RESOLUTION NO. 93-M-09

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA RATIFYING VACATION OF ALOHA PARK WHICH WAS PREVIOUSLY ABANDONED BY THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS ON FEBRUARY 27, 1984.

WHEREAS, on February 27, 1984, the Orange County Board of County Commissioners (hereinafter the "Board") abandoned and vacated that certain park known as Aloha Park, located within the plat of Waikiki Beach, as recorded in Plat Book H, Page 86, of the Public Records of Orange County, Florida;

WHEREAS, copies of said minutes of the February 27, 1984 Board meeting are attached;

WHEREAS, the Orange County Board of County Commissioners wishes to clarify and ratify this previous Board action;

WHEREAS, that the Orange County Board of County Commissioners has caused the park to be appraised, pursuant to requirements of Florida Statute 125, and found that said park is valued at less than $5,000;

WHEREAS, the Petitioners are the only individuals who live adjacent to the park, and hence, neither the auction procedures nor the notification to adjacent property owners as required by Florida Statute 125 applies in this matter;
WHEREAS, the Orange County park vacation ordinance was implicitly repealed by virtue of the recodification of the Orange County Code.

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

1. That certain park known as "Aloha Park" as shown on that certain plat of Waikiki Beach as recorded in Plat Book H, Page 86, of the Public Records of Orange County, Florida, is hereby formally vacated and abandoned by the Orange County Board of County Commissioners pursuant to Board action of February 27, 1984 vacating and abandoning said park;

2. That the Orange County Board of County Commissioners shall execute a County Deed in substantially the form attached as Exhibit "B" in favor of the Petitioners.

3. The Board in no way warrants title to said park and puts the Petitioner on notice that other private parties may have claim to title of the property.

4. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Resolution which can be given effect without the invalid provision or application and to this end the provisions of this Resolution are declared severable.
5. This Resolution shall take effect immediately upon its adoption.

ORANGE COUNTY, FLORIDA

BY: Bill Pope
FOR THE County Chairman

DATE: FEB 16 1993

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

BY: Deputy Clerk
Upon a motion by Commissioner Harston, seconded by Commissioner Harrell and carried, with all Commissioners present and voting AYE, the Board approved establishing precedent for contract negotiations for the Michigan Street Improvement Project under the 4c Gas Tax as follows:

- Ranked #1 - Civil Design Group, Inc.
- Ranked #2 - Watson and Company
- Ranked #3 - Conklin Porter and Holmes Engineers, Inc.

Upon a motion by Commissioner Harrell, seconded by Commissioner Dorman and carried, with all Commissioners present and voting AYE, the Board approved establishing precedent for contract negotiations for the Bumby Avenue Improvement Project under the 4c Gas Tax as follows:

- Ranked #1 - Scottler Stagg & Associates
- Ranked #2 - Gee & Jenson

Upon a motion by Commissioner Dorman, seconded by Commissioner Harrell and carried, with all Commissioners present and voting AYE, the Board approved establishing precedent for contract negotiations for the Hiwassee Road Improvement Project under the 4c Gas Tax as follows:

- Ranked #1 - Bowyer-Singleton Associates, Inc.
- Ranked #2 - Glace & Radcliffe, Inc.
- Ranked #3 - Howard Needles Tammen & Bergendoff

Upon a motion by Commissioner Harston, seconded by Commissioner Harrell and carried, with all Commissioners present and voting AYE, the Board authorized payment of $1,000 awarded by the Circuit Court, Orange County vs. Sky Lake South, Inc. (Case No. CI 81-2039 (31), and to deny any appeal of the judgment to the District Court.

Upon a motion by Commissioner Harrell, seconded by Commissioner Carter and carried, with all Commissioners present and voting AYE, the Board requested the County Attorney to dismiss any appeal process in connection with the Debra Project.

Upon a motion by Commissioner Harston, seconded by Commissioner Carter and carried, with all Commissioners present and voting AYE, the Board declared Aloha Park and Ukelele Park surplus and authorized the Parks Department to proceed to abandon the two small park sites.
Project: Aloha Park Surplus Property

COUNTY DEED

THIS DEED, Made the ______ day of _______________ A.D., 19____, by ORANGE COUNTY, FLORIDA, whose post office address is Box 1393, Orlando, Florida, 32802-1393, party of the first part, and James Lee Hays and Patricia Lou Hays, his wife, whose address is 929 Pahoa Street, Orlando, FL 32818, parties of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of $___________ and other valuable considerations, to it in hand paid by the parties of the second part, receipt whereof is hereby acknowledged, has granted, bargained, and sold to the parties of the second part, its heirs and assigns forever, the following described land lying and being in Orange County, Florida:

SEE ATTACHED EXHIBIT "A"

Property Appraisers Parcel Identification (Folio) Number(s): 22-22-28-8932-00001

This Deed is subject to any common law implied easement rights of individuals taking title by reference to that certain plat known as Waikiki Beach.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed in its name by its Board, acting by the County Chairman, the day and year aforesaid.

(Official Seal)  

ORANGE COUNTY, FLORIDA

BY: ____________________________  
County Chairman

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

BY: ____________________________  
Deputy Clerk/Assistant Deputy Clerk

DATE: ____________________________

12/10/92pdt

This instrument prepared by:

Virginia G. Williams, a staff employee  
in the course of duty with the  
Real Estate Management Department  
of Orange County, Florida