RESOLUTION

of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding
AUTHORIZATION TO CONVEY CERTAIN COUNTY
PROPERTY INTERESTS IN A PORTION OF WALTHAM
AVENUE TO THE CITY OF BELLE ISLE AND TO FORMALLY
DISCLAIM ANY INTEREST

Resolution No. 2011- M - 9

WHEREAS, the Orange County School Board filed a quiet title action against Orange County styled, Orange County School Board v. Unknown Persons and Orange County, Case No. 2004-CA-5876, seeking to extinguish Orange County’s interest in a portion of Waltham Avenue from the east right-of-way line of Randolph Avenue to the east right-of-way line of Hansel Avenue, which portion is designated as a school zone (hereinafter “the School Zone Segment”);

WHEREAS, the School Board asserts that it owns the School Zone Segment in fee simple and claims that the County may have or have had an interest in the School Zone Segment due to its past maintenance of the School Zone Segment;

WHEREAS, the City of Belle Isle (“City”), through the adoption of Annexation Ordinance No. 10-04 on June 1, 2010, annexed into the City’s jurisdiction the School Zone Segment;

WHEREAS, in the Annexation Report prepared by the City, a copy of which is attached hereto as Exhibit A, the City stated that the local public streets being annexed would be added to the City’s maintenance program;

WHEREAS, because of the annexation, the County informed the City, by letter dated June 10, 2010, a copy of which is attached as Exhibit B, that it would no longer operate or maintain the School Zone Segment or the other road segments that were annexed into the City’s jurisdiction by Ordinance No. 10-04;
WHEREAS, as a result of the annexation, the County has also discontinued its maintenance of the following traffic control devices (hereinafter collectively referred to as "Traffic Control Devices"):

- Traffic signals at Hansel Avenue and Oak Ridge Road (near Pine Castle Elementary School);
- Traffic signals at Fairlane Avenue and Hansel Avenue;
- Flasher and Cross Guard at Waltham Avenue and Randolph Avenue (near Pine Castle Elementary School); and
- Signs and Cross Guard at 5833 Randolph Avenue, which is the rear entry for Cornerstone Charter Academy f/k/a Pine Castle Christian Academy; and

WHEREAS, based upon the above and pursuant to its home rule and statutory powers, the County wishes to remise, release, and quit-claim and disclaim any right, title, or interest it has in and to the School Zone Segment and the appurtenances thereto, including the Traffic Control Device(s).

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

Section 1. The Board hereby determines that the School Zone Segment and the appurtenances thereto, including the Traffic Control Device(s), are no longer needed for County purposes and that it is in the best interest of Orange County to remise, release, and quit-claim and disclaim any right, title, or interest it has in and to the School Zone Segment and any and all appurtenances thereto.

Section 2. The Board hereby directs that all of the County’s right, title and interest in the School Zone Segment and any and all appurtenances thereto, including the Traffic Control Devices, if any, be conveyed to the City for the consideration of TEN DOLLARS, and that the County Mayor execute and deliver to the City a Statutory County Deed, attached hereto as Exhibit C, to effectuate such conveyance.
Section 3. After the delivery of the Statutory County Deed, this Resolution shall constitute a formal disclaimer of any right, title, or interest the County may have or have had in the School Zone Segment and any and all appurtenances, including the Traffic Control Device(s), and the County Attorney may file this Resolution in the pending quiet title action.

Section 4. The Board hereby directs that a certified copy of this Resolution be forwarded forthwith to the Clerk of the City by the Clerk of the Board of County Commissioners.

Section 5. This Resolution shall take effect on the date of its adoption.

ADOPTED this ___ day of JUN 07 2011.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

BY: Teresa Jacobs
Orange County Mayor
DATE: 6-7-11

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

BY: Deputy Clerk
CITY OF BELLE ISLE, FLORIDA
1600 NELA AVENUE
BELLE ISLE, FLORIDA 32809

2010 PINE CASTLE
UNITED METHODIST CHURCH
ANNEXATION REPORT

April 19, 2010 JPB
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s. 171.042(1)

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<td>Provide for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in such municipality for extending water and sewer lines to individual lots or subdivisions.</td>
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Maps for 2010 Pine Castle United Methodist Church
Annexation Report

The maps included in this section comply with the requirements of s. 171.042(a), as follows:

Map 1. A map of the municipality and adjacent territory. The proposed annexation area is highlighted. Present major trunk water mains and sewer mains and outfalls are indicated. There are no extensions of these mains and outfalls planned by the City.

Map 2. A map showing the general land use pattern in the area to be annexed. The current boundary of the City of Belle Isle in the area of the proposed annexation is indicated. Present major trunk water mains and sewer mains and outfalls in the area of annexation are indicated. There are no extensions of these mains and outfalls planned by the City.

Map 3. A map showing the proposed boundary of the City in the annexation area.

Map 4. A map of the municipality and adjacent territory showing the boundary of the City if the proposed annexation is approved.
FIGURE 4-2
CITY OF BELLE ISLE
METHODOIST CHURCH ANNEXATION
CJ
Existing City Boundary
- Water Main
- Sewer Main
- Streets

Land Use of Annex Parcels
- Commercial
- Institutional

Legend

FIGURE 1-3
CITY OF BELLE ISLE
METHODIST CHURCH ANNEXATION
Statement of Certification

The area proposed for annexation meets the criteria of s. 171.043, Florida Statutes, as follows:

1. The area to be annexed is contiguous, as defined by s. 171.031(11), to the existing boundaries of the City of Belle Isle. A substantial portion of the eastern boundary of the area to be annexed is coteninuous with a part of the existing boundary of the City. Nothing prevents the territory to be annexed and the City from becoming a unified whole with respect to municipal services, commerce and association.

2. The area is reasonably compact, as defined by s. 171.031(12), in that it is concentrated in a single area and creates no enclaves, pockets, or finger areas in serpentine patterns.

3. Part or all of the area is already developed for urban purposes as defined by s.171.043(2).

4. No part of the area to be annexed is included within the boundary of another incorporated municipality.
1. Provide for extending urban services except as otherwise provided herein to the area to be annexed on the date of annexation on substantially the same basis and in the same manner as such services are provided within the rest of the municipality prior to annexation.

Basic urban infrastructure currently exists in the area to be annexed and the City does not expect that large capital expenditures will be needed to bring the area into conformance with the City's standards of development. City services shall be provided to the annexation area in the same manner as provided to all of Belle Isle. Currently, those services are provided, as follows:

A. Fire Protection

The City of Belle Isle residents are provided fire protection services through an interlocal agreement with Orange County. Compensation for fire services is provided by applying the millage levied in the Urban Fire Protection and Emergency Medical Services municipal service taxing unit (MSTU), adopted by Orange County, to the ad valorem tax assessment roll covering real property within the city limits. This fee is paid by the city out of its general revenues. The cost of providing this service is not a separate assessment to the property owners.

At the present time, the area to be annexed is formally being provided with fire protection by Orange County through a Municipal Services Taxing Unit (MSTU) levied by Orange County. The 2007 millage rate for the MSTU is 2.437. If the proposed annexation should occur, the same level of fire protection will continue through an extension of the city's interlocal agreement with Orange County.

B. Law Enforcement

The City of Belle Isle provides law enforcement through the Belle Isle Police Department.

C. Code Enforcement

Code enforcement is provided through the office of the General Services Coordinator. If necessitated by annexation, additional code enforcement personnel will be employed.

D. Waste Management

The proposed annexation area is currently being provided with garbage and recycling services through Orange County Resource Recovery under a franchise agreement.

The City of Belle Isle provides the same level of service that is currently provided in Orange County and individual non-residential properties contract with the City's provider. A
non-ad valorem special assessment is collected from residential property owners for waste and recycling collection services. The city’s solid waste and recycling collection services are unlimited in the quantity of material that may be collected. Special pick-ups for large items may be arranged on an as-needed basis at no charge to the residents.

Due to prepayment of garbage and recycling services to the county for the calendar year, it is anticipated that the city and county would enter into an agreement to have county garbage and recycling services continued through the end of the current contract period.

E. Street and Drainage Maintenance

The local public streets within the proposed annexation area are paved and appear to be in good condition with no apparent need for any immediate improvements. They will be added to the city’s maintenance program, which includes, as needed, resurfacing, road shoulder repair, pothole repair, street sweeping, and maintenance of drainage along the streets in the public right-of-way. The City of Belle Isle is in full compliance with NPDES requirements for street drain inspection and maintenance.

No expansion of any drainage or retention system in the proposed annexation area is anticipated and no problems are expected with transferring maintenance to the city. Maintenance services will be provided beginning on the effective date of the annexation. Maintenance of any retention system currently being maintained by Orange County will be transferred to the city at the close of the fiscal year.

F. Street Lighting

Most of the areas to be annexed have street lighting which is currently paid for through the collection of a separate tax by Orange County.

An agreement to continue to provide this service by the county for the remainder of the prepaid period will be pursued since the county has collected taxes for this purpose for current year. No expansion of the system is currently necessary or requested and no problems are anticipated in the city’s maintaining the same level of service in the entire area.

The city provides street lighting from general revenues and charges no additional separate tax.
2. Provide for the extension of existing municipal water and sewer services into the area to be annexed so that, when such services are provided, property owners in the area to be annexed will be able to secure public water and sewer service according to the policies in effect in such municipality for extending water and sewer lines to individual lots or subdivisions.

The area to be annexed is either currently provided both water and sewer services by Orange County or is on private well and/or septic systems. Annexation into the city will not result in a change in this service. No expansion or extension of this service will be required or sought by the city upon annexation.

The area to be annexed is serviced by Progress Energy. This service will not be affected by the annexation. All other utility services will also remain as they are currently in effect.
3. If extension of major trunk water mains and sewer mains into the area to be annexed is necessary, set forth a proposed timetable for construction of such mains as soon as possible following the effective date of annexation.

No extension of major trunk water mains or sewer mains will be necessary.
4. Set forth the method under which the municipality plans to finance extension of services into the area to be annexed.

All extensions of city services shall be financed as those services are currently financed in the City.
Commencement of annexation procedures

Annexation procedures will commence with first reading of Ordinance 10-04 at the Belle Isle City Council Meeting on Tuesday, May 4, 2010.
Notice to residents/property owners

A notice, in the form attached hereto, will be or has been mailed to all residents and property owners in the area to be annexed as provided by s. 171.042(3), Florida Statutes.
NOTICE TO ALL PROPERTY OWNERS OF AREA PROPOSED 
FOR ANNEXATION INTO THE CITY OF BELLE ISLE, FLORIDA

The City of Belle Isle Council will hold public hearings on proposed Ordinance 10-04 regarding 
annexation of certain properties into the jurisdiction of the City of Belle Isle, on the following dates and 
times:

First public hearing: Tuesday, May 4, 2010 at p.m.
Second public hearing: Tuesday, June 2, 2010 at p.m.

at Belle Isle City Hall, 1600 Nela Avenue, Belle Isle, Florida

The area proposed to be annexed consists of

TWENTY-ONE COMMERCIAL PARCELS AND ONE INSTITUTIONAL PARCEL ALL SOUTH OF HOFFNER AVENUE 
AND BOUNDED BY S. ORANGE AVENUE ON THE WEST, BY HANSEL AVENUE IN THE NORTHWEST AND THE 
sOUTHWEST, BY E. WALLACE STREET ON THE SOUTH, BY THE CURRENT BOUNDARY OF THE CITY OF 
BELLE ISLE IN THE SOUTHEAST, BY RANDOLPH AVENUE IN THE NORTHEAST, BY WALTHAM AVENUE IN 
THE NORTHEAST AND WILKS AVENUE ON THE NORTHWEST, ALL AS MORE PARTICULARLY DESCRIBED 
HEREIN.

Also described as:

Begin at the intersection of the east right-of-way line of S. Orange Avenue and the north right-of-way line 
of E. Oak Ridge Road; thence run southeasterly along the east right-of-way line of S. Orange Avenue, a 
distance of approximately 825 feet, more or less, to the SW corner of Lot 3 of the John Keen's 
Subdivision recorded in Plat Book H, Page 11, Public Records of Orange County, Florida; thence run 
northeasterly along south boundary line of said Lot 3 and the south boundary line of Lot 17, also of the 
John Keen's Subdivision, a distance of 206 feet, more or less, to the intersection of said boundary line of 
Lot 17 and the west right-of-way line of Hansel Avenue; thence run north along the west right-of-way 
line of Hansel Avenue, a distance of approximately 122.3 feet, more or less, to the intersection of west 
right-of-way line of Hansel Avenue and south right-of-way line E. Wallace Street; thence run east along 
the south right-of-way line of E. Wallace Street a distance of a distance of approximately 620 feet, more 
or less, to the intersection of the south right-of-way line of E. Wallace Street and the east right-of-way 
line of Randolph Avenue; thence run north along the east right-of-way line of Randolph Avenue a 
distance of 160 feet, more or less, to the northwest corner of the parcel described in that Warranty Deed 
recorded at OR Book 8033, Page 3255, Public Records of Orange County, Florida; thence run east a 
distance of 148.5 feet, more or less, along the north boundary lines of the parcels described in Warranty 
Deed recorded at OR Book 8033, Page 3255, Warranty Deed recorded at OR Book 9599, Page 1096, and 
Warranty Deed recorded at OR Book 5910, Page 2643, Public Records of Orange County, Florida; thence 
run north a distance of 17.7 feet more or less to the northwest corner of the parcel described in that Quit 
Claim Deed recorded at OR Book 6793, Page 4309, Public Records of Orange County, Florida; thence 
run east along the north boundary line of said parcel a distance of 50 feet, more or less, to the northeast 
corner of said parcel, thence run south along the east boundary line of said parcel a distance of 117.7 feet, 
more or less, to the north right-of-way line of E. Wallace Street; thence run east along the north right of 
way line of E. Wallace Street a distance of 564.5 feet, more or less, to the southwest corner of Lot 2 of the 
Waller Subdivision, as recorded in Plat Book 26, Page 105, Public Records of Orange County, Florida,
said point being at the intersection of the north right-of-way line of E. Wallace Street and the currently existing boundary line of the City of Belle Isle; thence run north along said boundary line of the City of Belle Isle a distance of approximately 490 feet, more or less; thence continuing west on the currently existing boundary line of the City of Belle Isle, a distance of 117.43 feet, more or less, to the southeast corner of the parcel described in that Quit Claim Deed recorded at OR Book 9923, Page 6645, Public Records of Orange County, Florida; thence continue west along the south boundary line of said parcel a distance of 80.17 feet, more or less, to the southwest corner of the parcel, thence run north along the west lot line of said parcel, a distance of 150 feet, more or less, to the south right-of-way line of Waltham Avenue; thence west along the south right-of-way line of Waltham Avenue, a distance of approximately 565 feet, more or less, to the intersection of the south right-of-way line of Waltham Avenue and the east right-of-way line of Randolph Avenue; thence run north along the east right-of-way line of Randolph Avenue a distance of 598 feet, more or less; thence run west traversing Randolph Avenue to the intersection of the west right-of-way line of Randolph Avenue and the center line of that 16-foot alley as shown on the plat of Sunday Block, recorded at Plat Book 0, Page 27, Public Records of Orange County, Florida; thence run west along said center line a distance of 500 feet, more or less, to the east right-of-way line of Hansel Avenue; thence run south along the east right-of-way line of Hansel Avenue a distance of 238 feet, more or less; thence run west traversing Hansel Avenue to the north and eastern most corner of the land described as parcel 1 in that certain Warranty Deed recorded at OR Book 6849, Page 4649, Public Records of Orange County, Florida; thence run northwest along the boundary line of said parcel a distance of 7 feet, more or less; thence run west along the north boundary line of said parcel a distance of 260.86 feet, more or less, to the northwest corner of said parcel; thence run southeasterly along the west boundary line of said parcel a distance of 153.74 feet, more or less, to the southwest corner of said parcel; thence run east along the south boundary line of said parcel a distance of 81.9 feet, more or less, to the northwest corner of the parcel described in that Quit Claim Deed recorded at OR Book 4243, Page 2725, Public Records of Orange County, Florida; thence run southeasterly along the west boundary line of said parcel a distance of 153.14 feet, more or less, to the north right-of-way line of Waltham Avenue; thence run south traversing Waltham Avenue to the south right-of-way of Waltham Avenue at the northeast corner of the parcel described in that Warranty Deed recorded at OR Book 2864, Page 1185, Public Records of Orange County, Florida; thence run west along the south right-of-way line of Waltham Avenue, a distance of 129 feet, more or less, to the northwest corner of said parcel; thence run south along the west line of said parcel a distance of 85.5 feet, more or less, to the north right-of-way line of E. Oak Ridge Road; thence run west along the north right-of-way line of E. Oakridge Road a distance of 115 feet, more or less, to the east right-of-way line of S. Orange Avenue, being the Point of Beginning.

The proposed Ordinance 10-04 may be inspected during regular business hours at the office of the City Clerk, Belle Isle City Hall, 1600 Nela Avenue, Belle Isle, Florida.
June 10, 2010

Ms. Belinda Bateman
City Manager
City of Belle Isle
1600 Nela Avenue
Belle Isle, Florida 32809-6184

SUBJECT: Jurisdictional Transfer of County Roads

Dear Ms. Bateman:

As a result of the City of Belle Isle’s adoption of Annexation Ordinance No. 10-04, the City of Belle Isle has effectively annexed into the City’s jurisdiction the responsibility for the following road segments:

- Waltham Avenue from the east right-of-way line of Randolph Avenue to the east right-of-way line of Hansel Avenue;
- Randolph Avenue from the north right-of-way line of Waltham Avenue to the south right-of-way line of Fairlane Avenue;
- E. Wallace Street from Hansel Avenue to S. Orange Avenue;
- Fairlane Avenue from Hansel Avenue to S. Orange Avenue;
- Fairlane Avenue from Randolph Avenue to Hansel Avenue.

Hereafter, in accordance with current policy, Orange County will discontinue maintenance of these roads. If the City does not agree with this action, please notify us immediately.

If you have any questions, please contact David J. Gionet, Assistant Project Manager, Roads & Drainage Division at (407) 836-7960.

Sincerely,

Deodat Budhu, P.E.

DB/DJG/kc

Enclosure

cc: Mark V. Massaro, P.E., Director, Public Works Department
    Joseph C. Kunkel, P.E., Deputy Director, Public Works Department
    Chris Testereman, Director of Government Relations, Administration/Management Division
    Diana Almodovar, P.E., Manager, Development Engineering Division
    Ruby D. Rozier, Manager, Traffic Engineering Division
    David J. Gionet, Assistant Project Manager, Roads & Drainage Division
COUNTY DEED

THIS DEED, Dated ________________________, by ORANGE COUNTY, a charter county and political subdivision of the state of Florida, whose address is P. O. Box 1393, Orlando, Florida 32802-1393, GRANTOR, and City of Belle Isle, a Florida municipal corporation, whose address is 1600 Nela Avenue, Orlando, Florida 32809, GRANTEE.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of $10.00 and other valuable considerations, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does hereby remise, release, and quit-claim unto the said GRANTEE forever, all the right, title, interest, claim, and demand which the GRANTOR has in and to the following described lot, piece, or parcel of land, situate, lying and being in the county of Orange, state of Florida, to-wit:

Waltham Avenue
from the east right-of-way line of Randolph Avenue
to the east right-of-way line of Hansel Avenue

Property Appraiser's Parcel Identification Number:

unassigned

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of the GRANTOR, either in law or equity, to the only proper use, benefit, and behoove of the GRANTEE forever.
Project: City of Belle Isle Annexation/Waltham Ave.

IN WITNESS WHEREOF, the said GRANTOR has caused these presents to be executed in its name by its Board, acting by the County Mayor, the day and year aforesaid.

(Official Seal) ORANGE COUNTY, FLORIDA
By Board of County Commissioners

BY: ________________________________

Teresa Jacobs,
Orange County Mayor

DATE: ________________________________

ATTEST: Martha O. Haynie, County
Comptroller, Clerk to the Board

BY: ________________________________

Deputy Clerk

Printed 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