RESOLUTION NO. 93-M-25

A RESOLUTION PERTAINING TO ORANGE COUNTY PROCEDURES FOR PERFORMING MINISTERIAL DUTIES AND A DELEGATION OF AUTHORITY WITH REGARD TO THE COMMUNITY SERVICES AND HOUSING DIVISION'S CONSENT AGENDA; AUTHORIZING THE DIRECTOR OF COMMUNITY SERVICES AND HOUSING DIVISION AND THE MANAGER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT TO APPROVE A DOCUMENT ENTITLED "ASSIGNMENT OF MORTGAGE", IN SUBSTANTIALLY THE FORM ATTACHED AS EXHIBIT "1" TO THIS RESOLUTION, TO ASSIGN TO THE ORANGE COUNTY HOUSING FINANCE AUTHORITY ORANGE COUNTY'S RIGHTS TO COLLECT ANY MONEY'S DUE UNDER ANY SECOND MORTGAGE ISSUED UNDER ORANGE COUNTY'S AFFORDABLE HOUSING DOWN PAYMENT ASSISTANCE PROGRAM ADMINISTERED BY HOUSING AND NEIGHBORHOOD DEVELOPMENT SERVICES OF CENTRAL FLORIDA, INC.; RATIFYING THE ABILITY OF THE COUNTY COMPTROLLER AS CLERK OF THE BOARD OF COUNTY COMMISSIONERS TO ATTEST TO THE SIGNATURE OF THE DIRECTOR OF COMMUNITY SERVICES AND HOUSING DIVISION AND THE MANAGER OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ON ANY "ASSIGNMENT OF MORTGAGE" DOCUMENT DESCRIBED IN THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 107 of Article I of the Orange County Charter, the establishment and adoption of policy is the responsibility of the legislative branch of the Orange County Government;

WHEREAS, Article II of the Orange County Charter more particularly sets forth the duties and powers of the Orange County Board of County Commissioners (hereinafter the "Board") as the legislative branch of the Orange County Government;

WHEREAS, Section 207 of Article II of the Orange County Charter states that the duties of the Board include but are not limited to: (1) enacting ordinances; (2) enacting resolutions; (3) enacting administrative codes; (4) approving capital budgets; (5) considering conducting continuing studies in the operation of county programs and services; and (6) enacting of countywide ordinances;
WHEREAS, Section 302 of Article III of the Orange County Charter details the duties of the County Chairman, as head of the executive branch of the Orange County Government, which duties include, but are not limited to, the management and operation of all elements of county government under the jurisdiction of the Board, consistent with the policies, ordinances and resolutions enacted by the Board;

WHEREAS, Section 302(d)(4) of Article III of the Orange County Charter further specifies that the County Chairman shall be responsible for the execution of all contracts and legal documents.

WHEREAS, on February 16, 1993, the Board of County Commissioners approved execution of a contract with Housing and Neighborhood Development Services of Central Florida, Inc. ("H.A.N.D.S.") for administration of the County's Affordable Housing Downpayment Assistance Program;

WHEREAS, the agreement between the County and H.A.N.D.S. provides that the Orange County Housing Finance Authority shall administer the collection of any sums due to the County under the second mortgages issued under the Downpayment Assistance Program;

WHEREAS, the agreement between the County and H.A.N.D.S. and the agreement between the County and the Orange County Housing Finance Authority provide for the County to assign its rights to the Orange County Housing Finance Authority under any second mortgage issued under the Downpayment Assistant Program.

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

Section 1. The Board authorizes the Director of the Community Services and Housing Division and the Manager of the Department of Housing and Community Development to review, approve and execute a document entitled "Assignment of Mortgage" provided that such document is in substantially similar form to the "Assignment of Mortgage" attached as Exhibit "1" to this Resolution.

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Section 2. The Board further resolves that the County Comptroller as Clerk of the Board of County Commissioners or her designee shall have the authority to execute and attest to the signature of the Director of Community Services and Housing Division and the Manager of the Department of Housing and Community Development on the "Assignment of Mortgage" document referred to herein.

Section 3. Effective Date. This Resolution shall become effective upon adoption by the Board of County Commissioners.


ORANGE COUNTY, FLORIDA

BY: Bill Donegan

DATE: 3/24/93

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

BY: Deputy Clerk

CLR76 03/15/93
ASSIGNMENT OF MORTGAGE

Orange County, Florida, a political subdivision of the State of Florida, party of the first part, in consideration of the sum of Ten and no/100 Dollars ($10.00), and other valuable considerations, received from or on behalf of ORANGE COUNTY HOUSING FINANCE AUTHORITY, a public agency created by Florida Legislation pursuant to Chapter 159, Part IV, party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, assign, transfer and set over unto the said party of the second part a certain mortgage bearing date the _____ day of _________, 199____ made by __________ in favor of Orange County and recorded in Official Records Book _____, page___, *Public records of Orange County, Florida, upon the following described piece or parcel of land, situate and being in said County and State, to-wit:

*(and/or Clerk's No. __________________________)

Together with the note or obligation described in said mortgage, the moneys due and to become due thereon, with interest from the _____ day of __________, 19____.

TO HAVE AND TO HOLD the same unto said party of the second part, heirs, legal representatives, successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be executed in its name, by its maker officers or agents duly authorized, on this __________ day of __________, 19____.

ORANGE COUNTY, FLORIDA

By: __________________________
County Chairman or Her Designee

ATTEST: MARTHA O. HAYNIE,
COUNTY COMPTROLLER AS CLERK
TO THE BOARD OF COUNTY COMMISSIONERS

By: Deputy Clerk

EXHIBIT "1"
STATE OF FLORIDA
COUNTY OF ORANGE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared ____________________ well known to me to be the ____________________ of ____________________, named in the presence of two subscribing witnesses freely and voluntarily under authority duly vested in him/her by said County. He/She is personally known to me or has produced ____________________ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this __________ day of __________________, 19____.

________________________________________
Notary Public
My Commission Expires: