RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

AUTHORIZATION TO CONVEY CERTAIN

COUNTY PROPERTY INTERESTS TO

THE CITY OF APOPKA

Resolution No. 2011-M-44

WHEREAS, Orange County, a political subdivision of the State of Florida, pursuant to its home rule power and Section 125.38 of the Florida Statutes (2010), has authority to determine that certain County property is not needed for County purposes and to convey said property, for nominal price or otherwise, to the United States or any department or agency thereof, the State or any political subdivision or agency thereof, or any municipality of Florida, or any corporation or non-profit entity organized for the purpose of promoting community interest and welfare; and

WHEREAS, the County owns certain real property located in the County on which the County operates its Northwest Water Reclamation Facility; and

WHEREAS, the City of Apopka, Florida ("City") has requested a portion of such property consisting of approximately 4,139 square feet on the southwesterly corner of the parcel more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Property") for the public purpose of construction of a proposed four lane access road and said request having been duly considered; and

WHEREAS, the County and the City have entered into an agreement pursuant to which the County agrees to donate the Property, reserving an easement for itself for the future planned use as a ten foot wide recreational trail that will become part of the future Lake Apopka Connector Trail that will extend along the easterly boundary of the Property and the City agrees to cooperate fully with the County in the design and implementation of the Trail; and

WHEREAS, the conveyance of the Property is subject to the requirements of Section 710 of Orange County Resolution No. 92-B-06 (the "Bond Resolution") securing the County's Water Utilities System Revenue Refunding bonds, Series 1998, and the County now intends by adoption of the Resolution to comply with the such requirements; and
WHEREAS, the County has determined that the Property is not needed for County purposes and its conveyance to the City is in the interest of the public; and

WHEREAS, the City is qualified, as a municipality in the State of Florida, to make application for, and to receive surplus County property pursuant to Section 125.38 of Florida Statutes.

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

1. The Board has reviewed and considered the findings of the Director of Utilities attached hereto as Exhibit “B” determining that one or more of the conditions for the sale or disposition of utility system assets set forth in Section 710 of the Bond Resolution have been met and the County hereby adopts, approves and concurs in such findings.

2. The Board hereby determines that the Property is no longer needed for County purposes and that it is in the best interest of Orange County that its interest in the Property be conveyed to the City for use as right-of-way for an access road.

3. The Orange County Utilities Department and the Orange County Parks and Recreation Department have entered into a Memorandum of Understanding, attached hereto as Exhibit “C” relating to the conveyance of the Property.

4. The Board hereby directs that all the County’s right, title and interest in the Property, other than the reservation of an easement for a ten (10) foot wide recreation trail along the easterly boundary of the Property for the future planned Lake Apopka Connector Trail, be conveyed to the City for the consideration of ONE DOLLAR, and that the County Mayor execute and deliver to the City, a Statutory County Deed, with the reservation of an easement for the planned Lake Apopka Connector Trail, to effectuate such conveyance.

4. This Resolution shall become effective upon its adoption by the Board.
ADOPTED this ___ day of OCT 04 2011, 2011.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Teresa Jacobs,
Orange County Mayor

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

By: Deputy Clerk

ADSP-C-05
2011/004
LEGAL DESCRIPTION:
A PORTION OF LAND LOCATED IN SECTION 29, TOWNSHIP 21
SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SECTION 29, TOWNSHIP
21 SOUTH, RANGE 28 EAST, ORANGE COUNTY, FLORIDA; THENCE
RUN NO°00'34"W ALONG THE EAST LINE OF THE SOUTHWEST 1/4
OF SAID SECTION 29, A DISTANCE OF 1501.42 FEET; THENCE
DEPARTING SAID EAST LINE, RUN 589°30'29"W, A DISTANCE OF
1248.95 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE
589°30'29"W, A DISTANCE OF 68.85 FEET; THENCE RUN
NO°04'07"E, A DISTANCE OF 102.25 FEET; THENCE RUN
NO°40'23"E, A DISTANCE OF 60.07 FEET; THENCE CONTINUE
S89°30'29"W, A DISTANCE OF 1248.95 FEET FOR A POINT OF
BEGINNING:

CONTAINING 4139 SQUARE FEET, MORE OR LESS.

SURVEY NOTES:
1. BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE
   SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 21 SOUTH, RANGE 28 EAST,
   ORANGE COUNTY, FLORIDA, AS BEING NO°00'34"W AND HAVE AN ASSUMED
   REFERENCE MERIDIAN.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAYS,
   EASEMENTS, OWNERSHIPS, ADJOINERS OR OTHER INSTRUMENTS OF RECORD.

SHEET 1 OF 1

THIS IS NOT A SURVEY.
Interoffice Memorandum

June 14, 2011

TO: John Terwilliger, Acting Manager
   Real Estate Management Division

FROM: Ray E. Hanson, Director
       Utilities Department

SUBJECT: Surplus Property Declaration – Apopka Access Road
          (Northwest Water Reclamation Southwesterly Corner)

The above referenced agreement will provide for the County to donate a small portion of a parcel of County-owned land on which the County's Northwest Water Reclamation Facility is located. The City of Apopka wants to acquire approximately 4,139 square feet of land for right-of-way in connection with construction of a 4-lane access road.

I have reviewed the documents related to this surplus Orange County property. In accordance with the Water Utilities System Revenue Bonds Resolution 92-B-06, Article VIII, Section 710, Sale or Other Disposition of the Water Utilities System, I have determined that this property is not necessary for the operation of the Water Utilities System. Therefore, please proceed with the conveyance.

Thank you for your assistance in this matter.

c: Ron Nielsen, Deputy Director, Utilities Department
   Glenn Kramer, Manager, Utilities Fiscal & Administrative Support Division
   Jason Herrick, Manager, Utilities Engineering Division
   Jacqueline Torbert, Manager, Utilities Water Division
   Ann Caswell, Assistant Manager, Real Estate Management
EXHIBIT “C”
Project: Apopka Access Road (Northwest Water Reclamation Facility Southwesterly Corner)

MEMORANDUM OF UNDERSTANDING
FOR REAL ESTATE TRANSACTION RELATED TO THE CONSTRUCTION
OF AN APOPKA ACCESS ROAD

between

ORANGE COUNTY PARKS AND RECREATION DIVISION

and

ORANGE COUNTY UTILITIES DEPARTMENT

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into this ___ day of ___ July ______, 2011, by and between ORANGE COUNTY PARKS AND RECREATION DIVISION ("OCPR") and ORANGE COUNTY UTILITIES DEPARTMENT ("OCU").

RECITALS:

1. The County owns certain real property located in the County on which the County operates its Northwest Water Reclamation Facility.

2. The City of Apopka, Florida ("City") has requested a portion of such property consisting of approximately 4,139 square feet on the southwesterly corner of the parcel more particularly described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Property") for the public purpose of construction of a proposed four lane access road and said request having been duly considered.

3. The County and the City have entered into an agreement pursuant to which the County agrees to donate the Property, reserving an easement for itself for the future planned construction of a ten foot wide recreational trail that will become part of the future Lake Apopka Connector Trail that will extend along the easterly boundary of the Property and the City agrees to cooperate fully with the County in the design and implementation of the Trail.

4. OCPR and OCU agree that the following real estate transaction will result in a benefit to Orange County by virtue of the construction of a 2,400 linear foot portion of a recreational trail which the City of Apopka will cause to be constructed at no cost to the County.

NOW, THEREFORE, for and in consideration of the amount contained herein, OCPR and OCU hereby agree as follows:

The foregoing recitals are true and correct and form the basis of this MOU.

a. **Parcel 28-21-28-0000-00-010 – Fee Simple**

Parcel 28-21-28-0000-00-010, as shown on Exhibit “A”, is owned fee-simple by the BCC and OCU is the controlling agency. The City of Apopka is acquiring this parcel for the construction, installation and maintenance of an access road. This parcel consists of 4,139 square feet.

The amount of $1,000.00 is to be paid to OCU by OCPR for the value of land conveyed to the City. OCPR will control the easement reserved by the County deed for the recreational trail.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed and delivered as of the day and year first above written.

Melvin Pittman, Director
Community and Environmental Services Department
Parks and Recreation Division

Raymond E. Hanson, P.E., Director
Utilities Department