

JUN 08 2004 AA/BS

# RESOLUTION

*of the*

**ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**  
*regarding*

**THE CONVEYANCE OF A CERTAIN PORTION OF A COUNTY  
DRAINAGE EASEMENT  
IN EXCHANGE  
FOR RECEIPT OF AN ALTERNATE DRAINAGE EASEMENT  
SEGMENT**

Resolution No. 2004-M-25

**WHEREAS**, Orange County, Florida, a charter county and political subdivision of the State of Florida, pursuant to its home rule power and Section 125.37, Florida Statutes (2003), has authority to determine that certain real property is not needed for County purposes and to exchange said property for other real property the County wishes to acquire for County purposes; and

**WHEREAS**, Orange County owns a drainage easement as more particularly described in **Exhibit "A"** attached hereto (the "County Drainage Easement"); and

**WHEREAS**, Victoria Equities, Inc., a Florida corporation, or its successor(s) in title ("Owner") owns fee simple title to certain property surrounding the County Drainage Easement; and

**WHEREAS**, Owner has proposed to grant to Orange County a permanent drainage easement over certain parts of Owner's real property, as more particularly described in **Exhibit "B"** attached hereto, such easement covering approximately 0.663 acres (the "New Drainage Easement"), in exchange for the County granting to Owner all of the County's right, title and interest in a certain segment of the County Drainage Easement, as more particularly described in **Exhibit "C"** attached hereto, such easement segment covering approximately 0.331 acres (the "County Drainage Easement Segment"); and

**WHEREAS**, simultaneous with the County's conveyance, Owner shall grant the New Drainage Easement to the County in the form attached hereto as **Exhibit "D"**; and

**WHEREAS**, the Orange County Board of County Commissioners (the "Board") has determined that the values of the County Drainage Easement Segment and the New Drainage Easement are functionally equivalent for the purposes of this property exchange; and

**WHEREAS**, as a result of acquiring the drainage easement contemplated in this exchange, the Board has determined that the County Drainage Easement Segment is no longer needed for County purposes, and accordingly, the effect of this exchange will be to permanently terminate and abandon all of the County's right, title and interest in the County Drainage Easement; and

**WHEREAS**, notice of this proposed exchange has been duly published as required by Section 125.37, Florida Statutes (2003).

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY**

**COMMISSIONERS OF ORANGE COUNTY, FLORIDA:**

*Section 1.* The Board finds that the County Drainage Easement Segment described in **Exhibit "C"** attached hereto and incorporated herein by this reference is no longer needed for County purposes.

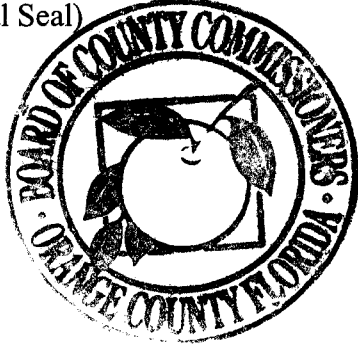
*Section 2.* The Board further finds that it is in the interest of the County to exchange the County Drainage Easement Segment for the New Drainage Easement on the terms set forth herein.

*Section 3.* The Board hereby directs that upon conveyance by the Owner of the New Drainage Easement to the County, which the County Chairman is hereby authorized and directed to accept on behalf of the County, the County Chairman shall execute and deliver a Statutory County Deed to effectuate conveyance of the County Drainage Easement Segment to the Owner.

*Section 4.* This Resolution shall become effective upon its adoption by the Board.

ADOPTED by the Board of County Commissioners of Orange County, Florida, this 8<sup>th</sup>  
day of June, 2004.

(Official Seal)



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Richard T. Crotty*  
Richard T. Crotty  
County Chairman

Date: 6.8.04

ATTEST: Martha O. Haynie, Orange County  
Comptroller, as Clerk of the Board  
of County Commissioners

By: *Martha O. Haynie*  
Deputy Clerk

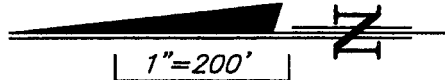
**EXHIBIT "A"**  
County Drainage Easement

A portion of Lots 53, 54, 55, and 56, Munger's Subdivision, as recorded in Plat Book "E", Page 22, of the Public Records of Orange County, Florida, Section 5, Township 24 South, Range 28 East, in Orange County, Florida, and being more particularly described as follows:

Commence at the railroad spike at the Southeast corner of the Northwest one-quarter (NW ¼) of said Section 5; thence along the South line of said Northwest one-quarter (NW ¼), South 89°58'33" West a distance of 30.00 feet to the West right-of-way line of Orange County Road 535 (Winter Garden-Vineland Road), as shown on the right-of-way map Orange County Road Bond Project 3B and described in Deed Book 402, Page 225 of the Public Records of Orange County, Florida; thence along said West right-of-way line, North 00°04'12" East a distance of 675.07 feet to the North line of said Lot 56; thence along said North line of Lot 56, South 89°45'45" West a distance of 139.88 feet to the Point of Beginning; thence South 00°03'50" West a distance of 30.00 feet to a line being 30.00 feet South of and parallel with the North line of said Lots 53, 54, 55 and 56; thence along said parallel line, South 89°45'45" West a distance of 1,162.87 feet to the West line of said Lot 53; thence along said West line, North 00°13'23" East a distance of 30.00 feet to the aforementioned North line of Lots 53, 54, 55 and 56; thence along said North line, North 89°45'45" East a distance of 1,162.78 feet to the Point of Beginning. Said lands lying and being in Orange County, Florida, and containing 34,885 square feet (.801 acres), more or less.

**EXHIBIT "B"**  
New Drainage Easement

**SKETCH OF DESCRIPTION**

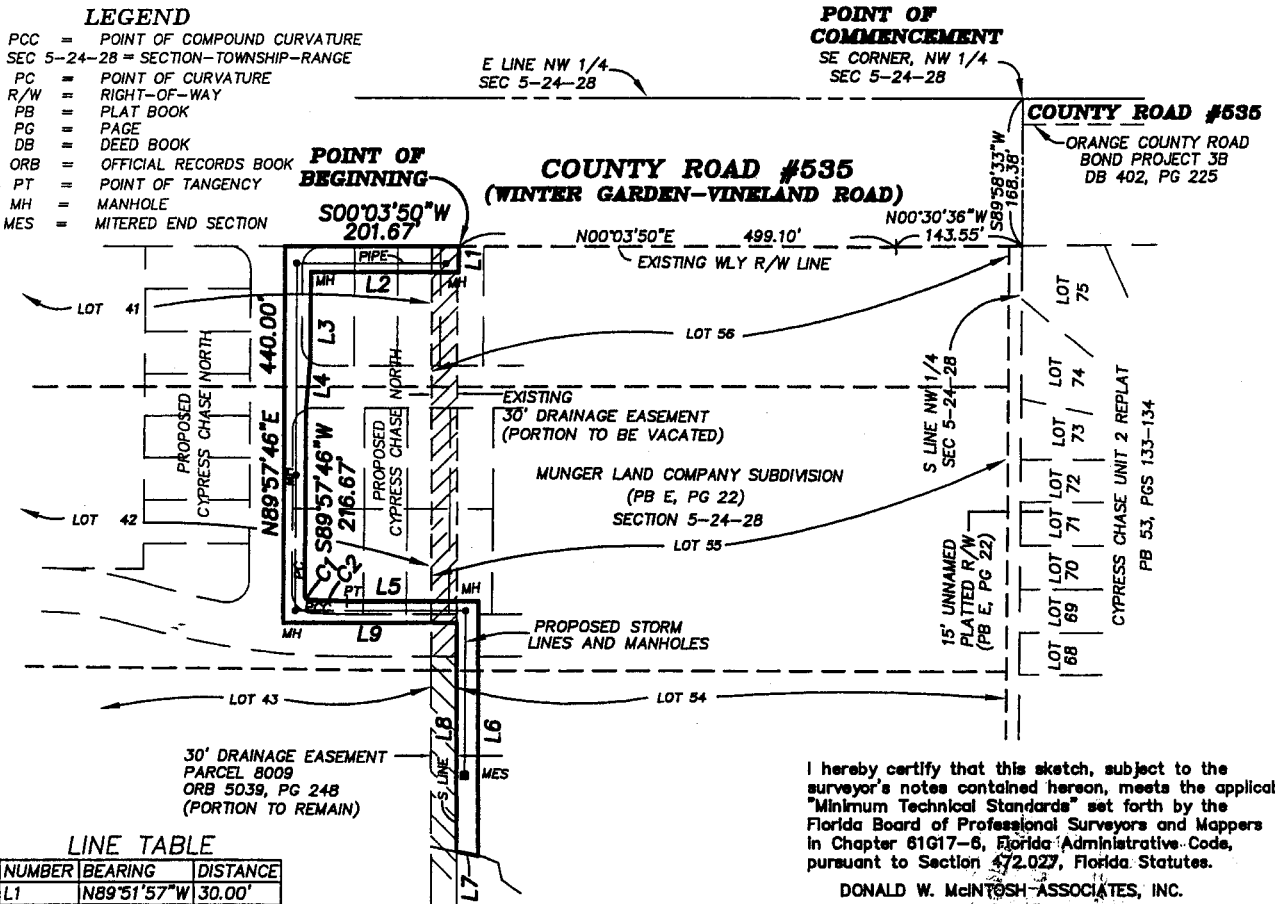


CURVE TABLE

NUMBER	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	5.00'	86°37'18"	7.56'	6.86'	S46°39'07"W
C2	760.00'	03°16'38"	43.47'	43.46'	S01°42'09"W

**LEGEND**

- PCC = POINT OF COMPOUND CURVATURE
- SEC 5-24-28 = SECTION-TOWNSHIP-RANGE
- PC = POINT OF CURVATURE
- R/W = RIGHT-OF-WAY
- PB = PLAT BOOK
- PG = PAGE
- DB = DEED BOOK
- ORB = OFFICIAL RECORDS BOOK
- PT = POINT OF TANGENCY
- MH = MANHOLE
- MES = MITERED END SECTION



**LINE TABLE**

NUMBER	BEARING	DISTANCE
L1	N89°51'57"W	30.00'
L2	N00°03'50"E	171.58'
L3	S89°57'46"W	105.03'
L4	N85°01'49"W	57.29'
L5	S00°03'50"W	153.07'
L6	S89°45'45"W	300.93'
L7	N10°36'41"E	25.45'
L8	N89°45'45"E	271.27'
L9	N00°03'50"E	201.31'

**SURVEYORS NOTES:**

- THIS IS NOT A BOUNDARY SURVEY.
- BEARINGS BASED ON THE SOUTH LINE OF NW1/4 OF SECTION 5-24-28 S89°58'33"W (AN ASSUMED MERIDIAN).
- SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION

I hereby certify that this sketch, subject to the surveyor's notes contained hereon, meets the applicable "Minimum Technical Standards" set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-8, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

DONALD W. McINTOSH ASSOCIATES, INC.

*Keith Ruddick* 4-23-04  
Signature date

Keith Ruddick  
Florida Registered Surveyor and Mapper  
Certificate No. 2617

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

PREPARED FOR:

**VICTORIA EQUITIES**

**CYPRESS CHASE NORTH SEC 5-24-28 RELOCATED DRAINAGE EASEMENT**

DATE	BY	DESCRIPTION
4/23/04	LJS	CHANGED ORB TO DEED BOOK



**DONALD W. McINTOSH ASSOCIATES, INC.**  
ENGINEERS PLANNERS SURVEYORS  
2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068  
CERTIFICATE OF AUTHORIZATION NO. LB68

FIELD BOOK \_\_\_\_\_ PG \_\_\_\_\_  
SURVEY \_\_\_\_\_  
FOUNDATION \_\_\_\_\_  
FINAL \_\_\_\_\_

DRAWN BY: LJS	CHECKED BY: KR	JOB NO. 23027.0165	SCALE 1" = 200'	SHEET 1 OF 2
DATE: 02/16/04	DATE: 02/16/04			

## SKETCH OF DESCRIPTION

**DESCRIPTION:**

That part of Lots 41, 42, 54, 55 and 56, MUNGER LAND COMPANY SUBDIVISION, in Section 5, Township 24 South, Range 28 East, Orange County, Florida, according to the plat thereof, as recorded in Plat Book E, Page 22, of the Public Records of Orange County, Florida, described as follows:

Commence at the Southeast corner of the Northwest 1/4 of said Section 5; thence run S89°58'33"W along the South line of the Northwest 1/4 of said Section 5 for a distance of 168.38 feet to a point on the existing Westerly right-of-way line of County Road 535 (Winter Garden-Vineland road); thence run the following bearings and distances along said Westerly right-of-way line: N00°30'36"W for a distance of 143.55 feet; thence run N00°03'50"E for a distance of 499.10 feet to the POINT OF BEGINNING; thence leaving said Westerly right-of-way line run N89°51'57"W for a distance of 30.00 feet; thence run N00°03'50"E for a distance of 171.58 feet; thence run S89°57'46"W for a distance of 105.03 feet; thence run N85°01'49"W for a distance of 57.29 feet; thence run S89°57'46"W for a distance of 216.67 feet to the point of curvature of a curve concave Southeasterly having a radius of 5.00 feet and a chord bearing of S46°39'07"W; thence run Southwesterly along the arc of said curve through a central angle of 86°37'18" for a distance of 7.56 feet to the point of compound curvature of a curve concave Easterly having a radius of 760.00 feet and a chord bearing of S01°42'09"W; thence run Southerly along the arc of said curve through a central angle of 03°16'38" for a distance of 43.47 feet to the point of tangency; thence run S00°03'50"W for a distance of 153.07 feet; thence run S89°45'45"W for a distance of 300.93 feet; thence run N10°36'41"E for a distance of 25.45 feet to a point on the South line of a Drainage Easement, as described in Official Records Book 5039, Page 248, of the Public Records of Orange County, Florida; thence run N89°45'45"E along said South line for a distance of 271.27 feet; thence leaving said South line run N00°03'50"E for a distance of 201.31 feet; thence run N89°57'46"E for a distance of 440.00 feet to said existing Westerly right-of-way line of County Road 535; thence run S00°03'50"W along said Westerly right-of-way line for a distance of 201.67 feet to the POINT OF BEGINNING.

Containing 0.663 acres (28,867 square feet) more or less and being subject to any rights-of-way, restrictions and easements of record.

PREPARED FOR:

**VICTORIA EQUITIES**

CYPRESS CHASE NORTH SEC 5-24-28 RELOCATED DRAINAGE EASEMENT

DATE	BY	DESCRIPTION

REVISIONS



**DONALD W. McINTOSH ASSOCIATES, INC.**  
**ENGINEERS PLANNERS SURVEYORS**  
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068  
 CERTIFICATE OF AUTHORIZATION NO. LB68

FIELD BOOK \_\_\_\_\_ PG \_\_\_\_\_

SURVEY \_\_\_\_\_

FOUNDATION \_\_\_\_\_

FINAL \_\_\_\_\_

DRAWN BY: LJS  
 DATE: 02/16/04

CHECKED BY: KR  
 DATE: 02/16/04

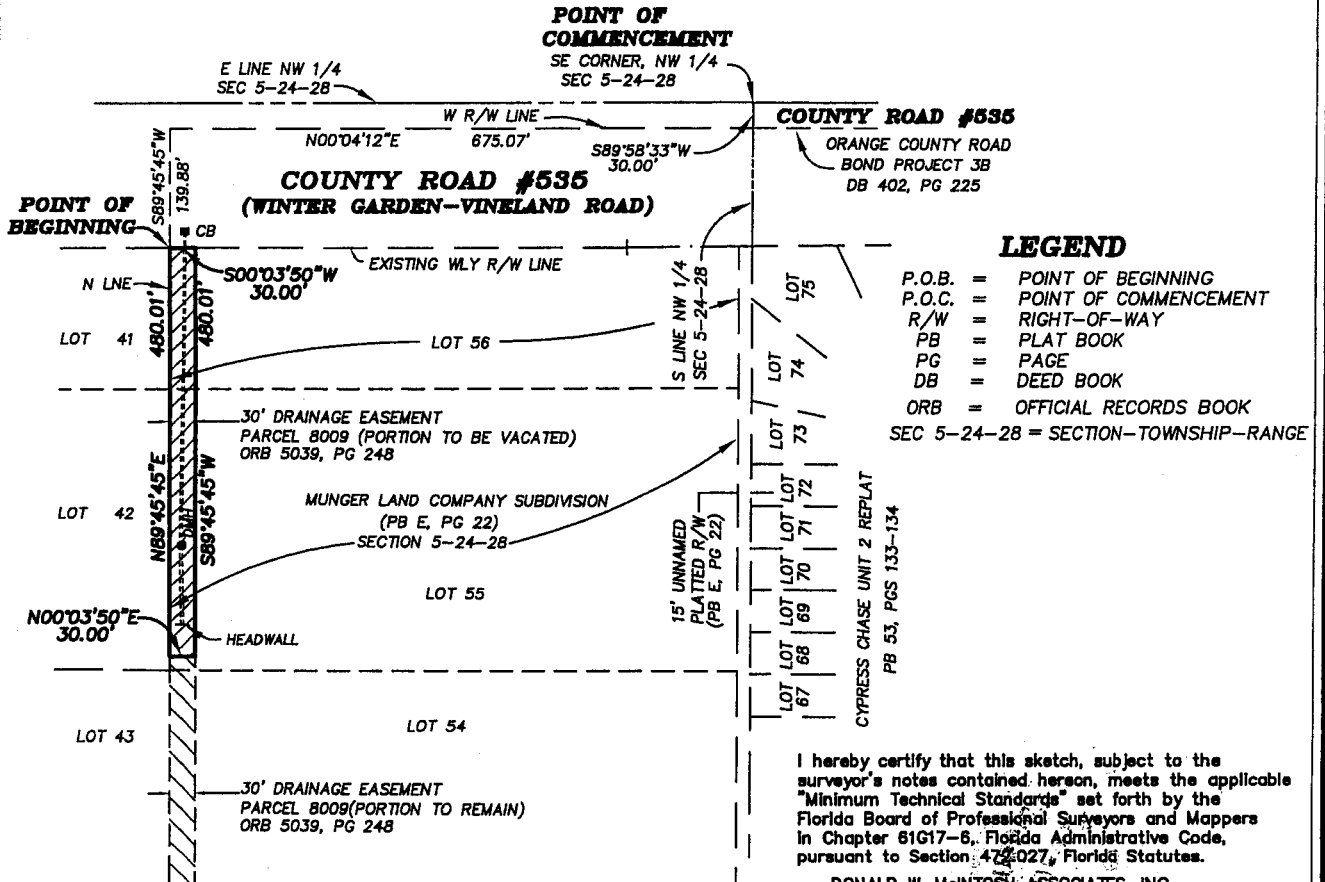
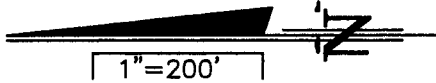
JOB NO.  
23027.0165

SCALE  
N/A

SHEET 2  
 OF 2

**EXHIBIT "C"**  
County Drainage Easement Segment

**SKETCH OF DESCRIPTION**



**LEGEND**

- P.O.B. = POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT
- R/W = RIGHT-OF-WAY
- PB = PLAT BOOK
- PG = PAGE
- DB = DEED BOOK
- ORB = OFFICIAL RECORDS BOOK
- SEC 5-24-28 = SECTION-TOWNSHIP-RANGE

**SURVEYORS NOTES:**

- THIS IS NOT A BOUNDARY SURVEY.
- BEARINGS BASED ON THE SOUTH LINE OF NW1/4 OF SECTION 5-24-28 S89°58'33"W (AN ASSUMED MERIDIAN).
- SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION

I hereby certify that this sketch, subject to the surveyor's notes contained hereon, meets the applicable "Minimum Technical Standards" set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

DONALD W. McINTOSH ASSOCIATES, INC.

*Keith Ruddick* 4-23-04  
 Keith Ruddick Signature date  
 Florida Registered Surveyor and Mapper  
 Certificate No. 2617

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

PREPARED FOR:

**VICTORIA EQUITIES**

CYPRESS CHASE NORTH SEC 5-24-28 PORTION OF EASEMENT TO BE VACATED

DATE	BY	DESCRIPTION
4/23/04	LJS	CHANGED ORB TO DEED BOOK

**DONALD W. McINTOSH ASSOCIATES, INC.**  
**ENGINEERS PLANNERS SURVEYORS**  
 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068  
 CERTIFICATE OF AUTHORIZATION NO. LB68

DRAWN BY: LJS	CHECKED BY: KR	JOB NO.	SCALE	SHEET
DATE: 02/13/04	DATE: 02/13/04	23027.0165	1" = 200'	1
				OF 2

REVISIONS

FIELD BOOK	PG
SURVEY	
FOUNDATION	
FINAL	

# SKETCH OF DESCRIPTION

**DESCRIPTION:**

That part of Lots 55 and 56, MUNGER LAND COMPANY SUBDIVISION, in Section 5, Township 24 South, Range 28 East, according to the plat thereof, as recorded in Plat Book E, Page 22, of the Public Records of Orange County, Florida, described as follows:

Commence at the Southeast corner of the Northwest 1/4 of said Section 5; thence run S89°58'33"W along the South line of the Northwest 1/4 of said Section 5 for a distance of 30.00 feet to the West right-of-way line of County Road 535 (Winter Garden-Vineland Road), as shown on the right-of-way map of Orange County Road Bond Project 3B, as described in Deed Book 402, Page 225, of the Public Records of Orange County, Florida; thence run N00°04'12"E along said West right-of-way line for a distance of 675.07 feet to a point on the North line of said Lot 56; thence run S89°45'45"W along said North line for a distance of 139.88 feet to a point on the existing West right-of-way line of County Road 535 (Winter Garden-Vineland Road) and the POINT OF BEGINNING; thence run S00°03'50"W along said existing West right-of-way line for a distance of 30.00 feet; thence leaving said right-of-way line run S89°45'45"W parallel with and 30 feet South of the North line of said Lots 55 and 56 for a distance of 480.01 feet; thence run N00°03'50"E for a distance of 30.00 feet; thence run N89°45'45"E along the North line of said Lots 55 and 56 for a distance of 480.01 feet to the POINT OF BEGINNING.

Containing 0.331 acres (14,400 square feet) more or less and being subject to any rights-of-way, restrictions and easements of record.

PREPARED FOR:

**VICTORIA EQUITIES**

**CYPRESS CHASE NORTH SEC 5-24-28 PORTION OF EASEMENT TO BE VACATED**

4/23/04	LJS	CHANGED ORB TO DEED BOOK
DATE	BY	DESCRIPTION
REVISIONS		



**DONALD W. McINTOSH ASSOCIATES, INC.**  
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 2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644-4068  
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FIELD BOOK \_\_\_\_\_ PG \_\_\_\_\_  
 SURVEY \_\_\_\_\_  
 FOUNDATION \_\_\_\_\_  
 FINAL \_\_\_\_\_

DRAWN BY: <u>LJS</u>	CHECKED BY: <u>KR</u>	JOB NO. <u>23027.0165</u>	SCALE <u>N/A</u>	SHEET <u>2</u>
DATE: <u>02/13/04</u>	DATE: <u>02/13/04</u>			OF <u>2</u>



**EXHIBIT "D"**

**Form of Drainage Easement to be Granted to County**

Project: Winter Garden-Vineland Road (CR 535) (Buena Vista Drive to Chase Road)  
a/k/a Cypress Chase North Subdivision

**DRAINAGE EASEMENT**

THIS INDENTURE, made the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_, a \_\_\_\_\_ corporation, of the county of \_\_\_\_\_ and state of \_\_\_\_\_, GRANTOR and ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, GRANTEE.

WITNESSETH, That the GRANTORS, in consideration of the sum of \$10.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, do hereby give and grant to the GRANTEE and its assigns an easement for drainage purposes, with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a drainage ditch, pipe, or facility over, under, and upon the following described lands situate in Orange County aforesaid, to-wit:

**SEE ATTACHED EXHIBIT "A"**

**Property Appraiser's Parcel Identification Number:**

**a portion of**

**05-24-28-5844-00-410**

**05-24-28-5844-00-530**

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever.

THE GRANTEE herein and its assigns shall have the right to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the drainage ditch, pipe, or facility, out of and away from the herein granted easement, and the GRANTOR, their heirs, successors, and assigns agree not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures on the herein granted easement that may interfere with the normal operation or maintenance of the drainage ditch, pipe, or facility.

Project: Winter Garden-Vineland Road (CR 535) (Buena Vista Blvd. to Chase Road)  
aka Cypress Chase North Subdivision

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be signed in its name the day and year first above written.

Signed, sealed and delivered in the presence of:

<CORPORATION>

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
\_\_\_\_\_, President

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Post Office Address

\_\_\_\_\_  
Witness

\_\_\_\_\_

\_\_\_\_\_  
Printed Name

(Signature of **TWO** Witnesses required by Florida Law)

**STATE OF** \_\_\_\_\_  
**COUNTY OF** \_\_\_\_\_

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgements, personally appeared \_\_\_\_\_, President of \_\_\_\_\_, a \_\_\_\_\_ corporation, well known to me to be, or who has produced \_\_\_\_\_ as identification, and did (did not) take an oath, the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

Witness my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(Notary Seal)

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Printed Notary Name

**This instrument prepared by:**  
Virginia G. Williams, a staff employee  
in the course of duty with the  
Real Estate Management Division  
of Orange County, Florida

Notary Public in and for  
the County and State aforesaid

My commission expires: