RESOLUTION NO. 91-M-70

A RESOLUTION PERTAINING TO THE PLAT OF SOMERSET SHORES LOCATED IN ORANGE COUNTY, FLORIDA; DECLARING BUILDINGS LOCATED WITHIN THE PROPERTY DESCRIBED ON THE PLAT OF SOMERSET SHORES WHICH HAVE RECEIVED A CERTIFICATE OF OCCUPANCY AS OF THE EFFECTIVE DATE OF THIS RESOLUTION TO BE NONCONFORMING USES; REQUIRING COMPLIANCE WITH ALL COUNTY REGULATIONS FOR CONSTRUCTION ON LOTS 39-46 OF SOMERSET SHORES.

WHEREAS, on September 30, 1986, initial site plan approval for construction of quadruplexes was granted for that certain property located in southwest Orange County, as more particularly described on the plat of Somerset Shores, and recorded in the Public Records of Orange County in December of 1991;

WHEREAS, additional approvals were granted during April of 1989 through April of 1990, including site work and construction plan approval and building permits were issued pursuant to the Orange County commercial site plan review process;

WHEREAS, in October of 1990, Orange County became aware of sales by Delta Sommerset, Inc. (hereinafter "Developer") of individual units within the quadruplexes at Somerset Shores to third party purchasers, which units had been constructed on "lots" that were subdivided without approval.
by Orange County and without approval by the State as a
condominium plat;

WHEREAS, by December of 1990, upon confirming that
approximately 35 units had been sold to third party
purchasers in violation of the Orange County Subdivision
Regulations, enforcement measures were investigated, and the
Developer was informed that: (1) an injunction would be filed
if further sales to third party purchasers occurred; and (2)
that no additional building permits would be issued until
such time as the developer was in full compliance with Orange
County regulations;

WHEREAS, Developer began compliance efforts shortly
thereafter, including hiring an engineer and attorneys to
comply with County requirements necessary for recordation of
a plat;

WHEREAS, homeowner's representatives also participated in
the subdivision process, and obtained a waiver of prepayment
of taxes for the developed portion of Somerset Shores;

WHEREAS, the Orange County Board of County Commissioners
finds that, given the large number of apparent innocent third
party purchasers facing potential title problems, as well as
the future administrative burden which could be imposed on
Orange County staff in the event that platting at some future
date is requested, that it is in the best interests of the
citizens of Orange County to record the plat of Somerset Shores;

WHEREAS, the Orange County Board of County Commissioners finds that the applicable Orange County regulations for platting have been substantially complied with and that the requirements of Florida Statute 177 have been met;

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

1. The plat of Somerset Shores is hereby approved in consideration of the aforementioned extraordinary circumstances, and approval is solely to bring the project into compliance with the requirement that the County approve the subdivision of land prior to sale to third party purchasers;

2. BE IT FURTHER RESOLVED, that this resolution be recorded in the public records of Orange County, Florida and that the O.R. Book and Page Number of said Resolution be referenced as a "marginal entry" on the face of the plat of Somerset Shores, which marginal entry shall be prefaced by the following phrase: "This plat approval is subject to that certain County Resolution recorded at O.R. Book 4357, Page 3597 of the public records of Orange County, Florida."

3. BE IT FURTHER RESOLVED, that the Orange County Board of County Commissioners hereby finds that only those units at
Somerset Shores which have received certificates of occupancy from Orange County as of the Effective Date of this Resolution, shall be deemed nonconforming uses subject to the applicable County regulations pertaining to nonconforming uses;

4. BE IT FURTHER RESOLVED, that any lots at Somerset Shores which are currently undeveloped, namely lots 39, 40, 41, 42, 43, 44, 45 and 46, shall be subject to all applicable laws and regulations of Orange County and the State of Florida.

EFFECTIVE DATE. This Resolution shall become effective upon the date of passage.


BY: Martha Butler
Vice County Chairman
FOR THE COUNTY CHAIRMAN
DATE: DEC 17 1991

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

BY: Asst. Deputy Clerk

RECORD OF RECORD HEARING
Martha Haynie
County Comptroller, Orange Co., FL