

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
MAY 13 2003 GG/ama

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

AUTHORIZING THE CONVEYANCE OF SURPLUS REAL PROPERTY

Resolution No. 2003-M-13

WHEREAS, Orange County, a political subdivision of the State of Florida, pursuant to its home rule power and Section 125.38, Florida Statutes (2002), has authority to determine that its interests in certain real property are not needed for County purposes and to convey said interests to municipalities that have requested such conveyance; and

WHEREAS, the Orange County Board of County Commissioners (the "Board") owns a drainage easement over a parcel of real property approximately 1.36 acres in size as described in the Official Records of Orange County, OR Book 4100 Page 4153 and OR Book 4162 Page 3165 (the "Drainage Easement"), which easement serves Warrior Road and surrounding properties; and

WHEREAS, the City of Winter Garden, Florida (the "City") has annexed an area including the parcel on which the Drainage Easement lies and the properties it serves, and further, the City assumed maintenance of Warrior Road in 1992; and

WHEREAS, the County no longer has legal obligations to maintain drainage facilities in the annexed area; and

WHEREAS, the City has requested that the Board convey the Drainage Easement to the City, pursuant to Section 125.38, Florida Statutes (*see* request attached hereto as Exhibit "A" and incorporated herein by reference) because of its need, in the public interest, to accommodate drainage improvements in the annexed area; and

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

Section 1. The County no longer has a need or use for the Drainage Easement and the City does have a need for the Drainage Easement.

Section 2. Because of the City's legitimate need, in the public interest, to accommodate drainage facilities in the area, the Drainage Easement shall be promptly conveyed to the City for a nominal sum.

Section 3. Authority is hereby delegated to the Manager of the Orange County Real Estate Management Division to do all things necessary and proper to effectuate such conveyance.

ADOPTED by the Board of County Commissioners of Orange County, Florida, this 13 day of May, 2003

(Official Seal)

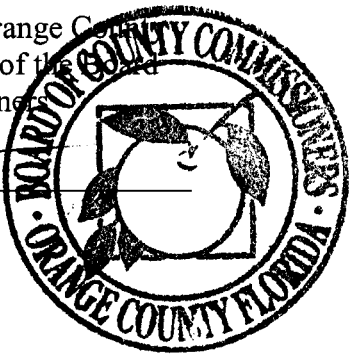
ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Richard T. Crotty*
Richard T. Crotty
County Chairman

Date: 5.13.03

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

By: *[Signature]*
Deputy Clerk





CITY OF WINTER GARDEN

251 W. PLANT STREET
WINTER GARDEN, FL 34787
TEL: (407) 656-4111 • FAX: (407) 656-4952

RECEIVED

FEB 07 2003

Orange County Attorney's Office
JPL

February 6, 2003

Orange County Board of County Commissioners
c/o John P. Lowndes, Esquire
Orange County Attorney's Office
201 S. Rosalind Avenue, 3rd floor
Orlando, Florida 32801

RE: Transfer of Drainage Easement awarded to the County by Order of Taking dated July 26, 1989, and recorded in Official Records Book 4100, Page 4147, of the Public Records of Orange County, Florida (the "Drainage Easement")/Intersection of Warrior and Cemetery Roads.

To Whom it May Concern:

The City of Winter Garden, Florida hereby applies to Orange County, Florida, pursuant to Section 125.38, *Florida Statutes*, (the "Statute") for a transfer by the County to the City of the Drainage Easement referred to above.

The Drainage Easement provides retention and treatment for surface waters draining from Warrior Road. The City assumed maintenance of that road in 1992. Accordingly, ownership of and responsibility for the Drainage Easement should be the City's.

In addition, drainage improvements are proposed for construction in connection with a project previously approved by the City and the County, which drainage improvements will better accommodate the surface waters draining from Warrior Road.

The drainage facilities proposed for construction are designed to provide water quality treatment over the entire drainage basin (including the portion of Warrior Road that is benefitted by the Drainage Easement), and are also designed to accommodate the necessary stormwater runoff in accordance with both City and County requirements.

February 6, 2003

EXHIBIT "A"

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The County's transfer to the City of the Drainage Easement, therefore, will promote the public and community interest and welfare, as contemplated by the Statute.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Marshall Robertson". The signature is written in black ink and is positioned above the printed name.

Marshall Robertson
Assistant to the City Manager
City of Winter Garden