

COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS
POST OFFICE BOX 1529
LAKE CITY, FLORIDA 32056-1529

COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX
372 WEST DUVAL STREET
LAKE CITY, FLORIDA 32055

AGENDA ADDITIONS

JUNE 15, 2017

5:30 P.M.

Joel Foreman, County Attorney

Public Hearing:

- (1) **Partial Road Closing – SW Wilson Springs Road – Resolution No. 2017-14**

Discussion:

- (2) **Old Wire Road – Parcel 78 Chopie – Eminent Domain Settlement Agreement**

RESOLUTION NO. 2017 R-14

**A RESOLUTION VACATING, ABANDONING AND
DISCONTINUING A PORTION OF A PUBLIC ROAD.**

WHEREAS, the **BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA**, deem it advisable and in the best interest of the County to vacate, abandon and discontinue the following described portion of Wilson Springs Road located within Columbia County, Florida, to-wit:

A PORTION OF SW WILSON SPRINGS ROAD

COMMENCE at the Northwest corner of the Southwest 1/4 of Section 6, Township 7 South, Range 16 East, Columbia County, Florida and run South 00°15'08" East along the West line of said Section 6 a distance of 8.00 feet to the POINT OF BEGINNING; thence North 88°10'31" East a distance of 1060.88 feet to the point of curve of a curve concave to the Southwest having a radius of 200.00 feet and a central angle of 28°57'18"; thence Southeasterly along the arc of said curve a distance of 101.07 feet to a point on the South line of Wilson Springs Road, as deeded to county; thence South 88°10'31" West along said South line of Wilson Springs Road, as deeded to county, a distance of 1158.39 feet to a point on the West line of Section 6; thence North 00°15'08" West along said West line of Section 6 a distance of 25.01 feet to the POINT OF BEGINNING. Containing 0.646 acres, more or less.

WHEREAS, due and legal notice has been published in the Lake City Reporter, a newspaper of general circulation, Columbia County, Florida, of the public hearing on the intent of the **BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA**, to vacate, abandon, and discontinue the above-described road, and that proof of the publication of said notice having been filed with the Board of County Commissioners; and

WHEREAS, a public hearing was held by the **BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA**, at its regular meeting on the 15th day of June, 2017, and no lawful or proper objections were made to the abandonment of said

roadway by any person, firm or corporation; and

WHEREAS, the Board finds and determines that there is no reasonable or legal objection to the abandonment of said road.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, that a copy of this Resolution be entered upon the minutes of the County Commissioners' Minute Book and the **BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA**, do hereby renounce and disclaim any right of the County and the public in and to the above-described abandoned road.

PASSED AND ADOPTED in regular session on this 15th day of June, 2017, at Lake City, Columbia County, Florida.

**BOARD OF COUNTY COMMISSIONERS OF
COLUMBIA COUNTY, FLORIDA**

By: _____
Ronald Williams, Chairman

ATTEST:

P. DeWitt Cason
Clerk of Court

2017-17

NOTICE OF PROCEEDINGS FOR THE CLOSING OF A ROAD

NOTICE IS GIVEN that the BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, will conduct a public hearing to consider and determine whether the County will vacate, abandon, discontinue, renounce and disclaim any right of the County and the public in and to the following described portion of a road located in Columbia County, Florida:

A PORTION OF SW WILSON SPRINGS ROAD

COMMENCE at the Northwest corner of the Southwest 1/4 of Section 6, Township 7 South, Range 16 East, Columbia County, Florida and run South 00°15'08" East along the West line of said Section 6 a distance of 8.00 feet to the POINT OF BEGINNING; thence North 88°10'31" East a distance of 1060.88 feet to the point of curve of a curve concave to the Southwest having a radius of 200.00 feet and a central angle of 28°57'18"; thence Southeasterly along the arc of said curve a distance of 101.07 feet to a point on the South line of Wilson Springs Road, as deeded to county; thence South 88°10'31" West along said South line of Wilson Springs Road, as deeded to county, a distance of 1158.39 feet to a point on the West line of Section 6; thence North 00°15'08" West along said West line of Section 6 a distance of 25.01 feet to the POINT OF BEGINNING. Containing 0.646 acres, more or less.

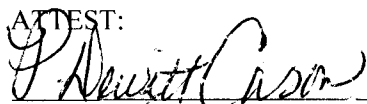
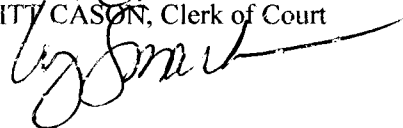
A public hearing to receive comments from affected property owners and to authorize the adoption of the proposed resolution will be held at 5:30 p.m. at the June 15, 2017, meeting of the BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, at the Columbia County School Board Complex, 372 West Duval Street, Lake City, Florida. Copies of the proposed resolution for the road closing are available for inspection at the office of the County Manager located in the Columbia County Courthouse Annex, 135 NE Hernando Avenue, Lake City, Florida, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Any person wishing to appeal any decision of the Board of County Commissioners with respect to any matter considered at the above-noticed meeting will need a record of the proceedings, and for such purposes, that person may need to ensure that a verbatim record is made of the proceedings, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans With Disabilities Act, a person needing special accommodations or an interpreter to participate in this proceeding should contact Lisa Roberts at (386) 758-1005 or T.D. services at (386) 758-2139, at least seven (7) days prior to the date of the hearing. If you have any questions, please contact the Board of County Commissioners of Columbia County, Florida, at (386) 755-4100.

**COLUMBIA COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: 
RONALD WILLIAMS, CHAIRMAN

ATTEST:

P. DeWITT CASON, Clerk of Court
(SEAL) 

LAKE CITY REPORTER
PO BOX 1709
180E DUVAL ST
LAKE CITY FL 32056-1709
(386)752-1293
Fax (386)752-9400

ORDER CONFIRMATION (CONTINUED)

Salesperson: MELISSA OLSEN

Printed at 05/30/17 10:41 by molse-cn

Acct #: 46768

Ad #: 347039

Status: N

NOTICE OF PROCEEDINGS
FOR THE CLOSING OF A
ROAD

NOTICE IS GIVEN that the BOARD OF COUNTY COMMISSIONERS OF COLUMBIA COUNTY, FLORIDA, will conduct a public hearing to consider and determine whether the County will vacate, abandon, discontinue, renounce and disclaim any right of the County and the public in and to the following described portion of a road located in Columbia County, Florida:

A PORTION OF SW WILSON
SPRINGS ROAD

COMMENCE at the Northwest corner of the Southwest 1/4 of Section 6, Township 7 South, Range 16 East, Columbia County, Florida and run South 00°15'08" East along the West line of said Section 6 a distance of 8.00 feet to the POINT OF BEGINNING; thence North 88°10'31" East a distance of 1060.88 feet to the point of curve of a curve concave to the Southwest having a radius of 200.00 feet and a central angle of 28°57'18"; thence Southeast along the arc of said curve a distance of 101.07 feet to a point on the South line of Wilson Springs Road, as deeded to county; thence South 88°10'31" West along said South line of Wilson Springs Road, as deeded to county, a distance of 1158.39 feet to a point on the West line of Section 6, thence North 00°15'08" West along said West line of Section 6 a distance of 25.01 feet to the POINT OF BEGINNING. Containing 0.646 acres, more or less.

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COLUMBIA COUNTY BOARD
OF COUNTY COMMISSIONERS
By RONALD WILLIAMS,
CHAIRMAN
ATTEST: P. DeWITT CASON,
Clerk of Court

347039
June 1, 2017

MEMORANDUM

To: Ben Scott, County Manager
Cc: Board of County Commissioners
From: Joel F. Foreman
Re: Old Wire Road – Parcel 78 Chopie
Eminent Domain Settlement Agreement
Date: June 13, 2017

I am requesting that the attached Eminent Domain Settlement Agreement be moved on to the June 15, 2017, Agenda as an addition for discussion.

The County and Mr. Chopie have been in discussions for the acquisition of a portion of his land on Old Wire Road for the completion of this phase of the project. This is the last remaining parcel that needs to settle so construction can begin. I received the attached at the close of business yesterday, June 12.

I understand the Board may consider cancelation of the first meeting in July. Assuming that is the case, and if the Board does not take this agreement up for consideration this week, the matter will have to wait until the second meeting date in July for consideration which will cost the project an entire month of progress.

Please let me know if you have any questions.

LAW OFFICES
FIXEL & WILLIS
211 SOUTH GADSDEN STREET
TALLAHASSEE, FLORIDA 32301

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(800) 848-7535

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(850) 681-1800

FACSIMILE
(850) 681-9017

EMINENT DOMAIN
INVERSE CONDEMNATION

June 2, 2017

Joel F Foreman
Foreman, McInnis & Associates, P.A.
Post Office Box 550
Lake City, FL 32056



RE: Columbia County - Old Wire Road
Parcel 078 - William & Holly Chopie
Our File No.: 27-06-078

Dear Mr. Foreman:

Find enclosed the executed Purchase Agreement with respect to the above-referenced matter.

Please provide my office with fully executed copy of the Purchase Agreement for my file. Please send this document at your earliest convenience.

Please let me know when Columbia County is ready to proceed with a closing for this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Craig B. Willis".

Craig B. Willis

CBW/ebc

Enclosure

cc: William & Holly Chopie

**Parcel 78, Old Wire Road
Owner: William J. Chopie, III and Holly Chopie**

EMINENT DOMAIN SETTLEMENT AGREEMENT

THIS AGREEMENT (“Agreement”), is made this ____ day of _____, 2017, by and between WILLIAM J. CHOPIE, III and HOLLY CHOPIE (“Chopie”) and the Board of County Commissioners for Columbia County, Florida (the “County”), a political subdivision of the State of Florida, whose mailing address is Post Office Box 1529, Lake City, Florida 32056-1529 (collectively, the “parties”), who hereby agree as follows:

WHEREAS, the County desires to acquire property owned by Chopie for construction of a road improvement project on Old Wire Road, in Columbia County, Florida (the “project”), which property is described as follows:

**SEE EXHIBIT “A” ATTACHED HERETO AND INCORPORATED
HEREIN BY REFERENCE (hereafter referred to as “Parcel 78”)**

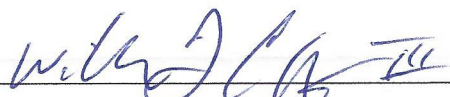
WHEREAS, under threat of condemnation proceedings, and pursuant to Section 73.015(1), Florida Statutes, regarding pre-suit negotiations prior to the institution of eminent domain actions, the parties have negotiated this Agreement to be a full and final settlement of all claims between the parties regarding Parcel 78.

NOW THEREFORE, the parties agree as follows:

- **Just Compensation:** The County shall pay to Chopie at closing the sum of SEVEN THOUSAND FIVE HUNDRED and 00/100 DOLLARS (\$7,500.00) as full and complete compensation for Parcel 78, by check payable to WILLIAM J. CHOPIE, III and HOLLY CHOPIE.
- **Closing:** The County will be responsible for payment of all costs associated with transfer of the property identified as Parcel 78 to the County, including the preparation of the deed or any other documents necessary to effectuate the transfer contemplated herein. This Agreement is contingent upon approval by the Board of County Commissioners of Columbia County, Florida. Upon said approval (the “effective date”), this Agreement shall become effective and binding upon the parties and will close within 15 days from the effective date or at such time and place as is mutually agreed upon by the parties, but in no event later than 60 days from the effective date of this Agreement.

- **Additional Conditions:** This Agreement expressly incorporates by reference and is based on the right-of-way maps, construction plans and other documents related to the taking, and both parties shall have the same legal rights that would have been available under law if the matter had been resolved through eminent domain proceedings in circuit court with the maps, plans, or other documents having been made a part of the record. The parties will agree to a mutually acceptable location for a driveway connection to the remainder property on the newly constructed Old Wire Road, which will be installed by the County as part of its road project for with Parcel 78 is being acquired. Further, this project will not create any new drainage problems for the remainder property. These conditions will survive Closing.
- **Recitals, Entire Agreement, Modification:** The recitals set forth herein are true and correct and are fully incorporated into this Agreement, which the parties agree is the entire agreement between the parties and no other terms, conditions, representations or promises have been made except those that are specifically set forth in this Agreement. This Agreement shall not be modified except in writing signed by the parties.
- **Attorneys' Fees:** Pursuant to Section 73.015(4)(a), Florida Statutes, the County shall pay the sum of ONE THOUSAND SIX HUNDRED SEVENTEEN and 00/100 DOLLARS (1,617.00) to Fixel & Willis, 211 South Gadsden Street, Tallahassee, Florida 32301, for Chopie's attorneys' fees incurred in connection with Parcel 78.

DATED this 26 day of MAY, 2017.



WILLIAM J. CHOPIE, HI



HOLLY CHOPIE

COLUMBIA COUNTY, FLORIDA

By: _____

[SEAL]

("County")

EXHIBIT A

OLD WIRE ROAD - PARCEL 78

OWNER (per County tax roll): William, III & Holly Chopie

Tax Parcel #03818-305

COMMENCE at the Southwest corner of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 14, Township 6 South, Range 16 East, Columbia County, Florida and run North $88^{\circ}14'05''$ East along the South line of the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 14 a distance of 359.30 feet; thence North $03^{\circ}03'48''$ East a distance of 5.43 feet to the point of curve of a curve concave to the East having a radius of 5689.58 feet and a central angle of $04^{\circ}05'24''$; thence Northerly along the arc of said curve a distance of 406.13 feet to point of tangency of said curve; thence North $07^{\circ}09'11''$ East a distance of 246.62 feet to the point of curve of a curve concave to the East having a radius of 5689.58 feet and a central angle of $03^{\circ}17'20''$; thence Northerly along the arc of said curve a distance of 326.6 feet to the point of tangency of said curve; thence North $10^{\circ}26'31''$ East a distance of 656.69 feet to the point of curve of a curve concave to the West having a radius of 2331.83 feet and a central angle of $08^{\circ}59'38''$; thence Northerly along the arc of said curve a distance of 366.03 feet to the POINT OF BEGINNING; thence South $88^{\circ}16'42''$ West a distance of 54.18 feet to a point on the Easterly maintained Right-of-Way line of Old Wire Road; thence Northerly along said Easterly maintained Right-of-Way line of Old Wire Road a distance of 670.8 feet, more or less; thence North $88^{\circ}18'43''$ East a distance of 39.58 feet; thence South $06^{\circ}26'54''$ East a distance of 348.98 feet to the point of curve of a curve concave to the West having a radius of 2331.83 feet and a central angle of $07^{\circ}53'48''$; thence Southerly along the arc of said curve a distance of 321.38 feet to the POINT OF BEGINNING. Containing 0.65 acres, more or less.