

OCT 20 1986

1 RESOLUTION NO. 86-M-44

2  
3 A RESOLUTION STATING THAT NO OFFER BY ANY  
4 PARTY TO DEDICATE PROPERTY BY AN  
5 INSTRUMENT OF CONVEYANCE TO ORANGE COUNTY  
6 FOR A PUBLIC USE SHALL BE ACCEPTED, AND  
7 THE PROPERTY THEREBY DEEMED DEDICATED,  
8 UNLESS THE INSTRUMENT IS FORMALLY  
9 APPROVED AND ACCEPTED BY THE BOARD OF  
10 COUNTY COMMISSIONERS; PROVIDING AN  
11 EFFECTIVE DATE.

12 WHEREAS, Florida law recognizes that there can be no  
13 dedication of property to a governing authority for a public  
14 use without the essential elements of offer and acceptance;

15 WHEREAS, acceptance of an offer to dedicate property by  
16 an instrument of conveyance for a public use may occur  
17 expressly or impliedly;

18 WHEREAS, Orange County has learned that, in some  
19 circumstances, instruments of conveyance offering to dedicate  
20 property (or "dedicating" property) to Orange County for a  
21 public use have been recorded with the Comptroller's Office,  
22 and, upon recording, the property referred to in these  
23 instruments of conveyance has been deleted by the Property  
24 Appraiser's Office from the tax rolls, despite the fact that  
25 such instruments of conveyance have not been accepted by  
26 Orange County;

27 WHEREAS, generally speaking, Orange County has no desire  
28 to accept an offer to dedicate property for a public use by  
29 an instrument of conveyance;

30 WHEREAS, when Orange County does wish to accept such an  
31 offer, it desires to declare that, in order for the offer to  
32 be accepted, the instrument of conveyance must be formally  
33 approved and accepted by the Board of County Commissioners in  
34 writing; and

35 WHEREAS, Orange County wishes to announce that the mere  
36 fact that instruments of conveyance containing offers to  
dedicate property for public uses have been previously  
recorded, and the property referred to in these instruments  
of conveyance has been subsequently removed from the tax

1 rolls, does not, without more, constitute acceptance by  
2 implication of the offers.

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

5 1. Unless an instrument of conveyance containing an  
6 offer to dedicate property (or "dedicating" property) to  
7 Orange County for a public use is henceforth formally  
8 approved and accepted by the Board of County Commissioners in  
9 writing, it shall retain its status as a mere offer.

10 2. Property shall not be deemed to have been dedicated  
11 to Orange County for a public use by implication where,  
12 without more, an instrument of conveyance containing an offer  
13 to dedicate property (or "dedicating" property) for a public  
14 use has been previously recorded, and the property referred  
15 to in the instrument of conveyance was subsequently removed  
16 from the tax rolls.

17 3. This Resolution shall take effect on the date of  
18 its adoption.

19 ADOPTED THIS 20<sup>th</sup> DAY OF Oct., 1986.

21 ORANGE COUNTY, FLORIDA

22 By: Sam Harman  
23 Chairman, Board of  
24 County Commissioners

25 DATE: OCT 22 1986

26 ATTEST: THOMAS H. LOCKER, Clerk  
27 to the Board of County Commissioners

28 By: Mary J. Garrison  
29 Deputy Clerk