



COUNTY ATTORNEY'S OFFICE  
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Consent Agenda Item

APPROVED  
BY ORANGE COUNTY BOARD  
OF COUNTY COMMISSIONERS  
AUG 05 2014 CAS/KH

MEMORANDUM

**TO:** Mayor Teresa Jacobs  
and  
County Commissioners

**FROM:** Jeffrey J. Newton, County Attorney *JJN*  
Anthony J. Cotter, Assistant County Attorney *AC*  
**Contact:** (407) 836-7320

**DATE:** July 17, 2014

**RE:** Approval and execution of Interlocal Agreement between Orange County, Florida and the Ranger Drainage District regarding construction of water control system.  
**Consent Agenda – August 5, 2014**

**I. EXPLANATION & SUMMARY:**

On April 8, 2014, the Orange County Board of County Commissioners (“Board”) adopted Resolution 2014-M-13 wherein the Board committed to work with the Ranger Drainage District (“District”) in meeting all County environmental regulations, as well as expediting review of the comprehensive permit for the District’s water management system. On June 24, 2014, the Board approved the District’s excavation and fill permit with conditions. As a condition of the permit, the District is required to enter into an indemnity agreement with the County wherein the District agrees to defend, indemnify, and hold harmless the County, its officials, and employees against all liability and damage claims relating to the approval of the excavation permit and the construction, maintenance, and operation of Lake 11A. The attached Interlocal Agreement (“Agreement”), between the County and the District provides for such indemnification and, if approved, will satisfy the conditions of its excavation permit. The District is scheduled to meet on August 4, 2014 to approve this Agreement.

**II. ACTION REQUESTED:**

**APPROVAL AND EXECUTION OF INTERLOCAL AGREEMENT BETWEEN ORANGE COUNTY, FLORIDA AND THE RANGER DRAINAGE DISTRICT REGARDING THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF LAKE 11A.**

Deputy County Attorney  
Joel D. Prinsell

Senior Assistant County Attorneys  
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Edward M. Chew

Assistant County Attorneys  
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Scott Shevenell  
William Turner

Legal Administrative Supervisor  
Anna M. Caban

Senior Paralegal  
Kimberly Cundiff

Paralegals  
Cathy Saravanja, CP  
Maria Vargas, ACP

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Please contact Tony Cotter or me if you have any questions. We can be reached at 407-836-7320.

**Attachment**

copy: Ajit Lalchandani, County Administrator  
Mark Massaro, Director, Public Works  
Joe Kunkel, Deputy Director, Public Works  
Diana Almodovar, Manager, Development Engineering

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APPROVED  
BY ORANGE COUNTY BOARD  
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## INTERLOCAL AGREEMENT

This interlocal agreement ("Agreement") is entered into the \_\_ day of August, 2014, between the Ranger Drainage District, an independent special district created pursuant to Chapter 298, Florida Statutes, and Chapter 99-453, Laws of Florida, whose address is 19950 Nugent Street, Orlando, Florida 32833, and Orange County, a charter county and political subdivision of the State of Florida, whose address is 201 South Rosalind Avenue, Orlando, Florida 32801.

WHEREAS, Ranger Drainage District ("Ranger" or "the District") is an independent special purpose government, whose boundaries lie wholly within eastern Orange County and is approximately 15 square miles in size; and

WHEREAS, the District is charged with construction, operation and maintenance of a water management system; and

WHEREAS, the District water control plan was initially approved by the Circuit Court in Orange County in 1971 and subsequently approved and permitted by the St. Johns River Water Management District and the U. S. Army Corps of Engineers; and

WHEREAS, the entire District has been platted and all plats have been accepted by Orange County and recorded; and

WHEREAS, the Orange County Board of Commissioners unanimously adopted resolution 2014-M-13 on April 8, 2014, committing to work with Ranger to meet all county environmental regulations and provide expedited permit consideration for a comprehensive permit to complete the District's water management system; and

WHEREAS, Orange County ("the County"), through its Environmental Protection Division, issued a wetlands permit for all remaining District facilities (CAI permit # 09-009) which included mitigation requirements for approximately 4 acres of wetland impacts; and

WHEREAS, the referenced permit authorized certain wetland impacts associated with the construction of a small lake denominated Lake 11A on the District water control plan; and

WHEREAS, the County's regulations also require an excavation and fill permit for the construction of Lake 11A, and one of the requirements of issuance of an excavation permit is consent of all landowners abutting a lake; and

WHEREAS, there are 17 privately owned lots abutting Lake 11A; and

WHEREAS, Ranger has attempted twice to obtain the consent of all 17 landowners, many of whom live out of state or out of country, and has received only 5 returns which are all affirmative consents; and

WHEREAS, Ranger determined that it was futile to continue its effort to obtain the consent of all 17 landowners, and therefore, Ranger, pursuant to Orange County Code section 16-5, requested that the County waive the requirement for Ranger to obtain the consent of all landowners; and

WHEREAS, as an inducement and incentive to grant the requested waiver, Ranger voluntarily offered to defend, indemnify and hold the County harmless from all liabilities, claims, damages, losses, costs, and actions related to the County's approval of the excavation permit and the construction, maintenance and operation of Lake 11A; and

WHEREAS, Ranger acknowledges and affirms that it has the authority to enter into this Agreement; and

WHEREAS, the County granted the requested waiver and issued the excavation permit subject to certain conditions.

NOW THEREFORE, in consideration of these premises, the mutual covenants and agreements set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree:

1. The above recitals are true and correct and are hereby incorporated as a material part of this Agreement by this reference.
2. Ranger will implement construction of the remainder of its water control system in compliance with Orange County CAI Permit # 09-009.
3. Ranger's selected contractor will include Orange County as an additional insured in the contractor's general liability insurance policy for the purpose of protecting the County from any damages to persons or property resulting from the construction of Lake 11A.
4. For value received, which is hereby acknowledged, and to the extent allowed by law, Ranger, on behalf of itself and its successors, assigns, heirs, grantees, representatives, invitees, and permittees, hereby assumes sole and entire responsibility for the permitting, construction, maintenance and operation of Lake 11A. Ranger hereby releases, defends, indemnifies, saves, and holds the County, its elected and appointed officials, officers, and employees harmless from and against any and all claims, suits, judgments, demands, liabilities, damages, losses,

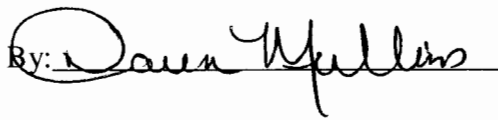
costs and expenses (including but not limited to reasonable attorney's fees, paralegal's fees, consultants' fees, and costs at all administrative, pre-trial, trial, and appellate levels) of any kind or nature whatsoever, including without limitation damage to property, arising out of or related in any way to the County's approval of excavation permit no. I3-E5-0068 and/or the construction, maintenance and operation of Lake 11A.


5. This Agreement may be amended or terminated only by express written instrument approved by the Orange County Board of County Commissioners and Ranger.
6. This Agreement and the provisions contained herein shall be construed, controlled, and interpreted according to the laws of the State of Florida.
7. This Agreement shall become effective on the date of execution by the County or the date of execution by Ranger, whichever is later.

IN WITNESS WHEREOF, the parties hereunto have executed this Agreement on the dates set forth below:

RANGER DRAINAGE DISTRICT  
Board of Supervisors

ATTEST: Dawn Mullins  
Secretary, Ranger Drainage District

By: 

By:   
David Mauck  
President

Date: August 4, 2014



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

By: *Teresa Jacobs*  
Teresa Jacobs  
County Mayor  
Date: 8.5.14

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

By: *Katie Smith*