

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS
NOV 13 2012 NP/CAS

RESOLUTION
of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
AUTHORIZING THE EXCHANGE OF
CERTAIN COUNTY PROPERTY INTERESTS
TO THE CITY OF ORLANDO
FOR RECEIPT OF OTHER REAL PROPERTY INTERESTS
FROM THE CITY OF ORLANDO

Resolution No. 2012-M-46

WHEREAS, Orange County, a charter county and political subdivision of the State of Florida (the "County"), pursuant to its home rule power and section 125.37, Florida Statutes (2012), has authority to determine that certain real property is not needed for County purposes and to exchange said property for other real property; and

WHEREAS, on July 27, 1983, the County and the City of Orlando (the "City") entered into the Orange County/City of Orlando Southwest 201 Wastewater Facilities Interlocal Cooperation Agreement (the "Water Conserv II Agreement") pursuant to which they agreed to construct joint facilities for a common effluent disposal system (the "Joint Facilities") commonly referred to as "Water Conserv II", consisting in part of citrus grove irrigation and rapid infiltration basins (the "RIBS"); and

WHEREAS, the Water Conserv II Agreement provided that the County was responsible for the acquisition of lands, easements and rights-of-way necessary to construct and operate Water Conserv II, that the County and City were to share equally the costs of such acquisition and construction, and were to each own an undivided fifty percent (50%) interest in the Joint Facilities constructed; and

WHEREAS, in furtherance of the Water Conserv II Agreement, the County purchased real property in Lake and Orange counties for the construction and operation of the Joint Facilities; and

WHEREAS, pursuant to the Water Conserv II Agreement and an agreement entitled "Exchange Agreement," which is attached hereto as Attachment "1," the City agrees to pay \$2,122,139.50 for its fifty percent share of the acquisition cost of certain property, more

particularly described in Composite Exhibit "A" to the Exchange Agreement, upon which the Joint Facilities are located or are anticipated to be located; and

WHEREAS, the County and the City have determined that a portion of the lands jointly owned by the County and the City for construction and operation of the Joint Facilities known as Orange County parcels 101 and 101A, which are more particularly described in Composite Exhibit "B" to the Exchange Agreement, are no longer necessary for the operation of the Joint Facilities; and

WHEREAS, the County desires to pay to the City \$2,122,139.50 to acquire the City's one-half undivided interest in Orange County parcels 101 and 101A, as well as certain easements referred to as Orange County Parcels 801B, 801, 801A, 801C, and 801E, as more particularly described in Composite Exhibit "C" to the Exchange Agreement, to construct a County owned and operated water supply facility on Orange County parcel 101 and a County owned and operated water reclamation facility on Orange County parcel 101A; and

WHEREAS, because the City owes the County \$2,122,139.50 to acquire a one-half undivided interest in Water Conserv II property described in Exhibit "A" to the Exchange Agreement, and the County owes the City \$2,122,139.50 to acquire the City's one-half undivided fee simple interest in the property described in Composite Exhibit "B" to the Exchange Agreement together with the City's one-half undivided interests in the easements on the lands described in Composite Exhibit "C" to the Exchange Agreement, the County and the City will reconcile their balance sheets with no money exchanged at closing; and

WHEREAS, the County and the City wish to undertake an exchange of property interests as generally described in these recitals, and as more particularly described in the Exchange Agreement.

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

Section 1. The Orange County Board of County Commissioners (the "Board"), pursuant to the provisions of the Water Conserv II Agreement and the Exchange Agreement, has determined to convey to the City an undivided fifty percent interest in the land described in Composite Exhibit A to the Exchange Agreement (Attachment 1, hereto).

Section 2. The Board hereby directs that an undivided fifty percent interest in the parcels described in Composite Exhibit A to the Exchange Agreement (Attachment 1, hereto) be conveyed to the City in consideration of the City's performance under the Water Conserv II

Agreement and the Exchange Agreement, and that the County Mayor execute and deliver such statutory county deeds as are necessary to effectuate such conveyance.

Section 3. The Real Estate Management Division is authorized and directed to do all things necessary and proper to effectuate the terms of this exchange or property interests; provided, however, that the following has first occurred: (a) the parties have entered into the Exchange Agreement; and (b) the City has complied with all terms of the Exchange Agreement.

Section 3. This Resolution shall become effective upon its adoption by the Board.

ADOPTED this ___ day of NOV 13 2012, 2012.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
County Mayor

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

By: *Katti Smier*
Deputy Clerk

