



Interoffice Memorandum

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
OCT 20 2015 *JK/BS*

REAL ESTATE MANAGEMENT ITEM 2

DATE: October 1, 2015

TO: Mayor Teresa Jacobs
and the
Board of County Commissioners

THROUGH: Ann Caswell, Manager *AC*
Real Estate Management Division

FROM: Ruby Fortson, Acquisition Agent *RF*
Real Estate Management Division

CONTACT PERSON: Ann Caswell, Manager

DIVISION: Real Estate Management
Phone: 836-7082

ACTION REQUESTED: APPROVAL AND EXECUTION OF TERMINATION OF LEASE AGREEMENT BY AND BETWEEN ORANGE COUNTY AND THE CITY OF ORLANDO AND AUTHORIZATION TO RECORD INSTRUMENT

PROJECT: Microwave Communication System – 805 Capehart Drive/Azalea Park
District 3

PURPOSE: To terminate the City of Orlando’s Communication Tower lease.

ITEM: Termination of Lease Agreement

APPROVALS: Real Estate Management Division
County Attorney’s Office
Parks and Recreation Division

REMARKS: Orange County and the City of Orlando (City) entered into a Lease Agreement dated March 28, 1978, as amended by Addendum to Lease Agreement dated October 10, 2000. This Lease Agreement authorized the City to erect a 150-foot communication tower and related structures and equipment on a portion of the County’s property located at 805 Capehart Drive, generally known as Capehart Park.

The tower has not contained any communication equipment or antennas since on or around November 30, 2012 and is therefore considered to be abandoned. The City had no present or future need to utilize the tower and requested termination of this lease. The tower has been removed.

The City to pay 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.

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Return to:

Orange County
Real Estate Management Division
IOC II, 5th Floor
400 E. South Street
Orlando, FL 32801

Termination of Lease Agreement

THIS TERMINATION OF LEASE AGREEMENT ("Termination") is made this _____ day of _____, 2015 by and between Orange County, Florida, a political subdivision of the State of Florida ("Lessor"), and the City of Orlando, a Florida municipal corporation ("Lessee").

WHEREAS, Lessor and Lessee are party to a Lease Agreement dated March 28, 1978, recorded at Orange County Official Record Book 2888, Page 1332, as amended by that Addendum to Lease Agreement dated October 10, 2000 (collectively "the Lease Agreement"); and

WHEREAS, the Lease Agreement authorized Lessee to erect a 150-foot communication tower and related structures and equipment on a portion of the Lessor's real property located at 805 Capehart Drive, Orlando, Florida, generally known as Capehart Park, legally described in the Lease Agreement; and

WHEREAS, the tower has not contained any communication equipment or antennas since on or around November 30, 2012 and is therefore considered to be abandoned; and

WHEREAS, Lessee and Lessor have no further need to utilize the tower and have jointly worked to have the tower dismantled and removed from Lessor's property; and

WHEREAS, Lessor and Lessee desire to terminate the Lease Agreement pursuant to the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the premises and mutual covenants and agreements contained herein, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Lessor and Lessee agree to terminate the Lease Agreement as follows:

- 1. Recitals.** The foregoing recitals are hereby deemed true and correct and, by this reference, are deemed a material party of this Termination.
- 2. Termination of Lease Agreement.** Lessor and Lessee hereby mutually agree to terminate the Lease Agreement effective immediately upon the full execution of this Termination by both parties hereto ("Termination Date").
- 3. Recording.** This Termination shall be recorded at Lessee's expense in the Public Records of Orange County, Florida no later than five (5) days following full execution by both parties hereto.

City Council Meeting: 7-13-15
Item: B-4 Documentary: 150713B04

IN WITNESS WHEREOF, Lessor and Lessee have made and executed this Termination on the dates indicated below.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners



By: Teresa Jacobs
Teresa Jacobs,
Orange County Mayor

Date: 10.20.15

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

By: Neelie P.
for Deputy Clerk

CITY OF ORLANDO, FLORIDA

By: Anton & Ortiz
Print Name: Anton & Ortiz

Date: 7/14/15

ATTEST:

By: Elizabeth Davidson
City Clerk