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RESOLUTION

of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding

**EASTERN REGIONAL SENIOR CENTER
PAY-AS-YOU-GO FOR
LAKE UNDERHILL ROAD (AS A PARALLEL TO CURRY FORD ROAD):
MADEIRA AVENUE TO ROUSE ROAD**

Resolution No. 2006-M-01

WHEREAS, Orange County (the "County") is the owner of fee simple title to certain real property, as more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, the County intends to develop the Property as a multi-purpose facility to serve seniors residing in the County, known as the Eastern Regional Senior Center (the "Project"); and

WHEREAS, the County has issued Capacity Encumbrance Letter # 05-127 dated June 13, 2005, stating that the Project's Capacity Encumbrance Letter application was denied, and providing analysis indicating that the Project would require four (4) PM Peak Hour Trips (the "Project Trips") on Lake Underhill Road (as a parallel to Curry Ford Road) from Madeira Avenue to Rouse Road (the "Deficient Segment"), and that zero (0) trips were available on that road segment; and

WHEREAS, sections 30-620 through 30-627, of the Orange County Code, as amended, specify that development may proceed in locations in the County where there is a deficiency in traffic capacity upon payment of fees referred to as "Pay-as-you-go" fees (the "Fees"); and

WHEREAS, the County desires to set forth certain terms and conditions as to the development of the Property into the Project.

NOW, THEREFORE, Be It Resolved by the Board of County Commissioners, Orange County, Florida that:

Section 1. Payment of Fees.

(a) *Calculation of Fees; Waiver of Traffic Study.* The Fees payable to the County for the deficient roadway segment described in this subsection total are thirty two thousand six hundred Dollars (\$32,600.00). The Fees are calculated by multiplying eight

thousand one hundred fifty dollars (\$8,150.00) per trip by the 4 Project Trips that the County has determined will impact the Deficient Segment. Inasmuch as the County has determined that the four (4) Project Trips constitute the Project's impact on the Deficient Segment, the County hereby waives the requirement for submission of a traffic study pursuant to section 30-622 (c) of the Orange County Code.

(b) *Payment of Fees.* Payment of the Fees in the amount of thirty two thousand six hundred Dollars (\$32,600.00) shall be made by transfer of funds from Orange County Administrative Services to the appropriate Pay-As-You-Go account prior to issuance of a Capacity Encumbrance Letter as required under Division 5, Chapter 30, of the Orange County Code. Upon payment of the Fees, sufficient traffic capacity shall be deemed to have been encumbered for the Project, irrespective of any actual traffic deficiency on the deficient roadway segment. A capacity encumbrance letter shall be issued to the Owner within twenty (20) business days after the Effective Date of this Resolution.

(c) *Use of Fees.* Fees shall be deposited in a separate County escrow account to be used to pay for costs of improvements to the deficient roadway segment.

(d) *Project Development.* Recordation of a subdivision plat or approval of a final development permit shall not be permitted prior to the issuance of a capacity encumbrance letter.

(e) *Increase in Project Trips.* In the event that the County issues any development permit subsequent to the Effective Date of this Resolution which would result in an increase in the Project trips for the deficient roadway segment that is subject to this Resolution, the Owner agrees and understands that he/she is precluded from asserting that those additional trips are vested or otherwise permitted under this Resolution, or that this Resolution should be amended to accommodate those additional trips.

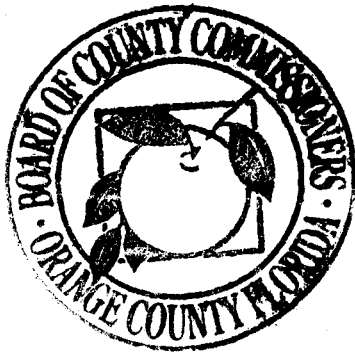
Section 2. Road Impact Fee Credits. The County agrees that the Project shall not receive road impact fee credits as a result of payment of the Fees.

Section 3. No Refund. Once paid to the County, Fees are non-refundable.

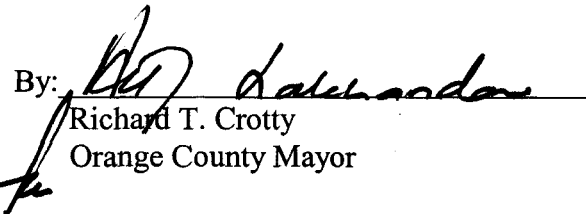
Section 4. Covenants Running with the Property. This Resolution shall be binding, and shall inure to the benefit of the heirs, legal representatives, successors and assigns of the parties, and shall be a covenant running with the Property and be binding upon the successors and assigns of the Owner and upon any person, firm, corporation or entity who may become the successor in interest to the Property.

Section 5. Recordation of Resolution. This Resolution shall be recorded in the Public Records of Orange County, Florida.

ADOPTED this 10 day of January 2006.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: 
Richard T. Crotty
Orange County Mayor

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

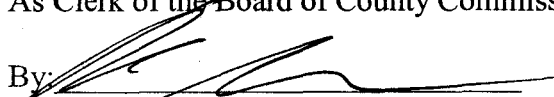
By: 
Deputy Clerk

EXHIBIT A

EASTERN REGIONAL SENIOR CENTER LEGAL DESCRIPTION

LEGAL DESCRIPTION

THAT PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 23 SOUTH, RANGE 31 EAST, LYING IN ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SECTION 7; THENCE NORTH 00°01'45" EAST ALONG THE WEST LINE OF SAID SOUTHWEST 1/4, SAID LINE ALSO BEING THE EAST LINE OF CHICKASAW TRAILS PHASE 2, AS RECORDED IN PLAT BOOK 26, PAGES 128-130, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, A DISTANCE OF 1744.23 FEET TO THE CENTERLINE OF AZALEA PARK CANAL, AS RECORDED IN OFFICIAL RECORDS BOOK 2087, PAGE 834, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE SOUTH 67°17'44" EAST ALONG SAID CENTERLINE, A DISTANCE OF 619.27 FEET; THENCE SOUTH 83°35'20" EAST, A DISTANCE OF 1173.61 FEET TO THE INTERSECTION OF SAID CENTERLINE AND THE WESTERLY RIGHT-OF-WAY LINE OF ECONLOCKHATCHEE TRAIL EXTENSION, BEING A 150.00 FOOT RIGHT-OF-WAY; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 00°09'29" WEST, A DISTANCE OF 249.05 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 4861, PAGE 4403, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE DEPARTING SAID RIGHT-OF-WAY LINE RUN THE FOLLOWING 4 (FOUR) COURSES AND DISTANCES ALONG SAID PARCEL, NORTH 51°20'20" WEST, A DISTANCE OF 86.50 FEET; THENCE NORTH 83°35'20" WEST, A DISTANCE OF 223.63 FEET; THENCE SOUTH 00°09'33" WEST, A DISTANCE OF 352.09 FEET; THENCE SOUTH 83°35'34" EAST, A DISTANCE OF 291.73 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF ECONLOCKHATCHEE TRAIL EXTENSION; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 00°09'29" WEST, A DISTANCE OF 816.48 FEET TO THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 7; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 7 SOUTH 89°54'04" WEST, A DISTANCE OF 1734.67 FEET TO THE SOUTHWEST CORNER OF SECTION 7, AND THE POINT OF BEGINNING. CONTAINING 57.31 ACRES, MORE OR LESS.

LESS

PROPOSED WELL SITE (FEE SIMPLE)

THAT PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF SECTION 7, TOWNSHIP 23 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 7, RUN NORTH 89°54'04" EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7 A DISTANCE OF 1734.67 FEET TO THE INTERSECTION OF SAID SOUTH LINE AND THE WESTERLY RIGHT-OF-WAY LINE OF THE ECONLOCKHATCHEE TRAIL EXTENSION; THENCE DEPARTING SAID SECTION LINE NORTH 00°09'29" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 175.00 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE NORTH 89°54'04" EAST, A DISTANCE OF 100.00 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 00°09'29" WEST, A DISTANCE OF 75.00 FEET; THENCE SOUTH 89°54'04" WEST, A DISTANCE OF 75.00 FEET; THENCE NORTH 00°09'29" EAST, A DISTANCE OF 75.00 FEET; THENCE NORTH 89°54'04" EAST, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.13 ACRES, MORE OR LESS.