

SEP 8 1998

EXHIBIT A

RESOLUTION NO. 86-M-40

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2
3 A RESOLUTION RELATING TO THE DISCLAIMER
AND "ABANDONMENT" OF A PURPORTED
4 RIGHT-OF-WAY.

5 WHEREAS, ORANGE COUNTY, FLORIDA, a political subdivision
6 of the State of Florida (hereinafter the "COUNTY"), is
7 presently a Defendant and Cross-Defendant in a Civil Action
8 entitled Florida Coast Midlantic Trust Company, N.A.,
9 Trustee, et al. v. AmeriFirst Development Company, et al.,
10 Circuit Court Case No. 84-9075; and

11 WHEREAS, this lawsuit involves, among other issues, a
12 dispute over the existence vel non of a right-of-way running,
13 generally speaking, in an east-west direction within an
14 unincorporated area of Orange County, Florida; and

15 WHEREAS, this purported right-of-way was recorded in two
16 different parts on two different dates, said recordings
17 taking place on March 23, 1959, in Official Records Book 515,
18 Page 544, Public Records of Orange County, Florida, and on
19 January 2, 1963, in Official Records Book 1189, Page 646,
20 Public Records of Orange County, Florida; and

21 WHEREAS, this disputed right-of-way, which is
22 approximately 100 feet wide and approximately 5 miles long,
23 is more particularly described as the right-of-way which lies
24 50 feet on either side of the following described center line:

25 From the North 1/4 corner of Section 14,
26 Township 23 South, Range 30 East, run
27 South 00 degrees, 13 minutes West, 1,035
28 feet along the North-South 1/4 section
29 line of said Section 14 to the
30 point-of-beginning. Run thence East
31 1,109.81 feet to the P.C. of a curve to
32 the right, having a radius of 2,161.50
33 feet and an intersection angle of 31
34 degrees, 01 minutes, 40 seconds; thence
35 Southeasterly along the arc of said curve
36 1,170.53 feet to the P.T.; thence South
58 degrees, 58 minutes, 20 seconds, East
1,683.67 feet to the P.C. of a curve to
the left, having a radius of 2,184.95
feet and an intersection angle of 30
degrees, 42 minutes, 38 seconds; thence
Southeasterly along the arc of said curve
1,171.13 feet to the P.T.; thence South
89 degrees, 40 minutes, 58 seconds East,
2,933.41 feet to the P.C. of a curve to
the left, having a radius of 2,865.78
feet and an intersection angle of 20

1 degrees, 15 minutes, 40 seconds; thence
2 Northeasterly along the arc of said curve
3 212.24 feet to the Easterly boundary line
4 of the Northeast 1/4 of Section 13,
5 Township 23 South, Range 30 East (which
6 extends for approximately 1-1/2 miles);
7 and

8 Beginning at said point on the dividing
9 line between the Northeast 1/4 of Section
10 13, Township 23 South, Range 30 East, and
11 the Northwest 1/4 of Section 18,
12 Township 23 South, Range 31 East, at the
13 Point of Reverse Curve of a curve to the
14 right having a radius of 249.19 feet and
15 an intersection angle of 43°43'54" run
16 thence Southeasterly along the arc of
17 said curve 190.20 feet to the Point of
18 Reverse Curve, said curve having a radius
19 of 427.75 feet and an intersection angle
20 of 39°38'54", run thence Southeasterly
21 along the arc of said curve 296.12 feet
22 to the Point of Termination and the South
23 line of the North 1/2 of Section 18,
24 Township 23 South, Range 31 East;
25 continuing thence South 89°50'49" East
26 along said South line 4,857.93 feet to
27 the East 1/4 corner of said Section 18;
28 thence, South 89°49'34" East, 5,322.64
29 feet to the East 1/4 corner of Section
30 17, Township 23 South, Range 31 East;
31 thence, North 89°56'16" East, 5,316.62
32 feet to the East 1/4 corner of Section
33 16, Township 23 South, Range 31 East;
34 thence, South 89°53'00" East, 5,320.23
35 feet to the East 1/4 corner of Section
36 15, Township 23 South, Range 31 East, and
the West 1/4 corner of Section 14,
Township 23 South, Range 31 East (which
extends for approximately 3-1/2 miles).

WHEREAS, a list of all property owners abutting this
supposed right-of-way is attached hereto and incorporated
herein as Exhibit "A".

WHEREAS, the County contends that it has never accepted
the offer of dedication of the right-of-way and therefore
disputes the existence thereof; and

WHEREAS, the parties to the above-described lawsuit,
without admitting nor denying the existence of the
right-of-way, have entered into a Joint Stipulation and
Agreement of Settlement to resolve their differences and to
dismiss all pending claims; and

WHEREAS, as a result of the recording of the documents
purporting to dedicate the disputed right-of-way and the
filing of the aforesaid action, a serious defect or cloud in
the title of all persons owning property within the

1 right-of-way has arisen, thereby necessitating the
2 abandonment thereof pursuant to Section 336.09, Florida
3 Statutes (1985);

4 WHEREAS, this Resolution is adopted on the Board's own
5 motion pursuant to Section 336.09, Florida Statutes (1985)
6 without admitting or conceding the existence of the alleged
7 right-of-way or acknowledging any interest or control by the
8 County therein; and

9 WHEREAS, the County desires to officially and publicly
10 reject the offer of dedication of the disputed right-of-way;
11 and

12 WHEREAS, the County wishes to disclaim currently having
13 or ever having had an interest in or control over the
14 disputed right-of-way; and

15 WHEREAS, for purposes of settling the lawsuit, the
16 County is willing to "abandon" its purported interest in the
17 right-of-way; and

18 WHEREAS, the "abandonment" of the alleged right-of-way
19 will not operate to the detriment of the County or the
20 public, and, more specifically, will not deprive any abutting
21 property owners of access to and from their property.

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

24 1. The County reaffirms that it never accepted the
25 offer of dedication of the disputed right-of-way, recorded in
26 Official Records Book 515, Page 544, and Official Records
27 Book 1189, Page 646, Public Records of Orange County,
28 Florida, either impliedly or expressly, and, furthermore,
29 rejects officially and as a matter of public record the offer
30 of dedication.

31 2. The County disclaims currently having or ever
32 having had any interest in or control over the disputed
33 right-of-way.

34 3. The County "abandons" its purported interest in the
35 disputed right-of-way.

36

1 4. This Resolution shall become effective on the date
2 of its adoption.

3 ADOPTED this 8th day of SEPTEMBER, 1986.

4
5 ORANGE COUNTY, FLORIDA

6
7 By: Tom Herman
8 Chairman, Board of
9 County Commissioners

10 DATE: SEP 8 1986

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

13 By: Mary J. Harrison
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