

OCT 8 1984

RESOLUTION NO. 84-M-29

A RESOLUTION AUTHORIZING THE EXCHANGE OF
COUNTY OWNED PROPERTY FOR PROPERTY OWNED BY BLUE
MOUNTAINS JOINT VENTURE; PROVIDING AN EFFECTIVE
DATE.

PREMISES

1. The County previously has received by warranty deed from Blue Mountains Joint Venture conveyance of a certain parcel of real estate, comprising approximately 0.697 acres on the condition that said parcel be utilized as the site for a County Fire Department Station.

2. Blue Mountains Joint Venture, the grantor hereinabove mentioned, now desires to convey, on the same terms, a certain parcel of real estate comprising approximately 1.367 acres, provided that the County return to the said Blue Mountains Joint Venture the 0.697 acre parcel to which reference is made hereinabove.

3. The County has determined, in view of the proposed exchange, that the said parcel of 0.697 acres is and will be surplus and is not and will not be needed for County purposes and, therefore, said property may be exchanged for the said 1.367 acre parcel and that said exchange is in the best interests of the County.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. The Board hereby authorizes the exchange of the County-owned property described in Exhibit "A" attached hereto and incorporated herein by reference, for the property presently owned by Blue Mountains Joint Venture and described in Exhibit "B" attached hereto and incorporated herein by reference.

Section 2. This Resolution shall take effect upon adoption.

ADOPTED THIS 8th DAY OF October, 1984.

ORANGE COUNTY, FLORIDA

BY: Ken Treadwell
Chairman, Board of County
Commissioners

ATTEST: THOMAS H. LOCKER, Clerk
to Board of County Commissioners

BY: Mary Jo Garrison
Deputy Clerk

EXHIBIT "A"

That part of Lot 41 of the Willis R. Munger Subdivision of Section 21, Township 24 South, Range 28 East, according to the Plat thereof, recorded in Plat Book E, Pages 3, 7, 22 and 23, Public Records of Orange County, Florida, lying Northeasterly of the East right-of-way line of State Road No. 535 (Vineland-Winter Garden Road), being more fully described as follows:

BEGIN at the Northeast corner of the South 1/2 of the Northwest 1/4 of said Section 21; thence S.00° 28' 23" E., along the East line thereof 273.91 feet to a point on a curve on the Easterly right-of-way line of said State Road 535; said curve concave Northeasterly having a radius of 789.70 feet; thence from a tangent bearing of N.45° 51' 55" W., run 137.56 feet along the arc of said curve, thru a central angle of 09° 58' 51" to the point of tangency thereof; thence N. 35° 53' 04" W., continuing along said right-of-way, 209.68 feet to the North line of the South 1/2 of the Northwest 1/4 of said Section 21; thence N. 89° 57' 57" E., along the North line thereof, 210.55 feet to the POINT OF BEGINNING.

Containing 0.697 acres more or less.

Subject to easements and rights-of-way of record.

EXHIBIT "B"

A part of Section 21, Township 24 South, Range 28 East, Orange County, Florida, described as follows:

Commence at the intersection of the North line of Lot 41, Willis R. Munger Subdivision of Section 21, Township 24 South, Range 28 East, according to the Plat thereof as recorded in Plat Book 'E', Pages 3, 7, 22 and 23, Public Records of Orange County, Florida, with the Westerly right of way line of State Road No. 535 (Vineland-Winter Garden Road); thence N. 35° 53' 04" W., along the right of way line thereof, 407.37 feet for the POINT OF BEGINNING; thence continue N. 35° 53' 04" W., along said right of way line, 225.00 feet; thence S. 54° 06' 56" W., 270.00 feet; thence S. 35° 53' 04" E., 179.99 feet to a point on a curve, concave Southerly, having a radius of 494.77 feet and a central angle of 07° 51' 57"; thence from a tangent bearing of S. 88° 16' 32" E., run 67.93 feet along the arc of said curve to the end thereof; thence N. 54° 06' 56" E., 219.20 feet to the POINT OF BEGINNING.

Containing 1.367 acres more or less.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN pursuant to Section 125.37, Florida Statutes, that the Board of County Commissioners will hold a public hearing on October 8, 1984 at 3:25 p.m. in Room 327 of the Orange County Courthouse to consider the adoption of a Resolution authorizing the exchange of County-owned property more particularly described as:

That part of Lot 41 of the Willis R. Munger Subdivision of Section 21, Township 24 South, Range 28 East, according to the Plat thereof, recorded in Plat Book E, Pages 3, 7, 22 and 23, Public Records of Orange County, Florida, lying Northeasterly of the East right-of-way line of State Road No. 535 (Vineland-Winter Garden Road), being more fully described as follows:

BEGIN at the Northeast corner of the South 1/2 of the Northwest 1/4 of said Section 21; thence S.00° 28' 23" E., along the East line thereof 273.91 feet to a point on a curve on the Easterly right-of-way line of said State Road 535; said curve concave Northeasterly having a radius of 789.70 feet; thence from a tangent bearing of N.45° 51' 55" W., run 137.56 feet along the arc of said curve, thru a central angle of 09° 58' 51" to the point of tangency thereof; thence N. 35° 53' 04" W., continuing along said right-of-way, 209.68 feet to the North line of the South 1/2 of the Northwest 1/4 of said Section 21; thence N. 89° 57' 57" E., along the North line thereof, 210.55 feet to the POINT OF BEGINNING.

Containing 0.697 acres more or less.

Subject to easements and rights-of-way of record.

for property owned by Blue Mountains Joint Venture more particularly described as:

A part of Section 21, Township 24 South, Range 28 East, Orange County, Florida, described as follows:

Commence at the intersection of the North line of Lot 41, Willis R. Munger Subdivision of Section 21, Township 24 South, Range 28 East, according to the Plat thereof as recorded in Plat Book 'E', Pages 3, 7, 22 and 23, Public Records of Orange County, Florida, with the Westerly right of way line of State Road No. 535 (Vineland-Winter Garden Road); thence N. 35° 53' 04" W., along the right of way line thereof, 407.37 feet for the POINT OF BEGINNING; thence continue N. 35° 53' 04" W., along said right of way line, 225.00 feet; thence

S. 54° 06' 56" W., 270.00 feet; thence S. 35° 53' 04" E., 179.99 feet to a point on a curve, concave Southerly, having a radius of 494.77 feet and a central angle of 07° 51' 57"; thence from a tangent bearing of S. 88° 16' 32" E., run 67.93 feet along the arc of said curve to the end thereof; thence N. 54° 06' 56" E., 219.20 feet to the POINT OF BEGINNING.

Containing 1.367 acres more or less.

This exchange is subject to the following terms and conditions:

1. The County will execute a deed in statutory form for the property owned by it as described hereinabove to Blue Mountains Joint Venture for which Blue Mountains Joint Venture will execute a warranty deed to the County for the property owned by it as described hereinabove.

2. The warranty deed to be executed by Blue Mountains Joint Venture will contain the following qualifying language:

Subject to taxes for 1984; to the Orange County/Blue Mountains Joint Venture Potable Water Supply Agreement recorded at O.R. Book 3357, Page 896, Public Records of Orange County; and to the Orange County/Blue Mountains Joint Venture/Days Inns of America, Inc., Subregional Wastewater Facilities Novation Agreement recorded at O.R. Book 3357, Page 939, Public Records of Orange County, as subsequently amended.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Provided, however, Grantee, by acceptance of this Deed covenants and agrees the above described land shall be used by Grantee solely for the purposes of constructing, repairing, and maintaining a County Fire Department Station, subject to prior review and written approval by Grantor of all exterior design elements (including, but not limited to, architecture, landscape and plot plan) as to initial construction and all subsequent alterations. If such County Fire Department Station has not been constructed on said land within three (3) years from the date hereof, or should Grantee cease to thereafter use and maintain the land as such, then all right, title and interest in and to said land and to the improvements thereon shall revert to and revest in Grantor as fully and completely as if this instrument had not been executed and Grantor may reenter and repossess said land and

thereafter peaceably hold and enjoy said land
as if this instrument had not been executed.

ALL INTERESTED PARTIES ARE HEREIN GIVEN NOTICE.

THOMAS H. LOCKER, Clerk
Board of County Commissioners

BY: Mary Jo Garrison
Deputy Clerk

Publish Two Times:

SEPTEMBER 12 , 1984

SEPTEMBER 19 , 1984

COMMISSIONERS AT
OCT 8 1984

Before the undersigned authority personally appeared
Catherine Deering

who on oath says that she is the Legal Advertising Representative of the Orlando Sentinel, a Daily newspaper published at Orlando, in Orange County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter of Public Hearing: Exchange of County-owned Property in the _____ Court, was published in said newspaper in the issues of September 12, 19, 1984

Affiant further says that the said Orlando Sentinel is a newspaper published at Orlando, in said Orange County, Florida, and that the said newspaper has heretofore been continuously published in said Orange County, Florida, each Week Day and has been entered as second-class mail matter at the post office in Orlando, in said Orange County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

[Signature]
Sworn to and subscribed before me this 20th day

of September A.D., 19 84

[Signature]
Notary Public, State of Florida at Large
My Commission Expires July 13, 1985
Bonded by American Fire & Casualty Co.

FORM NO. AD-262

LEGAL NOTICE
NOTICE IS HEREBY GIVEN pursuant to Chapter 125.37, Florida Statutes, that the Board of County Commissioners will hold a public hearing on October 12, 1984 at 9:25 p.m. in Room 202 of the Orange County Courthouse to consider the adoption of a resolution authorizing the exchange of county-owned property more particularly described as:
That part of Lot 41 of the Willis R. Munger Subdivision of Section 21, Township 24 South, Range 28 East, according to the Plat thereof as recorded in Plat Book E, Pages 3, 7, 22 and 23, Public Records of Orange County, Florida, lying Northeastly of the East right-of-way line of State Road No. 535 (Vineland-Winter Garden Road), being more fully described as follows:
BEGIN at the Northeast corner of the South 1/2 of the Northwest 1/4 of said Section 21; thence S. 00° 28' 23" E., along the East line thereof 273.91 feet to a point on a curve on the Easterly right-of-way line of said State Road 535; said curve concave Northeastly having a radius of 789.70 feet; thence from a tangent bearing of N. 45° 51' 55" W., run 137.56 feet along the arc of said curve thru a central angle of 09° 58' 51" to the point of tangency thereof; thence N. 35° 53' 04" W., continuing along said right-of-way 209.68 feet to the North line of the South 1/2 of the Northwest 1/4 of said Section 21; thence N. 89° 57' 57" E., along the North line thereof 210.55 feet to the **POINT OF BEGINNING**.
Containing 0.697 acres more or less.
Subject to easements and rights-of-way of record. For property owned by Blue Mountains Joint Venture more particularly described as:
A part of Section 21, Township 24 South, Range 28 East, Orange County, Florida, described as follows:
Commence at the intersection of the North line of Lot 41, Willis R. Munger Subdivision of Section 21, Township 24 South, Range 28 East, according to the Plat thereof as recorded in Plat Book E, Pages 3, 7, 22 and 23, Public Records of Orange County, Florida, with the Westerly right-of-way line of State Road No. 535 (Vineland-Winter Garden Road); thence N. 35° 53' 04" W., along the right of way line thereof 407.37 feet to the **POINT OF BEGINNING**; thence continue N. 35° 53' 04" W., along said right-of-way line 225.99 feet; thence S. 54° 06' 56" W., run 243.03 feet; thence S. 36° 43' 04" E., run 179.99 feet to a point on a curve concave Southerly having a radius of 494.77 feet and a central angle of 07° 51' 57"; thence from a tangent bearing of S. 88° 16' 32" E., run 67.93 feet along the arc of said curve to the end thereof; thence N. 54° 06' 56" E., 219.20 feet to the **POINT OF BEGINNING**.
Containing 1.367 acres more or less.
This exchange is subject to the following terms and conditions:
1. The County will execute a deed in statutory form for the property owned by it as described hereinabove to Blue Mountains Joint Venture for which Blue Mountains Joint Venture will execute a warranty deed to the County for the property owned by it as described hereinabove.
2. The warranty deed to be executed by Blue Mountains Joint Venture will contain the following qualifying language:
Subject to taxes for 1984, to the Orange County/Blue Mountains Joint Venture Potable Water Supply Agreement recorded at O.R. Book 3357, Page 896, Public Records of Orange County, and the Orange County/Blue Mountains Joint Venture/Days Inns of America, Inc. Subregional Wastewater Facilities Innovation Agreement recorded at O.R. Book 3357, Page 830, Public Records of Orange County, as subsequently amended.
Together with all the covenants, hereditaments and appurtenances thereto belonging to the County.
and written approval by Grantor of all exterior design elements (including, but not limited to, architecture, landscape and plot plan) as to initial construction and all subsequent alterations of such County. The Department of Public Works has had and shall have jurisdiction over said land within three (3) years from the date hereof. Should Grantor cease to thereafter use and maintain the land as such, then all right, title and interest in and to said land shall revert to and remain the property of the County. The Department of Public Works has had and shall have jurisdiction over said land within three (3) years from the date hereof. Should Grantor cease to thereafter use and maintain the land as such, then all right, title and interest in and to said land shall revert to and remain the property of the County.
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ORANGE COUNTY

ORLANDO, FLORIDA

FLORIDA

ORANGE COUNTY LEGAL DEPARTMENT
SOUTHEAST NATIONAL BANK BUILDING, SUITE 1210
201 EAST PINE STREET
ORLANDO, FLORIDA 32801
TELEPHONE (305) 420-3870

TO: Mary Jo Garrison
Deputy Clerk

FROM: John A. Gehrig 
Assistant County Attorney

DATE: August 31, 1984

SUBJ: Real Estate Exchange: Orange County and Blue Mountains
Joint Venture

Attached are copies of a letter from Susan Murphy to me, and my response thereto, regarding a proposed exchange of real estate between Orange County and Blue Mountains Joint Venture.

As you know, Florida Statutes, Section 125.37 mandates that a notice of the Board's hearing on the proposed exchange be published once for two (2) successive weeks. I have attached hereto a draft form of notice for this purpose. I have also attached a draft form of resolution which the Board may wish to utilize.

Chief Sims has possession of the deed which we have prepared for the County to give to Blue Mountains and Attorney Murphy has possession of the deed to be given by Blue Mountains to the County.

Please be kind enough to let Chief Sims know the date and time of the hearing. He will attend, bringing with him the County's deed, and he will also arrange to contact Blue Mountains representative and insure that the executed Blue Mountains' deed is available at the hearing. We can then arrange for an immediate exchange.

Let me know if you have any questions.

JAG/jd
Attachments

Copy: Chief James R. Sims
Susan F. Murphy, Esquire

GILES, HEDRICK & ROBINSON, P. A.

ATTORNEYS AT LAW

THE FIRST BUILDING - 109 EAST CHURCH STREET

P. O. BOX 2631

ORLANDO, FLORIDA 32802

865 SARNO ROAD

P. O. BOX 36-0871

MELBOURNE, FLORIDA 32036

ORLANDO

AREA CODE 305

TELEPHONE 425-3591

MELBOURNE

AREA CODE 305

TELEPHONE 242-323

LE ROY B. GILES (1886-1963)

DAVID W. HEDRICK

JAMES C. ROBINSON

FREDERICK J. WARD

WILLIAM G. MITCHELL

JAMES J. LOVELESS, JR.

HARLAN TUCK

EUGENE B. CAWOOD

JOHN J. REID

CAREY L. HILL

TERRY C. YOUNG

SUSAN F. MURPHY

STEPHEN F. BROOME

ROBERT F. HOOGLAND

PAUL D. NEWNUM

7 September 1984

IN REPLY REFER TO:

Mr. John Gehrig
Assistant County Attorney
Orange County Legal Department
Southeast Bank Building
12th Floor
Orlando, Florida 32801

Re: Fire Station Conveyance

Dear John:

This will confirm my secretary's conversation with your office today concerning the change in paragraph numbered 2 of the Notice, to-wit: "Subject to taxes for 1983" will be corrected to read "1984". Other than that, everything looks fine.

Sincerely yours,

Susan F. Murphy

SFM/eew

cc: Mr. Steve Gardner
Ms. Mary Jo Garrison