



Interoffice Memorandum


APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS


MAY 06 2014 NPK/AS

REAL ESTATE MANAGEMENT ITEM 1

DATE: April 15, 2014

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: William K. Hurt Jr., Manager 
Real Estate Management Division

FROM: Steve Lorman, Property Specialist 
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Assistant Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL AND EXECUTION OF RESOLUTION DECLARING COUNTY PROPERTY SURPLUS AND AUTHORIZING CONVEYANCE, COUNTY DEED FROM ORANGE COUNTY TO FIRST JOHN HOLINESS CHURCH, INC. AND AUTHORIZATION TO RECORD INSTRUMENT

PROJECT: South Apopka Cemetery

District 2

PURPOSE: To declare County property surplus and authorize donation to church for use as a cemetery.

ITEMS: Resolution

County Deed
Revenue: None
Size: 2.157 Acres

APPROVALS: Real Estate Management Division
County Attorney's Office
Community and Environmental Services Department

REMARKS:

On September 25, 1979, the Board of County Commissioners approved the acquisition of this property for affordable housing purposes. Subsequently, it was discovered that the property contained several gravesites. On September 11, 2007, the Board of County Commissioners declared this property surplus and authorized a sale by sealed bid. The highest bid received was \$1,000, however, the bidder was unable to complete the purchase and the property was retained by the County. The adjacent property owner (First John Holiness Church, Inc.) has requested the County donate this property to them to provide future expansion of their existing cemetery. The County Deed contains a restriction that this property can only be used for cemetery purposes.

Grantee to pay all recording fees.

A file labeled "BCC Agenda Backup" containing a copy of this agenda item and all supporting documentation is in the top drawer of the BCC file cabinet in the supply room adjacent to Commissioner Thompson's office.

MAY 06 2014 NP/CAS

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

**DECLARING COUNTY PROPERTY SURPLUS AND
AUTHORIZING THE CONVEYANCE
TO FIRST JOHN HOLINESS CHURCH, INC.**

Resolution No. 2014-M-17

WHEREAS, Orange County, a charter county and political subdivision of the State of Florida, pursuant to its home rule power and Section 125.38 of the Florida Statutes (2013) has authority to determine that certain County property is not needed for County purposes and to convey said property 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 purposes of promoting community interest and welfare; and

WHEREAS, in 1980 the County, acquired a parcel of real property described in Exhibit A attached hereto and incorporated herein by reference (the "Parcel") for the purpose of providing affordable housing but subsequently discovered gravesites on the Parcel; and

WHEREAS, in 2007, because the Parcel could not be used for the purpose of affordable housing, the County attempted to sell the Parcel and received one bid from the adjacent property owner for \$1,000; and

WHEREAS, the sale of the Parcel was never completed due to the bidder's delinquency in payment of taxes; and

WHEREAS, the current owner of the adjacent parcel is First John Holiness Church, Inc., a Florida not for profit corporation ("FJHC"); and

WHEREAS, FJHC has made application to the County for a donation of the Parcel to FJHC for use as a cemetery; and

WHEREAS, the County has determined that FJHC is an active Florida non-profit corporation organized for the purpose of promoting community interest and welfare, and therefore qualified to make application for, and to receive surplus County property pursuant to Section 125.38 of the Florida Statutes (2013).

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

WHEREAS, the County desires to donate the Parcel subject to a deed restriction that the Parcel be used only for cemetery purposes.

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

1. 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 interests in the Property be conveyed to First John Holiness Church, Inc. for use as a cemetery.

2. The Board hereby directs that all of the County's right, title and interest in the Property be donated to First John Holiness Church, Inc. for consideration of \$10.00, and that the County Mayor execute and deliver a statutory county deed to effectuate such conveyance.

3. The Board hereby directs that a certified copy of this Resolution shall be forwarded forthwith to First John Holiness Church, Inc.

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

ADOPTED this ___ day of MAY 06 2014, 2014.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
County Mayor

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

By: *Kelli Smith*
Deputy Clerk



APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
MAY 06 2014 NP/CAS

Project: South Apopka Cemetery

COUNTY DEED

THIS DEED, dated MAY 06 2014 by ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose address is P. O. Box 1393, Orlando, Florida 32802-1393, GRANTOR, and FIRST JOHN HOLINESS CHURCH, INC., a Florida non-profit corporation, whose address is 232 West 15th Street, Apopka, Florida 32703, GRANTEE.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of \$1.00 and other valuable considerations, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the said GRANTEE forever, all the right, title, interest, claim, and demand which the GRANTOR has in and to the following described lot, piece, or parcel of land, situate, lying and being in the county of Orange, state of Florida, to-wit:

The North 512.50 feet of the East 510 feet of the NW ¼ of the SE ¼ of Section 16, Township 21 South, Range 28 East, Orange County, Florida, LESS the North 310 feet thereof, and also LESS the North 100 feet of the East 84 feet of the above described property.

Property Appraiser's Parcel Identification Number:

16-21-28-0000-00-033

THE PROPERTY CONVEYED HEREIN IS RESTRICTED FOR USE AS A CEMETERY ONLY.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the GRANTOR, either in law or equity, to the only proper use, benefit, and behoove of the GRANTEE forever.

Project: South Apopka Cemetery

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.



ORANGE COUNTY, FLORIDA
By Board of County Commissioners

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

DATE: 5.6.14

ATTEST: Martha O. Haynie, County
Comptroller, Clerk to the Board

BY: *Katie Smith*
Deputy Clerk

Katie Smith

Printed Name

This instrument prepared by:

Monica L. Hand, a staff employee
in the course of duty with the
Real Estate Management Division
of Orange County, Florida