

FEB 24 2004 TD/GG

# RESOLUTION

*of the*

## **ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS**

*regarding the*

**CONVEYANCE BY ORANGE COUNTY OF A PORTION OF OLD CHENEY HIGHWAY RIGHT-OF-WAY AT COLUMBIA SCHOOL ROAD AND A PARCEL FORMERLY A PART OF FLORIDA DEPARTMENT OF TRANSPORTATION BORROW PIT TO PAUL R. LINDER, TRUSTEE, IN EXCHANGE FOR CONVEYANCE BY PAUL R. LINDER, TRUSTEE, OF THE REALIGNED PORTION OF OLD CHENEY HIGHWAY AT COLUMBIA SCHOOL ROAD TO ORANGE COUNTY**

**Resolution No. 2004-M-07**

WHEREAS, Orange County, a political subdivision of the State of Florida, pursuant to its home rule power and Section 125.37, Florida Statutes (2002), has authority to determine that certain real property is not needed for County purposes and to exchange said property for other real property; and

WHEREAS, Paul R. Linder, Trustee, ("Developer") owns fee simple title to certain property consisting of approximately 19 acres generally located in the Southwest corner of State Road 50 and Columbia School Road and more particularly described and depicted on Exhibit "A" attached hereto and by this reference made a part hereof which he intends to plat and develop for commercial purposes ("Lockwood Crossing"); and

WHEREAS, the County has acquired from the Florida Department of Transportation certain road right-of-way which is a portion of the Old Cheney Highway contiguous to Lockwood Crossing, which parcel is more particularly described and depicted on Exhibit "B" attached hereto and by this reference made a part hereof (the "Existing Right-of-Way"); and

WHEREAS, the County has acquired from the Florida Department of Transportation a 0.11 acre parcel located adjacent to the northwest corner of Lockwood Crossing for the purpose of facilitating the realignment of Old Cheney Highway, which parcel is more particularly described and depicted on Exhibit "C" attached hereto and by this reference made a part hereof (the "FDOT Parcel"); and

WHEREAS, the Developer and the County have agreed, upon conditions set forth in that certain Agreement Regarding Exchange of Land and Road Impact Fees approved by the Orange County Board of County Commissioners on February 10, 2004, and subject to compliance with

Section 125.37, Florida Statutes (2003), to exchange the Existing Right of Way and the FDOT Parcel, for certain property situated within Lockwood Crossing for the proposed realignment of Old Cheney Highway, which property is more particularly described and depicted on Exhibit "D" attached hereto and by this reference made a part hereof (the "Realigned Right of Way"); and

WHEREAS, the developer has agreed, subject to approval of final plans by the County, to relocate and construct a roadway in the Realigned Right of Way and to modify the intersection of State Road 50 and County Road 419 and Columbia School Road; and

WHEREAS, the County has determined that such realignment and intersection modifications will result in improved safety and substantial public benefit; and

WHEREAS, the County has determined that the value of the Realigned Right of Way on the one hand and the Existing Right of Way and the FDOT Parcel on the other hand are functionally equivalent for the purposes of the property exchange; and

WHEREAS, the terms and conditions of this real property exchange have been advertised in accordance with the requirements of section 125.37, Florida Statutes (2003).

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

1. The recitals stated above are true and correct and are hereby incorporated into this Resolution.

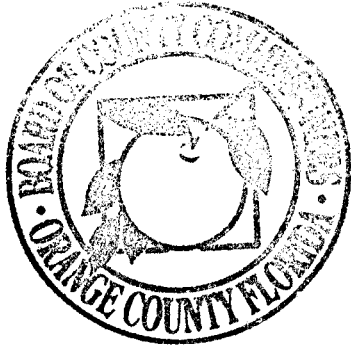
2. The Existing Right of Way and the FDOT Parcel are not required for any present or foreseeable County use. Accordingly, pursuant to section 125.37, Florida Statutes (2003), it is proper to exchange such real property for the Realigned Right of Way.

3. To accomplish this exchange, the County Chairman is hereby authorized to execute a conveyance on behalf of the County to the Developer under the terms and conditions of the Agreement Regarding Exchange of Land and Road Impact Fees with Paul R. Linder, Trustee.

4. In return, the Developer shall tender to the County, as grantee, the Realigned Right of Way under the terms and conditions of the Agreement Regarding Exchange of Land and Road Impact Fees with Paul R. Linder, Trustee.

5. This Resolution shall become effective upon its adoption by the Board of County Commissioners.

ADOPTED THIS 24 DAY OF February, 2004.



ORANGE COUNTY, FLORIDA  
By: Board of County Commissioners

BY: *Richard T. Crotty*  
Richard T. Crotty, Orange County Chairman

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

BY: *Martha O. Haynie*  
Deputy Clerk

**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR LOCKWOOD CROSSING**

The West half of the Northeast Quarter of the Southeast Quarter of Section 20, Township 22 South, Range 32 East, lying South of State Road 50, all in Orange County, Florida.  
(Tax Parcel # 20-22-32-0000-00-017)

AND

The West Half of the East Half of the Northeast Quarter of the Southeast Quarter lying South of State Road 50 less the East 40 feet thereof, Section 20, Township 22 South, Range 32 East, Orange County, Florida  
(Tax Parcel # 20-22-32-0000-00-018)

**EXHIBIT "B"**  
**LEGAL DESCRIPTION FOR EXISTING RIGHT-OF-WAY**

That portion of the right-of-way for Old Cheney Highway lying west of the right-of-way for Colombia School Road and east of the northerly extension of the western boundary of the following described parcel:

The West half of the Northeast Quarter of the Southeast Quarter of Section 20, Township 22 South, Range 32 East, lying South of State Road 50, all in Orange County, Florida.

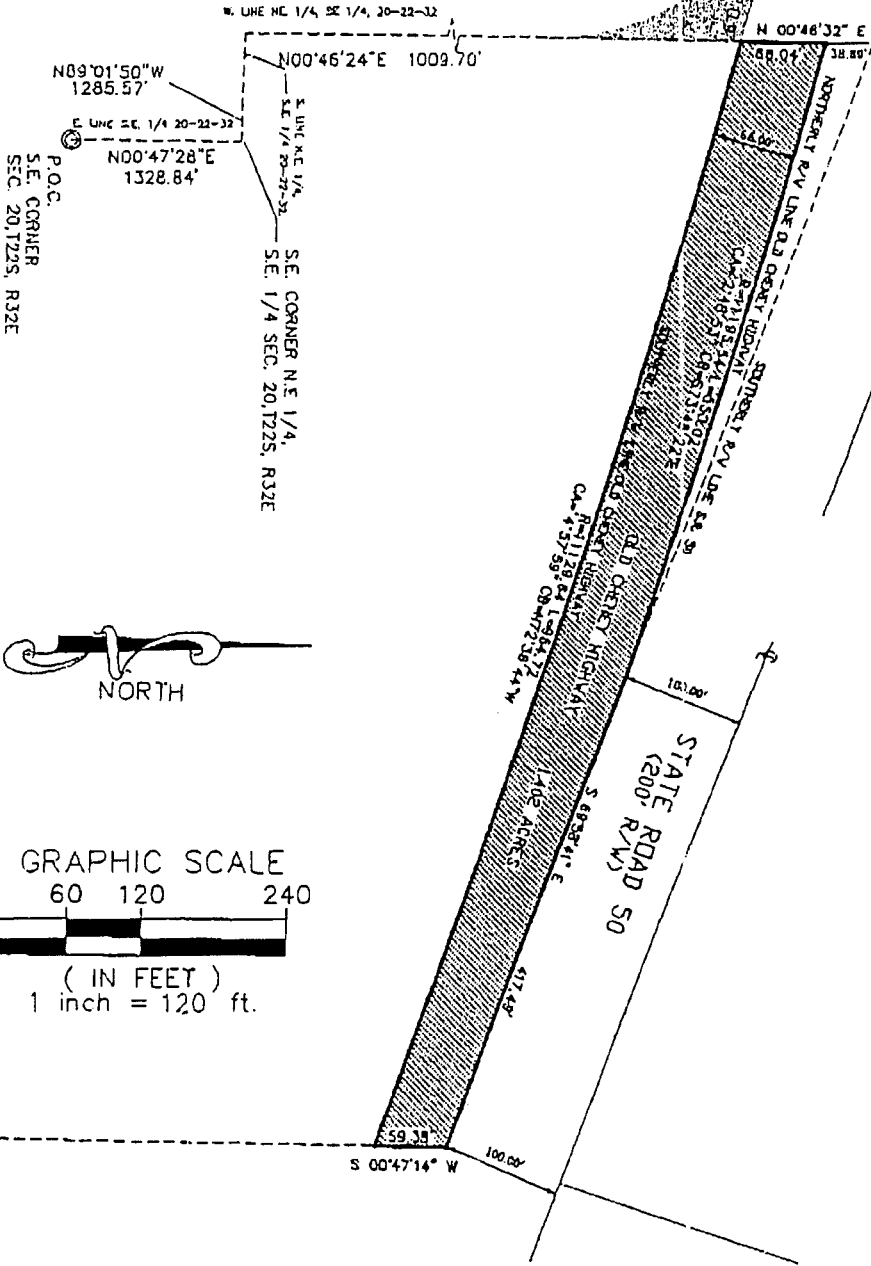
AND

The West Half of the East Half of the Northeast Quarter of the Southeast Quarter lying South of State Road 50 less the East 40 feet thereof, Section 20, Township 22 South, Range 32 East, Orange County, Florida

EXHIBIT "B" (CONTINUED)

SKETCH OF DESCRIPTION

SHEET 2 OF 2



PREPARED FOR:  
**PAUL LINDER**

PROJECT# 481001  
DATE : 07/31/03  
DWG. FILE: J:\DATA\491001\SURVEY\INT. RW.DWG.  
SHEET 2 OF 2



**HOLLIS ENGINEERING, INC.**  
Civil Engineering  
Land Surveying

605 E. Robinson St., Suite 450, Orlando, Florida 32801 (407) 422-1118  
L.B. # 33197

Revisions

DATE:	DESCRIPTION	BY:
07/31/03	SKETCH OF DESCRIPTION	KJ

**EXHIBIT "C"**  
**LEGAL DESCRIPTION FOR FDOT PARCEL**

PARCEL NO. 102-PART

SECTION 75000-9502

SURPLUS PARCEL

A PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 22 SOUTH, RANGE 32 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 20, TOWNSHIP 22 SOUTH, RANGE 32 EAST; THENCE NORTH  $00^{\circ}47'28''$  EAST ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 1328.84 FEET; THENCE NORTH  $89^{\circ}01'50''$  WEST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 1285.57 FEET; THENCE NORTH  $00^{\circ}46'24''$  EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 20, A DISTANCE OF 853.15 FEET TO THE POINT OF BEGINNING, SAME BEING THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 199.26 FEET AND A CHORD BEARING OF NORTH  $37^{\circ}22'45''$  WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $76^{\circ}18'34''$  A DISTANCE OF 265.38 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF OLD CHENEY HIGHWAY, SAME BEING A POINT ON A NON TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 11129.64 FEET AND A CHORD BEARING OF SOUTH  $75^{\circ}32'02''$  EAST; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $00^{\circ}48'21''$  A DISTANCE OF 156.55 FEET; THENCE SOUTH  $00^{\circ}46'24''$  WEST ALONG THE AFORESAID WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 156.55 FEET TO THE POINT OF BEGINNING.

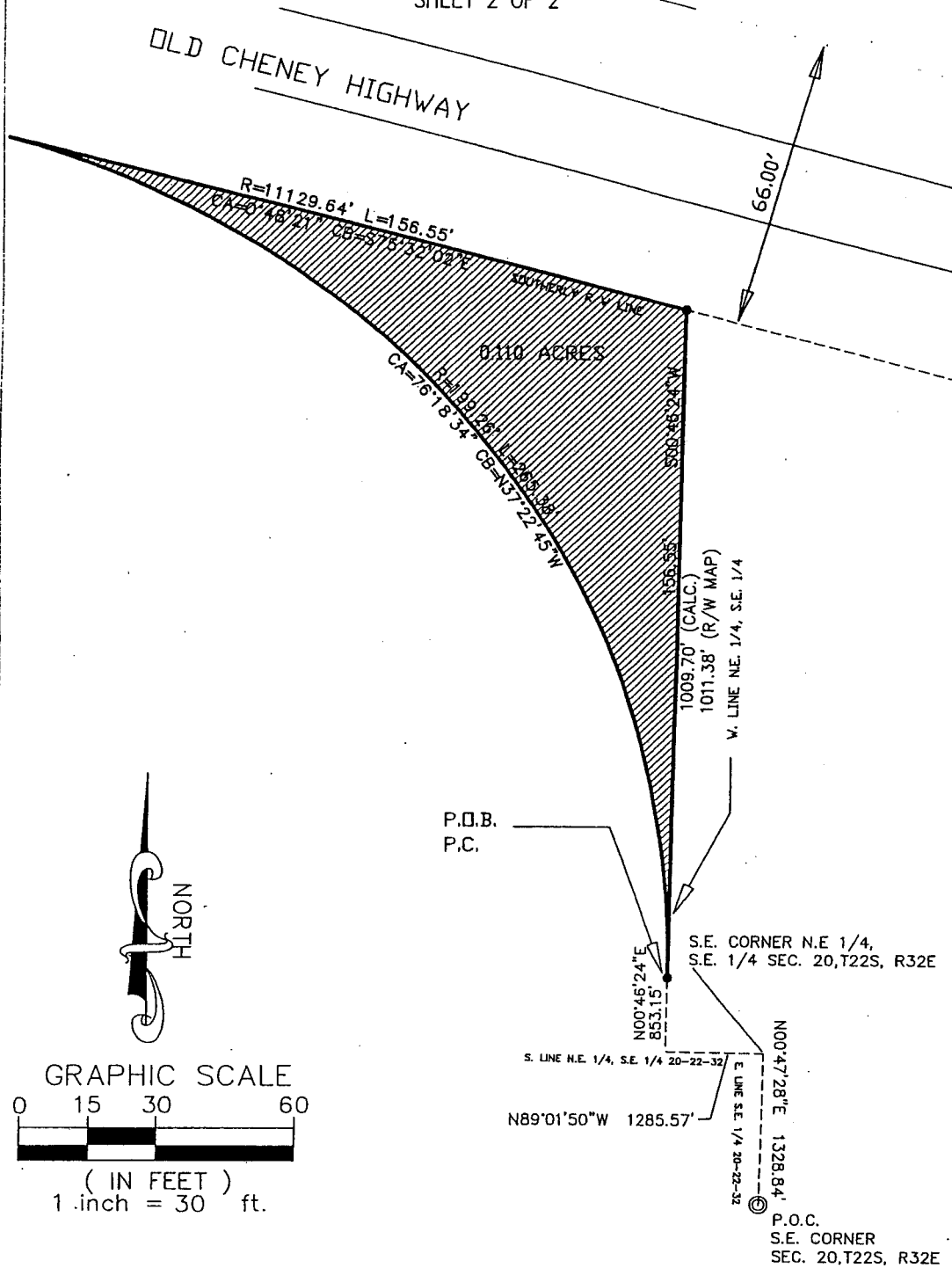
THE ABOVE LANDS BEING A PORTION OF THOSE AS DESCRIBED IN OFFICIAL RECORDS BOOK 3622, PAGE 2118, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

EXHIBIT "C" (CONTINUED)

SKETCH OF DESCRIPTION

SHEET 2 OF 2

OLD CHENEY HIGHWAY



PREPARED FOR:  
**PAUL LINDER**

PROJECT# 491001  
DATE : 03/25/03  
DWG. FILE: J:\DATA\491001\SURVEY\ADD RW.DWG.  
SHEET 2 OF 2



**HOLLIS ENGINEERING, INC.**  
Civil Engineering  
Land Surveying

605 E. Robinson St., Suite 450 Orlando, Florida 32801 (407) 422-1118  
LB # 3897

Revisions

DATE:	DESCRIPTION	BY:
03/25/03	SKETCH OF DESCRIPTION	KJI
07/07/03	REVISED	KJI
07/16/03	REVISED	KJI



**EXHIBIT "D"**  
**LEGAL DESCRIPTION FOR REALIGNED RIGHT-OF-WAY**

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 20, TOWNSHIP 22 SOUTH, RANGE 32 EAST; THENCE N00°47'28"E ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 20 A DISTANCE OF 1328.84 FEET; THENCE N89°01'50"W ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 20 A DISTANCE OF 1285.57 FEET; THENCE N00°46'24"E ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 20 A DISTANCE OF 1009.70 FEET TO THE POINT OF BEGINNING, SAME BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF OLD CHENEY HIGHWAY ALSO BEING A POINT ON A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 11129.64 FEET AND A CHORD BEARING OF S74°59'46"E; THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°15'56" A DISTANCE OF 51.58 FEET; THENCE S00°46'24"W, 107.05 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 129.00 FEET AND A CHORD BEARING OF S35°53'40"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 73°20'09" A DISTANCE OF 165.11 FEET TO THE POINT OF TANGENCY; THENCE S72°33'45"E, 762.24 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 35.00 FEET AND A CHORD BEARING OF N54°06'45"E; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 106°39'01" A DISTANCE OF 65.15 FEET TO THE POINT OF TANGENCY; THENCE N00°47'14"E, 211.72 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 5.00 FEET AND A CHORD BEARING OF N34°35'44"W; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°45'55" A DISTANCE OF 6.18 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 50; THENCE S69°58'41"E ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE 10.96 FEET; THENCE S00°47'14"W, 517.23 FEET; THENCE N89°12'46"W, 7.00 FEET; THENCE N00°47'14"E, 79.15 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 35.00 FEET AND A CHORD BEARING OF N35°53'15"W; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 73°20'59" A DISTANCE OF 44.81 FEET TO THE POINT OF TANGENCY; THENCE N72°33'45"W, 834.96 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 129.53 FEET AND A CHORD BEARING OF N35°53'32"W; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 73°20'34" A DISTANCE OF 165.81 FEET TO THE POINT OF TANGENCY; THENCE N00°46'24"E, 156.55 FEET TO THE POINT OF BEGINNING. SAID LANDS LYING IN ORANGE COUNTY, FLORIDA AND CONTAINING 1.428 ACRES MORE OR LESS.

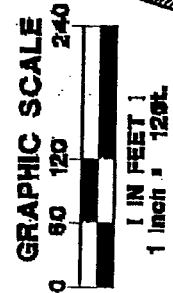
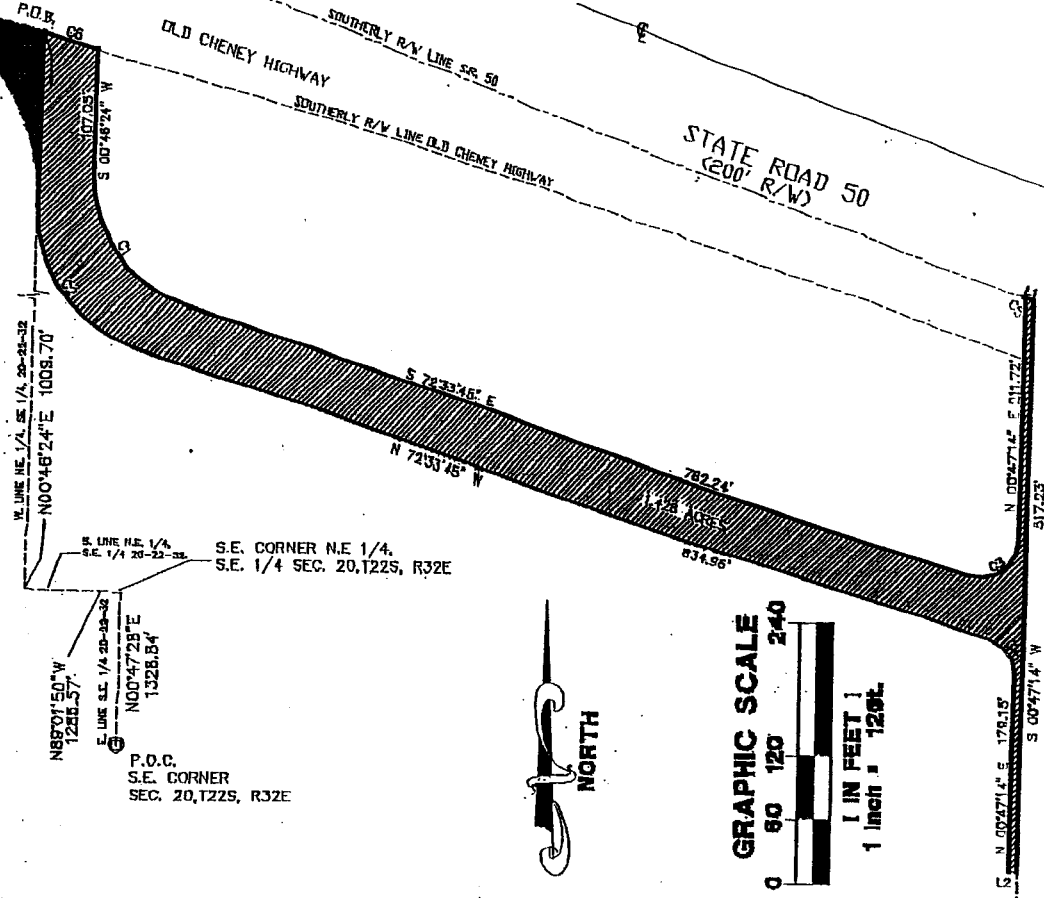
EXHIBIT "D"  
(continued)  
SKETCH OF LEGAL DESCRIPTION  
FOR REALIGNED RIGHT-OF-WAY

**SKETCH OF DESCRIPTION**

SHEET 2 OF 2

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
CHORD	BEARING	CHORD	LENGTH
CB	123.00'	183.31'	72°20'59"
CB	123.00'	163.81'	75°07'34"
CB	35.00'	55.35'	08°59'01"
CA	33.00'	44.81'	72°30'59"
CA	50.00'	71.87'	70°49'55"
CA	110.00'	151.50'	00°15'56"

LINE TABLE			
LINE	LENGTH	BEARING	CHORD
C1	7.81	N87°01'50"W	7.81
C2	7.81	S87°01'50"E	7.81
C3	7.81	N87°01'50"E	7.81



PREPARED FOR: <b>PAUL LINDER</b>	PROJECT: 491601 DATE: 07/31/05 CIVIL FILES: \\DATA\491601\SURVEY\INT. REVIZI SHEET 2 OF 2
	<b>HOLLIS ENGINEERING, INC.</b> Civil Engineering Land Surveying <small>108 E. Radburn St., Suite 105, Cheney, Rhode Island 02808 (401) 412-1118                  FAX: 3397</small>
<b>Revisions:</b>	
DATE: 07/31/05	DESCRIPTION: SKETCH OF DESCRIPTION
BY: K.J.	K.J.