AMENDED AND RESTATED
RESOLUTION
of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding
JOINING WITH APPLICANT TO REQUEST GRANT OF ENVIRONMENTAL RESOURCE PERMIT

Resolution No. 2004-M-13

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 four-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 215 Celebration Place, Suite 200, Celebration, Florida 34747, 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; and

WHEREAS, Ginn-LA Airport Ltd., LLLP made and executed a special warranty deed to Orange County, Florida conveying certain additional land situated in Orange County, Florida as described more particularly in Exhibit “B” that is contiguous to the land described in Exhibit “A”; 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 “B” which contains 0.020 acres, more or less; and

WHEREAS, the properties described in Exhibits “A” and “B” comprise the property to be used for a proposed four-lane bridge crossing the Boggy Creek Canal (the “Bridge Crossing Area”); and

WHEREAS, 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 the Bridge Crossing Area 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 indemnify and hold Orange County, Florida and its 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 the 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 four-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 (2003); 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
23rd day of March, 2004.

ORANGE COUNTY, FLORIDA

By: ________________
Richard T. Crotty
County Chairman

Dated: 3.23.04

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

By: ________________
Jeanene Y. Wells
Deputy Clerk

Printed Name: Jeanene Y. Wells
Exhibit “A”

LEGAL DESCRIPTION
(Proposed Bridge 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 ¼ of aforesaid Section 28 thence run South 89°48’39” West along the South line of said Southeast ¼ 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.
Exhibit “B”

LEGAL DESCRIPTION
(Proposed Bridge Crossing over Sovereign Lands)

A parcel of land comprising a portion of Lot 1, GINN - AIRPORT according to the Plat thereof as recorded in Plat Book 55, Pages 44 through 49 of the Public Records of Orange County, Florida, also lying in the Southeast 1/4 of Section 28, Township 24 South, 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 also being the South line of aforesaid Lot 1, GINN - AIRPORT for a distance of 1529.89 feet to a point; thence departing said South lines run North 00°00'00" East for a distance of 25.00 feet to the Southeasterly corner of a Temporary Construction Easement per Official Records Book 6591, Pages 4748 and 4754; thence run North 01°18'09" West along the Easterly line of said Easement for a distance of 51.65 feet; thence continuing along said Easterly line run North 12°42'53" East for a distance of 29.09 feet to the Northeasterly corner of said Easement also being the POINT OF BEGINNING; thence departing said Easterly line run South 89°48'39" West along the Northerly line of said Easement for a distance of 44.88 feet; thence departing said Northerly line run North 22°58'04" East for a distance of 21.75 feet; thence run North 89°48'39" East for a distance of 40.91 feet; thence run South 12°42'53" West for a distance of 20.52 feet to aforesaid POINT OF BEGINNING.

Contains 0.020 acres more or less.