RESOLUTION NO. 89-M-32

A RESOLUTION RELATING TO THE VACATION OF TWO CURVES OF THE RIGHT-OF-WAY FOR WINTER GARDEN-VINELAND ROAD.

WHEREAS, Section 336.09, Florida Statutes provides that the County Commission of a County, with respect to property under its control, may of its own motion vacate an existing right-of-way, and also renounce and disclaim any right of the County and the public in and to any land in connection therewith;

WHEREAS, the County desires on its own motion to vacate two curves of the right-of-way for Winter Garden-Vineland Road (State Road 535) in favor of the current titleholders of the land upon which the two curves are located;

WHEREAS, the legal descriptions of these two curves are as follows:

Curve No. 5 - See Exhibit "A"
Curve No. 6 - See Exhibit "B"

WHEREAS, the County obtained the land upon which the two curves are located pursuant to two separate right-of-way agreements, both of which were executed on May 5, 1966;

WHEREAS, the right-of-way agreement for Curve No. 5 was between Irene P. Fowler, widow, and H.E. Fowler and Isabel T. Fowler, husband and wife, and is recorded in Official Records Book 1546, Page 268;

WHEREAS, the right-of-way agreement for Curve No. 6 was between Orange County and H.E. Fowler, and is recorded at Official Records Book 1546, Page 269;

WHEREAS, H.E. Fowler is also known as Harold E. Fowler;

WHEREAS, the County Commission stipulated that it would deed back these two curves if they were never used;

WHEREAS, Section 336.10, Florida Statutes states that before any right-of-way shall be vacated, the County Commission of the County in question shall hold a public hearing, and shall publish notice thereof one time, at least fourteen (14) days prior to the date stated therein for such hearing;
WHEREAS, the County Commission of Orange County has complied with the above mentioned procedural requirements of Section 336.10;

WHEREAS, Section 336.10 also says that after such public hearing, the action of the County Commission of the County in question shall be evidenced by a Resolution duly adopted and entered upon the minutes of the County Commission;

WHEREAS, Section 336.10 states further that notice of the adoption of such a Resolution by the County Commission shall be published one time, within thirty (30) days following its adoption, in one issue of a newspaper of general circulation published in the County;

WHEREAS, the vacating of the two curves will not deprive any property owners of access to and from their property;

WHEREAS, the two curves to be vacated are not necessary for the public's use or convenience; and

WHEREAS, the vacating of the two curves will neither interfere with utility services, nor encroach unreasonably on any utility easements.

NOW, THEREFORE, the County, by and through the County Commission, hereby RESOLVES as follows:

1. The County, acting pursuant to Section 336.09, Florida Statutes, on its own motion vacates the two curves located within the subject right-of-way, which curves, as mentioned above, are legally described as follows:
   Curve No. 5 - See Exhibit "A"
   Curve No. 6 - See Exhibit "B"

2. The County, acting pursuant to Section 336.09, also renounces and disclaims any right of the County and the public in and to the curves within the subject right-of-way.

3. Pursuant to Section 336.10, notice of the adoption of this Resolution shall be published one time, within thirty (30) days following its adoption, in one issue of a newspaper of general circulation published in Orange County.
4. The County, acting pursuant to Section 336.10, shall record the following documents in the deed records of Orange County: (1) proof of publication of notice of the public hearing; (2) this Resolution as adopted; and (3) proof of publication of the notice of the adoption of such Resolution.

5. The County, acting pursuant to the request of the Fowlers, shall execute and deliver to the present legal owners of lands upon which the two curves are situated, a Quit-Claim Deed, which shall be recorded in the Public Records of Orange County at the COUNTY's expense.

6. This Resolution shall take effect on the date of its adoption.

ADOPTED THIS 22nd DAY OF May, 1989.

ORANGE COUNTY, FLORIDA

BY: Chairman, Board of County Commissioners

DATE: May 23, 1989

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

BY: Deputy Clerk
EXHIBIT "A"
(Curve 5)

DESCRIPTION ONE

That part of that certain parcel of land being described and recorded in Deed Book 347, Page 595, Public Records of Orange County, Florida lying East of the East right-of-way line of State Road 535 (Winter Garden-Vineland Road) as described and recorded in Official Records Book 1546, Page 268, Public Records of Orange County, Florida, said parcel of land being more particularly described as follows: From the Southeast corner of the Northeast 1/4 of the Northwest 1/4 of Section 2, Township 23 South, Range 27 East, Orange County, Florida, run South 89 degrees 43 minutes 17 seconds West 1011.41 feet along the South boundary of the Northeast 1/4 of the Northwest 1/4 to a point on the Easterly boundary of that certain parcel of land being described and recorded in Deed Book 347, Page 595, Public Records of Orange County, Florida, and the East right-of-way line of State Road 535 (Winter Garden-Vineland Road) as described and recorded in Official Records Book 1546, Page 268, Public Records of Orange County, Florida; thence run North 17 degrees 30 minutes 20 seconds West 25.49 feet along said Easterly boundary and said East right-of-way line for the POINT OF BEGINNING; thence leaving said East right-of-way line continue North 17 degrees 30 minutes 20 seconds West 185.38 feet along said Easterly boundary to the beginning of a tangent curve concave Southwesterly, having a radius of 603.73 feet, and an intersection angle of 51 degrees 52 minutes 00 seconds; thence run Northwesterly 546.52 feet along the arc of said curve and said Easterly boundary to the end of said curve; thence run North 69 degrees 22 minutes 20 seconds East 185.38 feet along said Easterly boundary to a point on the aforesaid East right-of-way line, said point being the beginning of a curve concave Southwesterly and having a radius of 984.94 feet; thence from a tangent bearing of South 69 degrees 22 minutes 20 seconds East, run Southeasterly 891.61 feet along the arc of said curve and said East right-of-way line through a central angle of 51 degrees 52 minutes 00 seconds to the POINT OF BEGINNING.

CONTAINING: 0.468 Acres, more or less.

SUBJECT TO: Easements.

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REVISED Sheet number - April 18, 1989
REVISIRED: August 31, 1987
July 21, 1986
Sheet 2 of 5 Sheets
Job #26472-D
Exhibit "B"
(Curve 6)

DESCRIPTION TWO

That part of that certain parcel of land being described and recorded in Deed Book 347, Page 595, Public Records of Orange County, Florida lying West of the West right-of-way line of State Road 535 (Winter Garden-Vineland Road) as described and recorded in Official Records Book 1546, Page 269, Public Records of Orange County, Florida, said parcel of land being more particularly described as follows: From the Northwest corner of Section 2, Township 23 South, Range 27 East, Orange County, Florida, run North 89 degrees 42 minutes 52 seconds East 50.26 feet along the North boundary of said Section 2 to a point on the West right-of-way line of State Road 535 (Winter Garden-Vineland Road) as described and recorded in Official Records Book 1546, Page 269, Public Records of Orange County, Florida, said point being on a nontangent curve concave Northeasterly and having a radius of 984.92 feet; thence from a tangent bearing of South 25 degrees 36 minutes 27 seconds East, run South-easterly 94.31 feet along the arc of said curve and said West right-of-way line through a central angle of 05 degrees 29 minutes 11 seconds for the POINT OF BEGINNING; thence continue Southeasterly 658.01 feet along the arc of said curve and said West right-of-way line through a central angle of 38 degrees 16 minutes 42 seconds to a point on the Westerly boundary of that certain parcel of land being described and recorded in Deed Book 347, Page 595, Public Records of Orange County, Florida; thence run North 69 degrees 22 minutes 20 seconds West 216.68 feet along said Westerly boundary to the beginning of tangent curve concave Northeasterly, having a radius of 603.66 feet and an intersection angle of 33 degrees 47 minutes 00 seconds; thence run North-westerly 355.94 feet along the arc of said curve and said Westerly boundary to the end of said curve; thence run North 35 degrees 35 minutes 20 seconds West 109.10 feet along said Westerly boundary; thence run North 54 degrees 24 minutes 40 seconds East 59.14 feet to the POINT OF BEGINNING.

CONTAINING: 0.555 Acres, more or less.

SUBJECT TO: Easements.

REVISED: April 18, 1987
REVISED: August 31, 1987
July 21, 1986
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JONES, WOOD & GENTRY, INC.
136 East Robinson Street
Orlando, Florida 32801