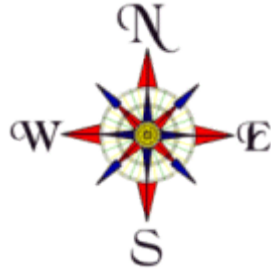


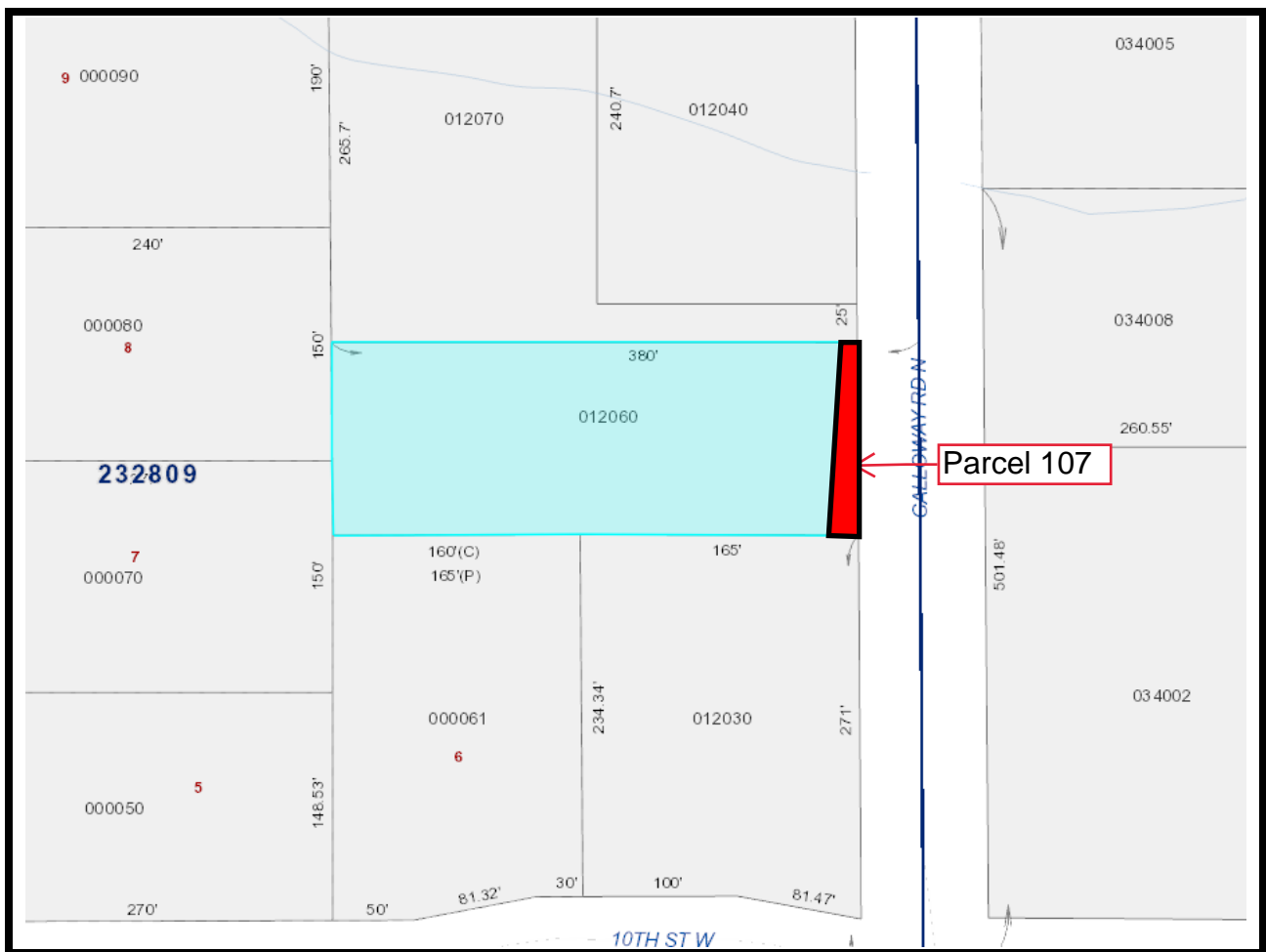
North

Subject Area

Section 09, Township 28 South, Range 23 East



**SECTION 09, TOWNSHIP 28 SOUTH, RANGE 23 EAST**





Board of County Commissioners

Project No.: 5400190  
Project Name: CR 542A (Galloway Road) @ 10th Street  
Parent Parcel I.D. No.: 232809-000000-012060  
Project Parcel #: 107

## **RIGHT-OF-WAY AGREEMENT**

**STATE OF FLORIDA  
COUNTY OF POLK**

THIS AGREEMENT made and entered into this 17<sup>th</sup> day of September, 2024, by and between **GRACE V. MALCOLM**, a married woman, whose mailing address is 1420 Galloway Road, Lakeland, Florida 33810-0204 ("Owner"), and **POLK COUNTY**, a political subdivision of the state of Florida, whose mailing address is P.O. Box 9005, Drawer RE-01, Bartow, Florida 33831-9005, hereinafter referred to as the "County".

### **WITNESSETH**

**WHEREAS**, the County requires the lands described as Parcel Number 107 as more particularly described in Exhibit "A" (the "Property), as additional right-of-way for the construction and maintenance of an authorized road known as CR 542A (Galloway Rod) @ 10th Street, (hereinafter the "Project"), and said Owner are required to furnish same for such purpose; and

**NOW, THEREFORE**, in consideration of the premises and the sum of One Dollar each to the other paid, it is agreed as follows:

- (a) Owner agrees to sell and convey unto the County a fee interest in Parcel 107, by Warranty Deed, free of liens and encumbrances, together with any improvements for the amount of \$65,000 (Sixty-Five Thousand Dollars).
- (b) County agrees to pay attorney's fees, with the understanding there are no expert costs/fees in the amount of \$14,883 (Fourteen Thousand Eight Hundred Eighty-Three Dollars) for a total settlement amount of \$79,883 (Seventy-Nine Thousand Eight Hundred Eighty-Three Dollars).
- (c) County shall pay the total settlement amount of \$79,883 upon simultaneous delivery of deed of conveyance from the Owner to the County (the "Closing"), which shall occur after the approval of this Agreement by the Board of County Commissioners. The County payment of \$79,883.00 shall be made to the Gaylord Merlin Ludovici & Diaz, Trust Account, for disbursement. Any improvements or personal property not removed within

fourteen (14) days after purchase of subject land shall be considered abandoned by the Owner.

- (d) Owner shall be responsible for the payment of any and all, current and/or past due real property taxes, or pro-rations thereof, pro-rated to the date of closing, and assessments due on the date of closing, and any payment due will be deducted at closing from the Owner's proceeds. Owner shall also be responsible for the payment of any Mortgages, Judgments and/or Liens, if any, which attach to the Property and any payment(s) due will be deducted at closing from the Owner's proceeds. Any and all applicable deductions stated herein shall be disbursed from the Gaylor Merlin Ludovici & Diaz, Trust Account at the Closing.
- (e) County acknowledges that this conveyance of the Property for right-of-way is in lieu, and under threat, of condemnation.
- (f) The Owner agrees and expressly acknowledges that the monies paid, and any other considerations given in accordance with this Agreement are just and full compensation for all property interest, and/or claims arising from this acquisition and no other monies including fees and/or costs are owed by the County to Owner.

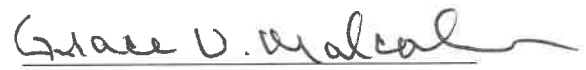
**\* THIS AGREEMENT IS SUBJECT TO FINAL APPROVAL BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA.**

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in their respective names, and on the date shown above.

**PURCHASER:**  
**COUNTY OF POLK, POLK COUNTY, FL**

By:   
Joseph Blair  
Florida Acquisition & Appraisal, Inc, its Agent

**OWNER:**

  
Grace V. Malcolm

Approved  
By:  9/22/21  
R. Wade Allen  
Real Estates Services Director

Parcel Number: 107  
Project Name: GALLOWAY RD @ 10<sup>TH</sup> ST  
Tax Folio Number: 232809-000000-012060

Road Number: 832101  
Project Number: 8309E24-1

**DESCRIPTION**

A parcel of land lying in the Southeast 1/4 of the Northeast 1/4 of Section 9, Township 28 South, Range 23 East, Polk County, Florida, being described as follows:

**Commence** at the Southwest corner of Lot 6 of Sutton Estates, a subdivision as recorded in Plat Book 74, Page 30-31, Public Records of Polk County, Florida, being a point on the North right-of-way line of 10<sup>th</sup> Street, as shown on said plat of Sutton Estates; thence along said North right-of-way line the following four (4) courses: (1) North 89°51'15" East, 50.00 feet; (2) thence North 79°13'31" East, 81.32 feet; (3) thence North 89°51'15" East, 130.00 feet; thence South 79°32'09" East, 81.18 feet to the West right-of-way line of Galloway Road (State Road 542-A) as shown on Florida Department of Transportation Right-of-Way Map Section 16770-2601; thence North 00°29'40" West, along said West right-of-way line, 240.95 feet to the South line of a parcel as described in Official Records Book 3642, Page 613, of said Public Records and the **Point of Beginning**; thence continue North 00°29'40" West, along said West right-of-way line, 131.94 feet to the North line of said parcel; thence South 89°50'06" West, along said North parcel line, 5.00 feet; thence South 03°24'34" West, 132.20 feet to said South parcel line; thence North 89°51'15" East, along said South parcel line, 14.00 feet to said **Point of Beginning**.

Containing 1,253 square feet, more or less.

SHEET 1 OF 3

FOR SKETCH SEE SHEETS 2 THRU 3

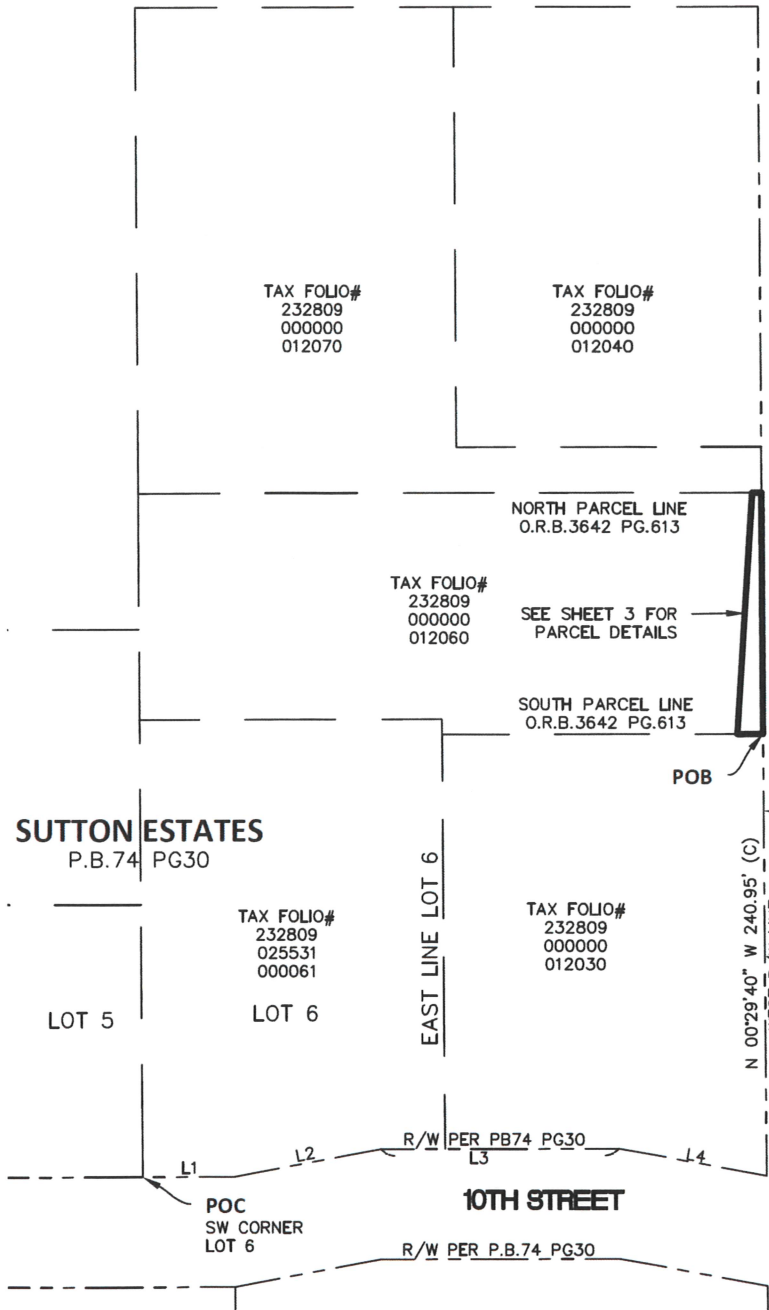
REVISION	DATE	BY

**LEGEND**

- (C) = CALCULATED
- (P) = PLAT
- COR. = CORNER
- FDOT = FLORIDA DEPARTMENT OF TRANSPORTATION
- M.B. = MAP BOOK
- M/R/W = MAINTAINED RIGHT-OF-WAY
- O.R.B. = OFFICIAL RECORDS BOOK
- P.B. = PLAT BOOK
- PG(S). = PAGE(S)
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- P.S.M. = PROFESSIONAL SURVEYOR AND MAPPER
- R = RANGE
- R/W = RIGHT-OF-WAY
- SEC = SECTION
- T = TOWNSHIP

Line Table		
LINE #	DIRECTION	LENGTH
L1	N 89°51'15" E (C) N 89°40'27" E (P)	50.00' (C&P)
L2	N 79°13'31" E (C) N 79°02'43" E (P)	81.32' (C&P)
L3	N 89°51'15" E (C) N 89°40'27" E (P)	130.00' (C&P)
L4	S 79°32'09" E (C) S 79°42'57" E (P)	81.18' (C) 81.47' (P)
L5	N 00°29'40" W (C)	131.94' (C)
L6	S 89°50'06" W (C)	5.00' (C)
L7	S 03°24'34" W (C)	132.20' (C)
L8	N 89°51'15" E (C)	14.00' (C)

GALLOWAY ROAD  
(STATE ROAD 542-A)



**SUTTON ESTATES**  
P.B.74 PG30

LOT 5

LOT 6

EAST LINE LOT 6

10TH STREET

WEST R/W LINE  
N 00°29'40" W 240.95' (C)

R/W PER FDOT R/W MAP  
SECTION 16770-2601



**SCALE**  
1" = 100 feet


*THIS IS NOT  
A SURVEY*  
**SURVEYOR'S NOTES.**

BEARINGS AND DISTANCES ARE BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983, ADJUSTMENT OF 2011.

**SEE SHEET 1 OF 3 FOR DESCRIPTION.**

DATE  
01/10/24

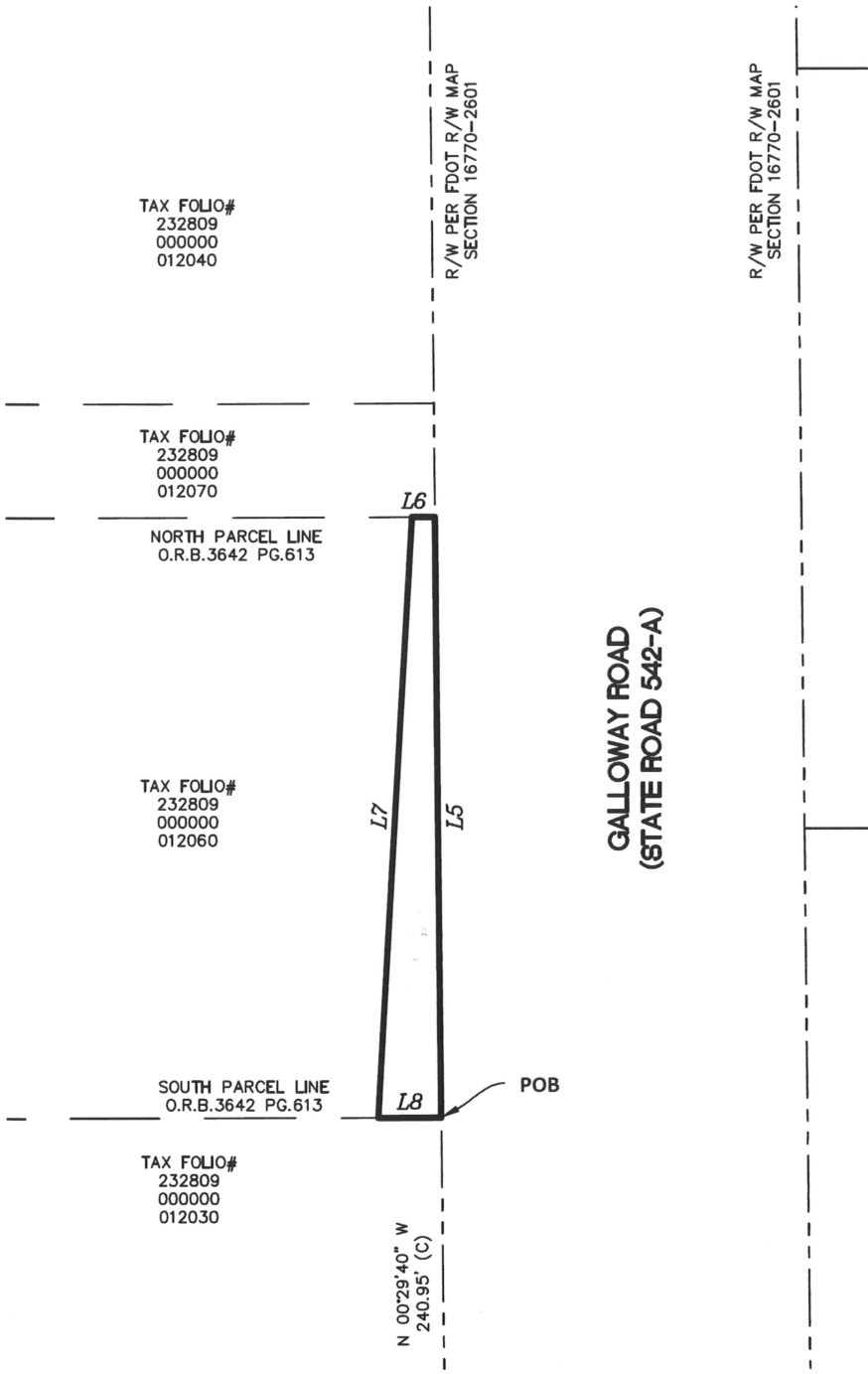
BRYAN C. ZELENENKI, P.S.M.  
FLORIDA REGISTRATION #7140  
SURVEYING AND MAPPING SECTION

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A LICENSED SURVEYOR AND MAPPER.	<b>DESCRIPTION SKETCH</b> LOCATED IN SECTION 09, TOWNSHIP 28 SOUTH, RANGE 23 EAST, POLK COUNTY, FLORIDA.			<b>POLK COUNTY ROADS AND DRAINAGE</b> 3000 SHEFFIELD ROAD, WINTER HAVEN, FL 33880 PHONE: (863) 535-2200 FAX: (863) 519-8117				
	Sheet No. 2 of 3	Drawn by. BCZ	Checked by. BCZ	Check Date: 01/25/24				
	Parcel Number: 107			PREPARED FOR: REAL ESTATE SERVICES				File Name: 8309E24-1
	REVISION	DATE	BY					

THIS IS NOT  
A SURVEY



SCALE  
1" = 40 feet



Line Table		
LINE #	DIRECTION	LENGTH
L1	N 89°51'15" E (C) N 89°40'27" E (P)	50.00' (C&P)
L2	N 79°13'31" E (C) N 79°02'43" E (P)	81.32' (C&P)
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**SURVEYOR'S NOTES.**

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SEE SHEET 1 OF 3 FOR DESCRIPTION.

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	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Sheet No. 3 of 3</td> <td style="width: 25%;">Drawn by. BCZ</td> <td style="width: 25%;">Checked by. BCZ</td> <td style="width: 25%;">Check Date: 01/25/24</td> </tr> </table>	Sheet No. 3 of 3		Drawn by. BCZ	Checked by. BCZ	Check Date: 01/25/24	PREPARED FOR: REAL ESTATE SERVICES	File Name: 8309E24-1
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