

MEETING OPENED

There being a quorum, the County Mayor called the meeting of the Orange County Board of County Commissioners to order at 9 a.m. in Commission Chambers on the First Floor, Orange County Administration Center, on Tuesday, May 10, 2005. The following were present:

- County Mayor Richard T. Crotty
- Commissioners Bob Sindler, Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage
- County Comptroller as Clerk Martha Haynie
- County Administrator Ajit Lalchandani
- County Attorney Tom Drage
- Deputy Clerk Rosilyn Stapleton

Commissioner Teresa Jacobs joined the meeting where indicated.

The Board paused for the invocation by Dr. Patrick Powers, Dean of Knowles Memorial Chapel at Rollins College, followed by the Pledge of Allegiance to the Flag. The County Mayor presented a certificate of appreciation to Dr. Powers.

PRESENTATIONS

Presentation of a proclamation designating May as "Community Action Month" to Tiffany Moore, chairman of the Community Action Board.

Presentation of a proclamation designating May 7 through May 13, 2005, as "Tourism Week" to Bill Peeper, president of the Orlando/Orange County Convention and Visitors Bureau, Inc.

Commissioner Jacobs joined the meeting.

COUNTY CONSENT AGENDA

Upon a motion by Commissioner Stewart, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board:

- Deferred Administrative Services Department Item 6 until later in the day (see page 29 for subsequent approval)

- Deleted Public Works Department Item 8

and further, approved the balance of the County Consent Agenda items as follows:

County Comptroller

1. Approval of the minutes of the April 12, 2005, meeting of the Board of County Commissioners (Comptroller Clerk of the Board of County Commissioners).
2. Authorize the disbursement of warrants, vouchers, and wire transfers, having been certified that same had not been drawn on overexpended accounts, for periods as follows:
  - April 22, 2005, to April 28, 2005; total of \$47,095,935.15
  - April 29, 2005, to May 5, 2005; total of \$17,690,475.65

(Finance and Accounting Department).

County Administrator

1. Approval of Budget Amendment 05-36 (Office of Management and Budget).

(Budget amendment is on file in the Comptroller Finance and Accounting Department.)
2. Approval of the Membership and Mission Review Board's recommendations for the following advisory board appointments/reappointments:
  - a. Agricultural Advisory Board: Appointment of James M. Knox, III, in the at large representative category with a term expiring December 31, 2006.
  - b. Building Codes Board of Adjustments and Appeals: Appointment of Diana V. Mucha to succeed Timothy Keeley McCarthy in the general contractor category with a term expiring December 31, 2006.
  - c. Children and Family Services Board: Appointment of Gordon R. Hikel to succeed Walter G. Hawkins in the at large representative category with a term expiring December 31, 2006.

- d. Civic Facilities Authority: Appointment of Gregory Allen Jackson to succeed Tim Alan Hendricks as requested by the City of Orlando with a term expiring December 31, 2005.
- e. Development Advisory Board: Appointment of David Ross Shirk to succeed Douglas A. Kelly in the homeowners' interest representative category with a term expiring June 30, 2007. Note: Mr. Kelly was serving in the attorney who specializes in homeowners' issues category. Mr. Shirk will be serving in the Orange County Homeowners' Association Alliance Board representative category.
- f. MetroPlan Orlando Citizens' Advisory Committee: Appointment of Monica Denise Harris to succeed Dr. Robert Michael Spooner with a term expiring December 31, 2007, and the appointment of Jan Tunnell to succeed Keswick Harris in the Orange County representative category with a term expiring December 31, 2005.
- g. Urban Design Commission: Reappointment of David Perry, Lynne Marie Whately, and Renee Fontaine St.-Clair with terms expiring December 31, 2007, and the appointment of Mark David Meyer to succeed David Scott Froelich in the at large representative category with a term expiring December 31, 2005.

(Agenda Development Office)

#### Administrative Services Department

1. Approval to award Invitation for Bids Y5-620-HF, All Wheel Drive Truck, Service Body and Crane, to the sole responsive and responsible bidder, Maudlin International Truck Sales. The estimated contract award amount is \$211,886 for two vehicles ([Solid Waste Division] Purchasing and Contracts Division).
2. Approval to award Invitation for Bids Y5-1002-HF, Lot Cleaning, to the low responsive and responsible bidder, Brown's Tractor Service, Inc. The estimated contract award amount is \$497,000 for a 1-year term ([Code Enforcement Division] Purchasing and Contracts Division).

3. Approval to award Invitation for Bids Y5-727-EZ, Hunter's Trace Subdivision/Dean Road Drainage Improvements, to the low responsive and responsible bidder, Conpilog International Company. The total contract award amount is \$165,922.70 ([Stormwater Management Division] Purchasing and Contracts Division).
4. Ratification of Amendment 5, Contract Y2-1018, Term Contract for Street, Sidewalk, Curb, and Gutter Repair, with Stage Door II, in the estimated amount of \$243,296.95 for a revised estimated contract amount of \$1,540,566.95 ([Water Division] Purchasing and Contracts Division).
5. Approval and execution by the County Mayor of Third Amendment to Lease and delegation of authority to the Real Estate Management Division to exercise renewal options, if needed, and authorization to pay tenant improvement expenses for office and warehouse space for Environmental Protection Division, Leeds Building located at 800 Mercy Drive; Suites 3, 4, 5, 6, 7, 8; Orlando, Florida, District 6 (Real Estate Management Division).
6. Approval of Warranty Deed and Cross Access Easement and authorization to record instruments and perform all actions necessary and incidental to closing for Buena Vista Shores (Lake Avenue), District 1 (Real Estate Management Division).

(As stated in the above motion, this item was deferred until later in the day, see page 29 for subsequent approval.)

Community and Environmental Services Department

1. Approval of the Interlocal Agreement among Orange County, the City of Orlando, and the City of Winter Park for maintenance of the Cady Way Bike Trail, Districts 3 and 5 (Parks and Recreation Division).
2. Approval to file claim of Special Assessment Lien by Resolution 2005-CEDD-009 for unsafe structure demolished by Orange County, pursuant to Ordinance 2000-04, District 2

<u>Dist.</u>	<u>Property</u>	<u>Resolution #</u>	<u>Owner</u>	<u>Cost</u>
2	2229 Beach Avenue	2005-CEDD-009	Bennet Davis Brokaw	\$3,229.75

(Code Enforcement Division).

3. Approval to advertise Resolutions 2005-CED-117 through 2005-CED-124 for Special Assessment Liens (8) on property cleaned by Orange County, pursuant to Orange County Code, Chapter 28, Nuisances, Article II, Lot Cleaning, as follows:

LC 05-135; LC 05-217; LC 05-218; LC 05-214; LC 05-225; LC 05-230;  
LC 05-231; LC 05-178;

Districts 3, 4, and 6 (Code Enforcement Division).

#### Health and Family Services Department

1. Approval of the Intergovernmental Transfer Program (IGT) Letter of Agreement between Orange County and the State of Florida Agency for Healthcare Administration in the amount of \$102,750. The agreement provides \$500,000 in matching funds for the renovation of the Health Care Center for the Homeless medical facility (Health Services Division).

#### Public Works Department

1. Approval of the Agreement between Orange County and Haydon-Rubin Development, Inc., for Traffic Law Enforcement on Private Roads in the gated community of Lake Davis Reserve, District 1 (Public Works Department).
2. Approval of the Agreement between Orange County and Sabal Isles at Waterford Homeowners Association, Inc., for Traffic Law Enforcement on Private Roads in the gated community of Sabal Isles at Waterford, District 4 (Public Works Department).
3. Approval of the Interlocal Agreement between Orange County and the City of Apopka regarding the transfer of title, jurisdiction of a portion of Yothers/West Lester Road from Plymouth Sorrento Road to Schopke Lester Road and the County Deed transferring the right-of-way to the City, District 2 (Public Works Department).
4. Authorization to record the plat of Moss Park Apartments, District 4 (Development Engineering Division).

5. Approval of the Highway Illumination Services Agreement between the Florida Department of Transportation and Orange County for the lighting of Goldenrod Road from S.R. 15 (Hoffner Avenue) to S.R. 426 (Aloma Avenue), District 5 (Public Works Engineering Division).
6. Approval of "Stop" sign installation on Forsyth Central Commerce Park, District 4 (Traffic Engineering Division).
7. Approval of the First Amendment to Right-of-Way Agreement, Lake Cypress Cove Phases 2 and 3 (C.R. 535), District 1 (Transportation Planning Division).
8. Approval of the First Amendment to Lake Reams Neighborhood PD (Adequate Public Facilities) Development Agreement, District 1 (Transportation Planning Division).

(As stated in the above motion, this item was deleted from the agenda.)

#### Utilities Department

1. Approval to issue Change Order No. 2 to Contract No. Y3-727, Northwest Water Reclamation Facility (NWWRF) Constructed Wetlands and Lake Marden Augmentation to CenState Contracting, Inc., in the amount of \$328,193.13, for unforeseen field conditions (Construction Division).

#### INFORMATIONAL ITEMS\*

#### County Comptroller

1. Receipt of the following file for the record documents:
  - a. South Seminole & North Orange County Wastewater Transmission Authority Comprehensive Annual Financial Report for year ending September 30, 2004.
  - b. Greater Orlando Aviation Authority Comprehensive Annual Financial Report for year ending September 30, 2004.
  - c. City of Orlando Downtown Development Board Community Redevelopment Agency Comprehensive Annual Financial Report for year ending September 30, 2004.

- d. Orange County Educational Facilities Authority Financial Statements for year ending September 30, 2004.
- e. Orange County Health Facilities Authority Financial Statements for year ending September 30, 2004.
- f. Florida Public Service Commission notice of hearing and prehearing re: petition for determination of need for St. Johns-Pellicer-Pringle 230 KV Transmission Line, by Florida Power & Light Company.
- g. Orange County Industrial Development Authority and Seminole County Industrial Development Authority Interlocal Agreement.
- h. Florida Public Service Commission notice of hearing and prehearing re: petition approval of long-term fuel supply and transportation contracts for Hines Unit 4 and additional system supply and transportation by Progress Energy Florida, Inc.
- i. Florida Public Service Commission Conference Agenda April 19, 2005, 9:30 a.m., re: petition to relieve Progress Energy Florida, Inc., of the statutory obligation to provide electrical service to certain customers within the City of Winter Park.
- j. Stoneybrook West Community Development District minutes of Board of Supervisors' meeting on February 2, 2005.
- k. Stoneybrook West Community Development District minutes of Landowner's meeting on November 3, 2004.
- l. City of Ocoee Ordinance 2005-01 annexing approximately 6.92 acres southwest of the Silver Star Road and Old Silver Star Road intersection, and east of Johio Shores Road.
- m. Documents received by the Clerk of Court and transferred to the Comptroller Clerk's Office for filing for the record, including annexation and deannexation ordinances, and other miscellaneous documents statutorily required for filing.
- n. City of Orlando Ordinance changing the name of a portion of South Alafaya Trail, generally located east of Narcoossee Road, and west of the Central Florida Greenway (S.R. 417), to Dowden Road.
- o. City of Orlando Ordinance changing the name of Sage Drive, generally located north of Dowden Road, and west of Hoenstine Avenue, to Grassy Street.
- p. City of Orlando Ordinance annexing to the corporate limits of the City of Orlando, property generally located south of Clarion Drive, east of North Pine Hills Road, west of Clarion Hammock Drive, and addressed as 5217 North Pine Hills Road.

- q. Orange County Convention Center Operations of Orange County Food Service Partners, Food and Beverage Services Contract with Orange County, Florida, financial statements for years ending September 30, 2004, and 2003.

(Comptroller Clerk of the Board of County Commissioners)

With respect to informational items, Board action is neither required nor necessary, and Board approval (or disapproval) is not to be implied.

LIBRARY DISTRICT GOVERNING BOARD

By consensus, the Board adjourned as the Board of County Commissioners and convened as the Library District Governing Board. The following were present:

- County Mayor Richard Crotty
- County Commissioners Teresa Jacobs, Bob Sindler, Mildred Fernandez, Linda Stewart, Bill Segal, and Homer Hartage
- City of Orlando Commissioner Patty Sheehan

COUNTY ADMINISTRATOR DISCUSSION AGENDA

1. Membership and Mission Review Board recommendation concerning reappointment of Dr. Gloria E. Fernandez as an Orange County representative on the Library Board of Trustees with a term expiring December 31, 2008.

Commissioner Fernandez nominated Lydia Rivera; the nomination was seconded by Commissioner Sindler.

Commissioner Jacobs nominated Dr. Gloria E. Fernandez; the nomination was seconded by City of Orlando Commissioner Sheehan.

Votes were cast by voice vote as follows for Lydia Rivera:

Mayor Crotty	AYE
Commissioner Jacobs	NO
Commissioner Sindler	AYE

Commissioner Fernandez	AYE
Commissioner Stewart	AYE
Commissioner Segal	AYE
Commissioner Hartage	AYE
City of Orlando Commissioner Sheehan	NO

Lydia Rivera received the majority of votes; no further votes were cast.

For the record, Commissioner Hartage stated that this appointment in no way constitutes harassment; the purpose for this appointment is to make sure the best qualified person for the job is appointed.

#### RECONVENE-BOARD OF COUNTY COMMISSIONERS

By consensus, the Board adjourned as the Library District Governing Board and reconvened as the Board of County Commissioners.

#### COUNTY ADMINISTRATOR DISCUSSION AGENDA

##### 4. Update on the Earned Income Tax Credit (EITC) Program.

Staff presented a report on this item. David Odahowksi, president of the Edyth Bush Charitable Foundation; Jacob Stuart, president of the Orlando Regional Chamber of Commerce; Fred Bates, state coordinator for AARP; Mia Sylve, senior tax specialist; and Rod Albert, manager, Internal Revenue Service; addressed the Board and contributed to the report. Board discussion ensued.

Upon a motion by Commissioner Sindler, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board approved \$150,000 in funding for the second year of the program contingent on match funding; and further, authorized the County Mayor or County Administrator to execute an Amendment to Grant Agreement for Earned Income Tax Credit Program among Foundations for Building Community, Inc., Orange County, Florida, City of Orlando, Florida, and Edyth Bush Charitable Foundation.

ADMINISTRATIVE SERVICES DEPARTMENT DISCUSSION AGENDA

1. Selection of one firm and two ranked alternates to provide Orange County Landfill Engineering Services for Cell 9 Phase I Closure and Cell 10 Expansion, RFP Y5-805-JC ([Solid Waste Division] Purchasing and Contracts Division).

Staff stated that Commissioner Sindler attended the April 6, 2005, Procurement Review Committee meeting for the selection of one firm and two ranked alternates to provide Orange County Landfill Engineering Services for Cell 9 Phase I Closure and Cell 10 Expansion from the following firms listed alphabetically:

- Brown and Caldwell
- CH2M/WCG Joint Venture
- S2L, Inc.

Upon a motion by Commissioner Sindler, seconded by Commissioner Hartage, and carried with all members present and voting AYE by voice vote, the Board approved the short list ranked as follows:

- #1 CH2M/WCG Joint Venture
- #2 S2L, Inc.
- #3 Brown and Caldwell

and further, authorized staff to enter into contract negotiations to provide Orange County Landfill Engineering Services for Cell 9 Phase I Closure and Cell 10 Expansion, Contract Y5-805-JC.

COUNTY ADMINISTRATOR DISCUSSION AGENDA CONTINUED

2. Appointment of an individual to succeed Reverend Luis Lopez on the Membership and Mission Review Board with a term expiring December 31, 2005 (Agenda Development Office).

The Board members made nominations for the appointment of an individual to fill a vacancy with a term expiring December 31, 2005, as follows:

- County Mayor Crotty - Michael Grindstaff
- Commissioner Segal - Evelyn Rivera

AYE votes were cast by voice vote as follows:

Michael Grindstaff      County Mayor Crotty

Evelyn Rivera            County Mayor Crotty and Commissioners Jacobs,  
Sindler, Fernandez, Stewart, Segal, and Hartage

Ms. Rivera received a majority; no further votes were cast.

3. Appointment of an individual to succeed Diana V. Mucha on the Code Enforcement Board with a term expiring December 31, 2005 (Agenda Development Office).

Staff presented a report and requested consideration of this item; Board discussion ensued.

The Board members made nominations for the appointment of an individual to fill a vacancy with a term expiring December 31, 2005, as follows:

Commissioner Hartage nominated Lyndell Laconyea Mims; no other nominations were made.

AYE votes were cast by voice vote as follows:

County Mayor Crotty and Commissioners Jacobs, Sindler, Fernandez, Stewart, Segal, and Hartage.

Ms. Mims was unanimously appointed; no further votes were cast.

5. Final Report of the Blue Ribbon Panel on Education.

Bill Sublette, chairman of the Blue Ribbon Panel on Education; Linda Sutherland, chair of the Early Childhood Committee; Rick Morrison, chair of the Student Performance Committee; Randy Lyon, Jr., member of the Teacher Performance, Retention and Pay Committee; Dr. Pamela McCauley-Bell, chair of the Parental and Community Support Committee; and J. Charlie Gray, member of Education Management Committee, addressed the Board and presented a report on this item; Board discussion ensued. The Board did not take any action.

The County Mayor adjourned the morning session.

MEETING RECONVENED

The Board of County Commissioners reconvened in Commission Chambers on the First Floor, Orange County Administration Center. The following were present:

- County Mayor Richard T. Crotty
- Commissioners Teresa Jacobs, Bob Sindler, Mildred Fernandez, Bill Segal, and Homer Hartage
- Deputy County Attorney Joel Prinsell
- Deputy Clerk Rosilyn Stapleton

Commissioner Linda Stewart joined the meeting where indicated.

PRESENTATION

Presentation of a proclamation designating May as "Asian Pacific American Heritage Month" to Reena Brothers, president of the Asian American Chamber of Commerce. Ms. Brothers addressed the Board and acknowledged the contributions and excellence by the Asian community.

APRIL 21, 2005, PLANNING AND ZONING COMMISSION RECOMMENDATIONS

Upon a motion by Commissioner Hartage, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; Commissioner Stewart was absent; the Board accepted the recommendations of the Orange County Planning and Zoning Commission under date of April 21, 2005, with the exception of Cases Z-04-128, Z-05-017, and RZ-05-03-033; subject to the usual right of appeal by any aggrieved party; and further, authorized scheduling a public hearing for Cases Z-04-128 in the name of Mark Maciel for Tangerine Estates Planned Development; Z-05-017 in the name of Bruce T. Hudson for Dean Road Planned Development, and RZ-05-03-033 in the name of James C. Moore for Louis Gagliano on July 12, 2005.

Commissioner Stewart joined the meeting.

PETITION TO VACATE PUBLIC HEARING-APPLICANT: MARK F. GRANT, BUENA VISTA SHORES, INC.; NO. 04-23, PORTION OF SEVERAL UNNAMED RIGHTS-OF-WAY; DISTRICT 1-CONTINUED FROM NOVEMBER 30, 2004; JANUARY 4 AND MARCH 29, 2005

By consensus, the Board reopened the public hearing to consider a request by Mark F. Grant, for Buena Vista Shores, Inc.; Petition to Vacate 04-23, to vacate portions of several unnamed rights-of-way on property lying north of World Center Drive and west of International Drive in the Munger's subdivision; continued from the November 30, 2004, and January 4 and March 29, 2005, Board meetings (the legal property description is on file).

Staff reviewed the request and the recommendation for approval of the petition to vacate as submitted.

The following persons addressed the Board regarding the request:

- Paul Chipok, for the applicant
- Scott Thompson, area resident

The County Mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board adopted a resolution granting Petition to Vacate 04-23 vacating portions of several unnamed rights-of-way on the above-described property.

and

COUNTY CONSENT AGENDA ITEM DEFERRED FOR DISCUSSION

6. Approval of Warranty Deed and Cross Access Easement and authorization to record instruments and perform all actions necessary and incidental to closing for Buena Vista Shores (Lake Avenue), District 1 (Real Estate Management Division).

Staff requested this item be addressed concurrently with Petition to Vacate 04-23.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board

approved a Warranty Deed and Cross Access Easement and authorization to record instruments and perform all actions necessary and incidental to closing for Buena Vista Shores (Lake Avenue).

NOTE: THE FOLLOWING 7 PUBLIC HEARINGS WERE CONSIDERED TOGETHER. SEE PAGE 32 FOR APPEARANCES AND ACTION TAKEN.

MSTU/BU PUBLIC HEARING-INTERNATIONAL DRIVE-ORLANDO CITY LIMITS SOUTH TO SAND LAKE ROAD, AMEND FOR STREETLIGHTING, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to amend an existing MSBU for streetlighting for International Drive-Orlando city limits south to Sand Lake Road; District 1; Section 25, Township 23, Range 28, Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$60 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING-MEADOW WOODS PLANNED DEVELOPMENT, AMEND FOR STREETLIGHTING, DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to amend an existing MSBU for streetlighting for Meadow Woods Planned Development; District 4; Sections 25, 31, and 36; Township 24, Ranges 28, 29, and 30; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$11 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING-VILLAS OF OAK MEADOWS AND OAK MEADOWS UNITS 1-3, AMEND FOR STREETLIGHTING, DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request to amend an existing MSBU for streetlighting for Villas of Oak Meadows and Oak Meadows Units 1-3; District 4; Section 26, Township 22, Range 28; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the property owners has an annual cost of \$82 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING-LA CASCADA PHASE 1, ESTABLISH FOR RETENTION POND(S) MAINTENANCE AND STREETLIGHTING, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider establishing an MSBU for retention pond(s) maintenance and streetlighting for La Cascada Phase 1; District 3; Sections 28 and 29, Township 24, Range 30; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$239 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING-NIAGARA, ESTABLISH FOR RETENTION POND(S) MAINTENANCE AND STREETLIGHTING, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider establishing an MSBU for retention pond(s) maintenance and streetlighting for Niagara; District 3; Section 23, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$108 per lot for streetlighting and an annual cost of \$54 per lot for maintenance of retention pond(s).

and

MSTU/BU PUBLIC HEARING-FORSYTH CENTRAL COMMERCE PARK, ESTABLISH FOR STREETLIGHTING, DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to consider establishing an MSBU for streetlighting for Forsyth Central Commerce Park; District 3; Section 23, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the developer has an annual cost of \$115 per lot for streetlighting.

and

MSTU/BU PUBLIC HEARING-LIVINGSTON STREET WEST OF NORTH HIAWASSEE ROAD, ESTABLISH FOR STREETLIGHTING, DISTRICT 6

Notice was given that the Board of County Commissioners would hold a public hearing to consider establishing an MSBU for streetlighting for Livingston Street west of North Hiawasse Road; District 6; Section 26, Township 22, Range 28; Orange County, Florida (the legal property description is on file).

Staff reported that this request from the property owners has an annual cost of \$22 per lot for streetlighting.

No one appeared regarding the MSBU requests.

The County Mayor closed the public hearings and opened the matters for Board discussion.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board adopted the following resolutions:

- Amending International Drive-Orlando city limits south of Sand Lake Road MSBU, annual cost of \$60 per lot for streetlighting
- Amending Meadow Woods Planned Development MSBU, annual cost of \$11 per lot for streetlighting
- Amending Villas of Oak Meadows and Oak Meadows Units 1-3 MSBU, annual cost of \$82 per lot for streetlighting.
- Establishing La Cascada Phase 1 MSBU, annual cost of \$239 per lot for streetlighting and \$54 per lot for maintenance of retention pond(s)
- Establishing Niagara MSBU, annual cost of \$108 per lot for streetlighting and \$54 per lot for maintenance of retention pond(s)
- Establishing Forsyth Central Commerce Park MSBU, annual cost of \$115 per lot for streetlighting
- Establishing Livingston Street MSBU, annual cost of \$22 per lot for streetlighting

COMPREHENSIVE POLICY PLAN (CPP) AMENDMENT PUBLIC HEARING-APPLICANT:  
BRIAN LOWER, ORANGE LAKE COUNTRY CLUB DEVELOPMENT OF REGIONAL IMPACT;  
CPP TRANSMITTAL AND NOTIFICATION OF PROPOSED CHANGE; DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing regarding the transmittal of the proposed Amendment 2005-D-1-1 (Orange Lake Country Club Development of Regional Impact) to the Orange County Comprehensive Policy Plan (CPP), as it has been amended, as authorized by Chapter 163, Florida Statutes, for the following matters:

1. Proposed amendment to the CPP Future Land Use Element Map, which would change the designation of land within the area identified on the map set forth below.
2. Proposed amendment to the Future Land Use Element Policy 1.1.2.1, which reflects the net developable acreage that is counted toward the County's Urban Service Area acreage, consistent with Future Land Use Element Policy 1.2.6.1.F.

(The Amendment Booklet and map are on file. The parcel of property that is subject to possible land use changes identified by the general location descriptions, acres, and tax parcel identification numbers is on file. Also, the currently adopted land uses and requested land use changes are on file.)

Staff stated that advertising requirements for the CPP Amendment public hearings were met and that the Local Planning Agency (LPA) considered all of the CPP amendments at its public hearing on April 21, 2005.

The following person addressed the Board regarding the request:

- Duke Woodson, for the applicant

The County Mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and carried with all members present and voting AYE by voice vote, the Board approved Future Land Use Element Map Amendment 2005-D-1-1, Brian Lower, Orange Lake Country Club Development of Regional Impact, for transmittal to the State of Florida Department of Community Affairs.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-LAKE REAMS NEIGHBORHOOD PLANNED DEVELOPMENT-SHARPE PROPERTY PSP, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Lake Reams Neighborhood Planned Development-Sharpe Property Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations. This plan proposes the development of a 178.05-acre site for 434 single-family units and 428 townhome units on property generally located south of C.R. 535, west and north of Reams Road; Parcel ID 36-23-27-0000-00-003; District 1; Section 36, Township 23, Range 27; Orange County, Florida (the legal property description is on file).

Staff requested the public hearing be continued so it can be heard by the Development Review Committee on May 11, 2005, because of inconsistencies between the developer's agreement and the preliminary subdivision plan.

The County Mayor noted the applicant present and concurs.

The County Mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the Lake Reams Neighborhood Planned Development-Sharpe Property Preliminary Subdivision Plan, until May 24, 2005, at 3:30 p.m.

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-MEADOW WOODS PLANNED DEVELOPMENT-PARCELS 15, 15.1, AND 15.2 PSP; DISTRICT 4

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Meadow Woods Planned Development-Parcels 15, 15.1, and 15.2 Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations. This plan proposes the development of a 23.86-acre site for 4 commercial lots on property generally located north of S.R. 417, east of Landstar Boulevard; Parcel ID 25-24-29-0000-00-031; District 4; Section 25, Township 24, Range 29; Orange County, Florida (the legal property description is on file).

Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions. Staff requested that proposed Condition 6 be deleted.

The following person addressed the Board regarding the request:

- Rick Merkel, for the developer

The County Mayor closed the public hearing and opened the matter for Board discussion.

Commissioner Stewart requested a Condition 6 be included to prohibit the sales of automobiles and building materials storage and sales be prohibited as permitted uses.

Upon a motion by Commissioner Stewart, seconded by Commissioner Fernandez, and carried with all members present and voting AYE by voice vote, the Board approved the Meadow Woods Planned Development (PD)-Parcels 15, 15.1, and 15.2 Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Meadow Woods PD; Orange County Board of County Commissioners' (BCC) approvals; Parcels 15, 15.1 and 15.2 PSP; dated "Received March 28, 2005"; and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

PSP approval automatically expires on May 10, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this development is consistent with the approved Master Stormwater Management and Utility Plans for the PD.
3. Ground signs shall comply with the Master Sign Plan shown on the PSP.
4. Billboards and pole signs shall be prohibited.
5. Prior to earthwork or construction, the developer shall provide a copy of the

completed Florida National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.

6. The summary of permitted uses is as follows:

Community Commercial

All retail uses permitted in Retail Commercial District (C-1)

Business Park

All office uses permitted in Professional Office District (PO)

Additional uses as identified in the Land Use Plan Development Application, March 1988, including the following:

- Automobile Service
- Banks
- Fire Stations

Personal service establishments which support business park development such as:

- Barber shops
- Child care
- Copy centers
- Medical and dental clinics
- Office supply stores
- Parking garages
- Health clubs
- Recreational facilities
- Laundry and dry cleaning establishments
- Shoe repair
- Tailoring
- Watch and clock repair

- Similar or compatible business establishments
- Heating and air conditioning sales and services
- Hospitals
- Office, corporate, and professional
- Post office
- Service stations
- Technical and trade schools
- Restaurants
- Research and development activities with their related manufacturing and processing uses;

however, the following uses are prohibited:

- Automobile sales
- Building materials and storage and sale

PRELIMINARY SUBDIVISION PLAN (PSP) PUBLIC HEARING-GREENWAY PLANNED DEVELOPMENT-GREENWAY AMENDED PSP, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider the Greenway Planned Development-Greenway Amended Preliminary Subdivision Plan, submitted in accordance with Chapter 65-2015, Laws of Florida, and Article VI of the Orange County Subdivision Regulations. This plan proposes the development of a 35-acre site for 1,875 hotel/resort units and 270,000 square feet of retail/commercial uses on property generally located south of S.R. 417, east of S.R. 535; Parcel IDs 35-24-28-5844-00-740, 35-24-28-5844-00-750, 35-24-28-5844-00-770, 35-24-28-5844-00-812, 35-24-28-5844-00-830, 35-24-28-5844-00-843; District 1; Section 35, Township 24, Range 28; Orange County, Florida (the legal property description is on file).

Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

The following person addressed the Board regarding the request:

- John Walls, for the developer

The County Mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Sindler, and carried with all members present and voting AYE by voice vote, the Board approved the Greenway Planned Development (PD)-Greenway Amended Preliminary Subdivision Plan (PSP) on the above-described property, subject to the following conditions:

1. Development shall conform to the Greenway PD; Orange County Board of County Commissioners' (BCC) approvals; Greenway Amended PSP, dated "Received March 28, 2005"; and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent any applicable county laws, ordinances, and regulations are expressly waived or modified by these conditions, or by action approved by the BCC, or by action of the BCC.

PSP approval automatically expires on May 10, 2006, in accordance with the Orange County Subdivision Regulations as amended.

2. Prior to construction plan approval, a Master Stormwater Management Plan shall be submitted to the Development Engineering Division for review and approval.
3. Outdoor storage and display shall be prohibited.
4. Prior to construction plan approval, certification with supporting calculations shall be submitted which states that this project is consistent with the approved Master Utility Plan for this PD.
5. Unless a Conservation Area Impact Permit is approved by Orange County prior to construction plan approval, no conservation area or buffer encroachments are permitted.
6. Prior to earthwork or construction, the developer shall provide a copy of the completed Florida National Pollutant Discharge Elimination System (NPDES) Notice of Intent (NOI) form for stormwater discharge from construction activities to the Orange County Environmental Protection Division, Attention: NPDES Administrator. The original NOI form shall be sent to the Florida Department of Environmental Protection.

7. Prior to issuance of a Certification of Occupancy for any lot within this preliminary subdivision, the roadway, sewer, water, reclaimed water, and storm sewer shall be completed to support infrastructure on that lot.
8. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal. However, nothing in this condition and nothing in the decision to approve this PSP shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter.

SAND LAKE ESTATES PLANNED DEVELOPMENT-SAND LAKE ESTATES PSP, DISTRICT 1-  
CONTINUED FROM MARCH 15, AND APRIL 26, 2005

By consensus, the Board reopened the public hearing to consider the Sand Lake Estates Planned Development-Sand Lake Estates Preliminary Subdivision Plan continued from the March 15 and April 26, 2005, Board meetings.

Staff reviewed the request and the Development Review Committee's recommendation of approval subject to conditions.

The following persons addressed the Board regarding the request:

- William Silliman, the developer
- Eric Warren, for the developer
- John Jennings, area resident
- Irma Moreno, area resident
- Steve Johnson, area resident
- Dale Harden, area resident
- Richard Adham, area resident
- R.P. Mohnacky

The County Mayor closed the public hearing and opened the matter for Board discussion.

A motion by Commissioner Jacobs to deny the Sand Lake Estates Planned Development-Sand Lake Estates Preliminary Subdivision Plan for failure to comply with transportation concurrency died for the lack of a second.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Stewart, and

carried with all members present and voting AYE by voice vote, the Board continued the public hearing to consider the Sand Lake Estates Planned Development (PD)-Sand Lake Estates Preliminary Subdivision Plan (PSP), until July 12, 2005, at 3:30 p.m.

County Mayor Crotty left the meeting.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: COGAN DEVELOPMENT, LLC;  
COUNTRY RUN TRACT B PSP; AMEND PLAN; DISTRICT 2

Notice was given that the Board of County Commissioners would hold a public hearing to consider a substantial change request by Cogan Development, LLC; County Run Tract B Preliminary Subdivision, to relocate the retention pond to the north property line, pursuant to Orange County Code, Section 34-27; on property generally located south of Clarcona Ocoee Road, west of Hiawasse Road; Parcel ID 03-22-28-1818-00-002; District 2; Section 03, Township 22, Range 28; Orange County, Florida (the legal property description is on file).

Staff reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

Commissioner Jacobs recommended that proposed Condition 2 be modified to read as follows: "The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this preliminary subdivision plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate."

Staff requested the following 2 conditions be added:

- The proposed PVC fence shall be owned and maintained by the property owners' association.
- The minimum living area shall be 1,600 square feet.

The following persons addressed the Board regarding the request:

- Chris Cogan, the applicant
- Leslie Guzman, for area residents

- Herbert Sulley, area resident

The Vice-mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Sindler, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; County Mayor Crotty was absent; the Board approved the request by Cogan Development, LLC; County Run Tract B Preliminary Subdivision, to relocate the retention pond to the north property line on the above-described property; subject to the following conditions:

1. Development shall conform to the Country Run Tract B Preliminary Subdivision, dated "Received January 18, 2005," and to the following conditions of approval. Development based upon this approval shall comply with all other applicable federal, state, and county laws, ordinances, and regulations, which are incorporated herein by reference, except to the extent [the applicable laws, ordinances, and regulations] are expressly waived or modified by these conditions, or by action approved by the Board of County Commissioners (BCC) or by action of the BCC.
2. The applicant must apply for and obtain a capacity encumbrance letter prior to construction plan submittal and must apply for and obtain a capacity reservation certificate prior to platting. However, nothing in this condition and nothing in the decision to approve this preliminary subdivision plan shall be construed to mean that the applicant will be able to satisfy the requirements for obtaining a capacity encumbrance letter or a capacity reservation certificate.
3. The proposed PVC fence shall be owned and maintained by the property owners' association.
4. The minimum living area shall be 1,600 square feet.
5. All previous conditions of approval shall apply.

SUBSTANTIAL CHANGE PUBLIC HEARING-APPLICANT: CHRIS REIDER, EXPRESSWAY CENTER PLANNED DEVELOPMENT/LAND USE PLAN (PD/ LUP); AMEND LUP; DISTRICT 3

Notice was given that the Board of County Commissioners would hold a public hearing to

consider a substantial change request by Chris Reider; Canin Associates, Inc.; Expressway Center Planned Development/Land Use Plan (PD/LUP); to amend the LUP to allow a 120-foot-tall monopole cell tower to be constructed (designed as a flag pole), pursuant to Orange County Code, Section 38-1207; on property generally located approximately 300 feet north of Valencia College Lane and 150 feet west of Chickasaw Trail; Parcel ID 23-22-30-2055-00-020; District 3; Section 23, Township 22, Range 30; Orange County, Florida (the legal property description is on file).

Staff reviewed the change request and the Development Review Committee's determination of substantial change; and further, stated the Development Review Committee recommended approval of the request.

The following person addressed the Board regarding the request:

- Chris Reider, the applicant

The Vice-mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Fernandez, seconded by Commissioner Sindler, and carried with all present members voting AYE by voice vote; County Mayor Crotty was absent; the Board continued the public hearing to consider the request by Chris Reider; Canin Associates, Inc.; Expressway Center Planned Development/Land Use Plan (PD/LUP); to amend the LUP to allow a 120-foot-tall monopole cell tower to be constructed (designed as a flag pole), to conduct a neighborhood meeting, until June 14, 2005, at 2 p.m.

CONSERVATION AREA IMPACT PUBLIC HEARING-APPLICANT: GERTRUDE BROWNING, LAKE LABEL, CLASS I WETLANDS PERMIT, DISTRICT 1

Notice was given that the Board of County Commissioners would hold a public hearing to consider a request by Gertrude Browning for a Conservation Area Impact Permit for a Class I Wetlands, pursuant to Orange County Code Chapter 15, Article X, on property located at 11120 Rockport Street; Parcel IDs 31-23-28-0000-00-019 and 31-23-28-7777-00-260; District 1; Section 31, Township 23, Range 28; Orange County, Florida (the legal property description is on file).

Staff outlined the request; identified the subject property; and further, noted the recommendation is for approval of the request.

The Vice-mayor noted the applicant present and in concurrence with the recommendation.

The Vice-mayor closed the public hearing and opened the matter for Board discussion.

Upon a motion by Commissioner Jacobs, seconded by Commissioner Fernandez, and carried with all present members voting AYE by voice vote; County Mayor Crotty was absent; the Board approved the request by Gertrude Browning for a Conservation Area Impact Permit for Class I Wetlands on the above-described property; subject to the following conditions:

General Conditions:

1. The permittee is hereby authorized to perform or cause to be performed, the impacts shown on the application and approved drawing, plans, and other documents attached hereto or on file with the Environmental Protection Division (EPD). The permittee binds itself and its successors to comply with the provisions and conditions of this permit. If the division determines at any time that activities are not in accordance with the conditions of the permit, work shall cease and the permit may be revoked.
2. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the EPD, a "Construction Notice" (Form CN-001-04) indicating the actual start date and expected completion date.
3. Prior to construction, the permittee must clearly designate the limits of construction on site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
4. The permittee must require the contractor to maintain a copy of this permit, complete with all approved drawing plans, conditions, attachments, exhibits, and modifications in good condition at the construction site. The permittee must require the contractor to review the permit prior to commencement of the activity authorized by this permit. The complete permit must be available upon request by Orange County staff.
5. Issuance of this permit does not warrant in any way that the permittee has riparian

or property rights to construct any structure permitted herein and any such construction is done at the sole risk of the permittee. In the event that any part of the structure(s) permitted herein is determined by a final adjudication issued by a court of competent jurisdiction to encroach on or interfere with adjacent property owner's riparian or other property rights, permittee agrees to either obtain written consent or to remove the offending structure from the affected owner or to remove the interference or encroachment within 60 days from the date of the adjudication. Failure to comply shall constitute a material breach of this permit and shall be grounds for its immediate termination.

6. This permit does not release the permittee from complying with all other federal, state, and local rules and regulations. If these permit conditions conflict with those of any other regulatory agency the permittee must comply with the most stringent conditions.
7. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the EPD of the change prior to implementation so that a determination can be made whether a permit modification is required.
8. The EPD must have final construction plan approval to ensure that no modification has been made during the construction plan process.
9. The permittee shall immediately notify the EPD in writing of any previously submitted information that is later discovered to be inaccurate.
10. The permittee shall notify the EPD in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located, during the permit period. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale.
11. Environmental Protection Division staff, with proper identification, shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit at any reasonable time.
12. The permittee shall hold and save the County harmless from any and all damages, claims or liabilities, which may arise by reason of the activities authorized by the permit.

13. All costs, including attorney's fees, incurred by the County in enforcing the terms and conditions of this permit may be required to be paid by the permittee.
14. Permittee agrees that any dispute arising from matters relating to this permit shall be governed by the laws of Florida, and initiated only in Orange County.
15. Turbidity and sediments must be controlled to prevent violations of water quality pursuant to Rule 62-302.500, 62-302.530(70) and 62-4.242 Florida Administrative Code (FAC). Best management practices, as specified in the Florida Stormwater, Erosion and Sedimentation Control Inspector's Manual, shall be installed and maintained at all locations where the possibility of transferring suspended solids into wetlands and/or surface waters due to the permitted activity. If site-specific conditions require additional measures, then the permittee shall implement them as necessary to prevent adverse impacts to wetlands and/or surface waters.
16. The existing ambient water quality within Lake Mabel shall not be lowered as a result of the proposed activity, except as authorized by the Florida Department of Environmental Protection (FDEP) under 62-4.242(2) FAC.
17. All excess lumber, scrap wood, trash, garbage, etc., shall be removed from the preservation areas and/or surface water(s) immediately.
18. Any unpermitted impacts to wetlands and/or littoral zone as a result of the permitted activity shall result in the permittee restoring the impact within 30 days of completion of the project and shall be done to the satisfaction of the EPD.

Specific Conditions:

19. This permit will expire 6 months from issuance date.
20. The wetland impacts must be done in accordance with the submitted plans date stamped received by the EPD on April 6, 2004.
21. The mitigation plan must be implemented in accordance with the submitted plans date stamped received by the EPD on April 6, 2004.
22. This permit requires the recording of a conservation easement and/or platting.

Prior to the start of the permitted activity the permittee shall record a conservation easement, which shall include restrictions on the real property pursuant to the requirements of condition 22a-d. "Conservation Easement Addendum."

#### Conservation Easement Addendum

##### 22a. Description of Conservation Easement Area

The permittee shall provide to the EPD for review and written approval a copy of: (a) the preliminary plat showing the area to be encumbered by the conservation easement, or (b) a surveyor's sketch and legal description of the area to be placed under the conservation easement, per the approved mitigation plan, at least 45 days prior to: (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first.

If the impacts to an upland within a Riparian Habitat Protection Zone or to a wetland or surface water for which mitigation is required will occur in discrete phases, the areas to be preserved to offset such impacts may be placed under conservation easement in phases such that impacts are offset during each phase. Such phasing of preservation shall only occur if it has been proposed in the mitigation plan and approved by the permit, or if it is approved in writing by the EPD. A surveyor's sketch and legal description of the area to be placed under conservation easement during each phase must be submitted in accordance with the previous paragraph.

##### 22b. Recording of Conservation Easement

Prior to: (1) dredging, filling, or clearing any wetland or surface water for which mitigation is required, (2) clearing any upland within a Riparian Habitat Protection Zone for which mitigation is required, (3) the sale of any lot or parcel, (4) the recording of the subdivision plat, or (5) use of the infrastructure for its intended use, whichever occurs first, the permittee shall record a conservation easement which shall include restrictions on the real property pursuant to section 704.06, Florida Statutes, and be consistent with Section 12.3.8, Applicant's Handbook, Management and Storage of Surface Waters (April 10, 2002). The conservation

easement shall be in the form approved in writing by the EPD and, if no plat has been submitted, the easement shall include the approved legal description and surveyor's sketch. If the EPD does not approve the preliminary plat or surveyor's sketch and legal description within 45 days of receipt, then the permittee may record the conservation easement with the legal description and surveyor's sketch or plat reference previously submitted.

Pursuant to Section 704.06, Florida Statutes, the conservation easement shall prohibit all construction, including clearing, dredging, or filling, except that which is specifically authorized by this permit, within the mitigation areas delineated on the final plans and/or mitigation proposal approved by the EPD. The easement must contain the provisions set forth in paragraphs 1(a)-(h) of section 704.06, Florida Statutes, as well as provisions indicating that the easement may be enforced by the EPD, and may not be amended without written EPD approval.

#### 22c. Additional Documents Required

The permittee shall ensure that the conservation easement identifies, and is executed by, the correct grantor who must hold sufficient record title to the land encumbered by the easement. If the easement's grantor is a partnership, the partnership shall provide to the EPD a partnership affidavit stating that the person executing the conservation easement has the legal authority to convey an interest in the partnership land. If there exist any mortgages on the land, the permittee shall also have each mortgagee execute a consent and joinder of mortgagee subordinating the mortgage to the conservation easement. The consent and joinder of the mortgagee shall be recorded simultaneously with the conservation easement in the public records of the county where the land is located.

Within 30 days of recording, the permittee shall provide the EPD with: (a) the original recorded easement (including exhibits) showing the date it was recorded and the official records book and page number, (b) a copy of the recorded plat (if applicable), (c) a surveyor's sketch of the easement area plotted on the appropriate USGS topographic map, and (d) the original recorded consent and joinder(s) of mortgagee (if applicable).

#### 22d. Demarcation of Conservation Easement Area

Prior to lot or parcel sales, all changes in direction of the easement area boundaries must be permanently monumented above ground on the project site.

MEETING ADJOURNED

There being no further business, the Vice-mayor adjourned the meeting at 5:10 p.m.

ATTEST:

Martha O. Haynie  
County Comptroller as Clerk

\_\_\_\_\_  
County Mayor

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Senior Minutes Coordinator