

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
JUN 07 2011 CAS/NP/CMS

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RESOLUTION

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of the

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ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

AUTHORIZING THE EXCHANGE OF

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CERTAIN COUNTY PROPERTY INTERESTS

FOR RECEIPT OF OTHER REAL PROPERTY INTERESTS

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Resolution No. 2011-M-20

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WHEREAS, Orange County, a charter county a political subdivision of the State of Florida, pursuant to its home rule power and Section 125.37, Florida Statutes (2010), has authority to determine that certain real property is not needed for County purposes and to exchange said property for other real property; and

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WHEREAS, the County owns certain real property interests, particularly a drainage and utilities easement comprising approximately 1.24 acres (the "County Easement"), as more particularly described in **Exhibit "F"**, attached and incorporated into that certain **Exchange and Donation Agreement by and among Daniels Petroleum Company, Clarcona Inc., and Orange County** being considered by the Board of even date herewith (the "Exchange and Donation Agreement"); and

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WHEREAS, Daniels Petroleum Company ("Daniels") is the fee simple owner of certain real property (the "Daniels Parcel"), as more particularly described in the **Exhibit "A"**, attached and incorporated into the Exchange and Donation Agreement, over part of which Daniels intends to grant the County a new drainage easement comprising approximately 17,862.73 square feet

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30 (the "Alternative County Easement") as more particularly described in **Exhibit "C"**, attached
and incorporated into the Exchange and Donation Agreement as well as a utilities easement
32 comprising approximately 375 square feet (the "Utilities Easement") as more particularly
described in the **Exhibit "H"**, attached and incorporated into the Exchange and Donation
34 Agreement; and

36 **WHEREAS**, Daniels is also the fee simple owner of certain real property comprising
approximately 2.244 acres, which underlies half of a large drainage pond ("Daniels Pond
Parcel"), as more particularly described in **Exhibit "B"**, attached and incorporated into the
38 Exchange and Donation Agreement; and

40 **WHEREAS**, Clarcona, Inc. ("LCH") is the fee simple owner of certain real property
comprising approximately 2.040 acres, which underlies the other half of the aforementioned
42 drainage pond ("LCH Pond Parcel"), as more particularly described in **Exhibit "C"**, attached
and incorporated into the Exchange and Donation Agreement; and
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46 **WHEREAS**, Orange County, Daniels, and LCH wish to undertake an exchange and
donation by which (1) the County would release its interest in the County Easement; (2) Daniels
would grant the County the Alternative County Easement and the Utilities Easement, and (3)
48 Daniels and LCH would convey fee simple interest in their respective pond parcels to the
County, all as more particularly described in that certain Exchange and Donation Agreement.
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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

52 **COMMISSIONERS OF ORANGE COUNTY, FLORIDA:**

Section 1. The Orange County Board of County Commissioners (the "Board") finds
54 that the County Easement will no longer be needed for County purposes upon the grant of the
Alternative County Easement and the Utilities Easement to the County by Daniels and such
56 County Easement may be to the best interest of the County exchanged for the Alternative County
Easement.

58 *Section 2.* The Orange County Mayor is hereby authorized to execute any and all
deeds and releases and necessary to effectuate this exchange and the Real Estate Management
60 Division is authorized and directed to do all things necessary and proper to effectuate the terms
of this exchange; provided, however, that the following has first occurred: (a) the County has
62 entered into the Exchange and Donation Agreement; (b) Daniels and LCH have complied with

all terms of the Exchange and Donation Agreement; and (c) Daniels and/or LCH pays for, or
64 reimburses County for, all costs of this exchange and donation, including without limitation, all
costs of advertising this exchange as required by law, recording costs, and title work.

66 *Section 3.* This Resolution shall take effect upon adoption by the Board.

ADOPTED by the Board of County Commissioners of Orange County, Florida, this
68 ___ day of JUN 07 2011, 2011.

70 (Official Seal)



ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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74 By: *Teresa Jacobs*
Teresa Jacobs
Orange County Mayor

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78 Date: 6.7.11

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

84 By: *Martha O. Haynie*
Deputy Clerk

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