RESOLUTION NO. 93-M-27

A RESOLUTION TO VACATE A ORANGE COUNTY ROAD, RIGHT-OF-WAY OR EASEMENT, UPON THE PETITION OF ORANGE COUNTY, FLORIDA, WHILE RESERVING CERTAIN UTILITY EASEMENTS THEREIN.

WHEREAS, Orange County (the "County") desires on its own motion, to vacate that certain road, right-of-way, or easement and adjacent parcel (hereinafter collectively referred to as the "Road") described as follows:

See attached Exhibit "A" which consists of 4 pages incorporated herein by reference.

WHEREAS, said vacation is necessary in order to enhance economic development of the adjacent parcels;

WHEREAS, a sketch showing the location of the parcels to be vacated in relationship to surrounding properties is attached hereto as pages 2 and 4 of Exhibit "A";

WHEREAS, Orange County, Florida, as a political subdivision of the State of Florida, is exempt from the payment of state and local taxes;

WHEREAS, the Road was dedicated to Orange County by instruments recorded in O.R. Book 375, Pages 523-524;

WHEREAS, Florida Power Corporation, Southern Bell, People's Gas, and the Orlando Utilities Commission have raised objections to the vacation of the Road given that they presently have certain utility facilities in the Road;

RE-RECORD TO INCLUDE EXHIBIT "B"
WHEREAS, the County has determined that a reservation for these utility companies will be necessary to protect said companies' right to continue use of the Road for the existing utility facilities and any repair or replacement thereof;

WHEREAS, the Road is currently being annexed into the City of Orlando;

WHEREAS, notice of a public hearing before the Board of County Commissioners on the 6th of June 1993, was published in the Orlando Sentinel, a newspaper of general circulation, in Orange County, Florida, at least fourteen days prior to the date for the hearing.

SECTION 1. The County shall record this Resolution in the deed records of Orange County within thirty (30) days following its adoption.

SECTION 2. BE IT RESOLVED that the Road is hereby vacated and annulled, and that the County renounces any rights in said right-of-way subject to a reservation in favor of Florida Power, Southern Bell, People's Gas, and the Orlando Utilities Commission (hereinafter singularly referred to as the ("Utility Company").

(a) Scope of reservation: The reservation contained herein shall be limited to a size and scope necessary to allow the continued placement, maintenance and replacement of those
Utility Company facilities existing within the boundaries of the Road as of the date of this resolution.

(b) Release of reservation: The reservation shall be released upon recordation of individual easements by the underlying fee owner equal to or greater than the scope of the herein contained reservation (each said individual easement shall hereinafter be referred to as an "Alternate Easement") as further described in this subparagraph. The County Engineer shall cause a release document, in substantially the form attached hereto as Exhibit "B", (hereinafter the "Release") to be brought to the Orange County Board of County Commissioners for approval as a consent agenda item upon recordation of an Alternate Easement sufficient to satisfy the given Utility Company. Upon recordation of easements in favor of all of the four foregoing utilities and recordation of the corresponding terminations, the herein granted reservation shall terminate. Recordation of any individual easement shall cause the reservation to be released as to the Utility Company only.
SECTION 3. The vacation and reservation effected by this Resolution shall take effect upon adoption of this Resolution. The reservation shall be terminated pursuant to the procedure set forth in Section 2 herein.

ADOPTED THIS 8th DAY OF June, 1993.

ORANGE COUNTY, FLORIDA

BY:

DATE: 06 08 1993

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

BY: Deputy Clerk

OR4586 464328

OR Bk 5109 Pg 3765
Orange Co FL 5732606

AMY372 05/24/93
RIGHT-OF-WAY ACQUISITION

A parcel of land situate in Sections 25 and 26, Township 23 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

BEGIN at the Northeast corner of the East 1/2 of the Southeast 1/4 of said Section 26; thence run S.89°43'49"W. along the North line of the Southeast 1/4 of said Section 26 a distance of 30.00 feet to a point on the West right-of-way line of Old Turkey Lake Road, as described in Deed Book 375, Page 524, of the Public Records of Orange County, Florida; thence run N.00°06'42"W. along said West right-of-way line 181.24 feet to a point on a curve concave Northwesterly, having a radius of 764.20 feet, and a central angle of 11°22'20"; thence, leaving said West right-of-way line, from a chord bearing of N.23°13'46"E., run Northwesterly along the arc of said curve and the Southeasterly right-of-way line of the relocated Turkey Lake Road, as described in Official Record Book 3998, Page 2329, of the Public Records of Orange County, Florida, a distance of 151.68 feet to a point on the East right-of-way line of Old Turkey Lake Road, as described in Deed Book 375, Page 573, of the Public Records of Orange County, Florida; thence, leaving said curve, run S.00°06'42"E. along said East right-of-way line 319.93 feet to a point on the North line of the Southwest 1/4 of said Section 25, said point also being the Southwest corner of Lot 1, Florida Center Unit 9, as recorded in Plat Book 5, Page 46, of the Public Records of Orange County, Florida; thence run S.89°22'46"W. along said North line 30.00 feet to the POINT OF BEGINNING.

Containing therein 0.337 acres, more or less.

EXHIBIT "A" To Resolution #93-M-27
(Page 1 of 4)
MCA - PARCEL 5

RIGHT-OF-WAY ACQUISITION

A parcel of land situate in Sections 25 and 26, Township 23 South, Range 28 East, Orange County, Florida, being more particularly described as follows:

BEGIN at the Northeast corner of the East 1/2 of the Southeast 1/4 of said Section 26; thence run N.89°22'46"E along the North line of the Southwest 1/4 of said Section 25 a distance of 30.00 feet to a point on the East right-of-way line of Old Turkey Lake Road, as described in Deed Book 375, Page 523, of the Public Records of Orange County, Florida, said point also being the Southwest corner of Lot 1, Florida Center Unit 9, as recorded in Plat Book 5, Page 46, of the Public Records of Orange County, Florida; thence, leaving said point, run S.00°13'13"E. along said East right-of-way line and the West limited access right-of-way line of Interstate 4 (State Road 400) a distance of 898.80 feet; thence, leaving said line, run N.80°04'30"W. 60.93 feet to a point on the West right-of-way line of Old Turkey Lake Road, as described in Deed Book 375, Page 524, of the Public Records of Orange County, Florida; thence run N.00°13'13"W. along said West right-of-way line 887.99 feet to a point on the North line of the Southeast 1/4 of said Section 26; thence run N.89°43'49"E. along said North line 30.00 feet to the POINT OF BEGINNING.

Containing therein, 1.231 acres, more or less.

OR 4586 PG 4331

SKETCH OF DESCRIPTION

EXHIBIT "A" to Resolution #93-M-27
(PAGE 3 OF 4)

FYER, RIDDLE, MILI
AND PRECURT 1

Date: 10/24/92
Job No.: 86-860.20
Drawn: J.J.S.  Chkd: J.J.S.
RELEASE OF RESERVATION OF RIGHT-OF-WAY

WHEREAS, on ____________, Orange County adopted Resolution No. _____ (the "Resolution"), vacating a portion of Turkey Lake right-of-way as described in the attached Exhibit "A";

WHEREAS, said resolution contained a Reservation (hereinafter the "Reservation") in favor of People's Gas, Southern Bell, Florida Power Corporation and the Orlando Utilities Commission (hereinafter singularly referred to as "Utility Company");

WHEREAS, (list name of underlying fee owner granting the alternative easement) has caused an easement equal or greater in size and scope of the original reservation to be recorded in the Public Records of Orange County, in favor of (list appropriate Utility Company) and (list accepting Utility Company) has accepted said easement;

WHEREAS, a form substantially similar to this agreement was attached as an exhibit to the Resolution in order to allow for partial or full release of the reservation contained in said Resolution;

NOW THEREFORE, in consideration of the herein cited premises, Orange County hereby agrees to release the Reservation to the extent that it benefits (list appropriate Utility Company) and declares that as of the date of recordation of this executed agreement that a Reservation benefitting (list appropriate Utility Company) shall hereby be terminated and of no further force and effect.

EXHIBIT "B"
Provided however, that the Reservation shall not be fully released until alternative easements are recorded and accepted by each of the herein enumerated Utility Companies, and each Utility Company has joined in and consented to a fully approved and executed Release in a form substantially similar to this document.

ORANGE COUNTY, FLORIDA

BY: _______________________
    County Chairman

DATE: ______________________

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

BY: _______________________
    Deputy Clerk

JOINDER AND CONSENT BY UTILITY COMPANY

OR Bk 5109 Pg 3771
Orange Co FL 5732606

Recorded - Martha O. Haynie

AMY:sac5265