects, the original terms of Existing Agreement shall remain unchanged and in full force and effect.

Now, therefore, for and in consideration of the above premises, the mutual covenants and agreements set forth herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Osceola and Orange agree as follows:

**Section 1. Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Replacement of Exhibit "C."** Exhibit "C" to the Existing Agreement is hereby deleted and replaced with Exhibit "A" to this First Amendment.

**Section 3. Notice.** Osceola and Orange hereby agree that any notice in connection with this First Amendment shall be governed by Section 8, "Notice," of the Existing Agreement.

**Section 4. Recording.** Osceola hereby agrees to record this First Amendment immediately following the Effective Date.

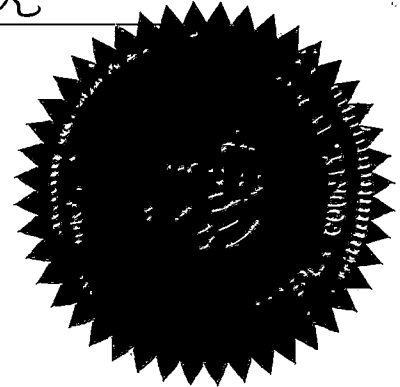
[Signature pages follow]

IN WITNESS WHEREOF, the parties hereto, by and through the undersigned, have entered into this First Amendment on this date and year first above written.

**BOARD OF COUNTY COMMISSIONERS  
OF OSCEOLA COUNTY, FLORIDA**

By: *Vivian Janer*

Chair /Vice-Chair



**ATTEST:**

OSCEOLA COUNTY CLERK OF THE BOARD

By: *Elizabeth Warren*

Clerk/Deputy Clerk of the Board

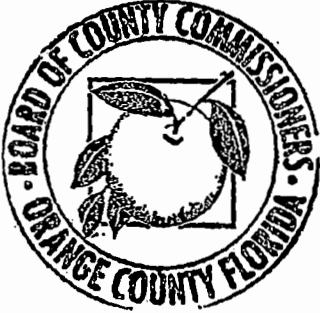
As authorized for execution at the

Board of County Commissioners meeting of: *04/13/2020*

*First Amendment to ILA between Osceola County  
and Orange County for eminent domain related  
to the Boggy Creek Road Project*

ORANGE COUNTY, FLORIDA

By: Board of County Commissioners



By: *Jerry L. Demings*

for Jerry L. Demings

Orange County Mayor

Date: JUN 0 2 2020

ATTEST: Phil Diamond, CPA, County Comptroller

As Clerk of the Board of County Commissioners

By: *Katie Smith*

Deputy Clerk

Print name: **Katie Smith**

Exhibit "A"

Legal description and sketch of description for ROW

(6 pages follow)

# SKETCH OF DESCRIPTION

PORTION OF PARCEL 127R

## LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF SECTION 33, TOWNSHIP 24 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH 1/4 CORNER OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 30 EAST, SAID POINT BEING A FOUND NAIL AND DISK STAMPED "RLS 935"; THENCE N89°57'55"E ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 25 SOUTH, RANGE 30 EAST, A DISTANCE OF 1329.36 FEET; THENCE DEPARTING SAID NORTH LINE, N00°39'35"W, A DISTANCE OF 109.03 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SIMPSON ROAD; THENCE ALONG SAID NORTH RIGHT OF WAY LINE THE FOLLOWING THREE (3) COURSES AND DISTANCES; THENCE RUN N89°59'08"E, A DISTANCE OF 486.67 FEET; THENCE RUN N88°57'05"E, A DISTANCE OF 360.17 FEET; THENCE RUN N89°59'08"E, A DISTANCE OF 280.51 FEET TO A POINT ON A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 101.00 FEET AND A CENTRAL ANGLE OF 90°08'04", SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 158.89 FEET (CHORD BEARING = N44°55'06"E, CHORD = 143.00 FEET) TO THE POINT OF TANGENCY THEREOF; THENCE RUN N00°08'56"W, A DISTANCE OF 491.14 FEET TO A POINT ON THE NORTH LINE OF LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 715, PAGE 657, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN S89°59'29"E ALONG SAID NORTH LINE, A DISTANCE OF 60.89 FEET; THENCE RUN S00°58'16"E, A DISTANCE OF 592.44 FEET; THENCE RUN S89°59'08"W, A DISTANCE OF 170.63 FEET TO THE POINT OF BEGINNING.

CONTAINING 40,787 SQ.FT. OR 0.936 ACRES, MORE OR LESS.

### LEGEND

CONC.	CONCRETE
MON	MONUMENT
L.B.	LICENSED BUSINESS
SEC	SECTION
TWP	TOWNSHIP
RNG	RANGE
O.R.B.	OFFICIAL RECORDS BOOK
PG	PAGE
R/W	RIGHT OF WAY
Δ	CENTRAL ANGLE
R	RADIUS
L	LENGTH
CD	CHORD DISTANCE
CB	CHORD BEARING
F.D.O.T	FLORIDA DEPARTMENT OF TRANSPORTATION
EXST	EXISTING
NAD	NORTH AMERICAN DATUM
F.B.	FIELD BOOK
DEPT	DEPARTMENT
TEL	TELEPHONE
NO	NUMBER
#	NUMBER
P.S.M.	PROFESSIONAL SURVEYOR AND MAPPER
R.L.S.	REGISTERED LAND SURVEYOR
CT	CURVE NUMBER
LI	LINE NUMBER
P	PROPERTY LINE
Q	DESCRIPTIVE POINT
CR	COUNTY ROAD

## SURVEYOR'S NOTES:

BEARINGS AS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, (NAD 83, 1990 ADJUSTMENT) AS DETERMINED FROM GLOBAL POSITIONING SYSTEM (GPS).

THE SURVEYOR HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHTS-OF-WAY OF RECORD.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THIS SKETCH IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.

NO CORNERS WERE SET AS A PART OF THIS SKETCH.

SEE SHEET 2 OF 2 FOR DETAIL OF SKETCH.

REQUESTED BY

**OSCEOLA COUNTY ENGINEERING DEPT.**

DATE OF SKETCH	01/21/2020	REVISIONS
SCALE	1" = 200'	
F.B.	PAGE	
SECTION	33	
TWP	24 S. RNG 30 E	
JOB NO	20-016	SHEET 1 OF 2

## JOHNSTON'S SURVEYING INC.

900 Cross Prairie Parkway, Kissimmee, Florida 34744  
Tel. (407) 847-2179 Fax (407) 847-6140

*W. Turner Wallis, IV* 1-22-20

W. TURNER WALLIS, IV, P.S.M. #3967 (DATE)

NOTE: NOT VALID WITHOUT RAISED SURVEYOR'S SEAL.

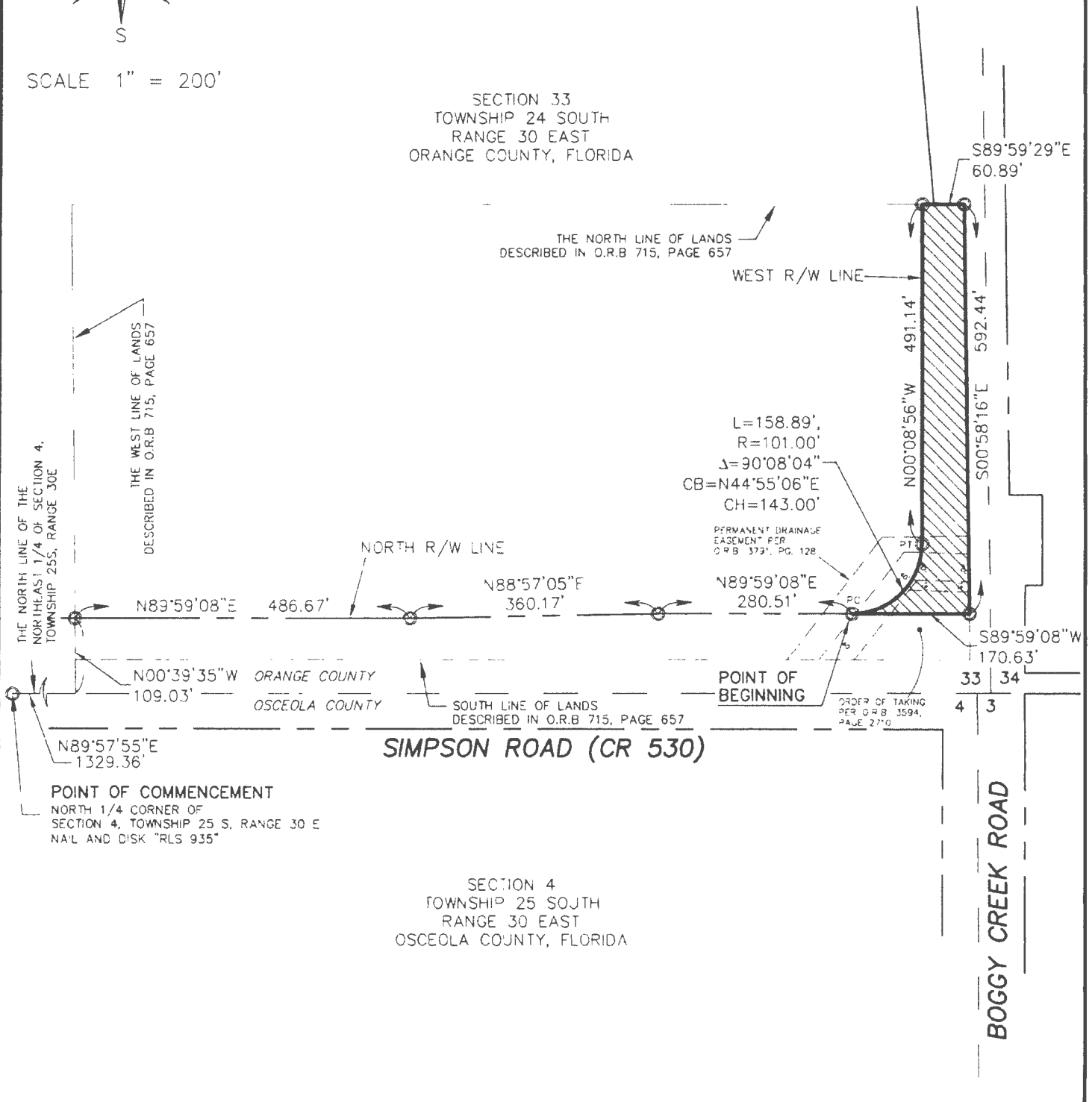
# SKETCH OF DESCRIPTION

PORTION OF PARCEL 127R



SCALE 1" = 200'

SECTION 33  
TOWNSHIP 24 SOUTH  
RANGE 30 EAST  
ORANGE COUNTY, FLORIDA



THE NORTH LINE OF THE  
NORTHEAST 1/4 OF SECTION 4,  
TOWNSHIP 25S, RANGE 30E

THE WEST LINE OF LANDS  
DESCRIBED IN O.R.B 715, PAGE 657

THE NORTH LINE OF LANDS  
DESCRIBED IN O.R.B 715, PAGE 657

WEST R/W LINE

$L=158.89'$ ,  
 $R=101.00'$   
 $\Delta=90^{\circ}08'04''$   
 $CB=N44^{\circ}55'06''E$   
 $CH=143.00'$

PERMANENT DRAINAGE  
EASEMENT PER  
O.R.B 373, PG. 128

POINT OF  
BEGINNING

ORDER OF TAKING  
PER O.R.B 3594,  
PAGE 270

POINT OF COMMENCEMENT  
NORTH 1/4 CORNER OF  
SECTION 4, TOWNSHIP 25 S. RANGE 30 E  
NAIL AND DISK "RLS 935"

ORANGE COUNTY  
OSCEOLA COUNTY

SIMPSON ROAD (CR 530)

SECTION 4  
TOWNSHIP 25 SOUTH  
RANGE 30 EAST  
OSCEOLA COUNTY, FLORIDA

BOGGY CREEK ROAD



# SKETCH OF DESCRIPTION PARCEL 129

**LEGEND**

- CONC CONCRETE
- MON MONUMENT
- L.B. LICENSED BUSINESS
- SEC. SECTION
- TWP TOWNSHIP
- RNG RANGE
- O.R.B. OFFICIAL RECORDS BOOK
- P.G. PAGE
- R.O.W. RIGHT OF WAY
- Z. CENTRAL ANGLE
- R. RADIUS
- L. LENGTH
- CH. CHORD DISTANCE
- CB. CHORD BEARING
- F.D.D.T. FLORIDA DEPARTMENT OF TRANSPORTATION
- EX. EXISTING
- N.A.D. NORTH AMERICAN DATUM
- F.B. FIELD BOOK
- DEPT. DEPARTMENT
- TEL. TELEPHONE
- NO. NUMBER
- P.S.M. PROFESSIONAL SURVEYOR AND MAPPER
- R.L.S. REGISTERED LAND SURVEYOR
- CT. CURVE NUMBER
- LN. LINE NUMBER
- P. PROPERTY LINE
- C. CORNER POINT
- CR. COUNTY ROAD

## LEGAL DESCRIPTION

**PARCEL 129**

A PORTION OF THE SOUTH 1/2 OF LOT 57, ORLANDO KISSIMEE FARMS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK O, PAGE 117 1/2, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 57, ORLANDO KISSIMEE FARMS, PLAT BOOK O, PAGE 117 1/2, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF BOGGY CREEK ROAD; THENCE S00°58'16"E ALONG SAID EAST RIGHT OF WAY LINE AND ALONG THE WEST LINE OF SAID LOT 57, A DISTANCE OF 310.06 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 57, AND THE POINT OF BEGINNING; THENCE CONTINUE S00°58'16"E, ALONG SAID EAST RIGHT OF WAY LINE AND ALONG THE WEST LINE OF SAID LOT 57, A DISTANCE OF 310.06 FEET TO THE SOUTHWEST CORNER OF SAID LOT 57; THENCE S89°51'08"E, ALONG THE SOUTH LINE OF SAID LOT 57, A DISTANCE OF 48.07 FEET; THENCE N00°08'56"W, A DISTANCE OF 310.00 FEET TO THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 57; THENCE N89°51'08"W, ALONG THE NORTH LINE OF THE SOUTH 1/2 OF SAID LOT 57, A DISTANCE OF 52.52 FEET TO THE POINT OF BEGINNING.

CONTAINING 15591 SQUARE FEET, MORE OR LESS.

**SURVEYOR'S NOTES:**

BEARINGS AS SHOWN HEREON ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM - EAST ZONE, (NAD 83, 1990 ADJUSTMENT) AS DETERMINED FROM GLOBAL POSITIONING SYSTEM (GPS).

THE SURVEYOR HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHTS-OF-WAY OF RECORD.

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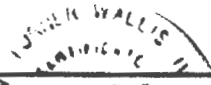
THIS SKETCH IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.

NO CORNERS WERE SET AS A PART OF THIS SKETCH.

SEE SHEET 2 OF 2 FOR DETAIL OF SKETCH.

REQUESTED BY:  
**OSCEOLA COUNTY ENGINEERING DEPT.**

DATE OF SKETCH	01/19/2006	REVISIONS
SCALE	1" = 40'	
F.B.	PAGE	
SECTION	34	
TWP	24 S. RNG 30 E.	
JOB NO.	01-147	SHEET 1 OF 2



**JOHNSTON'S**  
SURVEYING INC.  
300 S. Orange Ave., Suite 200, Orlando, FL 32801  
Tel: (407) 847-2779 Fax: (407) 847-8140

*W. Turner Wallis* 5-20-09

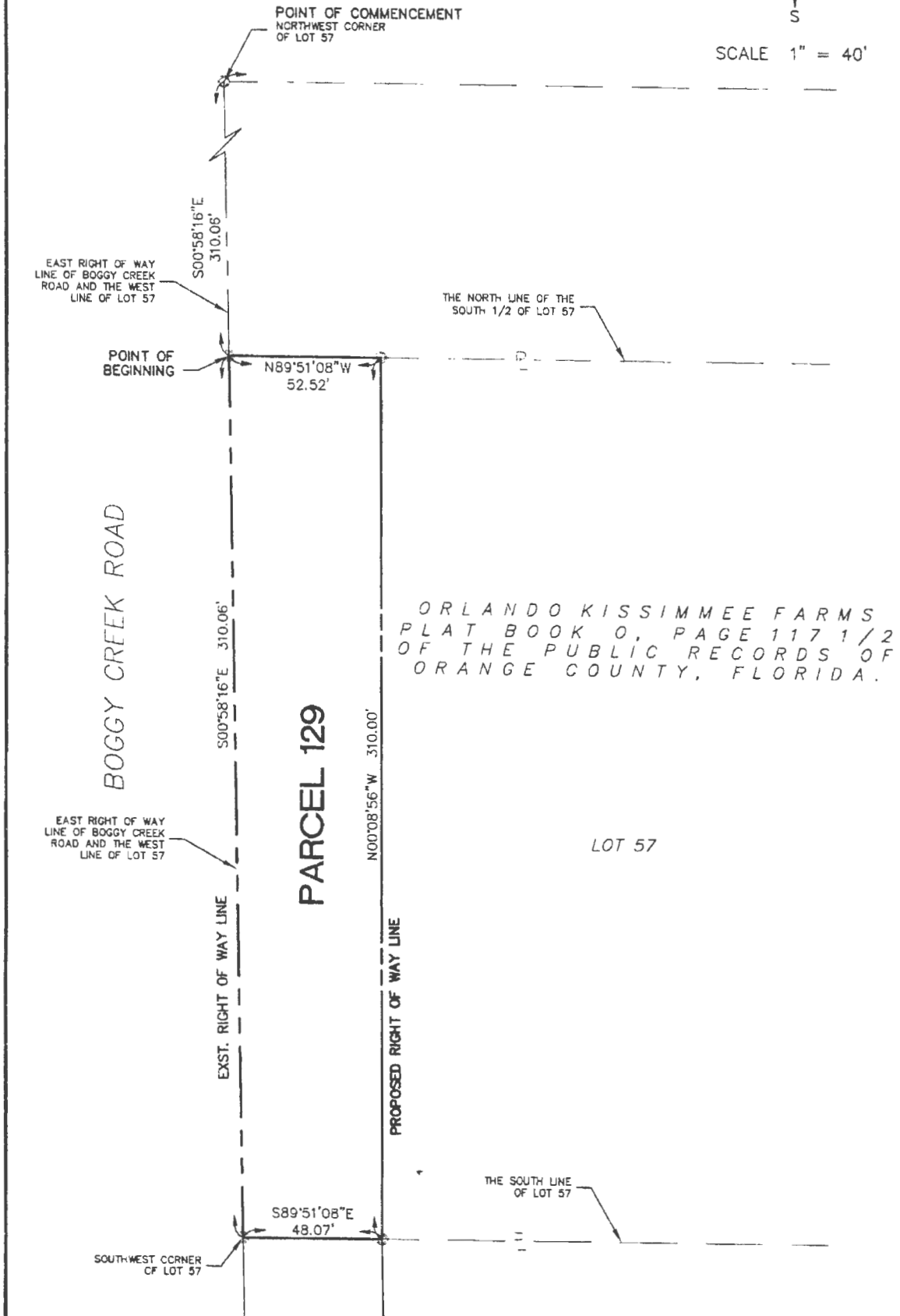
W. TURNER WALLIS, P.S.M. #3967 (DATE)

NOT VALID WITHOUT RAISED SURVEYOR'S SEAL

SKETCH OF DESCRIPTION  
PARCEL 129



SCALE 1" = 40'



SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION AND NOTES

# SKETCH OF DESCRIPTION PARCEL 130

**LEGEND**

CONG. CONCRETE  
 MON. MONUMENT  
 L.B. LICENSED BUSINESS  
 SEC. SECTION  
 TWP. TOWNSHIP  
 RNG. RANGE  
 C.R.B. OFFICIAL RECORDS BOOK  
 PG. PAGE  
 R/W RIGHT OF WAY  
 Δ CENTRAL ANGLE  
 R RADIUS  
 L LENGTH  
 CH CHORD DISTANCE  
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 F.B. FIELD BOOK  
 DEPT. DEPARTMENT  
 TEL. TELEPHONE  
 NO. NUMBER  
 # NUMBER  
 P.S.M. PROFESSIONAL SURVEYOR AND MAPPER  
 R.L.S. REGISTERED LAND SURVEYOR  
 CT CURVE NUMBER  
 LI LINE NUMBER  
 P. PROPERTY LINE  
 ○ DESCRIPTIVE POINT  
 CR COUNTY ROAD

## LEGAL DESCRIPTION

PARCEL 130

A PORTION OF LOT 68, ORLANDO KISSIMMEE FARMS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 0, PAGE 117 1/2, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF LOT 68, ORLANDO KISSIMMEE FARMS, PLAT BOOK 0, PAGE 117 1/2, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID POINT ALSO BEING ON THE EAST RIGHT OF WAY LINE OF BOGGY CREEK ROAD; THENCE N00°58'16"W ALONG SAID EAST RIGHT OF WAY LINE AND ALONG THE WEST LINE OF SAID LOT 68, A DISTANCE OF 257.03 FEET TO THE NORTHWEST CORNER OF SAID LOT 68; THENCE S89°51'08"E, ALONG THE NORTH LINE OF SAID LOT 68, A DISTANCE OF 48.07 FEET; THENCE S00°08'56"E, A DISTANCE OF 130.00 FEET; THENCE S89°51'04"W, A DISTANCE OF 25.00 FEET; THENCE S00°08'56"E, A DISTANCE OF 126.85 TO A POINT ON THE SOUTH LINE OF SAID LOT 68; THENCE N89°51'08"W ALONG SAID SOUTH LINE, A DISTANCE OF 19.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 8706 SQUARE FEET, MORE OR LESS.

### SURVEYOR'S NOTES:

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F.B.	PAGE	
SECTION	34	
TWP.	24 S., RNC. 30 E.	
JOB NO.	01-147	SHEET 1 OF 2

  
**JOHNSTON'S**  
 SURVEYING INC.  
 500 Shaw Lane, Kissimmee, Florida 34744-6595  
 Tel. (407) 847-8100 FAX (407) 847-6143

W. TURNER WALLIS, IV, P.S.M. #3967 (DATE) 5-20-09

NOTE: NOT VALID WITHOUT RAISED SURVEYOR'S SEAL.

# SKETCH OF DESCRIPTION PARCEL 130



SCALE 1" = 40'

