

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
OCT 04 2011 CAS/LO

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

**AUTHORIZATION TO CONVEY CERTAIN
COUNTY PROPERTY INTERESTS TO
THE CITY OF APOPKA**

Resolution No. 2011-M-44

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 (2010), 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, the County owns certain real property located in the County on which the County operates its Northwest Water Reclamation Facility; and

WHEREAS, the City of Apopka, Florida ("City") has requested a portion of such property consisting of approximately 4,139 square feet on the southwesterly corner of the parcel more particularly described in **Exhibit "A"**, attached hereto and incorporated herein by this reference (the "Property") for the public purpose of construction of a proposed four lane access road and said request having been duly considered; and

WHEREAS, the County and the City have entered into an agreement pursuant to which the County agrees to donate the Property, reserving an easement for itself for the future planned use as a ten foot wide recreational trail that will become part of the future Lake Apopka Connector Trail that will extend along the easterly boundary of the Property and the City agrees to cooperate fully with the County in the design and implementation of the Trail; and

WHEREAS, the conveyance of the Property is subject to the requirements of Section 710 of Orange County Resolution No. 92-B-06 (the "Bond Resolution") securing the County's Water Utilities System Revenue Refunding bonds, Series 1998, and the County now intends by adoption of the Resolution to comply with the such requirements; and

WHEREAS, the County has determined that the Property is not needed for County purposes and its conveyance to the City is in the interest of the public; and

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS OF ORANGE COUNTY:

1. The Board has reviewed and considered the findings of the Director of Utilities attached hereto as **Exhibit "B"** determining that one or more of the conditions for the sale or disposition of utility system assets set forth in Section 710 of the Bond Resolution have been met and the County hereby adopts, approves and concurs in such findings.

2. The Board hereby determines that the Property is no longer needed for County purposes and that it is in the best interest of Orange County that its interest in the Property be conveyed to the City for use as right-of-way for an access road.

3. The Orange County Utilities Department and the Orange County Parks and Recreation Department have entered into a Memorandum of Understanding, attached hereto as **Exhibit "C"** relating to the conveyance of the Property.

4. The Board hereby directs that all the County's right, title and interest in the Property, other than the reservation of an easement for a ten (10) foot wide recreation trail along the easterly boundary of the Property for the future planned Lake Apopka Connector Trail, be conveyed to the City for the consideration of ONE DOLLAR, and that the County Mayor execute and deliver to the City, a Statutory County Deed, with the reservation of an easement for the planned Lake Apopka Connector Trail, to effectuate such conveyance.

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

ADOPTED this ___ day of OCT 04 2011, 2011.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs,
Orange County Mayor

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

By: *Martha O. Haynie*
Deputy Clerk

ADSP-C-05
2011004

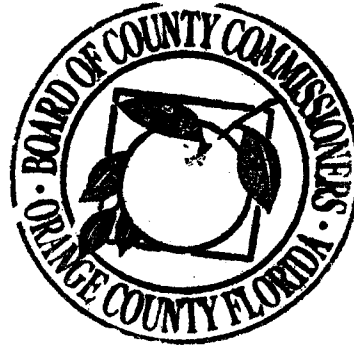


EXHIBIT "A"

LEGAL DESCRIPTION:

A PORTION OF LAND LOCATED IN SECTION 29, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 29, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE RUN N00°00'34"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 29, A DISTANCE OF 1501.42 FEET; THENCE DEPARTING SAID EAST LINE, RUN S89°30'29"W, A DISTANCE OF 1248.95 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE S89°30'29"W, A DISTANCE OF 68.85 FEET; THENCE RUN N00°04'09"E, A DISTANCE OF 120.23 FEET; THENCE CONTINUE S29°52'07"E, A DISTANCE OF 137.96 FEET TO THE POINT OF BEGINNING.

CONTAINING 4139 SQUARE FEET, MORE OR LESS.

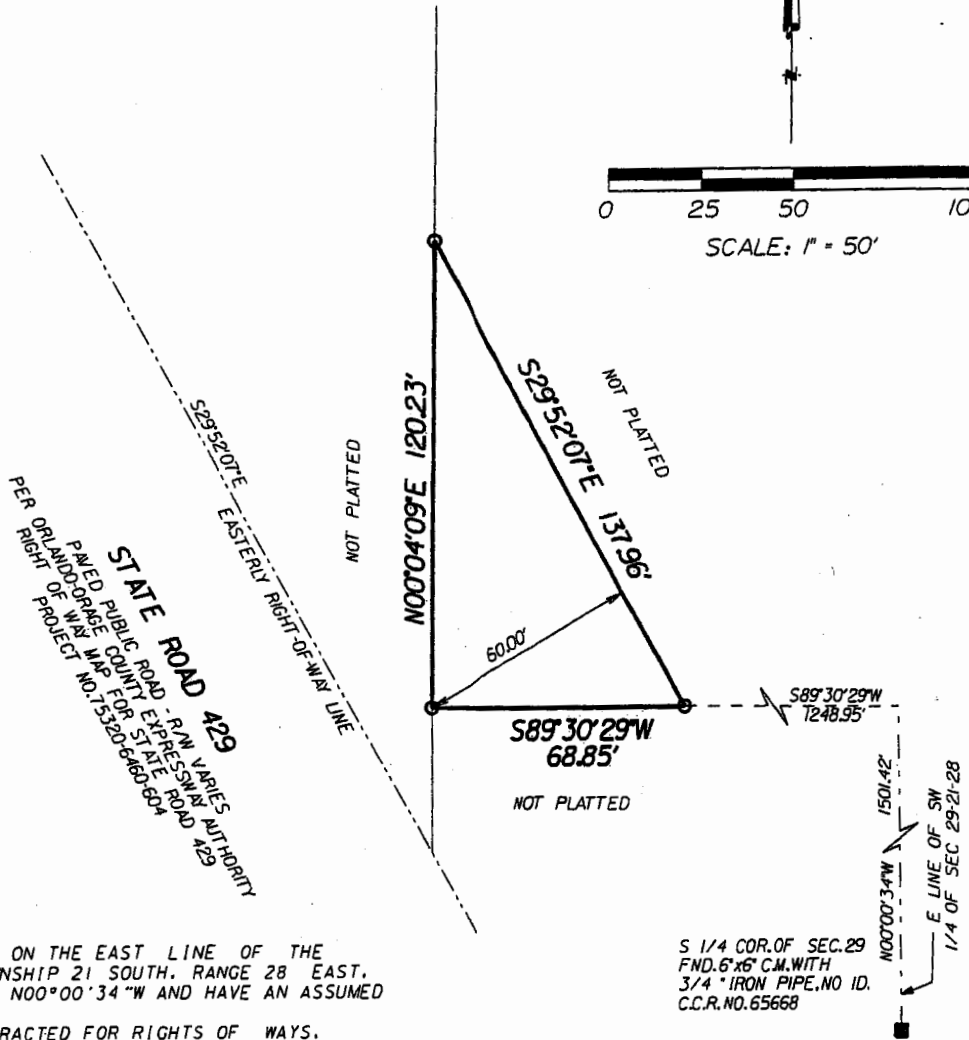
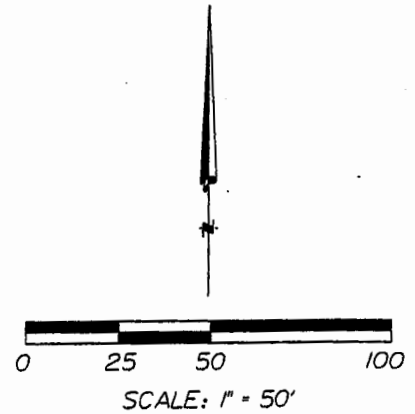
LEGEND

- R • RADIUS
- L • ARC LENGTH
- Δ • DELTA
- TB • TANGENT BEARING
- (NR) • NON-RADIAL
- PB • PLAT BOOK
- PG • PAGE
- POB • POINT OF BEGINNING
- POC • POINT OF COMMENCEMENT
- (R) • RADIAL
- R/W • RIGHT OF WAY
- PSM • PROFESSIONAL SURVEYOR & MAPPER

SURVEY NOTES:

1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, AS BEING N00°00'34"W AND HAVE AN ASSUMED REFERENCE MERIDIAN.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAYS, EASEMENTS, OWNERSHIPS, ADJOINERS OR OTHER INSTRUMENTS OF RECORD.

SHEET 1 OF 1



SKETCH OF DESCRIPTION ONLY. THIS IS NOT A SURVEY.

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION OF THE APPLICABLE "MINIMUM TECHNICAL STANDARDS" AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS CHAPTER 61G05, PURSUANT TO SECTION 61G05, FLORIDA STATUTES

William J. Donley 12.13.2011

WILLIAM J. DONLEY DATE

PROFESSIONAL SURVEYOR AND MAPPER LICENSE NUMBER 5381

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

CERTIFICATE OF AUTHORIZATION NO. LB 1221

**BOWYER
SINGLETON
& ASSOCIATES, INCORPORATED**

ENGINEERING • PLANNING • SURVEYING • ENVIRONMENTAL

520 SOUTH MAGNOLIA AVENUE
ORLANDO, FLORIDA 32801
(407) 843-5120

ORANGE COUNTY

FLORIDA

**URBAN LAND
RESOURCES, LLC**

DATE: 12-20-05

DRAWN BY: JEM

SCALE: 1" = 50'

CHECKED BY: DIP



Interoffice Memorandum

June 14, 2011

TO: John Terwilliger, Acting Manager
Real Estate Management Division

FROM: Ray E. Hanson, Director
Utilities Department

A handwritten signature in black ink, appearing to read "R. Hanson", is written over the "FROM:" line.

**SUBJECT: Surplus Property Declaration – Apopka Access Road
(Northwest Water Reclamation Southwesterly Corner)**

The above referenced agreement will provide for the County to donate a small portion of a parcel of County-owned land on which the County's Northwest Water Reclamation Facility is located. The City of Apopka wants to acquire approximately 4,139 square feet of land for right-of-way in connection with construction of a 4-lane access road.

I have reviewed the documents related to this surplus Orange County property. In accordance with the Water Utilities System Revenue Bonds Resolution 92-B-06, Article VIII, Section 710, *Sale or Other Disposition of the Water Utilities System*, I have determined that this property is not necessary for the operation of the Water Utilities System. Therefore, please proceed with the conveyance.

Thank you for your assistance in this matter.

- c: Ron Nielsen, Deputy Director, Utilities Department
- Glenn Kramer, Manager, Utilities Fiscal & Administrative Support Division
- Jason Herrick, Manager, Utilities Engineering Division
- Jacqueline Torbert, Manager, Utilities Water Division
- Ann Caswell, Assistant Manager, Real Estate Management

EXHIBIT "C"

Project: Apopka Access Road (Northwest Water Reclamation Facility Southwesterly Corner)

MEMORANDUM OF UNDERSTANDING

**FOR REAL ESTATE TRANSACTION RELATED TO THE CONSTRUCTION
OF AN APOPKA ACCESS ROAD**

between

ORANGE COUNTY PARKS AND RECREATION DIVISION

and

ORANGE COUNTY UTILITIES DEPARTMENT

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into this 1st day of July, 2011, by and between ORANGE COUNTY PARKS AND RECREATION DIVISION ("OCPR") and ORANGE COUNTY UTILITIES DEPARTMENT ("OCU").

RECITALS:

1. The County owns certain real property located in the County on which the County operates its Northwest Water Reclamation Facility.
2. The City of Apopka, Florida ("City") has requested a portion of such property consisting of approximately 4,139 square feet on the southwesterly corner of the parcel more particularly described in **Exhibit "A"**, attached hereto and incorporated herein by this reference (the "Property") for the public purpose of construction of a proposed four lane access road and said request having been duly considered.
3. The County and the City have entered into an agreement pursuant to which the County agrees to donate the Property, reserving an easement for itself for the future planned construction of a ten foot wide recreational trail that will become part of the future Lake Apopka Connector Trail that will extend along the easterly boundary of the Property and the City agrees to cooperate fully with the County in the design and implementation of the Trail.
4. OCPR and OCU agree that the following real estate transaction will result in a benefit to Orange County by virtue of the construction of a 2,400 linear foot portion of a recreational trail which the City of Apopka will cause to be constructed at no cost to the County.

NOW, THEREFORE, for and in consideration of the amount contained herein, OCPR and OCU hereby agree as follows:

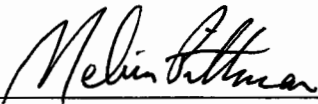
The foregoing recitals are true and correct and form the basis of this MOU.

a. **Parcel 28-21-28-0000-00-010 – Fee Simple**

Parcel 28-21-28-0000-00-010, as shown on Exhibit "A", is owned fee-simple by the BCC and OCU is the controlling agency. The City of Apopka is acquiring this parcel for the construction, installation and maintenance of an access road. This parcel consists of 4,139 square feet.

The amount of \$1,000.00 is to be paid to OCU by OCPR for the value of land conveyed to the City. OCPR will control the easement reserved by the County deed for the recreational trail.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed and delivered as of the day and year first above written.



Melvin Pittman, Director
Community and Environmental Services Department
Parks and Recreation Division



Raymond E. Hanson, P.E., Director
Utilities Department