RESOLUTION
of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
THE CONVEYANCE OF A CERTAIN PORTION OF A COUNTY DRAINAGE EASEMENT IN EXCHANGE FOR RECEIPT OF AN ALTERNATE DRAINAGE EASEMENT SEGMENT

Resolution No. 2004-M-25

WHEREAS, Orange County, Florida, a charter county and political subdivision of the State of Florida, pursuant to its home rule power and Section 125.37, Florida Statutes (2003), has authority to determine that certain real property is not needed for County purposes and to exchange said property for other real property the County wishes to acquire for County purposes; and

WHEREAS, Orange County owns a drainage easement as more particularly described in Exhibit “A” attached hereto (the “County Drainage Easement”); and

WHEREAS, Victoria Equities, Inc., a Florida corporation, or its successor(s) in title (“Owner”) owns fee simple title to certain property surrounding the County Drainage Easement; and

WHEREAS, Owner has proposed to grant to Orange County a permanent drainage easement over certain parts of Owner’s real property, as more particularly described in Exhibit “B” attached hereto, such easement covering approximately 0.663 acres (the “New Drainage Easement”), in exchange for the County granting to Owner all of the County’s right, title and interest in a certain segment of the County Drainage Easement, as more particularly described in Exhibit “C” attached hereto, such easement segment covering approximately 0.331 acres (the “County Drainage Easement Segment”); and
WHEREAS, simultaneous with the County’s conveyance, Owner shall grant the New Drainage Easement to the County in the form attached hereto as Exhibit “D”; and

WHEREAS, the Orange County Board of County Commissioners (the “Board”) has determined that the values of the County Drainage Easement Segment and the New Drainage Easement are functionally equivalent for the purposes of this property exchange; and

WHEREAS, as a result of acquiring the drainage easement contemplated in this exchange, the Board has determined that the County Drainage Easement Segment is no longer needed for County purposes, and accordingly, the effect of this exchange will be to permanently terminate and abandon all of the County’s right, title and interest in the County Drainage Easement; and

WHEREAS, notice of this proposed exchange has been duly published as required by Section 125.37, Florida Statutes (2003).

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

Section 1. The Board finds that the County Drainage Easement Segment described in Exhibit “C” attached hereto and incorporated herein by this reference is no longer needed for County purposes.

Section 2. The Board further finds that it is in the interest of the County to exchange the County Drainage Easement Segment for the New Drainage Easement on the terms set forth herein.

Section 3. The Board hereby directs that upon conveyance by the Owner of the New Drainage Easement to the County, which the County Chairman is hereby authorized and directed to accept on behalf of the County, the County Chairman shall execute and deliver a Statutory County Deed to effectuate conveyance of the County Drainage Easement Segment to the Owner.

Section 4. This Resolution shall become effective upon its adoption by the Board.
ADOPTED by the Board of County Commissioners of Orange County, Florida, this \underline{June} \underline{3} day of \underline{June}, 2004.

(Official Seal)

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Richard T. Crotty
   County Chairman
Date: \underline{6.6.04}

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

By: Deputy Clerk
EXHIBIT “A”
County Drainage Easement

A portion of Lots 53, 54, 55, and 56, Munger’s Subdivision, as recorded in Plat Book “E”, Page 22, of the Public Records of Orange County, Florida, Section 5, Township 24 South, Range 28 East, in Orange County, Florida, and being more particularly described as follows:

Commence at the railroad spike at the Southeast corner of the Northwest one-quarter (NW ¼) of said Section 5; thence along the South line of said Northwest one-quarter (NW ¼), South 89°58’33” West a distance of 30.00 feet to the West right-of-way line of Orange County Road 535 (Winter Garden-Vineland Road), as shown on the right-of-way map Orange County Road Bond Project 3B and described in Deed Book 402, Page 225 of the Public Records of Orange County, Florida; thence along said West right-of-way line, North 00°04’12” East a distance of 675.07 feet to the North line of said Lot 56; thence along said North line of Lot 56, South 89°45’45” West a distance of 139.88 feet to the Point of Beginning; thence South 00°03’50” West a distance of 30.00 feet to a line being 30.00 feet South of and parallel with the North line of said Lots 53, 54, 55 and 56; thence along said parallel line, South 89°45’45” West a distance of 1,162.87 feet to the West line of said Lot 53; thence along said West line, North 00°13’23” East a distance of 30.00 feet to the aforementioned North line of Lots 53, 54, 55 and 56; thence along said North line, North 89°45’45” East a distance of 1,162.78 feet to the Point of Beginning. Said lands lying and being in Orange County, Florida, and containing 34,885 square feet (.801 acres), more or less.
EXHIBIT "B"
New Drainage Easement

SHOWING OF DESCRIPTION

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>RADIUS</th>
<th>DELTA</th>
<th>LENGTH</th>
<th>CHORD</th>
<th>CHORD BEARING</th>
</tr>
</thead>
<tbody>
<tr>
<td>C1</td>
<td>5.00'</td>
<td>86°37'38&quot;</td>
<td>7.56'</td>
<td>6.66'</td>
<td>54°39'07&quot;W</td>
</tr>
<tr>
<td>C2</td>
<td>760.00'</td>
<td>03°16'38&quot;</td>
<td>43.47'</td>
<td>43.46'</td>
<td>501°42'06&quot;W</td>
</tr>
</tbody>
</table>

LEGEND

PCC = POINT OF COMPOUND CURVATURE
PC = POINT OF CURVATURE
R/W = RIGHT-OF-WAY
PB = PLAT BOOK
PG = PAGE
DB = DEED BOOK
ORB = OFFICIAL RECORDS BOOK
PT = POINT OF TANGENCY
MH = MANHOLE
MES = MITERED END SECTION

POINT OF COMMENCEMENT

SE CORNER, NW 1/4 SEC 5-24-28

POINT OF BEGINNING

COUNTY ROAD #533
WINTER GARDEN–VINELAND ROAD

SURVEYORS NOTES:

- THIS IS NOT A BOUNDARY SURVEY.
- BEARINGS BASED ON THE SOUTH LINE OF NW 1/4
  OF SECTION 5-24-28 SBD 586’33.3" W
  (AN ASSUMED MERIDIAN).
- SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION

PREPARED FOR:

VICTORIA EQUITIES

CYPRESS CHASE NORTH SEC 5-24-28 RELOCATED DRAINAGE EASEMENT

DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS
PLANNERS
SURVEYORS

DRAWN BY: LJS
DATE: 02/16/04

CHECKED BY: KR
DATE: 02/16/04

JOB NO.
SCALE

23027.0165
1"=200'

REVISIONS

FIELD BOOK 4-23-04
PG

SURVEY

FOUNDATION

MARK

CSF 04-180
DESCRIPTION:

That part of Lots 41, 42, 54, 55 and 56, MUNGER LAND COMPANY SUBDIVISION, in Section 5, Township 24 South, Range 28 East, Orange County, Florida, according to the plat thereof, as recorded in Plat Book E, Page 22, of the Public Records of Orange County, Florida, described as follows:

Commence at the Southeast corner of the Northwest 1/4 of said Section 5; thence run S89°58'33"W along the South line of the Northwest 1/4 of said Section 5 for a distance of 168.38 feet to a point on the existing Westerly right-of-way line of County Road 535 (Winter Garden–Vineland road); thence run the following bearings and distances along said Westerly right-of-way line: N00°30'36"W for a distance of 143.55 feet; thence run N00°03'50"E for a distance of 499.10 feet to the POINT OF BEGINNING; thence leaving said Westerly right-of-way line run N89°51'57"W for a distance of 30.00 feet; thence run N00°03'50"E for a distance of 171.58 feet; thence run S89°57'46"W for a distance of 105.03 feet; thence run N85°01'49"W for a distance of 30.00 feet; thence run N00°03'50"E for a distance of 171.58 feet; thence run S89°57'46"W for a distance of 216.67 feet to the point of curvature of a curve concave Southeasterly having a radius of 5.00 feet and a chord bearing of S46°39'07"W; thence run Southwesterly along the arc of said curve through a central angle of 86°37'18" for a distance of 7.56 feet to the point of compound curvature of a curve concave Easterly having a radius of 760.00 feet and a chord bearing of S01°42'09"W; thence run Southerly along the arc of said curve through a central angle of 03°16'38" for a distance of 43.47 feet to the point of tangency; thence run S00°03'50"W for a distance of 153.07 feet; thence run S89°45'45"W for a distance of 300.93 feet; thence run N10°36'41"E for a distance of 25.45 feet to a point on the South line of a Drainage Easement, as described in Official Records Book 5039, Page 248, of the Public Records of Orange County, Florida; thence run N89°45'45"E along said South line for a distance of 271.27 feet; thence leaving said South line run N00°03'50"E for a distance of 201.31 feet; thence run N89°57'46"E for a distance of 440.00 feet to said existing Westerly right-of-way line of County Road 535; thence run S00°03'50"W along said Westerly right-of-way line for a distance of 201.67 feet to the POINT OF BEGINNING.

Containing 0.663 acres (28,867 square feet) more or less and being subject to any rights-of-way, restrictions and easements of record.

PREPARED FOR:

VICTORIA EQUITIES

CYPRESS CHASE NORTH SEC 5–24–28 RELOCATED DRAINAGE EASEMENT

DONALD W. McINTOSH ASSOCIATES, INC.
ENGINERS PLANNERS SURVEYORS

2200 PARK AVENUE NORTH, WINTER PARK, FLORIDA 32789 (407) 644–4068

CERTIFICATE OF AUTHORIZATION NO. 0898

DRAWN BY: LJS DATE: 02/16/04
CHECKED BY: KR DATE: 02/16/04
JOB NO. 23027.0165 SCALE N/A SHEET 2 OF 2

FIELD BOOK PG.
SURVEY
FOUNDATION
EMAIL

CS# 04–160
EXHIBIT "C"
County Drainage Easement Segment

POINT OF
BEGINNING

P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
R/W = RIGHT-OF-WAY
PB = PLAT BOOK
PG = PAGE
DB = DEED BOOK
ORB = OFFICIAL RECORDS BOOK
SEC = SECTION
TOWNSHIP
RANGE

LEGEND

SURVEYOR'S NOTES:
- THIS IS NOT A BOUNDARY SURVEY.
- BEARINGS BASED ON THE SOUTH LINE OF NW1/4
  OF SECTION 5-24-28 S89°58'33"W
  (AN ASSUMED MERIDIAN).
- SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION

PREPARED FOR:
VICTORIA EQUITIES
CYPRESS CHASE NORTH SEC 5-24-28 PORTION OF EASEMENT TO BE VACATED

DONALD W. McINTOSH ASSOCIATES, INC.
ENGINEERS
PLANNERS
SURVEYORS

DRAWN BY: LJS
DATE: 02/13/04
CHECKED BY: KR
DATE: 02/13/04
JOB NO.
23027.0165
SCALE  1"=200' OF

FILE NAME: F:\proj\2003\23027\adwg\ead\cmt\voc.dwg
That part of Lots 55 and 56, MUNGER LAND COMPANY SUBDIVISION, in Section 5, Township 24 South, Range 28 East, according to the plat thereof, as recorded in Plat Book E, Page 22, of the Public Records of Orange County, Florida, described as follows:

Commence at the Southeast corner of the Northwest 1/4 of said Section 5; thence run S89'58'33"W along the South line of the Northwest 1/4 of said Section 5 for a distance of 30.00 feet to the West right-of-way line of County Road 535 (Winter Garden–Vineland Road), as shown on the right-of-way map of Orange County Road Bond Project 38, as described in Deed Book 402, Page 225, of the Public Records of Orange County, Florida; thence run N00'04'12"E along said West right-of-way line for a distance of 675.07 feet to a point on the North line of said Lot 56; thence run S89'45'45"W along said North line for a distance of 139.88 feet to a point on the existing West right-of-way line of County Road 535 (Winter Garden–Vineland Road) and the POINT OF BEGINNING; thence run S00'03'50"W along said existing West right-of-way line for a distance of 30.00 feet; thence leaving said right-of-way line run S89'45'45"W parallel with and 30 feet South of the North line of said Lots 55 and 56 for a distance of 480.01 feet; thence run N00'03'50"E for a distance of 30.00 feet; thence run N89'45'45"E along the North line of said Lots 55 and 56 for a distance of 480.01 feet to the POINT OF BEGINNING.

Containing 0.331 acres (14,400 square feet) more or less and being subject to any rights-of-way, restrictions and easements of record.
EXHIBIT “D”
Form of Drainage Easement to be Granted to County

Project: Winter Garden-Vineland Road (CR 535) (Buena Vista Drive to Chase Road)
a/k/a Cypress Chase North Subdivision

DRAINAGE EASEMENT

THIS INDENTURE, made the _____ day of ______________________, 20___, between _____________________________, a __________ corporation, of the county of ______________ and state of ______________, GRANTOR and ORANGE COUNTY, FLORIDA, a charter county and political subdivision of the state of Florida, whose address is P.O. Box 1393, Orlando, Florida 32802-1393, GRANTEE.

WITNESSETH, That the GRANTORS, in consideration of the sum of $10.00 and other valuable considerations, paid by the GRANTEE, the receipt whereof is hereby acknowledged, do hereby give and grant to the GRANTEE and its assigns an easement for drainage purposes, with full authority to enter upon, construct, and maintain, as the GRANTEE and its assigns may deem necessary, a drainage ditch, pipe, or facility over, under, and upon the following described lands situate in Orange County aforesaid, to-wit:

SEE ATTACHED EXHIBIT “A”

Property Appraiser’s Parcel Identification Number:

a portion of

05-24-28-5844-00-410
05-24-28-5844-00-530

TO HAVE AND TO HOLD said easement unto said GRANTEE and its assigns forever.

THE GRANTEE herein and its assigns shall have the right to clear and keep clear all trees, undergrowth, and other obstructions that may interfere with normal operation or maintenance of the drainage ditch, pipe, or facility, out of and away from the herein granted easement, and the GRANTOR, their heirs, successors, and assigns agree not to build, construct, or create, nor permit others to build, construct, or create any buildings or other structures on the herein granted easement that may interfere with the normal operation or maintenance of the drainage ditch, pipe, or facility.
Project: Winter Garden-Vineland Road (CR 535) (Buena Vista Blvd. to Chase Road)
aka Cypress Chase North Subdivision

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be signed in its name the day and year first above written.

Signed, sealed and delivered in the presence of:

______________________________
Witness

______________________________
By: ______________________________
______________________________, President

______________________________
Printed Name

______________________________
Post Office Address

______________________________
Witness

______________________________
Printed Name

(Signature of TWO Witnesses required by Florida Law)

STATE OF ________________________
COUNTY OF _______________________

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgements, personally appeared ______________________, President of ______________________, a ______________ corporation, well known to me to be, or who has produced ______________________ as identification, and did (did not) take an oath, the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

Witness my hand and official seal this ____ day of ______________________, 20___.

______________________________
(Notary Seal)

______________________________
Notary Signature

______________________________
Printed Notary Name

This instrument prepared by:
Virginia G. Williams, a staff employee in the course of duty with the Real Estate Management Division of Orange County, Florida

Notary Public in and for the County and State aforesaid

My commission expires: