

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

FEB 24 1998 *as/akc*

RESOLUTION NO. 98-M-03

A RESOLUTION APPROVING THE "RIGHT-OF-WAY EXCHANGE AND CONTINUING MAINTENANCE AGREEMENT" BETWEEN ORLANDO/ORANGE COUNTY EXPRESSWAY AUTHORITY ("O/OCEA") AND ORANGE COUNTY, FLORIDA; AUTHORIZING ORANGE COUNTY TO ENTER INTO SUCH AGREEMENT, WHICH, AMONG OTHER THINGS, PROVIDES FOR ORANGE COUNTY AND O/OCEA TO EXCHANGE RIGHTS-OF-WAY, AND THEREBY, FOR O/OCEA TO CONVEY REAL PROPERTY ACQUIRED BY O/OCEA FOR THE BENEFIT OF ORANGE COUNTY DURING CONSTRUCTION OF THE EASTERN PORTION OF TOLL SR 408, EAST-WEST EXPRESSWAY, SOUTH EASTERN PORTION OF TOLL SR 417, CENTRAL FLORIDA GREENEWAY, AND THE WESTERN PORTION OF TOLL SR 408, EAST-WEST EXPRESSWAY; FOR ORANGE COUNTY TO CONVEY REAL PROPERTY ALONG THE EASTERN PORTION OF TOLL SR 408, EAST-WEST EXPRESSWAY, SOUTH EASTERN PORTION OF TOLL SR 417, CENTRAL FLORIDA GREENEWAY, AND THE WESTERN PORTION OF TOLL SR 408, EAST-WEST EXPRESSWAY TO O/OCEA FOR THE PURPOSE OF O/OCEA RIGHTS-OF-WAY AND FOR ORANGE COUNTY AND O/OCEA TO AGREE TO CONTINUE TO MAINTAIN THEIR RIGHTS-OF-WAY.

WHEREAS, O/OCEA is empowered to construct and maintain the Orlando/Orange County expressway System ("Expressway System") and, in connection therewith, to construct any extensions, additions or improvements to said system or appurtenant facilities, including all necessary approaches, roads, bridges and avenues of access; and

WHEREAS, Orange County is empowered to provide and maintain arterial and other roads encompassing the County Road System for the benefit of its citizens; and

WHEREAS, in the course of its construction of the Eastern portion of Toll SR 408, East-West Expressway, South Eastern portion of Toll SR 417, Central Florida Greeneway, and the Western portion of Toll SR 408, East-West Expressway, O/OCEA acquired certain land for the benefit of Orange County and constructed thereon certain roadways and other improvements to insure a minimal disruption of traffic to the citizens and to provide for a smooth transition to the Expressway System, thus making both the Expressway System and the County Road System compatible; and

WHEREAS, in furtherance of the foregoing goals and policy, Orange County allowed O/OCEA to use and incorporate certain of its lands in the Expressway System; and

WHEREAS, the construction of the Eastern portion of Toll SR 408, East-West Expressway, South Eastern portion of Toll SR 417, Central Florida Greenway, and the Western portion of Toll SR 408, East-West Expressway, Orange County, Florida, is completed and both parties desire to conclude the Right-of-Way Exchange so that title to all of Orange County's rights-of-way and related facilities will vest in Orange County and title to all of O/OCEA's rights-of-way and related facilities will vest in O/OCEA; and

WHEREAS, pursuant to 125.37, Florida Statutes, the described real property is not needed for County purposes and the exchange is in the best interest of Orange County; and

WHEREAS, the parties also desire to define the future and continuing maintenance responsibilities for the rights-of-way and related facilities and to set responsibility therefore.

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

Section 1. Orange County hereby authorized and enters into the certain agreement know as the Right-of-Way Exchange and Continuing Maintenance Agreement Between Orlando/Orange County Expressway Authority and Orange County, Florida ("Agreement"), a copy of which is attached hereto and made a part hereof by reference.

Section 2. Orange County hereby authorizes the exchange of rights-of-way between Orange County and O/OCEA and, therefore, authorizes and receives the conveyance of real property acquired by O/OCEA for the benefit of Orange County during the construction of Eastern portion of Toll SR

408, East-West Expressway, South Eastern portion of Toll SR 417, Central Florida Greenway, and the Western portion of Toll SR 408, East-West Expressway, and authorizes the conveyance to O/OCEA by Orange County by county deed of real property which will constitute O/OCEA rights-of-way along portions of East-West Expressway, Toll SR 408 and the Central Florida Greenway, Toll SR 417, pursuant to the terms of the agreement. Descriptions of such property are attached as Exhibits to the Agreement.

Section 3. This Resolution shall take effect upon its adoption.

ADOPTED THIS 24th DAY OF FEBRUARY, 1998.

ORANGE COUNTY, FLORIDA

By: Jean C. Bennett
County Chairman

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

By: [Signature]
Deputy Clerk

