

OCT 08 2002 *aa/jma*

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

APPROVING THE ABANDONMENT OF THE MARTIN MARIETTA ORLANDO AEROSPACE ELECTRONIC TEST SITE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER

Resolution No. 2002-M-46

WHEREAS, on April 13, 1987, the Board of County Commissioners of Orange County (hereinafter referred to as the "Board") issued a Development of Regional Impact (hereinafter referred to as "DRI") Development Order (hereinafter referred to as "Development Order") notice of adoption of which is recorded in the Official Records Book 3879, Page 3783, Public Records of Orange County, Florida, approving, with conditions, the Martin Marietta Orlando Aerospace Electronic Test Site DRI, which authorized the development of certain properties in Orange County consisting of approximately 5,196 acres m.o.l. (hereinafter referred to as the "Property"); and

WHEREAS, the DRI authorized development of 352,000 total square feet of building space to accommodate an electronic testing facility with related engineering development, fabrication, assembly and storage facilities; and

WHEREAS, Holland Properties, Inc., a Florida corporation (hereinafter referred to as "Holland") and Lockheed Martin Corp., successor by merger to Martin Marietta Corporation, a Maryland corporation, (hereinafter referred to as the "Developers") executed a Termination of Memorandum of Lease and Notice of Purchase Option on August 6, 2002; and

WHEREAS, Holland has submitted an application for abandonment of the DRI based upon the fact that no additional development is planned on Property. Holland will be permitting 5,195.08 acres of the Property as a Mitigation Bank under the rules of the St. Johns River Water Management District (hereinafter referred to as "SJRWMD") for conservation/preservation uses and conveying, and 1334.62 acres, which are included in the Mitigation Bank permitted land, to Orange County (hereinafter referred to as "County") for mitigation or other passive uses. Existing structures on 1.92 acres will be used for land maintenance, recreation and educational facilities associated with the use of the site as a Mitigation Bank; and

WHEREAS, no additional development is planned after abandonment, however, if development does occur, the same will be addressed through Orange County's Comprehensive Plan and Land Development Code; and

WHEREAS, the Board makes the following findings of fact:

1. Holland, as owner of the Martin Marietta Orlando Aerospace Electronic Test Site property, has filed a request for the abandonment of a previously approved DRI.

2. The primary reason for abandonment of the DRI is that Developer has terminated the Lease on the DRI site. Holland intends to permit 5,195.08 acres, m.o.l. for conservation/preservation purposes as a Mitigation Bank under the rules of SJRWMD and SJRWMD has advised Holland that the DRI Development Order must be abandoned prior to placing a conservation easement over the site.

3. Holland has sold 1,334.62 acres of the Property to County.

4. Limited development has occurred on-site which includes 15,186 square feet of facility development and 1,250 acres have been clear cut for the electro-optical test range.

5. The DRI, after abandonment, is hereby determined not to exceed eighty (80) percent of any applicable threshold.

6. Holland has submitted an application for abandonment to the Orange County Planning Division, the East Central Florida Regional Planning Council (hereinafter referred to as the "ECFRPC"), and the Florida Department of Community Affairs (hereinafter referred to as the "FDCA") for their review, consideration, and recommendation. The ECFRPC and the FDCA have concurred in the recommendation of abandonment and have waived the forty-five (45) day notice requirement of Rule 9J-2.0251(2)(b), Florida Administrative Code.

7. The Board is the local governing body having jurisdiction over the review and approval of said DRI in accordance with Section 380.06, Florida Statutes.

8. The Board has given ten (10) days notice and scheduled a public hearing for October 8, 2002.

9. At the public hearing, all parties were afforded the opportunity to present evidence on all issues.

10. Additionally, at said public hearing, any member of the general public requesting to do so was given the opportunity to present oral or written communications.

11. The Board has reviewed the above-referenced request by Holland and determined that the request complies with the requirements of Section 380.06(26), Florida Statutes, and Rule 9J-2.0251, Florida Administrative Code.

12. The Developer has substantially complied with all applicable conditions of the DRI Development Order.

13. In accordance with the DRI the principle impacts arising from the use of the site as permitted under the DRI Development Order, have been the destruction of the Red Cockaded Woodpecker habitat and cavity trees in the 1,250 acres cleared for that site. Although pines have regenerated, Holland will conduct upland pine enhancement in areas not adequately restored by regeneration. The total area of pine flatwoods to be enhanced under the pending mitigation permit

is 837 acres.

14. Since no additional development is planned after abandonment, no material adverse impact will occur to any existing resources or facilities. Once permitted, the majority of the property will become a conservation easement under the Mitigation Bank permit.

15. Holland shall no longer be required to file annual reports or other monitoring reports relative to activity within the development.

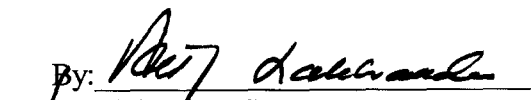
16. Any future development after abandonment shall be consistent with the State Comprehensive Plan, the East Central Florida Regional Policy Plan, and the Orange County Comprehensive Plan. Current development is consistent with the existing Orange County Comprehensive Plan, the State Comprehensive Plan, the State Land Development Plan, and the East Central Florida Regional Planning Council Plan.

17. Holland has not relied upon benefits granted to an authorized DRI pursuant to Chapters 163, 403 and 380, Florida Statutes, which would not otherwise be available after abandonment.

18. The Martin Marietta Orlando Aerospace Electronic Test Site DRI is eligible to request abandonment pursuant to Rule 9J-2.0251, Florida Administrative Code, and Subsection 380.06(26), Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Orange County Board of County Commissioners in regular session duly assembled this 8th day of October, 2002, that pursuant to the authority granted in Subsection 380.06(26), Florida Statutes, and Rule 9J-2.0251, Florida Administrative Code, the Development Order approving the Martin Marietta Orlando Aerospace Electronic Test Site DRI is hereby abandoned with conditions (see Exhibit "A").

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: 
Richard T. Crotty
County Chairman

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

By: 
Deputy Clerk

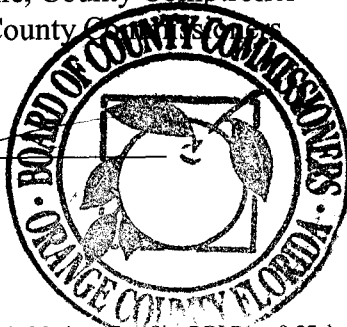


EXHIBIT "A"

**CONDITIONS OF ABANDONMENT FOR
MARTIN MARIETTA ORLANDO AEROSPACE ELECTRIC TEST SITE
DEVELOPMENT OF REGIONAL IMPACT**

1. Holland agrees to waive, relinquish, and release any vested rights under Section 163.3167(8), Florida Statutes, which may have arisen by virtue of the approved DRI. Future development will be subject to consistency and concurrency with the Orange County Comprehensive Plan and all regulations and provisions of the Orange County Land Development Code.
2. Development of the Property will be subject to review in order to ensure that the development does not exceed any DRI threshold.
3. All development shall comply with the applicable Federal, State, and local permitting regulations.
4. Holland shall be permitted to continue to use the existing structures at the site as land maintenance, recreation and educational facilities associated with the use of the site as a Mitigation Bank.