

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JUL 30 2002 AA/HH

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

JOINING WITH APPLICANT TO REQUEST GRANT OF ENVIRONMENTAL RESOURCE PERMIT

Resolution No. 2002-M-28

WHEREAS, Orange County, Florida finds it desirable for Ginn-LA Airport, Ltd., LLLP, to receive its Environmental Resource Permit (ERP) in order to allow construction of a two-lane bridge crossing the Boggy Creek Canal, which is sovereignty submerged lands; and

WHEREAS, Rule 18-21.009(1) of the Florida Administrative Code (F.A.C.) authorizes a local governing body to apply to the Florida Department of Environmental Protection (FDEP) for a permit to cross sovereignty submerged lands for public purposes such as bridges and requires the local governing body to request such a permit by Resolution; and

WHEREAS, Ginn-LA Airport Ltd., LLLP, a Georgia limited liability limited partnership, whose address is 1 Florida Park Drive South, Suite 300, Palm Coast, Florida, 32137, made and executed a special warranty deed to Orange County, Florida of certain land situated in Orange County, Florida as described more particularly in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to said special warranty deed, Orange County, Florida is the fee simple owner of that certain land situated in Orange County, Florida as described in Exhibit "A" which contains 0.097 acres, more or less, essentially comprising the property to be used for a proposed two-lane bridge crossing the Boggy Creek Canal; and

WHEREAS, following the execution of said special warranty deed, Orange County, Florida will enter a Temporary Construction Access Easement Agreement with Ginn-LA Airport Ltd., LLLP, in order to allow Ginn-LA Airport Ltd., LLLP, to have access to said property for the purposes of constructing said bridge; and

WHEREAS, Ginn-LA Airport Ltd., LLLP, will be responsible for all costs associated with designing, engineering, permitting, constructing, and installing said bridge; and

WHEREAS, Ginn-LA Airport Ltd., LLLP, agrees to defend, indemnify and hold FDEP and Orange County, Florida and their agents, employees and contractors harmless from and against, and shall reimburse them for, any and all losses, damages, suits, actions, judgments, claims and demands whatsoever, including reasonable attorneys' fees, costs and expenses at all trial and appellate levels, arising from, out of, or occasioned by the acts or omissions of Ginn-LA Airport Ltd., LLLP or its agents, employees, tenants, licensees, or invitees in connection with the exercise of the rights granted hereunder, including, but not limited to, any and all suits, actions, or claims of any character, type or description brought or made for or on account of any injuries or damages received or sustained by any person or persons or property; and

WHEREAS, the proposed two-lane bridge will be on pilings that rise approximately 2 to 10 feet above the existing grade (pending final engineering development) and will be placed several feet above the 100-year flood elevation; and

WHEREAS, FDEP is authorized to approve all requests for activities on and/or over sovereignty submerged lands pursuant to Section 253.002(1), Florida Statutes (2001); and

WHEREAS, Orange County, Florida has a sufficient upland interest to the extent required by Rule 18-21.004(3)(b), F.A.C., because Orange County, Florida owns property on both banks of Boggy Creek Canal to be used for the bridge.

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

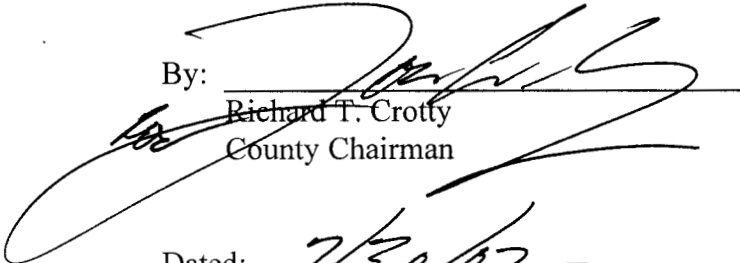
Orange County, Florida joins Ginn-LA Airport Ltd., LLLP, for the limited purpose of requesting that the Florida Department of Environmental Protection grant a permit regarding the sovereignty submerged lands described herein for the proposed bridge crossing the Boggy Creek Canal.

ADOPTED by the Board of County Commissioners of Orange County, Florida this

30th day of July, 2002.

ORANGE COUNTY, FLORIDA

By: _____


Richard T. Crotty
County Chairman

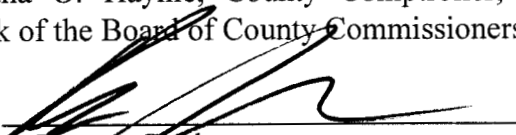
Dated: _____

7/30/02

ATTEST:

Martha O. Haynie, County Comptroller, as
Clerk of the Board of County Commissioners

By: _____


Deputy Clerk

Printed Name: Rosilyn M. Stapleton

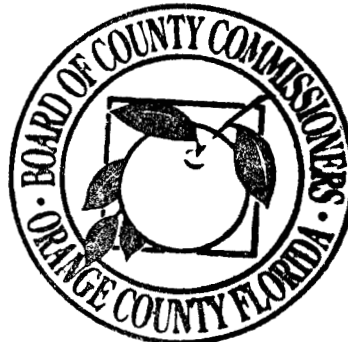
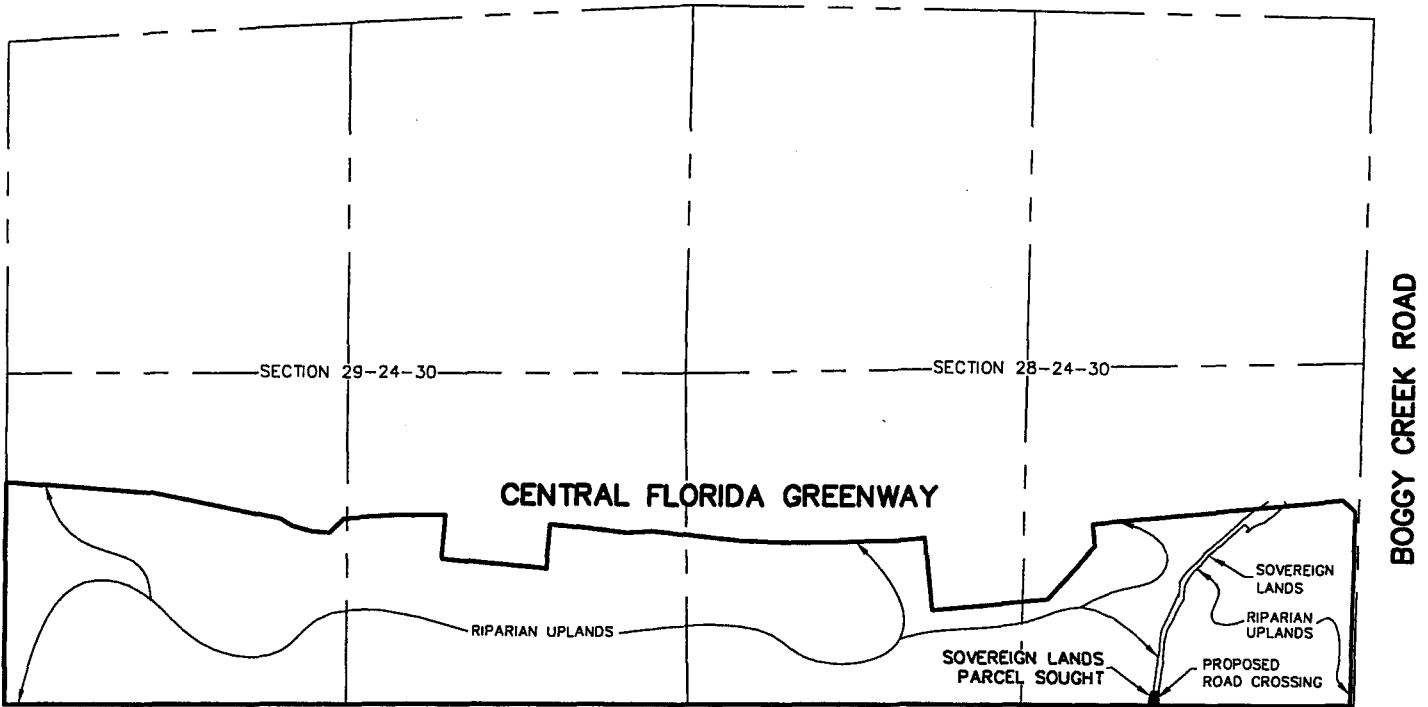


EXHIBIT A

PROPOSED ROAD CROSSING OVER SOVEREIGN LANDS



SURVEYOR'S NOTES:

THIS IS NOT A SURVEY.

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 28-24-30 AS BEING S89°48'38"W, AN ASSUMED BEARING FOR ANGULAR DESIGNATION ONLY.

JOB NO. 20120 - SK14
 DATE: 04-17-02
 SCALE: 1" = 1500 FEET
 FIELD BY: N/A

CALCULATED BY: JLR
 DRAWN BY: PJR
 CHECKED BY: JLR

FOR THE LICENSED BUSINESS # 6723 BY:


 JAMES L. RICKMAN P.S.M. # 5633



16 East Plant Street
 Winter Garden, Florida 34787 * (407) 654 5355

LEGAL DESCRIPTION (Proposed Road Crossing over Sovereign Lands):

A portion land lying in of Section 28, Township 24 East Range 30 east, Orange County, Florida.

Being more particularly described as follows:

Commence at the Southeast corner of the Southeast 1/4 of aforesaid Section 28 thence run South 89°48'39" West along the South line of said Southeast 1/4 for a distance of 1529.89 feet to a point; thence departing said South line run North 00°00'00" East for a distance of 25.00 feet to the POINT OF BEGINNING. thence run South 89°48'39" West for a distance of 60.87 feet; thence run North 10°36'21" East for a distance of 54.70 feet; thence run North 22°58'04" East for a distance of 28.57 feet; thence run North 89°48'39" East for a distance of 44.88 feet; thence run South 12°42'53" West for a distance of 29.09 feet; thence run South 01°18'09" East for a distance of 51.65 feet to aforesaid POINT OF BEGINNING.

Contains 0.097 acres, more or less.



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JOB NO. 20120
DATE: 04-17-02
SCALE: 1" = 20 FEET
FIELD BY: N/A

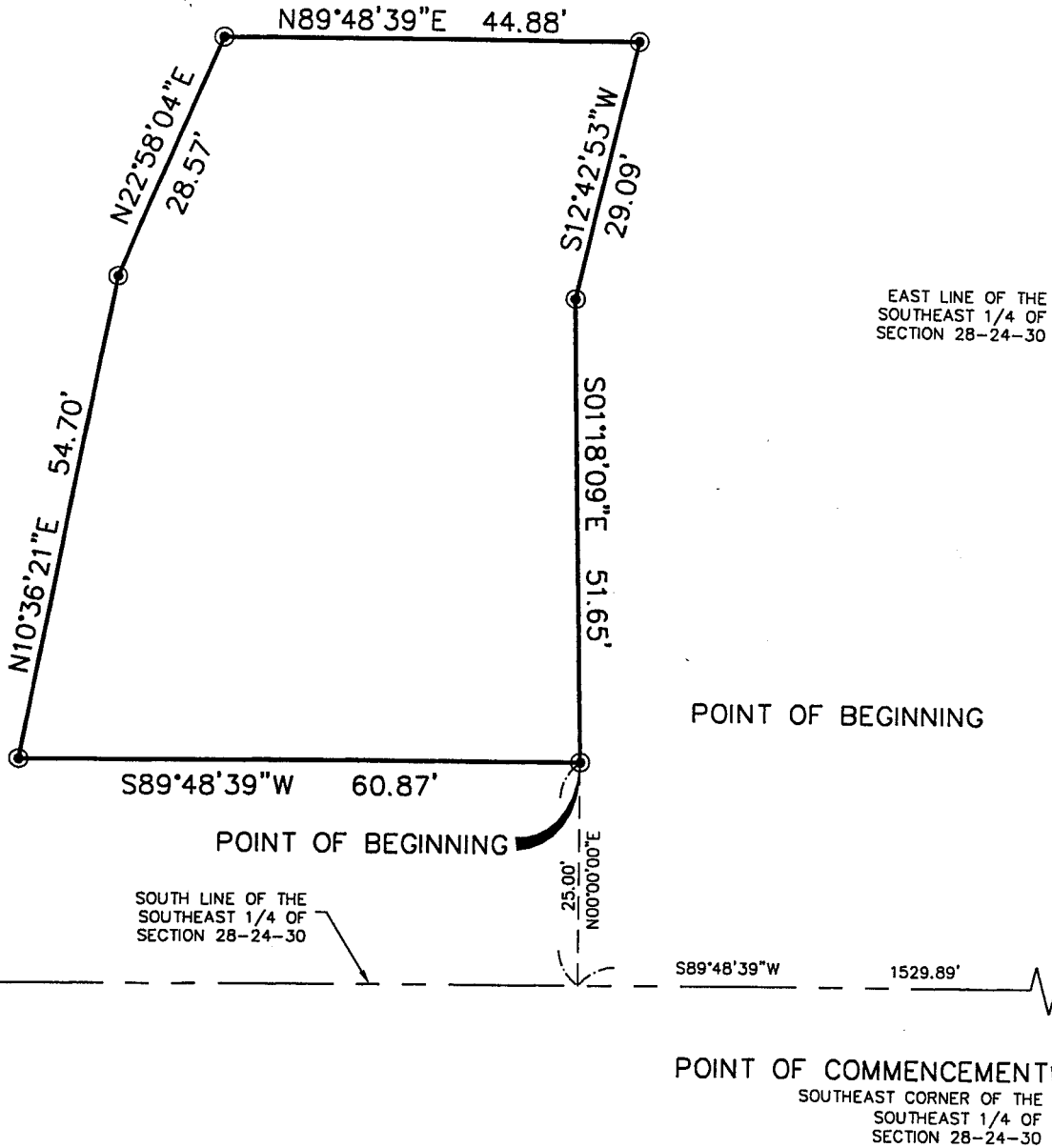
CALCULATED BY: JLR
DRAWN BY: PJR
CHECKED BY: JLR

FOR THE LICENSED BUSINESS # 6723 BY:

JAMES J. RICKMAN P.S.M. # 5633

SKETCH OF DESCRIPTION

PROPOSED ROAD CROSSING OVER SOVEREIGN LANDS



THIS IS NOT A SURVEY:

- ⊙ DENOTES CHANGE IN DIRECTION
- R/W DENOTES RIGHT-OF-WAY
- ⊙ DENOTES CENTERLINE
- P.C. DENOTES POINT OF CURVATURE
- P.T. DENOTES POINT OF TANGENCY
- P.R.C. DENOTES POINT OF REVERSE CURVATURE
- P.C.C. DENOTES POINT OF COMPOUND CURVATURE

JOB NO. _____ JOB NO. _____
 DATE: _____ DATE: _____
 SCALE: _____ SCALE: _____
 FIELD BY: _____ N/A

CALCULATED BY: JLR
 DRAWN BY: PJR
 CHECKED BY: JLR



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