

APR 06 2010 IB/np

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

AUTHORIZATION TO CONVEY CERTAIN COUNTY PROPERTY INTERESTS TO THE CITY OF ORLANDO, FLORIDA

Resolution No. 2010- M-20

WHEREAS, Orange County, a political subdivision of the State of Florida, pursuant to its home rule power and Section 125.38 of the Florida Statutes (2009), has authority to determine that certain County property is not needed for County purposes and to convey said property, for nominal price or otherwise, to the United States or any department or agency thereof, the State or any political subdivision or agency thereof, or any municipality of Florida, or any corporation or non-profit entity organized for the purpose of promoting community interest and welfare; and

WHEREAS, County owns certain property located at 832 West Central Boulevard, Orlando, FL 32805, more specifically described in Exhibit "A", attached hereto and made a part hereof by reference (hereinafter the "Easement Area"); and

WHEREAS, the City is proposing to bury the existing overhead power lines in an underground easement (the "Improvements") in connection with a landscaping/streetscaping project; and

WHEREAS, County has agreed to cooperate with the City in the construction of the Improvements by donating a perpetual Utility Easement over the Easement to the city in substantially the form set forth in Exhibit "B" attached to this Agreement; and

WHEREAS, City and County agree that construction of the Improvements constitutes a public purpose, that the Easement Area is necessary for the construction of the Improvements and that said construction shall operate to mutually benefit the citizens of each party hereto; and

WHEREAS, the City of Orlando, a municipal corporation created by and existing under the laws of the State of Florida (the "City"), and Orange County have entered into a Property Donation

Agreement (hereinafter the "Agreement") relating to the donation of the Easement Area, a copy of which is attached hereto as Exhibit "C"; and

WHEREAS, the County has determined that the Easement Area is no longer needed for County purposes and that the conveyance to the City is in the interest of the public; and

WHEREAS, the City is qualified, as a municipality of the State of Florida, to make application for, and receive surplus County property pursuant to Section 125.38, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

1. The Board hereby determines that the Easement Area is no longer needed for County purposes and that it is in the best interest of Orange County that its easement interests in the Property be conveyed by easement to the City for use as described in the Agreement. The Board recognizes that the City must approve the conveyance of the Property for such conveyance to occur.

2. The Board hereby directs that the Orange County Mayor execute and deliver a Utility Easement to effectuate such conveyance to the City.

3. The Board hereby directs that a certified copy of this Resolution shall be forwarded forthwith to the City.

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

ADOPTED this ___ day of APR 06 2010, 2010.



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Richard T. Crotty
Richard T. Crotty
Orange County Mayor

ATTEST: Martina Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: Vanan P. Hamp
Assisted Deputy Clerk

LEGAL DESCRIPTION

EXHIBIT "A"

UTILITY EASEMENT:

THE EAST 20.00 FEET OF THE SOUTH 70.00 FEET OF LOT 10, R.H. RAMSEY'S SUBDIVISION AS RECORDED IN PLAT BOOK C, PAGE 97 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CONTAINING 1,400 SQUARE FEET, MORE OR LESS

ABBREVIATIONS:

SEC. SECTION
TWP. TOWNSHIP
RNG. RANGE
R/W RIGHT OF WAY
P.B. PLAT BOOK
PS. PAGE

SURVEYOR'S NOTES:


1. THIS IS NOT A BOUNDARY SURVEY.
2. THE BEARINGS SHOWN HEREON ARE ASSUMED, BASED ON A BEARING OF S89°42'52"W ALONG THE NORTH RIGHT OF WAY LINE OF CHURCH STREET
3. SUBJECT TO EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.
4. SECTIONAL INFORMATION SHOWN HEREON IS FOR REFERENCE PURPOSES AND IS BASED ON VARIOUS SOURCES FOR CALCULATION PURPOSES ONLY.



BUCHHEIT ASSOCIATES, INC.
SURVEYORS & MAPPERS

427 CenterPointe Circle Suite 1811
Altamonte Springs, Florida 32701
(407) 331-0505 Fax: (407) 331-3266

BUCHHEIT ASSOCIATES, INC.
SURVEYORS AND MAPPERS
LICENSED BUSINESS # 6167

BY: 
KIMBERLY A. BUCHHEIT
PROFESSIONAL LAND SURVEYOR
STATE OF FLORIDA, NO. 4838

PROJECT NUMBER: 2070007-0000

DRAWING No: PE05

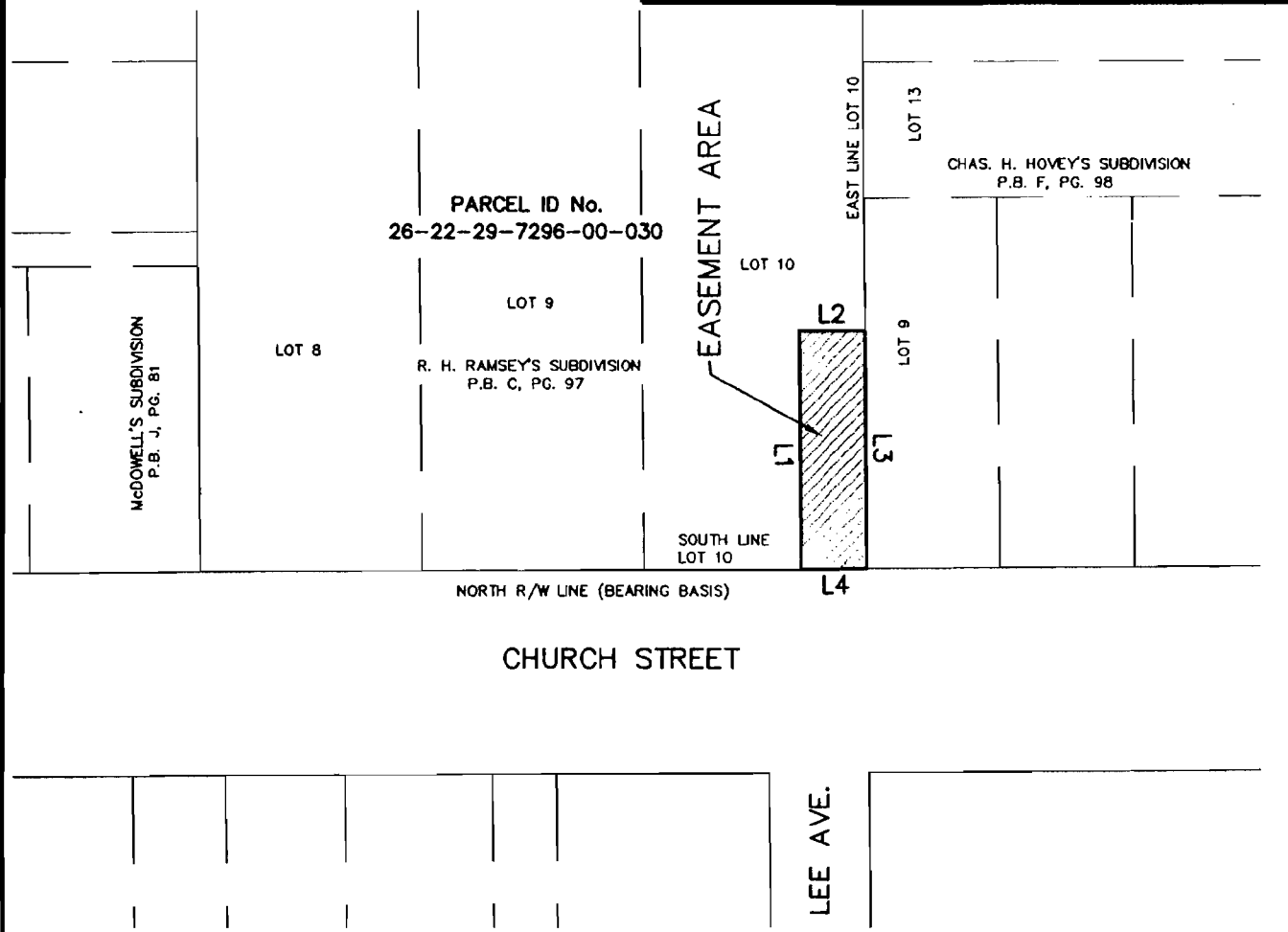
DATE: 1/28/09

REVISED: _____

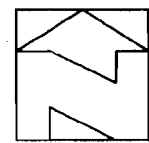
SHEET 1 OF 2

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

SKETCH OF DESCRIPTION



LINE TABLE		
LINE	LENGTH	BEARING
L1	70.00'	N00°28'56"W
L2	20.00'	N89°42'52"E
L3	70.00'	S00°28'56"E
L4	20.00'	S89°42'52"W



1" = 50'



BUCHHEIT ASSOCIATES, INC.
SURVEYORS & MAPPERS
 427 CenterPointe Circle Suite 1811
 Altamonte Springs, Florida 32701
 (407) 331-0505 Fax: (407) 331-3266

PROJECT NUMBER: 2070007-0000
 DRAWING No: PE05
 DATE: 1/28/09
 REVISED: _____

Project: Orange County Health Department
(832 W. Central Blvd.)

Exhibit "B"

UTILITY EASEMENT

THIS INDENTURE, MADE this _____ day of _____ A.D., 2010, between ORANGE COUNTY, a charter county and a political subdivision of the state of Florida, whose address is P. O. Box 1393, Orlando, Florida 32802-1393, GRANTOR, and CITY OF ORLANDO, a municipal corporation, whose address is 400 South Orange Avenue, Orlando, FL 32801, GRANTEE.

WITNESSETH, That the GRANTOR, in consideration of the sum of \$10.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby give and grant to the GRANTEE and its assigns, a right-of-way and easement for utility purposes, with full authority to enter upon, construct and maintain, as the GRANTEE and its assigns may deem necessary, electrical poles, telephone poles, wires, guy wires and appurtenances, water pipes, sewer pipes, gas pipes and mains, and any other utility facilities 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(s):

a portion of

26-22-29-7296-00-030

TO HAVE AND TO HOLD said right-of-way and easement unto said GRANTEE and its assigns forever.

Project: Orange County Health Department
(832 W. Central Blvd.)

IN WITNESS WHEREOF, Orange County, Florida has caused its presents to be executed as of the day and year first above written.

(Official Seal)

Orange County, Florida
By: Board of County Commissioners

COPY

By: _____
Richard T. Crotty
Orange County Mayor

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

By: _____
Deputy Clerk

Printed Name

This instrument prepared by:

E. Price Jackson, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

Project: Orange County Health Department (832 W. Central Blvd.)
Property Appraiser's Identification #: (a portion of) 26-22-29-7296-00-030

Exhibit "C"
COPY

PROPERTY DONATION AGREEMENT

**COUNTY OF ORANGE
STATE OF FLORIDA**

THIS PROPERTY DONATION AGREEMENT (hereinafter the "Agreement") is made and entered into this ____ day of _____, 2010, by and between CITY OF ORLANDO, a municipal corporation (hereinafter the "City"), whose address is 400 South Orange Avenue, Orlando, FL 32801 and ORANGE COUNTY, a charter county and a political subdivision of the state of Florida, (hereinafter "County"), whose address is P. O. Box 1393, Orlando, Florida, 32802-1393.

WITNESSETH:

WHEREAS, County owns certain property located at 832 West Central Boulevard, Orlando, FL 32805, more specifically described in Exhibit "A", attached hereto and made a part hereof by reference (hereinafter the "Easement Area"); and

WHEREAS, the City is proposing to bury the existing overhead power lines in an underground easement (the "Improvements") in connection with a landscaping/streetscaping project; and

WHEREAS, County has agreed to cooperate with the City in the construction of the Improvements by donating a perpetual Utility Easement over the Easement to the city in substantially the form set forth in Exhibit "B" attached to this Agreement; and

WHEREAS, City and County agree that construction of the Improvements constitutes a public purpose, that the Easement Area is necessary for the construction of the Improvements and that said construction shall operate to mutually benefit the citizens of each party hereto; and

WHEREAS, County understands and is aware that the Easement Area has value and that the City cannot compel the County to donate same; and

WHEREAS, the City and County desire to memorialize their Agreement.

NOW, THEREFORE, in consideration of the premises hereof, the mutual covenants and benefits herein contained and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and County agree as follows:

1. Incorporation of Recitals. The foregoing recitals are true and correct and are incorporated into this Agreement as if fully set forth herein.

2. Donation of Easement. County is the owner of the Easement Area in fee simple, and County shall convey an easement to the City, at no cost, by means of a Utility Easement. Said donation of easement shall occur within thirty (30) days of the full execution of this Agreement ("Closing"), unless extended by mutual consent of the parties.

Project: Orange County Health Department (832 W. Central Blvd.)

3. Closing Costs. The conveyance under this Agreement is between two governmental entities and therefore exempt from documentary stamp taxes. City agrees to pay all other reasonable, standard closing costs.

4. Binding Effect. This Agreement, once effective, shall run with the Easement Area described herein and shall be binding upon and enforceable by and against the parties hereto and their beneficiaries, heirs, successors and assigns.

5. Notice. Any Notice required or allowed to be delivered hereunder shall be in writing and be deemed to be delivered upon receipt before 5:00 p.m. on a business day by hand delivery, facsimile, overnight courier or U.S. Mail, postage prepaid, certified mail, return receipt requested and addressed to a party at the address set forth opposite the party's name below, or at such other address the party may have specified by written notice to the other party delivered in accordance herewith:

As to City: City Real Estate Manager
City of Orlando
Post Office Box 4990
Orlando, Florida 32802-4990
Fax Number: (407) 246-_____

Copy to: City Attorney
City of Orlando
Post Office Box 4990
Orlando, Florida 32802-4990
Fax Number: (407) 246-2854

As to County: County Real Estate Manager
Orange County, Florida
Post Office Box 1393
Orlando, Florida 32802-1393
Fax Number: (407) 836-5969

Copy to: County Attorney
Orange County, Florida
Post Office Box 1393
Orlando, Florida 32802-1393
Fax Number: (407) 836-5888

6. Effective Date. This Agreement shall become effective upon its execution by all parties.

(signatures continued on next page)

IN WITNESS WHEREOF, Orange County has caused this instrument to be executed in its name, and the City, acting by and through its Mayor and City Council, has caused this instrument to be executed in its name by the Mayor, its seal hereunto affixed and attested by the City Clerk, on the day and year first above written.

CITY OF ORLANDO

COPY

By: _____
Mayor / Mayor Pro-Tem

ATTEST: _____
Alana C. Brenner, City Clerk

STATE OF _____
COUNTY OF _____

PERSONALLY APPEARED before me, the undersigned authority, _____ and Alana C. Brenner, well known to me and known by me to be Mayor _____ and City Clerk, respectively, of the City of Orlando, Florida, and acknowledged before me that they executed the foregoing instrument on behalf of the City of Orlando as its true act and deed, and that they were duly authorized to do so.

Witness my hand and official seal this _____ day of _____, 2010.

(Notary Seal)

Notary Signature

Printed Notary Name

APPROVED AS TO FORM AND
LEGALITY for the use and reliance
of the City of Orlando, Florida only.

_____, 20____

City Attorney, Orlando, Florida

Printed Name

(signatures continued on next page)

Project: Orange County Health Department (832 W. Central Blvd.)

(Official Seal)

Orange County, Florida
By: Board of County Commissioners

COPY

By: _____
Richard T. Crotty
Orange County Mayor

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

By: _____
Deputy Clerk

Printed Name

This instrument prepared by:

E. Price Jackson, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida

S:\RGuthrie\AGRCNT\Donation Agmt for Easement-Health Dept-832 West Central RDG edits.doc