RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

DECLARING SURPLUS COUNTY PROPERTY

and

AUTHORIZING PRIVATE SALE

Resolution No.2009-M-10

WHEREAS, Orange County, a charter county and political subdivision of the State of Florida, pursuant to its home rule power and Section 125.35 of the Florida Statutes (2004), has authority to determine that certain real property owned by the County is not needed for County purposes and to convey such property; and

WHEREAS, Section 125.35(2) of the Florida Statutes provides that when the Board of County Commissioners finds that a County-owned parcel of real property is of insufficient size or shape to be issued a building permit for any type of development, or when the Board of County Commissioners determines that the value of a County-owned parcel of real property is Fifteen Thousand Dollars ($15,000) or less as determined by a Board-approved fee appraiser or the County property appraiser, and when it is determined that due to the parcel’s size, shape, location, and value it is only of use to one or more of the adjacent property owners, the Board may then effect a private sale of the parcel; and

WHEREAS, the County owns fee simple title to a parcel of land more particularly described in Exhibit “A” attached hereto and incorporated herein (the “Parcel”) the deed to which largely restricts the County’s use to drainage purposes; and

WHEREAS, only one entity, TWC Eighty-Eight, Ltd., a Florida limited partnership owns property adjacent to the Parcel; and

WHEREAS, the Board determines that the Parcel should be offered for private sale to the adjacent property owner for the highest price feasible, considering its location, and use restrictions, so long as an adequate drainage easement and access easement in favor of the County are retained over the Parcel.
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. The Board finds that, because of use restrictions on the County, the rights reserved in the grantor, the value of the Parcel is significantly reduced.

Section 2. The Board finds that the Parcel is no longer needed for County purposes so long as sufficient drainage and access easements in favor of the County are obtained, the Parcel comports with the size, shape, and value requirements of Florida Statute 125.35(2), making it appropriate for private sale.

Section 3. The Orange County Real Estate Management Division is hereby directed to do all things necessary and proper to effect a private sale of the Parcel to TWC Eighty-Eight Ltd. in accordance with the provisions of Section 125.35(2), so long as sufficient consideration and drainage and access easements are obtained.

Section 4. The County Mayor is authorized to execute a statutory county deed conveying the Parcel and to accept drainage and access easements over the Parcel.

Section 5. This Resolution shall take effect immediately upon its adoption.

ADOPTED this ____ day of MAR 24 2009, 2009.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Richard T. Crotty
Orange County Mayor

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

By: [Signature]
Deputy Clerk
Print Name: Katherine Johnson
SKETCH OF DESCRIPTION

Legal Description:

From the Southeast corner of the Northeast ¼ of the Southwest ¼ of Section 23, Township 22 South, Range 28 East, run N89°53'25"W 570 feet along the South boundary of said Northeast ¼ of Southwest ¼; thence N00°06'35"E 50 feet to the POINT OF BEGINNING; thence N45°06'35"E 275 feet; thence N00°06'35"E 250 feet; thence N44°53'25"W 275 feet; thence N89°53'25"W 300 feet; thence S45°06'35"W 275 feet; thence S00°06'35"W 250 feet; thence S44°53'25"E 275 feet; thence S89°53'25"E 300 feet to the POINT OF BEGINNING.

Containing 8.37 acres, more or less.