RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding the

APPROVAL OF THE CONVEYANCE OF COUNTY PROPERTY
TO SIERRA FLORIDA PROPERTIES, L.P. IN EXCHANGE FOR
CONVEYANCE OF CERTAIN REAL PROPERTY FROM SIERRA
FLORIDA PROPERTIES, L.P. AND SIERRA ORLANDO
PROPERTIES, LTD. TO ORANGE COUNTY

Resolution No. 09-2009-H-37

WHEREAS, Sierra Florida Properties, L.P. and Sierra Orlando Properties Ltd. (collectively, "Owners"), are the owners of fee simple title to certain real property referred to as the “Lake Bryan Beach Property”, as more particularly described on Exhibit “A”, attached hereto and incorporated herein by this reference, which will be used for the proposed extension of that certain public right-of-way known as Lake Bryan Beach Boulevard (f/k/a Lake Avenue); and

WHEREAS, Orange County (“County”) owns fee simple title to certain parcels of real property referred to as the “World Center Drive Property” and the “Garduno Sliver” (collectively, the “County Property”), as more particularly described on Exhibit “B”, attached hereto and incorporated herein by this reference; and

WHEREAS, County also owns fee simple title to a retention pond, as more particularly described on Exhibit “C”, attached hereto and incorporated herein by this reference, which serves World Center Drive and International Drive (the “Retention Pond Property”); and

WHEREAS, County and Owners previously entered into that certain right-of-way agreement recorded at OR Book 09667, Page 3737, Public Records of Orange County (the “Agreement”), in which the parties agreed to exchange the Lake Bryan Beach Property and certain additional easements (the “Easements”) for both the County Property and the Retention Pond Property; and

WHEREAS, such exchange of property and conveyances of easements are subject to the terms of the Agreement; and

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

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 County Property and the Retention Pond Property are not required for any present or foreseeable County use. Accordingly, pursuant to section 125.37, Florida Statutes, it is proper to exchange such real property for the Lake Bryan Beach Property and Easements.

3. To accomplish this exchange, the County Mayor is hereby authorized to execute a conveyance on behalf of the County to Sierra Florida Properties, L.P. under the terms and conditions of the Agreement.

4. In return, Owners shall tender to County, as grantee, the Lake Bryan Beach Property and Easements, under the terms and conditions of the Agreement.


ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

BY: [Signature]

Richard T. Crotty,
Orange County Mayor

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

BY: [Signature]

Deputy Clerk
Exhibit "A"

Legal Description and Sketch of Description
for the Lake Bryan Beach Property
DESCRIPTION:

A PORTION OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION 35-24-28 RUN SOUTH 89°55'42" WEST, A DISTANCE OF 1,447.33 FEET TO THE POINT OF BEGINNING ALSO BEING A POINT ON A NON TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1847.36 FEET, A CENTRAL ANGLE OF 2'01'30" AND A CHORD DISTANCE OF 65.29 FEET WHICH BEARS SOUTH 05°18'36" WEST; THENCE SOUTH WES'TERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 65.29 FEET; THENCE SOUTH 89°55'42" WEST, A DISTANCE OF 1,307.70 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 35-24-28; THENCE ALONG SAID WEST LINE RUN NORTH 00°12'33" EAST, A DISTANCE OF 65.00 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 35-24-28; THENCE ALONG SAID NORTH LINE RUN NORTH 89°55'42" EAST, A DISTANCE OF 1,313.50 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.96 ACRES (85,201 SQUARE FEET), MORE OR LESS.

In accordance with CH-61G17-6 of the Florida Administrative Code, this Description and Sketch of Description bears the notation:

THIS IS NOT A SURVEY.
SKETCH OF DESCRIPTION:
LAKE AVENUE PROPERTY
EXHIBIT "D"

NORTHLINE OF THE NW 1/4 OF SECTION 35-24-28
NORTHWEST CORNER OF SECTION 35-24-28
S 89°55'42" W

POINT OF BEGINNING
1313.50'

N 89°55'42" E
NORTHLINE OF THE NW 1/4 OF SECTION 35-24-28

1307.70'

\[ \theta = 201°30' \]
\[ L = 65.29' \]
\[ R = 1847.36' \]
\[ CB = S 05°18'36" W \]
\[ C = 65.29' \]

INTERNATIONAL DRIVE (N-S)

LEGEND

R: DENOTES DIAMETER
A: DENOTES CENTRAL ANGLE
L: DENOTES ARC LENGTH
C: DENOTES CHORD LENGTH
CB: DENOTES CHORD BEARING

DATE: 11/16/08
SCALE: 1" = 200'
REVISED: 08/17/07

AMERICAN SURVEYING & MAPPING
CERTIFICATION OF AUTHORIZATION NUMBER LE62593
1030 N. ORLANDO AVE, SUITE B
WINTER PARK, FL 32789
(407) 420-7979
DESCRIPTION:

A PORTION OF SECTION 34, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION 35-24-28 RUN SOUTH 89°55'42" WEST, A DISTANCE OF 2,760.83 FEET TO THE NORTHWEST CORNER OF SECTION 35-24-28; THENCE ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SECTION 35-24-28 RUN SOUTH 00°12'33" WEST, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID WEST LINE SOUTH 00°12'33" WEST, A DISTANCE OF 35.00 FEET; THENCE DEPARTING SAID WEST LINE NORTH 89°56'09" WEST, A DISTANCE OF 659.57 FEET; THENCE NORTH 00°13'03" EAST, A DISTANCE OF 35.00 FEET; THENCE SOUTH 89°56'09" EAST, A DISTANCE OF 659.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.53 ACRES (23,085 SQUARE FEET), MORE OR LESS.

In accordance with Ch—61G17—6 of the Florida Administrative Code, this Description and Sketch of Description bears the notation:

THIS IS NOT A SURVEY.

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREBY FOR EASEMENTS, RIGHT OF WAY, DESCRIPTIONS OF RECORD WHICH MAY AFFECT THE USE OF THE LAND.
2. NO APPROVALS HAVE BEEN SECURED FOR THE USE SHOWN.
3. THE SURVEYOR HAS NOT ABSTRACTED THE EASEMENTS AND OTHER EASEMENTS SHOWN.

AMERICAN SURVEYING & MAPPING
CERTIFICATION OF AUTHORIZATION NUMBER 1904351
1030 N. ORLANDO AVE. SUITE B
WINTER PARK, FLORIDA
32789 (407) 426-7979

REV. LEGAL
03/13/08

H:\ASMB\AMB\5564 SIERRA Property\555564 SIERRA_001.dgn 03/15/2008 3:17:31 PM, 1:19
DESCRIPTION:
A PORTION OF SECTION 34, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION 35–24–28 RUN SOUTH 89°56'09" WEST, A DISTANCE OF 2,760.83 FEET TO THE NORTHWEST CORNER OF SECTION 35–24–28; THENCE ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 34–24–28 RUN NORTH 89°56'09" WEST, A DISTANCE OF 824.64 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH LINE SOUTH 00°13'03" WEST, A DISTANCE OF 30.00 FEET; THENCE SOUTH 89°56'09" EAST, A DISTANCE OF 165.07 FEET; THENCE SOUTH 00°13'03" WEST, A DISTANCE OF 35.00 FEET; THENCE NORTH 89°56'09" WEST, A DISTANCE OF 659.57 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34–24–28; THENCE ALONG SAID WEST LINE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 34–24–28 RUN SOUTH 89°56'09" EAST, A DISTANCE OF 494.48 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.87 ACRES (37,919 SQUARE FEET), MORE OR LESS.

SKETCH OF DESCRIPTION
OF LAKE AVENUE PROPERTY
EXHIBIT "D-2"

ORANGE COUNTY, FLORIDA
SECTION 34–24–28

DATE: 11/19/08
SCALE: 1"=120'
APPROVED BY: MP
JOB NO. SIERRA
DRAWN BY: UB

AMERICAN SURVEYING & MAPPING
CERTIFICATION OF AUTHORIZATION NUMBER LBA-4363
1030 N. ORLANDO AVE, SUITE B
WINTER PARK, FLORIDA
32789 (407) 428-7979

DAVID M. SPELDALE, PSM, R036
DATE: JUNE 13, 2008

BEARINGS SHOWN HEREIN ARE BASED ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 36–24–28 AS BEING 89°56'42"W, ASSUMED.

In accordance with CH-61G17-6 of the Florida Administrative Code, this Description and Sketch of Description bears the notation:

THIS IS NOT A SURVEY.
DESCRIPTION:

A PORTION OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE SOUTH 89'55'42" WEST, A DISTANCE OF 1857.09 FEET; THENCE SOUTH 00'04'18" EAST, A DISTANCE OF 65.00 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89'55'42" EAST, A DISTANCE OF 403.63 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1,847.36 FEET, A CENTRAL ANGLE OF 01'17'14" AND A CHORD DISTANCE OF 41.51 FEET WHICH BEARS SOUTH 05'57'58" WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 41.51 FEET; THENCE NORTH 44'51'05" WEST, A DISTANCE OF 28.45 FEET; THENCE SOUTH 89'55'42" WEST, A DISTANCE OF 64.70 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2,153.00 FEET, A CENTRAL ANGLE OF 04'29'05" AND A CHORD DISTANCE OF 168.48 FEET WHICH BEARS NORTH 87'49'37" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 168.53 FEET; THENCE NORTH 83'28'05" WEST, A DISTANCE OF 34.79 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 2,014.00 FEET, A CENTRAL ANGLE OF 02'14'31" AND A CHORD DISTANCE OF 78.80 FEET WHICH BEARS NORTH 84'54'45" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 78.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.14 ACRES (6,226 SQUARE FEET), MORE OR LESS.

In accordance with CH-61G17-6 of the Florida Administrative Code, this Description and Sketch of Description bears the notation:

THIS IS NOT A SURVEY.
DESCRIPTION:

A PORTION OF SECTION 34, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:


CONTAINING 0.24 ACRES (10,468 SQUARE FEET), MORE OR LESS.

In accordance with CH-61G17-6 of the Florida Administrative Code, this Description and Sketch of Description bears the notation:

THIS IS NOT A SURVEY.
Exhibit “B”

Legal Descriptions and Sketches of Descriptions
for the County Property
DESCRIPTION:

A PORTION OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION 35–24–28 RUN SOUTH 89°55'42" WEST, A DISTANCE OF 2,087.85 FEET; THENCE DEPARTING SAID NORTH LINE 89°47'31" EAST, A DISTANCE OF 1,262.78 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°46'44" WEST, A DISTANCE OF 114.95 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35–24–28; THENCE ALONG SAID SOUTH LINE RUN SOUTH 89°47'31" EAST, A DISTANCE OF 251.74 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 2,354.33 FEET, A CENTRAL ANGLE OF 08°52'03" AND A CHORD DISTANCE OF 364.03 FEET WHICH BEARS SOUTH 77°28'37" WEST; THENCE WESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 364.31 FEET; THENCE SOUTH 73°02'34" WEST, A DISTANCE OF 17.02 FEET; THENCE NORTH 00'29'27" EAST, A DISTANCE OF 119.11 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35–24–28; THENCE ALONG SAID SOUTH LINE RUN SOUTH 89°47'31" EAST, A DISTANCE OF 193.63 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 1,847.36 FEET, A CENTRAL ANGLE OF 11°20'09" AND A CHORD DISTANCE OF 365.50 FEET WHICH BEARS SOUTH 67°53'35" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 186.89 FEET WHICH BEARS NORTH 52°15'18" EAST; THENCE DEPARTING SAID SOUTH LINE RUN NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 186.97 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.19 ACRES (51,923 SQUARE FEET), MORE OR LESS.

In accordance with CH-61G17-6 of the Florida Administrative Code, this Description and Sketch of Description bears the notation:

THIS IS NOT A SURVEY.

SKETCH OF DESCRIPTION OF COUNTY PROPERTY EXHIBIT "B"

ORANGE COUNTY, FLORIDA

DATE: 11/15/06

REZED:

SCALE: N/A

APPROVED BY: MP

JOB NO. SIERRA

DRAWN BY: UB
DESCRIPTION:

A PORTION OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION 35-24-28 RUN SOUTH 89°55'42" WEST, A DISTANCE OF 1,443.72 FEET; THENCE DEPARTING SAID NORTH LINE SOUTH 00°04'18" EAST, A DISTANCE OF 121.13 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°22'29" EAST, A DISTANCE OF 124.05 FEET; THENCE SOUTH 89°59'51" WEST, A DISTANCE OF 61.53 FEET TO A POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE WESTERLY HAVING A RADIUS OF 1,847.36 FEET, A CENTRAL ANGLE OF 07°33'58" AND A CHORD DISTANCE OF 243.77 FEET WHICH BEARS NORTH 11°23'34" EAST; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 243.95 FEET; THENCE SOUTH 44°51'05" EAST, A DISTANCE OF 21.04 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.19 ACRES (8,371 SQUARE FEET), MORE OR LESS.

In accordance with CH-61G17-6 of the Florida Administrative Code, this Description and Sketch of Description bears the notation:

THIS IS NOT A SURVEY.

BEARINGS SHOWN HEREON ARE BASED ON THE NORTH LINE OF THE NORTHWEST 1/4 OF SECTION 35-24-28 AS BEING S89°35'42"W, ASSUMED.

SKETCH OF DESCRIPTION

OF COUNTY PROPERTY
EXHIBIT 'B-1'

ORANGE COUNTY, FLORIDA SECTION 35-24-28

DATE: 11/15/08 REVISED:

SCALE: N/A

APPROVED BY: MP

JOB NO. SIERRA

DRAWN BY: UB

AMERICAN SURVEYING & MAPPING

CERTIFICATION OF AUTHORIZATION NUMBER LB-393

1030 N. ORLANDO AVE. SUITE B WINTER PARK, FLORIDA
32789 (407) 428-7979

DAVID M. DEFLIPPO, PSM #5036
DATE: Jan 5, 2009

BETTER NOT A SURVEY.
Exhibit “C”

Legal Description and Sketch of Description for the Retention Pond Property
DESCRIPTION:
A PORTION OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 24 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION 35-24-28 RUN SOUTH 89°55'42" WEST, A DISTANCE OF 2,207.95 FEET; THENCE DEPARTING SAID NORTH LINE SOUTH 00°4'18" WEST, A DISTANCE OF 688.49 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00°46'20" WEST, A DISTANCE OF 57'7.88 FEET; THENCE SOUTH 50°14'09" WEST, A DISTANCE OF 120.08 FEET; THENCE SOUTH 00°12'20" WEST, A DISTANCE OF 33,65 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 35-24-28; THENCE ALONG SAID SOUTH LINE NORTH 89°47'31" WEST, A DISTANCE OF 120.39 FEET; THENCE DEPARTING SAID SOUTH LINE NORTH 00°29'27" EAST, A DISTANCE OF 688.11 FEET; THENCE SOUTH 89°56'04" EAST, A DISTANCE OF 214.71 FEET TO THE POINT OF BEGINNING.

CONTAINING 3.21 ACRES (140,048 SQUARE FEET), MORE OR LESS.

In accordance with CH-61017-6 of the Florida Administrative Code, this Description and Sketch of Description bears the notation:

THIS IS NOT A SURVEY.

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHTS OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
2. NO IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
SKETCH OF DESCRIPTION:
RETENTION POND PROPERTY
EXHIBIT "C"

POINT OF BEGINNING
S89°56'04"E 214.71'

140,048 sq. ft.
3.22 acres

NORTH LINE OF THE NW 1/4 OF SECTION 35-24-28
S00°12'20"W
120.39'

SOUTH LINE OF THE NW
1/4 OF THE NW 1/4 OF
SECTION 35-24-28
N00°29'27"E
688.11'

NORTH LINE OF THE NW
1/4 OF THE NW 1/4 OF
SECTION 35-24-28
S89°47'31"W
120.39'

INTERNATIONAL DRIVE (E-W)
KNOW AS WORLD CENTER DRIVE

DATE: 11/15/06
REVISION:
SCALE: 1"=100'
APPROVED BY: MP
JOB NO. SIERRA
DRAWN BY: UB

AMERICAN SURVEYING & MAPPING
CERTIFICATION OF AUTHORIZATION NUMBER LEH8393
1030 N. ORLANDO AVE, SUITE B
WINTER PARK, FLORIDA
32789 (407) 429-7979

LEGEND
R DENOTES RADIUS
A DENOTES CENTRAL ANGLE
L DENOTES ARC LENGTH
C DENOTES CHORD LENGTH
CB DENOTES CHORD BEARING