

MAY 07 1996 SW/RK

RESOLUTION 96-M-25

WHEREAS, during FY 87-88, the Board of County Commissioners approved the project known as Old Winter Garden Road from Ivey Lane to U.S. 441 to improve the existing roadway, add sidewalks and turn lanes, address the drainage problems, and improve the traffic flow.

WHEREAS, on April 4, 1995, the Board of County Commissioners approved a resolution and "resolved that the property descriptions under parcel numbers 1101, 1104/8104, 1106/8106, 1107, 1108, 1109, 1111, 1113, 1115/8115, 1117 and 1118/8118 are ratified and confirmed and found necessary for this project to the extent of the estate or interest set forth as a part of the respective parcel descriptions . . . and that the County of Orange . . . and all employees of said County be, and they are hereby authorized and directed to proceed to take necessary steps to institute and prosecute such necessary actions and proceedings as may be proper for the acquisition of the required fee simple and perpetual drainage easement interests"

WHEREAS, the Legislature specifically recognized in section 337.27(2) of the Florida Statutes that limiting the rising costs to the state of property acquisition is a public purpose and that, without this limitation, the viability of many public projects will be threatened.

WHEREAS, pursuant to sections 337.27(2) and 127.01(b) of the Florida Statutes, Orange County has the authority to acquire an entire lot, block, or tract of land if, by doing so, the acquisition cost to Orange County will be equal to or less than the cost of acquiring a portion of the property.

WHEREAS, the resolution approved on April 4, 1995, did not specifically state that in cases where the acquisition cost of an entire lot, block, or tract of land will be equal to or less than the cost of acquiring a portion of the property, Orange County should strive to minimize the acquisition cost by acquiring the entire lot, block, or tract.

WHEREAS, Orange County wishes to clarify the above-mentioned resolution by specifically stating that it wishes to avail itself of the benefits of sections 337.27(2) and 127.01(b) of the Florida Statutes in order to save county money in road acquisition costs by taking an entire parcel rather than part of a parcel of land where appropriate.

NOW, THEREFORE, BE IT RESOLVED by the County of Orange, a political subdivision of the State of Florida, by and through the Board of County Commissioners of said County, that the entire parcel designated as Parcel 1106, situate, lying and being in Orange County, Florida, and more particularly described in the attached **Schedule "A"**, be acquired in the name of said County, by gift, purchase, eminent domain proceedings, or otherwise, provided that the Ninth Judicial Circuit in and for Orange County, Florida, allows a total taking of property that is free and clear of any claims or liens against the property taken; and provided that the United States District Court, Middle District of Florida, Bankruptcy Division allows relief from the automatic stay to pursue a total taking; and provided that the property passes any and all

environmental tests, assessments, surveys, and inspections to be determined at the discretion of the County. However, if any one of the above contingencies does not occur, then the necessary part of Parcel 1106 shall be acquired as described in the resolution approved on April 4, 1995.

AND BE IT FURTHER RESOLVED that the property description for Parcel 1106, attached hereto as **Schedule "A"**, is ratified and confirmed and made a part by reference hereof, and that the County of Orange, the Board of County Commissioners of said County, the Deputy Clerk/Assistant Deputy Clerk of said Board of County Commissioners, the attorneys of said Board of County Commissioners and County, and all appropriate departments, officers and employees of said County be, and they are hereby authorized and directed to proceed to take necessary steps to institute and prosecute such necessary actions and proceedings as may be proper for the acquisition of the required fee simple interest in the entire parcel designated as Parcel 1106, by gift, purchase, eminent domain proceedings or otherwise, and to prepare, sign, execute, serve, publish, and file, the name of the County by its commissioners, all eminent domain papers, affidavits and pleadings.

ADOPTED THIS 7 DAY OF May, 1996.

ORANGE COUNTY, FLORIDA

BY: Mary D. Johnson
for County Chairman

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

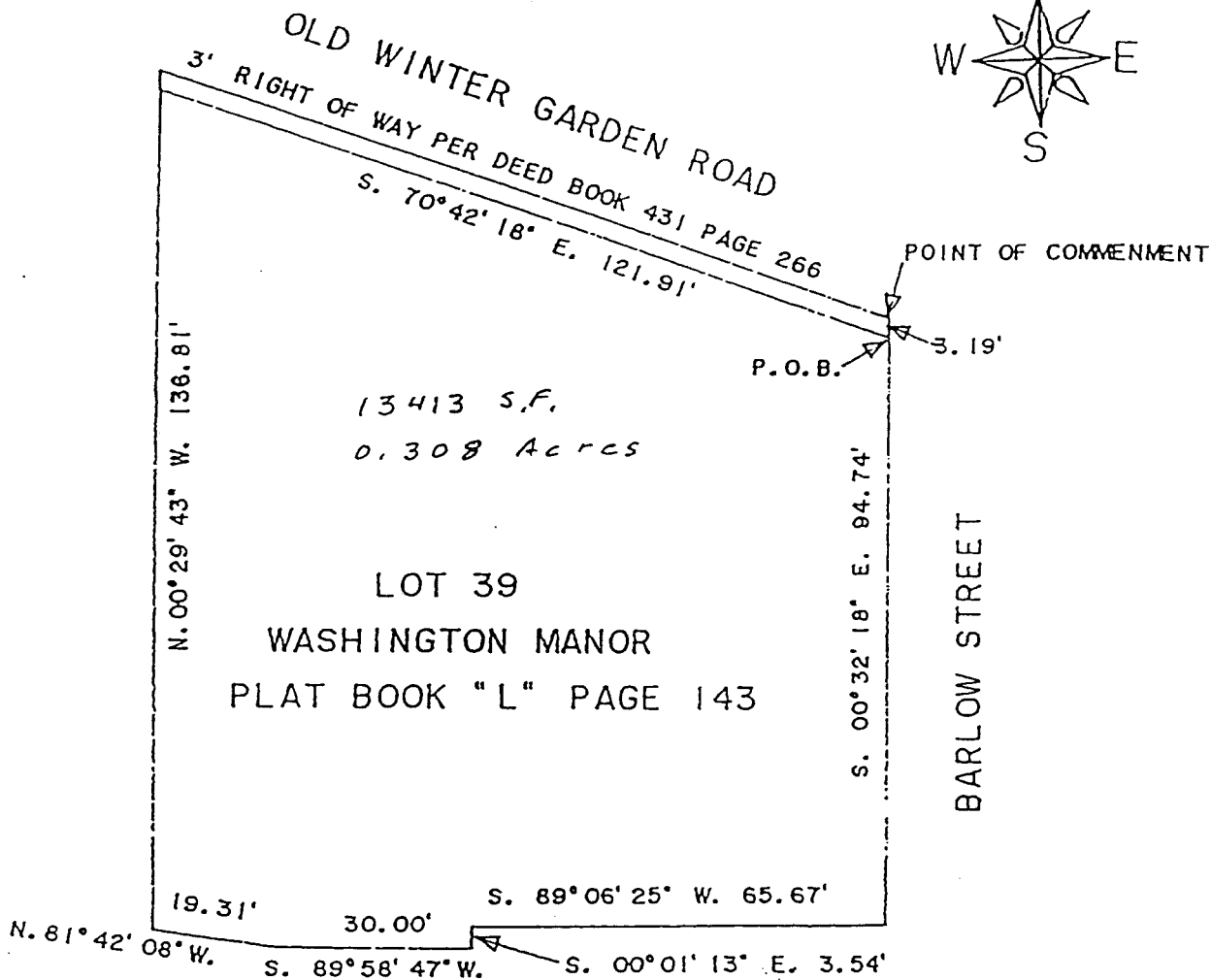
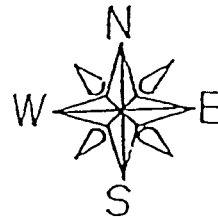


BY: [Signature] DATE: MAY 07 1996
Deputy Clerk/ Assistant Deputy Clerk

SCHEDULE "A"

SKETCH OF DESCRIPTION

PARCEL 1106



BEARINGS SHOWN HEREON BASED ON THE ORANGE COUNTY GEODETIC INFORMATION SYSTEM; AND BEING ON THE EAST LINE OF LOT 39 AS BEING S. 00°32'18" E.

I HEREBY CERTIFY THAT THIS "SKETCH OF DESCRIPTION" OF THE ABOVE DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS RECENTLY DRAWN UNDERMY DIRECTION AND THAT IT MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF SURVEYOR AND MAPPER PURSUANT TO SECTION 472.007 OF THE FLORIDA STATUTES.

THIS IS NOT A SURVEY

JAMES A. GODWIN

REG. SURVEYOR & MAPPER 4196, STATE OF FLORIDA
NOT VALID UNLESS SIGNED AND SEALED

ORANGE COUNTY

HIGHWAY CONSTRUCTION DEPARTMENT
4200 JOHN YOUNG PKWY. ORLANDO, FLORIDA 32839-9205



BOOK NO. 28
PAGE NO. 22
DATE 29
F.S. 96-22 P. 1-17

DRAWN BY J.A.G.
DATE 4/3/96

CHECKED BY E.N.
DATE 4/3/96

JOB NUMBER
H. C. 96-003

SCALE
1" = 30'

SHEET 1
OF 2

PLAT BOOK NO. H. C. 96-003

SCHEDULE "A"

PARCEL 1106

That part of Lot 39 of Washington Manor as recorded in Plat Book "L." page 143 of the Public Records of Orange County, Florida, being more particularly described as follows:

Commence at the Northeast corner of said Lot 39; thence run South $00^{\circ}32'18''$ East along the East line of said Lot 39, a distance of 3.19 feet to the POINT OF BEGINNING; thence continuing South $00^{\circ}32'18''$ East along said East line a distance of 94.74 feet; thence run South $89^{\circ}06'25''$ West a distance of 65.67 feet; thence run South $00^{\circ}01'13''$ East a distance of 3.54 feet; thence run South $89^{\circ}58'47''$ West a distance of 30.00 feet; thence run North $81^{\circ}42'08''$ West a distance of 19.31 feet to a point on the West line of said Lot 39; thence run North $00^{\circ}29'43''$ West along said West line a distance of 136.81 feet to the Southerly right-of-way line of Old Winter Garden Road as recorded in Deed Book 431, page 266, of the Public Records of Orange County, Florida; thence run South $70^{\circ}42'18''$ East along said Southerly right-of-way line a distance of 121.91 feet to the POINT OF BEGINNING, containing 13,413 square feet, more or less.